

NORTHERN TERRITORY OF AUSTRALIA

PETROLEUM REGULATIONS 2020

As in force at 22 June 2023

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- Schedule 4K Monthly production reports**
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ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 22 June 2023

PETROLEUM REGULATIONS 2020

Regulations under the *Petroleum Act 1984*

Part 1 **Preliminary matters**

1 **Title**

These Regulations may be cited as the *Petroleum Regulations 2020*.

2 **Commencement**

These Regulations commence on 1 January 2021.

2A **Objects**

The objects of these Regulations are:

- (a) to provide for land access agreements between interest holders and the owners or occupiers of land covered by petroleum interests, whether negotiated or determined by the Tribunal; and
- (b) to support and enhance the integrity of onshore petroleum wells by ensuring that risks to well integrity are reduced to as low as is reasonably practicable; and
- (c) to support and enhance the integrity of petroleum surface infrastructure by ensuring that risks to surface infrastructure integrity are reduced to as low as is reasonably practicable; and
- (d) to support and enhance the strategic management of petroleum production consistent with achieving optimum long-term recovery of the resource.

3 Interpretation

(1) In these Regulations:

access agreement, see regulation 3(2).

ADR convenor, for Part 4, Division 4, Subdivision 2, see regulation 25(2).

affected person, see regulation 41(2).

airborne operations means:

- (a) flying over any part of a permit area or licence area by an aircraft (including a helicopter); or
- (b) causing a drone to fly over any part of a permit area or licence area.

annual fee, for Part 5D, see regulation 66F.

approved access agreement means an access agreement that has been approved, or that is taken to be approved, under Part 4 or 6.

designated person, in relation to land, means:

- (a) unless paragraph (b) applies – the owner of the land; or
- (b) if there is a separate occupier of the land and that occupier has, in the land, an interest registered on the land register – the occupier of the land.

drilling rig means the equipment used in connection with rotary or other drilling, including a workover or well service rig, but does not include a seismic shot hole drilling rig.

field, in relation to a field management plan, means an area within a production licence area, or contiguous production licence areas, that are subject to the plan.

hydraulic fracturing means the underground gas and oil extraction process that involves the injection of fluids at high pressure into a geological formation to induce fractures that conduct hydrocarbons for extraction.

independent competent person, in relation to a statement or plan to be provided by an interest holder relating to a sub-surface well barrier or petroleum surface infrastructure, means a person:

- (a) who:
 - (i) is not an employee of the interest holder; and
 - (ii) is not an employee of a contractor engaged by the interest holder for the design, construction, operation or management of the well or petroleum surface infrastructure (as the case may be); and
 - (iii) has not been involved in the design, construction, operation or management of the well or petroleum surface infrastructure (as the case may be); and
- (b) who is, on account of training and experience, suitably qualified to verify (as the case requires):
 - (i) a well barrier integrity validation report; or
 - (ii) works executed during the design, construction, operation or decommissioning phases of the petroleum surface infrastructure.

induced seismicity management plan means a plan that:

- (a) is designed to mitigate against any risk of damage from induced seismicity that may occur as a result of hydraulic fracturing by:
 - (i) avoiding geohazards and faults; and
 - (ii) monitoring for changes in peak ground acceleration during and following hydraulic fracturing activities; and
- (b) sets out management strategies if peak ground acceleration thresholds are triggered.

infringement notice, see regulation 62.

infringement notice offence, see regulation 61(1).

interest holder means the holder of a petroleum interest.

key records, for Part 5F, see regulation 66P.

land register means the land register as defined in section 4 of the *Land Title Act 2000*.

late lodgement fee, see regulation 66A(2).

late lodgement notice, see regulation 66A(3).

levy, for Part 5D, see regulation 66F.

low impact activities means any of the following:

- (a) preliminary activities;
- (b) carrying out surveys including aerial surveys but not including surveys that involve:
 - (i) the clearing of any vegetation; or
 - (ii) the permanent installation of any infrastructure on land;
- (c) other activities that have no impact, or only a low impact, on land that comprise, or are directly related to, testing, monitoring or maintaining infrastructure without the use of heavy equipment;
- (d) airborne operations;
- (e) any of the following that is carried out in connection with an activity referred to in paragraphs (a) to (d):
 - (i) taking workers to or from a location on a permit area or a licence area;
 - (ii) driving a vehicle, other than a heavy vehicle, on any part of a permit area or a licence area;
 - (iii) landing a helicopter on any part of a permit area or a licence area.

Mediator Standards Board means the entity known as the Mediator Standards Board Limited (ACN 145 829 812/ABN 11 145 829 812).

Mediators Panel means the Mediators Panel established by regulation 20.

minimum protection requirements means the requirements mentioned in regulation 14(1) and (2).

negotiation notice means a notice under regulation 15.

owner, in relation to land, includes a mortgagee in possession.

parties, for Part 4, Division 4, Subdivision 2, see regulation 25(3).

preliminary activities means preliminary or preparatory activities associated with the commencement of regulated operations and have no impact, or only a low impact, on land and include any of the following:

- (a) taking water samples;
- (b) taking rock samples without the use of heavy equipment;
- (c) taking soil samples to a depth that does not exceed 4 metres.

prescribed amount, see regulation 61(2).

prescribed fee means a fee prescribed in Schedule 1.

production test means an operation, other than formation fluid sampling into a container positioned by a wireline operation, carried out on a well to recover reservoir fluids for or in connection with estimating well productivity.

register means the Access Agreement Register established by the Minister under regulation 32.

regulated activity, see regulation 5 of the *Petroleum (Environment) Regulations 2016*.

regulated operations means any operations for which an exploration permit, retention licence or production licence is required under the Act, other than low impact activities.

relevant charge, for Part 5D, see regulation 66F.

reportable incident means an incident arising from activities conducted under a permit or licence as a result of which:

- (a) immediate action is required to prevent a serious incident; or
- (b) a single barrier or control remains intact so as to prevent loss of integrity in a well or petroleum surface infrastructure but no other barrier or control exists; or
- (c) equipment or systems designed to reduce the consequences of a serious incident:
 - (i) fail; or
 - (ii) are compromised; or
- (d) a designed operating envelope is exceeded.

reviewable decision, see regulation 41(1).

serious incident means an incident arising from activities conducted under a permit or licence as a result of which:

- (a) a person suffers a serious injury or illness or is killed; or
- (b) an uncontrolled fire or explosion occurs; or
- (c) an uncontrolled flow of formation fluids or well fluids into the environment, or into a separate underground formation, occurs; or
- (d) there is a failure of, or damage to, barriers, infrastructure or systems that leads to, or could lead to, a loss of integrity in a well or petroleum surface infrastructure that requires emergency intervention; or
- (e) a blowout preventer, pressure control equipment or emergency shutdown systems are activated; or
- (f) both primary and secondary well barriers are no longer intact; or
- (g) the security of natural gas supply is prejudiced or an imminent risk of prejudice to the security of natural gas supply arises.

serious injury or illness, see section 36 of the *Work Health and Safety (National Uniform Legislation) Act 2011*.

statutory interest rate, for Part 5D, see regulation 66F.

title area, in relation to a petroleum interest, means the area over which the petroleum interest is granted.

vacant Crown land means land in relation to which no person is recorded in the land register as a registered owner or registered proprietor.

- (2) A reference in these Regulations to an **access agreement** is a reference to a land access agreement as mentioned in section 118(2)(pa) of the Act.

4 Prescribed fees and amounts

- (1) Schedule 1 prescribes the fees and amounts payable under those sections of the Act or these Regulations that are specified in that Schedule.

- (2) Schedule 1A prescribes the fees payable under Part III, Division 1, Subdivision 2 of the Act in relation to well operation management plans, field management plans and petroleum surface infrastructure plans.
- (3) Schedule 1B prescribes the fees payable under the *Petroleum (Environment) Regulations 2016* in relation to environment management plans.

Part 2 Datums

5 Current datum

- (1) For section 117AG(b) of the Act, it is declared that the datum surface approximating the shape of the earth's surface defined by the reference frame designated under the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017* (Cth) replaces the previous datum.

Note for subregulation (1)

The reference frame designated under the National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017 (Cth) is Geocentric Datum of Australia 2020 (GDA2020) at the Reference Epoch of 2020.0.

- (2) In this regulation:

National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017 (Cth) means the standard of measurement of that name maintained by the Chief Metrologist under section 8(1) of the *National Measurement Act 1960* (Cth).

5A Variation of petroleum interests and other instruments

For section 117AJ of the Act, the Minister is authorised to issue an instrument referred to in that section for a purpose referred to in that section.

5B Variation of applications for petroleum interests

For section 117AK of the Act, the Minister is authorised to issue an instrument varying an application for a petroleum interest under the Act for the sole purpose of relabelling a point, line or area by reference to geographic co-ordinates based on the current datum.

5C Transitional provision

- (1) An authorised person may:
- (a) require that a person who submits, or who has submitted, a document under the Act confirm that information contained in the document is based on the current datum; and
 - (b) determine that no further step will be taken under the Act until that confirmation is provided.

- (2) In this regulation:

authorised person means:

- (a) the Minister; or
- (b) the CEO; or
- (c) an inspector; or
- (d) a person authorised by the Minister to act under this regulation.

Part 3 Compensation**6 Compensation to owners**

- (1) For section 81(1)(c) of the Act, the following circumstances are prescribed:
- (a) the drilling of a well on the land by the interest holder;
 - (b) to the extent of an owner's or occupier's respective interests in the land – any decrease in the market value of the land caused by regulated operations carried out on the land by the interest holder.
- (2) For section 81(7A) of the Act:
- (a) the compensation payable under subregulation (1)(a) may be:
 - (i) an amount for each well; or
 - (ii) an amount represented by improvements or work on the land provided or carried out by the interest holder; and

- (b) the compensation payable under subregulation (1)(b) may be:
 - (i) an amount equal to the decrease in market value of the owner's or occupier's interest in the land (as the case may be); or
 - (ii) an amount represented by improvements or work on the land provided or carried out by the interest holder.
- (3) The method of compensation under subregulation (2)(a) or (b) will be determined by agreement between the parties or, if they are unable to agree, by the Tribunal.

Part 4 Access agreements

Division 1 Preliminary matters

7 Underground operations

For this Part, any underground operations are taken to be carried out on the land under which they are carried out.

8 Exempt activities

Nothing in this Part requires an approved access agreement to be in place, or for notice to be given, in order for an interest holder to enter any land, or to carry out any operations or low impact activities:

- (a) for the purpose of preserving life or property, or addressing a threat or risk to life or property; or
- (b) in any emergency situation, or threatened emergency situation; or
- (c) in order to comply with:
 - (i) any Act or law; or
 - (ii) any order or direction of a court or tribunal constituted by law; or
 - (iii) any order or direction of an official acting under a law of the Territory or the Commonwealth.

9 Native title holders and claimants

- (1) Nothing in this Part requires an access agreement to be entered into with a native title holder or registered native title claimant in relation to any land.
- (2) A reference in this Part to an owner or occupier of land is taken not to include a reference to a native title holder or registered native title claimant.

10 Requirement to negotiate in good faith

- (1) For the purpose of obtaining an approved access agreement, an interest holder and a designated person must negotiate on the agreement, and participate in any other process under this Part, in good faith.
- (2) Without limiting subregulation (1), if an interest holder or a designated person provides a report or advice about a particular matter as part of the negotiations, the interest holder or designated person (as the case may be) must take reasonable steps to ensure that the report or advice is in a finalised form.

11 Processes involving 2 or more designated persons

- (1) This regulation applies if:
 - (a) there are 2 or more designated persons in relation to a particular area of land; and
 - (b) at least one of the designated persons has not agreed to an access agreement in relation to the land.
- (2) Subject to subregulation (3), the ADR processes under Division 4 and the Tribunal proceedings under Division 5 only apply in relation to a designated person who has not agreed to an access agreement.
- (3) A facilitator or mediator, or the Tribunal, may allow or request a designated person who has agreed to an access agreement to participate in any process or proceedings in order to ensure consistency with access arrangements over the same land and, for that purpose, the parties may agree to a variation to an access agreement that already exists.

Division 2 Requirement for access agreements

12 Access agreement required before commencement of operations

- (1) Subject to subregulations (2) and (3), an interest holder must not commence regulated operations on any particular area of land except in accordance with an approved access agreement.

Note for subregulation (1)

Regulation 47 provides that it is an offence for an interest holder to commence regulated operations on land without the land being the subject of an approved access agreement.

- (2) An approved access agreement is not required:
- (a) if the land where the regulated operations are to be carried out is:
 - (i) Aboriginal land; or
 - (ii) vacant Crown land; or
 - (b) to carry out an airborne survey that does not involve any physical contact with the relevant land.
- (3) This regulation does not apply to an interest holder who is acting in accordance with Part 5G.

13 Parties

- (1) The parties to an approved access agreement are:
- (a) the interest holder of the relevant petroleum interest; and
 - (b) the designated person of the relevant land.
- (2) If an interest holder or designated person under an access agreement changes, the person who becomes an interest holder or designated person (as the case may be):
- (a) is taken to be a party to the agreement; and
 - (b) assumes the rights, duties and obligations of the relevant party under the agreement.
- (3) Subregulation (2) has effect without the need for the parties to vary the access agreement.

- (4) Despite subregulations (2) and (3), in the case of a change in the designated person, the person who becomes a designated person:
 - (a) is only required to comply with the relevant access agreement after the interest holder has provided the person with a copy of the agreement; and
 - (b) is required to give notice of the change to the CEO in accordance with subregulation (5).
- (5) A notice under subregulation (4)(b) must:
 - (a) be in an approved form; and
 - (b) be given within 14 days after the person is provided with a copy of the agreement under subregulation (4)(a).
- (6) The parties to an approved access agreement must comply with the agreement.

14 Standard minimum protections

- (1) An access agreement must at least contain provisions that address each of the matters specified in Schedule 2.
- (2) In making provision in relation to these matters, an access agreement must, subject to subregulation (3), adopt the standard minimum protections specified in Schedule 2.
- (3) A provision included in an access agreement may be:
 - (a) a provision expressed in the same, or substantially the same, terms as a provision specified in Schedule 2; or
 - (b) a provision that reflects or satisfies a requirement specified in Schedule 2; or
 - (c) a provision that reflects a standard that is greater than a standard specified in Schedule 2.
- (4) Subject to subregulations (2) and (3), the parties to an access agreement may include such provisions in the agreement as the parties consider appropriate.

Division 3 Initiation of processes to obtain an access agreement

15 Interest holder to seek access agreement

- (1) An interest holder may give notice of the interest holder's intention to obtain an access agreement to each designated person for the area of land in relation to which an access agreement is sought (a ***negotiation notice***).
- (2) A negotiation notice must be in an approved form.
- (3) A negotiation notice must include:
 - (a) a plan and description of the area of land over which access is sought sufficient to enable the ready identification of the area; and
 - (b) information about the petroleum interest held by the interest holder; and
 - (c) a description of the regulated operations proposed to be carried out on the area of land; and
 - (d) information about the maximum period of access sought under the access agreement (which must not exceed the balance of the term of the petroleum interest); and
 - (e) the contact details for the interest holder; and
 - (f) a request for the designated person to enter into negotiations to enter into an access agreement; and
 - (g) a statement to the effect that the designated person's reasonable costs, including reasonable legal or accounting costs, and reasonable costs for gaining any advice or report, necessarily incurred in connection with the negotiation between the parties, will be covered by the interest holder.
- (4) An interest holder may provide a draft access agreement when the interest holder gives the designated person a negotiation notice.
- (5) If the designated person is not the owner of the land, a copy of the negotiation notice must also be given to the owner of the land (in addition to an explanation that an access agreement with the designated person is being sought under this Part).
- (6) A copy of a notice under subregulation (5) must be given to the owner of the land within 14 days after the notice is given to the designated person.

