NORTHERN TERRITORY OF AUSTRALIA

PETROLEUM (ENVIRONMENT) REGULATIONS 2016

As in force at 30 July 2026

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 30 July 2026

PETROLEUM (ENVIRONMENT) REGULATIONS 2016

Regulations under the *Petroleum Act 1984*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Petroleum (Environment) Regulations 2016*.

2 Object

The object of these Regulations is to ensure that regulated activities are carried out in a manner:

(a) consistent with the principles of ecologically sustainable development; and

(b) by which the environmental impacts and environmental risks of the activities will be reduced to a level that is:

(i) as low as reasonably practicable; and

(ii) acceptable.

3 Definitions

In these Regulations:

administrative amendment means an amendment:

(a) correcting a clerical error; or

(b) correcting an error arising from an omission, from a material mistake in a calculation or in the description of any person, thing or matter; or

(c) removing duplicate or conflicting material; or

(d) clarifying any matter.

approval, in relation to an environment management plan, means approval of the plan under regulation 11.

approval criteria, for an environment management plan, see regulation 9(1).

approval notice, for an environment management plan, see regulation 12(1).

Authority Certificate, see section 3 of the *Northern Territory Aboriginal Sacred Sites Act 1989*.

Code of Practice: Environment means the Code of Practice: Environment established by the Minister under section 117AZV of the Act as that code is in force from time to time.

control measure means an action, activity, device, or system implemented to manage the environmental impacts and environmental risks of a regulated activity.

current plan means:

(a) an environment management plan approved under regulation 11 and in force; and

(b) any conditions to which the approval is subject, as specified in the approval notice for the plan.

environmental impact means any adverse change, or potential adverse change, to the environment resulting wholly or partly from a regulated activity.

environmental outcome means an outcome that will be achieved if the environmental impacts and environmental risks of a regulated activity are reduced to a level that is:

(a) as low as reasonably practicable; and

(b) acceptable.

environmental performance means the performance of an interest holder in relation to the environmental outcomes and environmental performance standards included in the interest holder's current plan.

environmental performance standard means a statement of the performance required of a control measure.

environmental risk means the chance of something happening that will have an environmental impact, measured in terms of the environmental consequences and the likelihood of those consequences occurring.

implementation strategy means the implementation strategy for a regulated activity that is included in the environment management plan for the activity, as required by Schedule 1, Part 2.

infringement notice, see regulation 39.

infringement notice offence, see regulation 38(1).

measurement criteria means the criteria to be used in determining whether an environmental outcome or environmental performance standard has been met.

NORM means naturally occurring radioactive materials.

notice means a written notice.

plan means an environment management plan.

prescribed amount, see regulation 38(2).

prescribed chemical legislation means the following:

(a) *Dangerous Goods Act 1998*;

(b) *Medicines, Poisons and Therapeutic Goods Act 2012*;

(ba) *Radiation Protection Act 2004*;

(c) *Waste Management and Pollution Control Act 1998*;

(d) *Water Act 1992*;

(e) *Work Health and Safety (National Uniform Legislation) Act 2011*.

proposed revision, of a current plan, means the plan or part of the plan as it is proposed to be revised as required under Part 2, Division 3.

recordable incident means an incident arising from a regulated activity:

(a) that:

(i) has resulted in an environmental impact or environmental risk not specified in the current plan for the activity; or

(ii) has resulted in a contravention of an environmental performance standard specified in the current plan for the activity; or

(iii) is inconsistent with an environmental outcome specified in the current plan for the activity; and

(b) is not a reportable incident.

refusal notice, for an environment management plan, see regulation 13(1).

regulated activity, see regulation 5.

reportable incident means an incident, arising from a regulated activity, that has caused or has the potential to cause material environmental harm or significant environmental harm.

resubmission notice, for an environment management plan, see regulation 10(1).

reviewable decision, see regulation 29(1).

serious public health risk, see section 4 of the *Public and Environmental Health Act 2011*.

supplementary management plan means a plan of a kind specified in the Code of Practice: Environment as a supplementary management plan for a regulated activity.

vary, in relation to the conditions of an environment management plan, includes adding, suspending, waiving or revoking a condition of the plan.

4 Application of Code of Practice: Environment

The Code of Practice: Environment applies to and must be complied with in:

(a) the preparation of an environment management plan and any revision of that plan; and

(b) the preparation of any supplementary management plan and any revision of that plan; and

(c) the carrying out of any regulated activity to which a plan referred to in paragraph (a) or (b) applies.

4A Human health risk assessments

For these Regulations, a full human health risk assessment is an assessment that takes into account the following instruments, as in force from time to time:

(a) *Environmental Health Risk Assessment: Guidelines for Assessing Human Health Risks from Environmental Hazards* published by the Environmental Health Standing Committee;

(b) *National Environment Protection (Assessment of Site Contamination) Measure 1999* published by the National Environment Protection Council;

(c) *National Chemical Risk Assessment Guidance Manual* published by the National Environment Protection Council;

(d) any other guideline, measure or document specified by the Minister.

5 Regulated activity

(1) A ***regulated activity*** is an activity or a stage of an activity:

(a) authorised under a petroleum interest; and

(b) that has, or will have, an environmental impact or environmental risk.

(2) Without limiting subregulation (1), a ***regulated activity*** includes the following operations or works:

(a) land clearing;

(b) earthworks (for example, cutting, filling, excavating or trenching);

(c) the construction, operation, modification, decommissioning, dismantling or removal of a well, pipeline or other facility;

(d) establishing seismic lines or drill pads;

(e) conducting seismic surveys;

(f) drilling;

(g) hydraulic fracturing;

(h) the release of a contaminant or waste;

(i) the production, storage and transportation of petroleum and hazardous substances;

(j) the rehabilitation of an area disturbed by a regulated activity referred to in paragraphs (a) to (i).

(3) None of the following is a regulated activity:

(a) taking water samples;

(b) taking rock samples without the use of heavy machinery;

(ba) drilling a water bore in accordance with the *Water Act 1992*;

(bb) carrying out non-ground disturbing activities, including:

(i) vegetation or weed surveys; and

(ii) rehabilitation assessment surveys;

(bc) carrying out other environmental surveys and sampling;

(c) walking or driving on existing roads or tracks in connection with an activity mentioned in paragraph (a), (b), (ba), (bb) or (bc);

(d) airborne surveys.

(4) In this regulation:

facility means a permanent or temporary structure or installation of any kind, including a building, road, dam, pond, flowline, water storage and treatment facility, wastewater storage and treatment facility, well pad, airstrip and powerline.

5A Decisions subject to the principles of ecologically sustainable development

For section 6A of the Act, the following decisions are prescribed decisions:

(a) a decision to give an interest holder a resubmission notice under regulation 10(1);

(b) a decision to approve a plan under regulation 11(3)(a);

(c) a decision to refuse to approve a plan under regulation 11(3)(b);

(f) a decision to give notice to an interest holder under regulation 14(b) specifying that the holder's notice is accepted and the plan has ceased to be in force;

(fa) a decision under regulation 14B to vary the conditions of approval of a current plan (other than to make an administrative amendment);

(g) a decision to give an interest holder a revision notice under regulation 19(1);

(h) a decision that a revision is no longer required under regulation 20(2)(a);

(i) a decision to require a revision under regulation 20(2)(b);

(j) a decision to revoke the approval of a current plan under regulation 27(1).

Part 2 Environment management plans

Division 1 Submission of environment management plan for approval

6 Submission of plan for approval

(1) An interest holder who proposes to carry out a regulated activity must first submit to the Minister, for approval, an environment management plan relating to the activity.

(2) A plan may be submitted for approval only after the interest holder has carried out stakeholder engagement under regulation 7 in relation to the regulated activity to which the plan relates.

(3) A plan submitted to the Minister must be accompanied by a proposal for the environmental security to be provided in connection with the plan.

(4) An environment management plan submitted to the Minister must be accompanied by the fee determined in accordance with Schedule 1AA, clause 2.

(5) An environment management plan is submitted to the Minister by lodging it with the Agency.

(6) Within 14 days after an environment management plan is submitted to the Minister under subregulation (1), a public sector employee of the Agency may return the plan to the interest holder, without further consideration, if it is incomplete.

7 Stakeholder engagement

(1) During the preparation of an environment management plan, an interest holder for the plan must carry out stakeholder engagement in accordance with this regulation.

