

# NORTHERN TERRITORY OF AUSTRALIA

## PETROLEUM ACT 1984

As in force at 1 July 2023

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 July 2023

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## PETROLEUM ACT 1984

**An Act to regulate the exploration for, and the production of, petroleum**

### **Part I Preliminary**

#### **1 Short title**

This Act may be cited as the *Petroleum Act 1984*.

#### **2 Commencement**

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### **3 Objective**

- (1) The objective of this Act is to provide a legal framework that:
  - (a) encourages persons to undertake effective exploration for petroleum and to develop petroleum production so that the optimal value of the resource is returned to the Territory; and
  - (b) provides protection to the environment of the Territory; and
  - (c) promotes principles of ecologically sustainable development.
- (2) The legal framework provides for the following:
  - (a) the granting of petroleum interests to persons for exploration, production and ancillary activities associated with exploiting petroleum, and the renewal or transfer of those interests;
  - (b) clear statements about the role of government following the grant of petroleum interests;
  - (c) the promotion of active exploration for petroleum, and of the development of petroleum production if commercially viable, by persons granted petroleum interests;

- (d) the assessment of proposed technical works programmes for the exploration, appraisal, recovery or production of petroleum and of the financial capacity of persons proposing to carry out those programmes;
- (e) resource management, activity and infrastructure plans to support and enhance well and surface infrastructure integrity and the strategic management of petroleum production consistent with achieving optimum long-term recovery of the resource;
- (f) the reduction of risk or potential risk of environmental harm by ensuring that activities associated with exploration for, or production of, petroleum are carried out in a manner in which the environmental impacts and risks of the activities are reduced to a level that is:
  - (i) as low as reasonably practicable; and
  - (ii) acceptable;
- (g) the collection of information about petroleum exploration and production and the dissemination of that information;
- (h) the efficient administration of this Act;
- (i) other matters in connection with exploration for and production of petroleum.

#### **4 Application**

- (1) This Act does not bind the Crown.
- (2) This Act extends to Aboriginal land and applies to and in relation to that land to the extent that it is capable of so applying.

#### **5 Interpretation**

- (1) In this Act, unless the contrary intention appears:

**Aboriginal land** has the same meaning as in the Land Rights Act.

**access authority** means an access authority granted or renewed under this Act.

**access authority area** means the area constituted by the blocks that are the subject of an access authority.

**affected land** means land comprised in, or proposed to be comprised in, a petroleum interest.

**annual report**, see section 61H.

**applicant**, in relation to an application for an exploration permit or licence, means a person who has applied for the exploration permit or licence.

**application area**, in relation to an application for an exploration permit or licence, means the area the subject of the application.

**application period**, in relation to an application for the grant of an exploration permit, see section 16(2)(a).

**appraisal production infrastructure** means temporary or semi-permanent infrastructure located on an exploration permit area or retention licence area, downstream from a wellhead, for the purpose of extracting, processing, refining, storing, transporting or using petroleum produced on an appraisal basis to allow for its beneficial use, other than a pipeline as defined in section 3 of the *Energy Pipelines Act 1981*.

**appropriate person**, to hold a permit or licence under this Act, see section 15A.

**approved** means approved, in writing, by the Minister.

**approved code of practice** means a code of practice established by the Minister under section 117AZV.

**approved determination of native title** has the meaning given in section 253 of the Native Title Act.

**approved environment management plan** means an environment management plan approved under the regulations.

**approved form** means a form approved under section 117J.

**approved plan** means a plan approved under Part III, Division 1, Subdivision 2.

**associated entity**, see section 50AAA of the Corporations Act 2001.

**audit direction** means a direction issued under section 89W.

**auditor** means a person appointed to undertake an audit under section 89W(3).

**authorised analyst** means a person appointed as an authorised analyst under section 117P.

**block** means so much of a graticular section as is within the jurisdiction of the Territory and includes a part of a block.

**by notice** means by notice in writing.

**CEO** means the Chief Executive Officer.

**change in control**, for Part IVA, see section 104B.

**compliance direction** means a compliance direction issued under section 89N.

**contaminant**, see section 4(1) of the *Waste Management and Pollution Control Act 1998*.

**corporation**, for Part IVA, see section 104A.

**datum** means a reference frame for defining geographic co-ordinates.

**designated number**, in relation to a block, means the identifying number assigned under section 8(2) to the graticular section or part of the graticular section which constitutes the block.

**document** means:

- (a) any paper, parchment or other material used for writing or printing, marked with matter capable of being read;
- (b) a photograph, or photographic negative, plate, slide, film, microfilm or microfiche, or a photostatic negative;
- (c) a disc, tape, wire, sound track, card or other material or device in or on which information, sound or other data is recorded, stored or embodied so as to be capable, with or without the aid of some other equipment, of being reproduced therefrom; or
- (d) any material derived, whether directly or by means of equipment, from information recorded or stored or processed by a device used for recording or storing or processing information.

**ecologically sustainable development**, see section 4 of the *Environment Protection Act 2019*.

**environment**, see section 6 of the *Environment Protection Act 2019*.

**Environment CEO** means the Chief Executive Officer of the Agency administering the *Environment Protection Act 2019*.

**environment management plan** means a plan prepared under and in accordance with the regulations that addresses potential environmental risks and impacts that might arise from carrying on the activities contemplated by the plan.

**Environment Minister** means the Minister administering the *Environment Protection Act 2019*.

**environmental harm**, see subsections (8), (9) and (10).

**environmental security**, see Part VC, Division 2.

**excluded third party submission**, in relation to a submission made under this Act, means:

- (a) a submission made by a person in the form of a form letter or petition prepared by another body or organisation; or
- (b) a submission made after the end of a period specified for the making of submissions under this Act.

**exploration permit** means:

- (a) an exploration permit granted or renewed under Part II, Division 2; or
- (b) a permit granted or renewed under Part II, Division 2 of this Act as in force before the commencement of the *Petroleum Amendment Act 2002*.

**exploration permit area** means the area constituted by the blocks that are the subject of an exploration permit.

**family**, for Part IVA, see section 104A.

**family relationship**, for Part IVA, see section 104A.

**field management plan**, see section 60(2).

**future act**, see section 233 of the Native Title Act.

**geographic co-ordinate** includes:

- (a) a meridian of longitude by itself; and

(b) a parallel of latitude by itself.

*Note*

*If the position on the surface of the Earth of a particular point is identified by a co-ordinate that is determined by reference to a particular datum, the use of a different datum will result in the same point being identified by a different co-ordinate.*

**geophysical survey** means a geophysical investigation conducted by any generally recognised method, including a seismic, gravimetric, magnetic, electrical or radioactive method, but does not include any operation conducted wholly or partly within a well.

**good oilfield practice**, in relation to the exploration for, or operations for the recovery of, petroleum, means all those practices and procedures that are generally accepted as good and safe in the carrying on of that exploration or those operations, as the case may be.

**graticular section** means a section referred to in section 8(1).

**guidelines** means guidelines issued under section 117C.

**hydraulic fracturing** means the underground petroleum extraction process involving the injection of fluids at high pressure into a geological formation to induce fractures that conduct petroleum for extraction.

**infrastructure** includes structures, plant and equipment.

**inspector** means a person appointed as an inspector under section 87.

**interest holder** means the holder of a petroleum interest.

**investor**, for Part IVA, see section 104A.

**land** includes:

(a) waters and land under waters within the Territory other than waters to which the *Petroleum (Submerged Lands) Act 1981* applies; and

(b) water on or under land.

**Land Council** has the same meaning as in the Land Rights Act.

**Land Rights Act** means the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth.

**levy** means:

- (a) for Part VD – see section 117AZE; or
- (b) for Part VE – see section 117AZK.

**licence** means a retention licence or a production licence.

**licence area** means the area constituted by the blocks that are the subject of a licence.

**licensee**:

- (a) except for Part III, Division 1, Subdivision 2, means a production licensee or a retention licensee; or
- (b) for Part III, Division 1, Subdivision 2 – see section 59.

**material environmental harm**, see section 8 of the *Environment Protection Act 2019*.

**monitoring and compliance levy**, see section 117AZF.

**native title** and **native title rights and interests** have the meaning given in section 223 of the Native Title Act.

**Native Title Act** means the *Native Title Act 1993* of the Commonwealth.

**native title holder** has the meaning given in section 224 of the Native Title Act.

**orphan well**, for Part VE, see section 117AZL.

**orphan well levy**, see Part VE, see section 117AZM.

**owner**, in relation to land, means the owner of an estate or interest in the land, but does not include a person whose interest or claimed interest in the land cannot be identified by or as a result of an examination of the Register kept by the Registrar-General under Part 3 of the *Land Title Act 2000*.

**park or reserve** means a park or reserve within the meaning of the *Territory Parks and Wildlife Conservation Act 1976* or land declared under section 9(4) of that Act to be a park or reserve for the purposes of this Act.

**permit** means an exploration permit.

**permit area** means an exploration permit area.

**permittee:**

- (a) except for Part III, Division 1, Subdivision 2, means a person who is registered under Part IV as the holder of an exploration permit; or
- (b) for Part III, Division 1, Subdivision 2 – see section 59.

**petroleum** means:

- (a) a naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;
- (b) a naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or
- (c) a naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state, with hydrogen, hydrogen sulphide, nitrogen, helium or carbon dioxide or any combination of them,

and includes a hydrocarbon as defined by paragraph (a), (b) or (c) that has been returned to a natural reservoir.

**petroleum infrastructure decommissioning security**, see Part VC, Division 3.

**petroleum interest** means an exploration permit, retention licence, production licence or access authority.

**petroleum pool** means a naturally occurring discrete accumulation of petroleum.

**petroleum surface infrastructure plan**, see section 60(3).

**pollution**, see section 4 of the *Waste Management and Pollution Control Act 1998*.

**premises** includes:

- (a) infrastructure, whether stationary or portable; and
- (b) a vehicle or other conveyance.

**prescribed** means prescribed by regulation.

**principles of ecologically sustainable development** means the principles set out in sections 18 to 24 of the *Environment Protection Act 2019*.

**produce**, in relation to petroleum, means to recover or release the petroleum from a petroleum pool in the course, or as a result, of any operations.

**production licence** means a production licence granted or renewed under Division 4 of Part II.

**production licence area** means the area constituted by the blocks that are the subject of a production licence.

**production licensee** means a person who is registered under Part IV as the holder of a production licence.

**Register** means the Register kept in pursuance of section 90(2).

**Register of Native Title Claims** means the Register of Native Title Claims established and maintained in accordance with Part 7 of the Native Title Act.

**registered native title body corporate** has the meaning given in section 253 of the Native Title Act.

**registered native title claimant** has the meaning given in section 253 of the Native Title Act or, if the claimant is replaced under section 66B of that Act, means the person who replaced the claimant.

**registered native title rights and interests** means:

- (a) in relation to a registered native title claimant – the native title rights and interests of the claimant described in the relevant entry on the Register of Native Title Claims; and
- (b) in relation to a registered native title body corporate – the native title rights and interests of the body corporate described in the relevant entry on the National Native Title Register established and maintained under Part 8 of the Native Title Act.

**Registrar** means the person appointed under section 90(1) as Registrar.

**related**, for Part IVA, see section 104C.

**related corporations**, for Part IVA, see section 104A.

**repealed Act** means the Acts repealed by this Act when this Act was enacted, as in force immediately before that repeal.

**reporting period**, see section 5A.

**reservoir** means any subsurface formation or geological sequence containing a petroleum pool.

**restricted area** means an area which is the subject of a declaration under section 57.

**retention licence** means a retention licence granted or renewed under Division 3 of Part II.

**retention licence area** means the area constituted by the blocks that are the subject of a retention licence.

**retention licensee** means a person who is registered under Part IV as a holder of a retention licence.

**rig release** means the point at which a drilling rig conducts its last operation on a well and its services are no longer required for that well.

**share**, for Part IVA, see section 104A.

**significant environmental harm**, see section 9 of the *Environment Protection Act 2019*.

**stop work notice** means a stop work notice issued under section 89R.

**surface infrastructure** means infrastructure located on a production licence area, downstream from a wellhead, for the purpose of extracting, processing, refining, storing, transporting or using petroleum, other than a pipeline as defined in section 3 of the *Energy Pipelines Act 1981*.

**survey** means a systematic geoscientific survey, including a geological or geophysical survey.

**Tribunal** means the Civil and Administrative Tribunal.

**vary**, in relation to the conditions of a petroleum interest or approved plan, includes adding, suspending, waiving or revoking a condition of the petroleum interest or approved plan.

**waste**, see section 4 of the *Waste Management and Pollution Control Act 1998*.

**well** means a hole in the surface of land or the sea-bed made by drilling, boring or other means in connection with the exploration for, or operations for the recovery of, petroleum but does not include a seismic shot hole or a bore as defined in section 4(1) of the *Water Act 1992*.

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**wellhead** means the casing head and includes any casing hanger or spool, or tubing hanger, and any flow control equipment up to and including the wing valves.

**well operations management plan**, see section 60(1).

**wilderness zone** means a wilderness zone declared under section 12 of the *Territory Parks and Wildlife Conservation Act 1976*.

- (2) In this Act, a reference to the term of an exploration permit or licence is a reference to the period during which the permit or licence remains in force and a reference to the date of expiration of an exploration permit or licence is a reference to the day on the expiration of which the permit or licence ceases to have effect.
- (3) In this Act, a reference to a year of the term of an exploration permit or licence is a reference to a period of one year commencing on the date from and including which the permit or licence has effect or on any anniversary of that date.
- (4) In this Act, a reference to the renewal of an exploration permit is a reference to the renewal, under section 25, of the permit in relation to some of the blocks specified in the first-mentioned permit to commence on the day after the date of expiration of the first-mentioned permit or on the day after the date of expiration of the permit upon a previous renewal of the first-mentioned permit.
- (5) In this Act, a reference to the renewal of a licence in respect of the blocks specified in the licence is a reference to the renewal:
  - (a) in the case of a retention licence, under section 38; and
  - (b) in the case of a production licence, under section 52,of the licence in respect of some or all of those blocks to commence on the day after the date of expiration of the first-mentioned licence or on the day after the date of expiration of the licence upon a previous renewal of the first-mentioned licence.
- (6) In this Act, a reference to an exploration permit or licence is a reference to the permit or licence as varied from time to time under this Act.
- (7) For the avoidance of doubt, an exploration permit, licence or other document or instrument granted or issued under this Act is an **instrument of a legislative or administrative character** for the purposes of the *Interpretation Act 1978*.

- (8) For this Act, **environmental harm** means direct or indirect alteration of the environment to its detriment or degradation, of any degree or duration, whether temporary or permanent.
- (9) The regulations may specify alterations of the environment to which the definition of **environmental harm** applies.
- (10) Without limiting subsection (8) or (9), for this Act, environmental harm may be caused by pollution whether the harm:
- (a) is a direct or indirect result of the pollution; or
  - (b) results from the pollution alone or from the combined effects of the pollution or other factors.
- (11) For this Act, a discovery of petroleum is taken to have occurred where:
- (a) the presence of petroleum within a reservoir is indicated during drilling; and
  - (b) the petroleum is shown to be producible after taking into account any guidelines published or adopted by the Minister for the purposes of this subsection.
- (12) For this Act, petroleum is recovered or produced on an appraisal basis if it is recovered or produced under a process intended to establish the extent and nature of a discovery of petroleum.

*Note for section 5*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.*

## **5A Meaning of reporting period**

- (1) A **reporting period**, in relation to a petroleum interest, is each period of 12 months ending on the anniversary of the day on which the petroleum interest was granted.
- (2) If the petroleum interest comes to an end during one of the periods under subsection (1) then the last reporting period is the period from the last anniversary of the day on which the petroleum interest was granted to the day on which the petroleum interest ceases to exist.

## **6 Petroleum property of Crown**

- (1) Notwithstanding anything to the contrary contained in an Act or in any grant, lease or other instrument of title, whether made or issued before or after the commencement of this Act, but subject to

subsection (2), all petroleum on or below the surface of land within the Territory, whether that land is alienated in fee simple or not so alienated from the Crown, is and shall be deemed always to have been the property of the Crown.

- (2) The property in petroleum produced from a well on an area to which a petroleum interest relates passes to the interest holder at the wellhead.

#### **6AA Application of Criminal Code**

Part IIAA of the Criminal Code applies to an offence against this Act.

*Note for section 6AA*

*Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.*

## **Part IA Principles of ecologically sustainable development**

### **6A Principles of ecologically sustainable development**

- (1) The Minister must consider and apply the principles of ecologically sustainable development in making the following decisions under this Act:
  - (a) the decisions specified in Schedule 1;
  - (b) a decision made under a direction given by the Minister under section 71(1);
  - (c) any other prescribed decision.
- (2) Unless otherwise expressly provided, in making a decision under this Act and stating the reasons for that decision, the Minister is not required to specify how the Minister considered or applied these principles.

## **Part II            Exploring and mining for petroleum**

### **Division 1        Preliminary**

#### **8                  Graticulation of earth's surface**

(1) For the purposes of this Act, the surface of the Earth shall be deemed to be divided:

- (a) by the meridian of Greenwich and by meridians that are at a distance from that meridian of 5 minutes, or a multiple of 5 minutes, of longitude; and
- (b) by the equator and by parallels of latitude that are at a distance from the equator of 5 minutes, or a multiple of 5 minutes, of latitude,

into sections, each of which is bounded:

- (c) by portions of 2 of those meridians that are at a distance from each other of 5 minutes of longitude; and
  - (d) by portions of 2 of those parallels of latitude that are at a distance from each other of 5 minutes of latitude.
- (2) The Minister shall assign to each graticular section all or part of which is within the jurisdiction of the Territory an identifying number for the purposes of this Act and the number so assigned shall also identify the block which, or part of which, constitutes the graticular section.

#### **9                  Reservation of blocks**

- (1) The Minister may, by notice in the *Gazette*, declare that a block specified in the notice (not being a block in relation to which an exploration permit or licence is in force) shall not be the subject of a grant of an exploration permit or licence.
- (2) Subject to section 10, while a declaration under subsection (1) remains in force in relation to a block, the Minister may not grant an exploration permit or licence in relation to the block.

#### **10                Dealings in reserved blocks**

- (1) The Minister may, by notice in the *Gazette*, indicate his willingness to revoke or vary a notice under section 9(1) so that an exploration permit or licence may be granted in respect of the block to which the notice under section 9(1) relates.

- (2) A notice under subsection (1) in relation to a block must specify:
  - (a) the class of persons who may apply for the grant of an exploration permit or licence in relation to the block;
  - (b) the conditions on which applications may be made; and
  - (c) the time within which applications may be made.
- (3) An exploration permit or licence in relation to a block to which a notice under subsection (1) relates may be granted only to a person who has complied with the conditions specified in the notice.

#### **11        Land subject of exploration permit or licence**

Subject to this Act, an exploration permit or licence may be granted in relation to any land within the Territory.

#### **12        Grant of mining interest**

Subject to this Act and the Land Rights Act, a corporation or a person who has attained the age of 15 years, may apply for and be granted an exploration permit or licence, being a mining interest as defined in the Land Rights Act, in relation to Aboriginal land.

#### **13        No negotiations without Minister's consent**

- (1) A person must not enter into negotiations with a Land Council for the consent of the Council to the grant of an exploration permit over Aboriginal land without the Minister's consent.
- (2) The Minister's consent to negotiations may only be given to a person who has lodged an application for an exploration permit over Aboriginal land with the Minister.
- (3) When the Minister receives an application for an exploration permit over Aboriginal land, the Minister must give written notice to the relevant Land Council that the application has been received.
- (4) The Minister may give or refuse consent to negotiations between the applicant and the relevant Land Council for the Council's consent to the grant of the exploration permit to the applicant.
- (5) However, if the Minister has previously consented to negotiations between another applicant and the Land Council for the Council's consent to the grant of an exploration permit over the same land, the Minister must not give a further consent until the antecedent negotiations are concluded.

- (6) The Minister's consent to negotiations may be given conditionally or unconditionally.
- (7) Although the Minister has consented to negotiations between an applicant and a Land Council, the Minister may exercise either or both the following powers:
  - (a) the Minister may withdraw the consent at any time before the negotiations are concluded;
  - (b) the Minister may refuse the application for an exploration permit (in which case the consent, if not explicitly withdrawn, is taken to be withdrawn).
- (8) If the Minister refuses or withdraws consent to negotiations between an applicant and a Land Council (without contemporaneously refusing the application for an exploration permit):
  - (a) the refusal or withdrawal of consent is not to be taken to be a refusal of the application for an exploration permit; and
  - (b) the Minister may later give (or again give) consent.
- (9) In this section:

**ALRA** means the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

**concluded** – negotiations with a Land Council are concluded between an applicant for an exploration permit and the Council:

- (a) if the applicant withdraws its application – on the day the application is withdrawn; or
- (b) if the Minister withdraws consent to negotiate – on the day the consent is withdrawn; or
- (c) on the day the Council notifies the applicant, in writing, of its decision to consent or refuse to consent to the grant of the exploration permit.

**consent** to negotiations means the Minister's consent to an applicant for an exploration permit entering into (and proceeding with) negotiations with a Land Council for the Council's consent to the grant of the exploration permit.

**Minister** means the Northern Territory Mining Minister as defined in ALRA.

*Note*

*This section should be read in conjunction with Part IV of ALRA which governs negotiations between the applicant for the exploration permit and the Land Council. This vests certain powers in relation to the negotiations in the Commonwealth Minister but it should be noted that some of these may be delegated to the NT Minister under section 76 of ALRA.*

**14 Applicant for licence to hold exploration permit**

- (1) Subject to subsection (2), a person shall not apply for or be granted a licence in relation to Aboriginal land unless, at the time of the application for that licence, he was the holder of an exploration permit in relation to that land.
- (2) Subsection (1) shall not apply to or in relation to a person who:
  - (a) is, in relation to that land, a traditional Aboriginal owner within the meaning of the Land Rights Act;
  - (b) had made an application for a licence over the land before it became Aboriginal land; or
  - (c) made an application under the repealed Act for a lease in respect of Aboriginal land which application, by virtue of section 119, is deemed to be an application for a licence under this Act.

**15 Environmental consideration relating to certain parks and reserves**

- (1) In respect of land comprising the whole or a part of a park or reserve, the Minister shall not grant:
  - (a) subject to subsection (2), an exploration permit or retention licence, unless he has considered the opinions of the minister administering the *Territory Parks and Wildlife Conservation Act 1976* in relation to the proposed grant; or
  - (b) a production licence, except in accordance with the conditions, if any, specified by the minister administering the *Territory Parks and Wildlife Conservation Act 1976*.
- (2) Notwithstanding subsection (1)(a), the Minister shall not grant an exploration permit or retention licence in respect of land comprising the whole or part of a wilderness zone except in accordance with the conditions, if any, specified by the minister administering the *Territory Parks and Wildlife Conservation Act 1976*.

- (3) A permittee or retention licensee shall not carry out his technical works programme, or any other exploration, which may cause substantial disturbance to the surface of land comprising the whole or a part of a park or reserve unless he has advised the Minister, in writing, of his intention to carry out the activity and he carries it out in accordance with such directions, if any, as the Minister thinks fit, or which are required under subsection (4) to be given, to protect the environment in or in the vicinity of the park or reserve.
- (4) The minister administering the *Territory Parks and Wildlife Conservation Act 1976* may require the Minister to give as directions under subsection (3) such directions in relation to the protection of the environment in the park or reserve as the minister thinks fit, and the Minister shall give those directions accordingly.

#### **15A Appropriate person to hold permit or licence**

- (1) In determining whether to grant or renew a permit or licence, the Minister must be satisfied that the applicant, and any associated entity of the applicant, is an appropriate person to hold a permit or licence under this Act, having regard to the following matters:
  - (a) the applicant or entity's record of compliance with the prescribed legislation, including:
    - (i) whether the applicant or entity has contravened any of the prescribed legislation; and
    - (ii) the seriousness of any contraventions; and
    - (iii) the length of time since the contraventions (if any) occurred; and
    - (iv) any other matter the Minister considers relevant;
  - (b) whether the applicant or entity has held a licence or other authority under the prescribed legislation where that licence or authority has been suspended or revoked;
  - (c) whether in the opinion of the Minister, the action or thing to be authorised by the permit or licence is or will be under the control of a technically competent person;
  - (d) whether in the opinion of the Minister, the applicant or entity is of good repute, having regard to character, honesty and integrity;
  - (e) whether the applicant or entity has, within the previous 10 years, been convicted in the Territory or elsewhere of an offence involving fraud or dishonesty;

- (f) whether the applicant or entity, within the previous 3 years:
    - (i) was an undischarged bankrupt; or
    - (ii) applied to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
    - (iii) entered into an arrangement with the applicant or entity's creditors or made an assignment of the applicant or entity's remuneration for their benefit;
  - (g) whether the applicant or entity is or was a director of a body corporate that is the subject of a winding-up order or for which a controller or administrator has been appointed within the previous 3 years;
  - (h) whether the applicant has demonstrated to the Minister the financial capacity to comply with the applicant's obligations under the permit or licence;
  - (i) whether the applicant or entity is in partnership, in connection with the action that is the subject of the permit or licence, with a person whom the Minister does not consider to be an appropriate person having regard to the matters listed in this subsection and subsection (2);
  - (j) any other matters the Minister considers relevant in determining whether a person is an appropriate person to hold a permit or licence.
- (2) If the applicant or entity is a body corporate, the Minister must consider the following additional matters:
- (a) whether a director of the body corporate:
    - (i) has contravened the prescribed legislation or has held a licence or other authority under the prescribed legislation that has been suspended or revoked; or
    - (ii) is or has been the director of another body corporate that has contravened the prescribed legislation or has held a licence or other authority under the prescribed legislation that has been suspended or revoked;

- (b) in the case of a body corporate that is the subsidiary of another body or company (the **parent company**) – whether:
    - (i) the parent company or a director of the parent company has contravened the prescribed legislation or has held a licence or other authority under the prescribed legislation that has been suspended or revoked; or
    - (ii) a director of the parent company is or has been the director of another body corporate that has contravened the prescribed legislation or has held a licence or other authority under the prescribed legislation that has been suspended or revoked;
  - (c) the record of compliance with the prescribed environmental legislation of any director of the body corporate;
  - (d) whether in the opinion of the Minister, a director of the body corporate is of good repute, having regard to character, honesty and integrity;
  - (e) whether a director of the body corporate has, within the previous 10 years, been convicted in the Territory or elsewhere of an offence involving fraud or dishonesty;
  - (f) whether the body corporate is the subject of a winding up order or has had a controller or administrator appointed within the previous 3 years.
- (3) In this section, a reference to a director of a body corporate includes a reference to a person concerned in the management of the body corporate.
- (4) The Minister may require an applicant or associated entity to provide more information in relation to any matter in order for the Minister to determine whether the applicant or entity is an appropriate person to hold a permit or licence under this Act.
- (5) The Minister must publish, on the Agency's website, the reasons why the Minister has determined that an applicant, and any associated entity of the applicant, is or is not an appropriate person to hold a licence or permit under this Act.
- (6) In this section:
- prescribed environmental legislation** means the following:
- (a) the *Environment Protection Act 2019*;
  - (b) the *Waste Management and Pollution Control Act 1998*;

- (c) the *Water Act 1992*;
- (d) the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
- (e) the *Environment Protection Act 1997* (ACT);
- (f) the *Protection of the Environment Operations Act 1997* (NSW);
- (g) the *Environmental Protection Act 1994* (Qld);
- (h) the *Environment Protection Act 1993* (SA);
- (i) the *Environmental Management and Pollution Control Act 1994* (Tas);
- (j) the *Environment Protection Act 2017* (Vic);
- (k) the *Environmental Protection Act 1986* (WA);
- (l) an Act of another jurisdiction that is similar in nature and purpose to an Act listed above.

**prescribed legislation** means the following:

- (a) prescribed environmental legislation;
- (b) the *Northern Territory Aboriginal Sacred Sites Act 1989*;
- (ba) the *Petroleum Royalty Act 2023*;
- (c) the *Taxation Administration Act 2007*;
- (d) the *Territory Parks and Wildlife Conservation Act 1976*;
- (e) the *Work Health and Safety (National Uniform Legislation) Act 2011*;
- (f) the *Work Health and Safety Act 2011* (Cth);
- (g) the *Work Health and Safety Act 2011* (ACT);
- (h) the *Work Health and Safety Act 2011* (NSW);
- (i) the *Work Health and Safety Act 2011* (Qld);
- (j) the *Work Health and Safety Act 2012* (SA);
- (k) the *Work Health and Safety Act 2012* (Tas);

- (l) the *Occupational Health and Safety Act 2004* (Vic);
- (m) the *Occupational Safety and Health Act 1984* (WA);
- (n) the *Petroleum Act 1984*;
- (o) the *Offshore Petroleum and Greenhouse Storage Amendment Act 2013* (Cth);
- (p) the *Petroleum Act 1998* (VIC);
- (q) the *Petroleum (Onshore) Act 1991* (NSW);
- (r) the *Petroleum and Gas (Production and Safety) Act 2004* (QLD);
- (s) the *Petroleum and Geothermal Energy Resources Act 1967* (WA);
- (t) the *Petroleum and Geothermal Energy Act 2000* (SA);
- (u) the *Mineral Resources Development Act 1995* (TAS);
- (v) the *Corporations Act 2001* (Cth);
- (w) the *Australian Securities and Commission Act 2001* (Cth);
- (x) an Act of another jurisdiction that is similar in nature and purpose to an Act listed above.

## **Division 2            Exploration permits for petroleum**

### **16            Release of blocks and application for exploration permit**

- (1AA) This section applies if the Minister intends to release, under section 16A, specified blocks for exploration under an exploration permit.
- (1) The Minister must, by notice published in a newspaper circulating throughout the Territory and on the Agency's website, invite applications for the grant of an exploration permit for any of the blocks specified in the notice.
  - (2) The notice must include the following information:
    - (a) the period during which applications may be made (the ***application period***);
    - (b) the designated number of each block specified in the notice;

- (d) the place at which copies of any guidelines in relation to the making of an application are available for inspection;
  - (da) the reasons why the specified blocks are intended to be released for exploration;
  - (db) an invitation to give submissions on the release of the specified blocks for exploration;
  - (dc) the period during which submissions may be made is the same as the application period;(e) any other information the Minister considers appropriate.
- (2A) A submission under subsection (2)(db) is limited to the following:
- (a) if there are other existing or proposed industries for a specified block – whether exploration of the specified block is possible at the same time;
  - (b) whether the land of a specified block is suitable for exploration.

*Note for subsection (2A)(b)*

*The submission may submit that the land is not suitable for exploration because the land is:*

- (a) subject to intensive agriculture; or*
  - (b) of high ecological value; or*
  - (c) of high scenic value; or*
  - (d) culturally significant; or*
  - (e) of strategic importance to nearby residential areas.*
- (3) An application for the grant of an exploration permit must contain:
- (a) the name and address of the applicant; and
  - (b) the designated number of each block the subject of the application; and
  - (c) a map clearly delineating:
    - (i) the application area, which must not exceed 200 adjoining blocks; and
    - (ii) the boundaries of existing exploration permit or licence areas in the immediate vicinity of the application area; and

- (d) a proposed technical works programme for exploration of the blocks during each year of the term of the proposed exploration permit; and
  - (e) evidence of the technical and financial capacity of the applicant to carry out the proposed technical works programme and to comply with this Act; and
  - (ea) evidence that the applicant or associated entity of the applicant, is an appropriate person or body to be granted an exploration permit; and
  - (eb) details of any matter relevant to the matters listed in section 15A(1) and (2) to which the Minister must have regard in determining whether a person is an appropriate person to hold an exploration permit; and
  - (f) if the application is made by 2 or more persons, the proposed sharing arrangements between the applicants; and
  - (g) the name of the designated operator and evidence of the technical capacity of the operator to carry out the proposed technical works programme; and
  - (h) the prescribed application fee; and
  - (i) other relevant information in support of the application.
- (4) A person may apply for the grant of one or more exploration permits.
- (5) The Minister may, by written notice to an applicant, request:
- (a) further information relevant to the applicant or application; or
  - (b) an amendment or variation of the application.

#### **16A        Determination of release of blocks**

After the application period has ended, the Minister must:

- (a) consider any applications received and any submissions received; and
- (b) determine which blocks are to be released for exploration; and
- (c) release the specified blocks for exploration; and
- (d) publish, on the Agency's website, the decision under paragraph (c) and the reasons why the blocks are appropriate for exploration.

**17            More than one application for same block or blocks**

- (1) This section applies in relation to 2 or more applications for the grant of an exploration permit if:
  - (a) the application period has ended; and
  - (b) the Minister has completed the procedures relevant to any requests under section 16(5); and
  - (c) the application areas cover all or some of the same blocks.
- (2) The Minister must decide, in accordance with any guidelines published by the Minister, which application has the greatest merit to be given consideration for the grant of an exploration permit.
- (3) The Minister must, as soon as practicable after making the decision, give each applicant whose application was unsuccessful a notice stating the reasons for the decision.

**18            Notice of application for exploration permit**

- (1AA) This section applies in relation to an application for the grant of an exploration permit as soon as practicable:
  - (a) after the end of the application period; or
  - (b) if the Minister has made a request under section 16(5)(a) – after the Minister has received all relevant information; or
  - (c) if the Minister has made a request under section 16(5)(b) – after all matters relevant to the amendment or variation have been completed; or
  - (d) if the Minister has made a decision under section 17(2) – after giving notice under section 17(3).
- (1) The Minister must cause to be published, at the expense of the applicant, in a newspaper circulating in the part of the Territory in which the application area is situated, or in any other publication that the Minister thinks fit, a notice containing:
  - (c) the name of the applicant; and
  - (d) a description of the application area sufficient to enable it reasonably to be identified or a map upon which the proposed boundaries of the application area are indicated by reference to named geographical features; and

- (e) a statement to the effect that a person may, within 2 months after the notice is published in the newspaper or other publication, lodge in writing with the Minister an objection to the grant.
- (2) The Minister may direct an applicant to serve a copy of a notice under subsection (1) on a person named in the direction.