16 Negotiation

- (1) On giving a negotiation notice, the interest holder and the designated person must take reasonable steps to negotiate an access agreement.
- (2) The period for the negotiation:
 - (a) must be for a period of at least 60 days from the receipt of the negotiation notice by the designated person; and
 - (b) may be for a longer period agreed between the interest holder and the designated person.
- (3) However, an agreement may be reached before the expiration of the period for the negotiation under subregulation (2).
- (4) An access agreement between the interest holder and the designated person must be in writing.

17 Payment of costs

- (1) The interest holder must pay the reasonable costs of the designated person in participating in a negotiation for an access agreement, including:
 - (a) reasonable legal or accounting costs necessarily incurred by the designated person in connection with participating in the negotiation; and
 - (b) reasonable costs necessarily incurred by the designated person in connection with engaging a suitably qualified person to provide advice or reports on any relevant matter.

Examples for subregulation (1)(b)

Advice or reports as to land valuation, agronomy or land capability or suitability.

- (2) Costs under subregulation (1) must be paid within 30 days after a request for payment is made.
- (3) A request under subregulation (2) must:
 - (a) be in writing; and
 - (b) provide reasonable details and evidence of the costs that are being claimed.

- (4) Subregulations (2) and (3) apply:
- (a) subject to any agreement between the parties about the payment of costs; and
 - (b) subject to the commencement of any proceedings before the Tribunal because of a dispute about the costs (and in this case the period for payment will be suspended pending the outcome of the proceedings).

18 Interest holder may seek alternative dispute resolution by agreement with designated person

- (1) This regulation applies if an interest holder and a designated person cannot agree on an access agreement within the period for negotiation under regulation 16.
- (2) The interest holder may, by notice in an approved form given to the designated person, ask the designated person to agree to an ADR process under Division 4, Subdivision 2, using a facilitator or mediator to achieve a negotiated outcome for entering into an access agreement.
- (3) The notice must include:
 - (a) information about the type of ADR process proposed by the interest holder; and
 - (b) the name of the facilitator or mediator proposed to conduct the ADR process; and
 - (c) a statement that the interest holder agrees to bear the cost of the ADR process; and
 - (d) a request that the designated person agree to participate in the ADR process within a period (at least 14 days) nominated by the interest holder.

19 Inability to reach an agreement on alternative dispute resolution

- (1) This regulation applies if:
 - (a) an agreement has not been reached on an ADR process and the facilitator or mediator to be used to achieve a negotiated outcome by the end of the period nominated under regulation 18(3)(d); or

- (b) the designated person has not responded to a notice given under regulation 18(2) by the end of the period nominated under regulation 18(3)(d).
- (2) The interest holder or the designated person may apply to the CEO for the appointment of a member of the Mediators Panel under Division 4, Subdivision 1, to conduct a mediation under Division 4, Subdivision 2.
- (3) An application under subregulation (2) must be in an approved form.

Division 4 Alternative dispute resolution

Subdivision 1 Mediators Panel

20 Mediators Panel

- (1) There is a Mediators Panel.
- (2) A person may be appointed as a member of the Mediators Panel by the Minister.

21 Appointment to Mediators Panel and term of appointment

- (1) A person is qualified to be appointed as a member of the Mediators Panel if:
 - (a) the person:
 - (i) is an accredited mediator under the National Mediator Accreditation System established and maintained by the Mediator Standards Board; or
 - (ii) holds practitioner membership (or advanced practitioner membership) with the Mediator Standards Board; and
 - (b) the person:
 - (i) is a legal practitioner with at least 7 years experience as a legal practitioner; or
 - (ii) has, in the opinion of the Minister, significant experience in primary industry or the resources industry.
- (2) A person is appointed as a member of the Mediators Panel for a term, not exceeding 5 years, specified in the appointment and is eligible for reappointment.

22 Register for Mediators Panel

- (1) The CEO must keep and maintain a register of the following:
 - (a) the name of and contact details for each member of the Mediators Panel;
 - (b) the qualifications and experience of each member (as at the time of the member's most recent appointment).
- (2) The CEO must publish the register on the Agency's website.

23 Appointment of member for mediation

- (1) The CEO may, on application to the CEO under regulation 19 or 38(2), appoint a member of the Mediators Panel to conduct a mediation.
- (2) The member of the Mediators Panel appointed by the CEO is the next member of the panel available for appointment on a rotational basis (after taking into account any actual or potential conflicts of interest and such other matters as the CEO considers appropriate).

Subdivision 2 ADR process

24 Definitions

In this Subdivision:

ADR convenor, see regulation 25(2).

parties, see regulation 25(3).

25 ADR process

- (1) An ADR process may be a dispute resolution process of any type, other than an arbitration.

Examples for subregulation (1)

Conciliation, facilitated negotiation, case appraisal or mediation.

- (2) Depending on any agreement between the interest holder and the designated person under regulation 18(2), or on whether the CEO has appointed a mediator under regulation 23(1), an ADR process will be conducted by a facilitator or a mediator (an **ADR convenor**).
- (3) The ADR convenor must, at the earliest opportunity, fix a day and time, and determine the manner and process, for conducting the ADR process and give notice of these details to the interest holder and the designated person (the **parties**).

- (4) The ADR convenor may, by further notice to the parties, vary the day and time fixed for conducting the ADR process.
- (5) The manner and process for conducting the ADR process may include a meeting in person, or a meeting conducted by telephone, video or other electronic means, or a combination of meetings using any meeting facilities or processes.
- (6) The ADR convenor conducting an ADR process:
 - (a) must use the ADR convenor's best endeavours to bring the parties to a negotiated outcome for an access agreement acceptable to all of them; and
 - (b) must give the parties a reasonable opportunity to be heard but otherwise may use any process the ADR convenor considers appropriate in the circumstances, including by communicating with the parties collectively or separately; and
 - (c) must allow a party to be represented by a legal practitioner, or may allow a party to be assisted by another person if the ADR convenor considers that this is reasonable and that the person is a suitable person in the circumstances; and
 - (d) must treat information obtained by the ADR convenor from a party with whom the ADR convenor communicates separately as confidential, unless the party otherwise agrees.
- (7) For the purposes of an ADR process:
 - (a) the interest holder must provide a draft access agreement; and
 - (b) the designated person may provide a draft access agreement as well (if the designated person considers it appropriate).

26 Termination of ADR process

- (1) An ADR process is terminated if:
 - (a) it fails to achieve a negotiated outcome for an access agreement after a period of at least 30 days from the date fixed by the ADR convenor for conducting the process and:
 - (i) the interest holder requests that the ADR process be brought to an end; or

- (ii) the ADR convenor decides, after consultation with the parties, to bring the ADR process to an end because the ADR convenor considers that there is no reasonable prospect that the matter will be settled through the ADR process within a reasonable time; or
 - (b) the parties request that the ADR process be brought to an end; or
 - (c) the parties agree on an access agreement.
- (2) An agreement under subregulation (1)(c) must be in writing.

27 Evidence in ADR process inadmissible

Evidence of anything said or done in the course of an ADR process is inadmissible in a proceeding before the Tribunal except with the consent of all parties to the ADR process.

28 Payment of costs

- (1) The interest holder must pay:
- (a) the reasonable costs of the designated person in participating in an ADR process under this Division, including reasonable legal or accounting costs necessarily incurred by the designated person in connection with participating in the ADR process; and
 - (b) any reasonable costs necessarily incurred in connection with using a suitably qualified person providing advice or reports on any relevant matter for the purposes of an ADR process under this Division; and
 - (c) the costs of the ADR convenor in conducting an ADR process under this Division or otherwise associated with an ADR process.

Examples for subregulation (1)(b)

Advice or reports as to land valuation, agronomy or land capability or suitability.

- (2) Costs under subregulation (1) must be paid within 30 days after a request for payment is made.
- (3) A request under subregulation (2) must:
- (a) be in writing; and
 - (b) provide reasonable details and evidence of the costs that are being claimed.

- (4) Subregulations (2) and (3) apply:
- (a) subject to any agreement between the parties about the payment of costs; and
 - (b) in the case of costs under subregulation (1)(a) or (b) – subject to the commencement of any proceedings before the Tribunal because of a dispute about those costs (and in this case the period for payment will be suspended pending the outcome of the proceedings).

Division 5 Access determination by Tribunal

29 Application to Tribunal – determination of access agreement

- (1) If an ADR process is terminated under regulation 26(1)(a) or (b), the interest holder may apply to the Tribunal for a determination as to the provisions that should form the contents of an access agreement so as to allow the interest holder to gain access to the relevant land.
- (2) The Tribunal may, on an application under subregulation (1), determine the provisions.
- (3) The Tribunal must, in exercising its jurisdiction under this regulation, take into account (and apply) the requirements of regulation 14.
- (4) The provisions determined by the Tribunal under this regulation have effect as if those provisions were embodied in an access agreement that has been signed by each of the parties.

Division 6 Approval and registration of agreements

30 Access agreements to be approved

- (1) An access agreement between an interest holder and a designated person does not allow the interest holder to gain access to the relevant land until it is approved by the Minister.
- (2) An access agreement that applies on account of a determination of the Tribunal under Division 5 is taken to be an approved access agreement (and does not require the approval of the Minister).

31 Approval process

- (1) An interest holder may apply to the Minister for the approval of an access agreement that has been entered into between the interest holder and a designated person under this Part.

- (2) The application must:
 - (a) be in an approved form; and
 - (b) be accompanied by a copy of the access agreement that is verified as being a true copy of the agreement in a manner acceptable to the Minister; and
 - (c) be accompanied by the prescribed fee.
- (3) On receipt of an application for the approval of an access agreement, the Minister must:
 - (a) if reasonably satisfied that the access agreement meets the minimum protection requirements – approve the agreement and give the parties to the agreement a notice of approval; or
 - (b) if not reasonably satisfied that the access agreement at least meets the minimum protection requirements – give the parties to the agreement a notice specifying:
 - (i) that the Minister is not reasonably satisfied that the access agreement meets the minimum protection requirements; and
 - (ii) the reasons why the Minister is not satisfied; and
 - (iii) a reasonable period within which the parties may vary the access agreement and provide for the agreement to be resubmitted for approval.
- (4) The Minister must make a decision under subregulation (3) within 28 days after receiving the agreement or within such longer period as the Minister may reasonably require.
- (5) An access agreement resubmitted under subregulation (3) must be accompanied by a report (approved by the parties of the agreement) on the variations that have been made to the agreement.
- (6) On the resubmission of an access agreement, the Minister must:
 - (a) if reasonably satisfied that the access agreement now meets the minimum protection requirements – approve the agreement and give the parties to the agreement a notice of approval; or

- (b) if still not reasonably satisfied that the access agreement meets the minimum protection requirements – determine to refuse to approve the agreement and give the parties to the agreement a notice specifying:
 - (i) that the Minister still is not reasonably satisfied that the access agreement meets the minimum protection requirements; and
 - (ii) the reasons why the Minister is not satisfied; and
 - (iii) that the approval of the access agreement is refused.

32 Register

- (1) The Minister must establish and maintain a register of approved access agreements.
- (2) The register is called the Access Agreement Register.
- (3) The register may be in any form (including an electronic form) the Minister considers appropriate.

33 Application for registration

- (1) An interest holder who is a party to an access agreement that applies on account of a determination of the Tribunal under Division 5 must apply to the Minister for the registration of the agreement.
- (2) The interest holder must make the application within 28 days after the Tribunal's determination.
- (3) The application must:
 - (a) be in an approved form; and
 - (b) be accompanied by a copy of the agreement that is verified as being a true copy of the approved access agreement in a manner acceptable to the Minister; and
 - (c) be accompanied by the prescribed fee.

34 Registration of approved access agreement

- (1) In the case of an access agreement that has been approved by the Minister, the Minister must take steps to have the agreement registered within a reasonable time.

- (2) The Minister may register an access agreement in such manner as the Minister considers appropriate but in doing so must ensure that the register includes:
- (a) details of the parties to the agreement; and
 - (b) information about the petroleum interest held by the interest holder; and
 - (c) a description of the land to which the agreement applies; and
 - (d) information about the term of the agreement; and
 - (e) the date:
 - (i) on which the agreement was approved by the Minister; or
 - (ii) on which the Tribunal made its determination under Division 5.
- (3) The Minister may record or include any other information on the register as the Minister considers appropriate.

35 Inspection of register

- (1) Subject to subregulation (2), a person is entitled to inspect the register in a manner approved by the Minister.
- (2) Subregulation (1) does not extend to the inspection of:
- (a) an access agreement that is registered on the register; or
 - (b) any other document, instrument or information that the Minister considers should be kept confidential.
- (3) An application under subregulation (1) must:
- (a) be in an approved form; and
 - (b) be accompanied by the prescribed fee.

36 Certification of matters recorded on register

- (1) On application by a person, the Minister may produce:
- (a) a certified copy of any document or instrument that has been registered on the register; or
 - (b) a certificate recording information that has been recorded or included on the register.

- (2) Subregulation (1) does not extend to the provision of:
 - (a) an access agreement that is registered on the register; or
 - (b) any other document, instrument or information that the Minister considers should be kept confidential.
- (3) An application under subregulation (1) must:
 - (a) be in an approved form; and
 - (b) be accompanied by the prescribed fee.

Division 7 Variation of approved access agreements

37 Ability to vary

- (1) An approved access agreement may be varied:
 - (a) in accordance with the terms of the access agreement relating to its variation; or
 - (b) by an agreement between the parties to the access agreement; or
 - (c) by further processes and proceedings under this Part.
- (2) For subregulation (1)(c), a party to an access agreement may, by notice in an approved form given to each other party, request the parties to agree to an ADR process, consistent with the scheme set out in Division 4, using a facilitator or mediator to achieve a negotiated outcome for varying the access agreement.
- (3) A notice under subregulation (2) must include:
 - (a) information about the type of ADR process proposed by the party giving the notice; and
 - (b) the name of the facilitator or mediator proposed to conduct the ADR process; and
 - (c) a statement that the party agrees to bear the cost of the ADR process; and
 - (d) a request that the other party or parties agree to participate in the ADR process within a period (at least 14 days) nominated by the party giving the notice.

38 Appointment of member of Mediators Panel and ADR process if agreement not reached

- (1) This regulation applies if:
 - (a) an agreement has not been reached on an ADR process and the facilitator or mediator to be used to achieve a negotiated outcome by the end of the period nominated under regulation 37(3)(d); or
 - (b) a party has not responded to a notice given under regulation 37(2) by the end of the period nominated under regulation 37(3)(d).
- (2) The party who gave the notice may apply to the CEO for the appointment of a member of the Mediators Panel under Division 4, Subdivision 1, to conduct a mediation under Division 4, Subdivision 2.
- (3) If an ADR process is to be conducted, Division 4 applies with the following modifications:
 - (a) the party seeking the variation must provide a draft of the variation, or of the access agreement as varied, for the purposes of the ADR process;
 - (b) the reference in regulation 26(1)(a)(i) to the interest holder will be taken to be a reference to the party seeking the variation;
 - (c) the party seeking the variation will be responsible for any costs referred to in regulation 28(1) (and a reference to the designated person will be taken to be a reference to the other party or parties to the access agreement).
- (4) If an ADR process terminates under Division 4 without the parties agreeing on a variation, the party who proposed the variation may apply to the Tribunal under Division 8 for the resolution of the matter.

39 Approval and registration of variation

- (1) If an access agreement is varied, the party who proposed the variation must apply to the Minister for the approval and registration of the variation on the register.
- (2) The party must make the application within 28 days after the variation is made (including by order of the Tribunal under Division 8).

- (3) The application must:
 - (a) be in an approved form; and
 - (b) be accompanied by a copy of the agreement between the parties that varies the approved access agreement that is verified in a manner acceptable to the Minister; and
 - (c) be accompanied by the prescribed fee.
- (4) A variation does not have effect until it is approved by the Minister.
- (5) The Minister is not required to approve a variation of an access agreement if the access agreement, as varied, would not be able to be approved by the Minister if it were an original access agreement under this Part.
- (5A) Subregulation (5) does not apply in relation to an agreement registered under regulation 69.
- (6) A variation that is made by order of the Tribunal does not require the approval of the Minister.
- (6A) The Minister must make a decision under subregulation (4) within 28 days after receiving the application for approval or within such longer period as the Minister may reasonably require.
- (6B) The Minister must give the parties notice of the Minister's decision on an application under this regulation within a reasonable period after the Minister has made the decision.
- (7) The Minister must take steps to have a variation registered within a reasonable time.
- (8) The Minister may register a variation in such manner as the Minister considers appropriate.