(2) The interest holder must:

(a) give each stakeholder information about:

(i) the regulated activity the interest holder proposes to carry out; and

(ii) the location (or locations) where it is proposed to carry out the activity; and

(iii) the anticipated environmental impacts and environmental risks of the activity; and

(iv) the proposed environmental outcomes in relation to the activity; and

(v) the possible consequences of carrying out the activity to the stakeholder's rights or activities; and

(b) allow a reasonable period for the stakeholder to respond to the information given by the interest holder.

(3) In this regulation:

stakeholder means:

(a) a person or body whose rights or activities may be directly affected by the environmental impacts or environmental risks of the regulated activity proposed to be carried out; or

(b) an agent or representative of a person or body mentioned in paragraph (a).

8 Form and content of plan

(1) An environment management plan must:

(a) be in the approved form (if any); and

(b) specify the contact details of the interest holder and, if applicable, the following:

(i) the interest holder's agent;

(ii) the interest holder's designated operator.

(2) A plan may relate to more than one regulated activity.

8A Publishing certain plans for comment

(1) The Minister must publish an environment management plan if:

(a) the plan is submitted to the Minister under regulation 6; and

(b) the plan relates to the drilling of a well or to hydraulic fracturing; and

(c) the plan complies with regulation 8.

(2) The plan must be published, in any manner the Minister considers appropriate, within 14 days of the Minister receiving the plan.

(3) The requirement to publish does not apply to a plan resubmitted for approval under regulation 10.

(4) The Minister must publish, with the plan, a notice stating the following:

(a) that the plan is published for public comment;

(b) that interested persons may submit written comments on the plan to the Minister no later than 28 days after the date of its publication;

(c) the address to which comments may be sent or delivered;

(d) that all comments received will be published.

(5) In publishing a plan, the Minister:

(a) must withhold from the public information of a commercially confidential nature; and

(b) may withhold other information from the public if satisfied there are reasonable grounds for doing so.

8B Public comments on plan

(1) Interested persons may submit written comments on a plan published under regulation 8A to the Minister no later than 28 days after the date of its publication.

(2) The Minister must publish any comments submitted under subregulation (1), in any manner the Minister considers appropriate, after the end of the 28 day period.

(3) The Minister is not required to consider any public comment submitted:

(a) by a person in the form of a form letter or petition prepared by another body or organisation; or

(b) after the end of the 28 day period.

Division 2 Minister's decision about approval of environment management plan

9 Approval criteria for plan

(1) The ***approval criteria*** for an environment management plan are that the plan must:

(a) include all the information required by Schedule 1; and

(ab) comply with the Code of Practice: Environment; and

(ac) comply with any published Ministerial guidelines relating to the preparation of environment management plans; and

(b) be appropriate for the nature and scale of the regulated activity to which the plan relates; and

(c) demonstrate that the activity will be carried out in a manner by which the environmental impacts and environmental risks of the activity will be reduced to a level that is:

(i) as low as reasonably practicable; and

(ii) acceptable; and

(d) include an Authority Certificate in relation to the land on which the activity will be carried out.

(3) If an activity is required to be referred to the NT EPA under Part 4, Division 3 of the *Environment Protection Act 2019*, the Minister must not make a decision to approve an environment management plan for the activity under regulation 11 unless:

(a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that activity; or

(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval is granted under that Act for the activity and the decision is consistent with that approval; or

(c) the *Environment Protection Act 2019* otherwise permits the making of the decision.

10 Resubmission of plan

(1) The Minister may give the interest holder written notice (a ***resubmission notice***) to resubmit an environment management plan if the Minister is reasonably satisfied that:

(a) the plan should include further information about any matter required by these Regulations to be included in the plan; or

(b) administrative amendments are required to the plan; or

(c) the plan should be amended to take into account comments submitted under regulation 8B in relation to the plan; or

(d) the plan does not meet the approval criteria.

(2) A resubmission notice must:

(a) set out the reasons for requiring the resubmission of the plan; and

(b) specify a reasonable period within which the interest holder must resubmit the plan for approval.

(3) The Minister may issue more than one resubmission notice under this regulation in relation to a plan.

11 Approval of plan, refusal to approve and other actions

(1) Subject to subregulations (6) and (8), the Minister must make a decision under subregulation (3) as soon as practicable, but no later than 90 days, after an interest holder submits an environment management plan for approval.

(2) The Minister must take into account any comments submitted under regulation 8B when making a decision under subregulation (3) in relation to a plan published under regulation 8A.

(3) The Minister must:

(a) if reasonably satisfied that the plan meets the approval criteria:

(i) approve the plan, with or without conditions; and

(ii) give the interest holder an approval notice and statement of reasons for the approval; or

(b) if not reasonably satisfied that the plan meets the approval criteria:

(i) refuse to approve the plan; and

(ii) give the interest holder a refusal notice and a statement of reasons for the refusal.

(4) The Minister must not decide under subregulation (3) to refuse to approve a plan on the basis that it does not meet the approval criteria unless the Minister has given the interest holder a resubmission notice under regulation 10 to address the criteria.

(5) The 90-day period specified in subregulations (1), (8) and (9) ceases to run during:

(a) the period for submitting comments on the plan under regulation 8B; and

(b) if a resubmission notice has been given under regulation 10 – the period specified in the notice or any further period approved by the Minister for resubmitting the plan.

(6) If a resubmission notice is given under regulation 10, and the environment management plan is resubmitted the Minister must make a decision under subregulation (3) as soon as practicable and no later than the later of:

(a) the end of the 90-day period that has recommenced to run; or

(b) the end of 28 days after the resubmission of the plan.

(7) If more than one resubmission notice is given under regulation 10, subregulation (6) applies in relation to the environment management plan submitted in relation to the last resubmission notice to be issued.

(8) If the Minister is satisfied that more than 90 days will be required to make a decision under subregulation (3), the Minister must give the interest holder a notice setting out a proposed timetable for consideration of the plan unless subregulation (6) or (9) applies.

(9) If the reason that more than 90 days will be required to make the decision is because an Authority Certificate in relation to the land on which the activity to which the plan relates will be carried out has not been provided, the Minister must make the decision no later than 14 days after receiving the Authority Certificate.

(10) Despite subregulations (1) and (3), an approval of a plan or a refusal to approve a plan is not invalid because the Minister did not give the interest holder a notice of the decision within the relevant period specified under this regulation.

11A Lapsing of submission for approval of plan

(1) A submission for approval of an environment management plan lapses:

(a) if an interest holder is given a resubmission notice under regulation 10 and does not submit a modified plan within the period specified in the notice, or a further approved period; or

(b) unless a longer period is determined by the Minister under subregulation (2), at the end of 12 months after the plan is first submitted for approval unless the plan or a resubmitted plan is approved within that period; or

(c) if a longer period is determined by the Minister under subregulation (2), at the end of that longer period unless the plan or a resubmitted plan is approved within that period.

(2) On the application of the interest holder, the Minister may extend the period before a submission for approval of an environment plan lapses under subregulation (1).

(3) The lapsing of a submission for approval of an environment management plan is not to be taken to be a refusal of approval of the plan.

12 Approval notice and statement of reasons

(1) An ***approval notice*** is a notice of the Minister's approval of an environment management plan under regulation 11.

(2) If the Minister's approval of a plan is subject to conditions, the conditions must be included in the approval notice for the plan.

(3) An approval notice for a plan must be accompanied by a statement of reasons for the approval that includes information about how the plan meets the approval criteria.

13 Refusal notice and statement of reasons

(1) A ***refusal notice*** is a notice of the Minister's refusal to approve an environment management plan under regulation 11.

(2) A refusal notice for a plan must be accompanied by a statement of reasons for the refusal that includes the reasons why the Minister is not reasonably satisfied that the environment management plan meets the approval criteria.

14 Duration of current plan

Unless the approval of a current plan is revoked under Division 6, the plan remains in force until:

(a) an interest holder for the plan gives the Minister a notice that:

(i) the regulated activity to which the plan relates is no longer being carried out; and

(ii) all of the environmental outcomes and the interest holder's obligations under the plan have been met; and

(b) the Minister gives notice to the interest holder specifying that the holder's notice is accepted and the plan has ceased to be in force.

14A Transfer of petroleum interest

(1) A current plan continues to apply in relation to a petroleum interest if an interest in the petroleum interest is transferred to another person.

(2) Subregulation (1) does not prevent a revised plan being approved under Division 3.

14B Variation of conditions of approval of current plan

(1) The Minister may, if the Minister considers it appropriate after consultation with the interest holder, by notice served on the interest holder, vary the conditions of approval of a current plan.

(2) An interest holder for a current plan may apply to the Minister to vary the conditions of approval of the plan.