## **19        Objections**

- (1) Objections to the grant of an exploration permit may be lodged in response to a notice published under section 18(1) in accordance with the statement referred to in section 18(1)(e).
- (2) The Minister must give to the applicant copies of the objections (if any) lodged under subsection (1), together with a notice to the effect that, within 30 days after the date of the notice, the applicant may lodge with the Minister replies to or other comments about the objections.
- (2A) The Minister must, as soon as practicable after receiving the objections, publish the objections on the Agency's website.

## **20        Determination of application for exploration permit**

- (2) After the date specified in the notice given under section 19(2), the Minister must consider the following:
  - (a) the application;
  - (b) any objections to the grant of the exploration permit;
  - (c) any replies or other comments of the applicant;
  - (d) any other information supplied to the Minister as requested under section 16(5)(a);
  - (e) any other matter the Minister considers relevant to the application.
- (3) The Minister must then determine whether to grant the exploration permit in respect of some or all of the blocks (including part or parts of a block) to which the application relates or refuse to grant the exploration permit.
- (4) If the Minister determines to grant the exploration permit, the Minister must give the applicant a notice stating the following:
  - (a) the conditions subject to which the Minister is prepared to grant the exploration permit;

- (b) the date, which must be at least 28 days after the date of the notice, when the application will lapse if the Minister has not received the applicant's written acceptance of those conditions.
- (5) If the Minister receives the applicant's written acceptance of the conditions within the specified time, the Minister must grant the applicant the exploration permit subject to those conditions.
- (6) If the Minister grants an exploration permit in respect of part only of the land to which the application relates, the application, unless the Minister expressly states otherwise when granting the exploration permit, remains in force in respect of the remainder of the land to which the application relates until the application is further dealt with under this Act.
- (7) If the Minister determines to refuse to grant the exploration permit, the Minister must, as soon as practicable, give the applicant a notice of the determination stating the reasons for the determination.

**21C        No grant of exploration permit for area if permit etc. already granted**

The Minister must not grant an exploration permit in relation to an area that is the subject of another exploration permit or a licence.

**22        Term of exploration permit**

- (1) Subject to sections 28(3), 30(3), 73 and 74, an exploration permit remains in force for 5 years commencing on the day on which it was granted or last renewed.
- (2) The Minister may not renew an exploration permit more than twice.

**23        Application for renewal of exploration permit**

- (1) A permittee may apply to the Minister to renew the permittee's exploration permit in relation to the blocks specified in the application.
- (2) For the purposes of subsection (1), an application for the renewal of an exploration permit shall be:
  - (a) in an approved form;
  - (b) made in an approved manner;
  - (c) accompanied by the prescribed fee; and

- (d) accompanied by a report of the action taken by the permittee to restore and rehabilitate the land comprising the blocks that are part of the permittee's exploration permit area, but are not specified in the application, and the areas adjacent to that land which are or may be affected by the permittee's operations on those blocks.
- (3) In relation to an application for a renewal of an exploration permit, the Minister:
- (a) shall, where the application is received not earlier than 6 months before, but not later than 3 months before, the expiration of the exploration permit;
  - (b) may, where the application is received later than 3 months before the expiration of the exploration permit; and
  - (c) shall not, where the application is received after the expiration of the exploration permit,
- accept the application.

## **25            Grant or refusal of renewal of exploration permit**

- (1) Where a permittee makes an application for the renewal of the permittee's exploration permit and the Minister accepts the application, the Minister:
- (a) shall, where the permittee has complied with the conditions to which the exploration permit is subject, the directions, if any, lawfully given to the permittee by the Minister and with this Act; or
  - (b) may, where the permittee has not so complied and the Minister is satisfied that, although the permittee has not so complied, circumstances exist that justify the renewal of the exploration permit,
- by notice, inform the permittee that:
- (c) the Minister is prepared to renew the exploration permit on the permittee agreeing to provide appropriate security or securities as required under this Act.
- (2) Where a permittee has not complied with the conditions to which the permittee's exploration permit is subject, the directions, if any, lawfully given to the permittee by the Minister or with this Act and the Minister is not satisfied that circumstances exist that justify the granting of the renewal of the permit, the Minister shall, subject to subsection (3), by notice served on the permittee, refuse to renew

the permit.

- (2A) A notice of the Minister's refusal to renew an exploration permit must include the reasons for the refusal.
- (3) The Minister shall not refuse to renew an exploration permit unless the Minister has:
- (a) by notice served on the permittee, given not less than 28 days notice of the Minister's intention to refuse to renew the exploration permit;
  - (b) in the notice:
    - (i) given particulars of the reasons for the intention; and
    - (ii) specified a date on or before which the permittee may, by notice served on the Minister, submit any matters that the permittee wishes the Minister to consider; and
  - (c) considered any matter so submitted by the permittee to the Minister on or before the specified date.
- (4) A notice under subsection (1) shall contain:
- (a) a statement of the conditions to which the exploration permit on its renewal is to be subject; and
  - (b) a statement to the effect that the application will lapse if the permittee does not make a request under subsection (5) and lodge with the Minister the security referred to in the notice.
- (5) A permittee served with a notice under subsection (1) may, within 28 days after service of the notice or a longer period agreed by the Minister, by written notice served on the Minister, request the Minister to renew the exploration permit.
- (6) If a permittee makes a request under subsection (5) within the time referred to in that subsection, the Minister must renew the exploration permit.
- (10) Where a permittee has been served with a notice under subsection (1) and has not, within the period referred to in subsection (5), made the request referred to in that subsection, the application lapses on the expiration of that period.
- (11) Where:
- (a) an application for the renewal of an exploration permit has been accepted; and

- (b) the exploration permit expires before:
  - (i) the Minister renews, or refuses to renew, the permit; or
  - (ii) the application lapses as provided by subsection (10),the permit shall be deemed to continue in force in all respects until:
  - (c) the Minister renews or refuses to renew the permit; or
  - (d) the application so lapses,as the case may be.

(12) This section operates subject to section 25A.

**25A        Requirement to reduce exploration permit area**

- (1) The Minister may, as part of the Minister's decision to renew an exploration permit, reduce the number of blocks in respect of which the permit is in force to a number specified by the Minister.
- (2) For subsection (1), the Minister must take into account:
  - (a) the extent to which the permittee is:
    - (i) actively undertaking exploration activities in the exploration permit area; and
    - (ii) complying with the conditions of the exploration permit; and
  - (b) the views of the permittee about the proposed reduction.
- (3) The Minister must:
  - (a) include information about a proposal to act under this section in the notice given to the permittee under section 25; and
  - (b) if the Minister is proposing to act under this section, include in the notice an invitation to the permittee to make a submission within a period specified in the notice.
- (4) The Minister may, on the basis of a request made by the permittee within the period specified under subsection (3)(b), defer a reduction for a period determined or approved by the Minister.
- (5) If the permittee will not accept a reduction in the number of blocks in respect of which the permit is in force as provided by this section, the Minister may cancel the renewal of the exploration permit.

**26            Annual fee**

- (1) The annual fee payable in relation to an exploration permit is the amount prescribed by, or calculated in accordance with, the regulations.
- (2) Subject to section 63, the annual fee for an exploration permit is payable by the permittee in advance on:
  - (a) the commencement of the exploration permit; and
  - (b) each anniversary of the commencement of the permit or its last renewal.

**27            Conditions of exploration permit**

Subject to this Part, an exploration permit may be granted or renewed subject to such conditions as the Minister thinks fit and specifies in the permit document.

**28            Variation of condition of exploration permit**

- (1) A permittee may apply to the Minister to vary a condition of the permittee's exploration permit.
- (1A) An application under subsection (1) must be accompanied by the prescribed fee.
- (2) On receiving an application under subsection (1), the Minister may, by notice served on the permittee, vary a condition of the exploration permit in accordance with the application.
- (3) If a condition of an exploration permit which places an obligation on the permittee is suspended by a variation under subsection (2), the Minister may, in the notice or by a later notice served on the permittee, extend the term of the permit by a period not exceeding the period of the suspension.
- (4) Where an extension under subsection (3) of the term of an exploration permit is expressed to have effect from a date earlier than the date on which the notice by which it is extended is signed, it shall have and be deemed to have had effect as if the notice had been signed on that earlier date.

**29            Rights conferred by exploration permit**

- (1) An exploration permit, while it remains in force, gives the permittee, subject to this Act and in accordance with the conditions to which the permit is subject and the directions, if any, lawfully given by the Minister, the exclusive right to explore for petroleum, and to carry

on such operations and execute such works as are necessary for that purpose, in the exploration permit area.

- (2) Without limiting the generality of subsection (1) but subject to this Act and any condition or direction referred to in that subsection, a permittee or, if there is more than one, the permittees jointly and their agents and employees may:
- (a) at any time, enter and remain in the exploration permit area with such vehicles, vessels, machinery and equipment as are necessary or convenient for carrying out the technical works programme or other exploration of the permit area; and
  - (b) carry out the technical works programme and other exploration for petroleum in the exploration permit area; and
  - (c) extract, remove or allow the release from the exploration permit area for sampling and testing, an amount of material reasonably necessary for the purpose of establishing the presence of petroleum, or such greater amount as is approved; and
  - (ca) if approved by the Minister – recover petroleum on an appraisal basis from the permit area; and
  - (d) subject to the *Water Act 1992*, any prior lawful activity and to the directions, if any, of the Minister, use the water resources of the exploration permit area for the permittee's domestic use and for any purpose in connection with the permittee's approved technical works programme and other exploration.
- (3) The Minister must, subject to Division 4 and to the conditions the Minister thinks fit, grant a production licence to a permittee if the permittee has:
- (a) complied with the conditions to which the permittee's exploration permit is subject, the directions, if any, given to the permittee by the Minister and with this Act; and
  - (b) discovered a commercially exploitable accumulation of petroleum within the permittee's exploration permit area; and
  - (c) applied under section 45 for a production licence in relation to the blocks where the accumulation occurs.

### **30            Notice to apply for production licence**

- (1) Subject to subsection (6), where the Minister is satisfied that a commercially exploitable accumulation of petroleum may occur in an exploration permit area, the Minister may, by notice served on

the permittee, require the permittee to show cause why the permittee should not apply for a production licence in relation to the blocks where the accumulation may occur and specify a date, being not earlier than 6 months after the date of the notice, before which the permittee should show cause.

- (2) Subject to subsection (5), where a permittee has been served with a notice under subsection (1) and he fails to show cause to the satisfaction of the Minister, before the date specified in the notice, the Minister may, by notice served on the permittee, direct him to apply for a production licence and specify a date, being not earlier than 6 months after the date of the notice under this subsection, before which he shall apply for the production licence.
- (3) Subject to subsection (5), where, under subsection (2), a permittee has been directed to apply for a production licence before the date specified in the notice and he has failed to so apply, the Minister may, by notice served on the permittee, cancel the exploration permit in relation to the blocks specified in the notice under subsection (1).
- (4) The Minister may, by notice served on the permittee, vary the date in a notice under subsection (1) or (2) so as to allow a longer period for the permittee to show cause or apply for the production licence as required by the notice under subsection (1) or (2), as the case may be.
- (5) Where a notice under subsection (1) or (2) has been served on a permittee and he has made an application to the Minister for a retention licence in relation to the blocks to which such a notice relates, the Minister may not exercise his powers under this section until the application for a retention licence has been determined.
- (6) The Minister may not exercise his powers under this section:
  - (a) during the first term of the exploration permit; or
  - (b) if the blocks where the commercially exploitable accumulation of petroleum may occur are, in whole or part, Aboriginal land and no agreement has been reached under the Land Rights Act either between the permittee and the Land Council or as otherwise permitted under that Act, in relation to the production of petroleum in that area.

### **Division 3            Retention licences**

#### **31            Entitlement to apply for retention licence**

Where a permittee has:

- (a) by drilling operations in the permittee's exploration permit area, established the presence of petroleum;
- (b) given notice, under section 64, to the Minister of the presence of the petroleum in the permittee's exploration permit area; and
- (c) satisfied the Minister that the petroleum present in the permittee's exploration permit area is potentially of a commercial quality and quantity,

the permittee may apply for one or more retention licences in relation to the whole or part of the permit area.

#### **32            Application for retention licence**

- (1) Subject to this Act, a permittee may apply for a retention licence by lodging with the Minister the following:
  - (a) a statement containing the name and address of the applicant;
  - (b) a statement containing the designated number of each block the subject of the application;
  - (ba) a statement justifying the number of blocks subject to the application;
  - (c) a map clearly delineating the application area and the boundaries of the existing exploration permit area from which the application area is to be excised;
  - (d) evidence, satisfactory to the Minister, that:
    - (i) the applicant is the permittee of the application area;
    - (ii) the applicant has established the presence of petroleum within the application area and notified, under section 64, the Minister of the presence of petroleum; and
    - (iii) although the petroleum present is potentially of a commercial quality and quantity, production from the application area is not, at the present time, commercially viable;

- (e) a proposed technical works programme for the exploration, appraisal and development of petroleum within the application area, including an economic appraisal in relation to the presence of petroleum, during the period of the proposed licence;
  - (f) evidence of the technical and financial capacity of the applicant to carry out the proposed technical works programme and to comply with this Act;
  - (g) where the application is made by 2 or more persons, the proposed sharing arrangements between the applicants;
  - (j) the prescribed application fee;
  - (k) a statement of the reasons why the applicant:
    - (i) believes that an appraisal of the application area cannot be carried out during the unexpired term of the exploration permit; and
    - (ii) has not applied for a production licence in relation to the application area;
  - (m) such other information in support of the application as the applicant thinks fit.
- (2) Where the Minister has received an application for a retention licence, the Minister may, by notice served on the applicant, request further information in relation to the applicant or the application.

### **33 Size of retention licence area**

- (1) A permittee must not apply for a retention licence in respect of an area which is constituted by more than 200 blocks.
- (2) A permittee must not apply for a retention licence in respect of an area which is constituted by more than one block unless the blocks form a discrete area which conforms to an approved shape.

### **34 Grant or refusal of retention licence**

- (1) The Minister may determine to grant a retention licence in respect of all, or part, of the land to which an application under section 32 relates, subject to the conditions the Minister thinks appropriate, if satisfied that:
  - (a) the applicant complied with the requirements of this Act relating to an application for a retention licence; and

- (b) the applicant, as a permittee, complied with the provisions of this Act relating to the exploration permit and the exploration permit area and the directions, if any, given to the applicant by the Minister.
- (2) Where the Minister determines under subsection (1) to grant a retention licence, he shall give notice to the applicant of:
- (a) the conditions subject to which he is prepared to grant it; and
  - (b) the date, not being earlier than 28 days after the date of the notice, upon which the application shall lapse unless the Minister has received from him an acceptance of the conditions specified in the notice.
- (3) Where the Minister receives from an applicant, within the time specified, a written acceptance of the conditions specified in a notice under subsection (2), he shall grant to the applicant a retention licence, subject to those conditions.
- (3A) If the Minister grants a retention licence in respect of part only of the land to which the application relates, the application, unless the Minister expressly states otherwise when granting the retention licence, remains in force in respect of the remainder of the land to which the application relates until the application is further dealt with under this Act.
- (4) Where the Minister determines not to grant a retention licence he shall, as soon as practicable after he has so determined, serve notice of his refusal on the applicant.
- (5) A notice of the Minister's refusal to grant a retention licence must include the reasons for the refusal.

### **35 Exploration permit not affected**

The term and area of an exploration permit are not affected by:

- (a) an application for a retention licence; or
- (b) the determination of the Minister not to grant a retention licence.

### **36 Term of retention licence**

Subject to sections 43(3), 73 and 74, a retention licence remains in force for a period of 5 years commencing on the date on which it was granted or last renewed.

**37 Application for renewal of retention licence**

- (1) A retention licensee may apply to the Minister for the renewal of the licence.
- (2) For the purposes of subsection (1), an application for the renewal of a retention licence shall be:
  - (a) in an approved form;
  - (b) made in an approved manner; and
  - (c) accompanied by the prescribed fee.
- (3) In relation to an application for a renewal of a retention licence, the Minister:
  - (a) shall, where an application for the renewal of a retention licence is received not earlier than 6 months, but not later than 3 months, before the expiration of the licence;
  - (b) may, where the application is received later than 3 months before the expiration of the licence; and
  - (c) shall not, where the application is received after the expiration of the licence,accept the application.

**38 Grant or refusal of renewal of retention licence**

- (1) Where, under section 37, the Minister accepts an application by a retention licensee for the first renewal of the licensee's retention licence, the Minister:
  - (a) shall, where the retention licensee has complied with the conditions to which the licence is subject, the lawful directions, if any, given to the licensee by the Minister and with this Act; or
  - (b) may, where the retention licensee has not so complied and the Minister is satisfied that, although the licensee has not so complied, circumstances exist that justify the renewal of the licence,by notice in writing, inform the licensee that the Minister is prepared to renew the licence.
- (2) Where, under section 37, the Minister accepts an application by a retention licensee for the renewal of the licensee's retention licence,

other than the first renewal of the retention licence, the Minister may inform the licensee, by notice served on the licensee, that the Minister is prepared to renew the retention licence and, if the retention licence is so renewed, it is renewed for a term of 5 years.

- (3) Where, under section 37, the Minister accepts an application by a retention licensee for the renewal of the licensee's retention licence but the retention licensee has not complied with the conditions to which the licence is subject, the lawful directions, if any, given to the licensee by the Minister and this Act and, in the case of an application for the first renewal of the retention licence, the Minister is not satisfied that circumstances exist that justify the renewal of the licence, the Minister shall, subject to subsection (5), by notice served on the retention licensee, refuse to renew the licence.
- (3A) A notice of the Minister's refusal to renew a retention licence must include the reasons for the refusal.
- (4) Before exercising his or her powers under subsection (1), (2) or (3), the Minister may, by notice served on the applicant, require the applicant to lodge with the Minister, before the date specified in the notice:
  - (a) an analysis of the work undertaken and expenditure incurred during the term of the licence and details of the results of the work;
  - (b) a statement of the reasons why the applicant has not applied for a production licence in relation to the licence area;
  - (c) a technical works programme for the term of the proposed renewal; and
  - (d) such other information as the Minister thinks fit.
- (5) The Minister shall not refuse to renew a retention licence unless the Minister has:
  - (a) by notice served on the retention licensee, given not less than 28 days notice of the Minister's intention to refuse to renew the licence;
  - (b) in the notice:
    - (i) given particulars of the reasons for the Minister's intention to refuse to renew the licence; and

- (ii) specified a date on or before which the retention licensee may, by notice served on the Minister, submit any matters that the licensee wishes the Minister to consider; and
  - (c) taken into account any matters so submitted to the Minister on or before the specified date by the retention licensee.
- (6) Notices under subsections (1) and (2) shall contain:
  - (a) a statement of the conditions to which the retention licence on its renewal is to be subject; and
  - (b) a statement to the effect that the application will lapse if the retention licensee does not make a request under subsection (7).
- (7) A retention licensee served with a notice under subsection (1) or (2) may, within 28 days after service of the notice or a longer period agreed by the Minister, by notice served on the Minister, request the Minister to renew the retention licence.
- (8) If a retention licensee makes a request under subsection (7) within the time referred to in that subsection, the Minister must renew the retention licence.
- (12) Where a retention licensee has been served with a notice under subsection (1) or (2) but has not made the request referred to in subsection (7) within the period referred to in that subsection, the application lapses on the expiration of that period.
- (13) Where:
  - (a) an application for the renewal of a retention licence has been accepted; and
  - (b) the retention licence would, but for this subsection, expire before:
    - (i) the Minister renews, or refuses to renew, the retention licence; or
    - (ii) the application lapses as provided by subsection (12),the retention licence shall be deemed to continue in force in all respects until:
  - (c) the Minister renews, or refuses to renew, the retention licence; or

- (d) the application so lapses,  
as the case may be.

### **39        Annual fee**

- (1) The annual fee payable in relation to a retention licence is the amount prescribed by, or calculated in accordance with, the regulations.
- (2) Subject to section 63, the annual fee for a retention licence is payable by the retention licensee in advance on:
  - (a) the commencement of the retention licence; and
  - (b) each anniversary of the commencement of the retention licence or its last renewal.

### **40        Conditions of retention licence**

Subject to this Part, a retention licence may be granted subject to such conditions as the Minister thinks fit and specifies in the licence document.

### **41        Variation of condition of retention licence**

- (1) A retention licensee may apply to the Minister to vary a condition of the licence.
- (2) An application under subsection (1) must be accompanied by the prescribed fee.
- (3) On receiving an application under subsection (1), the Minister may, by notice served on the licensee, vary a condition of the licence.
- (4) If a retention licensee applies under subsection (1) to vary a condition of the licence which relates to the technical works program, the Minister may, after consultation with the retention licensee, appoint a person to evaluate the proposed variation and report their findings to the Minister.
- (5) If the Minister appoints a person under subsection (4), the cost of the person's services is a debt due and payable to the Territory by the retention licensee and may be recovered in a court of competent jurisdiction.

### **42        Rights conferred by retention licence**

- (1) A retention licence, while it remains in force, gives the retention licensee or, if there is more than one, the retention licensees jointly,

subject to this Act and in accordance with the conditions to which the licence is subject and the directions, if any, lawfully given by the Minister, the exclusive right to carry on in the licence area such geological, geophysical and geochemical programmes and other operations and works, including appraisal drilling, as are reasonably necessary to evaluate the development potential of the petroleum believed to be present in the licence area.

- (1A) A retention licence allows the recovery of petroleum on an appraisal basis if approved by the Minister.
- (2) Where a retention licensee has:
- (a) complied with the conditions of the retention licensee's licence, the lawful directions (if any) of the Minister and this Act;
  - (b) applied, in accordance with Division 4, for a production licence in relation to the whole or part of the licensee's retention licence area; and
  - (c) discovered a commercially exploitable accumulation of petroleum within the licensee's retention licence area,

the Minister shall, subject to Division 4 and to such conditions as the Minister thinks fit, grant to the licensee a production licence.

#### **43 Notice to apply for production licence**

- (1) Subject to subsection (5), where the Minister is satisfied that commercial production of petroleum should commence in a retention licence area, he may, by notice served on the retention licensee, require him to show cause why he should not apply for a production licence in relation to the blocks where the commercially exploitable accumulation of petroleum occurs and specify a date, being not earlier than 6 months after the date of the notice, by which the licensee should show cause.
- (2) Where a retention licensee has been served with a notice under subsection (1) and he fails to show cause to the satisfaction of the Minister, within the time specified in the notice, the Minister may, by notice served on the retention licensee, direct him to apply for a production licence and specify a date, being not earlier than 3 months after the date of the notice, by which the licensee should apply for the production licence.
- (3) Where, under subsection (2), a retention licensee has been directed to apply for a production licence before a date specified in the direction and the licensee has failed to so apply, the Minister may, by notice served on the licensee, cancel his licence.

- (4) The Minister may, by notice served on a retention licensee, vary the date in a notice under subsection (1) or (2) so as to allow a longer period for the retention licensee to show cause or apply for a production licence.
- (5) The Minister may not exercise his powers under this section if the blocks where the commercially exploitable accumulation of petroleum occurs are, in whole or part, Aboriginal land and no agreement in relation to the production of petroleum in that area has been reached under the Land Rights Act between the retention licensee and the Land Council or as otherwise permitted under that Act.

## **Division 4            Production licences**

### **44            Applicant**

A person who is:

- (a) a permittee; or
- (b) a retention licensee,

may apply for a production licence in relation to the whole or part of his or her exploration permit or licence area.

### **45            Application for production licence**

- (1) Subject to this Act, a permittee or licensee may apply for a production licence by lodging the following with the Minister:
  - (a) a statement containing the name and address of the applicant;
  - (b) a statement containing the designated number of each block the subject of the application;
  - (ba) a statement justifying the number of blocks subject to the application;
  - (c) a map clearly delineating the application area and the boundaries of the existing exploration permit or retention licence area in which the application is comprised;
  - (d) a proposed technical works programme specifying the proposals for exploration, appraisal and production of petroleum from within the proposed licence area;
  - (e) evidence of the technical and financial capacity of the applicant to carry out the proposed technical works programme and to comply with this Act;

- (ea) evidence that the applicant or associated entity of the applicant, is an appropriate person or body to be granted a production licence;
  - (eb) details of any matter relevant to the matters listed in section 15A(1) and (2) to which the Minister must have regard in determining whether a person is an appropriate person to hold a production licence;
  - (f) proposals for the protection of the environment, including proposed measures to be undertaken by the applicant for the rehabilitation of the licence area or other affected areas;
  - (g) where the application is made by 2 or more persons, the proposed sharing arrangements between the applicants;
  - (j) the prescribed application fee;
  - (k) such other information in support of the application as the applicant thinks fit.
- (2) Where the Minister has received an application for a production licence, the Minister may, by notice served on the applicant, request further information in relation to the applicant or the application.
- (3) A permittee or licensee may apply for one or more production licences.

#### **46 Size of production licence**

- (1) A person must not apply for a production licence in respect of an area which is constituted by more than 200 blocks.
- (2) A person must not apply for a production licence in respect of an area which is constituted by more than one block unless the blocks form a discrete area which conforms to an approved shape.
- (3) The Minister may grant a production licence in respect of:
- (a) an area of less than one block; or
  - (b) blocks which form more than one discrete area,

where he is of the opinion that circumstances justify his doing so or it is in the public interest to do so.

## **47 Grant of production licence**

(1) Where the Minister:

- (a) has received an application under section 45;
- (b) is satisfied that the applicant has complied with the requirements of this Act relating to an application for a production licence; and
- (c) is satisfied that he or she is required under section 29(3) or 42(2) to grant to the applicant a production licence in relation to specific blocks,

the Minister must determine to grant to the applicant the production licence subject to conditions.

(2) Where the Minister:

- (a) has received an application under section 45; and
- (b) is satisfied that, although the applicant has not complied with the conditions under which the applicant's exploration permit or licence was granted, the lawful directions, if any, given to the applicant by the Minister or this Act, circumstances exist that justify the granting of the production licence,

the Minister may determine to grant to the applicant the production licence in respect of all, or part, of the land to which the application relates subject to conditions or refuse to grant it.

(3) Where the Minister exercises his or her power under subsection (1) or (2) and determines to grant to an applicant a licence, the Minister shall grant a licence only in relation to the minimum number of blocks which, in his or her opinion, is reasonably necessary for the applicant to fully exploit the commercially exploitable accumulation of petroleum which occurs in the application area.

(4) Where the Minister determines under subsection (1) or (2) to grant a production licence, he or she shall give notice to the applicant of:

- (a) the conditions subject to which he or she is prepared to grant it; and
- (b) the date, not being earlier than 28 days after the date of the notice, after which the application is to lapse unless the Minister has received from the applicant a written acceptance of the conditions specified in the notice.

- (5) If the Minister receives from an applicant within the time specified in subsection (4)(b) a written acceptance of the conditions specified in the notice referred to in subsection (4), the Minister must grant to the applicant the production licence subject to those conditions.
- (6) If the Minister does not receive a written acceptance of the conditions specified in the notice referred to in subsection (4) from an applicant within the time specified in subsection (4)(b):
  - (a) the Minister must not grant the applicant the production licence; and
  - (b) the applicant's application lapses on the expiry of the time specified in subsection (4)(b).
- (7) If the Minister grants a production licence in respect of part only of the land to which the application relates, the application, unless the Minister expressly states otherwise when granting the production licence and subject to subsection (3), remains in force in respect of the remainder of the land to which the application relates until the application is further dealt with under this Act.

#### **48 Refusal to grant production licence**

- (1) Where the Minister determines to refuse to grant a production licence he shall, as soon as practicable after he has so determined, serve notice of his determination on the applicant.
- (1A) The notice of determination must include the reasons for the refusal to grant a production licence.
- (2) The Minister may not determine to refuse to grant a licence, unless he has:
  - (a) by notice served on the applicant, given not less than 28 days notice of his intention to refuse to grant the licence;
  - (b) in the notice, specified:
    - (i) the reasons for his intended refusal; and
    - (ii) a date on or before which the applicant may, by notice served on the Minister, submit any matters he wishes the Minister to consider; and
  - (c) taken into account any matters so submitted to him on or before the specified date by the applicant.

**49 Exploration permit or licence not affected**

The term and area of an exploration permit or retention licence are not affected by:

- (a) an application for a production licence; or
- (b) the determination of the Minister not to grant a production licence.

**50 Term of production licence**

Subject to sections 73 and 74, a production licence remains in force for either 21 or 25 years as determined by the Minister commencing on the date on which it was granted or, in respect of the renewal of a production licence, the date on which it was last renewed, notwithstanding that it is renewed before the date on which it would otherwise have expired.

**51 Application for renewal of production licence**

- (1) A production licensee may apply to the Minister for the renewal of the licence.
- (2) For the purposes of subsection (1), an application for the renewal of a production licence shall be:
  - (a) in an approved form;
  - (b) made in an approved manner; and
  - (c) accompanied by the prescribed fee.
- (3) In relation to an application for the renewal of a production licence, the Minister:
  - (a) shall, where an application is received not earlier than 6 months before, but not later than 3 months before, the expiration of the production licence;
  - (b) may, where the application is received later than 3 months before the expiration of the licence; and
  - (c) shall not, where the application is received after the expiration of the licence,  
accept the application.

- (4) In addition to subsection (3), the Minister may, if satisfied that there are commercial reasons that justify an application for the renewal of a production licence being made, accept the application being made at a time earlier than that specified in subsection (3)(a).

## **52 Grant or refusal of renewal of production licence**

- (1) Where, under section 51, the Minister accepts an application by a production licensee for the first renewal of his production licence, the Minister:
- (a) shall, where the production licensee has complied with the conditions to which the licence is subject, the lawful directions, if any, given to him by the Minister and this Act; or
  - (b) may, where the production licensee has not so complied and the Minister is satisfied that, although the licensee has not so complied, circumstances exist that justify the renewal of the licence,

by notice in writing, inform the licensee that the Minister is prepared to renew the licence.

- (2) Where, under section 51, the Minister accepts an application by a production licensee for the renewal of his production licence, other than the first renewal of the licence, the Minister may, by notice served on him, inform the production licensee that he is prepared to renew the production licence and, if the production licence is so renewed, it is renewed for such term, not exceeding 25 years, as is specified in the notice.
- (3) Where, under section 51, the Minister accepts an application by a production licensee for the renewal of his production licence but the production licensee has not complied with the conditions to which his licence is subject, the lawful directions, if any, of the Minister and this Act and, in the case of an application for the first renewal of the production licence, the Minister is not satisfied that circumstances exist that justify the renewal of the licence, the Minister shall, subject to subsection (4), by notice served on the production licensee, refuse to renew the licence.
- (3A) A notice of the Minister's refusal to renew a production licence must include the reasons for the refusal.
- (4) The Minister shall not refuse to renew a production licence unless he has:
- (a) by notice served on the production licensee, given not less than 28 days notice of his intention to refuse to renew the licence;

- (b) served a copy of the notice on such other persons, if any, as he thinks fit;
  - (c) in the notice:
    - (i) given particulars of the reasons for his intention to refuse to renew the licence; and
    - (ii) specified a date on or before which the production licensee may, by notice served on the Minister, submit any matters that he wishes the Minister to consider; and
  - (d) taken into account any matters so submitted to him on or before the specified date by the production licensee or by a person on whom a copy of the notice has been served under paragraph (b).
- (5) Notices under subsections (1) and (2) shall contain:
- (a) a statement of the conditions to which the production licence, on its renewal is to be subject; and
  - (b) a statement to the effect that the application will lapse if the production licensee does not make a request under subsection (6).
- (6) Where a production licensee has been served with a notice under subsection (1) or (2), he may, within 28 days after the date of service of the notice on him, by notice served on the Minister, request the Minister to:
- (a) renew the production licence; or
  - (b) vary the conditions contained in the notice under that subsection.
- (7) Where a production licensee has been served with a notice under subsection (1) or (2) and has made a request under subsection (6)(a), within the period referred to in subsection (6), the Minister shall renew the production licence subject to the conditions specified in the notice under subsection (1) or (2), as the case may be.
- (8) Where a production licensee has been served with a notice under subsection (1) or (2) and has made a request under subsection (6)(b), the Minister shall:
- (a) consider the request; and

- (b) by notice served on the licensee, inform him of the conditions to which the licence, on its renewal, is to be subject.
- (9) Where a production licensee has been served with a notice under subsection (8)(b), he may, within 28 days after the date of service of the notice on him, by notice served on the Minister, request the Minister to renew the licence subject to the conditions specified in the notice under subsection (8)(b).
- (10) Where a production licensee has served a notice under subsection (9), within the period referred to in that subsection, the Minister shall renew the licence.
- (11) Where a production licensee has been served with a notice under subsection (1) or (2) but has not made a request under subsection (6), within the period referred to in subsection (6), the application lapses on the expiration of that period.
- (12) Where:
- (a) an application for the renewal of a production licence has been accepted; and
  - (b) the production licence would, but for this subsection, expire before:
    - (i) the Minister renews, or refuses to renew, the production licence; or
    - (ii) the application lapses as provided by subsection (11),
- the production licence shall be deemed to continue in force in all respects until:
- (c) the Minister renews, or refuses to renew, the production licence; or
  - (d) the application lapses,
- as the case may be.

**53 Annual fee**

- (1) The annual fee payable in relation to a production licence is the amount prescribed by, or calculated in accordance with, the regulations.

- (2) Subject to section 63, the annual fee for a production licence is payable by the production licensee in advance on:
  - (a) the commencement of the production licence; and
  - (b) each anniversary of the commencement of the production licence or its last renewal.