Division 8 Resolution of disputes and review of decisions by Tribunal

Subdivision 1 Resolution of disputes

40 Applications to Tribunal – general

- (1) The following matters may be dealt with by the Tribunal:
 - (a) an application to the Tribunal by a party to an approved access agreement to determine a dispute between the parties about the operation or effect of the agreement, including a dispute as to any amount payable under the agreement;
 - (b) an application to the Tribunal by a party to an approved access agreement to address an alleged breach of the agreement;
 - (c) an application to the Tribunal by a designated person for the payment of costs under this Part;
 - (d) an application to the Tribunal by an interest holder as to whether any costs claimed by a designated person under this Part are reasonable costs or were necessarily incurred;
 - (e) an application to the Tribunal by a party to an approved access agreement to vary the agreement after complying with the processes under Division 7.
- (2) The Tribunal may, on an application under this regulation, do one or more of the following:
 - (a) make any determination as to the operation or effect of an approved access agreement;
 - (b) order or direct a party to an approved access agreement to take such action as the Tribunal considers appropriate, or to refrain (temporarily or permanently) from any action or activity as the Tribunal considers appropriate, including an order to pay an amount that, according to a determination of the Tribunal, is payable under the agreement;
 - (c) if the Tribunal finds that there has been a material breach of an approved access agreement and that in the circumstances the agreement should be brought to an end – determine that the agreement be terminated;

- (d) without limiting paragraph (b) or (c), make an order for the payment of compensation under the provisions of an approved access agreement or for the payment of damages on account of a breach of an approved access agreement;
 - (e) make a determination as to whether any costs are reasonable costs or were necessarily incurred;
 - (f) make an order for the payment of costs to which a person is entitled under this Part (other than costs under regulation 28(1)(c));
 - (g) make an order for the variation of an approved access agreement;
 - (h) make any consequential or ancillary order or direction that the Tribunal considers necessary or expedient.
- (3) A reference in subregulation (1)(c) or (d) to a designated person or an interest holder will be taken to include a reference to a party to an access agreement who has a right to the payment of costs, or who is responsible for the payment of costs (as the case requires) under Division 7.

Subdivision 2 Review of decisions

41 Review by Tribunal

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

Division 9 Authorised officers

42 Appointment of authorised officers

- (1) The Minister may appoint a person to be an authorised officer for the purposes of this Part.
- (2) The Minister must give to an authorised officer a certificate stating that the person is an authorised officer for the purposes of this Part.

- (3) A person who ceases to be an authorised officer must return the certificate under subregulation (2) to the Minister within 15 business days after the cessation.
- (4) A person commits an offence if the person ceases to be an authorised officer and fails to return the person's certificate to the Minister within 15 business days after the cessation.

Maximum penalty: 20 penalty units.

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

43 Functions of authorised officers

An authorised officer may, at the request of a party or parties to an approved access agreement:

- (a) conduct an inspection on the land where regulated operations have been, or are being, carried out in order to assess compliance with the provisions of the agreement; or
- (b) conduct a conference to assist in the resolution of a dispute between 2 or more parties to the agreement.

44 Inspections conducted by authorised officers

- (1) This regulation applies in relation to a request that an authorised officer conduct an inspection on land where regulated operations have been, or are being, carried out under an approved access agreement.
- (2) The request must be made to the CEO in an approved form.
- (3) The CEO may, on a request being made under subregulation (2), appoint an authorised officer to conduct an inspection of the land.
- (4) The authorised officer may, after taking reasonable steps to consult with the interest holder and the designated person, enter the relevant land and carry out an inspection (and, if reasonably necessary, may enter and inspect the land on more than one occasion).
- (5) The purpose of an inspection is to assess the extent to which the parties to the access agreement have complied with the provisions of the agreement after taking into account the matters raised in the request made to the CEO under subregulation (2) (and any other matter considered relevant by the authorised officer).

- (6) The authorised officer must prepare a report on the outcome of the inspection that has, or inspections that have, been conducted by the authorised officer.
- (7) The report may include recommendations about securing or ensuring compliance with the provisions of the access agreement.
- (8) The authorised officer must give a copy of the report to:
 - (a) each party to the access agreement; and
 - (b) the CEO.
- (9) The report is not binding.

45 Conferences conducted by authorised officers

- (1) This regulation applies in relation to a request that an authorised officer conduct a conference to assist in the resolution of a dispute between 2 or more parties to an approved access agreement.
- (2) The request must not be made if:
 - (a) an ADR process is being undertaken under Division 7 in relation to a proposed variation of the access agreement; or
 - (b) proceedings are before the Tribunal under Division 8, Subdivision 1 in relation to the access agreement.
- (3) The request must be made to the CEO in an approved form.
- (4) The CEO may, on a request being made under subregulation (3), appoint an authorised officer to conduct a conference between the relevant parties.
- (5) The authorised officer appointed to conduct the conference must take reasonable steps to convene the conference as quickly as possible.

46 Conference procedures

- (1) Subject to subregulation (2), the authorised officer may adopt such processes for the purposes of the conference as the authorised officer considers appropriate.
- (2) The authorised officer:
 - (a) must use the authorised officer's best endeavours to bring the parties to a resolution acceptable to all of them; and
 - (b) must give the parties a reasonable opportunity to be heard.

- (3) A party is not entitled to be represented by a legal practitioner in the conduct of a conference unless:
 - (a) the other party agrees; or
 - (b) the authorised officer is satisfied there is no disadvantage to the other party.
- (4) The authorised officer may adjourn a conference from time to time.
- (5) The authorised officer may bring a conference to an end at any time if the authorised officer considers that there is no reasonable prospect that the matter or matters in dispute will be resolved through the conference process.
- (6) The authorised officer may, at the conclusion of the conference (including where the authorised officer has acted under subregulation (5)), prepare a report on the outcome of the conference.
- (7) The report may include such recommendations as the authorised officer considers appropriate.
- (8) The authorised officer must give a copy of the report to:
 - (a) each party to the conference; and
 - (b) the CEO.
- (9) The report is not binding.

Division 10 Offences

47 Requirement for access agreement

- (1) An interest holder commits an offence if the interest holder commences regulated operations on land and the land is not the subject of an approved access agreement.

Maximum penalty: 200 penalty units.
- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) An interest holder is exempt from subregulation (1) if the operations are carried out under Part 5G.

48 Compliance with access agreement

(1) A party to an approved access agreement commits an offence if the party contravenes one of the following provisions set out in Schedule 2:

- (a) item 1 (Minimum notice provisions);
- (b) item 6 (Gates);
- (c) item 10 (Notification of damage).

Maximum penalty: 200 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

49 Other or additional operations

(1) An interest holder commits an offence if:

- (a) the interest holder commences any regulated operations; and
- (b) the regulated operations are not within the ambit of an approved access agreement or a variation of an approved access agreement.

Maximum penalty: 200 penalty units

(2) An offence against subregulation (1) is an offence of strict liability.

50 CEO to be notified of certain steps and occurrences

(1) A person must give notice to the CEO, in accordance with subregulation (2), when the person:

- (a) gives a negotiation notice under regulation 15; or
- (b) gives a notice seeking an ADR process under regulation 18 or 37; or
- (c) makes an application to the Tribunal under regulation 29 or 40; or
- (d) gives a notice under regulation 52(1) or 54(1).

(2) The notice must be given by providing the CEO with a copy of the relevant notice or application within 7 days after the notice is given or the application is made (as the case may be).

- (3) A person commits an offence if the person does not give notice in accordance with this regulation.

Maximum penalty: 50 penalty units.

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

51 Owner to be notified of determination, approval or variation of agreement

- (1) This regulation applies if the designated person under an access agreement is not the owner of the land to which the agreement relates.

- (2) The interest holder must, in accordance with subregulation (3), notify the owner of the land of any notifiable occurrence.

- (3) The notification must be:

- (a) by a notice in an approved form; and
(b) given within 7 days after the notifiable occurrence occurs.

- (4) The interest holder commits an offence if the interest holder does not notify the owner of the land in accordance with this regulation.

Maximum penalty: 50 penalty units.

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

- (6) In this regulation:

notifiable occurrence means any of the following:

- (a) when the Tribunal makes a determination under Division 5;
(b) when the Minister approves an access agreement under Division 6;
(c) when the Minister approves the variation of an access agreement under Division 7;
(d) when the Tribunal makes an order for the variation of an access agreement under Division 8.

52 Low impact activities – notification

- (1) An interest holder who is intending to carry out low impact activities in relation to land must, in accordance with subregulation (2), notify each designated person for the area of land in relation to which the low impact activities are to be carried out of the interest holder's intention to carry out the low impact activities.
- (2) The notification must be:
 - (a) by a notice in an approved form; and
 - (b) include the information specified in subregulation (3); and
 - (c) given at least 14 days before the low impact activities are due to be carried out.
- (3) The following information is specified:
 - (a) a plan and description of the area of land in relation to which the low impact activities will be carried out sufficient to enable the ready identification of the area;
 - (b) information about the petroleum interest held by the interest holder;
 - (c) a description of the low impact activities that are to be carried out;
 - (d) information about:
 - (i) any vehicle (including an aircraft) or equipment proposed to be used for the purposes of the low impact activities; and
 - (ii) in the case of airborne operations – the type of aircraft or drone to be used and the altitude or altitudes at which the aircraft or drone will be flying; and
 - (iii) if a helicopter is going to land on the permit area or licence area as part of the low impact activities – where the helicopter is expected to land; and
 - (iv) any infrastructure in relation to which the low impact activities are to be carried out; and
 - (v) the number of people expected to be involved;
 - (e) information about when the low impact activities are proposed to be carried out and their expected duration;

- (f) the contact details for the interest holder.
- (3A) Once an interest holder gives a notice under subregulation (2), the interest holder is authorised (without the requirement to obtain any further consent):
 - (a) to carry out the low impact activities described in the notice on the day, and at or between the time or times, specified in the notice; and
 - (b) if relevant, to land a helicopter on a permit area or licence area at a place or places described in the notice.
- (3B) A helicopter that has landed on a permit area or licence area under subregulation (3A) may remain on the ground for a period that is reasonable in the circumstances.
- (4) The interest holder commits an offence if the interest holder does not notify a designated person in accordance with this regulation.

Maximum penalty: 50 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.
- (6) This regulation does not apply in relation to an airborne survey that does not involve any physical contact with the relevant land.

53 Responsibilities associated with low impact activities

- (1) Despite any other regulation:
 - (a) an interest holder must ensure that a vehicle is not driven off an existing road or track on land where low impact activities are to be carried out, for the purposes of those low impact activities, without the written consent of a designated person; and
 - (b) if a hole is created as part of carrying out low impact activities, the interest holder must ensure that the hole is filled with the soil or other material extracted to create the hole as soon as reasonably practicable after the activity for which the hole was created is completed.
- (2) The interest holder commits an offence if the interest holder fails to comply with subregulation (1).

Maximum penalty: 150 penalty units.

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

55 Low impact activities to minimise disturbances to livestock and related activities

- (1) The interest holder must ensure that any low impact activities are carried out in a way that minimises the disturbance of any livestock or pastoral operations associated with livestock.
- (2) The interest holder commits an offence if the interest holder does not carry out low impact activities in accordance with subregulation (1).

Maximum penalty: 150 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence under subregulation (2) if the defendant establishes that the disturbance could not reasonably have been avoided.

Note for subregulation (4)

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

Division 11 Miscellaneous matters

56 Costs of proceedings before Tribunal

- (1) The Tribunal may, in exercising its powers in relation to costs, take into account the intention that an interest holder will be responsible for the reasonable costs of a designated person in any proceedings before the Tribunal.
- (2) Subregulation (1) does not apply to the following circumstances:
 - (a) a designated person has, in the opinion of the Tribunal, acted unreasonably or in a way intended to frustrate or delay proceedings before the Tribunal;
 - (b) the Tribunal otherwise considers that it would be inappropriate or unfair for the Tribunal to make an order as to costs against the interest holder.

57 Tribunal to balance interests

- (1) This regulation applies when the Tribunal is considering a matter that relates to:
 - (a) the creation or variation of an access agreement under this Part; or

- (b) a dispute between the parties about the operation or effect of an access agreement.
- (2) The Tribunal must seek to find a reasonable balance between the interests of an interest holder and the interests of a designated person.
- (3) In seeking to find the reasonable balance, the Tribunal must ensure that the interest holder is not prevented from carrying out any operations:
 - (a) authorised under the relevant petroleum interest in a manner that is consistent with, or authorised by or under, the Act, any Regulations under the Act, or a condition of an exploration permit or licence; or
 - (b) required by or under the Act, any Regulations under the Act, or a condition of an exploration permit or a licence; or
 - (c) required by or under any other Act or law.
- (4) Subregulation (3) does not derogate from the requirement to have an access agreement in place in accordance with these Regulations.

58 Inconsistency with Act, regulations or conditions of permit or licence

- (1) This regulation applies if there is an inconsistency between:
 - (a) a provision of an approved access agreement; and
 - (b) a provision of the Act, any Regulations under the Act, or a condition of an exploration permit or a licence.
- (2) The provision or condition referred to in subregulation (1)(b) prevails and the agreement is unenforceable to the extent of the inconsistency.

59 Giving notices and other documents

- (1) If a person is required by or under these Regulations to give a notice or other document to another person, the person may, in addition to acting under section 117B of the Act, give the notice or document:
 - (a) in a manner mentioned in section 25 of the *Interpretation Act 1978*; or

- (b) by sending it to an email address known to be used by the other person.
- (2) For subregulation (1)(b), the notice or document will be taken to have been given to the other person at the time of transmission.

60 Delegation

The CEO may delegate any of the CEO's powers and functions under these Regulations to a person.

Part 5 Infringement notice offences

61 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.

62 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.

63 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).

64 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 amount is not effected unless the cheque is cleared on first presentation.

65 Withdrawal of infringement notice

- (1) The CEO 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.

66 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 5AA Resource management, activity and infrastructure plans

66AA Well operations management plans

- (1) For section 61(3) of the Act, Schedule 4B prescribes information that must be included in a well operations management plan.
- (2) A well operations management plan submitted under section 61(3) of the Act must be accompanied by a well control manual for the well or wells to be managed under the plan.
- (3) If an interest holder revises a well control manual, the interest holder must provide a revised version of the manual to the Minister as soon as is reasonably practicable after the revision is made.
- (4) For the purposes of this regulation, a well control manual is a document that outlines the measures and procedures the interest holder has in place for well control during well construction or intervention operations.

66AAB Field management plans

For section 61(3) of the Act, Schedule 4C prescribes information that must be included in a field management plan.

66AAC Rate of recovery

An application for the approval of a rate of recovery must include the following:

- (a) information about the past production performance of wells and pools in the field (if production has previously occurred);
- (b) the proposed rate of recovery with a breakdown of forecasted rates for pools and wells in the form of:
 - (i) monthly forecasts for the first 12 months of production after approval, including high and low range scenarios; and
 - (ii) annual forecasts for subsequent years of production, consistent with the projected production profile under the approved field management plan until its next scheduled review, including high and low range scenarios;
- (c) a justification for the proposed rate of recovery, including:
 - (i) a technical discussion to demonstrate how the proposed rate can achieve the ultimate recovery set out in the field management plan and is consistent with good oilfield practice; and
 - (ii) evidence that the proposed high range scenario demonstrates the maximum achievable rate of recovery and will not impact negatively on reservoir performance or the ultimate recovery of the resource; and
 - (iii) an explanation of the proposed low range scenario, including a rationale for the predicted range of uncertainty between high and low range scenarios.

66AAD Petroleum surface infrastructure plans

- (1) A petroleum surface infrastructure plan may be submitted for one or both of the following phases:
 - (a) design and construction;
 - (b) operation and decommissioning.