(3) An application under subregulation (2) must be in the approved form.

(4) On receiving an application under subregulation (2), the Minister may, by notice served on the interest holder, vary the conditions of approval of the current plan in accordance with the application or refuse to vary the conditions.

Division 3 Current plan – revision

15 Application of Divisions 1 and 2

(1) Divisions 1 and 2 apply in relation to a proposed revision of a current plan as if it were the original environment management plan submitted under regulation 6.

(2) Without limiting subregulation (1), a revision of an environment management plan submitted to the Minister must be accompanied by the fee determined in accordance with Schedule 1AA, clause 3.

16 Form of proposed revision

(1) A proposed revision of a current plan must be in the form of a revised environment management plan or, if approved, a revised part of the plan.

(2) If a proposed revision is in the form of a revised part of the current plan:

(a) Divisions 1 and 2 apply in relation to that part (with the necessary changes) as if it were the whole plan; but

(b) the Minister must be satisfied that the whole plan, as it is proposed to be revised, meets the approval criteria before the Minister may approve the proposed revision.

16A Revision of plan

(1) This regulation applies to an interest holder if the interest holder proposes a change to an environment management plan which may result in:

(a) a new environmental impact or environmental risk not provided for in the current plan; or

(b) an increase, not provided for in the current plan, in an existing environmental impact or environmental risk.

(2) The interest holder must submit to the Minister, for approval, a proposed revision in the form of a revised part of the current plan assessing the new or increased environmental impact or environmental risk.

(3) Regulation 16(2) applies to a proposed revision submitted under subregulation (2).

(4) The interest holder must not make a change to the plan until the proposed revision is approved by the Minister.

(5) Subject to regulation 16(2), the Minister may on the receipt of a proposed revision under this regulation:

(a) approve the revision, if reasonably satisfied the revision meets the approval criteria; or

(b) refuse to approve the revision if not reasonably satisfied that the revision meets the approval criteria.

17 Revision required for serious public health risk or risk of significant environmental harm

(1) This regulation applies if a serious public health risk or a risk of significant environmental harm has occurred as a result of:

(a) a new environmental impact or environmental risk not provided for in the current plan for the activity; or

(b) an increase, not provided for in the current plan for the activity, in an existing environmental impact or environmental risk.

(2) The interest holder must submit to the Minister, for approval, a proposed revision of the current plan no later than 30 days after the occurrence in subregulation (1)(a) or (b) has occurred.

(2A) The proposed revision of a current plan required to be submitted under subregulation (2) must be accompanied by a statement signed by the interest holder stating why the occurrence in subregulation (1)(a) or (b) could not have been predicted before it occurred.

(3) An interest holder commits an offence if the interest holder is required to comply with subregulation (2) and the interest holder contravenes that requirement.

Maximum penalty: 100 penalty units.

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

18 Revision required at end of each 5 year period

(1) An interest holder for a current plan must submit to the Minister, for approval, a proposed revision of the current plan at least 90 days before the end of each period of 5 years, starting on the latest of the following:

(a) the day on which the interest holder is given the original approval notice for the plan;

(b) the day on which the interest holder is given an approval notice relating to a proposed revision of the plan submitted for approval as required by this regulation;

(c) in relation to a proposed revision approved by the Minister following its submission as required by any other provision of this Division – the day specified in a notice given to the interest holder by the Minister.

(2) An interest holder commits an offence if the interest holder is required to comply with subregulation (1) and the interest holder contravenes that requirement.

Maximum penalty: 100 penalty units.

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

19 Minister may require revision

(1) This regulation applies if the Minister is reasonably satisfied that a current plan for a regulated activity requires revision.

(2) The Minister must give the interest holder a notice (a ***revision notice***) requiring the holder to submit to the Minister a proposed revision of the current plan.

(3) The revision notice must specify:

(a) the proposed revision that is required; and

(b) the period, of not less than 21 days after receipt of the notice, within which the interest holder must:

(i) submit the proposed revision; or

(ii) make a submission under regulation 20; and

(c) the reason for the requirement.

(4) Despite subregulation (3)(b), the Minister may, on written application by the interest holder made within the 21 days mentioned in that provision, extend the specified period.

(5) An interest holder commits an offence if the interest holder is given a revision notice and the interest holder contravenes that notice.

Maximum penalty: 100 penalty units.

(6) An offence against subregulation (5) is an offence of strict liability.

20 Submission by interest holder about revision required by Minister

(1) An interest holder given a revision notice under regulation 19(2) may make a written submission to the Minister stating reasons:

(a) why the revision required by the Minister should not be made; or

(b) why the proposed revision should be different from the revision required by the Minister.

(2) If the submission is made within the time specified in the revision notice, or as extended under regulation 19(4), the Minister must make a decision whether a revision is still required and:

(a) if a revision is no longer required – give the interest holder notice of the decision, including a statement withdrawing the requirement for the proposed revision; and

(b) if a revision is still required, either as originally specified or as modified – give notice of the decision, including:

(i) the reasons for the revision; and

(ii) the proposed revision that is required; and

(iii) the period, of not less than 21 days after receipt of the notice, within which the interest holder must submit the proposed revision.

(3) An interest holder commits an offence if the interest holder is given a notice of a decision under subregulation (2)(b) and the interest holder contravenes a requirement in that notice.

Maximum penalty: 100 penalty units.

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

21 Effect of refusal to approve proposed revision

If the Minister refuses to approve a proposed revision of a current plan, the provisions of the current plan remain in force, subject to these Regulations (in particular, Division 6), as if the revision had not been proposed.

Division 4 Current plan – modification or change

22 Modification to regulated activity

(1) This regulation applies if an interest holder for a current plan proposes to modify the regulated activity to which the plan relates in a manner that will not require a revision of the plan.

(2) Before the interest holder modifies the regulated activity, the holder must give the Minister a notice that specifies details of the proposed modification.

Note for subregulation (2)

The Environment Minister may require the review of an environmental security under section 117AS of the Act on receiving notice of the proposed modifications.

(2A) A notice under subregulation (2) must:

(a) be in the approved form; and

(b) include a declaration by the interest holder that the proposed modification of the regulated activity will not increase the environmental impact or the environmental risk of the activity; and

(c) be accompanied by the following documents prepared in an approved form:

(i) a consolidated copy of the environment management plan incorporating all proposed modifications;

(ii) a table of all proposed modifications setting out when the proposed modifications are intended to take effect.

(3) An interest holder commits an offence if the interest holder is required to comply with subregulation (2) and the interest holder contravenes that requirement.

Maximum penalty: 100 penalty units.

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

23 Change in existing environment

(1) This regulation applies if:

(a) there is a change in the existing environment that is described in a current plan, as required by Schedule 1, clause 2; and

(b) the change will not require a revision of the plan.

(2) Within 30 days after the change occurs, the interest holder for the current plan must give the Minister a notice that specifies details of the change.

(3) An interest holder commits an offence if the interest holder is required to comply with subregulation (2) and the interest holder contravenes that requirement.

Maximum penalty: 100 penalty units.

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

Division 4A Amalgamation of plans

23A Amalgamation of plans

(1) An interest holder for 2 or more current plans may amalgamate the plans into one environment management plan if the amalgamation does not increase the environmental impact or environmental risk of the activities identified in the plans.

(2) The interest holder must give the Minister a notice of the amalgamated environment management plan.

(3) The notice must:

(a) be in the approved form; and

(b) identify the current plans included in the amalgamated environment management plan; and

(c) include a declaration by the interest holder that the amalgamation is of 2 or more current plans and that the amalgamation does not increase the environmental impact or the environmental risk identified in those plans.

(4) The notice must be accompanied by a copy of the amalgamated environment management plan.

(5) On receipt of the notice, the Minister must publish the amalgamated environment management plan in accordance with regulation 26.

(6) On publication of the amalgamated plan under subregulation (5), the amalgamated environment management plan replaces the relevant current plans.

(7) For the purposes of regulation 18, in relation to the first revision of the amalgamated environment management plan, the 5-year period is taken to start on the day the most recent approval notice was given to the interest holder in respect of the current plans before the amalgamation.

Division 5 Publication of current plans and other information

24 Publication of current plan and statement of reasons

Within 14 days after the Minister gives an interest holder an approval notice for an environment management plan, the Minister must publish:

(a) the current plan to which the notice applies; and

(b) the statement of reasons that accompanied the notice.

24A Publication of variation to conditions of current plan

Within 14 days after the Minister gives an interest holder notice under regulation 14B of a variation of the conditions of approval of a current plan, the Minister must publish notice of the variation.