#### **54            Conditions of production licence**

- (1) Subject to this Part, a production licence may be granted subject to such conditions as the Minister thinks fit and specifies in the licence document.
- (2) Without limiting the generality of subsection (1), but subject to section 55, each production licence is subject to the condition that the production licensee:
  - (a) shall use the licence area continuously and exclusively for the purposes for which it is granted;
  - (b) shall not produce petroleum obtained from the licence area until the Minister authorises the commencement of production operations;

#### **55            Variation of condition of production licence**

- (1) A production licensee may apply to the Minister to vary a condition of the licence.
- (2) An application under subsection (1) must be accompanied by the prescribed fee.
- (3) On receiving an application under subsection (1), the Minister may, by notice served on the licensee, vary a condition of the licence.
- (4) If a production licensee applies under subsection (1) to vary a condition of the licence which relates to the technical works program, the Minister may, after consultation with the production licensee, appoint a person to evaluate the proposed variation and report their findings to the Minister.
- (5) If the Minister appoints a person under subsection (4), the cost of the person's services is a debt due and payable to the Territory by the production licensee and may be recovered in a court of competent jurisdiction.

**56 Rights conferred by production licence**

A production licence, while it remains in force, gives the production licensee or, if there is more than one, the production licensees jointly, subject to this Act and in accordance with the conditions to which the licence is subject and the directions, if any, lawfully given by the Minister, the exclusive right:

- (a) to explore for petroleum and recover it from the licence area; and
- (b) to carry out such operations and execute such works in the licence area as are necessary for the exploration for and recovery of petroleum.

**57 Declaration of restricted area**

- (1) A production licensee may, by notice in the *Gazette* and a newspaper circulating in that part of the Territory in which his production licence area is situated, declare his production licence area or part of that area to be a restricted area.
- (2) Where a production licensee has, under subsection (1), declared a restricted area, he shall, within 3 months of the date of the notice in the *Gazette* fence the area.
- (3) Where a production licensee fails to fence a restricted area within 3 months after the date of the notice in the *Gazette*, the declaration has no force or effect after the expiration of the 3 month period.
- (4) The Minister may, by notice in the *Gazette*, repeal or vary a declaration under subsection (1).
- (5) The production licensee has all the powers, in relation to the restricted area, of a person in lawful occupation of that area.

**Division 5 Access authorities**

**57A Access authorities**

- (1) In this section, ***petroleum title*** means an authority, however described, under the *Petroleum (Submerged Lands) Act 1981* or a law of a State to explore for or to recover petroleum.
- (2) A permittee, licensee or the lessee of a lease granted under the repealed Act, or the holder of a petroleum title granted outside the Territory, may apply for the grant of an access authority by lodging with the Minister:
  - (a) an application in the approved form and approved manner;

- (b) a statement containing the designated number of each block the subject of the application;
  - (c) a statement specifying the operations that the applicant proposes to carry on under the access authority; and
  - (d) a statement setting out any other matters that the applicant wishes the Minister to consider.
- (2A) An application under subsection (2) must be accompanied by the prescribed fee.
- (3) Subject to this section, on receiving an application under subsection (2), the Minister may grant or refuse to grant the access authority.
- (3A) An access authority may be granted in respect of all, or part, of the land to which the application under subsection (2) relates.
- (3B) If the Minister grants an access authority in respect of part only of the land to which the application relates, the application, unless the Minister expressly states otherwise when granting the access authority, remains in force in respect of the remainder of the land to which the application relates until the application is further dealt with under this Act.
- (4) An access authority is subject to the conditions that the Minister determines (whether in accordance with a recommendation of the Tribunal or otherwise) and specifies in the authority.
- (5) The Minister may, at any time by written notice served on the holder of an access authority, vary the access authority area to which the access authority is subject.
- (6) The Minister shall not grant an access authority, or vary an access authority, in respect of an area that is the subject of an exploration permit, licence or lease of which the applicant or holder is not the permittee, licensee or lessee, as the case may be, unless the Minister has served:
- (a) a notice in accordance with subsection (7) on the permittee, licensee or lessee; and
  - (b) a copy of the notice on such other persons, if any, as the Minister thinks fit.
- (7) A notice under subsection (6) shall:
- (a) give particulars of the access authority proposed to be granted or of the variation proposed to be made; and

- (b) specify a date, not being earlier than 28 days after the date of the notice, on or before which a person on whom the notice or a copy is served may submit any matters that the person wishes the Minister to consider.
- (8) In considering an application under this section, the Minister shall take into account any matters submitted on or before the date specified in the notice under subsection (7).
- (9) An access authority authorises the holder, subject to this Act and the conditions to which it is subject, to carry on in the access authority area exploration for petroleum or operations relating to the recovery of petroleum in or from the exploration permit, licence, lease or petroleum title in respect of which the application under subsection (2) was made and any other operations specified in the access authority.
- (10) An access authority remains in force for such period as is specified by the Minister but may be renewed by the Minister for a further specified period.
- (11) An access authority may be:
  - (a) surrendered by the holder by written notice served on the Minister; or
  - (b) cancelled by the Minister by written notice served on the holder and a person in whose exploration permit area, licence area or lease area operations may be carried on in pursuance of the access authority.
- (12) Where an access authority has been cancelled or surrendered, or has expired, the Minister may direct the person who was the holder of the access authority to do one or more of the following things:
  - (a) remove or cause to be removed from the area to which the access authority applied anything brought into the area by any person engaged or concerned in the operations authorised by the access authority or to make arrangements that are satisfactory to the Minister with respect to those things;
  - (b) subject to this Act, make good, to the satisfaction of the Minister, the rehabilitation of the environment in the area to which the access authority applied and any other area that has been damaged by any person engaged or concerned in the operations authorised by the access authority.
- (13) A person must comply with a direction under subsection (12).

- (14) A person commits an offence if:
- (a) the person is given a direction under subsection (12); and
  - (b) the person intentionally engages in conduct; and
  - (c) the conduct results in a contravention of the direction and the person is reckless in relation to that result.

Maximum penalty:     500 penalty units.

- (15) Strict liability applies to subsection (14)(a).

- (16) A person commits an offence if:

- (a) the person is given a direction under subsection (12); and
- (b) the person contravenes the direction.

Maximum penalty:     200 penalty units.

- (17) An offence against subsection (16) is an offence of strict liability.
- (18) It is a defence to a prosecution for an offence against subsection (14) or (16) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (19) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (18).

**57AA    Report on operations under access authority**

- (1) A person must comply with subsection (2) if:
- (a) the person is the holder of an access authority; and
  - (b) the access authority is in force in respect of an area that consists of, or includes, an exploration permit area, licence area, lease area or the area over which a petroleum title is granted; and
  - (c) the person is not the permittee, licensee, lessee or the holder of the petroleum title.

- (2) The person must, not later than 28 days after the end of each month during which the access authority is in force, provide the permittee, licensee, lessee or holder of the petroleum title with a report, in writing, of:
- (a) the operations carried on in the permit area, licence area, lease area or the area over which a petroleum title is granted during that month; and
  - (b) a summary of the facts ascertained from those operations.
- (3) A person commits an offence if the person is required to provide a report under subsection (2) and the person contravenes that requirement.
- Maximum penalty: 100 penalty units.
- (4) An offence against subsection (3) is an offence of strict liability.

## **Division 5A Common and related provisions**

### **57AAA Recovery of petroleum on appraisal basis**

- (1) This section applies to a person who is:
- (a) a permittee; or
  - (b) a retention licensee.
- (2) The person may apply to the Minister for approval to recover petroleum on an appraisal basis under the relevant petroleum interest.
- (3) An application for the approval of the Minister must:
- (a) be in the approved form; and
  - (b) be accompanied by the information required by the Minister; and
  - (c) be accompanied by a proposal for the petroleum infrastructure decommissioning security relating to any appraisal production infrastructure proposed to be used in connection with the recovery of petroleum on an appraisal basis; and
  - (d) be accompanied by the prescribed fee; and
  - (e) comply with any guidelines published by the Minister.

- (4) The Minister may give the person a written notice requesting further information to assist the Minister to determine the application.
- (5) The Minister must not approve the application unless satisfied:
  - (a) that a discovery of petroleum has occurred on the permit area or retention licence area; and
  - (b) that extended well testing is required to determine whether the reservoir is commercially exploitable; and
  - (c) that petroleum recovered during extended well testing would be flared or vented if the approval were not to be granted; and
  - (d) that the applicant has obtained approval, consent or agreement under the Land Rights Act or the Native Title Act in relation to the sale or other beneficial use of petroleum recovered on an appraisal basis.
- (6) An approval under this section is subject to conditions specified by the Minister on the grant of the approval.
- (7) An approval under this section is for a period determined by the Minister.
- (8) The Minister may, on the Minister's own initiative, vary a condition of an approval under this section.
- (9) The Minister may, on the application of a permittee or retention licensee, vary a condition of an approval under this section.
- (10) The Minister may, on the application of a permittee or retention licensee, extend the period of an approval under this section.
- (11) The Minister may, by written notice to a permittee or retention licensee, cancel an approval under this section if the permittee or licensee:
  - (a) did not comply with a condition of the approval; or
  - (b) has been issued with a notice under section 30 or 43.

**57AAB Transfer of interest in application for petroleum interest**

- (1) This section applies to a person who:
  - (a) has applied for a petroleum interest; and
  - (b) is seeking to transfer the person's interest in the application to another person.

- (2) The transfer has no effect unless it is approved by the Minister.
- (3) An application for the approval of the Minister must:
  - (a) be in the approved form; and
  - (b) be accompanied by an instrument of transfer that is signed or executed in the manner specified in the approved form; and
  - (c) in the case of an application for a permit or licence – be accompanied by the information required by the Minister including information to establish that the proposed transferee, and any associated entity of the proposed transferee, is an appropriate person to hold the permit or licence; and
  - (d) be accompanied by the prescribed fee; and
  - (e) comply with any other requirement determined by the Minister and published on the Agency's website.
- (4) The Minister may, before determining an application under this section, request from the applicant or proposed transferee further information relating to the transfer to assist the Minister to determine the application.
- (5) In determining an application under this section in relation to a permit or licence, the Minister must be satisfied that the proposed transferee, and any associated entity of the proposed transferee, is an appropriate person to hold the permit or licence as required by section 15A (and may take into account any other matter determined to be relevant by the Minister).
- (6) If the Minister approves a transfer under this section, the Minister may:
  - (a) cause the transfer to be noted or given effect to in such manner as the Minister thinks appropriate; and
  - (b) require that any step taken in relation to the application to be repeated or varied in such manner as the Minister thinks appropriate.
- (7) An approval under this section may be subject to any other condition or requirement determined by the Minister and recorded as part of the Minister's approval.

### **57AAC Grant relating to Aboriginal land or native title land**

- (1) If any of the affected land to which an application for a petroleum interest comprises Aboriginal land, the Minister may grant a petroleum interest for that land only if the applicant has obtained any permit, consent or agreement required under the Land Rights Act.
- (2) If the Minister is satisfied that a grant of a petroleum interest will be a future act in relation to any of the land to be comprised in the petroleum interest, the Minister may grant the petroleum interest only if satisfied that all procedures under the Native Title Act relevant to the future act have been followed.

### **57AAD Ability of Minister to vary conditions of petroleum interest**

- (1) The Minister may, on the Minister's own initiative, vary a condition of a petroleum interest.
- (2) The Minister may take action under subsection (1) if the Minister believes on reasonable grounds that:
  - (a) the interest holder has contravened a provision of this Act or a direction or notice under this Act; or
  - (b) without limiting paragraph (a), the interest holder has failed to comply with a condition of the petroleum interest; or
  - (c) the action is reasonably necessary to protect:
    - (i) any aspect of the environment; or
    - (ii) any person, property or infrastructure.
- (3) Before taking action under subsection (1), the Minister must:
  - (a) by written notice, inform the interest holder of the proposed action and the reasons for it; and
  - (b) allow the interest holder an opportunity to make representations about the proposed action within a period (being at least 28 days) specified in the notice.
- (4) As soon as practicable after making a decision to take action under subsection (1), the Minister must give notice to the interest holder setting out details of the action that has been taken.

## **57AAE Insurance**

- (1) It is a condition of a petroleum interest that the interest holder will maintain an insurance policy as required by the Minister during any period determined or directed by the Minister.
- (2) The Minister may, from time to time, require that an insurance policy under subsection (1) be varied or substituted.

## **Division 6 Review of determinations**

### **Subdivision 1 Judicial review**

#### **57ABA Judicial review of decision or determination**

Any person may seek judicial review by the Supreme Court of a decision or determination specified in Schedule 2, whether or not any right of the person has been affected by, or as a consequence of, the decision or determination.

*Note for section 57ABA*

*Order 56 of the Supreme Court Rules 1987 applies in relation to judicial review.*

### **Subdivision 2 Review by Tribunal**

#### **57AB Review by Tribunal**

- (1) The Tribunal has jurisdiction to review a decision or determination (a **reviewable decision**) specified in Schedule 3.
- (2) An **interested person**, for a reviewable decision, is a person specified in Schedule 3 for the decision.
- (3) An interested person for a reviewable decision may apply to the Tribunal for review of the reviewable decision.

*Note for subsection (3)*

*The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to the Tribunal for review and other relevant matters in relation to reviews.*

- (4) A person must not apply for review of a reviewable decision for reasons of commercial competition.
- (5) Unless the Tribunal orders otherwise, an application for review by the Tribunal does not affect the operation or implementation of the decision or determination under review.

## **Part III            General provisions relating to petroleum interests**

### **Division 1        Rights and duties of permittee or licensee**

#### **Subdivision 1    Conditions**

##### **58            General conditions**

An exploration permit or licence granted under this Act is subject to the conditions that the permittee or licensee shall:

- (aa) pay royalties in accordance with the *Petroleum Royalty Act 2023*.
- (a) comply with such provisions of this Act as are in force from time to time relating to the payment of annual fees, levies; and
- (b) conduct all operations in relation to the exploration permit or licence area, with reasonable diligence, in particular in accordance with:
  - (i) good oilfield practice; and
  - (ii) the approved technical works programme; and
- (c) carry out the technical works programme and other activities in relation to the exploration permit or licence area in such a way as to cause as little disturbance as practicable to the environment and comply with such directions, if any, as the Minister, from time to time, gives for minimizing that disturbance, or restoring or rehabilitating the disturbed surface area, of the land; and
- (d) not allow the escape or release from the exploration permit or licence area of any petroleum except in the interest of safety or in accordance with good oilfield practice or the provisions of the relevant technical works programme, without the approval of the Minister but may allow the release or removal of such quantities of petroleum as is reasonably required for the purpose of sampling and testing; and
- (e) conduct the technical works programme and other activities in relation to the exploration permit or licence area in such a way as to not interfere with existing roads, railways, telephone or telegraph lines, power lines and cables, water pipelines or dams or reservoirs or energy pipelines or tailing pipelines or storage containers situated within the permit or licence area except in accordance with the approval of the Minister; and

- (f) comply with lawful directions, if any, of the Minister in relation to the protection of the environment in or upon the exploration permit or licence area or adjacent areas which are or may be affected by his operations; and
- (g) not erect a permanent structure or facility within the exploration permit or licence area unless the erection of the structure or facility has been approved; and
- (ga) ensure, in relation to a well capable of producing or recovering petroleum, that a measuring device approved by the CEO is installed on the exploration permit or licence area at a location required or approved by the CEO before commencing any production or recovery operations at that well; and
- (h) where his or her exploration permit or licence area is wholly or partly comprised of Aboriginal land, inform his employees, agents and contractors working within the permit or licence area of:
  - (i) the relevant provisions of the Land Rights Act and other Acts relating to conduct upon Aboriginal land; and
  - (ii) the principal provisions of any agreement relevant to the activities of his agents, contractors and employees he has reached with the relevant Land Council in relation to the permit or licence area; and
- (j) conduct his operations and activities in relation to the exploration permit or licence area in such a way as to not interfere with the lawful rights or activities of any other person.

## **Subdivision 2 Resource management, activity and infrastructure plans**

### **59 Definitions**

In this Subdivision:

***licensee*** includes a person who has applied for a licence.

***permittee*** includes a person who has applied for a permit.

### **60 Types of plans**

- (1) A ***well operations management plan*** is a plan, prepared by a permittee or licensee, that demonstrates to the Minister that well activities will be appropriately managed over the entire life cycle of the well, including in relation to drilling, well construction, operation, re-entry, modification, decommissioning and the post-

decommissioning period, to ensure that the risks to the integrity of the well are reduced to as low as is reasonably practicable.

- (2) A **field management plan** is a plan, prepared by a licensee for a production licence, that demonstrates to the Minister that the licensee has a strategic plan for the life cycle of the field that will provide for the maximum economic recovery of petroleum, and will return the optimal value of the resource, including the optimal value to the Territory, after taking into account good oilfield practice and any other relevant factor under this Act.
- (3) A **petroleum surface infrastructure plan** is a plan, prepared by a licensee for a production licence, that demonstrates to the Minister that petroleum surface infrastructure on the licence area will be appropriately designed, built, operated and decommissioned to ensure that petroleum recovered under the licence will be appropriately managed from the point of extraction at the wellhead to the point of removal from the licence area in order to secure supply and to return the optimal value of the resource, including the optimal value to the Territory, after taking into account good oilfield practice and any other relevant factor under this Act.

## 61            **Application for approval**

- (1) A permittee or licensee who proposes to commence any well-related operations under the permit or licence, or the production of petroleum under a licence, must first submit to the Minister, for approval:
  - (a) a well operations management plan; and
  - (b) in the case of a production licence:
    - (i) a field management plan; and
    - (ii) a petroleum surface infrastructure plan.
- (2) A plan submitted under subsection (1) must be:
  - (a) in the approved form; and
  - (b) accompanied by the prescribed fee.
- (3) A plan submitted under subsection (1) must include the prescribed information and comply with any guidelines published by the Minister.
- (4) The Minister may give the permittee or licensee a written notice requiring further information about any matter required by regulation or guidelines to be included in the plan.

- (5) A permittee or licensee must comply with a notice under subsection (4) within 14 days after the notice is given or within a longer period allowed by the Minister.
- (6) A well operations management plan or petroleum surface infrastructure plan submitted under this section must be accompanied by a proposal for the petroleum infrastructure decommissioning security to be provided in connection with the plan.
- (7) A field management plan submitted under this section must be accompanied by an application for the approval of a rate of recovery.
- (8) A proposal or application under subsection (6) or (7) must be in the approved form.

#### **61A        Approval**

- (1) The Minister must not approve a plan under this Subdivision unless satisfied:
  - (a) that the plan has been prepared in accordance with the requirements of this Act, including any relevant approved code of practice; and
  - (b) that the plan demonstrates that the permittee or licensee has adequately considered and addressed all the factors and risks relevant to ensuring that the plan meets its objectives under this Act.
- (2) The Minister may on the receipt of a plan and any additional information provided by a permittee or licensee under this Subdivision:
  - (a) approve the plan; or
  - (b) not approve the plan on the basis that the Minister cannot approve the plan under subsection (1).
- (3) The Minister must make a decision under subsection (2) within the designated period together with any period that the permittee or licensee takes to comply with a notice under section 61(4) if a notice is given under that section.
- (4) A plan approved by the Minister under this section is subject to any conditions specified by the Minister on the approval of the plan.
- (5) The rate of recovery may be approved by the Minister if the Minister is satisfied that the rate at which petroleum will be extracted under

the field management plan is consistent with good oil field practice and seeks to maximise the economic development potential of the field and the return of the optimal value of the resource.

(6) In this section:

***designated period*** means:

- (a) in the case of a well operations management plan – 45 days from when the plan is submitted for approval; and
- (b) in the case of a field management plan – 120 days from when the plan is submitted for approval; and
- (c) in the case of a petroleum surface infrastructure plan – 90 days from when the plan is submitted for approval.

#### **61B        Review of plan**

- (1) An approved plan may be reviewed at any time by the permittee or licensee (but a revised plan does not have effect unless approved by the Minister).
- (2) An approved plan must be reviewed:
  - (a) in the case of a well operations management plan:
    - (i) before the permittee or licensee commences an activity not covered by the plan or inconsistent with the plan; or
    - (ii) before the permittee or licensee makes a significant change to the manner in which risks to the integrity of a well covered by the plan are managed so as to be as low as is reasonably practicable; or
    - (iii) as soon as practicable after the integrity of a well covered by the plan becomes subject to a significant new risk or a significantly increased level of risk; or
  - (b) in the case of a field management plan:
    - (i) before the licensee makes a significant change to the development strategy or management strategy of the field covered by the plan; or
    - (ii) before the licensee makes a significant change to the equipment or procedures used to determine the quantity or composition of petroleum or water produced during operations; or

- (iii) before ceasing production for a material period of time;  
or
  - (c) in the case of a petroleum surface infrastructure plan:
    - (i) before the licensee commences an activity not covered by the plan or inconsistent with the plan; or
    - (ii) before the licensee makes a significant change to the manner in which risks to the integrity of any surface infrastructure covered by the plan are managed so as to be as low as is reasonably practicable; or
    - (iii) as soon as practicable after the integrity of any surface infrastructure covered by the plan becomes subject to a significant new risk or a significantly increased level of risk; or
  - (d) if the plan has been in operation for 5 years since it was approved without review, or since it was last reviewed; or
  - (e) if the Minister directs that the plan must be reviewed; or
  - (f) if a review is required in prescribed circumstances.
- (3) A review must be conducted:
- (a) in accordance with prescribed requirements; and
  - (b) within a prescribed period.
- (4) A copy of a plan revised after being reviewed under this section must be given to the Minister in accordance with any prescribed requirements.
- (5) A revised plan given to the Minister under subsection (4) must be accompanied by the prescribed fee.
- (6) The Minister may on the receipt of a revised plan:
- (a) approve the revised plan; or
  - (b) not approve the revised plan on the basis that the revisions are inappropriate or would not allow the plan to be approved as an original plan under this Act.

### **61C        Variation of conditions**

- (1) The Minister may, if the Minister considers it appropriate after consultation with a permittee or licensee, by written notice served on the permittee or licensee, vary a condition of an approved plan.

- (2) A permittee or licensee may apply to the Minister to vary a condition of an approved plan.
- (3) An application under subsection (2) must be:
  - (a) in the approved form; and
  - (b) accompanied by the prescribed fee.
- (4) On receiving an application under subsection (2), the Minister may, by notice served on the permittee or licensee, vary a condition of an approved plan in accordance with the application.

#### **61D        Transfer of permit or licence**

- (1) An approved plan continues to apply in relation to a permit or licence if an interest in the permit or licence is transferred to another person.
- (2) Subsection (1) does not prevent a revised plan being approved under section 61B.

#### **61E        Offences relating to plans**

- (1) A permittee or licensee commits an offence if:
  - (a) the permittee or licensee intentionally engages in conduct; and
  - (b) the conduct is part of an activity for which an approved plan is required under this Subdivision and the permittee or licensee is reckless in relation to that circumstance; and
  - (c) the activity is not covered by the plan.

Maximum penalty:        2 000 penalty units.

- (2) Strict liability applies to subsection (1)(c).
- (3) A permittee or licensee commits an offence if:
  - (a) the permittee or licensee engages in conduct; and
  - (b) the conduct is part of an activity for which an approved plan is required under this Subdivision; and
  - (c) the activity is not covered by the plan.

Maximum penalty:        200 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.

- (5) A permittee or licensee commits an offence if:
- (a) the permittee or licensee intentionally engages in conduct; and
  - (b) the conduct is part of an activity for which an approved plan is required under this Subdivision and the permittee or licensee is reckless in relation to that circumstance; and
  - (c) the permittee or licensee is the holder of the plan for the activity; and
  - (d) the conduct results in a contravention of the plan and the permittee or licensee is reckless in relation to that result.

Maximum penalty:     2 000 penalty units.

- (6) Strict liability applies to subsection (5)(c).

- (7) A permittee or licensee commits an offence if:

- (a) the permittee or licensee engages in conduct; and
- (b) the conduct is part of an activity for which an approved plan is required under this Subdivision; and
- (c) the permittee or licensee is the holder of the plan for the activity; and
- (d) the conduct results in a contravention of the plan.

Maximum penalty:     200 penalty units.

- (8) An offence against subsection (7) is an offence of strict liability.

- (9) It is a defence to a prosecution for an offence against subsection (1), (3), (5) or (7) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.

- (10) The defendant has the legal burden of proof in relation to a matter mentioned in subsection (9).

*Note for subsection (10)*

*The defendant has an evidential burden in relation to these defences (see section 43BU of the Criminal Code).*

- (11) A permittee or licensee is exempt from an offence against this section if acting in an emergency in which there is a likelihood of any of the following:

- (a) injury;

- (b) significant discharge of fluids from a well;
- (c) damage to:
  - (i) an underground formation that contains petroleum; or
  - (ii) an aquifer; or
  - (iii) any other part of the environment;
- (d) significant damage to a well or surface infrastructure.

*Note for subsection (11)*

*The permittee or licensee has an evidential burden in relation to this exemption (see section 43BU of the Criminal Code).*

**61F Specific duty relating to well and surface infrastructure integrity**

- (1) A permittee or licensee must take reasonable steps to:
  - (a) identify and assess any hazard or risk that might compromise the integrity of a well or surface infrastructure; and
  - (b) implement and maintain measures to eliminate or, if that is not reasonably practicable, control, any hazard or risk that might compromise the integrity of a well or surface infrastructure.
- (2) A permittee or licensee commits an offence if the permittee or licensee fails to take reasonable steps to control any hazard or risk that might compromise the integrity of a well or surface infrastructure.

Maximum penalty: 500 penalty units.

- (3) An offence against subsection (2) is an offence of strict liability.

**61G Specific provision for rate of recovery**

- (1) The Minister may, at any time during the term of the licence, direct a petroleum licensee to:
  - (a) provide information necessary to ensure that an appropriate rate of recovery is being achieved under the licence; or
  - (b) increase or decrease the rate of recovery under the licence to a rate acceptable to the Minister; or
  - (c) cease operations at a well or wells specified by the Minister; or

- (d) review the relevant field management plan and submit a new rate of recovery proposal for approval.
- (2) A review under subsection (1)(d) must be conducted:
  - (a) in accordance with the Minister's direction; and
  - (b) within a period specified by the Minister.
- (3) The Minister may, when satisfied that an appropriate rate of recovery has been established following a review under subsection (1)(d), approve a new rate of recovery.
- (4) A person commits an offence if the person is subject to a direction under subsection (1) and the person contravenes the direction.  
  
Maximum penalty:        1 300 penalty units.
- (5) An offence against subsection (4) is an offence of strict liability.
- (6) It is a defence to a prosecution for an offence against subsection (4) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (7) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (6).

### **Subdivision 3   Reports and samples**

#### **61H        Annual reports**

- (1) An interest holder must, within 1 month after the end of each reporting period, give to the Minister a report for that reporting period that relates to the interest holder's petroleum interest (an **annual report**).
- (2) The annual report must be in the approved form.
- (3) The annual report must be provided even if work under the petroleum interest is suspended.
- (4) The annual report must include the prescribed information.
- (5) The Minister may, by written notice, direct the interest holder to provide any information that should have been included in an annual report under this section.
- (6) A direction under subsection (5) must be given within 1 month after the annual report is given to the Minister under subsection (1).

- (7) The interest holder must comply with a direction under subsection (5) within 14 days after the direction is given or within a longer period allowed by the Minister.
- (8) An interest holder commits an offence if the interest holder contravenes a requirement under subsection (1) or (7).  
  
Maximum penalty:     200 penalty units.
- (9) An offence against subsection (8) is an offence of strict liability.
- (10) If an interest holder fails to comply with a requirement to give a report or information to the Minister under this section within the period required under this section, the prescribed late lodgement fee is payable by the interest holder for each week or part of a week while the interest holder is in default.
- (11) The Minister may remit an amount payable under subsection (10) in the whole or in part.
- (12) The Minister may recover an amount payable under subsection (10) in a court of competent jurisdiction as a debt due and payable to the Territory.
- (13) A reference in this section to an interest holder includes a reference to a former interest holder in relation to the last reporting period for the relevant petroleum interest.

#### **61J        Survey and other reports**

- (1) An interest holder must give the Minister the following reports with respect to surveys conducted in relation to a petroleum interest:
  - (a) a weekly survey report;
  - (b) for a downhole survey – a downhole survey report;
  - (c) for a geophysical or geological survey:
    - (i) an acquisition report; and
    - (ii) a processing report; and
    - (iii) a final survey report in the form of an interpretation report.
- (2) A report under subsection (1) must be provided to the Minister as follows:
  - (a) a weekly survey report must be provided at the end of each week while the survey is being conducted;

- (b) a downhole survey report must be provided by the end of the month after the month during which the survey was completed, or within a longer period allowed by the Minister in a particular case;
  - (c) an acquisition report, a processing report or a final survey report must be provided within 12 months after the completion of the acquisition of the data associated with the survey, or within a longer period allowed by the Minister in a particular case.
- (3) An interest holder must give to the Minister a prescribed report if the interest holder undertakes a geoscientific study or the reprocessing of pre-existing data acquired in a geophysical or geological survey.
- (4) A report under subsection (3) must be provided to the Minister within 12 months after the study is undertaken or reprocessing of the data is completed.
- (5) A report under this section must be provided in the approved form.
- (6) A report under this section must:
- (a) include the prescribed information; and
  - (b) comply with, and be accompanied by any information required by, reporting guidelines published by the Minister for the purposes of this section.
- (7) A person commits an offence if the person is required to give a report to the Minister under this section and the person contravenes that requirement.
- Maximum penalty:        200 penalty units.
- (8) An offence against subsection (7) is an offence of strict liability.
- (9) If an interest holder fails to comply with a requirement to give a report to the Minister under this section within the period required under this section, the prescribed late lodgement fee is payable by the interest holder for each week or part of a week while the interest holder is in default.
- (10) The Minister may remit an amount payable under subsection (9) in the whole or in part.
- (11) The Minister may recover an amount payable under subsection (9) in a court of competent jurisdiction as a debt due and payable to the Territory.

## **61K        Well completion reports**

- (1) A permittee or licensee must give reports under this section if the drilling or boring of a well on a permit or licence area ceases or is completed.
- (2) The permittee or licensee must give to the Minister:
  - (a) within 3 months after rig release – an initial well completion report in the approved form; and
  - (b) within 12 months after rig release, or within a longer period allowed by the Minister – a final well completion report in the approved form.
- (3) A report under this section must include the prescribed information and comply with any guidelines published by the Minister for the purposes of this section.
- (4) A person commits an offence if the person is required to give a report to the Minister under this section and the person contravenes that requirement.

Maximum penalty:        200 penalty units.

- (5) An offence against subsection (4) is an offence of strict liability.
- (6) If a permittee or licensee fails to comply with a requirement to give a report to the Minister under this section within the period required under this section, the prescribed late lodgement fee is payable by the permittee or licensee for each week or part of a week while the interest holder is in default.
- (7) The Minister may remit an amount payable under subsection (6) in the whole or in part.
- (8) The Minister may recover an amount payable under subsection (6) in a court of competent jurisdiction as a debt due and payable to the Territory.
- (9) A report given to the Minister under this section remains confidential until the earliest of the following (and then may be released by the Minister):
  - (a) 2 years from rig release;
  - (b) the date on which the permit or licence comes to an end (without a licence or new licence being granted to the permittee or licensee);

- (c) the relinquishment of the block where the well was located.

## **61L        Samples**

- (1) A permittee or licensee must offer to the Minister:
  - (a) all cuttings collected and core obtained from a well within 6 months after rig release; and
  - (b) all fluid and gas samples obtained from a well as soon as practicable after they are collected.
- (2) A sample must be collected, prepared, identified and provided to the Minister in accordance with any guidelines published by the Minister for the purposes of this section.
- (3) A sample, or a portion of a sample, provided to the Minister must be accompanied by the approved form.
- (4) The Minister may:
  - (a) determine that a sample, or a class of sample, is not required to be submitted to the Minister; or
  - (b) determine that a portion of a sample may be retained by the permittee or licensee.
- (5) The Minister may require that a sample, or a portion of a sample, retained by a permittee or licensee under subsection (4), be submitted to the Minister at a later time.
- (6) A sample, or a portion of a sample, must not be:
  - (a) sent overseas by a permittee or licensee without the approval of the Minister; or
  - (b) disposed of or destroyed by a permittee or licensee without the approval of the Minister.
- (7) An approval under subsection (6) may be granted subject to conditions determined by the Minister.
- (8) The Minister may store, retain or dispose of a sample, or a portion of a sample, provided under this section as the Minister considers appropriate.
- (9) The Minister may release a sample, or a portion of a sample, as provided by regulation.

- (10) A permittee or licensee commits an offence if the permittee or licensee is required to comply with a provision of this section and the permittee or licensee contravenes that requirement.

Maximum penalty:        200 penalty units.

- (11) A permittee or licensee commits an offence if the permittee or licensee is subject to a condition imposed by the Minister under this section and the permittee or licensee contravenes that condition.

Maximum penalty:        200 penalty units.

- (12) An offence against subsection (10) or (11) is an offence of strict liability.

- (13) It is a defence to a prosecution for an offence against subsection (10) or (11) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.

*Note for subsection (13)*

*The defendant has an evidential burden in relation to the matters in subsection (13) (see section 43BU of the Criminal Code).*

- (14) The defendant has the legal burden of proof in relation to a matter mentioned in subsection (13).

- (15) In this section:

**sample** means:

- (a) cuttings and cores; and
- (b) fluid and gas acquired as samples.

## **62        Project reports**

- (1) The Minister may direct that a retention licensee provide a report on a specified project or activity or all projects and activities within his licence area.
- (2) Where, under subsection (1), the Minister directs a retention licensee to provide a report, he may waive the requirements for an annual report to be lodged by the licensee in relation to the licence area.

## **Subdivision 4   Management of information**

### **62A        Release of information by Minister**

- (1) The Minister may, at any time, release or publish statistical or industry information, collected or acquired under this Act, that does not identify a particular person or body.
- (2) The Minister may, at any time, release information, collected or acquired under this Act to another Minister if the release:
  - (a) is for the purposes of the calculation, collection or recovery of:
    - (i) a fee or charge payable to the Territory under this Act; or
    - (ii) royalty payable on petroleum; or
    - (iii) a levy payable to the Territory under this Act; or
  - (b) relates to the exercise of a power or the performance of a function by the other Minister under this Act.
- (3) The Minister may release or publish basic information, collected or acquired under this Act, at any time after 2 years from the date on which the information was required to be given to the Minister under this Act (even if the information was not given to the Minister on time).
- (4) The Minister may release or publish interpretative information, collected or acquired under this Act, at any time after 4 years from the date on which information forming part of the interpretative information was required to be given to the Minister under this Act (even if the information was not given to the Minister on time).
- (5) The Minister may release or publish any other information relating to a petroleum interest of a kind prescribed for this subsection at any time after 5 years from the date on which it was given or acquired by the Minister.
- (6) A time limit under subsection (3), (4) or (5) ceases to apply to the release of the information if:
  - (a) the petroleum interest to which the information relates comes to an end, other than in the case of a permit or licence if a licence or new licence is granted to the permittee or licensee; or
  - (b) the information relates exclusively to a particular block and the block is relinquished.