- (2) For section 61(3) of the Act, Schedule 4D prescribes information that must be included in a petroleum surface infrastructure plan (as may be relevant to the stage to which the plan relates).

Part 5AB Approved plans and rate of recovery – exemptions

Division 1 Approved plans

66AAE Application for exemption

- (1) An interest holder may apply to the Minister for an approval to carry out a particular activity:
- (a) that is not covered by an approved well operations management plan or an approved petroleum surface infrastructure plan; or
 - (b) in a manner or in a way that is inconsistent with how the activity should be carried out under an approved well operations management plan or an approved petroleum surface infrastructure plan.
- (2) An application must be in the approved form and include the following:
- (a) a description of the activity;
 - (b) the reason or reasons for undertaking the activity;
 - (c) the outcome that is intended to be achieved by carrying out the activity;
 - (d) information that demonstrates that the activity has been considered and approved under the management of change process outlined in the relevant approved plan;
 - (e) information about how any risks associated with the activity have been identified and evaluated and how any risks are to be eliminated or controlled;
 - (f) any other information required by the form.
- (3) An application must be accompanied by the prescribed fee.
- (4) An interest holder must also provide the Minister with any other information requested by the Minister within the time specified in the request.

66AAF Approval

- (1) The Minister must not approve an application under this Division unless satisfied that:
 - (a) the interest holder has followed the management of change process outlined in the relevant approved plan in relation to the well or surface infrastructure to which the activity relates; and
 - (b) any risks associated with the activity have been eliminated or reduced to as low as is reasonably practicable and that any risk that remains is acceptable; and
 - (c) the activity is expected to be a one-off occurrence or is the first time that the activity has been identified or considered; and
 - (d) it is not feasible or warranted to require a review of the relevant approved plan to incorporate or address the activity before it is undertaken.
- (2) The Minister may on receipt of an application and any additional information provided by the interest holder under this Division:
 - (a) approve the application; or
 - (b) if the Minister is not satisfied of the matters mentioned in subregulation (1) – refuse the application.
- (3) The Minister must make a decision under subregulation (2) within 21 days from when the application was made together with any period the interest holder takes to comply with any request under regulation 66AAE(4).

Division 2 Rate of recovery

66AAG Application for exemption

- (1) An interest holder may apply to the Minister for an approval to produce petroleum for a limited period that is inconsistent with an approved rate of recovery.
- (2) An application for the approval of the Minister must be in the approved form and include:
 - (a) the reason or reasons for seeking a change to the rate; and
 - (b) the period for which the approval is being sought; and

- (c) any other information required by the form.
- (3) An interest holder must also provide the Minister with any other information requested by the Minister within the time specified in the request.
- (4) The Minister must make a decision on an application within a reasonable period.

Division 3 Common provisions

66AAH Common provisions

- (1) An approval under this Part is subject to any conditions specified by the Minister on the approval.
- (2) An approval under this Part is for a period determined by the Minister.
- (3) The Minister may, on the application of the interest holder, extend the period of an approval under this Part.
- (4) If the Minister determines to refuse to grant an approval under this Part, the Minister must, as soon as practicable, give the applicant a notice of the determination stating the reasons for the determination.

Part 5AC Activity notifications

66AAJ Activities requiring 21 days notice

- (1) An interest holder must notify the Minister before commencing any of the following well activities:
 - (a) a well activity that involves drilling formation or a new well pathway;
 - (b) a well activity that involves running tubular goods into a well or recovering tubular goods from a well;
 - (c) a well activity that involves the installation, replacement, modification or removal of a Christmas tree, tubing spool, casing spool or casing head from a well;
 - (d) a well activity that involves the installation or removal of a Christmas tree saver for use with downhole operations or well testing;

- (e) a well activity that involves the installation, replacement, modification or removal of a sub-surface well barrier;
 - (f) a well activity that involves perforating to gain access to a new formation;
 - (g) stimulation operations intended to restore or enhance recovery by improving the flow of hydrocarbons from the drainage area into the well bore, including hydraulic fracturing operations;
 - (h) production testing for exploration or appraisal purposes;
 - (i) well decommissioning.
- (2) An interest holder must notify the Minister before commencing any of the following petroleum surface infrastructure activities:
- (a) site construction and commissioning of a new petroleum processing facility;
 - (b) the installation, replacement, modification, repair or removal of shutdown systems;
 - (c) activities which increase or decrease the producing capacity of petroleum surface infrastructure;
 - (d) starting up the operation of a petroleum processing facility;
 - (e) temporarily shutting down the operation of all or part of a petroleum processing facility;
 - (f) decommissioning all or part of petroleum surface infrastructure.
- (3) A notice under this regulation must be given to the Minister at least 21 days before the commencement of the activity or within a shorter period allowed by the Minister.

66AAK Related information

- (1) This regulation relates to a notice under regulation 66AAJ.
- (2) The notice must be accompanied by an overview of the work program for the activity to which the notice relates.
- (3) A notice that relates to the commencement of the drilling of a new well must be accompanied by a well plan summary that sets out the planned location and construction of the well relative to structural geological elements and summarises the potential risks posed by

known geological hazards.

- (4) The Minister must ensure that a copy of a well plan summary provided under subregulation (3) is published on the Agency's website.

66AAL Common provisions

- (1) A notification to the Minister under this Part must be in the approved form and include:
 - (a) a reference that identifies the approved plan under which the activity is to be carried out; and
 - (b) a description of the well or petroleum surface infrastructure facility, including the proposed or existing name, number and location of the well or facility; and
 - (c) the name and contact details of the person in charge of the activity (who may be a contractor carrying out the activity on behalf of the interest holder); and
 - (d) a description of the activity, including its objective, key elements, proposed milestones and, if relevant, programmed depths; and
 - (e) a list of any documents that have been prepared for the management, control or operation of the activity; and
 - (f) in the case of a well activity – an assessment of the current well barrier integrity status and whether the well barrier integrity status will be altered by the activity; and
 - (g) a timetable for carrying out and completing the activity; and
 - (h) any other information required by the form.
- (2) An interest holder must also provide the Minister with any other information requested by the Minister:
 - (a) within the time specified in the request; or
 - (b) before, during the time when, or after, the activity is undertaken, as specified in the request.

66AAM Offences relating to notification

- (1) A person commits an offence if the person is required to give a notification to the Minister under this Part and the person contravenes that requirement.

Maximum penalty: 200 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) A person is exempt from an offence against subregulation (1) if the person is 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.

- (4) A person is exempt from an offence against subregulation (1) that relates to a failure to give a notification about an activity in accordance with regulation 66AAJ(3) or 66AAK(2) if:

- (a) it was reasonable and consistent with good oilfield practice to carry out the activity without notice due to circumstances existing at the time; and
- (b) the person notifies the Minister as soon as reasonably practicable after carrying out the activity; and
- (c) the notification to the Minister is in the approved form.

- (5) A person commits an offence if the person is requested by the Minister to provide information under this Part and the person fails to provide the information in accordance with the request.

Maximum penalty: 200 penalty units.

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

Part 5A Reports

66AAN Annual reports

For section 61H(4) of the Act, Schedule 4E prescribes the information that must be included in an annual report (to the extent that is relevant to the petroleum interest).

66AAP Survey reports

For section 61J(6)(a) of the Act, Schedule 4F prescribes the information that must be included in a survey report.

66AAQ Geoscientific study and reprocessing reports

For section 61J(3) of the Act, Schedule 4G prescribes the information that must be included in a report under that subsection.

66AAR Well barrier integrity validation reports

- (1) This regulation applies in relation to an interest holder if the interest holder:
 - (a) completes a new well; or
 - (b) installs, replaces, modifies, removes or revalidates a sub-surface well barrier in a previously completed well; or
 - (c) acquires or receives evidence that a sub-surface well barrier has been degraded.
- (2) The interest holder must, within 30 days after this regulation applies, submit to the Minister a report relating to the integrity of the barrier.
- (3) The report must:
 - (a) be in the approved form and include the information set out in Schedule 4H; and
 - (b) comply with any guidelines published by the Minister for the purposes of this regulation; and
 - (c) be accompanied by a fully labelled well barrier diagram suitable for publication that contains relevant well and stratigraphy information; and

- (d) be accompanied by a statement signed by an independent competent person that confirms the processes undertaken to determine the integrity of the barrier are valid and the well barrier diagram is accurate; and
 - (e) be accompanied by evidence that the person who has signed the statement is an independent competent person.
- (4) The Minister must ensure that a well barrier diagram provided under subregulation (3) is published on the Agency's website.
 - (5) A person commits an offence if the person is required to give a report to the Minister under this regulation and the person contravenes that requirement.

Maximum penalty: 200 penalty units.

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

66AAS Daily well activity reports

- (1) An interest holder who carries out an activity that has been notified under regulation 66AAJ(1) must submit a report to the Minister for each day on which the activity is carried out.
- (2) The report must be in the approved form and include the information set out in Schedule 4J to the extent relevant to the activity.
- (3) The report must be provided to the Minister by 12 noon on the day immediately following the day to which the report relates.
- (4) A person commits an offence if the person is required to give a report to the Minister under this regulation and the person contravenes that requirement.

Maximum penalty: 200 penalty units.

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

66AAT Monthly production reports

- (1) An interest holder who conducts activities under an approved field management plan or for the recovery of petroleum on an appraisal basis in any month must submit a production report to the Minister in relation to that month.
- (2) The report must be in the approved form and include the information set out in Schedule 4K.

- (3) The report must be provided to the Minister before the end of the 15th day of the month immediately following the month to which the report relates.
- (4) The Minister may release information in a report under this regulation at any time after 6 months after the month to which the report relates.
- (5) A person commits an offence if the person is required to give a report to the Minister under this regulation and the person contravenes that requirement.

Maximum penalty: 200 penalty units.

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

66AAU Production test results

- (1) An interest holder who conducts well testing activities for exploration or appraisal purposes in any month without an approval under section 57AAA of the Act must submit a production test report to the Minister in relation to that month.
- (2) The report must be in the approved form and include the information set out in Schedule 4L.
- (3) The report must be provided to the Minister before the end of the 15th day of the month immediately following the month to which the report relates.
- (4) The Minister must not release information provided to the Minister in a report under this regulation unless the interest holder has published or released the information to the general public, including the Australian Securities Exchange.
- (5) A person commits an offence if the person is required to give a report to the Minister under this regulation and the person contravenes that requirement.

Maximum penalty: 200 penalty units.

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

66AAV Final well activity reports

- (1) An interest holder who completes an activity that has been notified under regulation 66AAJ(1) (other than a well activity that involves drilling formation or a new well pathway) must submit a final well activity report to the Minister in relation to that activity.

- (2) The report must be in the approved form and include the information set out in Schedule 4M (to the extent relevant to the activity).
- (3) The report must be provided to the Minister within 3 months from the date on which the activity is completed.
- (4) A person commits an offence if the person is required to give a report to the Minister under this regulation and the person contravenes that requirement.

Maximum penalty: 200 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.
- (6) A report is not required under this regulation to the extent that it relates to a matter that is to be covered by a well completion report under regulation 66AAW.

66AAW Well completion reports

For section 61K(3) of the Act:

- (a) Schedule 4N prescribes the information that must be included in an initial well completion report; and
- (b) Schedule 4P prescribes the information that must be included in a final well completion report.

66AAX Discovery evaluation and revised estimates reports

- (1) A report to the Minister under section 64(1)(b) of the Act must:
 - (a) include the information set out in Schedule 4Q; and
 - (b) be accompanied by a copy of the notification form provided to the Minister under section 64(1)(a) of the Act.
- (2) If a permittee or licensee undertakes an activity or conducts a study that results in a revised estimate of petroleum in a particular pool, the permittee or licensee must provide the Minister with a revised report.
- (3) A report under subregulation (2) must be in the approved form and include the information set out in Schedule 4R.
- (4) A report under subregulation (2) must be provided to the Minister as soon as practicable after the decision is made to make the revision and in any case before any announcement is made to the Australian Securities Exchange or to the general public.

- (5) A person commits an offence if the person is required to give a report to the Minister under subregulation (2) and the person contravenes that requirement.

Maximum penalty: 200 penalty units.

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

66A Late lodgement fee

- (1) This regulation applies in relation to a person who is liable to pay a late lodgement fee under section 61H(10), 61J(9) or 61K(6) of the Act.

- (2) The **late lodgement fee** is:

- (a) for section 61H(10) – 100 revenue units for each week or part of a week while the person is in default; and
- (b) for sections 61J(9) and 61K(6) – 50 revenue units for each week or part of a week while the person is in default.

- (3) The Minister must give the person a written notice (a **late lodgement notice**) before the Minister acts to recover a late lodgement fee.

- (4) A late lodgement notice must:

- (a) provide information about the default; and
- (b) state that a late lodgement fee is payable under the Act; and
- (c) specify the amount of the late lodgement fee payable by the person for each week or part of a week while the person is in default; and
- (d) state that if the person does not pay the late lodgement fee, the unpaid amount is a debt due and payable to the Territory.

- (5) A late lodgement notice must be given:

- (a) by registered post; or
- (b) if the contact details of the person to be given the notice include an email address – by email.

Part 5B Monitoring and compliance levy**66B Liability for levy**

For section 117AZG of the Act, all permittees and licensees are liable to pay a monitoring and compliance levy.

66C Amount of levy

- (1) For section 117AZH of the Act:
 - (a) the amount of a monitoring and compliance levy is determined in accordance with Schedule 4A; and
 - (b) a monitoring and compliance levy is payable in relation to regulated activities; and
 - (c) a monitoring and compliance levy is payable in relation to each environment management plan.
- (2) For Schedule 4A:
 - (a) the monetary value of the base fee is 14 548 revenue units; and
 - (b) the monetary value of a unit value is 1 091 revenue units.

66D Payment of levy

- (1) Subject to subregulation (2), a monitoring and compliance levy for a financial year must be paid by 31 July of the financial year to which the levy relates.
- (2) If a permittee or licensee obtains approval for a new activity under Part 2 of the *Petroleum (Environment) Regulations 2016*:
 - (a) an additional monitoring and compliance levy is payable in relation to the activity; and
 - (b) the monitoring and compliance levy must be paid within 30 days after the approval is given; and
 - (c) subject to the operation of Schedule 4A, those activities will be taken into account for the ensuing financial year.

Part 5C Orphan well levy

66E Increase in rate of levy

For section 117AZP(3)(b) of the Act, the number of revenue units is:

- (a) for the 2024/2025 financial year – the number of revenue units specified in section 117AZP(3)(a) of the Act plus 15 revenue units; and
- (b) for a subsequent financial year up to and including the 2033/2034 financial year – the number of revenue units for the immediately preceding financial year plus 15 revenue units; and
- (c) for the 2034/2035 financial year and each subsequent financial year – 234 revenue units.

Part 5D Interest

66F Definitions

In this Part:

annual fee means an annual fee under section 26, 39 or 53 of the Act.

levy means:

- (a) a monitoring and compliance levy; or
- (b) an orphan well levy.

relevant charge means:

- (a) an annual fee; or
- (b) a levy.

statutory interest rate, see section 35 of the *Taxation Administration Act 2007*.

66G Application of Part

This Part applies to:

- (a) a permittee or licensee who fails to pay an annual fee in accordance with the Act; or

- (b) a person who fails to pay a levy in accordance with the Act.

66H Imposition of interest

- (1) Interest is imposed if a relevant charge is not paid within 1 month after it is payable.
- (2) The interest accrues:
 - (a) on the last day of the month referred to in subregulation (1); and
 - (b) subsequently – on the last day of each month while the relevant charge remains unpaid.
- (3) The interest accrues at the statutory interest rate as in force from time to time on a monthly basis.

66J Related provisions

- (1) The statutory interest rate applied in relation to a particular month is the rate applying at the beginning of the month.
- (2) Interest is not payable if the amount of accrued interest at the time the relevant charge is paid in full is less than \$20.
- (3) Interest accrued under this Part must be paid at the time the relevant charge is paid and, until it is paid, is a debt due to the Territory.