25 Publication of reports relating to environmental matters

(1) Within 14 days after an interest holder gives the Minister a report about environmental matters, the Minister must publish the report.

(2) For subregulation (1), a report about environmental matters is a report for which arrangements are specified in a current plan for recording, monitoring and reporting particular information, as required by Schedule 1, clause 11.

26 Method of publication and confidentiality

(1) The Minister may publish a document mentioned in this Division in any manner the Minister considers appropriate.

(2) However, the Minister:

(a) must withhold from the public information of a commercially confidential nature; and

(b) may withhold other information from the public if satisfied there are reasonable grounds for doing so.

Division 6 Revocation of approval of current plan

27 Decision to revoke approval

(1) The Minister may revoke the approval of a current plan if:

(a) the Minister is reasonably satisfied that:

(i) an interest holder for the plan, or another person to whom the plan relates, has contravened section 117AAB(1), (3), (5), (6) or (7) of the Act or regulation 31(1) or 32(1); or

(ia) an interest holder for the plan, or another person to whom the plan relates, was given an infringement notice for an infringement notice offence against regulation 31(1) and paid the prescribed amount in respect of the alleged offence; or

(ii) an interest holder for the plan has contravened a requirement under Division 3 for a revision of a current plan; or

(iii) an interest holder for the plan, or another person to whom the plan relates, has contravened a provision of an approved access agreement to which the interest holder or other person is a party; or

(iv) an interest holder for the plan, or another person to whom the plan relates, has contravened a regulation in Part 4, Division 10 of the *Petroleum Regulations 2020*; or

(v) an interest holder for the plan, or another person to whom the plan relates, was given a notice under regulation 62 of the *Petroleum Regulations 2020* and paid the amount prescribed in respect of the alleged offence; or

(b) the Minister has refused to approve a proposed revision of the plan and no application for a review of the decision has been made under regulation 29 within the period allowed for a review.

(2) However, the Minister must not make a decision to revoke the approval of a current plan until the Minister has given notice of the intention to revoke, and followed all the steps, under regulation 28.

(3) If, after following those steps, the Minister decides to revoke the approval, the Minister must give the interest holder a notice of that decision.

(4) The Minister may revoke the approval of a current plan for a reason mentioned in subregulation (1)(a), even though no person has been found guilty of an offence in relation to a contravention mentioned in the provision.

(5) A person may be found guilty of an offence for a contravention mentioned in subregulation (1)(a) even though the approval of the current plan has been revoked.

(6) In this regulation:

approved access agreement, see regulation 3 of the *Petroleum Regulations 2020*.

28 Steps to be taken before making decision to revoke

(1) If the Minister intends to revoke the approval of a current plan, the Minister must comply with subregulations (2), (4) and (5).

(2) The Minister must give the interest holder at least 30 days notice of the Minister's intention.

(3) The Minister may give a copy of the notice to any other persons the Minister considers should receive the notice.

(4) The Minister must specify in the notice:

(a) the reasons why the Minister intends to revoke the approval; and

(b) a date before which the interest holder, or another person given the notice, may give the Minister a written submission of matters to be taken into account in relation to the revocation.

(5) The Minister must take into account:

(a) each submission given to the Minister before the date specified in the notice; and

(b) any action taken by the interest holder to cease or prevent the recurrence of the contravention, or deal with the matter, that gave the Minister reasons to revoke the approval.

Division 6A Supplementary management plans

28A Supplementary management plans

(1) This regulation applies in relation to an environment management plan if the Code of Practice: Environment requires the interest holder for the plan to prepare a supplementary management plan.

(2) The interest holder for the environment management plan must prepare the supplementary management plan in accordance with the Code of Practice: Environment and the environment management plan.

(3) The interest holder for the environment management plan must ensure that the supplementary management plan is certified by an independent qualified person in accordance with the Code of Practice: Environment and the environment management plan.

(4) The interest holder for the environment management plan must give the certified supplementary management plan to the Minister before commencing to carry out the regulatory activity to which the plan applies.

(5) Within 14 days after an interest holder gives the Minister a certified supplementary management plan, the Minister must publish the certified supplementary management plan.

(6) If the interest holder is required under the Code of Practice: Environment to prepare a revision of a supplementary management plan subregulations (2) to (5) apply to the revised plan with any necessary changes.

(7) If the interest holder amends a supplementary management plan and a revision of the plan is not required, the interest holder must give a copy of the amended plan to the Minister before the amendment takes effect.

(8) Within 14 days after an interest holder gives the Minister an amended supplementary management plan under subregulation (7), the Minister must publish the amended supplementary management plan.

(9) In this regulation:

independent qualified person has the same meaning as in the Code of Practice: Environment.

Division 7 Review of decisions

Subdivision 1 Judicial review

29AA Judicial review of decision

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

Note for regulation 29AA

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

Subdivision 2 Review by Tribunal

29 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 subregulation (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.

Division 8 Offences

30 Requirement for current plan

(1) A person commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct is part of carrying out a regulated activity and the person is reckless in relation to that circumstance; and

(c) there is no current plan for the activity.

Maximum penalty: 2 000 penalty units.

(2) Strict liability applies to subregulation (1)(c).

(3) A person commits an offence if the person carries out a regulated activity for which there is no current plan.

Maximum penalty: 200 penalty units.

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

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

Note for subregulation (5)

The defendant has an evidential burden in relation to the matters in subregulation (5) (see section 43BU of the Criminal Code).

31 Compliance with current plan or supplementary management plan

(1) A person commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct is part of carrying out a regulated activity and the person is reckless in relation to that circumstance; and

(c) the person is the holder of a current plan for the activity; and

(d) the conduct results in a contravention of the plan and the person is reckless in relation to that result.

Maximum penalty: 2 000 penalty units.

(2) Strict liability applies to subregulation (1)(c).

(3) A person commits an offence if the person carries out a regulated activity in a manner which contravenes a current plan.

Maximum penalty: 200 penalty units.

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

(5) It is a defence to a prosecution for an offence against subregulation (1) or (3) if the activity is carried out in a manner that is consistent with a modification notified under regulation 22.

Note for subregulation (5)

The defendant has an evidential burden in relation to the matters in subregulation (5) (see section 43BU of the Criminal Code).

(5A) A person commits an offence if the person carries out a regulated activity in a manner which contravenes a current supplementary management plan published under regulation 28A.

Maximum penalty: 200 penalty units

(5B) An offence against subregulation (5A) is an offence of strict liability

(6) It is a defence to a prosecution for an offence against this regulation if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.

Note for subregulation (6)

The defendant has an evidential burden in relation to the matters in subregulation (6) (see section 43BU of the Criminal Code).

32 New or increased environmental impact or environmental risk

(1) A person commits an offence if:

(a) the person carries out a regulated activity; and

(b) either of the following circumstances occurs:

(i) a significant new environmental impact or environmental risk results from the activity;

(ii) a significant increase in an existing environmental impact or environmental risk results from the activity; and

(c) the circumstance is not provided for in the current plan.

Maximum penalty: 200 penalty units.

(2) Subregulation (1) does not apply in relation to an activity if the interest holder submits a proposed revision of the environment management plan in respect of the circumstances mentioned in subregulation (1)(b) and the Minister has not refused to approve the plan.

32A Criminal liability of executive officer of body corporate

For section 115(1)(b) of the Act, regulations 30 and 31 are prescribed.

Part 3 Reportable incidents, recordable incidents and records

Division 1 Reportable incidents and recordable incidents

33 Notice of reportable incident

(1) An interest holder for a regulated activity must give the Minister notice of a reportable incident in accordance with this regulation.

(3) Notice of the reportable incident:

(a) must be given to the Minister as soon as practicable but not later than 2 hours after:

(i) the incident first occurred; or

(ii) if the incident was not detected by the interest holder at the time it first occurred – the time the interest holder became aware of the reportable incident; and

(b) may be given orally or in writing; and

(c) must specify:

(i) the contact details of the interest holder; and

(ii) all material facts and circumstances about the reportable incident that the interest holder knows or is able, by reasonable search or enquiry, to find out; and

(iii) information about any action taken to avoid or mitigate material environmental harm or significant environmental harm in relation to the reportable incident; and

(iv) information about the corrective action that has been taken, or is proposed to be taken, to prevent a similar reportable incident.

(4) If the interest holder gives notice of the reportable incident orally, the holder must, not later than 24 hours after giving oral notice, give the Minister a written notice about the reportable incident specifying all the matters mentioned in subregulation (3)(c).