- (7) The Minister must not release or publish the following information under subsections (1) to (6):
- (a) information concerning a trade secret;
  - (b) other information the disclosure of which would, or could reasonably be expected to, adversely affect the lawful business, commercial or financial affairs of a person;
  - (c) information:
    - (i) outlining the technical qualifications of a person; or
    - (ii) comprising personal information; or
    - (iii) outlining or comprising technical advice that has been provided to an applicant for a petroleum interest or to the holder of a petroleum interest; or
    - (iv) outlining the financial resources available to an applicant for a petroleum interest or to the holder of a petroleum interest;
  - (d) an annual report;
  - (e) information of a kind prescribed for this subsection.
- (8) This section does not limit the power of the Minister to release information:
- (a) under another provision of this Act; or
  - (b) if the Minister is required to release the information by a court or the Tribunal; or
  - (c) if the information is required for compliance or enforcement proceedings (including a prosecution or proceedings for a civil order) under this Act or being considered under this Act; or
  - (d) if the Minister is authorised to release the information by regulation for this subsection.
- (9) Information that the Minister must not release under this section is exempt from the operation of the *Information Act 2002*.
- (10) Subsection (9) does not extend to Part 9 of the *Information Act 2002*.

(11) In this section:

**basic information** is any information or data acquired or observed in the field or a laboratory and includes physical and chemical measurements conducted as part of the analysis of fluid or core or cutting samples.

**interpretative information** is a conclusion or opinion based wholly or partly on basic information analysis or other documentary information.

## **Subdivision 5    Other requirements and related provisions**

### **63            Payment of first year's annual fee in respect of exploration permit or licence**

If:

- (a) the Minister determines to grant or renew an exploration permit or a licence and gives notice to the applicant of the conditions on which the Minister is prepared to grant or renew the permit or licence; and
- (b) the applicant gives to the Minister the applicant's written acceptance of the conditions specified in the notice within the time specified under this Act in respect of the exploration permit or licence concerned for accepting the conditions,

the applicant must, at the same time as accepting the conditions, pay to the Minister the annual fee for the first year in respect of which the permit or licence is or will be granted or renewed.

### **64            Discovery to be notified**

- (1) If petroleum is discovered within an exploration permit or licence area, the permittee or licensee must:
  - (a) notify the Minister of the discovery by using the approved form within 3 days after the discovery and in any case before any announcement is made about the discovery to the Australian Securities Exchange or to the general public; and
  - (b) provide the Minister with a report on the evaluation of the discovery by using the approved form within 3 months after the date of the discovery.

- (2) A permittee or licensee commits an offence if the permittee or licensee is subject to a requirement under subsection (1) and the permittee or licensee fails to comply with that requirement.

Maximum penalty:     400 penalty units.

- (3) An offence against subsection (2) is an offence of strict liability.
- (4) The Minister may, by written notice, direct a permittee or licensee to provide further particulars of a discovery notified under subsection (1).
- (5) A notice under subsection (4) may direct the permittee or licensee to provide the particulars:
- (a) in a manner and form specified in the notice; and
  - (b) within a period specified in the notice.

- (6) A permittee or licensee commits an offence if the permittee or licensee is given a direction under subsection (4) and the permittee or licensee contravenes the direction.

Maximum penalty:     200 penalty units.

- (7) An offence against subsection (6) is an offence of strict liability.
- (8) It is a defence to a prosecution for an offence against subsection (2) or (6) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (9) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (8).

## **65        Access**

- (1) Subject to section 82, where a person is given the right to occupy land as a permittee or licensee, he shall have, for himself, his employees, agents and contractors, a right to construct a road or carry out other work to ensure access to the exploration permit or licence area by the shortest practicable route to a road, within the meaning of the *Control of Roads Act 1953*, a railway line, the sea or a waterway.
- (2) For the purpose of constructing a road or carrying out work to ensure access to an exploration permit or licence area, the permittee or licensee as the case may be may enter land with such machinery, equipment and workmen as is or are necessary to mark out and construct the road or carry out the work.

## **66            Exploration permit held by 2 or more persons**

- (1) Where an exploration permit is granted to 2 or more persons, it is held by them:
  - (a) in the shares specified in the permit document; or
  - (b) where the permit document does not specify such shares, in equal shares.
- (2) Where a retention licence is granted, it is to be granted in the name or names of the holder or holders of the exploration permit from which the licence derives, but where the retention licence is granted to 2 or more persons, the retention licence may at the request of the applicants be granted in shares different from those in which the permit was held.
- (3) Where a production licence is granted, it is to be granted in the name or names of the holders of the exploration permit or, where a retention licence was held, the retention licence from which the production licence derives, but when the production licence is granted to 2 or more persons, it may at the request of the applicants be granted in shares different from those in which the permit or retention licence was held.

## **68            Fencing**

The Minister may, by notice to a permittee or licensee, require the permittee or licensee to fence his or her exploration permit or licence area in accordance with the notice.

## **69            Unit development**

- (1) If, except in relation to Aboriginal land, the Minister is satisfied that a petroleum pool extends beyond a licence area and it is desirable, for the purpose of securing economy and efficiency and of avoiding wasteful and harmful development and practices, that the petroleum pool should be worked as one unit, the Minister may:
  - (a) vary the area of the licence by including in it any block, not comprising land to which paragraph (b) applies, to which the petroleum pool extends; or
  - (b) where the petroleum pool extends into an adjacent exploration permit or licence area held by another person, require the licensee and each permittee and licensee of the adjacent areas, by notice served on each of them, to prepare and furnish to him a scheme for registration under section 96 for the working and development of the petroleum pool as one unit.

- (1A) The Minister may only vary the area of a licence under subsection (1)(a) on the application of the licensee.
- (2) Additional land included in a licence under subsection (1) shall be:
- (a) compact and limited by well-marked permanent physical boundaries; or
- (b) substantially in the form of a rectangle.
- (3) A notice under subsection (1)(b) shall specify the land in relation to which, and the time within which, the Minister requires the scheme to be furnished.
- (4) Where a scheme is not furnished within the time specified in a notice under subsection (1), or where the Minister does not approve the scheme furnished to him, the Minister shall prepare a scheme and supply particulars of it to each permittee and licensee to whom notice was served under subsection (1).
- (5) A permittee and licensee to whom the Minister has supplied particulars of a scheme under subsection (4) shall perform and observe all the conditions of that scheme.
- (6) A licensee may enter into an agreement in writing for and in relation to the development of a petroleum pool as a unit but such an agreement does not have any force until it is registered under section 96.
- (7) For the purposes of subsection (6), an agreement includes a variation of a scheme prepared under subsection (1) or (4).

**69A      Ability to waive, suspend or reduce annual fee or levy**

- (1) A permittee or licensee may apply to the Minister to waive, suspend or reduce an annual fee or levy payable in relation to a permit or licence.
- (2) The Minister may, on receipt of an application under subsection (1), by written notice to the applicant, waive, suspend or reduce an annual fee or levy if satisfied that it is appropriate to do so.
- (3) The Minister must consult with the Environment Minister before waiving, suspending or reducing a monitoring and compliance levy under this section.

## **Division 2      Actions by Minister**

### **70      Gazettal of instruments**

The Minister shall cause to be published in the *Gazette*, with such particulars as he thinks fit, notice of:

- (a) an application for an exploration permit or licence;
- (b) the granting of an exploration permit or licence;
- (c) a surrender or cancellation of an exploration permit or licence in whole or in part;
- (d) the expiration of an exploration permit or licence; and
- (e) the renewal of an exploration permit or licence.

### **71      Directions by Minister**

- (1) The Minister may, by notice served on a permittee or licensee, give to the permittee or licensee directions as to any matter in relation to which regulations may be made under this Act.
- (1A) A direction under subsection (1) may apply, adopt or incorporate a standard, code or other document as in force or existing at a particular time or as in force from time to time.
- (2) Despite anything to the contrary in the Regulations, a permittee or licensee must comply with a direction under subsection (1) and, to the extent to which the Regulations are inconsistent with the direction, the permittee or licensee to whom the direction is given is not obliged to comply with the Regulations.
- (3) A person commits an offence if:
  - (a) the person is a permittee or licensee; and
  - (b) the permittee or licensee is given a direction under subsection (1); and
  - (c) the permittee or licensee intentionally engages in conduct; and
  - (d) the conduct results in a contravention of the direction and the permittee or licensee is reckless in relation to that result.

Maximum penalty:      3 000 penalty units.

- (4) Strict liability applies to subsection (3)(a) and (b).

- (5) A permittee or licensee commits an offence if the permittee or licensee is given a direction under subsection (1) and the permittee or licensee contravenes the direction.

Maximum penalty:        200 penalty units.

- (6) An offence against subsection (5) is an offence of strict liability.
- (7) It is a defence to a prosecution for an offence against subsection (3) or (5) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (8) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (7).

## **72            Compliance with direction**

If an action required by a direction given by the Minister under this Act is not taken, the CEO may:

- (a) cause that action to be taken; and
- (b) recover the cost of taking that action from any person subject to the direction in a court of competent jurisdiction as a debt due and payable to the Territory.

## **Division 3            Surrender, cancellation, &c.**

### **73            Surrender**

- (1) An interest holder may apply to the Minister to surrender all or part of the area to which the petroleum interest relates (the **proposed surrender area**).
- (2) An application may not be made under subsection (1) unless:
- (a) all operations carried on in the proposed surrender area have ceased; and
- (b) all of the environmental outcomes required under this or another Act, including remediation and rehabilitation of land, have been met; and
- (c) any approved environment management plan that applied in relation to the proposed surrender area ceases to be in force in relation to the proposed surrender area.
- (3) Subsection (2)(b) applies in relation to:
- (a) the land comprising the proposed surrender area; and

- (b) any adjacent land that is or may be affected by operations carried on in the proposed surrender area.
- (4) An application under this section must be in the approved form.
- (5) The application must be accompanied by:
  - (a) a statement confirming that:
    - (i) all operations referred to in subsection (2)(a) have ceased; and
    - (ii) all environmental outcomes referred to in subsection (2)(b) have been met; and
  - (b) for subsection (2)(c) – a copy of a notice issued by the Environment Minister that provides for the approved environment management plan to no longer be in force; and
  - (c) any other prescribed document or information; and
  - (d) the prescribed fee.
- (6) The Minister may, by written notice, require an applicant to give a report or other information to the Minister.
- (7) The Minister is not required to make a decision on an application until the applicant complies with any requirement under subsection (6).
- (8) In the case of a partial surrender, the Minister may refuse to accept the surrender if the Minister is not satisfied that:
  - (a) the requirements under subsection (2) are satisfied; and
  - (b) the interest holder, in relation to the area to which the petroleum interest relates, complied with:
    - (i) the conditions of the petroleum interest; and
    - (ii) the provisions of this Act; and
    - (iii) any direction under this Act that is still relevant; and
  - (c) the retained area will:
    - (i) form one or more discrete areas comprising not less than the minimum number of blocks allowed under this Act; and

- (ii) be a shape and size that complies with the other requirements of this Act; and
  - (d) the surrender is appropriate taking into account the relevant well operations management plan and petroleum surface infrastructure plan, and any other relevant matter.
- (9) The Minister may, if satisfied that circumstances justify the acceptance of a surrender, accept a partial surrender if the retained area does not comply with subsection (8)(c).
- (10) In the case of a complete surrender, the Minister may refuse to accept the surrender if the Minister is not satisfied that:
- (a) the requirements under subsection (2) are satisfied; and
  - (b) the interest holder, in relation to the area to which the petroleum interest relates, complied with:
    - (i) the conditions of the petroleum interest; and
    - (ii) the provisions of this Act; and
    - (iii) any direction under this Act that is still relevant; and
  - (c) the surrender is appropriate taking into account the relevant well operations management plan and petroleum surface infrastructure plan, and any other relevant matter.
- (11) An interest holder is not entitled to a refund of part of an annual fee for an unexpired period after the acceptance of the surrender.

#### **74 Cancellation**

- (1) Subject to this section, the Minister may cancel an exploration permit or licence in relation to all or any of the blocks to which the permit or licence relates if the permittee or licensee:
- (a) did not comply with a condition of the permit or licence; or
  - (b) did not comply with a provision of this Act; or
  - (c) did not comply with a direction given by the Minister; or
  - (d) did not pay, within 3 months after the date on which it became due, an amount payable by the permittee or licensee under this Act; or
  - (e) was found guilty of an offence under this Act.

- (2) Where the Minister determines to cancel an exploration permit or licence, he shall, by notice served on the permittee or licensee, inform the permittee or licensee of his intention to cancel the permit or licence.
- (3) A notice under subsection (2) shall specify:
  - (a) the reason for the Minister determining to cancel the exploration permit or licence; and
  - (b) a date, being not earlier than 28 days after the date of the notice, by which the permittee or licensee may submit reasons as to why the Minister should not cancel the exploration permit or licence.
- (4) After the date referred to in subsection (3)(b), the Minister shall consider the submissions, if any, of the permittee or licensee and in his discretion cancel the exploration permit or licence or repeal his notice.
- (4A) Nothing in this section limits:
  - (a) the ability to commence proceedings for an offence against this Act; or
  - (b) the ability to commence proceedings for a debt due and payable under this Act; or
  - (c) any other action that may be taken under another provision of this Act in relation to a matter referred to in subsection (1); or
  - (d) any other provision of this Act that allows for a permit or licence to be cancelled.
- (5) Where an exploration permit or licence is cancelled in relation to the whole or part of an exploration permit or licence area, the permittee or licensee, may not apply for an exploration permit or licence in relation to that area within 2 years after the date of the cancellation.

## **75 Report on ceasing to hold exploration permit or licence area**

- (1) This section applies to:
  - (a) a person who has been a permittee or licensee and who ceases to hold the relevant exploration permit or licence; or
  - (b) a person who is a permittee or licensee if:
    - (i) the relevant exploration permit or licence area is reduced; or

- (ii) part of the relevant exploration permit or licence area is surrendered.
- (2) A person mentioned in subsection (1)(a) must, within the designated period after the person ceases to hold the exploration permit or licence, give to the Minister a report, on the exploration and other activities carried out on the exploration permit or licence area, as comprised from time to time, during the period of the exploration permit or licence.
  - (3) A person mentioned in subsection (1)(b)(i) must, within the designated period after the exploration permit or licence area has been reduced, give to the Minister a report on the exploration and other activities carried out on the exploration permit or licence area which has not been retained.
  - (4) A person mentioned in subsection (1)(b)(ii) must, within the designated period after part of the exploration permit or licence area has been surrendered, give to the Minister a report on the exploration and other activities carried out on the exploration permit or licence area which has been surrendered.
  - (5) A report under subsection (2), (3) or (4) must be in the approved form.
  - (6) A person commits an offence if the person is required to give a report to the Minister under this section and the person contravenes that requirement.

Maximum penalty: 200 penalty units.

- (7) An offence against subsection (6) is an offence of strict liability.
- (8) In this section:

***designated period*** means 3 months or any longer period allowed by the Minister in a particular case.

## **77 Removal of property on surrender, expiry or cancellation**

- (1) Where an exploration permit or licence has been surrendered or cancelled, in whole or in part, or has expired, the Minister may direct the person who is, or was, the permittee or licensee:
  - (a) to remove or cause to be removed from the former exploration permit or licence area, property brought into that area by any person engaged or concerned in operations authorised by the exploration permit or licence, or to make other arrangements in relation to the property satisfactory to the Minister;

- (b) to decommission all wells drilled or bored in the former exploration permit or licence area; and
- (c) to restore the surface of the former exploration permit or licence area, where disturbed, and take measures to rehabilitate the area, to the satisfaction of the Minister.

(2) A person commits an offence if:

- (a) the person is or was a permittee or licensee; and
- (b) the person is given a direction under subsection (1); and
- (c) the person intentionally engages in conduct; and
- (d) the conduct results in a contravention of the direction and the person is reckless in relation to that result; and
- (e) the conduct results in significant environmental harm and the person is reckless in relation to that result.

Maximum penalty: 6 500 penalty units or imprisonment for 5 years.

Minimum penalty: 650 penalty units.

(3) An offence against subsection (2) is a summary offence.

(4) A person commits an offence if:

- (a) the person is or was a permittee or licensee; and
- (b) the person is given a direction under subsection (1); and
- (c) the person intentionally engages in conduct; and
- (d) the conduct results in a contravention of the direction and the person is reckless in relation to that result; and
- (e) the conduct results in material environmental harm and the person is reckless in relation to that result.

Maximum penalty: 2 600 penalty units.

Minimum penalty: 260 penalty units.

(5) Strict liability applies to subsections (2)(a) and (b) and (4)(a) and (b).

- (6) A person commits an offence if:
- (a) the person is given a direction under subsection (1); and
  - (b) the person engages in conduct; and
  - (c) the conduct results in significant environmental harm.
- Maximum penalty:        2 600 penalty units.
- Minimum penalty:        260 penalty units.
- (7) A person who is or was a permittee or licensee commits an offence if the person is given a direction under subsection (1) and the person contravenes the direction.
- Maximum penalty:        1 300 penalty units.
- Minimum penalty:        130 penalty units.
- (8) An offence against subsection (6) or (7) is an offence of strict liability.
- (9) It is a defence to a prosecution for an offence against subsection (2), (4), (6) or (7) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (10) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (9).

## **78        Sale of property**

- (1) Where a person fails to comply with a direction under section 77, the Minister may remove and dispose of property on the former exploration permit or licence area, in such manner as he thinks fit.
- (2) Where under subsection (1) the Minister disposes of property by sale, he may deduct from the proceeds of the sale any costs and expenses incurred by him in relation to the direction and any fees and amounts due under the Act.
- (3) No action shall lie against the Minister by a person who fails to comply with a direction under section 77, or a person claiming through him, in relation to the removal, disposal or sale of property under subsection (1).

## **Division 4            Compensation**

### **81            Compensation to owners**

- (1) The holder of a petroleum interest must pay to:
- (aa) the owner of land comprised in the petroleum interest; and
  - (ab) any occupier of land comprised in the petroleum interest who has a registered interest in the land,
- in respect of the owner's and occupier's respective interests in the land, compensation for:
- (a) deprivation of use or enjoyment of the land, including improvements on the land; and
  - (b) damage, caused by the permittee or licensee, to the land or improvements on the land; and
  - (c) any other prescribed reason or circumstance.

*Note for subsection (1)*

*If a permittee or licensee and a person entitled to compensation are unable to agree on an amount or other benefit, by way of compensation, to which the person is entitled, either party may refer the dispute to the Tribunal under section 82A.*

- (6) No person is entitled under this section to compensation based on the known or potential occurrence of petroleum in or on the land.
- (7) An agreement in relation to compensation may include compensation for work undertaken under an exploration permit, retention licence or production licence or under all exploration permits and licences held by the permittee or licensee in relation to that land.
- (7A) The Regulations may provide for a method and manner of calculating compensation payable under this section.
- (8) In this section and section 82, **registered interest**, in relation to land, means an interest registered on the Register kept by the Registrar-General under Part 3 of the *Land Title Act 2000*.

### **82            Compensation for right of access**

- (1) Where any land over which a right to construct a road or carry out other work to ensure access to an exploration permit or licence area is injured or diminished in value as a result of the exercise of that right, the owner of the land and any occupier of the land who has a registered interest in that land are entitled to compensation

from the permittee or licensee for the loss or damage in respect of the owner's and occupier's respective interests in the land.

- (2) Compensation for the effect of the construction of a road or other work carried out to ensure access to an exploration permit or licence area on native title is payable to the native title holder by the permittee or licensee.

*Note for subsections (1) and (2)*

*If a permittee or licensee and a person entitled to compensation are unable to agree on an amount, by way of compensation, to which the person is entitled, either party may refer the dispute to the Tribunal under section 82A.*

- (3) A person who intends to claim compensation under this section must lodge the claim in writing with the holder of the relevant petroleum interest within 3 years after the act giving rise to the claim is done or within the further time the Tribunal allows.
- (4) The Tribunal has the jurisdiction to extend the time for making a claim referred to in subsection (3) as if the claim were an action to which section 44 of the *Limitation Act 1981* applies and the Tribunal were a court for the purposes of that section.
- (5) The Regulations may provide for a method and manner of calculating compensation payable under this section.

## **82A Jurisdiction of Tribunal for disputes**

- (1) The Tribunal has jurisdiction to deal with the following disputes:
  - (a) if a permittee or licensee and a person entitled to compensation under section 81(1) are unable to agree on an amount or other benefit, by way of compensation, to which the person is entitled;
  - (b) if a permittee or licensee and a person entitled to compensation under section 82(1) or (2) are unable to agree on an amount, by way of compensation, to which the person is entitled;
  - (c) any other kind of dispute prescribed by regulation.
- (2) A dispute mentioned in subsection (1)(a) or (b) may be referred to the Tribunal by either party.
- (3) The compensation that may be payable to a native title holder under section 82 is not determinable by the Tribunal until there is an approved determination of native title that the holder holds native title in the affected land.

- (4) A person entitled to compensation under section 82(1) or (2) includes a registered native title body corporate.

## **82B        Tribunal not to review decision**

Section 140 of the *Northern Territory Civil and Administrative Tribunal Act 2014* does not apply in relation to any arbitration, decision or determination of the Tribunal made under section 82A or 118(6A)(k).

*Note for section 82B*

*This section also provides that section 140 of the Northern Territory Civil and Administrative Tribunal Act 2014 does not apply to a decision made by the Tribunal arising from a dispute of a kind prescribed by regulation.*

## **Division 6        Inspectors**

### **Subdivision 1    Appointment of inspectors**

#### **87        Appointment**

- (1) The CEO or the Environment CEO may appoint a person to be an inspector for the purposes of this Act.
- (2) An appointment may be made subject to such conditions or limitations as the CEO or the Environment CEO thinks appropriate.

#### **88        Identity card**

- (1) The CEO or the Environment CEO must give an inspector an identity card stating the inspector's name and that the person is an inspector.
- (2) The identity card must:
- (a) display a recent photograph of the inspector; and
  - (b) state the card's date of issue; and
  - (c) be signed by the inspector.
- (3) This section does not prevent the issue of a single identity card to a person for this and another Act.
- (4) An inspector must, on request, produce the inspector's identity card before exercising the powers of an inspector under this Act in relation to a person or entering land or premises on a particular occasion.

## **89            Return of identity card**

- (1) A person who ceases to be an inspector must return the person's identity card to the CEO or the Environment CEO (as the case requires) within 15 business days after the cessation.
- (2) A person commits an offence if the person ceases to be an inspector and fails to return the person's identity card to the CEO or the Environment CEO within 15 business days after the cessation.

Maximum penalty:     20 penalty units.

- (3) An offence against subsection (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subsection (2) if the defendant has a reasonable excuse.

## **Subdivision 2   Functions and general powers**

### **89A        Functions**

- (1) An inspector has the following functions under this Act:
  - (a) to provide information and advice about compliance with this Act;
  - (b) to monitor compliance with this Act and to take action to require or secure compliance with this Act through the exercise of powers under this Act;
  - (c) to investigate contraventions of this Act and assist in the prosecution of offences;
  - (d) to do anything else necessary or required for the administration, operation or enforcement of this Act, including gathering information.
- (2) An inspector has the powers necessary to perform the inspector's functions under this Act.
- (3) This section does not limit a function or power of an inspector under another provision of this Act.

### **89B        General powers of inspectors**

- (1) An inspector may enter the following land and premises:
  - (a) any land comprised in, proposed to be comprised in, or previously comprised in, a petroleum interest;

- (b) any land affected, or apparently or potentially affected, by operations or activities for which a permit or licence is, or was, required under this Act;
  - (c) any premises used for or in connection with any operations or activities for which a permit or licence is, or was, required under this Act;
  - (d) any land or premises if the entry is authorised by a search warrant.
- (2) On entering land or premises under this Act an inspector may do any of the following:
- (a) inspect or examine the land or premises and anything on the land or premises;
  - (b) make inquiries of a person present on the land or premises;
  - (c) search the land or premises and anything found there;
  - (d) inspect any operations or activities conducted on the land or premises;
  - (e) take photographs and make sketches or other records;
  - (f) make recordings in any medium, including audio, visual and audio-visual recordings;
  - (g) dig up land;
  - (h) operate or test any equipment;
  - (i) examine or test any infrastructure or other thing;
  - (j) measure anything, or take and remove for analysis a sample of any substance or thing;
  - (k) bring equipment or materials on to the land or premises and use, install and maintain equipment or materials.
- (3) An inspector may do any of the following:
- (a) require a person on land or premises entered under subsection (1) to give the inspector reasonable assistance to perform or exercise the inspector's functions or powers including:
    - (i) to operate any computer or other equipment; and

- (ii) to provide any access or assistance to access any computer or other equipment or any service;
  - (b) require a person to produce any document that may be relevant to operations or activities for which a permit or licence is required under this Act, or a copy of such a document, for inspection;
  - (c) inspect and take copies of a document;
  - (d) seize any documents and any equipment required to access any documents;
  - (e) require a person to provide the person's name, address and date of birth and evidence of these if:
    - (i) the person is on, or in the vicinity of, land or premises that may be inspected under this section; or
    - (ii) the inspector reasonably suspects the person is travelling to or from land or premises that may be inspected under this section; or
    - (iii) the inspector reasonably suspects the person is the owner or occupier of any land or premises; or
    - (iv) the inspector reasonably suspects the person is under investigation for a suspected contravention of this Act;
  - (f) require a person at the land or premises to answer reasonable questions related to an inspection of the land or premises;
  - (g) authorise a person to provide assistance to an inspector in the performance or exercise of the inspector's functions or powers;
  - (h) operate a drone or other device over any land comprised in, proposed to be comprised in, or previously comprised in, a petroleum interest;
  - (i) do any other act or thing necessary for, or incidental to, the exercise of a power mentioned in this section.
- (4) An inspector may, with the approval of the CEO:
- (a) by notice signed by the inspector, require the attendance of a person at a time and place specified in the notice; and

- (b) require a person who appears as the result of the notice to produce any document and to answer any questions that may be relevant to the administration, operation or enforcement of this Act.
- (5) Without limiting any other power, if an inspector is satisfied that there are reasonable grounds for suspecting that an offence against this Act was, is being or is about to be committed, the inspector may (without warrant), and with such assistance as the inspector thinks necessary:
  - (a) seize or secure any thing that the inspector believes, on reasonable grounds, was, is being or is about to be used in connection with the commission of that offence or proposed offence; and
  - (b) take such other action as is reasonably necessary to prevent the commission of an offence against this Act.
- (6) An entry may be made under subsection (1) with, or without, the consent of the owner or occupier of the land or premises.
- (7) An inspector may use reasonable force in exercising a power under subsection (1) or (2).
- (8) Despite anything to the contrary in this Division, an inspector must not enter or exercise inspection or search powers in relation to any part of premises that are used for residential purposes except in the following circumstances:
  - (a) the owner or occupier consents to the entry, inspection or search;
  - (b) the entry is authorised by a search warrant under Subdivision 3.

**89C        Duty of inspector in relation to seized thing**

- (1) As soon as practicable but within 5 business days after an inspector seizes a thing under section 89B, the inspector must give a receipt for it to the person from whom it was seized.
- (2) The receipt must describe generally each thing seized and its condition.
- (3) If for any reason it is not practicable to comply with subsection (1), the inspector must:
  - (a) leave the receipt at the place of seizure; and

- (b) ensure the receipt is left in a reasonably secure way and in a conspicuous position.
- (4) The inspector must allow a person who would be entitled to the seized thing if it were not in the inspector's possession to inspect it and, if it is a document, to take extracts from it or make copies of it.
- (5) The inspector must return the seized thing to its owner at the end of the later of:
  - (a) 3 years from the date it was seized; or
  - (b) if a prosecution for an offence involving the seized thing is started within the 3 years from the date it was seized – 12 months after the end of the prosecution for the offence and any appeal from the prosecution.
- (6) Despite subsection (5), the inspector must return the seized thing to the person from whom it was seized if the inspector no longer considers its retention as evidence is necessary.
- (7) Despite subsections (5) and (6), the inspector may keep the seized thing if the inspector believes on reasonable grounds that it is necessary to continue to keep it to prevent its use in committing an offence.
- (8) An inspector must give written notice to the owner of a seized thing as soon as practicable if the inspector decides under subsection (7) to keep the thing.

#### **89D        Forfeiture of seized thing**

- (1) Despite section 89C, the court may order the forfeiture of a seized thing to the Territory if:
  - (a) the owner of the seized thing is found guilty of an offence for which the thing was retained as evidence; or
  - (b) the court makes an order against the owner of a seized thing under Part VA.
- (2) The forfeited thing becomes the property of the Territory and may be destroyed or disposed of as directed by the CEO.
- (3) This section does not limit a court's powers under any other law.

**89E Offence to contravene requirement**

- (1) A person commits an offence if the person is required to do something under section 89B and the person contravenes the requirement.

Maximum penalty: 200 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (4) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (3).

**89F Obstruction of inspector**

- (1) A person commits an offence if:
- (a) the person intentionally obstructs another person; and
  - (b) the other person is an inspector; and
  - (c) the inspector is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

- (2) Strict liability applies to subsection (1)(b).
- (3) In this section:

***acting in an official capacity***, in relation to an inspector, means the inspector is exercising powers or performing functions under, or otherwise related to the administration of, this Act.

***obstruct*** includes hinder or resist.

**89G Self-incrimination**

- (1) A person required to answer a question, give information or produce a document under this Subdivision is not excused from doing so on the ground that the answer, information or document might tend to incriminate the person or make the person liable to a penalty.

- (2) Despite subsection (1), any answer, information or document given is not admissible in evidence against the person in a civil or criminal proceeding except a proceeding for an offence in which the falsity or misleading nature of the answer, information or document is relevant.

#### **89H        Entry on Aboriginal land**

The power of an inspector to enter land or premises may be exercised under this Act despite:

- (a) the land or premises being Aboriginal land; or
- (b) the inspector not holding a permit under the *Aboriginal Land Act 1978* to enter or remain on Aboriginal land.

### **Subdivision 3   Search warrants**

#### **89J        Search warrants**

- (1) An inspector may apply to a Local Court Judge for a search warrant for a place.
- (2) The application must be made on oath and state the grounds on which the warrant is sought.
- (3) The Judge may refuse to consider the application until the inspector gives the Judge all the information the Judge requires about the application in the form the Judge requires.

*Example for subsection (3)*

*The Judge may require additional information supporting the application to be given by statutory declaration.*

- (4) The Judge may issue a search warrant for a place only if the Judge is satisfied there are reasonable grounds for suspecting that there is evidence of an offence against this Act at the place.
- (5) The search warrant must state:
  - (a) that an inspector named in the warrant may, with necessary and reasonable assistance and force, enter the place and exercise the inspector's investigation powers; and
  - (b) the suspected offence for which the search warrant is sought; and
  - (c) the evidence that may be seized under the search warrant; and

- (d) the hours of the day or night when the place may be entered;  
and
- (e) that the warrant remains in force for 5 business days after the date of its issue.

**89K            Announcement before entry and provision of authority**

- (1) Before executing a search warrant, the inspector named in the warrant or a person assisting the inspector must:
  - (a) announce that entry to the place is authorised by the warrant;  
and
  - (b) give any person at the place an opportunity to allow that entry.
- (2) The announcement is not required if the inspector or person assisting the inspector believes on reasonable grounds that immediate entry to the place is needed to avoid frustration of the warrant.
- (3) If asked by a person who appears to have management or control of a place where a search warrant is being executed, the inspector must:
  - (a) produce the inspector's identity card for inspection by the person; and
  - (b) give the person a copy of the warrant.

**Subdivision 4    Directions by inspectors**

**89L            Directions by inspectors**

- (1) An inspector may issue a direction to an interest holder to do any of the following:
  - (a) take action to prevent, minimise, manage or remediate:
    - (i) environmental harm including by rehabilitating any aspect of the environment; or
    - (ii) harm to a person, property or infrastructure, or any potential harm (including the risk of harm and future harm) to or potential adverse effect on a person, property or infrastructure; or
    - (iii) a situation that is compromising, or may compromise, the integrity of any infrastructure or operating system;

- (b) take action that is in accordance with good oilfield practice;
  - (c) take action for a purpose that is connected with, or ancillary to, action directed under paragraph (a) or (b).
- (2) A direction under this section must specify the grounds on which it is issued.
- (3) A direction under this section must state that the interest holder may apply to the Tribunal for review of the decision to issue the direction.
- (4) A direction under this section may impose any requirement reasonably required for the purpose for which the direction is issued, including one or more of the following requirements:
  - (a) a requirement that the interest holder discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from an inspector or the CEO;
  - (b) a requirement that the interest holder not carry on a specified activity except subject to specified conditions;
  - (c) a requirement that the interest holder take specified action in a specified way, and within a specified period or at specified times, or in specified circumstances (including a requirement that a specified work practice be altered or discontinued).
- (5) A direction must allow a reasonable time for compliance with the direction.
- (6) A direction may be given orally but must be confirmed by written notice to the person as soon as practicable.
- (7) An inspector may, by written notice given to the interest holder to whom a direction under this section is issued, vary or revoke the direction.
- (8) A direction given under this section:
  - (a) applies to the interest holder and may also be expressed to apply to an employee, agent or contractor of the interest holder; and
  - (b) may be given to an interest holder by giving it to an employee, agent or contractor of the interest holder.