Part 5E Incident reporting**66K Reporting of serious incidents**

- (1) A permittee or licensee must report a serious incident to the Minister:
 - (a) by telephone as soon as practicable (and in any case within 2 hours) after becoming aware of its occurrence; and
 - (b) by providing a written notification by email within 24 hours after becoming aware of its occurrence.
- (2) A notification under subregulation (1)(b) must comply with the requirements of regulation 66M.

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- (3) If a serious incident relates to the integrity of a well or surface infrastructure, the permittee or licensee must provide a report to the Minister within 1 month after its occurrence (or within a longer period allowed by the Minister).
 - (4) A report under subregulation (3) must be a report of an investigation carried out in relation to the serious incident and must include:
 - (a) an analysis to determine the cause of the incident; and
 - (b) information on the actions taken to restore the integrity of the well or surface infrastructure; and
 - (c) details of the action taken to prevent a recurrence of the incident.
 - (5) A report under subregulation (3) must be accompanied by a copy of all documents relevant to the investigation.

66L Reportable incidents

- (1) A permittee or licensee must report a reportable incident to the Minister by providing a written notification by email within 72 hours after becoming aware of its occurrence.
- (2) A notification under subregulation (1) must comply with the requirements of regulation 66M.

66M Common provisions

- (1) A written notification of a serious incident or a reportable incident must be in the approved form and include the following information:
 - (a) the name and business address of the permittee or licensee;
 - (b) the name and telephone number of a person who can be contacted about the incident;
 - (c) the time and date of the occurrence of the incident;
 - (d) the place where the incident occurred, using appropriate coordinates or distances from significant topographical features;
 - (e) in a case involving spillage or petroleum release – the approximate quantity of the spillage or petroleum released;
 - (f) the approximate size of any area affected by the incident, if relevant;

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- (g) the nature and extent of any injury to a person and, if death has occurred, the cause and place of death;
 - (h) the steps that have been taken to prevent, control, minimise or address any damage to any area affected by the incident;
 - (i) any other information required by the form.
- (2) A permittee or licensee must also provide the Minister with any other information requested by the Minister within the time specified in the request.
- (3) A permittee or licensee who is required to give a report or notification about an incident to the Minister under this Part must keep a record of the incident, and a copy of any report provided to the Minister, for at least 5 years after the occurrence of the incident.

66N Offences relating to reporting and record retention

- (1) A person commits an offence if the person is required to give a report or notification, or any other information, to the Minister under this Part and the person contravenes that requirement.

Maximum penalty: 200 penalty units.

- (2) A person commits an offence if the person is required to keep a record or report under regulation 66M(3) and the person contravenes that requirement.

Maximum penalty: 200 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Part 5F Records

66P Definition

In this Part:

key records means records created by an interest holder in connection with any inspection, survey, testing, assessment or other activity that the interest holder has indicated will be undertaken:

- (a) under or for the purposes of an approved well operations management plan, field management plan or petroleum surface infrastructure plan; or

- (b) under or as a result of an approval under Part 5AB; or
- (c) under an approval to recover petroleum on an appraisal basis under the Act.

66Q Records to be kept

- (1) An interest holder must keep key records:
 - (a) in Australia or in a way in which they are easily accessible in Australia; and
 - (b) for 5 years following the date on which the petroleum interest to which they relate expires or is surrendered or cancelled; and
 - (c) in a manner that makes retrieval of the record reasonably practicable.
- (2) An interest holder commits an offence if the interest holder fails to keep key records in accordance with the requirements of subregulation (1).

Maximum penalty: 100 penalty units.

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

66R Making records available

- (1) The Minister or an inspector may direct an interest holder to make available copies of key records.
- (2) The copies must be made available:
 - (a) if a serious incident occurs – as soon as possible after the occurrence of the incident; or
 - (b) otherwise – during normal business hours.
- (3) The copies must be 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.

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

Part 5G Right of access to comply with direction

66S Application of Part

This Part applies in relation to a person if the person is given a direction under any of the following provisions of the Act:

- (a) section 57A(12);
- (b) section 71(1);
- (c) section 77(1);
- (d) section 89L;
- (e) section 89N;
- (f) section 89W.

66T Right of access

- (1) Subject to this regulation, the person may enter the land to which the direction relates:
- (a) to take action to comply with the direction; or
 - (b) to establish, maintain or inspect, or to remove, any monitoring or other equipment associated with the surrender, cancellation or expiry of an access authority, exploration permit or licence.
- (2) A person who is intending to enter land under subregulation (1) must notify each designated person for the land of the person's intention to enter the land in accordance with subregulation (3).
- (3) The notification must:
- (a) be in the approved form; and

- (b) include the information specified in subregulation (4); and
 - (c) be given at least 7 days before access is required unless the person reasonably requires access within a shorter period in which case the notice must be given within a reasonable period before entering the land.
- (4) For subregulation (3)(b), the following information is specified:
- (a) a plan and description of the area of land in relation to which access is required;
 - (b) information about the direction given to the person under a provision mentioned in regulation 66S;
 - (c) a description of the work or activities that are to be carried out;
 - (d) information about:
 - (i) any vehicle (including aircraft) or equipment proposed to be used on the land; and
 - (ii) if a helicopter is going to land on the land – where the helicopter is expected to land; and
 - (iii) the number of people expected to be involved;
 - (e) information about when the work or activities are proposed to be carried out and their expected duration;
 - (f) the contact details of the person giving the notice.
- (5) Once a person gives a notice under subregulation (3), the person is authorised (without the requirement to obtain any further approval under these Regulations or consent):
- (a) to enter the land in accordance with the notice on the day and at or between the times specified under subregulation (4)(e); and
 - (b) to carry out the work or activities described in the notice.
- (6) The person may only remain on the land for a period that is reasonable in the circumstances.
- (7) The person must ensure that any work or activities are carried out in a way that minimises the disturbance of the lawful rights and activities of an owner or occupier of the land.

66U Right may be exercised by employee, agent or contractor

A right of entry to land conferred on a person under this Part may be exercised by an employee, agent or contractor of the person.

66V CEO to be given copy of notice

- (1) A person must give notice to the CEO, in accordance with subregulation (2), when the person gives a notice to a designated person under this Part.
- (2) The notice must be given by providing the CEO with a copy of the relevant notice within 7 days after the notice is given to the designated person.
- (3) A person commits an offence if the person does not give notice in accordance with this regulation.

Maximum penalty: 50 penalty units.

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

66W Compensation

- (1) This regulation applies to a person who enters land under this Part if the person:
 - (a) is not the holder of a petroleum interest; and
 - (b) is not entering land as an employee, agent or contractor of the holder of a petroleum interest.
- (2) An owner or occupier of land who incurs loss or damage because of action taken by the person is entitled to reasonable compensation for that loss or damage.
- (3) The compensation is recoverable as a debt in a court of competent jurisdiction.
- (4) No action lies against the Territory in connection with an entitlement to compensation under this regulation.

66X Entry with consent

Nothing in this Part prevents a person entering land and carrying out any work or activity with the consent of the owner or occupier of the land.

Part 5H Administration**66Y Release of samples by Minister**

For section 61L(9) of the Act, the Minister may release a sample, or a part of a sample:

- (a) for a sample obtained from a well at the time of drilling – when the final well completion report is released by the Minister under section 61K(9) of the Act, or at a later time; or
- (b) for a sample obtained from a well after rig release – at any time after the final well completion report is released by the Minister under section 61K(9) of the Act; or
- (c) at any time:
 - (i) with the written consent of the permittee or licensee; or
 - (ii) after the permittee or licensee has published details of the sample.

66Z Release of information by Minister

For section 62A(8)(d) of the Act, the Minister is authorised to release information if it:

- (a) was acquired under Part 5E; or
- (b) is being released with the consent of the person who provided the information; or
- (c) has already been published by the person who provided the information, or by another person.

66ZA Surrender

For section 73(5)(c) of the Act, the following is prescribed:

- (a) a statement estimating the remaining petroleum resources present in each petroleum pool in the proposed surrender area, including the data, assumptions and methodologies on which those estimates are based;
- (b) a list of all reports and samples that are still to be submitted under Part III, Division 1, Subdivision 3 of the Act.

66ZB Electronic processes

- (1) For section 117K of the Act, a direction or notice to be given or provided to a person under the Act or 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 as mentioned in subregulation (1) is taken to be given or provided to the recipient when it is sent to the recipient's email address.

Part 6 Repeals and transitional matters

Division 1 Repeals

67 Regulations repealed

The Regulations specified in Schedule 5 are repealed.

Division 2 Transitional matters for Petroleum Regulations 2020

68 Definition

commencement means the commencement of regulation 5 of these Regulations.

69 Transition period – access agreements

- (1) If regulated operations commenced before the commencement, an approved access agreement is not required in order to continue the regulated operations during the transition period.
- (2) However, an interest holder requires:
 - (a) an agreement with a designated person about access to the relevant land in order to continue regulated operations during the transition period; and
 - (b) an approved access agreement in order to continue regulated operations after the end of the transition period.
- (3) A party to an agreement entered into before the commencement may, during the transition period, apply to the Minister for the registration of the agreement under Part 4 as if it were an approved access agreement.

- (4) An application under subregulation (3) must:
- (a) be in an approved form; and
 - (b) be accompanied by a copy of the agreement that is verified as being a true copy of the agreement in a manner acceptable to the Minister; and
 - (c) be accompanied by the prescribed fee.
- (5) The Minister may, on application under subregulation (3), register the agreement if the Minister is satisfied that the agreement makes reasonable provision about access to land for the purposes of carrying out regulated operations (and the Minister is not required to be satisfied that the agreement meets the minimum protection requirements).
- (6) An agreement registered under subregulation (5) is taken to be an approved access agreement that continues for the balance of its term.
- (7) An interest holder commits an offence if the interest holder carries out regulated operations in contravention of subregulation (2)(b).
- Maximum penalty: 200 penalty units.
- (8) An offence against subregulation (7) is an offence of strict liability.
- (9) In this regulation:
- transition period*** means the period of 12 months starting on the commencement.

70 Negotiations

- (1) This regulation applies if negotiations were commenced by an interest holder before the commencement for an agreement with a designated person about access to the relevant land in order to commence regulated operations.
- (2) The CEO may, on application by the interest holder, appoint a member of the Mediators Panel to conduct a mediation under these Regulations if satisfied:
- (a) that the period since the negotiations started is at least 60 days; and
 - (b) that over the period of the negotiations the interest holder has acted in good faith in the conduct of the negotiations.

- (3) An application under subregulation (2) must be in an approved form.
- (4) A mediation will proceed (and the other provisions of these Regulations will apply) as if it the mediator had been appointed under regulation 23(1).

71 Processes relating to datums

- (1) For regulation 5 of these Regulations:
 - (a) any instrument issued by the Minister under regulation 5 of the repealed Regulations before the commencement continues to have effect after the commencement; and
 - (b) the Minister may take action under these Regulations in relation to any record or document, or any other instrument, applying under regulation 5 of the repealed Regulations before the commencement.

- (2) In this regulation:

repealed Regulations mean the *Petroleum Regulations 1994* as in force immediately before the commencement.

Division 3 Application of Act to leases granted under repealed Act

72 Application of provisions of Act

For section 119(14)(a) of the Act, the following provisions of the Act extend to and in relation to a lease referred to in section 119(1) of the Act:

- (a) section 6A;
- (b) section 15A;
- (c) section 57AAE;
- (d) section 57ABA;
- (e) section 57AB;
- (f) Part III, Division 1, Subdivisions 2 and 3;
- (g) section 64;
- (h) section 69A;

- (i) section 75;
- (j) Part III, Divisions 6, 7, 8 and 9;
- (k) Parts V and VA;
- (l) Parts VC, VD, VE and VF;
- (m) Part VI, other than sections 118 and 119.

Note for paragraph (a)

Schedule 1 to the Act already applies the principles of ecologically sustainable development to decisions under section 119 of the Act to renew a lease and decisions under section 119(2B), (2C) and (6) of the Act.

Note for paragraph (c)

Schedule 2 to the Act already allows a person to seek judicial review of decisions under section 119(2AA) and (2F) of the Act.

73 Application of regulations

For section 119(14)(b) of the Act, the following regulations extend to and in relation to a lease referred to in section 119(1) of the Act:

- (a) these Regulations;
- (b) the *Petroleum (Environment) Regulations 2016*;
- (c) the *Petroleum (Transitional) Regulations 2023*.

Schedule 1 Fees and amounts for Act and Regulations

regulation 4(1)

Provision	Description	Revenue units
section 16	Application for grant of permit	15 748
section 23	Application for renewal of permit	8 184
section 26	Annual fee in relation to a permit per block per annum	435
section 28	Variation, suspension or waiver of condition of permit	6 034
section 32	Application for retention licence	17 504
section 37	Application for renewal of retention licence	8 087
section 39	Annual fee in relation to a retention licence per block per annum	9 415
section 41	Variation of condition of retention licence	6 263
section 45	Application for production licence	36 316
section 51	Application for renewal of production licence	6 671
section 53	Annual fee in relation to a production licence per block or part of a block per annum	11 500
section 55	Variation of condition of production licence	4 847
section 57A	Application for grant of access authority	5 006
section 57AAA	Application to approve recovery of petroleum on appraisal basis	18 158
section 57AAB	Application to approve transfer of interest in application	1 415
section 73	Application to surrender all or part of permit area	761

Provision	Description	Revenue units
section 73	Application to surrender all or part of licence area	761
section 93	Application to approve transfer of an interest	1 934
section 94(2)	Entry in Register of name of applicant as permittee or licensee	57
section 96(4)	Approval of instruments relating to interests	165
section 100	Inspection of Register and instruments	19
section 102(2)	Copy of or extract from Register or instrument (per page)	6
section 102(3)	Certificate issued by Registrar	33
section 104E	Application to approve change in control	1 415
regulation 31	Application for approval of access agreement	1 142
regulation 33	Application for registration of access agreement	666
regulation 35	Application for inspection of register	19
regulation 36	Application for certified copy or certificate	33
regulation 39	Application for approval and registration of variation of access agreement (other than a variation by order of the Tribunal)	1 142
regulation 39	Application for registration of variation of access agreement by order of the Tribunal	666
regulation 66AAE(3)	Application for approval of activity	985
regulation 69(4)	Application for registration of agreement under transitional provisions	1 142

Schedule 1A Fees for resource management, activity and infrastructure plans

regulation 4(2)

Description	Revenue units
<p>The fee for an application for the approval of a well operations management plan under section 61(2)(b) of the Act is to be determined by its complexity as follows:</p> <ul style="list-style-type: none"> – high complexity well operations management plan, being a plan that involves the management of a well that includes any of the following: <ul style="list-style-type: none"> ○ high pressure – the maximum anticipated surface pressure is greater or equal to 10,000 psi (69 MPa) or needs the deployment of pressure control equipment with a rated working pressure in excess of 10,000 psi (69 MPa)); ○ high temperature – the undisturbed bottom hole temperature at prospective reservoir depth or total depth is greater or equal to 149 degrees Celsius or (300 degrees Fahrenheit); ○ hydraulic fracturing/well stimulation; ○ the management of risks arising from the presence of hydrogen sulphide from the reservoir, including by the deployment of additional equipment, plans and emergency procedures; ○ managed pressure drilling; ○ a well outside known fields, or the first well drilled in an petroleum field where no other petroleum production exists; ○ novel drill operations and equipment needing the deployment of specific non-standard or new equipment or techniques not currently in 	11 614

Description	Revenue units
<p style="text-align: center;">use or approved for use;</p> <ul style="list-style-type: none"> - medium complexity, being a plan that is not high complexity and covers the operation of more than one well; - low complexity, being all other plans 	<p style="text-align: right;">7 946</p> <p style="text-align: right;">6 113</p>
The fee for an application for the approval of a field management plan under section 61(2)(b) of the Act	34 622
The fee for an application for the approval of a petroleum surface infrastructure plan under section 61(2)(b) of the Act	11 397
<p>The fee for an application for the approval of a revised well operations management plan under section 61B(5) of the Act is to be determined by its complexity as follows:</p> <ul style="list-style-type: none"> - high complexity; - medium complexity; - low complexity <p>The level of complexity is the same as the level of complexity for the approval of the well operations management plan except that the only activities to be taken into account are activities not previously covered by the plan.</p>	<p style="text-align: right;">8 333</p> <p style="text-align: right;">5 702</p> <p style="text-align: right;">4 386</p>
<p>The fee for an application for the approval of a revised field management plan under section 61B(5) of the Act is to be determined by its complexity as follows:</p> <ul style="list-style-type: none"> - medium complexity, being a revised plan that is not low complexity; - low complexity, being a revised plan: <ul style="list-style-type: none"> o with a minimum of 10 years production data; or o where the permittee or licensee does not propose to make a significant change to development or management strategy of the 	<p style="text-align: right;">16 061</p> <p style="text-align: right;">12 354</p>

Description	Revenue units
field covered by the plan	
<p>The fee for an application for the approval of a revised petroleum surface infrastructure plan under section 61B(5) of the Act is to be determined by its complexity as follows:</p> <ul style="list-style-type: none"> <li data-bbox="284 584 1082 701">– high complexity, being a revised plan that includes the development of a new petroleum processing facility; 7 944 <li data-bbox="284 734 1082 954">– medium complexity, being a revised plan that: <ul style="list-style-type: none"> <li data-bbox="384 808 815 846">○ is not high complexity; and <li data-bbox="384 880 1026 954">○ includes the development of new well site facilities and pipelines; 5 435 <li data-bbox="284 987 991 1025">– low complexity, being any other revised plan 4 181 	
The fee for an application to vary a condition of an approved plan under section 61C(3)(b) of the Act	4 386

Schedule 1B Fees for environment management plans

regulation 4(3)

- 1 In this Schedule:
- assessment rating** means the assessment rating for a particular activity category specified in the Table.
- 2 (1) The monetary value of the **base fee** is 28 047 revenue units.
- (2) The monetary value of a **unit value** is 2 104 revenue units.
- 3 (1) The fee for an application for the approval of an environment management plan has 2 components:
- (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 a particular 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 title area, the total length of seismic surveys in that title area are to be added together for the purposes of the Table.
- (3) 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.