(4A) After giving notice of an incident as a reportable incident under subregulation (1) and before giving the Minister the first interim report of the incident under regulation 34(3A), the interest holder may, by notice, advise the Minister that the incident is no longer considered to be a reportable incident and is to be recorded as a recordable incident instead.

(4B) A notice under subregulation (4A) must set out clear evidence as to why the incident is not considered to be a reportable incident.

(4C) The Minister, by notice to the interest holder, may refuse to accept the notice given under subsection (4A) if the Minister is not satisfied that the incident is not a reportable incident.

(4D) If the Minister refuses to accept the notice, the interest holder must provide the first interim report to the Minister under regulation 34(3A) before the later of:

(a) 60 days after the incident; and

(b) 21 days after the Minister gives the refusal notice under subregulation (4C).

(5) An interest holder commits an offence if the interest holder is required to give a notice to the Minister under this regulation and the interest holder contravenes that requirement.

Maximum penalty: 200 penalty units.

(6) An offence against subregulation (5) is an offence of strict liability.

34 Report about reportable incident

(1) An interest holder for a regulated activity must give the Minister written reports about a reportable incident in accordance with this regulation.

(3) An initial report about a reportable incident:

(a) must be given to the Minister as soon as practicable but not later than 3 days after the reportable incident first occurs; and

(b) must include comprehensive details about the following:

(i) the results of any assessment or investigation of the conditions or circumstances that caused or contributed to the occurrence of the reportable incident, including an assessment of the effectiveness of the designs, equipment, procedures and management systems that were in place to prevent the occurrence of an incident of that nature;

(ii) the nature and extent of the material environmental harm or significant environmental harm that the incident caused or had the potential to cause;

(iii) any actions taken, or proposed to be taken, to clean up or rehabilitate an area affected by the incident;

(iv) any actions taken, or proposed to be taken, to prevent a recurrence of an incident of a similar nature.

(3A) An interim report about a reportable incident must be given to the Minister as soon as practicable but no later than 60 days after the reportable incident first occurs.

(3B) The interim report under subregulation (3A) must include:

(a) a root cause analysis of the reportable incident; and

(b) further information about the matters mentioned in subregulation (3)(b) and any other matters relevant to the reportable incident.

(4) A final report about a reportable incident must be given to the Minister as soon as practicable but no later than 30 days after the clean up or rehabilitation of the area affected by the reportable incident is completed.

(5) The final report must include further information about:

(a) the matters mentioned in subregulations (3)(b) and (3B); and

(b) any other matters relevant to the reportable incident.

(6) If no clean up or rehabilitation of the area affected by the reportable incident is required, the Minister may direct that an interim report is to be treated as the final report.

(6A) During the period between giving the first interim report under subregulation (3A) and the final report, the interest holder must give the Minister further interim reports that include further information about the matters mentioned in subregulation (3)(b) and any other matters relevant to the reportable incident.

(7) Interim reports under subregulation (6A) must be given to the Minister:

(a) at intervals agreed in writing between the interest holder and the Minister; or

(b) if there is no written agreement – at intervals of 90 days, starting on the day on which the first interim report under subregulation (3A) was given.

(8) An interest holder commits an offence if the interest holder is required to give a report to the Minister under this regulation and the interest holder contravenes:

(a) that requirement; or

(b) any other requirement that relates to the report under this regulation.

Maximum penalty: 200 penalty units.

(9) An offence against subregulation (8) is an offence of strict liability.

35 Report about recordable incident

(1) An interest holder for a regulated activity must give the Minister a written report about a recordable incident in accordance with this regulation.

(3) A report about recordable incidents:

(a) must relate to each reporting period for the regulated activity; and

(b) must be given as soon as practicable but not later than 15 days after the end of the reporting period; and

(c) must contain:

(i) a record of all recordable incidents that occurred during the reporting period; and

(ii) all material facts and circumstances concerning the recordable incidents that the interest holder knows or is able, by reasonable search or enquiry, to find out; and

(iii) any action taken to avoid or mitigate any environmental impacts and environmental risks of the recordable incidents; and

(iv) the corrective action that has been taken, or is proposed to be taken, to prevent similar recordable incidents.

(3A) An interest holder commits an offence if the interest holder is required to give a report to the Minister under this regulation and the interest holder contravenes that requirement.

Maximum penalty: 100 penalty units.

(3B) An offence against subregulation (3A) is an offence of strict liability.

(4) In this regulation:

reporting period means:

(a) a period agreed in writing between the interest holder and the Minister; or

(b) otherwise – each 90 day period after the day on which the environment management plan is approved.

35A Publication of notices and reports

(1) The Minister must publish the following documents:

(a) written notice of a reportable incident under regulation 33;

(b) a final report about a reportable incident under regulation 34;

(c) a report about recordable incidents under regulation 35.

(2) The document must be published, in any manner the Minister considers appropriate, as soon as practicable but no later than 2 business days of the Minister receiving the notice or report.

(3) In publishing the document, the Minister:

(a) must withhold from the public information of a commercially confidential nature; and

(b) may withhold other information from the public if satisfied there are reasonable grounds for doing so.

Division 2 Records

36 Records to be kept

(1) An interest holder for a regulated activity must keep the prescribed records for the activity:

(a) in Australia; and

(b) for the longer of the following periods:

(i) 5 years following the period during which the petroleum interest for the activity is in force;

(ii) 15 years after the record comes into existence; and

(c) in a manner that makes retrieval of the record reasonably practicable.

(3) For subregulation (1), the ***prescribed records*** for the activity are the following documents:

(a) the original environment management plan, as approved by the Minister;

(b) each revision of the plan, as approved by the Minister;

(c) reports, including monitoring, audit and review reports, about environmental performance or the implementation strategy under the plan;

(d) records of emissions and discharges into the environment made in accordance with the plan;

(e) records of calibration and maintenance of monitoring devices used in accordance with the plan;

(f) records of, and copies of reports about, reportable incidents and recordable incidents;

(g) certificates associated with the disposal of waste;

(h) information or records relating to stakeholder engagement under regulation 7 or the plan;

(i) all documents developed or received by the interest holder in relation to matters to which these Regulations apply;

(j) records of any other documents the interest holder is required by these Regulations to keep.

(4) Reports mentioned in subregulation (3)(c) must include details of the methodology used for, and the results of, all monitoring and sampling activities, including raw data.

(5) An interest holder commits an offence if the interest holder fails to keep prescribed records in accordance with the requirements of this regulation.

Maximum penalty: 100 penalty units.

(6) An offence against subregulation (5) is an offence of strict liability.

37 Making prescribed records available

(1) The Minister or an inspector may direct an interest holder to make available copies of the prescribed records mentioned in regulation 36(3).

(4) The copies must be made available:

(a) if there is an emergency in relation to the activity – as soon as possible at any time of the day or night on any day during the occurrence of the emergency; or

(b) otherwise – during normal business hours.

(5) The copies must be made available (including by means of electronic transmission):

(a) at the Agency's address; or

(b) if agreed between the interest holder and the person making the request – at any other place.

(6) If a record is kept in a computer, the copy must be made available to the person who requested the record:

(a) in electronic form that is readable by that person; or

(b) if requested by that person – in print-out form.

(7) An interest holder commits an offence if:

(a) the interest holder is given a direction under subregulation (1); and

(b) the interest holder contravenes the direction.

Maximum penalty: 100 penalty units.

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

Part 3A Reporting requirements for flowback fluid and produced water

37A Report about flowback fluid

(1) An interest holder in relation to an activity that includes hydraulic fracturing must give the Minister a report about flowback fluid within 6 months of the flowback occurring.

(2) The report must contain the following information:

(a) the identity of any chemical or NORM found in the flowback fluid;

(b) the concentration of any chemical or NORM found in the flowback fluid;

(c) details regarding how any chemical or NORM has been or will be managed;

(d) details regarding how any chemical or NORM has been or will be transported;

(e) details regarding how any chemical or NORM has been or will be treated;

(f) details regarding any action proposed to be taken to prevent any chemical or NORM spill;

(g) details of the emergency contingency plan included in the environment management plan to which the activity relates;

(h) the requirements in relation to the management of any chemical or NORM of the prescribed chemical legislation.

Note for subregulation (2)(c)

Managed includes handling, collecting and storing any chemical or NORM.

(3) An interest holder commits an offence if the interest holder is required to give a report to the Minister under this regulation and the interest holder contravenes that requirement.

Maximum penalty: 200 penalty units.