- (9) If a direction is expressed to apply to an employee, agent or contractor of the interest holder, a reference in subsection (1) or (4) to an interest holder extends to the other person or persons to whom the direction applies.

**89M        Offence to contravene direction**

- (1) A person commits an offence if the person is subject to a direction under section 89L and the person contravenes the direction.

Maximum penalty:        1 300 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (4) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (3).

**Division 7        Compliance directions**

**89N        Compliance directions**

- (1) The CEO may issue a compliance direction to an interest holder for the purpose of securing compliance with:
- (a) a condition of a petroleum interest; or
  - (b) an environment management plan; or
  - (c) any authorisation or direction that relates to an activity conducted under a petroleum interest; or
  - (d) any requirement or obligation imposed by or under this Act.
- (2) A compliance direction must:
- (a) be in writing; and
  - (b) specify the grounds on which it is issued.
- (3) A compliance direction must state that the interest holder may apply to the Tribunal for review of the decision to issue the direction.

- (4) A compliance direction may impose any requirement reasonably required for the purpose for which the direction is issued including one or more of the following:
  - (a) a requirement that the interest holder discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from an inspector or the CEO;
  - (b) a requirement that the interest holder not carry on a specified activity except at specified times or subject to specified conditions;
  - (c) a requirement that the interest holder take specified action in a specified way, and within a specified period or at specified times, or in specified circumstances (including a requirement that a specified work practice be altered or discontinued);
  - (d) a requirement that the interest holder comply with any specified code or standard prepared or published by a body or authority referred to in the direction;
  - (e) a requirement that the interest holder undertake specified tests or monitoring;
  - (f) a requirement that the interest holder give to the CEO specified results or reports;
  - (g) a requirement that the interest holder appoint or engage a person with specified qualifications to prepare a plan or report or to undertake tests or monitoring required by the direction.
- (5) The CEO may include in a compliance direction a requirement for an act or omission that might otherwise constitute a contravention of this Act if:
  - (a) the CEO considers that it is reasonably necessary in the circumstances to do so; and
  - (b) the CEO is acting with the approval of the Minister.
- (6) A person incurs no liability to a penalty under this Act for an act or omission made in compliance with a requirement mentioned in subsection (5).
- (7) The CEO may, by written notice given to the interest holder to whom a compliance direction is issued, vary or revoke the direction.

- (8) A compliance direction given under this section:
- (a) applies to the interest holder and may also be expressed to apply to an employee, agent or contractor of the interest holder; and
  - (b) may be given to an interest holder by giving it to an employee, agent or contractor of the interest holder.
- (9) If a compliance direction is expressed to apply to an employee, agent or contractor of the interest holder, a reference in subsection (1) or (4) to an interest holder extends to the other person or persons to whom the direction applies.

**89P Effect of compliance direction on need for further authorisation**

- (1) This section applies to a person who is required by a compliance direction to carry out an action and an authorisation of a kind prescribed is required for that action under this Act.
- (2) The person may carry out the action without obtaining the authorisation.
- (3) A person incurs no liability to a penalty under this Act in acting under subsection (2).

**89Q Offence to contravene direction**

- (1) A person commits an offence if:
- (a) the person is subject to a compliance direction; and
  - (b) the person intentionally engages in conduct; and
  - (c) the conduct results in a contravention of the compliance direction and the person is reckless in relation to that result.

Maximum penalty: 2 600 penalty units.

- (2) Strict liability applies to subsection (1)(a).
- (3) A person commits an offence if the person is subject to a compliance direction and the person contravenes the direction.

Maximum penalty: 1 300 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.

- (5) It is a defence to a prosecution for an offence against subsection (1) or (3) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (6) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (5).

## **Division 8            Stop work notices**

### **89R            Stop work notices**

- (1) The CEO may issue a stop work notice if:
  - (a) the CEO believes on reasonable grounds that circumstances exist that would allow the cancellation or revocation of:
    - (i) a petroleum interest; or
    - (ii) an environment management plan; or
    - (iii) any other authorisation that relates to an activity conducted under a petroleum interest; and
  - (b) the CEO considers that action should be taken to prevent or minimise environmental harm, or harm to any person, infrastructure or other property while:
    - (i) an investigation is carried out or concluded; or
    - (ii) a decision is made about the steps that should be taken in the circumstances; or
    - (iii) action is taken to address the circumstances or any related matter.
- (2) A stop work notice must:
  - (a) be in writing given to the holder of the relevant petroleum interest; and
  - (b) specify the grounds on which it is issued.
- (3) A stop work notice may direct the holder of the petroleum interest to do one or more of the following:
  - (a) to discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from the CEO;

- (b) to not carry on a specified activity except in accordance with any conditions specified in the notice;
  - (c) to take action to prevent, minimise, manage or remediate any:
    - (i) environmental harm including by rehabilitating any aspect of the environment; or
    - (ii) harm to a person, infrastructure or property, or any potential harm (including the risk of harm and future harm) to or potential adverse effect on a person, infrastructure or property;
  - (d) without limiting paragraph (c), to take action to address any matter that the CEO considers to be a significant threat to:
    - (i) the environment; or
    - (ii) any person, infrastructure or property;
  - (e) to take action for a purpose that is connected with, or ancillary to, action directed under a preceding paragraph or to deal with any other matter that may be relevant in the circumstances.
- (4) The CEO may, by written notice given to the person to whom a stop work notice is issued, vary or revoke the notice.
- (5) A stop work notice:
- (a) applies to the holder of the petroleum interest and may also be expressed to apply to an employee, agent or contractor of the holder of the petroleum interest; and
  - (b) may be given to a holder of a petroleum interest by giving it to an employee, agent or contractor of the holder of the petroleum interest.
- (6) If a stop work notice is expressed to apply to an employee, agent or contractor of the holder of a petroleum interest, a reference in subsection (3) to the holder of a petroleum interest extends to the other person or persons to whom the stop work notice applies.

### **89S Offence to contravene stop work notice**

- (1) A person commits an offence if:
- (a) the person is subject to a stop work notice; and
  - (b) the person contravenes the notice.

Maximum penalty: 1 300 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (4) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (3).

## **Division 9      Audits**

### **89T      Preliminary matters**

This Division does not affect any other provision of this Act or the regulations that:

- (a) enables a petroleum interest to be subject to a condition requiring monitoring or reporting; or
- (b) relates to conducting audits or undertaking investigations or inquiries; or
- (c) provides for a longer period with respect to the keeping of records.

### **89U      Nature of audit**

An audit under this Division is a periodic or particular documented evaluation of operations or activities conducted under a petroleum interest (including management practices, systems and infrastructure) for any one or more of the following purposes:

- (a) to provide information on compliance or otherwise with obligations under the petroleum interest or other related legal requirements under this or any other law (including in relation to the protection of the environment from the impacts of activities under a petroleum interest and remediation and rehabilitation work on account of action taken by the holder of the petroleum interest);
- (b) to provide information on compliance or otherwise with codes of practice or policies relevant to the petroleum interest;
- (c) to enable a determination of whether the way activities are being carried out under the petroleum interest can be improved to achieve better compliance with this Act or to provide greater consistency with the objects of this Act.

**89V Accreditation and regulation of auditors**

The regulations may make provision for or with respect to:

- (a) the accreditation of auditors for this Division;
- (b) the carrying out of audits by auditors.

**89W Audit directions**

- (1) The CEO may issue an audit direction to an interest holder requiring that one or more audits be undertaken, to the satisfaction of the CEO, for any one or more of the purposes referred to in section 89U.
- (2) An audit direction must:
  - (a) be in writing given to the interest holder; and
  - (b) specify the purpose or purposes of the audit.
- (3) An audit direction may require one or more of the following:
  - (a) that the auditor appointed to undertake the audit holds an accreditation or qualification specified by the CEO;
  - (b) approval by the CEO of the auditor before being appointed;
  - (c) preparation of specified written documentation during the course of the audit;
  - (d) preparation of an audit report;
  - (e) giving the audit report to the CEO.
- (4) An audit direction may also:
  - (a) specify the format and level of detail required for the audit; or
  - (b) require the auditor to submit the proposed format and level of detail to the CEO for approval.
- (5) The CEO may, by written notice given to the person to whom an audit direction is issued, vary or revoke the direction.

**89X Declarations**

- (1) An audit report must be accompanied by:
  - (a) a declaration signed by the holder of the petroleum interest certifying that the holder has not knowingly provided any

information to the auditor that is misleading in a material particular and has provided all relevant information to the auditor; and

- (b) a declaration signed by the auditor:
  - (i) setting out the auditor's qualifications; and
  - (ii) certifying that the audit was undertaken in accordance with the requirements of the CEO's audit direction; and
  - (iii) certifying that the report is accurate and that the auditor has not knowingly included any information in it that is misleading in a material particular or failed to include any relevant information in it.
- (2) A statement under subsection (1) may be qualified in relation to the provision of misleading information if the person, as part of the declaration:
  - (a) identifies the information; and
  - (b) explains the reason why it is misleading.

#### **89Y Self-incriminatory information**

- (1) A person required to give information in connection with an audit under this Division must do so whether or not the information might tend to incriminate the person or make the person liable to a penalty.
- (2) If the giving of information might tend to incriminate a person or make the person liable to a penalty, the fact of giving the information (as distinct from the contents of the information) is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of giving misleading information).

#### **89Z Offences relating to audits**

- (1) An interest holder commits an offence if:
  - (a) the interest holder is issued with an audit direction; and
  - (b) the interest holder intentionally engages in conduct; and
  - (c) the conduct results in a contravention of the audit direction and the interest holder is reckless in relation to that result.

Maximum penalty: 2 600 penalty units.

- (2) Strict liability applies to subsection (1)(a).
- (3) An interest holder commits an offence if the interest holder is issued with an audit direction and the interest holder contravenes the audit direction.
- Maximum penalty: 1 300 penalty units.
- (4) An offence against subsection (3) is an offence of strict liability.
- (5) It is a defence to a prosecution for an offence against subsection (1) or (3) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (6) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (5).

### **89ZA Retention and production of information**

- (1) An interest holder must retain any written documentation required to be prepared by the interest holder in connection with the audit for a period of at least 5 years after the audit report is given to the CEO (or for such other period as may be agreed or determined by the CEO).
- (2) The CEO may direct an interest holder to produce any documentation that is required to be retained under subsection (1).
- (3) A person commits an offence if:
- (a) the person is an interest holder; and
  - (b) the interest holder is given a direction under subsection (2); and
  - (c) the interest holder intentionally engages in conduct; and
  - (d) the conduct results in a contravention of the direction and the interest holder is reckless in relation to that result.

Maximum penalty: 2 600 penalty units.

- (4) Strict liability applies to subsection (3)(a) and (b).
- (5) An interest holder commits an offence if the interest holder is given a direction under subsection (2) and the interest holder contravenes that direction.
- Maximum penalty: 1 300 penalty units.
- (6) An offence against subsection (5) is an offence of strict liability.

- (7) It is a defence to a prosecution for an offence against subsection (3) or (5) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (8) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (7).

## **Part IV Registration of instruments**

### **90 Registrar and Register of instruments**

- (1) The Minister may appoint a person to be the Registrar for the purposes of this Act.
- (2) The Registrar shall establish and maintain a Register of exploration permits and licences granted under this Act.
- (3) The Register may be established and maintained:
  - (a) in such form or combination of forms;
  - (b) on such medium or combination of mediums; and
  - (c) in such manner,  
as the Minister thinks fit, and for the purposes of paragraph (b), a reference to a medium includes, but is not limited to:
    - (d) a computer;
    - (e) micro film; or
    - (f) paper.

### **91 Particulars to be entered in Register**

- (1) The Registrar shall enter in the Register a memorial in relation to each exploration permit and licence:
  - (a) specifying the name of each permittee or licensee;
  - (b) containing an accurate description, including designated numbers, of the exploration permit or licence area;
  - (c) specifying the term of the exploration permit or licence;
  - (d) containing, where the area has previously been the subject of an exploration permit or licence, details of the previous exploration permit or licence;

- (e) specifying the conditions subject to which the exploration permit or licence is granted;
  - (f) setting out such other matters and things as are required by this Part to be entered in the Register; and
  - (g) setting out such further matters relating to each permittee or licensee and to the conditions of the exploration permit or licence as the Minister thinks fit.
- (2) The Registrar shall enter in the Register a memorial of:
- (a) any notice varying, cancelling, surrendering or otherwise affecting an exploration permit or licence;
  - (b) a direction to each permittee or licensee by the Minister; and
  - (c) any notice or instrument varying or revoking a notice or instrument referred to in paragraph (a).
- (3) It is sufficient compliance with the requirements of subsection (1) or (2) where the Registrar enters a copy of the exploration permit, licence, notice, direction or instrument in the Register.
- (4) An exploration permit or licence shall be deemed to be registered as soon as a memorial complying with subsection (1) or a copy of the permit or licence, has been entered in the Register.
- (5) A person to whom an exploration permit or licence has been granted shall not exercise any powers under this Act or the person's permit or licence, except under this Part, until the permit or licence, as the case may be, is registered.
- (6) The Registrar shall endorse on the memorial or copy of the exploration permit or licence a memorandum of the date upon which the memorial or copy was entered in the Register.

**91A      *Application of Law of Property Act 2000***

On the commencement of the *Law of Property Act 2000*:

- (a) that Act applies to estates, interests and any other rights in or in respect of land, granted, created or taking effect under this Act, but if there is an inconsistency between the provisions of that Act and a specific provision of this Act, this Act prevails;
- (b) Part 7 of that Act applies to or in respect of an interest granted, created or taking effect under this Act, subject that a reference to the Registrar-General is to be construed as a reference to the Registrar under Part IV of this Act; and

- (c) in registering the creation or transfer of an interest under this Act, the Registrar is to record co-owners (if any) of the interest as tenants in common unless satisfied that the intention was for the interest to be held as joint tenants.

**92 Memorials to be entered of exploration permits etc. cancelled etc.**

Where:

- (a) an exploration permit or licence ceases to be in force in relation to a block;
- (b) an exploration permit has been wholly or partly cancelled; or
- (c) an exploration permit or licence has expired,

the Registrar shall enter in the Register a memorial of the cessation, cancellation or expiration, as the case may be.

**93 Approval of transfers**

- (1) This section applies to a person who:
  - (a) has an interest in an exploration permit or licence as a permittee or licensee; and
  - (b) is seeking to transfer the person's interest to another person.
- (2) The transfer has no effect unless it is approved by the Minister and any transfer takes effect subject to the operation of section 93A.
- (2A) An application for approval of the transfer by the Minister must:
  - (a) be in the approved form; and
  - (b) be accompanied by an instrument of transfer that:
    - (i) is signed or executed in the manner specified in the approved form; and
    - (ii) complies with any other prescribed requirement; and
  - (c) be accompanied by any information required by the Minister including information to establish that the proposed transferee, and any associated entity of the proposed transferee, is an appropriate person to hold the permit or licence; and
  - (d) be accompanied by the prescribed fee; and

- (e) comply with any other requirement determined by the Minister and published on the Agency's website.
- (2B) If there are one or more permittees or licensees other than the transferor registered against the exploration permit or licence, the application must also be accompanied by:
- (a) the written consent of each of the other permittees or licensees; or
  - (b) if consent was not obtained – a copy of each notice of intention served on those permittees or licensees under subsection (5).
- (3) The Minister must not accept an application under this section unless the application is made within 3 months after the date on which the party who last executed the instrument of transfer to which the application relates so executed it or within such extended period as the Minister, in special circumstances, allows.
- (4) If the Minister accepts an application under this section, the Minister must direct the Registrar to enter a memorial in the Register of the date on which the application was accepted and to make such other notation in the Register as the Minister thinks fit.
- (5) Where the written consent of other permittees or licensees registered against an exploration permit or licence has not been obtained by the transferor, the transferor shall, before making an application under this section, serve on each permittee or licensee who has not consented, a notice of his intention to apply to the Minister for approval to the proposed transfer and, in the notice:
- (a) specify the identity of the transferee and the interest to be transferred; and
  - (b) specify a date, being not earlier than 30 days after the day on which the application will be lodged with the Minister, by which the person on whom the notice is served may, to the Minister in writing, object to the proposed transfer or make submissions in relation to it.
- (6) Where the Minister accepts an application under this section, the Minister shall:
- (a) if all consents are given or no consents are needed, as soon as practicable after accepting the application, determine the application;

- (b) if all consents are given before the date specified under subsection (5)(b), determine the application as soon as practicable after the last consent has been given; or
  - (c) if no objection or submission in relation to the transfer has been received by the Minister before the date specified under subsection (5)(b), determine the application as soon as practicable after that date.
- (7) The Minister may, if a submission in relation to a transfer is received, or shall, if an objection to the transfer is received (in each case before the date specified under subsection (5)(b)), give the applicant a copy of the submission or objection and specify a date (being not earlier than 30 days after the date of the notice) by which the applicant may respond in writing to the Minister in relation to the submission or objection, and shall, as soon as practicable after that due date, determine the application.
- (8) The Minister may, before determining an application under this section, request from any person, being a party to a proposed transfer or a permittee or licensee registered against an exploration permit or licence in which an interest is proposed to be transferred, and that person shall provide, such information relating to the transfer as the Minister thinks necessary or expedient to assist him in determining the application.
- (9) In determining an application under this section, the Minister shall take into account:
- (a) any objection or submission received from a permittee or licensee before the date specified under subsection (5)(b); and
  - (b) any response to an objection or submission received from a transferor or transferee before the date specified under subsection (7); and
  - (c) if the transferee is not already a registered holder of an interest in the exploration permit or licence, the technical capacity and financial resources and standing of the transferee; and
  - (d) the terms and conditions of any relevant instrument to which section 96 applies; and
  - (e) the public interest.

- (9A) If the transferee is not already a registered holder of an interest in the exploration permit or licence, the Minister must be satisfied that the transferee and any associated entity is an appropriate person to hold the permit or licence.
- (10) To determine an application under this section the Minister shall either:
- (a) subject to subsection (11), approve it; or
  - (b) refuse to approve it.
- (11) The Minister may, before approving an application under this section, require the proposed transferee to:
- (a) adopt or review an approved plan, or an approved environment management plan and, in the case of a review, to submit a revised or new plan for the approval of the Minister or the Environment Minister; and
  - (b) provide a new or additional environmental security or petroleum infrastructure decommissioning security.
- (12) The Minister is not required to approve a transfer until the proposed transferee:
- (a) complies with a requirement under subsection (11); and
  - (b) obtains any approvals required from the Minister and the Environment Minister.
- (13) An approval under this section may be subject to any other condition determined by the Minister and recorded as part of the Minister's approval.

### **93A Registration of transfers**

- (1) If the Minister approves a transfer under section 93, the Minister must:
- (a) record the approval by endorsing a memorial of approval on the instrument electronically or in such other manner as the Minister thinks appropriate; and
  - (b) request the Registrar to enter in the Register a memorial of the transfer and the name of the transferee.
- (2) A transfer is registered as soon as a memorial of the transfer and the name of the transferee has, under subsection (1), been entered in the Register and, upon that memorial being entered, the

transferee becomes the registered holder of the interest in the exploration permit or licence to which the instrument of transfer relates.

- (3) A copy of an instrument of transfer endorsed with the memorial of approval shall be retained by the Registrar and is subject to inspection in accordance with this Part, and the instrument of transfer endorsed with the memorial of approval shall be returned to the person who lodged the application for the transfer.
- (4) An instrument of transfer of an interest in an exploration permit or licence does not convey a legal or equitable interest in the permit or licence until the transfer is approved by the Minister and entered in the Register under this section.
- (4A) When a transfer is approved and entered in the Register:
  - (a) the transferee and all other registered holders of an interest in the permit or licence are jointly liable to comply with this Act, including the conditions to which the permit or licence is, from time to time, subject; and
  - (b) the transferee is responsible for any liability or requirement applying in relation to the transferor with respect to the permit or licence immediately before the transfer takes effect.

#### **94 Entries in Register on devolution of title**

- (1) A person upon whom the rights of a permittee or licensee have devolved by operation of law may apply in writing to the Registrar to have his name entered in the Register as the permittee or licensee.
- (2) The Registrar shall, where he is satisfied that the rights of a permittee or licensee have devolved upon an applicant by operation of law, and on payment of the prescribed fee, enter the name of the applicant in the Register as the permittee or licensee and, upon that entry being so made, the applicant becomes the permittee or licensee and is subject to the same rights and obligations under this Act as if he were the person to whom the exploration permit or licence was granted.

#### **95 Interests not to be created, &c., except by instruments in writing**

A legal or equitable interest in or affecting an existing or future exploration permit or licence is not capable of being created, assigned, affected or dealt with, whether directly or indirectly, except by an instrument in writing.

**96 Approval of instruments relating to interests**

- (1) This section applies to an instrument by which a legal or equitable interest in or affecting an existing or future exploration permit or licence is or may be created, assigned, affected or dealt with, whether directly or indirectly, not being an instrument of transfer to which section 93 applies.
- (2) An instrument to which this section applies does not create, assign or deal with, whether directly or indirectly, a legal or equitable interest in an existing or future exploration permit or licence until:
  - (a) it has been approved by the Minister; and
  - (b) an entry has been made in the Register by the Registrar in accordance with subsection (7).
- (3) A party to an instrument to which this section applies or a person having an interest in or in relation to an exploration permit or licence by reason of such an instrument may apply to the Minister for its approval.
- (4) An application for the approval of the Minister must:
  - (a) be in the approved form; and
  - (b) be accompanied by the instrument; and
  - (c) be accompanied by any information required by the Minister; and
  - (d) be accompanied by the prescribed fee; and
  - (e) comply with any other requirement determined by the Minister and published on the Agency's website.
- (5) On receipt of an application under this section, the Minister shall direct the Registrar to enter a memorial in the Register of the date on which the application was received by the Minister and to make such other notation in the Register as the Minister thinks fit.
- (6) The Minister may approve or refuse to approve an instrument lodged with him for approval.
- (7) If the Minister approves an instrument lodged with the Minister under this section, the Minister must:
  - (a) record the approval by endorsing a memorial of approval on the instrument electronically or in such other manner as the Minister thinks appropriate; and

- (b) request the Registrar to enter in the Register a memorial relating to the approval.
- (8) A copy of an instrument endorsed with the memorial of approval shall be retained by the Registrar and is subject to inspection in accordance with this Part.
- (9) The instrument endorsed with the memorial of approval must be returned to the person who lodged the application for approval.
- (10) If the Minister refuses an application, the Minister must direct the Registrar to make a notation of the refusal in the Register.

**97 Minister not concerned with certain matters**

Neither the Minister nor a person acting under his direction or authority is concerned with the effect in law of an instrument lodged with him in pursuance of this Part nor does the approval of such an instrument give to it any force, effect or validity that it would not have had if this Part had not been enacted.

**98 Power of Minister to require information as to proposed dealings**

- (1) The Minister may, by notice served on the person lodging an instrument for approval under this Part, require the person to furnish to the Minister such information concerning the instrument, or the transaction to which the instrument relates, as the Minister thinks fit.
- (2) The Minister may determine not to deal with the instrument until the person complies with a requirement under subsection (1).

**99 Production and inspection of documents**

- (1) The Minister may require any person to produce to him or her or to make available for inspection by him or her any documents in the possession or under the control of that person and relating to an instrument lodged with the Minister for approval under this Part or to the transaction to which such an instrument relates.
- (2) The Minister may determine not to deal with the matter until the person complies with a requirement under subsection (1).

**100 Inspection of Register and documents**

The Register and all instruments registered, or subject to inspection, under this Part shall, at all convenient times, be open for inspection by any person upon payment of the prescribed fee.

**101 Rectification of Register**

Subject to section 103, the Registrar may, at any time, rectify an entry in the Register where he is satisfied that the entry does not accurately reflect the true position in relation to an exploration, licence or other matter required or permitted by or under this Act to be entered in the Register.

**102 Evidentiary provisions**

- (1) The Register shall be received by all courts as prima facie evidence of all matters required or authorised by this Part to be entered in the Register.
- (2) The Registrar may, on payment of a fee calculated at a prescribed rate per page, supply copies of or extracts from the Register or of or from any instrument lodged with him under this Part certified by writing under his hand, and such a copy or extract so certified is admissible in evidence in all courts and proceedings without further proof or production of the original.
- (3) The Registrar may, on payment of a prescribed fee, by instrument in writing under his hand, certify that an entry, matter or thing required or permitted by or under this Part to be made or done or not to be made or done has or has not, as the case may be, been made or done and such a certificate is prima facie evidence in all courts and proceedings of the statements contained in the certificate.

**103 Applications in relation to Register**

- (1) The Tribunal may, on the application of a person aggrieved by:
  - (a) the omission of an entry from the Register;
  - (b) an entry made in the Register without sufficient cause;
  - (c) an entry wrongly existing in the Register; or
  - (d) an error or defect in an entry in the Register,make such order as it thinks fit directing the rectification of the Register.
- (2) The Tribunal may, in proceedings under this section, decide any question that it is necessary or expedient to decide in connection with the rectification of the Register.

- (3) Notice of an application under this section shall be given to the Registrar, who may appear and be heard and shall appear if so directed by the Tribunal.
- (4) An office copy of an order made under subsection (1) by the Tribunal may be served on the Registrar and the Registrar shall, upon receipt of the order, rectify the Register accordingly.
- (5) A person may not apply under subsection (1), unless he has first requested the Registrar to rectify the Register.

#### **104 Registrar not liable to certain actions**

Subject to section 103, neither the Registrar nor a person acting under his direction or authority is liable to an action, suit or proceeding for or in respect of an act or matter bona fide done or omitted to be done in exercise or purported exercise of a power or authority conferred by this Part.

### **Part IVA Change in control of corporation holding permit or licence**

#### **104A Definitions**

In this Part:

***change in control***, see section 104B.

***corporation*** means a corporation as defined in section 57A of the *Corporations Act 2001* (Cth).

***family*** means 2 or more persons connected with each other by family relationships.

***family relationship*** means any of the following:

- (a) the relationship between a person and the person's spouse;
- (b) the relationship between a person and the person's child or remoter lineal descendant;
- (c) the relationship between a person and the child or remoter lineal descendant of the person's spouse;
- (d) the relationship between a person and the person's brother or sister;
- (e) the relationship between a person and the child or remoter lineal descendant of the person's brother or sister;

- (f) the relationship between a person and the spouse of a person with whom a relationship exists under paragraph (b), (c), (d) or (e).

**investor**, in relation to a corporation holding a permit or licence, means a person who has or acquires an interest in shares in the corporation.

**related**, see section 104C.

**related corporations** means related corporations under section 50 of the *Corporations Act 2001* (Cth).

**share** means a share in the share capital of a corporation holding a permit or licence.

#### **104B Meaning of *change in control***

For this Part, a ***change in control*** of a corporation occurs when a person, or a group of related persons, becomes able to exercise, or to control (directly or indirectly) the exercise of, a majority of the votes exercisable at meetings of the directors or shareholders of the corporation.

#### **104C Meaning of *related***

- (1) For this Part, 2 persons are ***related*** to each other if:
- (a) they are members of the same family; or
  - (b) they are related corporations; or
  - (c) one is a corporation and the other is a director of, or a shareholder in, the corporation; or
  - (d) they are both trustees of the same trust, or of different trusts with a common beneficiary, or one is a trustee and the other is a beneficiary of the same trust; or
  - (e) a chain of relationships can be traced between them under one or more of the above paragraphs.
- (2) A person is taken not to be related to another if the Minister is satisfied that they are not, and have not been, acting in concert in relation to the acquisition of an interest in shares in a corporation holding a permit or licence.

**104D Acquisition of interest in shares**

- (1) For this Part, the acquisition of an interest in shares in a corporation holding a permit or licence includes:
- (a) the allotment or issue of a share, not being the issue of a share to a member on registration of the corporation as a corporation; and
  - (b) the acquisition of the legal title in a share by purchase or transfer; and
  - (c) the redemption, surrender or cancellation of a share; and
  - (d) the variation, abrogation or alteration of a right pertaining to a share; and
  - (e) a declaration of trust over shares; and
  - (f) if shares are held subject to a discretionary trust – the addition of a beneficiary or class of beneficiaries to the existing beneficiaries under the trust; and
  - (g) if shares are held subject to a discretionary trust – a change in control of a corporate beneficiary under the trust and a change in control of the trust if both changes:
    - (i) occur within a 12 month period; and
    - (ii) arise from (or substantially from) one transaction or one series of transactions; and
  - (h) a statutory vesting of shares; and
  - (i) a vesting of shares through a merger.
- (2) Despite subsection (1), an acquisition of an interest in shares in a corporation holding a permit or licence does not include an acquisition:
- (a) that occurs as the result of the appointment of:
    - (i) a receiver or trustee in bankruptcy; or
    - (ii) a liquidator; or
  - (b) that is declared not to constitute an acquisition by the regulations.

**104E Approval of change in control**

- (1) This section applies in relation to a change in control of a corporation holding a permit or licence.
- (2) An application for the approval of the Minister must be made before the change in control occurs.
- (3) An application under this section must be made by an investor who is a person who is, or who is a member of a group of persons who are, to become able to exercise, or to control (directly or indirectly) the exercise of, a majority of the votes exercisable at meetings of the directors or shareholders of the corporation holding the permit or licence.
- (4) An application for the approval of the Minister must:
  - (a) be in the approved form; and
  - (b) be accompanied by any information required by the Minister; and
  - (c) be accompanied by the prescribed fee; and
  - (d) comply with any other requirement determined by the Minister and published on the Agency's website.
- (5) The Minister may, before determining an application under this section, request an investor to provide to the Minister further information to assist the Minister to determine the application.
- (6) The Minister may determine not to deal with the application until the investor complies with a request under subsection (5).
- (7) In determining an application under this section, the Minister must be satisfied that any investor, and any associated entity of any investor, who is, or forms part of a group of related persons who are, to become able to exercise, or to control (directly or indirectly) the exercise of, a majority of the votes exercisable at meetings of the directors or shareholders of the corporation holding a permit or licence are appropriate persons to hold the permit or licence.
- (8) The Minister may cancel the permit or licence if:
  - (a) the Minister is unwilling to approve an application under this section; and
  - (b) the change in the control of the corporation proceeds in any event.

**104F      Offence to fail to apply for approval**

- (1) A person commits an offence if:
- (a) the person is a person who has or acquires an interest in shares in a corporation holding a permit or licence; and
  - (b) the person is a person who is, or who is a member of a group of persons who are, to become able to exercise, or to control (directly or indirectly) the exercise of, a majority of the votes exercisable at meetings of the directors or shareholders of a corporation holding a permit or licence; and
  - (c) an application is not made in accordance with section 104E(2).

Maximum penalty:      200 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (4) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (3).

**Part V            Offences and related provisions**

**Division 1        General**

**105            Permit and licences required to explore and recover petroleum**

- (1) A person commits an offence if:
- (a) the person intentionally engages in conduct; and
  - (b) the conduct is part of carrying out an activity for which an exploration permit, retention licence or production licence is required and the person is reckless in relation to that circumstance; and
  - (c) the activity is not authorised by an exploration permit, retention licence or production licence.

Maximum penalty:      5 000 penalty units.

- (2) Strict liability applies to subsection (1)(c).

- (3) A person commits an offence if:
- (a) the person engages in conduct; and
  - (b) the conduct is part of carrying out activity for which an exploration permit, retention licence or production licence is required; and
  - (c) the activity is not authorised by an exploration permit, retention licence or production licence.

Maximum penalty:     1 000 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.

- (5) A person commits an offence if:
- (a) the person is the holder of an exploration permit, retention licence or production licence; and
  - (b) the person intentionally engages in conduct; and
  - (c) the conduct results in a contravention of the exploration permit, retention licence or production licence and the person is reckless in relation to that result.

Maximum penalty:     5 000 penalty units.

- (6) Strict liability applies to subsection (5)(a).

- (7) A person commits an offence if:
- (a) the person is the holder of an exploration permit, retention licence or production licence; and
  - (b) the person engages in conduct; and
  - (c) the conduct results in a contravention of the exploration permit, retention licence or production licence.

Maximum penalty:     1 000 penalty units.

- (8) An offence against subsection (7) is an offence of strict liability.

- (9) It is a defence to a prosecution for an offence against subsection (1), (3), (5) or (7) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.

- (10) The defendant has the legal burden of proof in relation to a matter mentioned in subsection (9).







- (2) A permittee or licensee commits an offence if the permittee or licensee carries out an operation in contravention of subsection (1).

Maximum penalty:        200 penalty units.

- (3) An offence against subsection (2) is an offence of strict liability.

- (4) A permittee or licensee is exempt from subsection (1) if given written approval to carry out the operations by:

(a) the owner of the land or, if the occupier of the land has, in the land, an interest registered on the Register kept by the Registrar-General under Part 3 of the *Land Title Act 2000*, the occupier; and

(b) any registered native title bodies corporate, or registered native title claimants, in relation to the land.

*Note for subsection (4)*

*The defendant has an evidential burden in relation to the matters in subsection (4) (see section 43BU of the Criminal Code).*

## **110        Operations near cemetery**

- (1) Subject to subsection (4), a permittee or licensee must not carry out an operation on land that is used as, or within 200 m of land being used as, a cemetery.

- (2) A permittee or licensee commits an offence if the permittee or licensee carries out an operation in contravention of subsection (1).

Maximum penalty:        200 penalty units.

- (3) An offence against subsection (2) is an offence of strict liability.

- (4) A permittee or licensee is exempt from subsection (1) if given written approval to carry out the operations by the responsible entity for the cemetery.

*Note for subsection (4)*

*The defendant has an evidential burden in relation to the matters in subsection (4) (see section 43BU of the Criminal Code).*

- (5) In this section:

**cemetery**, see section 7 of the *Burial and Cremation Act 2022*.

### **111        Construction near habitable building**

(1) A permittee or licensee must not construct a well, wellhead, pipeline or petroleum processing facility on land that is used as, or within 2 km of land being used as, a habitable building.

(2) A permittee or licensee commits an offence if the permittee or licensee undertakes construction in contravention of subsection (1).

Maximum penalty:        200 penalty units.

(3) An offence against subsection (2) is an offence of strict liability.