Table

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

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

Schedule 2 Standard minimum protections

regulation 14

Notes for Schedule 2

- 1 *A reference in this Schedule to an owner/occupier is a reference to the person who is the designated person under these Regulations.*
- 2 *For the purposes of an access agreement, the parties should determine whether the references should be to an owner or to an occupier.*
- 3 *The parties should also determine whether the agreement should refer to a permit or to a licence (depending on the kind of petroleum interest held by the interest holder).*

Matters to be addressed	Standard minimum protections
1 Minimum notice periods	<p>(1) Unless otherwise agreed with the owner/occupier, the interest holder must give at least 14 days notice of the interest holder's intention to commence regulated operations on the land.</p> <p>(2) A notice to a party will be sent to the address nominated by the party for the service of notices under the agreement.</p> <p>(3) The requirement to give a notice under this clause does not apply if the interest holder is acting:</p> <ol style="list-style-type: none"> (a) for the purpose of preserving life or property, or addressing a threat or risk to life or property; or (b) in an emergency situation, or threatened emergency; or (c) in order to comply with any Act or law, order or direction of a court or tribunal constituted by law, or order or direction of an official acting under a law of the Territory or the Commonwealth. <p>(4) If the interest holder acts under subclause (3), the interest holder must take reasonable steps to notify the owner/occupier of the interest holder's entry to the land before entry.</p>

Matters to be addressed	Standard minimum protections
2 Minimise disturbance	The interest holder must do everything that is reasonably practicable to minimise disturbance to the owner/occupier's livestock (if any) and existing uses of the land.
3 Weeds, pests and diseases	The interest holder must take all reasonable measures to prevent the introduction or spread of weeds, feral pests or diseases on account of the interest holder's activities under the permit/licence.
4 Induction	<p>The interest holder must take reasonable steps to ensure that the interest holder's employees and contractors have received information and training on the obligations that apply in relation to carrying out operations or work on the land under:</p> <ul style="list-style-type: none"> (a) the agreement; and (b) the Act and the Regulations made under the Act; and (c) any other Act.
5 Access points	<ul style="list-style-type: none"> (1) The parties must take reasonable steps to agree on the location of access points to the land. (2) To the extent that agreement is not reached under subclause (1): <ul style="list-style-type: none"> (a) if reasonably practicable – the interest holder must use an existing access point to the land (whether a road, track or otherwise); or (b) to the extent that paragraph (a) does not apply – the interest holder must design and construct any necessary access point in a way that minimises (so far as is reasonably practicable) disturbance to the owner/occupier's existing uses of the land. (3) The interest holder must maintain any access point (whether a road, track or otherwise) used by the interest holder in a safe condition.

Matters to be addressed	Standard minimum protections
6 Gates	Unless otherwise agreed with the owner/occupier in a specific case, the interest holder must, after using a gate, return the gate to its original position.
7 Consent to fence	<p>(1) Subject to the Act and the interest holder's obligations under the <i>Work Health and Safety (National Uniform Legislation) Act 2011</i> or under any other regulatory requirements, the interest holder must not construct a fence, gate, grid or other barrier on the land without the consent of the owner/occupier.</p> <p>(2) Unless otherwise agreed with the owner/occupier, any fence, gate, grid or other barrier constructed on the land must be stock-proof.</p>
8 Camps	If the interest holder proposes to construct a camp on the land, the parties agree to take reasonable steps to agree on the location, size and management of the camp.
9 Obligation to repair	<p>If a fence, gate, grid or other barrier is damaged on account of any activities carried out under the permit/licence, the interest holder must:</p> <p>(a) promptly notify the owner/occupier providing reasonable details of the damage; and</p> <p>(b) promptly notify the Agency; and</p> <p>(c) either:</p> <p>(i) in consultation with the owner/occupier, repair the damage; or</p> <p>(ii) with the agreement of the owner/occupier, pay the owner/occupier the reasonable cost of repair, being an amount agreed between the parties.</p>
10 Notification of damage	(1) This clause applies if any loss, harm or damage is caused to any of the owner/occupier's land, infrastructure or livestock on account of an activity carried out under the permit/licence, other than damage referred to in clause 9.

Matters to be addressed	Standard minimum protections
11 Rehabilitation and remediation	<p>(2) If this clause applies, the interest holder must, as soon as practicable after the incident and in any event within 14 days:</p> <p>(a) notify the owner/occupier, providing reasonable details of the loss, harm or damage; and</p> <p>(b) unless the incident is a reportable incident under the <i>Petroleum (Environment) Regulations 2016</i>, notify the Agency.</p>
	<p>(3) The interest holder must use the interest holder's best endeavours to ensure that a notification under subclause (2)(a) is given at the same time as, or before, a notification is given under subclause (2)(b).</p>
	<p>(1) The interest holder must consult with the owner/occupier about the rehabilitation and remediation of the land and, subject to any regulatory requirements, have reasonable regard to the owner/occupier's proposals relating to rehabilitation and remediation of the land.</p>
	<p>(2) The interest holder must:</p> <p>(a) confer with the owner/occupier about leaving in place improvements that are of use to the owner/occupier (if they can be lawfully left in place); and</p> <p>(b) within 3 months after completing the rehabilitation and remediation required under the Act or Regulations made under the Act, engage a suitably qualified person, who is independent of the parties, to prepare and provide a report that assesses the extent and effectiveness of the rehabilitation and remediation.</p>
	<p>(3) The interest holder must, within 1 month after receiving a report under subclause (2), provide a copy of the report to:</p>
	<p>(a) the owner/occupier; and</p> <p>(b) the Agency.</p>

Matters to be addressed		Standard minimum protections	
12	Compensation for drilling	(1)	The minimum amount of compensation payable for the drilling of a well on the land must be set out under this clause.
		(2)	This clause does not limit any right under any provision of the Act as to the provision or payment of compensation, or any right to apply to the Tribunal with respect to a dispute about compensation.
13	Compensation for decrease in value of land	(1)	This clause must indicate whether it is anticipated that any activities carried out on the land will lead to a decrease in the market value of land and, if so, a preliminary assessment of the amount of the decrease.
		(2)	This clause does not limit any right under the Act as to the provision or payment of compensation, or any right to apply to the Tribunal if there is a dispute about compensation.
14	General obligation to make good	(1)	Subject to a more specific provision relating to compensation and repair in the event of any harm or damage, the interest holder has a general obligation to make good any harm or damage caused to the owner/occupier's land, any water on or under the owner/occupier's land, infrastructure or other improvements, or operations relating to the use of the land, on account of any activities carried out under the permit/licence.
		(2)	The owner/occupier will give notice to the interest holder of any harm or damage that must be addressed under this clause.
		(3)	The interest holder must immediately notify the owner/occupier if the interest holder disputes the interest holder's liability under this clause.
		(4)	If it is reasonably possible for any harm or damage to be rectified or repaired, the interest holder may, in consultation with the owner/occupier, take steps to rectify or repair the harm or damage.

Matters to be addressed	Standard minimum protections
15 Indemnification	<p>(5) If it is not reasonably possible for any harm or damage to be rectified or repaired, the interest holder must pay reasonable compensation to the owner/occupier on account of the harm or damage.</p> <p>(1) The interest holder indemnifies the owner/occupier with respect to any harm or damage caused to the owner/occupier's land, any water on or under the owner/occupier's land, infrastructure or other improvements, or operations relating to the use of the land, on account of any activities carried out under the permit/licence.</p> <p>(2) The indemnity extends to the acts and omissions of any of the interest holder's agents or contractors.</p> <p>(3) The indemnity does not apply to the extent that:</p> <p>(a) compensation is provided under another clause; or</p> <p>(b) a grossly negligent or wilful act or omission of the owner/occupier has contributed to the harm or damage.</p>
16 Release to extent permitted by law	<p>(1) To the extent permitted by a law of the Territory, the interest holder releases the owner/occupier from any claim in respect of:</p> <p>(a) death or injury of any person employed or engaged by the interest holder; or</p> <p>(b) loss or damage caused to the interest holder's personal property, and any consequential loss.</p> <p>(2) Subclause (1) does not apply to the extent that a grossly negligent or wilful act or omission of the owner/occupier has contributed to the death, injury, loss or damage.</p>

	Matters to be addressed	Standard minimum protections
17	Payment of legal, accounting and technical fees	The parties agree to pay any costs under regulation 17 or 28.
18	Payment of duties	<p>(1) Any amount specified in the agreement will be GST exclusive.</p> <p>(2) If GST is payable on an amount, it must be paid at the same time.</p> <p>(3) The owner/occupier is responsible for any tax that may be payable on any compensation or other amount paid to the owner/occupier under the agreement.</p> <p>(4) The interest holder is responsible for any duty payable on the agreement.</p>
19	Assignments	<p>(1) Each party agrees to give the other party or parties notice of the following:</p> <p>(a) in the case of the interest holder – notice of an intention to transfer or assign the interest holder's interest in the petroleum interest to another person;</p> <p>(b) in the case of an owner/occupier – notice of an intention to transfer or assign any interest in the land (including by way of lease or sublease);</p> <p>(c) in the case of a party that is a body corporate – any material change in the ownership or management of the party.</p> <p>(2) The parties agree that a period of notice under subclause (1) will be at least 30 days.</p> <p>(3) Each party agrees to give a copy of the agreement to any successor or assign before, or at the time of, the transfer or assignment of the party's relevant interest.</p>
20	Appropriate guarantees	<p>(1) If there are 2 or more interest holders who are parties to an access agreement, each interest holder is jointly and severally liable under the agreement.</p>

Matters to be addressed		Standard minimum protections
		(2) The interest holder is liable for any act or omission of a person acting on behalf of the interest holder in carrying out any activities under the permit/licence.
21	Guarantee in favour of owner	<p>(1) The interest holder agrees that the owner of the land does not need to be a party to the agreement to gain the benefit of the provisions of the agreement that relate to:</p> <p>(a) the repair of any gate, fence, grid or other barrier; or</p> <p>(b) the making good of any harm or damage caused to the land, any water associated with the land, infrastructure or other improvements; or</p> <p>(c) the rehabilitation or remediation of the land.</p> <p>(2) The interest holder agrees to enter into a binding enforceable agreement in favour of the owner of the land to provide for the matters specified in subclause (1) (and to provide a copy of that agreement to the owner).</p>
22	Confidentiality	<p>(1) Subject to any agreement between the parties that some or all of the terms and conditions of the agreement will be kept confidential, the agreement will not be confidential.</p> <p>(2) An agreement to keep any terms or conditions confidential is subject to the following exceptions:</p> <p>(a) the release, provision or disclosure of information with the consent of the parties, and that consent will not be unreasonably withheld;</p> <p>(b) the provision of information to a party's legal, financial or accounting representative or adviser, or to any other person who has been engaged by a party and the release is relevant to the reason for their engagement;</p>

Matters to be addressed	Standard minimum protections
23 Re-negotiation of agreement	<p>(c) the release, provision or disclosure of information to a financial institution;</p> <p>(d) the release, provision or disclosure of information required by law (including the disclosure of information to a stock exchange);</p> <p>(e) the release, provision or disclosure of information required by an order, direction or other requirement of a court or tribunal constituted by law, or as required by an official acting under a law of the Territory or the Commonwealth;</p> <p>(f) the release, provision or disclosure of information to a related body corporate;</p> <p>(g) the release, provision or disclosure of information in connection with any transfer or assignment, or potential transfer or assignment, of an interest in the petroleum interest or land.</p> <p>If the permit/licence is renewed and the agreement is still relevant to activities carried out, or to be carried out, under the permit/licence, the parties agree to use their best endeavours to agree on an extension to the agreement.</p>
24 Dispute resolution	<p>(1) In the event of a dispute that arises out of, or in relation to, the agreement, the parties agree:</p> <p>(a) that the party raising the matter in dispute will give notice to the other relevant party or parties; and</p> <p>(b) that the parties will act in good faith and use reasonable endeavours to resolve the dispute in a timely manner.</p> <p>(2) Subclause (1) does not prevent a party seeking relief in a matter of urgency.</p>

Matters to be addressed		Standard minimum protections	
25	Termination	(1)	The agreement terminates: <ul style="list-style-type: none">(a) by mutual agreement between the parties; or(b) on the expiration of the term of the agreement (unless the term is extended by mutual agreement between the parties); or(c) on the expiration of the petroleum interest (unless the agreement is extended by mutual agreement between the parties); or(d) if the Tribunal determines that the agreement be terminated.
		(2)	The termination of the agreement does not affect any right or liability accrued before the termination of the agreement.

Schedule 3 Reviewable decisions and affected persons

regulation 41

Reviewable decision	Affected person
Refusal under regulation 31 to approve an access agreement	The interest holder who submitted the access agreement for approval
Refusal under regulation 39 to approve a variation to an approved access agreement	The party to the access agreement who submitted the variation for approval
Refusal under regulation 69 to register an agreement	The party to the access agreement who submitted the access agreement for registration

Schedule 4 Infringement notice offences and prescribed amounts

regulation 61

Provision	Prescribed amount in penalty units	
	for individual	for body corporate
section 57AA(3)	2	10
section 117AAB(7)	2.5	12.5
sections 64(6), 75(6) and 89E	4	20
sections 57A(16), 61E(3) and (7) and 71(5)	5	25
sections 77(7), 89M(1), 89Q(3), 89S(1), 89Z(3) and 89ZA(5)	6	30
section 105(3) and (7)	20	100
regulations 50, 51, 52 and 66V	1	5
regulations 47, 48, 49, 53, 66AAM(1) and (5), 66AAR, 66AAS, 66AAT, 66AAU, 66AAV, 66AAX and 66N	5	25
regulations 66Q and 66R	3	15

Schedule 4A Monitoring and compliance levy

regulation 66C(2)

1 In this Schedule:

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

designated area means an exploration permit area or a licence area that falls, wholly or in part, within the Beetaloo sub-basin geological boundary as determined by the Minister.

uplift factor – see clause 2(3).