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

(5) The Minister must publish the report on the Agency's website within 5 business days after receiving the report.

(6) In this regulation:

flowback fluid means fluid that is a mixture of hydraulic fracturing fluid and formation fluid that is allowed to flow from the well following hydraulic fracturing.

37B Report about produced water

(1) An interest holder must give the Minister a report about produced water within 6 months of the produced water being extracted.

(2) The report must contain the following information:

(a) the identity of any chemical or NORM found in the produced water;

(b) the concentration of any chemical or NORM found in the produced water;

(c) details regarding how any chemical or NORM has been or will be managed;

(d) details regarding how any chemical or NORM has been or will be transported;

(e) details regarding how any chemical or NORM has been or will be treated;

(f) details regarding any action proposed to be taken to prevent any chemical or NORM spill;

(g) details of the emergency contingency plan included in the environment management plan to which the activity relates;

(h) the requirements in relation to the management of any chemical or NORM of the prescribed chemical legislation.

Note for subregulation (2)(c)

Managed includes handling, collecting and storing any chemical or NORM.

(3) An interest holder commits an offence if the interest holder is required to give a report to the Minister under this regulation and the interest holder contravenes that requirement.

Maximum penalty: 200 penalty units.

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

(5) The Minister must publish the report on the Agency's website within 5 business days after receiving the report.

(6) In this regulation:

produced water means naturally occurring water that is extracted from a reservoir.

*Note for definition **produced water***

Reservoir is defined in section 5(1) of the Petroleum Act 1984 to mean any subsurface formation or geological sequence containing a petroleum pool.

Part 3B Administration

37C Electronic processes

(1) For section 117K of the Act, a direction or notice to be given or provided to a person under these Regulations may be given or provided by sending it to the recipient's email address as an attachment to an email.

(2) Subject to evidence to the contrary, a direction or notice sent in accordance with subregulation (1) is taken to be given or provided to the recipient when it is sent to the recipient's email address.

Part 4 Infringement notice offences

38 Infringement notice offence and prescribed amount payable

(1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 4.

(2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 4.

39 When infringement notice may be given

If an inspector believes on reasonable grounds that a person has committed an infringement notice offence, the inspector may give a notice (an ***infringement notice***) to the person.

40 Contents of infringement notice

(1) The infringement notice must specify the following:

(a) the name and address of the person, if known;

(b) the date the infringement notice is given to the person;

(c) the date, time and place of the infringement notice offence;

(d) a description of the offence;

(e) the prescribed amount payable for the offence;

(f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act 2001*, to whom the prescribed amount is payable.

(2) The infringement notice must include a statement to the effect of the following:

(a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;

(b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act 2001* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;

(c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act 2001*, including (but not limited to) action for the following:

(i) suspending the person's licence to drive;

(ii) seizing personal property of the person;

(iii) deducting an amount from the person's wages or salary;

(iv) registering a statutory charge on land owned by the person;

(v) making a community work order for the person and imprisonment of the person if the person breaches the order.

(3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

41 Electronic payment and payment by cheque

(1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the bank account of the enforcement agency to which the amount is payable.

(2) If the person tenders a cheque in payment of the prescribed amount, the payment is not effective unless the cheque is cleared on first presentation.

42 Withdrawal of infringement notice

(1) The Chief Executive Officer may withdraw the infringement notice by notice given to the person.

(2) The notice must be given:

(a) within 28 days after the infringement notice is given to the person; and

(b) before payment of the prescribed amount.

43 Application of Part

(1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.

(2) Also, this Part does not:

(a) require an infringement notice to be given; or

(b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or

(c) prevent more than one infringement notice for the same offence being given to a person.

(3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Part 5 Transitional matters for Petroleum (Environment) Amendment Regulations 2019

44 Definitions

In this Part:

amending Regulations means the *Petroleum (Environment) Amendment Regulations 2019*.

commencement means the commencement of the amending Regulations.

45 Application of amending Regulations to existing regulated activities

(1) This regulation applies if the environment management plan for a regulated activity was approved before the commencement.

(2) The interest holder for the plan may carry out the regulated activity after the commencement in accordance with the plan as approved before the commencement.

(3) A revision to the plan under regulation 19 must not include a requirement to meet the approval criteria in regulation 9, as in force after the commencement, irrespective of whether the revision occurs after the commencement.

46 Application of amending Regulations to environment management plan not yet approved

(1) This regulation applies if:

(a) an interest holder has submitted an environment management plan for the activity before the commencement; and

(b) the Minister had not made a decision under regulation 11 in relation to the plan before the commencement.

(2) The Minister must not approve the plan under regulation 11 unless the Minister is reasonably satisfied that the plan meets the approval criteria in regulation 9, as in force after the commencement.

Part 6 Transitional matters for Environment Protection Act 2019

47 Definition

In this Part:

commencement means the commencement of section 294 of the *Environment Protection Act 2019*.

48 Environmental assessment completed before commencement

(1) This regulation applies if:

(a) an application for approval of an environment management plan for an activity was made before the commencement; and

(b) an environmental assessment of the activity was completed under the *Environmental Assessment Act 1982* before the commencement; and

(c) the environment management plan was not approved before the commencement.

(2) These regulations as in force immediately before the commencement continue to apply to the determination of the application for the approval of the environment management plan.

Part 7 Transitional matters for Petroleum Legislation Amendment Regulations 2026

49 Definitions

In this Part:

amending Regulations means the *Petroleum Legislation Amendment Regulations 2026*.

commencement means the commencement of regulation 2 of the amending Regulations.

50 Application of amending Regulations to existing regulated activities and existing environment management plans

(1) This regulation applies in relation to an environment management plan for a regulated activity that was approved before the commencement.

(2) The interest holder for the plan may carry out the regulated activity after the commencement in accordance with the plan as approved before the commencement.

(3) Despite regulations 4 and 9(1)(aa), the Code of Practice: Environment does not apply to a revision of the plan under regulation 16A or 17.

(4) The Code of Practice: Environment applies to a revision of the plan under regulation 18.

(5) If 2 or more environment management plans that were approved before the commencement are amalgamated under regulation 23A, then, despite regulations 4 and 9(1)(aa), the Code of Practice: Environment does not apply to the amalgamated environment management plan.

(6) Despite regulation 23A, an environment management plan approved before the commencement cannot be amalgamated with an environment management plan approved after the commencement.

51 Application of amending Regulations to environment management plan not yet approved

(1) This regulation applies in relation to an application for approval of an environment management plan that was made but not approved before the commencement.

(2) Despite the amendments made by the amending Regulations, these Regulations as in force immediately before the commencement, and any approved code of practice applying immediately before the commencement, continue to apply to the determination of the application for the approval of the environment management plan.

52 Application of amending Regulations if application for approval of environment management plan made within 12 months after commencement

(1) This regulation applies in relation to an application for approval of an environment management plan (other than approval of a revision of an environment management plan) that is made within 12 months after the commencement.

(2) The interest holder, when making the application for approval, may, by written notice to the Minister, elect that this regulation apply to the determination of the application.

(3) If an election is made under subregulation (2), then despite the amendments made by the amending Regulations, these Regulations as in force immediately before the commencement, and any approved code of practice applying immediately before the commencement, continue to apply to the determination of the application for the approval of the environment management plan.

(4) If an interest holder does not make an election under subregulation (2), these Regulations as amended by the amending Regulations and the Code of Practice: Environment will apply to the determination of the application.

Schedule 1AA Fees for environment management plans

regulations 6 and 15

1 Definitions

In this Schedule:

assessment rating means the assessment rating for a particular activity category specified in the Table.

base fee means 28 047 revenue units.

unit value means 2 104 revenue units.

2 Fee for approval of environment management plan

(1) The fee for the approval of an environment management plan is the sum of:

(a) the base fee; and

(b) the sum of the assessment ratings for each title area for the regulated activities to which the environment management plan relates, multiplied by the unit value.

(2) In calculating the component of the fee under subclause (1)(b):

(a) if 2 or more activities to be undertaken in a particular title area fall into the same activity category, that category will be counted once in relation to that title area; and

(b) an activity to be undertaken in 2 or more title areas will be counted once for each title area; and

(c) for 2 or more seismic surveys to be undertaken in a particular title area, the total length of seismic surveys in that title area are to be added together for the purposes of the Table.