(4) In this section:

***habitable building*** means:

- (a) a building in which people reside or work; or
- (b) a school, including a playground associated with a school; or
- (c) a permanent sporting facility; or
- (d) a hospital or other type of community medical facility;

***petroleum processing facility*** means a temporary or permanent facility for the processing or storage of petroleum.

***pipeline*** means a pipeline constructed or to be constructed for a purpose mentioned in section 4(1)(e)(i) to (iv) of the *Energy Pipelines Act 1981*.

### **112        Construction of well or well pad near designated bore**

(1) Subject to subsection (4), a permittee or licensee must not construct a well or well pad within 1 km of a designated bore.

(2) A permittee or licensee commits an offence if the permittee or licensee undertakes construction in contravention of subsection (1).

Maximum penalty:        200 penalty units.

(3) An offence against subsection (2) is an offence of strict liability.

(4) A permittee or licensee is exempt from subsection (1) if given written approval to undertake the construction by:

- (a) the owner of the land or, if the occupier of the land has, in the land, an interest registered on the Register kept by the Registrar-General under Part 3 of the *Land Title Act 2000*, the occupier; and

- (b) any registered native title bodies corporate, or registered native title claimants, in relation to the land; and
- (c) the owner of the designated bore.

*Note for subsection (4)*

*The defendant has an evidential burden in relation to the matters in subsection (4) (see section 43BU of the Criminal Code).*

- (5) In this section:

**designated bore**, see section 60A(3) of the *Water Act 1992*.

**owner**, of a designated bore, see section 60A(3) of the *Water Act 1992*.

### **113        Continuing offences**

- (1) If a court finds a person guilty of an offence against this Act, the court may, in addition to any penalty imposed for the offence, impose a penalty not more than one-tenth of the maximum penalty prescribed for that offence for each day during which the offence continues after the day the offence is charged.
- (2) If an offence continues after the person is found guilty of the offence, the court may:
  - (a) find the person guilty of a further offence; and
  - (b) in addition to any penalty imposed for the further offence, impose a penalty of not more than one-tenth of the maximum penalty prescribed for that offence for each day during which the offence continues after the day the person was first found guilty.
- (3) If an offence consists of an omission to do something that is required to be done, the omission is taken to continue for as long as the thing required to be done remains to be done after the end of the period for compliance with the requirement.

### **114        Conduct of employee or agent**

- (1) This section applies to a prosecution for an offence against this Act.

*Note for subsection (1)*

*This section deals with prosecutions of individuals. Part IIAA, Division 5, of the Criminal Code contains provisions about corporate criminal responsibility.*

- (2) Conduct engaged in by an employee or agent of an individual within the scope of the employee or agent's actual or apparent authority is taken to have been also engaged in by the individual.
- (3) It is a defence to a prosecution for the offence if the individual took reasonable steps to prevent the conduct.
- (4) In deciding whether the individual took reasonable steps to prevent the conduct, a court must consider:
  - (a) any action the individual took to ensure the employee or agent had a reasonable knowledge and understanding of the requirement to comply with the contravened provision; and
  - (b) the level of management, control or supervision that was appropriate for the individual to exercise over the representative.
- (5) Subsection (4) does not limit the matters the court may consider.
- (6) If it is relevant to prove an individual had a fault element in relation to a physical element of an offence, it is enough to show:
  - (a) the conduct relevant to the physical element was engaged in by an employee or agent of the individual within the scope of the employee or agent's actual or apparent authority; and
  - (b) the employee or agent had the fault element in relation to the physical element.
- (7) An individual may rely on section 43AX of the Criminal Code in relation to conduct by an employee or agent that would be an offence by the individual only if:
  - (a) the employee or agent was under a mistaken but reasonable belief about the facts that, had they existed, would have meant that the conduct would not have constituted an offence; and
  - (b) the individual proves the individual exercised due diligence to prevent the conduct.

*Note for subsection (7)*

*Section 43AX of the Criminal Code provides a person is not criminally responsible if the person engaged in conduct under a mistake of fact in relation to an offence of strict liability.*

- (8) An individual (the **defendant**) may not rely on section 43BA of the Criminal Code in relation to a physical element of an offence caused by another individual if the other individual is an employee or agent of the defendant.

*Note for subsection (8)*

*Section 43BA of the Criminal Code provides a person is not criminally responsible in circumstances of an intervening conduct or event.*

- (9) An individual who is convicted of an offence cannot be punished by imprisonment for the offence if the individual would not have been convicted of the offence without subsection (2) or (6).
- (10) In this section:

**fault element** means intention, knowledge or recklessness.

### **115        Criminal liability of executive officer of body corporate**

- (1) This section applies in relation to the following offences:
- (a) an offence against section 77(2), (4), (6) or (7), 89M(1), 89Q(1) or (3), 89S(1), 89Z(1) or (3), 89ZA(3) or (5), 105(1), (3), (5) or (7) or 117AAB(1), (3), (5), (6) or (7);
  - (b) a prescribed offence against a provision of the regulations.
- (2) An executive officer of a body corporate commits an offence if:
- (a) the body corporate commits the offence and the officer was reckless about whether the offence would be committed; and
  - (b) the officer was in a position to influence the conduct of the body corporate in relation to the commission of the offence; and
  - (c) the officer recklessly failed to take reasonable steps to prevent the commission of the offence.

Maximum penalty:        The maximum penalty that may be imposed for the commission of the relevant offence by an individual.

- (3) Strict liability applies to subsection (2)(b).

- (4) In deciding whether the executive officer took reasonable steps to prevent the commission of the offence, a court must consider the following to the extent relevant:
- (a) any action the officer took directed towards ensuring that:
    - (i) the body corporate arranged regular professional assessments of the body corporate's compliance with the provision to which the offence relates; and
    - (ii) the body corporate implemented any appropriate recommendation arising from an assessment referred to in subparagraph (i); and
    - (iii) the body corporate's employees, agents and contractors had reasonable knowledge and understanding of the requirement to comply with the provision to which the offence relates;
  - (b) any action the officer took when the officer became aware that the relevant offence was, or could be, or was about to be, committed.
- (5) Subsection (4) does not limit the matters the court may consider.
- (6) This section does not affect the liability of the body corporate.
- (7) This section applies whether or not the body corporate is prosecuted for, or found guilty of, the offence with which the executive officer was charged.
- (8) Without limiting any other defence available to the officer, an executive officer may rely on a defence that would be available to the body corporate if it were charged with the offence with which the executive officer is charged and, in so doing, the officer bears the same burden of proof that the body corporate would bear.

*Note for subsection (8)*

*The defendant has an evidential burden in relation to the matters in subsection (8) (see section 43BU of the Criminal Code).*

- (9) In this section:

**executive officer**, of a body corporate, means a director or other person who is concerned with, or takes part in the management of, the body corporate.



- (d) the conduct results in material environmental harm and the person is reckless in relation to that result.

Maximum penalty:     2 600 penalty units.

Minimum penalty:     260 penalty units.

- (4) Strict liability applies to subsections (1)(b) and (c) and (3)(b) and (c).

- (5) A person commits an offence if:

- (a) the person engages in conduct; and
- (b) the conduct occurs during the course of an operation; and
- (c) the operation is authorised under this Act; and
- (d) the conduct results in significant environmental harm.

Maximum penalty:     2 600 penalty units.

Minimum penalty:     260 penalty units.

- (6) A person commits an offence if:

- (a) the person engages in conduct; and
- (b) the conduct occurs during the course of an operation; and
- (c) the operation is authorised under this Act; and
- (d) the conduct results in material environmental harm.

Maximum penalty:     1 300 penalty units.

Minimum penalty:     130 penalty units.

- (7) A person commits an offence if:

- (a) the person engages in conduct; and
- (b) the conduct occurs during the course of an operation; and
- (c) the operation is authorised under this Act; and
- (d) the conduct results in environmental harm.

Maximum penalty:     130 penalty units.

- (8) An offence against subsection (5), (6) or (7) is an offence of strict liability.
- (9) It is a defence to a prosecution for an offence against subsection (1), (3), (5), (6) or (7) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (10) The defendant has the legal burden of proof in relation to a matter mentioned in subsection (9).

### **117AAC Additional defences for environmental offences**

- (1) It is a defence to a prosecution of an offence against section 117AAB if the conduct was authorised under another provision of this Act or another Act.

*Note for subsection (1)*

*The defendant has an evidential burden in relation to the matters in subregulation (1) (see section 43BU of the Criminal Code).*

- (2) If environmental harm is the result of the release of a contaminant or waste, it is a defence to a prosecution for an offence against section 117AAB, in relation to a particular contaminant or waste, if the defendant complied with:
  - (a) a provision of an environment protection objective as defined in section 4(1) of the *Waste Management and Pollution Control Act 1998* that fixed maximum allowable levels for the particular contaminant or waste; or
  - (b) a condition of an approval, permit, lease, licence or other authorisation under this Act or another Act that fixed maximum allowable levels for the particular contaminant or waste.

*Note for subsection (2)*

*The defendant has an evidential burden in relation to the matters in subregulation (2) (see section 43BU of the Criminal Code).*

## **Division 3 Alternative verdicts**

### **117AAD Alternative verdict**

In a proceeding against a person charged with an offence against a provision specified in the following Table, column 1 (the **prosecuted offence**), the trier of fact may find the person not guilty of the prosecuted offence but guilty of an offence against a provision specified in the Table as an alternative offence for the prosecuted offence (the **alternative offence**) if the trier of fact:

- (a) is not satisfied beyond reasonable doubt that the person committed the prosecuted offence; and
- (b) is satisfied beyond reasonable doubt that the person committed the alternative offence.

**Table Alternative offences**

<b>Prosecuted offence</b>	<b>Alternative offence</b>
section 57A(14)	section 57A(16)
section 61E(1)	section 61E(3)
section 61E(5)	section 61E(7)
section 77(2)	section 77(4), (6) or (7)
section 77(4)	section 77(7)
section 77(6)	section 77(7)
section 89Q(1)	section 89Q(3)
section 89Z(1)	section 89Z(3)
section 89ZA(3)	section 89ZA(5)
section 105(1)	section 105(3)
section 105(5)	section 105(7)
section 117AAB(1)	section 117AAB(3), (5), (6) or (7)
section 117AAB(3)	section 117AAB(6) or (7)
section 117AAB(5)	section 117AAB(6) or (7)

#### **Division 4 Additional orders available on finding of guilt**

##### **117AAE Adverse publicity orders**

- (1) If a person is found guilty of an offence against this Act, the court may make an order (an **adverse publicity order**) requiring the person to do any of the following:
- (a) to publicise, in the manner specified in the order, the offence, its consequences, the penalty imposed and any other related matter;

- (b) to notify a specified person or specified class of person, in the manner specified in the order, of the offence, its consequences, the penalty imposed and any other related matter.
- (2) A person subject to an adverse order must give the CEO evidence of compliance with the order within 7 days after the end of the period specified in the order.
- (3) The court may make an adverse publicity order on its own motion or on the application of the person prosecuting the offence.
- (4) The court must, in determining whether to make an adverse publicity order, take into account any material before the court relating to the effect of the taking of action or actions that the court proposes to specify in the order is likely to have on a person other than the person found guilty of the offence.
- (5) If the CEO does not receive evidence in accordance with subsection (2), the CEO, or a person authorised in writing by the CEO, may take the action or actions specified in the order.
- (6) If the CEO is not satisfied that the person complied with the order, the CEO may apply to the court for an order authorising the CEO, or a person authorised in writing by the CEO, to take action.
- (7) The CEO is entitled to recover from the person subject to the order an amount equal to the reasonable costs and expenses of taking the action or actions as a debt due and payable to the Territory.

#### **117AAF Order to remedy breach**

- (1) If a person is found guilty of an offence against this Act, the court may, in addition to any sanction that it may impose, make an order requiring the person to take specified steps, within a specified period, to remedy any matter caused by the commission of the offence that appears to the court to be within the person's power to remedy.
- (2) The period in which an order under this section must be complied with may be extended, or further extended, by order of the court if an application for the extension is made before the period expires.
- (3) A person commits an offence if:
  - (a) the person is subject to an order under this section; and
  - (b) the person contravenes the order.

Maximum penalty: 500 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.

### **117AAG Recovery of costs**

- (1) If a person is found guilty of an offence against this Act, the court may, in addition to any sanction that it may impose, make an order requiring the person to pay to the CEO or the Environment CEO:
- (a) the costs reasonably incurred for the prosecution of the offence; and
  - (b) the costs directly related to the investigation of the offence.
- (2) Without limiting subsection (1), the costs covered by the subsection may include costs for testing, storing or disposing of evidence.

## **Part VA Civil enforcement, penalties and other proceedings**

### **Division 1 Injunctions and other orders**

#### **117AA Who may bring proceedings**

- (1) Subject to this Division, an application for an injunction or other order under this Division may be brought by the following:
- (a) the Minister;
  - (b) the CEO;
  - (c) a person who is affected by an alleged act or omission that contravenes or may contravene this Act;
  - (d) an interested person;
  - (e) a person acting on behalf of an unincorporated organisation that is an interested person;
  - (f) a person acting with the written consent of the Minister or the CEO.

(2) In this section:

***interested person*** is:

(a) an individual who:

(i) has engaged in a series of activities for protection or conservation of, or research into, the environment at any time in the 2 years immediately before the commencement of the application; and

(ii) resides, or ordinarily resides, in the Territory; or

(b) an organisation that:

(i) has objects or purposes that include the protection or conservation of, or research into, the environment; and

(ii) is incorporated, or operates on a regular basis, in the Territory.

#### **117AB Prohibitory injunctions**

(1) If a person engaged, is engaging or is proposing to engage in conduct constituting a contravention of this Act, the Supreme Court may grant an injunction restraining the person from engaging in the conduct.

(2) If the Supreme Court grants an injunction restraining a person from engaging in conduct and in the opinion of the Court it is desirable to do so, the Court may make an order requiring the person to do a specified act or thing.

#### **117ABA Mandatory injunctions**

If a person refused or failed, or is refusing or failing, or is proposing to refuse or fail to do an act or thing, and the refusal or failure did, does or would constitute a contravention of this Act, the Supreme Court may grant an injunction requiring the person to do the act or thing.

#### **117ABB Interim injunctions**

(1) Before deciding an application for an injunction under this Division, the Supreme Court may grant an interim injunction:

(a) restraining a person from engaging in conduct; or

(b) requiring a person to do an act or thing.

- (2) The Supreme Court must not require an applicant for an injunction to give an undertaking as to damages as a condition of granting an interim injunction.

**117ABC Certain considerations for granting injunctions not relevant**

- (1) The Supreme Court may grant an injunction restraining a person from engaging in conduct:
- (a) whether or not it appears to the Court that the person intends to engage again, or to continue to engage, in conduct of that kind; and
  - (b) whether or not the person previously engaged in conduct of that kind; and
  - (c) whether or not there is imminent danger of environmental harm if the person engages, or continues to engage, in conduct of that kind.
- (2) The Supreme Court may grant an injunction requiring a person to do a particular act or thing:
- (a) whether or not it appears to the Court that the person intends to refuse or fail again, or to continue to refuse or fail, to do that act or thing; and
  - (b) whether or not the person previously refused or failed to do that act or thing; and
  - (c) whether or not there is an imminent danger of environmental harm if the person refuses or fails to do that act or thing.

**117ABD Discharge of injunctions**

On application, the Supreme Court may discharge or vary an injunction.

### **117ABE Other orders**

- (1) On application only by the Minister or the CEO, the Supreme Court may make the following orders in relation to a contravention of this Act:
  - (a) if the contravention of this Act resulted in environmental harm – an order requiring the person who committed the contravention to:
    - (i) do a specified act or thing to remediate any specified environmental harm or to rehabilitate any aspect of the environment; and
    - (ii) if appropriate, do a specified act or thing to prevent or mitigate further environmental harm;
  - (b) if the Minister or the CEO incurred costs or expenses in doing an act or thing to prevent or mitigate environmental harm resulting from the contravention of this Act or to remediate or rehabilitate the environment as a result of environmental harm – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in doing the act or thing.
- (2) On application by a person referred to in section 117AA(1)(c) who suffered loss or damage as a result of a contravention of this Act, or incurred costs and expenses in doing an act or thing to prevent or mitigate that loss or damage, the Supreme Court may make an order against the person who committed the contravention for payment of:
  - (a) compensation for the loss or damage; or
  - (b) the reasonable costs and expenses incurred in doing the act or thing.

### **117ABF Supreme Court may vary or revoke order**

The Supreme Court may, if it considers it appropriate to do so, either on its own initiative or on the application of a party, vary or revoke an order made under section 117ABE.

### **117ABG Time for commencing proceedings under this Division**

- (1) A proceeding under this Division may be commenced by the Minister or the CEO at any time within 12 months after the date of the alleged act or omission that contravenes or may contravene this Act.

- (2) A proceeding under this Division may be commenced by a person referred to in section 117AA(1)(c), (d), (e) or (f) at any time within 6 months after the date of the alleged act or omission that contravenes or may contravene this Act.
- (3) The Supreme Court may, on application, extend the time specified in subsection (1) or (2).
- (4) An application under subsection (3) may be commenced before or after the end of the time specified in subsection (1) or (2).
- (5) In considering an application under subsection (3), the Supreme Court must consider the following if the information is available:
  - (a) when the alleged contravention occurred;
  - (b) whether the impact of the alleged contravention ought to have been discovered by the applicant if the applicant had exercised due diligence in finding the impact and whether the applicant exercised that due diligence;
  - (c) whether extending the time would prejudice the proposed respondent's ability to maintain a defence to the proceeding on the merits;
  - (d) any other criteria the Court considers relevant.

#### **117ABH Security and undertakings**

Subject to section 117D, the Supreme Court may order a person referred to in section 117AA(1)(c), (d), (e) or (f) who is the applicant in a proceeding under this Division:

- (a) to provide security for the payment of costs that may be awarded against the applicant if the application is subsequently dismissed; and
- (b) to give an undertaking as to the payment of any amount of damages that may be awarded under section 117ABJ.

#### **117ABJ Orders as to damages on application of respondent**

- (1) The Supreme Court may make an order under this section if, in a proceeding under this Division in relation to an alleged contravention of this Act commenced by a person referred to in section 117AA(1)(c), (d), (e) or (f), the Court determines:
  - (a) that the respondent has not contravened this Act; and

- (b) that the respondent has suffered loss or damage as a result of the commencement of the proceeding under this Division; and
  - (c) that in the circumstances it is appropriate to make an order under this section.
- (2) The Supreme Court may, on the application of the respondent, and in addition to any order as to costs, require a person referred to in section 117AA(1)(c), (d), (e) or (f) who is the applicant in a proceeding under this Division to pay to the respondent the amount determined by the Court to compensate the respondent for the loss or damage suffered by the respondent.

#### **117ABK Orders as to costs**

Subject to section 117D, in any proceeding under this Division, the Supreme Court may make any order as to costs that it considers just and reasonable.

#### **117ABL Powers conferred are in addition to other powers of Supreme Court**

The powers conferred on the Supreme Court under this Division are in addition to the other powers of the Court.

### **Division 2 Enforceable undertakings**

#### **117ABM Enforceable undertaking**

- (1) An undertaking under this Division is an enforceable promise given by a person who is alleged to have contravened this Act, in exchange for the stay of any proceedings in respect of the contravention.
- (2) An undertaking may contain any terms and conditions that the CEO considers necessary to promote the objectives of this Act or to ensure compliance with this Act.
- (3) An undertaking must include time limits for the performance of any obligations and a method to monitor compliance with the undertaking.
- (4) The process of negotiating an undertaking is without prejudice to any party's position.
- (5) The CEO may accept a written undertaking given by the holder of a petroleum interest in connection with a contravention or alleged contravention by the holder of the petroleum interest of:
  - (a) this Act; or

- (b) a term or condition of the petroleum interest.
- (6) The CEO must consider the following before accepting an undertaking:
  - (a) the nature and gravity of the conduct;
  - (b) the maximum penalty provided for the alleged contravention;
  - (c) the benefits of the proposed undertaking and the public interest;
  - (d) the interests of justice;
  - (e) any other factor that the CEO considers relevant.
- (7) The CEO must give written notice to the person whether or not the person's undertaking is accepted.
- (8) An enforceable undertaking may require the holder of the petroleum interest to publish notice of the alleged contravention and any act or thing done, or to be done, by the holder of the petroleum interest.
- (9) The CEO must publish on the Agency's website, or in any other way determined to be appropriate by the CEO, notice of the decision to accept the enforceable undertaking and of the reasons for that decision.
- (10) The giving of an undertaking does not constitute an admission of guilt by the person giving it in relation to the alleged contravention or offence.

#### **117ABN Enforcement orders**

- (1) The CEO may apply to the Supreme Court for an order under subsection (2) if the CEO considers that a holder of a petroleum interest contravened an enforceable undertaking accepted by the CEO.
- (2) The Supreme Court may make any of the following enforcement orders if the Court is satisfied that the holder of the petroleum interest has contravened an enforceable undertaking:
  - (a) an order directing the holder of the petroleum interest to comply with the undertaking;
  - (b) an order directing the holder of the petroleum interest to do any specified act or thing for the purpose of complying with the enforceable undertaking;

- (c) an order directing the holder of the petroleum interest to do any specified act or thing to minimise any harm or other impact resulting from the contravention of the enforceable undertaking;
- (d) an order that the holder of the petroleum interest pay an amount to the CEO for any costs or expenses reasonably incurred by the CEO in taking action to minimise any harm or other impact resulting from the contravention of the enforceable undertaking, including any investigation, legal or court costs;
- (e) an order that the holder of the petroleum interest pay an amount in compensation to any other person who has suffered loss or damage as a result of the contravention of the enforceable undertaking;
- (f) an order revoking the enforceable undertaking;
- (g) any other order the Court considers appropriate in the circumstances.

#### **117ABP Power of CEO to take action**

- (1) The CEO may do any act or thing specified in an enforcement order if the holder of the petroleum interest contravenes the order.
- (2) In doing a specified act or thing, the CEO may:
  - (a) do anything that is necessary or expedient to be done for that purpose; and
  - (b) publish notice that the holder of the petroleum interest has contravened the enforcement order.
- (3) The CEO may recover the reasonable costs and expenses incurred in doing a specified act or thing under this section from the holder of the petroleum interest in a court of competent jurisdiction as a debt due and payable to the Territory.
- (4) The CEO may, in writing, authorise another person to exercise a power or perform a function under subsection (1) or (2) on the CEO's behalf.
- (5) If a person is authorised to exercise a power or perform a function under subsection (4), anything done by the person in the exercise of the power or the performance of the function has the same effect as if it had been done by the CEO.

**117ABQ Variation or withdrawal of enforceable undertaking by interest holder**

- (1) The holder of a petroleum interest may vary or withdraw an enforceable undertaking accepted by the CEO with the consent of the CEO.
- (2) Despite subsection (1), the provisions of an enforceable undertaking cannot be varied to provide for a different contravention.
- (3) An enforceable undertaking is revoked on the withdrawal of the undertaking.
- (4) The CEO must publish on the Agency's website, or in any other way determined to be appropriate by the CEO, notice of the decision to consent to the variation or withdrawal of an enforceable undertaking and of the reasons for that decision.

**117ABR No criminal proceedings while enforceable undertaking in force**

- (1) Subject to subsection (3), no proceedings for an alleged contravention of this Act may be commenced or continued against a person if an enforceable undertaking in relation to the contravention:
  - (a) is in effect; or
  - (b) is completely discharged.
- (2) After accepting an enforceable undertaking from a person, the CEO must take reasonable steps to have the prosecution against the person discontinued as soon as possible.
- (3) Proceedings may be instituted or resumed against a person who gave an enforceable undertaking in respect of the alleged contravention or offence if the undertaking is not complied with.

**117ABS No further proceedings if enforceable undertaking complied with**

If the CEO is satisfied that an enforceable undertaking in relation to an alleged contravention of this Act has been complied with, a criminal proceeding for an offence that is constituted by the alleged contravention may not be commenced.

## **Division 3 Civil orders**

### **117ABT Application for civil orders**

The CEO may apply to the Local Court for a civil order under this Division if the CEO is satisfied that a person contravened a provision of this Act that is:

- (a) an offence of strict liability; or
- (b) an offence under Part V, Division 2 (not being an offence of strict liability) that is prescribed for this Division.

### **117ABU Time for making application**

An application under this Division may be commenced at any time within 3 years after the day of the alleged contravention.

### **117ABV CEO to have regard to certain matters**

In determining whether to make an application under this Division in relation to a contravention of a provision of this Act, the CEO must have regard to:

- (a) the seriousness of the contravention; and
- (b) the previous record of the offender in complying with this Act; and
- (c) any other relevant matter.

### **117ABW Notice of proposed application to Local Court**

- (1) The CEO must not apply for a civil order unless the CEO serves on the person to whom the application relates a notice of the CEO's intention to make the application.
- (2) The notice must:
  - (a) be in the approved form; and
  - (b) specify the maximum amount that the person may be ordered to pay as a civil penalty; and
  - (c) include a statement advising the person that the person may elect to be prosecuted for the relevant contravention by written notice given to the CEO within the time specified in the notice.
- (3) The time specified in the notice must not be less than 30 days.

- (4) The CEO must not apply for a civil order in relation to a contravention if the person serves a written notice on the CEO, within the time specified in the notice under subsection (2), electing to be prosecuted for the contravention.

#### **117ABX Civil orders**

- (1) On the application of the CEO, the Local Court may make the following orders against a person if the Local Court is satisfied on the balance of probabilities that the person contravened a provision of this Act that is an offence referred to in section 117ABT:
- (a) an order that the person pay to the Territory a pecuniary amount as a civil penalty;
  - (b) an order mentioned in section 117ABZ;
  - (c) any other order that the Court considers appropriate.
- (2) The amount of a civil penalty ordered under this section to be paid in relation to a contravention of a provision that is an offence must not exceed the amount specified by this Act as the maximum penalty for the offence.

#### **117ABY Local Court to have regard to certain matters**

In determining the amount to be paid by a person as a civil penalty, the Local Court must have regard to:

- (a) the nature and extent of the contravention; and
- (b) any environmental harm resulting from the contravention; and
- (c) any financial or economic saving or benefit the person stood to gain by committing the contravention; and
- (d) whether the person has previously been found, in a proceeding under this Act, to have engaged in any similar conduct; and
- (e) any other matter the Court considers relevant.

#### **117ABZ Civil orders under section 117ABX(1)(b)**

For section 117ABX(1)(b), any of the following orders may be made against a person:

- (a) an order that the person must take specified measures within a specified time:
  - (i) to prevent the contravention occurring again; or

- (ii) to remediate any environmental harm resulting from the contravention including by rehabilitating any aspect of the environment; or
- (iii) to enhance the environment in an area for public benefit;
- (b) an order requiring the person to compensate the Territory for the costs of the CEO or the Environment CEO in taking any remedial or preventive action that was made necessary as a result of the act or omission that constituted the contravention;
- (c) an order directing the person to pay to the Territory an amount that the Local Court estimates will not exceed the financial or economic benefit that the person or a person associated with the person has gained or can reasonably be expected to gain as a result of the contravention;
- (d) an order directing the person to pay an amount in compensation to any person who has suffered loss or damage as a result of the contravention;
- (e) an order requiring the person to publicise the contravention and any impact of the contravention in a specified manner.

#### **117ABZA Power to take remedial measures**

- (1) If a person fails to take any measures specified by an order mentioned in section 117ABZ(a), the CEO may take those measures.
- (2) The CEO may recover the reasonable costs of taking any measures under subsection (1) from the person in a court of competent jurisdiction as a debt due and payable to the Territory.
- (3) The CEO may, in writing, authorise another person to exercise a power or perform a function under subsection (1) or (2) on the CEO's behalf.
- (4) If a person is authorised to exercise a power or perform a function under subsection (3), anything done by the person in the exercise of the power or the performance of the function has the same effect as if it had been done by the CEO.

#### **117ABZB Civil jurisdiction**

- (1) The jurisdiction conferred by this Division is part of the civil jurisdiction of the Local Court.

- (2) The jurisdictional limit for a civil proceeding specified under section 12 of the *Local Court Act 2015* does not apply to a proceeding under this Division.

### **117ABZC Contravention of 2 or more provisions**

If the conduct of a person constitutes a contravention of 2 or more provisions of this Act that are offences referred to in section 117ABT, an amount of civil penalty may be ordered to be paid by the person under this Division in relation to the contravention of any one or more of the provisions but the person is not liable to pay more than one amount as a civil penalty in relation to the same conduct.

### **117ABZD Stay of proceeding**

- (1) This section applies to a proceeding for:
- (a) a civil order in relation to a contravention of this Act; or
  - (b) enforcement of a civil order mentioned in paragraph (a).
- (2) The proceeding is stayed if a criminal proceeding is commenced or has already commenced against the person for an offence constituted by conduct that is substantially the same as the conduct alleged to constitute the contravention.
- (3) The stayed proceeding may only be resumed if the criminal proceeding does not result in a finding of guilt being made against the person.

### **117ABZE Inadmissibility of evidence in criminal proceedings**

- (1) Evidence of information given or evidence of the production of documents by a person is not admissible in a criminal proceeding against a person if:
- (a) the person gave the evidence or produced the documents in the course of a proceeding under this Division for the recovery of an amount as a civil penalty in relation to a contravention of this Act; and
  - (b) the conduct alleged to constitute the offence is substantially the same as the conduct alleged to constitute the contravention.
- (2) Subsection (1) does not prevent the use of information given or a document produced by a person to locate or identify further evidence that may be used in evidence against the person in a proceeding for an offence or the imposition of a penalty.

- (3) Subsection (1) does not apply to a criminal proceeding in relation to the provision of misleading information or documents.

#### **117ABZF Orders as to costs**

In a proceeding under this Division, the Local Court may make any order as to costs that it considers just and reasonable, including an order requiring the reimbursement of the costs and expenses incurred by the CEO or the Environment CEO in investigating the alleged offence.

#### **117ABZG Recovery of amounts ordered to be paid to Territory**

Any amount ordered by the Local Court under this Division to be paid to the Territory may be recovered by the Territory as a judgment debt.

#### **117ABZH Civil proceedings not to affect compliance directions**

A proceeding for a civil order against a person does not affect any existing compliance direction issued to the person or the issue of a compliance direction to the person during or after the end of the proceeding.

## **Part VB          Datums**

### **117AD    Object of Part**

The main objects of this Part are:

- (a) to maintain the use of the Australian Geodetic Datum to determine the position of blocks and certain other areas; and
- (b) to enable the position of a point, line, block or other area to be described in a petroleum interest or other instrument under this Act, using another datum (but not so as to change the position of a point, line, block or area).

### **117AE    Definitions**

In this Part:

***Australian Geodetic Datum*** means the Australian Geodetic Datum as defined in the *Commonwealth Gazette* No. 84 of 6 October 1966.

***changeover time*** means the time when a declaration under section 117AG takes effect.

**current datum** means the datum declared to be the current datum under section 117AG.

**instrument under this Act:**

- (a) includes a lease referred to in section 119(1); and
- (b) does not include the Regulations.

**previous datum** means:

- (a) if a datum is the first datum declared to be the current datum under section 117AG – the Australian Geodetic Datum; or
- (b) in any other case – the datum that was the current datum immediately before the changeover time.

**this Act** includes the Regulations.

#### **117AF Australian Geodetic Datum**

- (1) For the purposes of this Act, the position on the surface of the Earth of a graticular section or a block is to be determined by reference to the Australian Geodetic Datum.
- (2) Subject to subsection (3), subsection (1) does not apply for the purposes of describing, in a petroleum interest or other instrument under this Act, the position on the surface of the Earth of a point, line or area.
- (3) Until a declaration under section 117AG takes effect, the Australian Geodetic Datum applies for the purposes of describing, in a petroleum interest or other instrument under this Act, the position on the surface of the Earth of a point, line or area.

#### **117AG Current datum and previous datum**

The Regulations may declare that, for the purposes of describing the position on the surface of the Earth of a point, line or area in a petroleum interest or other instrument under this Act, a specified datum:

- (a) is the current datum; and
- (b) replaces the previous datum.

**117AH Use of current datum**

For the purposes of this Act, the position on the surface of the Earth of:

- (a) an exploration permit area the subject of an exploration permit granted or renewed after the changeover time;
- (b) the licence area the subject of a licence granted or renewed after the changeover time;
- (c) an access authority area the subject of an access authority granted or renewed after the changeover time; or
- (d) a point, line or area set out in any other instrument made, granted or renewed under this Act after the changeover time,

is to be described by reference to the current datum, and the exploration permit, licence, access authority or instrument may be annotated accordingly.

**117AI Use of previous datum**

- (1) This section applies subject to section 117AJ.
- (2) For the purposes of this Act, the position on the surface of the Earth of:
  - (a) an exploration permit area the subject of an exploration permit in force immediately before the changeover time;
  - (b) a licence area the subject of a licence in force immediately before the changeover time;
  - (c) an access authority area the subject of an access authority in force immediately before the changeover time; or
  - (d) a point, line or area set out in any other instrument in force under this Act immediately before the changeover time,

is to be described by reference to the previous datum.

**117AJ Variation of petroleum interests etc.**

The Regulations may authorise the Minister to issue an instrument varying:

- (a) an exploration permit in force immediately before the changeover time for the sole purpose of relabelling the exploration permit area the subject of the exploration permit using geographic co-ordinates based on the current datum;

- (b) a licence in force immediately before the changeover time for the sole purpose of relabelling the licence area the subject of the licence using geographic co-ordinates based on the current datum;
- (c) an access authority in force immediately before the changeover time for the sole purpose of relabelling the access authority area the subject of the access authority using geographic co-ordinates based on the current datum;
- (d) any other instrument under this Act that:
  - (i) is in force immediately before the changeover time; and
  - (ii) sets out a point, line or area,  
  
for the sole purpose of relabelling the point, line or area using geographic co-ordinates based on the current datum; or
- (e) any other instrument under this Act for the sole purpose of inserting an annotation about the applicable datum.