2 (1) A monitoring and compliance levy has the following components:

- (a) the base fee;
- (b) the sum of the compliance ratings for each title area for the regulated activities approved under the environment management plan to which the levy relates, multiplied by the unit value;
- (c) the uplift factor (if applicable).

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

- (a) if 2 or more activities to be undertaken in a particular title area fall into a particular activity category, that category is to be counted once in relation to that title area; and
- (b) an activity undertaken in 2 or more title areas will only be counted twice; and
- (c) for 2 or more seismic surveys to be undertaken in a title area, the total length of seismic surveys in that title area are to be added together for the purposes of the Table.

(3) The uplift factor under subclause (1)(c):

- (a) is 1.3; and
- (b) applies only if an activity is undertaken (in whole or in part) in any part of the designated area; and
- (c) applies by adding the components under subclause (1)(a) and (b) together and multiplying that sum by 1.3.

- (4) The fee for a monitoring and compliance levy imposed during a financial year under section 117AZF(4) of the Act:
- (a) only applies in relation to activities not previously covered by the relevant environment management plan; and
 - (b) is to be calculated on a proportional basis taking into account the number of days remaining in the relevant financial year.
- (5) The fact that an activity ceases to be covered by an approved environment management plan during a particular financial year:
- (a) does not affect a liability as it applies at the beginning of the financial year; and
 - (b) does not give rise to an entitlement to a rebate of levy.

Table

Activity category	Compliance rating
Land clearing (for any purpose) and earthworks (including cutting, filling, excavating or trenching)	4
Seismic surveys (in total length):	
– up to 100 km	2
– more than 100 km	4
The drilling, completion, operation, modification, decommissioning, suspension or abandonment of a well that does not include hydraulic fracture stimulation activities – up to 3 wells	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	6
The drilling, completion, operation, modification, decommissioning, suspension or abandonment of a well that includes hydraulic fracture stimulation activities – up to 3 wells	6
The drilling, completion, operation, modification, decommissioning, suspension or abandonment of a well that includes hydraulic fracture stimulation activities – 4 or more wells	12
The construction, operation, modification, decommissioning, dismantling or removal of other facilities used for the recovery or processing of petroleum	12

Activity category	Compliance rating
The construction, operation, modification, decommissioning, dismantling or removal of any other facilities	12

Schedule 4B Well operations management plans

regulation 66AA

- 1 A description of the well, including its location, status and objectives, and the criteria to determine:
 - (a) the wells that can be managed under the well operations management plan; and
 - (b) the complexity level of the well operations management plan under Schedule 1A.
- 2 A description of the well integrity management system which informs the plan, including advice on how the system is taken to comply with International Standard ISO 16530-1:2017 Petroleum and natural gas industries – Well integrity – Part 1: Life cycle governance.
- 3 Information about the permittee's or licensee's approach to risk management, including a description of its processes for hazard and risk identification, risk analysis and risk evaluation during the life of the well.
- 4 A description of the permittee's or licensee's management of change process.
- 5 A description of the organisational structure of the permittee or licensee as it relates to the management of the well throughout its life cycle, including the responsibilities and competencies of key roles.
- 6 A description of the basis of design for the well.
- 7 A description of the well design, including well barrier schematics.
- 8 A description of the activities (including contingent activities as applicable) that will be conducted in each of the following well life cycle phases:
 - (a) construction phase;
 - (b) operational phase;
 - (c) intervention phase;
 - (d) decommissioning phase;
 - (e) decommissioned phase.

- 9 A copy of the risk register that records follow up and close out actions for all identified hazards and risks.
- 10 A description of:
 - (a) the control measures that will be in place to ensure that risks to the integrity of the well are reduced to as low as is reasonably practicable throughout the life cycle of the well; and
 - (b) the performance standards for those control measures; and
 - (c) the measurement criteria that will be used to determine whether the performance standards are being met.
- 11 A description of:
 - (a) the performance outcomes against which the performance of the permittee or licensee in maintaining the integrity of the well is to be measured; and
 - (b) the measurement criteria that will be used to determine whether the performance outcomes are being met.
- 12 A description of the monitoring, integrity assurance, record keeping, audit and continuous improvement processes that will be implemented to ensure and demonstrate how performance standards are being met over the life cycle of the well, including after decommissioning.
- 13 A description of the scenarios in which a well will be shut-in or suspended, including the length of time it would remain in this state until it is put into operation or decommissioned.
- 14 If the well is to be subject to hydraulic fracturing operations – an induced seismicity management plan.

Schedule 4C Field management plans

regulation 66AAB

- 1 Evidence and data to demonstrate that the field contains petroleum, including details of the structure, extent and location of each discovered petroleum pool in the field.
- 2 Estimates of the volumes of petroleum present in the discovered petroleum pools that comply with the Petroleum Resources Management System published by the Society of Petroleum Engineers (as in force from time to time), including the data, assumptions and methodologies on which those estimates are based.
- 3 Information relating to the following:
 - (a) other potential petroleum pools in the field;
 - (b) the licensee's plans (if any) to explore further for petroleum pools in the field;
 - (c) how potential petroleum pools of commercial quantity can be incorporated into the development of the licence area.
- 4 The proposed development strategy for the field and the management of petroleum pools that includes plans for the optimum long-term recovery of petroleum under the licence, including the following:
 - (a) a projected production profile that includes high and low range scenarios;
 - (b) the estimated number and types of wells, including a conceptual map indicating their expected location relative to the petroleum pools and petroleum surface infrastructure.
- 5 A description of the process that the licensee undertook to prepare the field management plan, including:
 - (a) the development options that were considered, including the factors that have influenced licensee's proposals for the development of the field; and
 - (b) information about the modelling for each development option considered by the licensee; and
 - (c) a markets and sales outlook for petroleum recovered from the field.

- 6 Information to demonstrate how the licensee proposes to maximise economic recovery of petroleum, including the following:
 - (a) reservoir modelling of the projected production profile for the life cycle of the field;
 - (b) the estimated ultimate recovery from each reservoir in the field;
 - (c) the recovery factor of petroleum from each petroleum pool in the field.
- 7 The estimated timing for:
 - (a) the development of wells to be used for production, monitoring or injection; and
 - (b) decommissioning of wells, including suspended wells, that are not required for the development or management of the field; and
 - (c) estimated dates for the cessation of production and field closure and a description of the plans for the closure of the field.
- 8 Information about the licensee's operations or proposals relating to the following:
 - (a) the enhanced recovery or recycling of petroleum;
 - (b) the processing, storage, use and disposal of petroleum;
 - (c) proposals to inject water or treatment material into any underground formation.
- 9 Details of any aquifers that might contribute to the recovery of petroleum.
- 10 A segregation of zones policy and details of any petroleum production by a well that is to be from more than one petroleum pool.
- 11 Details of the equipment and procedures used to determine the quantity and composition of petroleum and water, including information as to the following:
 - (a) the Australian or international standards that will apply to measuring devices;

- (b) the frequency of validation testing and certification of measuring devices to verify their accuracy;
 - (c) the validation and certification records for measuring devices.
- 12 Information about how the licensee will implement and ensure ongoing compliance with the approved field management plan.
 - 13 Information about the licensee's approach to risk management, including a description of the licensee's processes for risk identification, risk analysis and risk evaluation.
 - 14 A description of the licensee's management of change process.
 - 15 A description of the organisational structure of the licensee as it relates to the management of petroleum reservoirs, including the responsibilities and competencies of key roles.
 - 16 A description of the monitoring, integrity assurance, record keeping, audit and continuous improvement processes that will be implemented to ensure and demonstrate how the licensee will maximise economic recovery of petroleum over the life of the field.
 - 17 A list of the codes, standards and specifications that will be applied in relation to any aspect of the field management plan.

Schedule 4D Petroleum surface infrastructure plans

regulation 66AAD

- 1 An introduction relating to the petroleum surface infrastructure that is to be constructed, operated or decommissioned on the licence area, including:
 - (a) a description of the petroleum surface infrastructure relative to the approved well operations management plan and approved field management plan; and
 - (b) a map showing the existing or proposed location of petroleum surface infrastructure.
- 2 A description of the licensee's asset management plan that informs the petroleum surface infrastructure plan.
- 3 Information about the licensee's approach to risk management, including a description of its processes for hazard and risk identification, risk analysis and risk evaluation.
- 4 A description of the licensee's management of change process.
- 5 A description of the organisational structure of the licensee as it relates to the management of petroleum surface infrastructure, including the responsibilities and competencies of key roles.
- 6 The basis of the design of the petroleum surface infrastructure.
- 7 A description of the petroleum surface infrastructure design, including a process flow diagram.
- 8 The estimated timing for:
 - (a) site construction and commissioning of new petroleum processing facilities; and
 - (b) starting up the operation of any petroleum processing facility; and;
 - (c) the decommissioning of petroleum surface infrastructure at the end of its life cycle.
- 9 A description of the activities (including contingent activities as applicable) that will be conducted in each of the following petroleum surface infrastructure life cycle phases:
 - (a) the construction phase;

- (b) the operational phase;
 - (c) the decommissioning phase.
- 10 A plan for the independent validation by a competent person of works to be executed during the design, construction, operation and decommissioning phases.
- 11 A list of the codes, standards and specifications that will be applied in relation to any part or aspect of the petroleum surface infrastructure's life cycle phases.
- 12 A copy of the risk register that records follow up and close out actions for all identified hazards and risks.
- 13 A description of:
- (a) the control measures that will be in place to ensure that risks to the integrity of the petroleum surface infrastructure are reduced to as low as is reasonably practicable throughout the petroleum surface infrastructure's life cycle; and
 - (b) the performance standards for those control measures; and
 - (c) the measurement criteria that will be used to determine whether the performance standards are being met.
- 14 A description of:
- (a) the performance outcomes against which the performance of the licensee in maintaining the integrity of the petroleum surface infrastructure is to be measured; and
 - (b) the measurement criteria that will be used to determine whether the performance outcomes are being met.
- 15 A description of the monitoring, integrity assurance, record keeping, audit and continuous improvement processes that will be implemented to ensure and demonstrate how performance standards are being met over the life cycle of the petroleum surface infrastructure.
- 16 A description of the measures and arrangements that will be used to regain control of the petroleum surface infrastructure if there is a loss of integrity.

Schedule 4E Annual reports

regulation 66AAN

- 1 A report on the interest holder's compliance, during the reporting period, with:
 - (a) the Act; and
 - (b) these Regulations; and
 - (c) the conditions to which the petroleum interest is subject; and
 - (d) any direction or notice issued under the Act or these Regulations, other than a direction or notice issued by the Environment Minister, the Environment CEO or an inspector appointed by the Environment CEO.
- 2 Details about actual expenditure compared to expenditure commitments for the reporting period, including information about whether the expenditure was within the Territory or related to persons or companies located outside the Territory.
- 3 A report on well operations and activities undertaken on the title area during the reporting period, including an assessment of the interest holder's compliance with any approved well operations management plan.
- 4 A report on the operational status of each well on the title area, including details of the well barrier status and any associated requirements to manage or address any loss of integrity.
- 5 A report on the recovery of petroleum on an appraisal basis undertaken on the title area during the reporting period, including an assessment of the interest holder's compliance with an approval to recover petroleum on an appraisal basis.
- 6 A report on surface infrastructure operations and activities undertaken on the title area during the reporting period, including an assessment of the interest holder's compliance with any approved petroleum surface infrastructure plan.
- 7 A report on the interest holder's compliance with any approved field management plan during the reporting period, including a declaration that the field management plan still represents the interest holder's development strategy for the petroleum pool or pools in the title area.

- 8 In relation to rate of recovery:
 - (a) a report on actual rate of recovery for all producing wells and pools in the reporting period; and
 - (b) an explanation of any deviation outside the high and low range scenarios; and
 - (c) demonstration that the approved rate of recovery remains current, with a monthly forecast for the ensuing year, including high and low range scenarios.
- 9 A report on any approved exemptions.
- 10 A list of the reports submitted to the Minister under the Act or these Regulations during the reporting period including the dates on which each report was submitted.

Schedule 4F Survey reports

regulation 66AAP

1 Weekly survey reports

- (1) The progress of the survey, including the number of kilometres completed during the week (if applicable) and the type of samples acquired during the week.
 - (2) If the survey has been completed during the week to which the report relates, the total number of kilometres completed over the course of the survey (if applicable) and a complete list of the types of samples acquired.
-

2 Downhole survey reports

A report of the survey, including each log at each scale run in the survey and the records made for the purposes of the survey.

3 Basic survey reports

Acquisition report	<ol style="list-style-type: none"> (1) The name and location of the survey, including a location map and datum used. (2) The petroleum interest to which the report relates and the name of the interest holder and operator. (3) The start and end dates of acquisition. (4) The name of the contractor used to conduct the survey. (5) The final line kilometres recorded and, in the case of a 3D seismic survey, the full fold area acquired. (6) The number and length of the lines and the number of data acquisition points along each line. (7) The geometry of the acquisition parameters. (8) Particulars of the system and equipment used for data acquisition, positioning and navigation. (9) The results of systems tests, calibrations and diagnostics.
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	(10)	A summary of data acquisition, including any data quality issues and recommendations (if any) relating to processing.
	(11)	The results of any initial data processing in the field.
	(12)	An itemised field tape listing showing data tape number, survey name, line number, shot point or data point range and data type.
	(13)	A detailed list of datasets and products submitted with the report.
	(14)	A copy of all weekly survey reports previously submitted in relation to the survey.
Processing report	(1)	The name and location of the survey, including a location map and datum used.
	(2)	The petroleum interest to which the report relates and the name of the interest holder and operator.
	(3)	The start and end date of processing.
	(4)	The name of the contractor used to conduct the processing (if applicable).
	(5)	The purpose of the processing.
	(6)	A summary of the data acquisition process and parameters.
	(7)	Details of all processing sequences and techniques.
	(8)	In the case of a seismic survey – a sample Extended Binary Coded Decimal Interchange Code (EBCDIC) header for the final data set.
	(9)	A list of processed data.
	(10)	In the case of a 3D seismic survey – a description of the position of the survey polygon and a calculation of the 3 dimension line numbering convention.
	(11)	A summary of the processing, including any issues with data quality and recommendations (if any) for further processing.
	(12)	A detailed list of datasets and products submitted with the report.

4 Basic survey data

Survey other than a seismic survey	Acquisition and processed data as follows: (a) field support data and navigation or location data for lines and data acquisition points; (b) raw and processed data and analytical results; (c) gridded data; (d) final processed images.
2D seismic survey	(1) Navigation data in the form of x, y and z coordinates for each shot and receiver point. (2) Seismic field data. (3) Observers logs and associated support data including uphole data and itemised field tape listing, including the following: (a) tape number; (b) survey name; (c) line number; (d) shot point range; (e) common depth point; (f) data type. (4) Raw and final stacked data, including near/mid/far sub-stacks if these have been generated. (5) Raw and final migrated data, including Pre Stack Time Migration (PSTM), Pre Stack Depth Migration (PSDM) and near/mid/far sub-stacks if these have been generated. (6) Final processed navigation, elevation and bathymetry data. (7) Shot point to common depth point (CDP) relationship.

	(8)	Data for stacked and migrated velocities, including line number, shot point and time versus root mean square (RMS) velocity pair.
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3D seismic survey	(1)	The same data required for a 2D survey.
	(2)	Final navigation data in the form of: <ul style="list-style-type: none"> (a) final processed (grid) bin coordinates; and (b) polygonal position data (outline of full fold area).
	(3)	Data for both stacked and migrated velocities, including: <ul style="list-style-type: none"> (a) bin number; and (b) time versus root mean square (RMS) velocity.
	(4)	If required – 2D data subset.

5 Final survey reports

Interpretation report	(1)	The name and location of the survey, including a location map and datum used.
	(2)	The petroleum interest to which the report relates and the name of the interest holder and the name of operator.
	(3)	A description of the objectives of the interpretation.
	(4)	A discussion and justification of the results of the interpretation.
	(5)	In the case of a seismic survey: <ul style="list-style-type: none"> (a) a list of the surfaces that have been interpreted; and (b) a justification for the surfaces that have been interpreted, including synthetic seismograms (if available); and (c) the velocity field used to convert time to depth and the basis for the velocity field; and (d) time slices to describe the deposition environment (if available).