Table

Item	Activity category	Assessment rating
1	Land clearing (for any purpose) and earthworks (including cutting, filling, excavating or trenching)	2

Item	Activity category	Assessment rating
2	Seismic surveys (total length):	
	up to 100 km	1
	more than 100 km	2
3	The drilling, completion, operation, modification, decommissioning, suspension or abandonment of a well that does not include hydraulic fracture stimulation activities – up to 3 wells	2
4	The drilling, completion, operation, modification, decommissioning, suspension or abandonment of a well that does not include hydraulic fracture stimulation activities – 4 or more wells	4
5	The drilling, completion, operation, modification, decommissioning, suspension or abandonment of a well that includes hydraulic fracture stimulation activities – up to 3 wells	6
6	The drilling, completion, operation, modification, decommissioning, suspension or abandonment of a well that includes hydraulic fracture stimulation activities – 4 or more wells	12
7	The construction, operation, modification, decommissioning, dismantling or removal of other facilities used for the recovery or processing of petroleum	6
8	The construction, operation, modification, decommissioning, dismantling or removal of any other facilities	3

3 Fee for revision of current environment management plan

The fee for a revision of a current environment management plan, payable when the proposed revision is submitted to the Minister, is the same as the fee for the approval of an environment management plan.

Schedule 1 Information to be included in environment management plan

regulation 9

Part 1 Regulated activity and environment

1 Description of regulated activity

A plan must give a comprehensive description of the regulated activity to which it relates and include:

(a) the location (or locations) of the activity; and

(b) general details of the construction and layout of any facility associated with the activity; and

(c) an outline of, and proposed timetable for, the operational details of the activity.

2 Description of existing environment

A plan must include:

(a) a description of the existing environment that may be affected by the regulated activity described in the plan; and

(b) details of any particular values and sensitivities of that environment relevant to the activity; and

(c) details of any uncertainties or lack of understanding in relation to that environment.

3 Assessment of environmental impacts and environmental risks

(1) The plan must include:

(a) details of the environmental impacts and environmental risks of the regulated activity described in the plan; and

(b) an assessment of the environmental impacts and environmental risks, appropriate to the nature and scale of each impact and risk; and

(c) a description of the process used to assess the environmental impacts and environmental risks; and

(d) the control measures used to manage the environmental impacts and environmental risks.

(2) The assessment mentioned in subclause (1)(b) must be of:

(a) all the environmental impacts and environmental risks arising directly or indirectly from:

(i) all aspects of the regulated activity; and

(ii) potential emergency conditions, whether resulting from an incident or any other reason; and

(b) the cumulative effects of those impacts and risks when considered with each other and in conjunction with any other activities or events that occurred or may occur in or near the permit area for the regulated activity.

Example for clause 3(2)(b) of other activities or events

Activities or events associated with:

(a) other exploration for, or production of, petroleum; or

(b) the exploration for, or extraction of, minerals or extractive minerals.

4 Environmental outcomes and environmental performance standards

A plan must specify:

(a) the environmental outcomes in relation to the regulated activity described in the plan; and

(b) the environmental performance standards against which the performance of the interest holder in achieving the environmental outcomes can be measured; and

(c) the measurement criteria to be used to ensure the environmental outcomes and environmental performance standards are met.

4A Chemicals used in the course of hydraulic fracturing

(1) If the activity is hydraulic fracturing, a plan must specify the following information in relation to any chemical or other substance that may be in, or added to, any treatment fluids to be used in the course of the activity:

(a) the identity of the chemical or other substance;

(b) the volume of the chemical or other substance;

(c) the concentration of the chemical or other substance;

(d) the purpose of the chemical or other substance;

(e) details regarding how the chemical or other substance will be managed;

(f) details regarding how the chemical or other substance will be transported on-site;

(g) details regarding any action proposed to be taken to prevent a spill of the chemical or other substance;

(h) the requirements in relation to the management of the chemical or other substance of the prescribed chemical legislation.

Note for clause 4A(1)(e)

Managed includes handling, collecting and storing any chemical or other substance.

(2) A plan under subclause (1) must be accompanied by a full human health risk assessment relating to the chemicals or other substances used in hydraulic fracturing activities carried out for the purpose of petroleum recovery on an appraisal basis or for petroleum production under a petroleum interest.

4B Supplementary management plans

(1) This clause applies in relation to an environment management plan if the Code of Practice: Environment requires the interest holder for the plan to prepare a supplementary management plan.

(2) The environment management plan must specify:

(a) the requirements for preparation and certification of the supplementary management plan and giving the certified plan to the Minister; and

(b) how those requirements will be met.

Part 2 Implementation strategy

5 Requirement for implementation strategy

A plan must include an implementation strategy, in accordance with this Part, for the regulated activity described in the plan.

6 Details of systems, monitoring, tests etc.

(1) An implementation strategy must provide for:

(a) ongoing monitoring and review of the strategy; and

(b) monitoring, recording, audit and management of non-conformance with the plan and review of the interest holder's environmental performance.

(2) The implementation strategy must give details of:

(a) the specific systems, practices and procedures to be used to ensure that the environmental outcomes and environmental performance standards in the plan are met; and

(b) the following, as relevant to the regulatory activity described in the plan:

(i) the monitoring of its environmental impact;

(ii) the monitoring of emissions and discharges (whether occurring during normal operations or otherwise);

(iii) the carrying out and recording of the monitoring mentioned in this paragraph in a manner that is accurate and can be audited against the environmental performance standards and measurement criteria specified in the plan, and the intervals at which each type of monitoring will be carried out;

(iv) tests to be carried out to assess the performance and accuracy of the equipment used for the monitoring mentioned in this paragraph, and the intervals at which the tests are to be carried out.

7 Personnel

An implementation strategy must:

(a) establish a clear chain of command, including during emergencies or potential emergencies; and

(b) set out the roles and responsibilities of personnel in relation to the implementation, management and review of the plan; and

(c) specify measures to ensure that each employee or contractor working on, or in connection with, the regulated activity described in the plan:

(i) is aware of his or her responsibilities in relation to the plan, including during emergencies or potential emergencies; and

(ii) has the appropriate competencies and training.

8 Emergency contingency plan

An implementation strategy must include:

(a) a contingency plan that specifies arrangements for the response to emergencies or potential emergencies; and

(b) provisions for the implementation and maintenance of the contingency plan.

Part 3 Other matters

9 Stakeholder engagement

(1) An environment management plan must include a stakeholder engagement plan.

(2) The stakeholder engagement plan must set out details of the stakeholder engagement carried out in the preparation of the environment management plan required under regulation 7(2).

(3) The stakeholder engagement plan must also set out the plan for stakeholder engagement during the term of the plan, setting out:

(a) the stakeholder groups or individuals who may be affected by the activity; and

(b) the process for inclusion in the plan of new stakeholders identified during the term of the plan; and

(c) the strategies and methods the interest holder will use to engage with stakeholders throughout the term of the plan; and

(d) how the interest holder will provide ongoing access to information about the environmental impacts of the activity and the management of those impacts during the term of the plan; and

(e) how the interest holder will respond to stakeholder concerns or feedback during the term of the plan; and

(f) how consultation outcomes will be documented and considered in decision-making and environmental management.

(4) In this clause:

stakeholder means:

(a) a person or body whose rights or activities may be directly affected by the environmental impacts or environmental risks of the regulated activity proposed to be carried out; or

(b) an agent or representative of a person or body mentioned in paragraph (a).

10 Legislative requirements

(1) A plan must:

(a) specify any legislative requirements applicable to the regulated activity described in the plan that are relevant to the protection of the environment; and

(b) demonstrate how those requirements will be met.

(2) In this clause:

legislative requirements includes the requirement to comply with the Code of Practice: Environment and any other approved code of practice.

11 Recording, monitoring and reporting

(1) A plan must specify arrangements for:

(a) recording, monitoring and reporting information about the regulated activity to which the plan relates in a manner that will enable the Minister to determine whether the environmental outcomes and environmental performance standards in the plan are being met; and

(b) giving the Minister a report about the matters mentioned in paragraph (a), at approved intervals, but not less often than annually.

(2) The information mentioned in subclause (1) includes information required to be recorded, monitored or reported under these Regulations or any other law in force in the Territory applying to the regulated activity.

12 Notifying commencement of construction, drilling or seismic survey

A plan must specify arrangements for the interest holder to notify the following persons before the proposed date of commencement of construction, drilling or seismic surveys:

(a) the Minister;

(b) the occupier of the land on which the activity is to be carried out;

(c) the owner of the land on which the activity is to be carried out (unless the owner is also the occupier).