**117AK    Variation of applications for petroleum interests**

The Regulations may authorise the Minister to issue an instrument varying an application for a petroleum interest under this Act for the sole purpose of relabelling a point, line or area by reference to geographic co-ordinates based on the current datum.

**117AL    No change to actual position of point, line or area**

This Part does not authorise any change to the position on the surface of the Earth of a point, line or area.

**117AM    Transitional Regulations**

The Regulations may make provision for matters of a transitional nature arising from the change from the previous datum to the current datum.

**Part VC            Financial assurance framework**

**Division 1        Preliminary matters**

**117AN    Types of security**

There are 2 kinds of security for the purposes of this Part:

- (a) environmental securities; and

- (b) petroleum infrastructure decommissioning securities.

### **117AP Requirement for security**

- (1) The Minister may determine the form of security required in a particular case after taking into account any direction of the Treasurer about acceptable or appropriate securities under this Part.

*Examples for subsection (1)*

*A form of security might be:*

- (a) a cash bond posted to the Territory Government and held in trust; or
- (b) a bank guarantee; or
- (c) a surety bond or insurance bond.
- (2) The Minister may require that more than one security be provided in a particular case.
- (3) Unless otherwise determined by the Minister, a security does not extend to an activity or work that does not require approval under an environment management plan, well operations management plan or petroleum surface infrastructure plan.

## **Division 2 Environmental securities**

### **117AQ General provisions**

- (1) An environmental security is a form of security to secure costs and to contribute to the management of risks associated with the remediation and rehabilitation of environmental impacts resulting from activities to which an approved environment management plan relates.
- (2) Without limiting subsection (1), an environmental security may provide security for:
- (a) standardised costs to address specific costs, liabilities and risks associated with environmental impacts and risk of environmental harm resulting from activities to which an approved environment management plan relates, including costs for remediation and rehabilitation; and
- (b) standardised costs to manage residual risk of environmental harm, including monitoring, after remediation and rehabilitation has been undertaken; and
- (c) a contingency amount to reduce the risk that the value of the security is inadequate.

- (3) The actual amount or value to be included in or provided by a particular security will be determined by applying an approach or methodology determined by the Environment Minister and published on the Agency's website.
- (4) The Environment Minister may vary or substitute an approach or methodology from time to time.
- (5) A variation or substitution:
  - (a) must be published on the Agency's website; and
  - (b) may, if the Environment Minister so determines, apply in relation to one or more securities for an existing petroleum interest.
- (6) An approach or methodology under this section must reflect:
  - (a) the requirement that the cost of remediation and rehabilitation reflect market conditions; and
  - (b) the circumstances of the Northern Territory petroleum industry.
- (7) The Environment Minister may adopt different approaches or methodologies for different kinds of petroleum interests.

**117AR Assessment**

- (1) The Environment Minister will determine the appropriate security or securities when the Environment Minister decides to approve an environment management plan.
- (2) An interest holder must not commence activities under an approved environment management plan without providing security in accordance with a determination of the Environment Minister under subsection (1).
- (3) The Environment Minister may allow an interest holder to provide an amount of security less than would otherwise apply if satisfied that the level of activity or stage in the performance of work does not require the full security.
- (4) The Environment Minister may act under subsection (3) on the condition that the amount of the security will be increased at a later time or times.

### **117AS Review**

- (1) An environmental security must be reviewed:
  - (a) if the approved environment management plan is revised; or
  - (b) if required by the Environment Minister.
- (2) An interest holder must review the environmental security in accordance with any requirements specified by the Environment Minister by written notice to the interest holder.
- (3) The Environment Minister may require that a security be varied or substituted, or that a new security be provided, after the completion of a review.

### **117AT Release and extension**

- (1) The Environment Minister may release an interest holder from an environmental security when satisfied that:
  - (a) all environmental obligations to which the security relates are satisfied and that the interest holder satisfied all relevant regulatory requirements; or
  - (b) it is appropriate to provide a release in the particular circumstances.
- (2) The Environment Minister may require that an environmental security extend beyond the period for which the approved environment management plan is in force to cover residual remediation or rehabilitation, provide for monitoring or address other relevant circumstances.

### **117AU Claim on security**

The Minister may, at the request of the Environment Minister, make a claim on an environmental security in accordance with the terms and conditions of the security.

## **Division 3 Petroleum infrastructure decommissioning securities**

### **117AV General provisions**

- (1) A petroleum infrastructure decommissioning security is a form of security to secure costs and liabilities associated with:
  - (a) well decommissioning to which an approved well operations management plan relates; and

- (b) decommissioning petroleum surface infrastructure to which an approved petroleum surface infrastructure plan relates; and
  - (c) decommissioning appraisal production infrastructure.
- (2) Without limiting subsection (1), a petroleum infrastructure decommissioning security may provide security for:
  - (a) standardised costs associated with well decommissioning; and
  - (b) standardised costs associated with petroleum surface infrastructure decommissioning; and
  - (c) standardised costs associated with appraisal production infrastructure decommissioning.
- (3) The actual amount or value to be included in or provided by a particular security will be determined by applying an approach or methodology determined by the Minister and published on the Agency's website.
- (4) The Minister may vary or substitute an approach or methodology from time to time.
- (5) A variation or substitution:
  - (a) must be published on the Agency's website; and
  - (b) may, if the Minister so determines, apply in relation to one or more securities for an existing petroleum interest.
- (6) An approach or methodology under this section must reflect:
  - (a) the requirement that the cost of decommissioning reflect market conditions; and
  - (b) the circumstances of the Northern Territory petroleum industry.
- (7) The Minister may adopt different approaches or methodologies for different kinds of petroleum interests.

**117AW Assessment**

- (1) The Minister will determine the appropriate security or securities when the Minister decides to approve:
  - (a) a well operations management plan or a petroleum surface infrastructure plan; or
  - (b) the recovery of petroleum on an appraisal basis.

- (2) An interest holder must not commence activities under an approved well operations management plan or a petroleum surface infrastructure plan, or to recover petroleum on an appraisal basis, without providing security in accordance with a determination of the Minister under subsection (1).
- (3) The Minister may allow an interest holder to provide a reduced amount of security if satisfied that the interest holder's resources or reserves are large enough that a reduction is reasonable.

#### **117AX Review**

- (1) A petroleum infrastructure decommissioning security must be reviewed:
  - (a) if an approved plan relevant to the security is revised; or
  - (b) if there is a material change in an estimate of petroleum reserves in a relevant field management plan or other plan or report under this Act; or
  - (c) if required by the Minister.
- (2) An interest holder must review the petroleum infrastructure decommissioning security in accordance with any requirements specified by the Minister by written notice to the interest holder.
- (3) The Minister may require that a security be varied or substituted, or that a new security be provided, after the completion of a review.

#### **117AY Release and extension**

The Minister may release an interest holder from a petroleum infrastructure decommissioning security when satisfied:

- (a) that all obligations to which the security relates are satisfied and that the relevant decommissioning satisfied all relevant regulatory requirements; or
- (b) that it is appropriate to provide a release in the particular case.

#### **117AZ Claim on security**

The Minister may make a claim on a petroleum infrastructure decommissioning security in accordance with the terms and conditions of the security.

## **Division 4 Common provisions**

### **117AZA Administration of securities**

- (1) The Minister must hold all environmental securities and petroleum infrastructure decommissioning securities.
- (2) An environmental security must be administered by the Minister acting on the advice of the Environment Minister.
- (3) A petroleum infrastructure decommissioning security must be administered by the Minister.
- (4) The Minister must establish a fund for the purpose of holding money under a bond or other security that requires the payment of cash.

### **117AZB Mandatory condition**

It is a condition of a petroleum interest that the interest holder must:

- (a) provide the security or securities required under this Part; and
- (b) not commence an activity or work without providing security in accordance with this Part; and
- (c) review a security as required under this Part; and
- (d) comply with any requirement of the Minister or the Environment Minister to vary or substitute a security, or to provide a new security, in accordance with this Part.

### **117AZC Action if interest holder in default**

- (1) The CEO may do any act or thing for which a security under this Part was obtained if the relevant interest holder fails to do that act or thing.
- (2) The CEO may, in writing, authorise another person to act on the CEO's behalf under subsection (1).
- (3) If the CEO acts under subsection (1) and the security is insufficient to cover the CEO's reasonable costs and expenses, the CEO may recover from the interest holder the outstanding amount in a court of competent jurisdiction as a debt due and payable to the Territory.

### **117AZD Information about securities**

The CEO must publish on the Agency's website:

- (a) a list of all securities held under this Part with sufficient detail to allow members of the public to understand the securities held in relation to each petroleum interest; and
- (b) the total value of securities held from time to time for all petroleum interests.

## **Part VD Monitoring and compliance levy**

### **117AZE Definition**

In this Part:

*levy* means the monitoring and compliance levy under this Part.

### **117AZF Monitoring and compliance levy**

- (1) There is a monitoring and compliance levy.
- (2) The levy is imposed to provide funding for the following purposes:
  - (a) monitoring activities to ensure that they are consistent with approvals, conditions attached to petroleum interests, plans approved under this Act, and other requirements under this Act;
  - (b) compliance and enforcement activities undertaken by the CEO, the Environment CEO, public sector employees in an Agency involved in the administration of this Act, and inspectors;
  - (c) recovering costs, or raising funds to cover future costs, connected with obtaining information, undertaking studies, making assessments and monitoring activities, outcomes and impacts associated with a petroleum interest or a proposed or potential petroleum interest, or in relation to an area that may be affected by a petroleum interest or a proposed or potential petroleum interest;
  - (d) other activities relating to the administration of this Act (insofar as those activities are not funded by fees and charges collected under this Act).

- (3) The levy is an amount calculated and imposed in relation to activities specified by regulation and approved to be carried on under this Act during each financial year.
- (4) An additional levy may be imposed during a financial year if additional activities are approved during the financial year.
- (5) The levy is imposed from the beginning of the 2023/2024 financial year.
- (6) The levy is payable to the Territory.
- (7) Any unpaid levy may be recovered as a debt due and payable to the Territory.

**117AZG Liability for monitoring and compliance levy**

A person is liable to pay a levy if the person is in a class of persons specified by regulation to be liable to pay the levy.

**117AZH Amount and imposition of levy**

- (1) The amount of levy to be paid by a person must be determined in accordance with the regulations.
- (2) The regulations may deal with matters relevant to the determination, payment and collection of a levy.
- (3) The regulations may provide for the amount of a levy, and the method of calculating a levy, to be different in relation to different classes of actions, factors or circumstances.
- (4) The regulations may allow a particular matter under subsection (1), (2) or (3) about the scope or application of a particular component of the levy to be determined according to the discretion of the Minister.
- (5) A levy paid by a person is not refundable.
- (6) Interest accrues on unpaid levy in accordance with the regulations.

**117AZJ Returns**

A person liable to pay a levy must provide a return, in the approved form, to the Minister at the time of the payment of the levy.

## **Part VE Orphan well levy**

### **117AZK Definitions**

In this Part:

**levy** means the orphan well levy under this Part.

**orphan well**, see section 117AZL.

### **117AZL Meaning of *orphan well***

An **orphan well** is a well where:

- (a) the well is located on an area that has been subject to:
  - (i) a petroleum interest granted under this Act; or
  - (ii) a permit or lease granted under the repealed Act; or
  - (iii) any other form of authority or title under a law applying in the Territory with respect to petroleum exploration, recovery or production; and
- (b) the authority or title under which the well was established has ceased to exist; and
- (c) the Territory has assumed responsibility for the monitoring, maintenance, management or rectification of the well.

### **117AZM Orphan well levy**

- (1) There is an orphan well levy.
- (2) The levy is imposed to provide funding for the following purposes:
  - (a) monitoring and assessing the integrity of orphan wells;
  - (b) obtaining expert reports relating to the integrity of an orphan well;
  - (c) performing, or engaging appropriately qualified persons to perform, maintenance work on orphan wells;
  - (d) preparing remediation plans to rectify the loss of integrity of orphan wells;
  - (e) carrying out work to rectify the loss of integrity of an orphan well;
  - (f) undertaking well and infrastructure decommissioning;

- (g) undertaking other work and activities appropriate in connection with the orphan wells.
- (3) The levy is payable in relation to each financial year.
- (4) The levy is imposed from the beginning of the 2023/2024 financial year.
- (5) The levy is payable to the Minister.
- (6) Any unpaid levy may be recovered as a debt due and payable to the Territory.

**117AZN Liability for orphan well levy**

Each interest holder is liable to pay the orphan well levy.

**117AZP Basis and calculation of levy**

- (1) The levy for each financial year is calculated by reference to the number of blocks held by an interest holder at the beginning of the financial year.
- (2) The levy is imposed at the specified rate per block as at the beginning of the financial year.
- (3) The specified rate is:
  - (a) 84 revenue units; or
  - (b) a prescribed number of revenue units.

**117AZQ Payment of levy**

- (1) A levy must be paid by 31 July of the financial year to which the levy relates.
- (2) A levy paid by a person is not refundable.
- (3) Interest accrues on unpaid levy in accordance with the regulations.

**117AZR Returns**

A person liable to pay a levy must provide a return, in the approved form, to the Minister at the time of the payment of the levy.

**117AZS Payment into Fund**

The Minister must pay money received in payment of the orphan well levy into the Orphan Well Fund.

**117AZT Establishment of Fund**

- (1) The Orphan Well Fund must be established under the *Financial Management Act 1995*.
- (2) The regulations may deal with matters relevant to the Fund.
- (3) The purpose of the Fund is to hold money in trust to be used by the Minister for purposes for which the orphan well levy is imposed.

**117AZU Publication of information**

The Minister must publish on the Agency's website, within 3 months after the end of each financial year, the following information:

- (a) the amount of orphan well levy collected for that financial year;
- (b) the opening and closing balances of the Orphan Well Fund for that financial year;
- (c) an outline of the work and activities funded from the Orphan Well Fund during that financial year.

**Part VF Codes of practice**

**117AZV Codes of practice**

- (1) The Minister may establish a code of practice for the purposes of this Act and may vary or revoke a code of practice.
- (2) The Minister and the Environment Minister must consult with each other before establishing, varying or revoking a code of practice under subsection (1).
- (3) A code of practice may apply, adopt or incorporate any matter contained in a document formulated, issued or published by a person or body whether:
  - (a) with or without modification; and
  - (b) as in force at a particular time or from time to time.
- (4) A code of practice, or a variation or revocation of a code of practice, takes effect by *Gazette* notice.
- (5) The Minister must ensure that notice of a code of practice, or of a variation or revocation of a code of practice, is published in the *Gazette* and on the Agency's website.

- (6) The CEO must ensure that a copy of each of the following is available for inspection by members of the public without charge at the principal office of the Agency during normal business hours:
- (a) any code of practice currently in effect;
  - (b) any document applied, adopted or incorporated (to any extent) in a code of practice.

### **117AZW Use of codes of practice in proceedings**

- (1) This section applies in a proceeding for an offence against this Act.
- (2) A code of practice is admissible in the proceeding as evidence of whether or not a requirement under this Act was complied with.
- (3) Without limiting subsection (2), a court may have regard to the code of practice as evidence of what is known about:
  - (a) maintaining well or infrastructure integrity; or
  - (b) managing environmental impacts and risks; or
  - (c) ensuring the security of supply.
- (4) Nothing in this section:
  - (a) prevents a person from introducing evidence of compliance with this Act in a manner that is different from a code of practice but provides an outcome that satisfies the relevant requirement; or
  - (b) limits the operation of a code of practice to the extent to which compliance with the code may be mandatory under another provision of this Act.

## **Part VI                    Miscellaneous**

### **117AMA Licence etc. not personal property**

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), each of the following is not personal property for that Act:

- (a) an access authority;
- (b) an exploration permit;
- (c) a retention licence;
- (d) a production licence;

- (e) an interest in an authority, permit or licence mentioned in paragraph (a), (b), (c) or (d).

*Note for section 117AMA*

*A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).*

#### **117A Compensation: time limit on claims**

A claim for compensation payable under this Act that is not made within 3 years after the doing of the activity giving rise to the claim is, by virtue of this section, statute barred.

#### **117B Service of documents**

A document required by or under this Act to be served on a person may, unless the contrary intention appears, be served:

- (a) on that person personally;
- (b) by post to the person's usual or last-known place of abode or business; or
- (c) by leaving it with a person apparently of or above the age of 16 years at the first-mentioned person's usual or last known place of abode or business.

#### **117C Guidelines**

- (1) The Minister may issue guidelines for this Act.
- (2) Any guidelines must be published on the Agency's website.

#### **117D Costs, undertakings and security for costs**

- (1) Subject to subsection (3), this section applies in relation to any proceedings under this Act in which a court or the Tribunal has the ability:
  - (a) to order a party to the proceedings to provide security for the payment of costs that may be awarded against the party if the party's case is unsuccessful; or
  - (b) to order a party to the proceedings to give an undertaking as to the payment of any amount that may be awarded as damages or compensation; or
  - (c) to make an order as to costs.

- (2) Without limiting any other discretion, a court or the Tribunal may, in any proceedings where it considers a party to be acting in the public interest, determine not to do one or more of the following:
  - (a) require security for the payment costs;
  - (b) require an undertaking as to the payment of any amount that may be awarded as damages or compensation;
  - (c) require the payment of costs.
- (3) This section does not apply in relation to criminal proceedings.

**117E Publication of decisions and provision of reasons**

- (1) A failure by the Minister or other person exercising a power or performing a function under this Act to publish a decision, or to give reasons for a decision, in accordance with a requirement under this Act does not affect the validity of the decision.
- (2) The Minister or other person exercising a power or performing a function under this Act may publish a decision, or give reasons for a decision, even if the time specified for doing so under this Act has expired.

**117F Evidentiary**

- (1) In a proceeding for an offence against this Act, a statement of fact may be made in a complaint or information as evidence in respect of the following physical elements of the offence:
  - (a) that a specified person was or was not, at a specified time, the holder of a petroleum interest;
  - (b) that a petroleum interest was or was not, at a specified time, subject to a condition or limitation and the nature of the condition or limitation;
  - (c) that a specified notice, order, direction or requirement had been given, made, issued or imposed under this Act;
  - (d) that a person was or was not authorised to exercise a power or perform a function under this Act;
  - (e) that a specified code of practice was an approved code of practice at a specified time.
- (2) In a proceeding for an offence against this Act, a statement of fact may be made in a complaint or information as evidence that, at a specified time, a specified person was an inspector.

**117G Certificates of evidence**

- (1) A certificate purporting to be signed by the CEO or an inspector specifying a matter referred to in section 117F(1) is evidence of the matter specified in the certificate.
- (2) A certificate purporting to be signed by the CEO specifying that a specified person was at a specified time an inspector is evidence of the matter specified in the certificate.
- (3) A certificate that purports to be signed by an authorised analyst and states the analysis of a substance received from an inspector or the CEO is evidence of the matters specified in the certificate.
- (4) In any proceedings for the recovery of costs or expenses incurred by the Minister or the CEO under this Act, a certificate signed by the Minister or the CEO detailing the costs or expenses and the purpose for which they were incurred is evidence of the matters so certified.

**117H Contravention of certain provisions not offence**

Section 69A of the *Summary Offences Act 1923* does not apply to a provision of this Act to which, apart from this section, it would otherwise apply.

**117J Approved forms**

- (1) The Minister may approve forms for this Act.
- (2) The Minister must publish an approved form on the Agency's website.

**117K Electronic processes**

- (1) The regulations may make provision for or in relation to:
  - (a) the lodging of applications, instruments, notices and other documents electronically; and
  - (b) the use of electronic instruments and other documents for any purpose under this Act; and
  - (c) the provision of approvals, instruments, notices and other documents electronically; and
  - (d) allowing the originals or copies of applications, approvals, instruments, notices and other documents to be provided or returned electronically; and

- (e) requirements for taking any step under this Act electronically, including requirements about the verification of identity or authority, the authentication of information, documents and other matters, the signing or execution of documents and instruments, and the endorsement of documents or approvals; and
  - (f) requirements for the retention of documents supporting or authenticating electronic documents, including periods of retention; and
  - (g) other matters associated with allowing any step, process or requirement under this Act to be undertaken electronically.
- (2) To the extent that the regulations provide for a step under this Act to be taken electronically, taking the step electronically in accordance with the regulations will be taken to be acting under and in compliance with the relevant provision of this Act.

#### **117L Acquisition of advice**

- (1) The Minister or the CEO may engage a person to give advice in relation to:
- (a) any application made, or assessment to be undertaken, under this Act; or
  - (b) any plan, proposal, material, information or documents given to the Minister or the CEO:
    - (i) by an interest holder, or by a person who has applied to become an interest holder; or
    - (ii) by any other person under, or for the purposes of, this Act.
- (2) The Minister or the CEO must consult with an applicant or other person before acting under subsection (1) if the Minister or CEO proposes that the applicant or other person is to be required to pay the costs of an engagement under that subsection.

#### **117M Cost recovery**

- (1) The CEO may recover:
- (a) from an applicant or other person mentioned in section 117L(2) the cost of the engagement by the Minister or the CEO of a person under that section to give the advice envisaged by that section; or

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- (b) from an interest holder, or from a person who has applied to become an interest holder, any costs reasonably incurred by the Minister or the CEO in connection with taking any step or performing any function that directly relates to that interest holder or potential interest holder.
  - (2) An amount is not recoverable under subsection (1)(b) to the extent that it appears to the CEO that the cost of taking a step or performing a function was covered by a prescribed fee or charge prescribed by the regulations in relation to the same matter.
  - (3) The CEO may recover the costs as a debt due and payable to the Territory.

#### **117N Protection from liability**

- (1) A person is not civilly liable for an act done or omitted to be done by the person in good faith in the exercise of a power or the performance of a function as any of the following:
  - (a) an inspector;
  - (b) a person assisting an inspector under Part III.
- (2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.
- (3) In this section:

**exercise** of a power includes the purported exercise of the power.

**performance** of a function includes the purported performance of the function.

#### **117P Authorised analysts**

The CEO may, by *Gazette* notice, appoint an appropriately qualified person to be an authorised analyst for the purposes of this Act.

#### **117Q Parallel powers and functions**

- (1) The Environment Minister may exercise the powers and perform the functions conferred under the following provisions if the Environment Minister considers that to do so is appropriate for promoting one or more of the objects and outcomes set out in section 3(1)(b) and (c) and (2)(f):
  - (a) section 71;
  - (b) section 77

- (c) section 117AA;
  - (d) section 117ABE;
  - (e) section 117ABG;
  - (f) section 117AP;
  - (g) section 117AZV;
  - (h) section 117C;
  - (i) section 117G;
  - (j) section 117J;
  - (k) section 117L;
  - (l) section 117R;
  - (m) any other provision or regulation specified in an Administrative Arrangements Order.
- (2) The Environment CEO may exercise the powers and perform the functions conferred under the following provisions if the Environment CEO considers that to do so is appropriate for promoting one or more of the objects and outcomes set out in section 3(1)(b) and (c) and (2)(f):
- (a) section 72;
  - (b) section 87;
  - (c) section 88;
  - (d) section 89B(4);
  - (e) section 89D;
  - (f) section 89L(4);
  - (g) section 89N;
  - (h) section 89R;
  - (i) section 89W;
  - (j) section 89ZA;
  - (k) section 116(2);

- (l) section 117AAE;
  - (m) section 117AA;
  - (n) section 117ABE;
  - (o) section 117ABG;
  - (p) section 117ABM;
  - (q) section 117ABN;
  - (r) section 117ABP;
  - (s) section 117ABQ;
  - (t) section 117ABR;
  - (u) section 117ABS
  - (v) section 117ABT;
  - (w) section 117ABV;
  - (x) section 117ABW;
  - (y) section 117ABX;
  - (z) section 117ABZA;
  - (za) section 117AZC;
  - (zb) section 117G;
  - (zc) section 117L;
  - (zd) section 117M;
  - (ze) section 117P;
  - (zf) section 117S;
  - (zg) any other provision or regulation specified by regulation.
- (3) Nothing in subsection (1) or (2) limits the power or functions of the Minister responsible for the administration of this Act or the CEO from acting under a provision referred to in either of those subsections and the fact that the Minister or the CEO has acted does not prevent the Environment Minister or the Environment CEO from also acting.

- (4) A person with powers or functions under provisions specified in subsection (1) or (2) must take reasonable steps to consult with the other person with the same powers or functions before exercising the power or performing the function if it appears that:
  - (a) both persons intend to exercise a power or perform a function under the same provision in relation to the same matter; or
  - (b) one person intends to exercise a power or perform a function under the same provision in relation to the same matter for which the other person has already exercised the power or performed the function.
- (5) In the event of a conflict between an exercise of power by the Minister and the Environment Minister, the CEO and the Environment CEO, or an inspector and an environment inspector, the exercise of the power by the Environment Minister, the Environment CEO or an environment inspector prevails to the extent of the conflict.
- (6) For the purposes of subsection (5), a conflict only exists if a person cannot comply with the power exercised or the function performed by both persons.
- (7) In this section:

***environment inspector*** means an inspector appointed by the Environment CEO under section 87.

**117R Delegation by Minister**

The Minister may delegate any of the Minister's powers and functions under this Act to a person.

**117S Delegation by CEO**

The CEO may delegate any of the CEO's powers and functions under this Act to a person.

**117T Application to Tribunal in relation to infrastructure facilities**

- (1) A person permitted by section 24MD(6B)(d) of the Native Title Act to object to an act in section 24MD(6B)(b) of the Native Title Act may apply to the Tribunal for a hearing and recommendation in relation to the objection.
- (2) For section 24MD(6B)(f) of the Native Title Act:
  - (a) the Tribunal is an independent body that may hear the application; and

- (b) the application is taken to be the request for a hearing by an independent body.

## **118 Regulations**

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters:
  - (a) required or permitted by this Act to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting the generality of subsection (1), the Administrator may in the Regulations prescribe for or in relation to:
  - (a) the exploration for petroleum and the carrying on of operations for that purpose; and
  - (b) the production of petroleum, including the rate of production from a licence area, and the carrying on of operations and execution of works for that purpose; and
  - (c) the conservation and prevention of waste of natural resources whether petroleum or otherwise; and
  - (d) the construction, erection, maintenance, operation or use of installations or equipment within an exploration permit or licence area by the permittee or licensee; and
  - (e) the control of the flow or discharge, and the prevention of escape of, petroleum, water or drilling fluid, or a mixture of them or any other matter; and
  - (f) the cleaning up or other remedying of the effects of the escape of petroleum; and
  - (g) the prevention of damage to petroleum bearing strata in an area in relation to which an exploration permit or licence is not in force; and
  - (h) the separation of:
    - (i) each source of petroleum discovered in an exploration permit or licence area; and
    - (ii) each source of water discovered in an exploration permit or licence area; and

- (j) the prevention of water and other matter from entering a petroleum pool through wells; and
- (k) the maintenance in good condition and repair of all structures, equipment and other property used or intended to be used for or in connection with the exploration for, or the production of, petroleum in an exploration permit or licence area; and
- (m) the removal from an exploration permit or licence area of structures, equipment or other property brought into an exploration permit or licence area; and
- (p) the protection of the environment and people who have lawful access to the exploration permit or licence area; and
- (pa) land access agreements; and
- (pb) access to land to comply with a direction or notice given by the Minister, the Environment Minister, the CEO, the Environment CEO or an inspector under this Act; and
- (pc) environmental securities and petroleum infrastructure decommissioning securities; and
- (pd) the giving of notice before a prescribed class of activity or work is commenced; and
- (pe) the keeping and inspection of records in connection with any activity or work undertaken under an approved plan or an approved environment management plan; and
- (pf) the reporting of incidents arising from operations or activities carried out under a permit or licence; and
- (q) fees or charges that may be payable or imposed by or under this Act; and
- (r) the form and manner of making applications under this Act; and
- (s) the creation of offences including offences of strict or absolute liability; and
- (t) maximum penalties for an offence against a regulation, other than an offence of strict liability or absolute liability, of 2 000 penalty units; and
- (u) maximum penalties for an offence against a regulation that is an offence of strict liability or absolute liability of 200 penalty units; and

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- (v) the imposition of interest to be payable, and the rate and method of calculating interest, on amounts due and payable under this Act, but unpaid, to the Territory; and
  - (w) the recovery of interest and the ability of the Minister to waive, in whole or in part, interest that is otherwise payable in a particular case; and
  - (x) circumstances where the Minister may, on conditions specified by the Minister:
    - (i) determine that particular operations do not need to be covered by an approved plan; or
    - (ii) exempt an interest holder from the requirement to comply with an approved plan in a particular respect; or
    - (iii) agree to the modification of a requirement under an approved plan.
- (3) In regulations prescribing matters for the protection of the environment, as mentioned in subsection (2)(p), the Administrator may provide for:
- (a) functions to be performed, and powers to be exercised, by the Minister; and
  - (b) the way in which the Minister may perform a function or exercise a power, including the way in which the Minister may exercise a discretion.
- (4) In addition to the matters mentioned in subsection (3), regulations for protection of the environment may provide for a scheme under which persons proposing to undertake certain activities under this Act must obtain prior Ministerial approval of an environment management plan.
- (5) A scheme mentioned in subsection (4) may include the prescribing of decisions made under the regulations and who may apply for judicial review or merits review of those decisions.
- (6) A scheme mentioned in subsection (4) may also require that a plan submitted for approval be accompanied by other documents as the Administrator considers appropriate.

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- (6A) In regulations for or in relation to land access agreements under subsection (2)(pa), the Administrator may provide for any of the following:
- (a) the circumstances in which a land access agreement between parties is required;
  - (b) the parties who are required to enter into a land access agreement;
  - (c) the process to be undertaken by the parties to enter into a land access agreement;
  - (d) the minimum requirements of a land access agreement;
  - (e) the process to be undertaken if a land access agreement cannot be entered into between the parties;
  - (f) the requirement to maintain a register of land access agreements and the manner in which a land access agreement is registered;
  - (g) the liability of the parties to the costs associated with land access agreements;
  - (h) the requirement to maintain a register of persons with dispute resolution qualifications and the circumstances in which a person in the register would be required to assist the parties;
  - (i) the requirement for a party to a land access agreement to provide a guarantee in favour of a third party;
  - (j) the consequences of a breach of a land access agreement and a scheme for the enforcement of a land access agreement, including by providing that a breach of a land access agreement is an offence against the regulations;
  - (k) the conferral of jurisdiction on the Tribunal to do the following:
    - (i) arbitrate between the parties required to enter into a land access agreement;
    - (ii) deal with a dispute between the parties required to enter into a land access agreement or deal with a dispute between the parties to a land access agreement;
    - (iii) determine the contents of a land access agreement for the parties;
    - (iv) determine that a land access agreement be terminated;

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- (l) despite sections 131 and 132 of the *Northern Territory Civil and Administrative Tribunal Act 2014* – the Tribunal making costs orders in relation to an arbitration, decision or determination arising from the conferral of jurisdiction from this subsection;
  - (m) the functions to be performed, and powers to be exercised, by the Minister;
  - (n) the way in which the Minister may perform a function or exercise a power, including the way in which the Minister may exercise a discretion;
  - (o) Ministerial approval of a land access agreement;
  - (p) the decisions made under the regulations that are subject to judicial review or merits review and who may apply for judicial review or merits review of those decisions.

*Note for subsection (6A)(k)*

*Section 82B provides that section 140 of the Northern Territory Civil and Administrative Tribunal Act 2014 does not apply to a decision made by the Tribunal as a result of jurisdiction conferred under subsection (6A)(k).*

- (7) In regulations for or in relation to access to land under subsection (2)(pb), the Administrator may provide for any of the following:
  - (a) the persons who may gain access;
  - (b) the requirement to give notice to an owner or occupier of land, and to any other specified person, before access occurs;
  - (c) the action that may be taken after entering land;
  - (d) the extent to which equipment, machinery and materials may be brought on to land;
  - (e) the right to leave monitoring and other equipment on land;
  - (f) any requirement or duty in connection with being on land;
  - (g) an entitlement to compensation for loss or damage incurred by an owner or occupier of land;
  - (h) the provision of information and reports in connection with entry on to land or undertaking work or activities in relation to the land.

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- (8) A regulation may, in relation to fees or charges mentioned in subsection (2)(q):
- (a) prescribe differential fees or charges; or
  - (b) provide for fees or charges to be determined according to prescribed factors or circumstances or by applying any prescribed methodology.
- (9) The regulations may apply or adopt the following as in force at a particular time or as in force from time to time:
- (a) an approved code of practice;
  - (b) a national standard, guideline, code of practice or other similar instrument;
  - (c) a standard published by Standards Australia.

### **119 Application, savings and transitional**

- (1) Subject to this section, this Act does not apply to or in relation to:
- (a) a permit or lease, granted under the repealed Act before the commencement of this Act;
  - (b) a renewal of a permit or lease referred to in paragraph (a); or
  - (c) the application for, or grant or renewal of, a lease in relation to an area which was previously the whole or part of the area the subject of a permit referred to in paragraph (a).
- (1A) Part VB applies to and in relation to a lease referred to in subsection (1).
- (2) For the purposes of subsection (1), the repealed Act shall continue in force as though this Act had not come into force except that a lease granted or renewed under the repealed Act remains in force for the same period as a production licence and is subject to the provisions of this Act relating to the release of information and the giving of directions by the Minister.
- (2AA) A lessee of a lease referred to in subsection (1) may apply for the renewal of the lease under the repealed Act, as continued in force by subsection (2), at a time earlier than that specified in the repealed Act, and, subject to Part IIA if applicable, the Minister may grant the renewal, where the Minister is satisfied that there are commercial reasons that justify the application being made at a time earlier than that specified in the repealed Act.