- (6) Index maps and sections.
 - (7) The conclusions drawn from the interpretation.
 - (8) A detailed list of datasets and products submitted with the report.
-

Interpretative
survey data

- (1) Interpreted sections, including seismic sections.
 - (2) Images of interpretive maps and diagrams.
 - (3) Models and mapping/spatial datasets.
 - (4) Interpreted results.
-

Schedule 4G Geoscientific study and reprocessing reports

regulation 66AAQ

1 Geoscientific study reports

- (1) The petroleum interest to which the report relates and the name of the interest holder and operator.
 - (2) The name of the contractor used to conduct the study (if applicable).
 - (3) An overview of the study, including the timeframes, objectives and methodology issued for the purposes of the study.
 - (4) A discussion of any findings or conclusions.
 - (5) Information about any related studies that are proposed to be undertaken.
 - (6) Any data or technical reports produced as part of the study.
-

2 Reprocessing reports

- (1) A summary of the original survey data that is being reprocessed.
- (2) A reprocessing report, consistent with the requirements of Schedule 4F for a processing report, and the following associated data for reprocessed seismic data:
 - (a) final processed navigation and elevation data in the form of x, y and z coordinates for each shot and receiver point for 2D seismic surveys;
 - (b) raw and final stacked data, including near/mid/far sub-stacks if these have been generated;
 - (c) raw and final migrated data, including Pre Stack Time Migration (PSTM), Pre Stack Depth Migration (PSDM) and near/mid/far sub-stacks if these have been generated;
 - (d) 2D data subset for 3D seismic surveys;
 - (e) shot point to common depth point (CDP) relationship for 2D seismic surveys;
 - (f) final processed (grid) bin coordinates for 3D seismic surveys;

- (g) polygonal position data (outline of full fold area) for 3D seismic surveys;
 - (h) data for stacked and migrated velocities, including line number and shot points for 2D seismic surveys, bin number for 3D seismic surveys and time versus root mean square (RMS) velocity pair.
- (3) An interpretation report and interpretative data, consistent with the requirements for final survey reports under Schedule 4F.

Schedule 4H Well barrier integrity validation reports

regulation 66AAR

- 1 The name of the well, the type of well and the number of the relevant tenure and the name of the interest holder and the name of the operator.
- 2 Information and data relating to the integrity validation testing that has been carried out.
- 3 A classification relating to the well integrity.
- 4 The revision history for the report.

Schedule 4J Daily well activity reports

regulation 66AAS

- 1 A report identifier and the date of the report.
- 2 The name of the well, the type of well and the number of the relevant tenure and the name of the interest holder and the name of the operator.
- 3 Well geographical coordinates.
- 4 Well depths.
- 5 Activity timeframes.
- 6 Well cost information.
- 7 A list of responsible daily contacts.
- 8 Well control equipment testing details.
- 9 The operations being undertaken at the time of the report.
- 10 A summary of operations for the last 24 hours.
- 11 Information about operations carried out to the nearest 15 minutes.
- 12 A brief summary of any tests, logs or surveys made in the well bore.
- 13 Rig identification.
- 14 Drilling and intervention fluid details.
- 15 The results of any surveys made in the well bore.
- 16 Any well stratigraphy data.
- 17 Any indications of petroleum.

Schedule 4K Monthly production reports

regulation 66AAT

- 1 The total quantities for each of the following for the relevant month for the interest area:
 - (a) liquid and gaseous petroleum produced;
 - (b) liquid and gaseous petroleum used;
 - (c) liquid and gaseous petroleum injected;
 - (d) gaseous petroleum flared or vented;
 - (e) liquid petroleum stored;
 - (f) liquid and gaseous petroleum delivered from the area;
 - (g) water produced;
 - (h) water injected.
- 2 Taking into account the information provided under clause 1, the cumulative quantities of liquid and gaseous petroleum, and water, produced or injected as at the end of the month for the interest area.
- 3 For each well in the interest area:
 - (a) the identification name and number of the well; and
 - (b) a summary of all work performed on the well during the month; and
 - (c) the results of any production test for the well during the month; and
 - (d) the operational status of the well at the end of the month; and
 - (e) the number of production days for the month; and
 - (f) the total quantities for the each of the following for the relevant month:
 - (i) liquid and gaseous petroleum produced, with corresponding daily averages;
 - (ii) liquid and gaseous petroleum injected, with corresponding daily averages;

- (iii) water produced, with corresponding daily averages;
- (iv) water injected, with corresponding daily averages;
- (v) average gas to oil ratios;
- (vi) average water cut ratios.

4 Taking into account the information provided under clause 3, the cumulative quantities of liquid and gaseous petroleum, and water, produced or injected as at the end of the month for the well.

Schedule 4L Production test reports

regulation 66AAU

- 1 The identification name and number of the well.
- 2 A summary of the production test activities, including the number of days of flow testing, conducted during the month and the operational status of the well at the end of the month.
- 3 A summary of flow test results, including the range of production rates achieved during the month, the normalised flow rate and the composition of the fluids that have been produced.
- 4 The volume of petroleum flared or vented during the month.
- 5 Any conclusions or implications that inform further production testing to prove the commerciality of the reservoir.

Schedule 4M Final well activity reports

regulation 66AAV

- 1 The name of the well, the type of well and the number of the relevant tenure and the name of the interest holder and the name of the operator.
- 2 Well geographical coordinates and a well location map.
- 3 The status of the well (such as producing, suspended or decommissioned).
- 4 The purpose of the well activity.
- 5 The start and end dates for the well activity.
- 6 The depth reference and the surveyed height of depth reference above the ground surface, with reference to an approved height datum.

Example of depth reference
Kelly bushing or rig floor.
- 7 The water depth or ground depth of the well.
- 8 The measured depth of the well.
- 9 The true vertical depth of the well.
- 10 The depth of any perforation in a petroleum pool.
- 11 A detailed summary of the activity that has been carried out.
- 12 A list of well evaluation, formation evaluation or production logs.
- 13 The name of any contractor used to carry out the activity.
- 14 The type of rig, snubbing unit or coiled tubing unit used for the activity.
- 15 Details of equipment and casing installed on or in the well.
- 16 Details of any of the following:
 - (a) re-completion operations;
 - (b) cementing operations;
 - (c) fracturing operations;

- (d) well testing operations;
 - (e) logging or perforating operations;
 - (f) milling or drilling operations.
- 17 A summary of fluids used in the well and lost circulation materials.
 - 18 Details of any indication of petroleum resources.
 - 19 Details of any produced formation materials.
 - 20 Any final well completion, suspension or decommissioned schematic.
 - 21 Well activity data, such as well evaluation log data.

Schedule 4N Initial well completion reports

regulation 66AAW(a)

- 1 The name of the well, the type of well and the number of the relevant tenure and the name of the interest holder and the name of the operator.
- 2 If the well is a side track well – the name of the parent well.
- 3 A well location map.
- 4 An introduction that gives a brief description or summary of the geological reason for drilling.
- 5 The predicted stratigraphy compared to the actual stratigraphy of the location of the well.
- 6 A statement of the well objectives and the extent to which those objectives have been met.
- 7 The depth reference and the surveyed height of depth reference above the ground surface, with reference to an approved height datum.

Example of depth reference
Kelly bushing or rig floor.
- 8 The surveyed surface well location and bottom hole location with coordinates in latitude and longitude and the relevant datum.
- 9 Particulars of all borehole deviation surveys.
- 10 The name of the drilling contractor and the type of drilling rig that was used.
- 11 The spud date, the date on which total depth was reached and the date of rig release.
- 12 The measured depth and the true vertical depth reached, in metres.
- 13 Details of drilling, including hole and casing design, bit records, cementing, drilling fluids, perforations, equipment installed and any other information relevant to well integrity.
- 14 The formation evaluation, including stratigraphy and formation top details.

- 15 A list of well evaluation logs, including the Measurement While Drilling (MWD) logs, Logging While Drilling (LWD) logs, cement bond logs, pressure detection logs, mud logs, wireline logs, velocity surveys, tiltmeter surveys and micro-seismic surveys.
- 16 Plots and data for all well evaluation logs.
- 17 A description and results of all tests, including Diagnostic Fracture Injection Testing (DFIT), Leak Off Tests (LOT), Formation Integrity Tests (FIT) and production tests or surveys carried out in the well or bore and including the depth in metres where each test was carried out and the distance in metres between the top and the bottom of each testing interval.
- 18 Particulars of any hydraulic fracturing.
- 19 A list of cores, cuttings and other sampling details with their depths and intervals.
- 20 Hydrocarbon show details and a preliminary assessment of reservoir and prospective horizons.
- 21 Well completion details, including a completion schematic.
- 22 If applicable, lost in hole bottom assembly details, including a schematic.
- 23 A statement outlining whether the well has been completed as a production well, suspended or abandoned.
- 24 A summary of the overall drilling activity, well integrity and hydrocarbon potential, together with conclusions and any recommendations.

Schedule 4P Final well completion reports

regulation 66AAW(b)

- 1 The name of the well, the type of well and the number of the relevant tenure, and the name of the interest holder and the name of the operator.
- 2 If the well is a side track well, the name of the parent well.
- 3 A well location map.
- 4 A well data card.
- 5 Composite and interpreted well logs.
- 6 Photographs of core, cuttings and other samples, with identifying information.
- 7 Geological interpretations of the well data and details of changes to the reservoir model (if applicable).
- 8 A discussion of the relevance of the well data to the evaluation of the hydrocarbon potential of the area or any implications for future field maintenance.
- 9 The report and data for any technical or geoscience studies that have been carried out.
- 10 A report relating to any revised structure maps and appropriate seismic sections, illustrating the post-drilled structural and stratigraphic interpretation of the well.
- 11 An updated summary of the overall drilling activity, geological interpretation and hydrocarbon potential, together with conclusions and any recommendations.

Schedule 4Q Discovery evaluation reports

regulation 66AAX(1)

- 1 The location of the petroleum pool.
- 2 The reservoir rock properties.
- 3 The reservoir fluid properties.
- 4 An estimate of petroleum present in the petroleum pool that complies with the Petroleum Resources Management System published by the Society of Petroleum Engineers (as in force from time to time), including the data, assumptions and methodologies on which those estimates are based.
- 5 Details of the plans for further evaluation of the discovery, including work that the permittee or licensee proposes to carry out in the interest area in the next 12 months.

Schedule 4R Revised estimate reports

regulation 66AAX(2)

- 1 The number of the relevant tenure and the name of the interest holder.
- 2 The location of the petroleum pool.
- 3 The reservoir rock properties.
- 4 The reservoir fluid properties.
- 5 The revised estimate of petroleum present in the petroleum pool that complies with the Petroleum Resources Management System published by the Society of Petroleum Engineers (as in force from time to time), including the data, assumptions and methodologies on which those estimates are based.
- 6 A description of the reservoir simulation models that have been used, a comparison of results with previous estimates and a discussion about any implications for petroleum recovery from the interest area.
- 7 A copy of any reports that have been prepared by or on behalf of the permittee or licensee in connection with the revised estimate.

Schedule 5 Repealed Regulations

regulation 67

<i>Petroleum Regulations 1994</i>	Subordinate Legislation No. 32 of 1994
<i>Amendment of Petroleum Regulations 2000</i>	Subordinate Legislation No. 35 of 2000
<i>Amendments of Petroleum Regulations 2003</i>	Subordinate Legislation No. 31 of 2003
<i>Petroleum Amendment (Fees) Regulations 2013</i>	Subordinate Legislation No. 13 of 2013

ENDNOTES
1 KEY

Key to abbreviations

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

2 LIST OF LEGISLATION***Petroleum Regulations 2020 (SL No. 31, 2020)***

Notified	9 December 2020
Commenced	1 January 2021 (r 2)

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

Assent date	16 December 2022
Commenced	2023 (<i>Gaz</i> , 2023, p 1)

Petroleum Amendment Regulations 2023 (SL No. 12, 2023)

Date made	13 June 2023
Commenced	22 June 2023 (r 2, s 2 <i>Petroleum Legislation Amendment Act 2022</i> (Act No. 33, 2022), and <i>Gaz</i> S41,13 June 2023, p1)

3 LIST OF AMENDMENTS

r 2A	ins No. 12, 2023, r 4
r 3	amd Act No. 33, 2022, s 89; No. 12, 2023, r 5
r 4	amd Act No. 33, 2022, s 90
r 5	sub Act No. 33, 2022, s 91
rr 5A – 5C	ins Act No. 33, 2022, s 91
r 8	amd No. 12, 2023, r 6
r 12	amd No. 12, 2023, r 7
r 13	amd Act No. 33, 2022, s 92
r 21	amd Act No. 33, 2022, s 93
r 23	amd Act No. 33, 2022, s 94
r 34	amd No. 12, 2023, r 8
r 39	amd No. 12, 2023, r 9
r 42	amd Act No. 33, 2022, s 95
r 47	sub Act No. 33, 2022, s 96
	amd No. 12, 2023, r 10
rr 48 – 49	sub Act No. 33, 2022, s 96
r 50	amd Act No. 33, 2022, s 97; No. 12, 2023, r 11
r 51	amd Act No. 33, 2022, s 98

ENDNOTES

r 52	amd Act No. 33, 2022, s 99; No. 12, 2023, r 12
r 53	amd Act No. 33, 2022, s 100; No. 12, 2023, r 13
r 54	amd Act No. 33, 2022, s 101 rep No. 12, 2023, r 14
r 55	amd Act No. 33, 2022, s 102; No. 12, 2023, r 15
pt 5AA hdg	ins No. 12, 2023, r 16
rr 66AA – 66AAD	ins No. 12, 2023, r 16
pt 5AB hdg	ins No. 12, 2023, r 16
pt 5AB	
div 1 hdg	ins No. 12, 2023, r 16
rr 66AAE – 66AAF	ins No. 12, 2023, r 16
pt 5AB	
div 2 hdg	ins No. 12, 2023, r 16
r 66AAG	ins No. 12, 2023, r 16
pt 5AB	
div 3 hdg	ins No. 12, 2023, r 16
r 66AAH	ins No. 12, 2023, r 16
pt 5AC hdg	ins No. 12, 2023, r 16
rr 66AAJ – 66AAM	ins No. 12, 2023, r 16
pt 5A hdg	ins Act No. 33, 2022, s 103
rr 66AAN – 66AAX	ins No. 12, 2023, r 17
r 66A	ins Act No. 33, 2022, s 103
pt 5B hdg	ins Act No. 33, 2022, s 103
rr 66B – 66D	ins Act No. 33, 2022, s 103
pt 5C hdg	ins Act No. 33, 2022, s 103
r 66E	ins Act No. 33, 2022, s 103
pt 5D hdg	ins Act No. 33, 2022, s 103
rr 66F – 66J	ins Act No. 33, 2022, s 103
pt 5E hdg	ins No. 12, 2023, r 18
rr 66K – 66N	ins No. 12, 2023, r 18
pt 5F hdg	ins No. 12, 2023, r 18
rr 66P – 66R	ins No. 12, 2023, r 18
pt 5G hdg	ins No. 12, 2023, r 18
rr 66S – 66X	ins No. 12, 2023, r 18
pt 5H hdg	ins No. 12, 2023, r 18
rr 66Y – 66ZB	ins No. 12, 2023, r 18
r 69	amd Act No. 33, 2022, s 104
pt 6	
div 3 hdg	ins No. 12, 2023, r 19
rr 72 – 73	ins No. 12, 2023, r 19
sch 1	sub Act No. 33, 2022, s 105 amd No. 12, 2023, r 20
sch 1A – 1B	ins Act No. 33, 2022, s 105
sch 4	amd Act No. 33, 2022, s 106; No. 12, 2023, r 21
sch 4A	ins Act No. 33, 2022, s 107
sch 4B – 4R	ins No. 12, 2023, r 22