Schedule 2 Judicial Review of decision

regulation 29AA

Item	Provision	Decision
1	regulation 11	A decision to approve plan subject to conditions or refuse to approve plan
2	regulation 14B(1)	A decision to vary the conditions of approval of a current plan (other than an administrative amendment)
3	regulation 14B(4)	A decision to refuse to vary the conditions of approval of a current plan
4	regulation 20(2)	A decision that revision still required
5	regulation 27	A decision to revoke approval of current plan

Schedule 3 Reviewable decisions and interested persons

regulation 29

Item	Reviewable decision	Affected person
1	A decision of the Minister to issue a resubmission notice under regulation 10(1)	The interest holder who submitted the plan for approval
2	A decision of the Minister to approve an environment management plan subject to conditions under regulation 11(3)	The interest holder who submitted the plan for approval
3	A decision of the Minister to refuse to approve an environment management plan under regulation 11(3)	The interest holder who submitted the plan for approval
4	A decision of the Minister under regulation 14B(1) to vary the conditions of approval of a current plan (other than an administrative amendment)	The interest holder for the plan
5	A decision of the Minister under regulation 14B(4) to refuse to vary the conditions of approval of a current plan	The interest holder for the plan
6	A decision of the Minister to require a revision of an environment management plan under regulation 20(2)	The interest holder for the plan
7	A decision of the Minister to revoke the approval of a current plan under regulation 27(1)	The interest holder for the plan

Schedule 4 Infringement notice offences and prescribed amounts

regulation 38

	Provision	Prescribed amount in penalty units	
		for individual	for body corporate
1	regulation 17(3)	15	75
2	regulation 18(2)	15	75
3	regulation 19(5)	15	75
4	regulation 20(3)	15	75
5	regulation 22(3)	5	25
6	regulation 23(3)	5	25
7	regulation 30(3)	30	150
8	regulation 31(3)	30	150
9	regulation 31(5A)	30	150
10	regulation 33(5)	30	150
11	regulation 34(8)	30	150
12	regulation 35(3A)	15	75
13	regulation 36(5)	15	75
14	regulation 37(7)	15	75

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Petroleum (Environment) Regulations* (SL No. 32, 2016)**
Notified 6 July 2016
Commenced 6 July 2016

***Petroleum (Environment) Amendment Regulations* (SL No. 27, 2018)**
Notified 19 December 2018
Commenced 19 December 2018

***Petroleum (Environment) Further Amendment Regulations* (SL No. 28, 2018)**
Notified 19 December 2018
Commenced 19 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)

***Petroleum (Environment) Amendment Regulations 2019* (SL No. 7, 2019)**
Notified 11 June 2019
Commenced 11 June 2019

***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 (Environment) Amendment Regulations 2020 **(SL No. 33, 2020)**

Notified	23 December 2020
Commenced	1 January 2021 (r 2)

Petroleum Legislation Amendment Act 2022 **(Act No. 33, 2022)**

Assent date	16 December 2022
Commenced	22 June 2023 (*Gaz* S42, 13 June 2023, p 1)

Petroleum, Planning and Water Legislation Amendment Act 2025 **(Act No. 7, 2025)**

Assent date	7 April 2025
Commenced	8 April 2025 (s. 2)

Petroleum Legislation Amendment Regulations 2026 **(SL No. 22, 2026)**

Date made	16 July 2026
Commenced	30 July 2026 (r 2)

3 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: rr 1, 3, 9, 29AA and 40.

4 LIST OF AMENDMENTS

r 3	amd No. 27, 2018, r 4; No. 28, 2018, r 4; Act No. 12, 2019, r 14; No. 7, 2019, r 4; Act No. 31, 2019, s 337; Act No. 12, 2020, s 29; Act No. 33, 2022, s 109; No. 22, 2026, r 4
r 4	rep Act No. 12, 2020, s 30 ins No. 22, 2026, r 5
r 4A	ins No. 7, 2019, r 5 sub Act No. 33, 2022, s 110
r 5	amd Act No. 33, 2022, s 111; No. 22, 2026, r 6
r 5A	ins Act No. 12, 2020, s 31 amd No. 22, 2026, r 7
r 6	amd Act No. 33, 2022, s 112; No. 22, 2026, r 8
r 8	amd No. 28, 2018, r 5; No. 22, 2026, r 9
r 8A	ins No. 27, 2018, r 5 amd No. 22, 2026, r 10
r 8B	ins No. 27, 2018, r 5 amd No. 22, 2026, r 11
r 9	amd No. 7, 2019, r 6 Act No. 31, 2019, s 338; Act No. 12, 2020, s 32; No. 22, 2026, r 12
r 10	sub No. 22, 2026, r 13
r 11	amd No. 27, 2018, r 6; No. 7, 2019, r 7 sub No. 22, 2026, r 13
r 11A	ins No. 22, 2026, r 13
r 12	amd Act No. 31, 2019, s 339; No. 22, 2026, r 14
r 13	amd Act No. 31, 2019, s 340; No. 22, 2026, r 15
r 14A	ins Act No. 33, 2022, s 113
r 14B	ins No. 22, 2026, r 16
r 15	amd No. 22, 2026, r 17

r 16A	ins No. 22, 2026, r 18
r 17	amd Act No. 33, 2022, s 114; No. 22, 2026, r 19
r 18	amd Act No. 33, 2022, s 115
r 19	amd Act No. 33, 2022, s 116
r 20	amd Act No. 33, 2022, s 117
r 22	amd Act No. 33, 2022, s 118; No. 22, 2026, r 20
r 23	amd Act No. 33, 2022, s 119
pt 2	
div 4A hdg	ins No. 22, 2026, r 21
r 23A	ins No. 22, 2026, r 21
r 24A	ins No. 22, 2026, r 22
r 27	amd No. 33, 2020, r 4; Act No. 33, 2022, s 120
pt 2	
div 6A hdg	ins No. 22, 2026, r 23
r 28A	ins No. 22, 2026, r 23
pt 2	
div 7	
sdiv 1 hdg	ins Act No. 12, 2019, r 15
r 29AA	ins Act No. 12, 2019, r 15 amd No. 22, 2026, r 24
pt 2	
div 7	
sdiv 2 hdg	ins Act No. 12, 2019, r 16
r 29	amd Act No. 12, 2019, r 16; sub Act No. 33, 2022, s 121 amd Act No. 7, 2025, s 11; No. 22, 2026, r 25
r 30	sub Act No. 33, 2022, s 122
r 31	sub Act No. 33, 2022, s 122 amd No. 22, 2026, r 26
r 32A	ins Act No. 33, 2022, s 123
r 33	amd Act No. 33, 2022, s 124; No. 22, 2026, r 27
r 34	amd Act No. 33, 2022, s 125; No. 22, 2026, r 28
r 35	amd Act No. 33, 2022, s 126
r 35A	ins No. 27, 2018, r 7
r 36	amd Act No. 33, 2022, s 127; No. 22, 2026, r 29
r 37	amd Act No. 33, 2022, s 128
pt 3A hdg	ins No. 28, 2018, r 6 amd No. 22, 2026, r 30
r 37A	ins No. 28, 2018, r 6 amd Act No. 33, 2022, s 129; No. 22, 2026, r 31
r 37B	ins No. 28, 2018, r 6 amd Act No. 33, 2022, s 130; No. 22, 2026, r 32
pt 3B hdg	ins No. 22, 2026, r 33
r 37C	ins No. 22, 2026, r 33
r 38	amd No. 22, 2026, r 34
r 41	sub Act No. 33, 2022, s 131
pt 5 hdg	ins No. 7, 2019, r 8
rr 44 – 46	ins No. 7, 2019, r 8
pt 6 hdg	ins Act No. 31, 2019, s 341 as amd Act No. 33, 2019, s 50
rr 47 – 48	ins Act No. 31, 2019, s 341 as amd Act No. 33, 2019, s 50
pt 7 hdg	ins No. 22, 2026, r 35
rr 49 – 52	ins No. 22, 2026, r 35
sch 1AA	ins No. 22, 2026, r 36
sch 1	amd No. 27, 2018, r 8; No. 28, 2018, r 7; Act No. 12, 2019, r 17; No. 7, 2019, r 9; Act No. 33, 2022, s 132; No. 22, 2026, r 37
sch 1A	ins Act No. 12, 2019, r 18 rep No. 22, 2026, r 38

sch 2	sub Act No. 33, 2022, s 133 amd Act No. 7, 2025, s 12 sub No. 22, 2026, r 38
sch 3	ins Act No. 33, 2022, s 133 sub No. 22, 2026, r 38
sch 4	ins No. 22, 2026, r 38