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- (2A) The Minister shall not under the repealed Act, as continued in force by subsection (2), grant a lease of land comprising the whole or a part of a park or reserve except in accordance with the conditions, if any, specified by the minister administering the *Territory Parks and Wildlife Conservation Act 1976*.
- (2B) The holder of a permit continued in force by subsection (2) shall not carry out work referred to in a statement under section 25 of the repealed Act, or other exploration, which may cause significant disturbance to the surface of land comprising the whole or a part of a park or reserve unless he has advised the Minister, in writing, of the proposed activity and he carries it out in accordance with such directions, if any, as the Minister thinks fit, or which are required under subsection (2C) to be given, to protect the environment of or in the vicinity of the park or reserve.
- (2C) The minister administering the *Territory Parks and Wildlife Conservation Act 1976* may require the Minister to give as directions under subsection (2B) such directions in relation to the protection of the environment of the park or reserve referred to in that subsection as the minister thinks fit, and the Minister shall give those directions accordingly.
- (2D) Subject to subsection (2E), a lease in respect of which a condition referred to in subsection (2A) is specified is, in addition to the conditions prescribed for the purposes of section 46(2)(b) of the repealed Act, subject to that condition so specified.
- (2E) Where a condition prescribed for the purposes of section 46(2)(b) of the repealed Act is inconsistent with a condition specified under subsection (2A), the first-mentioned condition, to the extent of that inconsistency, has no force or effect.
- (2F) The Minister has power to give a direction referred to in subsection (2B).
- (3) A permittee or lessee, within the meaning of the repealed Act, may, by notice in writing to the Minister, apply to surrender his permit or lease under the repealed Act in consideration of a grant, subject to subsection (4), of a permit or licence under this Act.
- (4) In an application under subsection (3), the permittee or lessee, within the meaning of the repealed Act, shall specify:
- (a) the nature;
  - (b) the term, including whether it shall be deemed to be an initial grant or a renewal and the date of expiration; and
  - (c) the conditions,

of the permit or licence he proposes shall be granted to him.

- (5) Before the expiration of 3 months after the date of receipt of an application under subsection (3), the Minister must give notice to the applicant of:
  - (a) the conditions subject to which he or she is prepared to grant the application; and
  - (b) the date, not being earlier than 28 days after the date of the notice, after which the application lapses unless the Minister has received from the applicant an acceptance of the conditions specified in the notice.
- (6) If the Minister receives from the applicant within the time specified in subsection (5)(b) a written acceptance of the conditions, the Minister must grant the permit or licence to the applicant subject to those conditions and cause the Registrar to register it.
- (7) Upon the registration of a permit or licence granted under subsection (6), the permit or lease, within the meaning of the repealed Act, expires.
- (8) Subject to subsection (9), an application for a permit that had been made under the repealed Act and had not been processed before the commencement of this Act may, at the election of the applicant made within 2 months after the commencement of this Act, be processed as an application for a permit under this Act as though it were an application made under this Act on the commencement of this Act, but shall otherwise lapse.
- (9) Where an application referred to in subsection (8) does not comply with the requirements of section 16(1), the Minister may:
  - (a) exercise his powers under section 16(2); and
  - (b) as he thinks fit, amend the application so that it complies with the requirements of section 16(1).
- (10) The person who, immediately before the commencement of this Act, held the office of Petroleum Registrar within the meaning of the repealed Act shall, on that commencement, be the Registrar for the purposes of this Act as if he were appointed under section 90(1) by the Minister on the commencement.
- (11) The Register of Permits and Register of Leases, within the meaning of the repealed Act shall, on the commencement of this Act form part of the Register for the purposes of this Act.

- (12) Each record kept, registration or record made, certificate or instrument issued, permit, permission, authority, notice or information given, served or lodged or return made, for any purpose, under the repealed Act and in force or effect immediately before the commencement of this Act, shall continue in force and have effect as if kept, made, issued or given under this Act.
- (13) An interest, whether legal or equitable, created before the commencement of this Act in relation to a permit or lease granted or issued under the repealed Act and in force immediately before the commencement of this Act, shall continue to have the same force and effect after the commencement of this Act as it had before the commencement.
- (14) The regulations may:
- (a) extend the application of any provision of this Act prescribed by regulation to and in relation to a lease referred to in subsection (1); and
  - (b) extend the application of any regulations under this Act to and in relation to a lease referred to in subsection (1).
- (15) A regulation under subsection (14) has effect according to its terms and despite any inconsistency between the regulation and another provision of this section.

## **Part VII Transitional matters**

### **Division 1 Petroleum Amendment and Related Matters Act 2010**

#### **120 Definitions**

In this Part:

***amendment Act*** means the *Petroleum Amendment and Related Matters Act 2010*.

***commencement day*** means the day on which this section commences.

***repealed***, in relation to a provision mentioned in this Part, means the provision of this Act as in force immediately before the commencement day.

**121 Determination of competing applications**

If, on the commencement day, the Minister has not completed the determination of competing applications for the grant of an exploration permit under repealed section 21, 21A or 21B:

- (a) those repealed provisions continue to apply in relation to the determination; and
- (b) repealed section 21D of the Act applies in relation to the determination; and
- (c) Part II, Division 6 of this Act, as in force immediately before the commencement day, applies to any review of the determination.

**122 Minister's powers and functions**

If, on the commencement day, the Minister is exercising a power or performing a function of the Authority under the *Workplace Health and Safety Act 2007* as provided by repealed section 89A(2)(a):

- (a) the Minister may continue to exercise or perform the power or function as if the amendment Act had not commenced; or
- (b) the Authority may, as agreed with the Minister, continue to exercise or perform the power or function.

**123 Inspector's powers and functions**

- (1) This section applies if, on the commencement day, an inspector is exercising a power or performing a function of a workplace safety officer under the *Workplace Health and Safety Act 2007* as provided by repealed section 89A(2)(b).
- (2) The inspector may continue to exercise or perform the power or function, or a workplace safety officer may do so, in accordance with an agreement between the Minister and the Authority.

**Division 2 Petroleum Amendment Act 2013**

**124 Existing applications for grant of exploration permit**

- (1) If on the commencement day the Minister has not completed the consideration and determination of an existing application, Part II, Division 2, as in force immediately before the commencement day, continues to apply in relation to the application as if the *Petroleum Amendment Act 2013* had not commenced.

(2) In this section:

**commencement day** means the day on which this section commences.

**existing application** means an application for the grant of an exploration permit made before the commencement day.

**Division 3 Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014**

**125 Application or referral before former Tribunal**

(1) This section applies if, before the commencement:

(a) one of the following circumstances applied:

- (i) a person had made an application to the former Tribunal;
  - (ii) the Minister had referred a matter to the former Tribunal;
- and

(b) the former Tribunal had not decided the application or matter.

(2) The former Tribunal must continue to deal with the application or matter in accordance with the former legislation.

(3) In this section:

**commencement** means the commencement of Part 17 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

**former legislation** means the following as in force immediately before the commencement:

- (a) this Act;
- (b) the *Lands, Planning and Mining Tribunal Act 1998*.

**former Tribunal** means the Lands, Planning and Mining Tribunal as in existence under the *Lands, Planning and Mining Tribunal Act 1998* immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act 2014*.

## **Division 4            Petroleum Legislation Miscellaneous Amendments Act 2020**

### **126            Definitions**

In this Division:

***commencement*** means the commencement of Part 2 of the *Petroleum Legislation Miscellaneous Amendments Act 2020*.

### **127            Application made for exploration permit before commencement**

Part II, Division 2, as in force before the commencement, applies to an application for the grant of an exemption permit for specified blocks under section 16(1) made before the commencement.

### **128            Decision in relation to renewal of exploration permit**

The Minister is not required to consider and apply the principles of ecologically sustainable development in making a decision made under section 25(1)(a) or (b) or (2) or 27 in relation to an application under section 25(1) made before the commencement.

### **129            Decision in relation to variation of condition of exploration permit**

The Minister is not required to consider and apply the principles of ecologically sustainable development in making a decision made under section 28(2) in relation to an application under section 28(1) made before the commencement.

### **130            Decision in relation to renewal of retention licence**

The Minister is not required to consider and apply the principles of ecologically sustainable development in making a decision made under section 38(1)(a) or (b), (2) or (3) or 40 in relation to an application under section 37(1) made before the commencement.

### **131            Decision in relation to variation of condition of retention licence**

The Minister is not required to consider and apply the principles of ecologically sustainable development in making a decision made under section 41(2) in relation to an application under section 41(1) made before the commencement.

**132 Decision in relation to renewal of production licence**

The Minister is not required to consider and apply the principles of ecologically sustainable development in making a decision made under section 52(1)(a) or (b), (2) or (3) or 54(1) in relation to an application under section 51(1) made before the commencement.

**133 Decision in relation to variation of condition of production licence**

The Minister is not required to consider and apply the principles of ecologically sustainable development in making a decision made under section 55(2) in relation to an application under section 55(1) made before the commencement.

**134 Application of section 108A**

- (1) Section 108A, as inserted by the *Petroleum Legislation Miscellaneous Amendments Act 2019*, applies only in relation to offences committed after the commencement.
- (2) Section 65(3), as in force before the commencement, continues to apply in relation to offences committed before the commencement.
- (3) For this section, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.

**135 Construction undertaken before commencement**

- (1) Section 111, as in force after the commencement, does not apply to the following undertaken, but not completed, by a permittee or licensee before the commencement:
  - (a) construction of a well, wellhead, pipeline or petroleum processing facility on land that is used as, or within 2 km of land being used as, a habitable dwelling;
  - (b) construction of a well or well pad on land that is within 1 km of a designated bore.
- (2) In this section:

***habitable dwelling***, see section 111(5).

## Division 5      Petroleum Legislation Amendment Act 2022

### 136      Offence provisions – before and after commencement

- (1) The offence provisions, as amended by the *Petroleum Legislation Amendment Act 2022*, apply only in relation to offences committed after the commencement of section 78 of that Act (the **commencement**).
- (2) The offence provisions, as in force before the commencement, continue to apply in relation to offences committed before the commencement.
- (3) For this section, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.
- (4) In this section:

**offence provisions** means the provisions of this Act that create or relate to offences including in relation to criminal responsibility, defences and penalties.

### 137      Transitional regulations

- (1) A regulation may provide for a matter of a transitional nature because of the enactment of the *Petroleum Legislation Amendment Act 2022*.
- (2) The regulation may have retrospective operation to a day not earlier than the commencement of this section.
- (3) To the extent to which the regulation has retrospective operation, it does not operate to the disadvantage of a person (other than the Territory or a Territory authority) by:
  - (a) decreasing the person's rights; or
  - (b) imposing liabilities on the person.
- (4) The regulation must declare it is made under this section.
- (5) This section, and each regulation made under it, is repealed 2 years after the commencement of this section.

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## **Schedule 1 Decisions subject to principles of ecologically sustainable development**

section 6A

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Provision	Decision or determination
section 9(1)	A decision to reserve blocks from exploration permit or licence
section 10(1)	A decision to revoke or vary reservation of block
section 15(3) or (4)	A decision to give directions
section 16A	A decision to release blocks for exploration
section 20(3)	A determination to grant or refuse exploration permit
section 25(1)(a)	A decision to renew exploration permit if satisfied of certain matters
section 25(1)(b)	A decision to renew exploration permit despite non-compliance
section 25(2)	A decision to refuse to renew permit
section 27	A decision to grant or renew exploration permit subject to conditions
section 28(2)	A decision to vary a condition of exploration permit
section 29(3)	A decision to grant production licence subject to conditions considered appropriate
section 30(2)	A decision directing permittee to apply for production licence
section 34(1)	A determination to grant or refuse retention licence
section 38(1)(a)	A decision indicating preparedness to renew retention licence if satisfied of certain matters
section 38(1)(b)	A decision indicating preparedness to renew retention licence despite non-compliance
section 38(2)	A decision indicating preparedness to renew retention licence

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Provision	Decision or determination
section 38(3)	A decision to refuse to renew retention licence
section 40	A decision to grant a retention licence on conditions
section 41(2)	A decision to vary condition of retention licence
section 42(2)	A decision to grant production licence subject to conditions considered appropriate
section 43(2)	A decision to direct licensee to apply for production licence
section 47(1)	A determination to grant production licence if satisfied of certain matters
section 47(2)	A determination to grant or refuse to grant production licence
section 52(1)(a)	A decision indicating preparedness to renew production licence if satisfied of certain matters
section 52(1)(b)	A decision indicating preparedness to renew production licence despite non-compliance
section 52(2)	A decision indicating preparedness to renew production licence
section 52(3)	A decision to refuse to renew production licence
section 54(1)	A decision to impose appropriate conditions on a production licence
section 55(2)	A decision to vary condition of production licence
section 57A(3)	A decision to grant or refuse to grant access authority
section 57A(4)	A decision to impose conditions on access authority
section 57AAA	A decision to approve an application to recover petroleum on an approval basis
section 57AAA(6)	A decision to approve an application to recover petroleum on an approval basis subject to conditions

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Provision	Decision or determination
section 57AAA(8) or (9)	A decision to vary a condition
section 61A(2)(a)	A decision to approve a plan
section 61B(6)	A decision relating to the review of an approved plan
section 61C(4)	A decision to vary a condition of an approved plan
section 73(1C)	A decision to accept an application for surrender if satisfied of certain matters
section 119	A decision to renew a permit or lease
section 119(2B) or (2C)	A decision to give directions
section 119(6)	A decision to grant a permit or licence

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**Schedule 2 Judicial Review of decision or determination**

section 57ABA

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Provision	Decision or determination
section 9(1)	A decision to reserve blocks from exploration permit or licence
section 10(1)	A decision to revoke or vary reservation of block
section 13(4)	A decision to give or refuse consent to negotiations
section 13(7)(a)	A decision to withdraw consent
section 13(7)(b)	A decision to refuse application
section 13(8)(b)	A decision to later give, or again give, consent
section 15A	Determination that applicant or associated entity is appropriate person to hold permit or licence
section 16(1)	A decision to invite applications for grant of exploration permit
section 16A	A decision to release blocks for exploration
section 17(2)	A decision on which application has greatest merit
section 20(3)	A determination to grant or refuse exploration permit
section 23(3)(b)	A decision to accept application for renewal of exploration permit
section 25(1)(b)	A decision to renew exploration permit despite non-compliance
section 25A(1)	A decision to require the number of blocks to be reduced on renewal of exploration permit
section 25A(4)	A decision to defer reduction for a period determined or approved by Minister
section 27	A decision to grant or renew exploration permit subject to conditions

Provision	Decision or determination
section 28(2)	A decision to vary a condition of exploration permit
section 28(3)	A decision to extend term of exploration permit
section 29(3)	A decision to grant production licence subject to conditions considered appropriate
section 30(1)	A decision requiring permittee to show cause
section 30(2)	A decision directing permittee to apply for production licence
section 30(3)	A decision to cancel exploration permit
section 30(4)	A decision to allow longer period to show cause
section 34(1)	A determination to grant or refuse retention licence
section 37(3)(b)	A decision to accept application for renewal of retention licence
section 38(1)(b)	A decision indicating preparedness to renew retention licence despite non-compliance
section 38(2)	A decision indicating preparedness to renew retention licence
section 38(3)	A decision to refuse to renew retention licence
section 41(3)	A decision to vary a condition of retention licence
section 41(4)	A decision to appoint person to evaluate proposed variation
section 42(2)	A decision to grant production licence subject to conditions considered appropriate
section 43(1)	A decision to require retention licensee to show cause
section 43(2)	A decision to direct licensee to apply for production licence
section 43(3)	A decision to cancel retention licence
section 43(4)	A decision to allow longer period to show cause or apply for production licence

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Provision	Decision or determination
section 46(3)	A decision to grant production licence for less than 1 block, or more than 1 discrete area if satisfied
section 47(1)	A determination to grant production licence if satisfied of certain matters
section 47(2)	A determination to grant or refuse to grant production licence
section 51(3)	A decision to accept application for renewal of production licence
section 52(1)(b)	A decision indicating preparedness to renew production licence despite non-compliance
section 52(2)	A decision indicating preparedness to renew production licence
section 55(3)	A decision to vary a condition of production licence
section 55(4)	A decision to appoint person to evaluate proposed variation
section 57(4)	A decision to repeal or vary a declaration by production licensee
section 57A(3)	A decision to grant or refuse to grant access authority
section 57A(4)	A decision to impose conditions on access authority
section 57A(10)	A decision to renew access authority
section 57A(11)(b)	A decision to cancel access authority
section 57A(12)	A decision to direct removal of thing from area of previous access authority, or rehabilitation of area
section 57AAB(6)	A decision to approve a transfer of interest in application for petroleum interest
section 57AAD(1)	A decision to vary a condition of a petroleum interest
section 61A(2)(a)	A decision to approve a plan

Provision	Decision or determination
section 61A(4)	A decision to impose conditions on approval of plan
section 61B(6)(a)	A decision to approve a revised plan
section 61C(1) and (4)	A decision to vary a condition of approved plan
section 62A	A decision to release information
section 68	A decision to require area of permit or licence to be fenced
section 69(1)(a)	A decision to add blocks to area of licence
section 69(1)(b)	A decision to require preparation of scheme to work and develop petroleum pool as one unit
section 71(1)	A decision to give directions to permittee or licensee
section 72(a)	A decision to cause action to be taken
section 73(9)	A decision to accept a partial surrender
section 74(1)	A decision to cancel permit or licence
section 77(1)	A decision to direct removal of thing from area of previous permit or licence, or rehabilitation of area
section 78(1)	A decision to remove and dispose of property
section 93(4)	A decision to accept application to transfer interest
section 93(10)	Determine application by approving or refusing to approve it
section 93(11)	A decision to require adoption or review of plan or new or additional security
section 96(6)	A decision to approve or refuse to approve instrument lodged for approval
section 104E	Approval of change in control
section 117AZC	Action if interest holder in default
section 119(2AA)	A decision to renew lease granted under repealed Act

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Provision	Decision or determination
section 119(2F)	A decision to give direction

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**Schedule 3 Reviewable decisions and interested persons**

section 57AB

<b>Reviewable decision</b>	<b>Interested persons</b>
<p>A decision of the Minister to release specified blocks for exploration under section 16A(c)</p>	<p>A person directly affected by the decision</p> <p>The Land Council for the area in relation to which the decision applies</p> <p>A registered native title body corporate in relation to any part of the area to which the decision applies</p> <p>Any registered native title claimant in relation to any part of the area to which the decision applies</p> <p>A person who made a genuine and valid submission under section 16(2)(db) on the release of the blocks, other than an excluded third party submission</p>
<p>A decision of the Minister to grant an exploration permit under section 20</p>	<p>A person directly affected by the decision</p> <p>The Land Council for the exploration permit area</p> <p>A registered native title body corporate in relation to any part of the exploration permit area</p> <p>Any registered native title claimant in relation to any part of the exploration permit area</p> <p>A person who made a genuine and valid submission under section 19 on the application for the grant, other than an excluded third party submission</p>

<b>Reviewable decision</b>	<b>Interested persons</b>
A determination of the Minister to refuse the grant of an exploration permit under section 20(3)	The applicant for the permit
A decision of the Minister to refuse to renew an exploration permit under section 25(2)	The permittee
A decision of the Minister as to conditions of an exploration permit on the grant of the permit	The applicant for the permit
A decision of the Minister as to conditions of an exploration permit on the renewal of the permit	The permittee
A decision of the Minister not to vary a condition of an exploration permit on an application under section 28	The permittee
A determination of the Minister to refuse to grant a retention licence under section 34(1)	The applicant for the licence
A decision of the Minister to refuse to renew a retention licence under section 38(3)	The licensee
A decision of the Minister as to conditions of a retention licence on the grant of the licence	The applicant for the licence
A decision of the Minister as to conditions of a retention licence on the renewal of the licence	The licensee
A decision of the Minister not to vary a condition of a retention licence on an application under section 41	The licensee
A determination of the Minister to refuse to grant a production licence under section 47	The applicant for the licence
A decision of the Minister to refuse to renew a production licence under section 52(3)	The licensee

<b>Reviewable decision</b>	<b>Interested persons</b>
A decision of the Minister as to conditions of a production licence on the grant of the licence, other than a condition under section 54(2)	The applicant for the licence
A decision of the Minister not to vary a condition of a production licence on an application under section 55	The licensee
A decision of the Minister not to grant an approval under section 57AAA	The permittee or retention licensee
A decision of the Minister under section 57AAA as to conditions of an approval under section 57AAA(6)	The permittee or retention licensee
A decision of the Minister under section 57AAA(8), (9) or (10)	The permittee or retention licensee
A decision of the Minister not to approve a transfer under section 57AAB	The applicant The proposed transferee
A decision of the Minister to vary a condition of a petroleum interest under section 57AAD	The interest holder
A decision of the Minister not to approve a plan under section 61A(2)(b)	The interest holder
A decision of the Minister as to conditions of a plan under section 61A(4)	The interest holder
A direction of the Minister to review a plan under section 61B(2)(e)	The interest holder
A decision of the Minister not to approve a revised plan under section 61B(6)(b)	The interest holder
A decision of the Minister not to vary a condition of a plan on an application under section 61C(2)	The interest holder

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<b>Reviewable decision</b>	<b>Interested persons</b>
A decision of the Minister to refuse to accept the partial surrender of a petroleum interest under section 73(8)	The interest holder
A decision of the Minister to refuse to accept the complete surrender of a petroleum interest under section 73(10)	The interest holder
A decision of an inspector to issue a direction under section 89L	The person to whom the direction was issued
A decision of the CEO to issue a compliance direction under section 89N	The person to whom the direction was issued
A decision of the CEO to issue a stop work notice under section 89R	The person to whom the notice was issued
A decision of the Minister not to approve a change in control of a corporation holding a permit or licence under section 104E	The applicant
A decision under this Act prescribed by the regulations	A person prescribed in relation to that decision

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**ENDNOTES**
**1 KEY**

Key to abbreviations in list of legislation and amendments

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Petroleum Act 1984 (Act No. 50, 1984)***

Assent date	29 September 1984
Commenced	15 October 1984 ( <i>Gaz G40</i> , 10 October 1984, p 10)

***Petroleum Amendment Act 1985 (Act No. 65, 1985)***

Assent date	24 December 1984
Commenced	28 January 1986 (s 2, s 2 <i>Mining Amendment Act 1985 (Act No. 63, 1985)</i> and <i>Gaz S3</i> , 28 January 1986)

***Petroleum Amendment Act 1990 (Act No. 45, 1990)***

Assent date	20 September 1990
Commenced	14 November 1990 ( <i>Gaz G45</i> , 14 November 1990, p 4)

***Corporations (Consequential Amendments) Act 1990 (Act No. 59, 1990)***

Assent date	14 December 1990
Commenced	1 January 1991 (s 2, s 2 <i>Corporations (NT) Act 1990 (Act No. 56, 1990)</i> and <i>Gaz S76</i> , 21 December 1990)

***Statute Law Revision Act 1992 (Act No. 46, 1992)***

Assent date	7 September 1992
Commenced	7 September 1992

***Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)***

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 <i>Public Sector Employment and Management Act 1993 (Act No. 11, 1993)</i> and <i>Gaz S53</i> , 29 June 1993)

***Native Title (Consequential Amendments) Act 1994 (Act No. 30, 1994)***

Assent date	18 May 1994
Commenced	29 June 1994 ( <i>Gaz G26</i> , 29 June 1994, p 3)

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***Petroleum Amendment Act 1994 (Act No. 49, 1994)***

Assent date 20 September 1994  
Commenced 30 September 1994 (*Gaz S51*, 30 September 1994)

***Statute Law Revision Act (No. 2) 1995 (Act No. 42, 1995)***

Assent date 13 October 1995  
Commenced 13 October 1995

***Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)***

Assent date 19 April 1996  
Commenced 1 July 1996 (s 2(1), s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz S15*, 13 June 1996)

***Petroleum Amendment Act 1998 (Act No. 53, 1998)***

Assent date 28 August 1998  
Commenced 1 October 1998 (s 2(1), (2) and (3), *Gaz S37*, 1 October 1998, s 2(4), s 2 *Validation of Titles and Actions Amendment Act 1998* (Act No. 55, 1998) and *Gaz S37*, 1 October 1998)

**Amending Legislation*****Lands and Mining (Miscellaneous Amendments) Act 1998 (Act No. 93, 1998)***

Assent date 23 December 1998  
Commenced pt 11: 1 October 1998

***Petroleum Amendment Regulations (SL No. 44, 1998)***

Notified 1 October 1998  
Commenced 1 October 1998 (r 2, s 2 *Petroleum Amendment Act 1998* (Act No. 53, 1998), s 2 *Validation of Titles and Actions Amendment Act 1998* (Act No. 55, 1998) and *Gaz S37*, 1 October 1998)

***Lands and Mining (Miscellaneous Amendments) Act 1998 (Act No. 93, 1998)***

Assent date 23 December 1998  
Commenced pt 10: 1 October 1998 (s 2(7) and r 2 *Petroleum Amendment Regulations* SL No. 44, 1998)

***Lands and Mining (Miscellaneous Amendments) Act 1999 (Act No. 1, 1999)***

Assent date 19 February 1999  
Commenced 19 February 1999

***Petroleum Amendment Regulations (SL No. 13, 1999)***

Notified 16 April 1999  
Commenced 16 April 1999

**Amending Legislation*****Petroleum Amendment Regulations (SL No. 15, 1999)***

Notified 20 April 1999  
Commenced 20 April 1999

***Lands and Mining (Miscellaneous Amendments) Act (No. 2) 1999 (Act No. 26, 1999)***

Assent date 17 June 1999  
Commenced 17 June 1999

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***Petroleum Amendment Act 2000 (Act No. 31, 2000)***

Assent date 27 June 2000  
Commenced s 8: 16 April 1999; rem: 27 June 2000 (s 2)

***Financial Relations Agreement (Consequential Provisions) Act 2000 (Act No. 32, 2000)***

Assent date 27 June 2000  
Commenced 1 July 2000 (s 2(2))

***Petroleum Amendment Act (No. 2) 2000 (Act No. 42, 2000)***

Assent date 31 August 2000  
Commenced 11 July 2001 (Gaz G27, 11 July 2001, p 2)

***Land Title (Consequential Amendments) Act 2000 (Act No. 45, 2000)***

Assent date 12 September 2000  
Commenced 1 December 2000 (s 2, s 2 *Land Title Act 2000* (Act No. 2, 2000) and Gaz G38, 1 December 2000, p 2)

***Law of Property (Consequential Amendments) Act 2000 (Act No. 46, 2000)***

Assent date 12 September 2000  
Commenced 1 December 2000 (s 2, s 2 *Law of Property Act 2000* (Act No. 1, 2000) and Gaz G38, 1 December 2000, p 2)

***Corporations Reform (Consequential Amendments NT) Act 2001 (Act No. 17, 2001)***

Assent date 29 June 2001  
Commenced 15 July 2001 (s 2, s 2 *Corporations Act 2001* (Cth Act No. 50, 2001) and Cth Gaz S285, 13 July 2001)

***Statute Law Revision Act (No. 2) 2001 (Act No. 62, 2001)***

Assent date 11 December 2001  
Commenced 11 December 2001 (s 2(4))

***Statute Law Revision Act 2002 (Act No. 18, 2002)***

Assent date 7 June 2002  
Commenced 7 June 2002

***Petroleum Amendment Act 2003 (Act No. 14, 2003)***

Assent date 18 March 2003  
Commenced 2 July 2003 (Gaz G26, 2 July 2003, p 2)

***Petroleum Amendment Act 2004 (Act No. 50, 2004)***

Assent date 13 September 2004  
Commenced 13 September 2004

***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent date 14 December 2005  
Commenced 14 December 2005

***Statute Law Revision Act 2007 (Act No. 4, 2007)***

Assent date 8 March 2007  
Commenced 8 March 2007

***Mining and Petroleum (Aboriginal Land Rights) Amendment Act 2007 (Act No. 18, 2007)***

Assent date 18 September 2007  
Commenced 18 September 2007

***Law Reform (Work Health) Amendment Act 2007 (Act No. 30, 2007)***

Assent date 12 December 2007  
 Commenced 1 July 2008 (*Gaz S29*, 25 June 2008)

***Statute Law Revision Act 2009 (Act No. 25, 2009)***

Assent date 1 September 2009  
 Commenced 16 September 2009 (*Gaz G37*, 16 September 2009, p 3)

***Petroleum Amendment and Related Matters Act 2010 (Act No. 13, 2010)***

Assent date 20 May 2010  
 Commenced 1 July 2010 (*Gaz G26*, 30 June 2010, p 3)

***Personal Property Securities (National Uniform Legislation) Implementation Act 2010 (Act No. 30, 2010)***

Assent date 9 September 2010  
 Commenced ss 58 to 60: 30 January 2012 (*Gaz S2*, 24 January 2012);  
 rem: 25 November 2011 (*Gaz S68*, 25 November 2011)

***Mineral Titles (Consequential Amendments) Act 2010 (Act No. 37, 2010)***

Assent date 18 November 2010  
 Commenced 7 November 2011 (*Gaz G41*, 12 October 2011, p 5)

***Penalties Amendment (Miscellaneous) Act 2013 (Act No. 23, 2013)***

Assent date 12 July 2013  
 Commenced 28 August 2013 (*Gaz G35*, 28 August 2013, p 2)

***Petroleum Amendment Act 2013 (Act No. 41, 2013)***

Assent date 19 December 2013  
 Commenced 1 January 2014 (s 2)

***Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014 (Act No. 35, 2014)***

Assent date 13 November 2014  
 Commenced pts 4, 9, 10 and 19: 1 June 2015 (*Gaz S53*, 29 May 2015,  
 p 2); rem: 1 January 2015 (*Gaz G51*, 24 December 2014, p 7)

***Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)***

Assent date 6 April 2016  
 Commenced 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz S34*, 29 April 2016)

***Petroleum Amendment Act 2016 (Act No. 19, 2016)***

Assent date 8 June 2016  
 Commenced 8 June 2016

***Water Legislation Amendment Act 2018 (Act No. 29, 2018)***

Assent date 4 December 2018  
 Commenced 31 December 2018 (*Gaz S107*, 17 December 2018)

***Petroleum Legislation Amendment Act 2019 (Act No. 12, 2019)***

Assent date 9 April 2019  
 Commenced 15 May 2019 (*Gaz G20*, 15 May 2019, p 9)

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**Environment Protection Act 2019 (Act No. 31, 2019)**

Assent date 9 October 2019  
 Commenced 28 June 2020 (*Gaz G17*, 29 April 2020, p 2)

**Amending Legislation**

**Statute Law Revision and Repeals Act 2019 (Act No. 33, 2019)**

Assent date 6 November 2019  
 Commenced pts 2 and 3: 11 December 2019 (*Gaz G50*, 11 December 2019, p 2); rem: 7 November 2019

**Petroleum Legislation Miscellaneous Amendments Act 2020 (Act No. 12, 2020)**

Assent date 30 March 2020  
 Commenced 28 June 2020 (*Gaz G25*, 24 June 2020, p 2)

**Petroleum Legislation Amendment Act 2022 (Act No. 33, 2022)**

Assent date 16 December 2022  
 Commenced 22 June 2023 (*Gaz S42*, 13 June 2023)

**Petroleum Royalty Act 2023 (Act No. 6, 2023)**

Assent date 6 April 2023  
 Commenced 1 July 2023 (s 2)

**3 SAVINGS AND TRANSITIONAL PROVISIONS**

s 22(2) *Petroleum Amendment Act 1994* (Act No. 49, 1994)  
 s 13 (amd SL No. 13, 1999, r 19; sub SL No. 15, 1999, r 4) and s 14  
*Petroleum Amendment Act 1998* (Act No. 53, 1998)  
 rr 16 and 17 *Petroleum Amendment Regulations* (SL No. 13, 1999)  
 s 57 *Petroleum Amendment Act 2003* (Act No. 14, 2003)  
 sch *Petroleum Amendment Act 2004* (Act No. 50, 2004)

**4 GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 5, 15, 29, 57A, 57P, 57V, 65, 81, 82, 91A, 111, 117, 117AAA, 117AAD, 117AAG, 117AAH, 117AA, 117C, 119, 122, 123 and 125.

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s 19	sub SL No. 44, 1998 amd No. 93, 1998, s 207; No. 14, 2003, s 56; No. 12, 2020, s 10; No. 33, 2022, s 13
s 20	amd No. 93, 1998, s 208; No. 14, 2003, s 56 sub No. 50, 2004, s 6 amd No. 13, 2010, s 8; No. 33, 2022, s 14
s 21	amd No. 14, 2003, s 56 sub No. 50, 2004, s 6 rep No. 13, 2010, s 9
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s 40	amd No. 49, 1994, s 9; No. 93, 1998, s 218; No. 14, 2003, s 15; No. 33, 2022, s 30
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s 45	amd No. 49, 1994, s 22; No. 93, 1998, s 221; No. 14, 2003, s 17; No. 12, 2019, s 7; No. 33, 2022, s 33
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s 49	amd No. 14, 2003, s 56
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s 53	amd No. 49, 1994, s 22; No. 14, 2003, s 56 sub No. 33, 2022, s 39
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s 57KA	ins No. 93, 1998, s 237 amd SL No. 13, 1999 rep No. 33, 2022, s 45
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s 57M	ins No. 53, 1998, s 6 amd SL No. 44, 1998; No. 93, 1998, s 239; SL No. 13, 1999 rep No. 33, 2022, s 45
s 57N	ins No. 53, 1998, s 6 amd SL No. 44, 1998 sub No. 93, 1998, s 240 amd No. 1, 1999, s 29; SL No. 13, 1999; No. 26, 1999, s 46 rep No. 33, 2022, s 45
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s 117AC	ins No. 93, 1998, s 256 amd No. 26, 1999, s 48 rep No. 33, 2022, s 79
pt VB hdg	ins No. 14, 2003, s 53
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div 1 hdg	ins No. 33, 2022, s 80
ss 117AN –	
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117AU	ins No. 33, 2022, s 80
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div 3 hdg	ins No. 33, 2022, s 80
ss 117AV –	
117AZ	ins No. 33, 2022, s 80
pt VC	
div 4 hdg	ins No. 33, 2022, s 80
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117AZD	ins No. 33, 2022, s 80
pt VD hdg	ins No. 33, 2022, s 80
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117AZJ	ins No. 33, 2022, s 80
pt VE hdg	ins No. 33, 2022, s 80
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s 117C	ins No. 53, 1998, s 12 amd SL No. 44, 1998 rep No. 93, 1998, s 257 ins No. 26, 1999, s 49 sub No. 33, 2022, s 81
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