

NORTHERN TERRITORY OF AUSTRALIA

PETROLEUM AMENDMENT ACT 2000

No. 31 of 2000

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NORTHERN TERRITORY OF AUSTRALIA

No. 31 of 2000

AN ACT

to amend the *Petroleum Act* and other related legislation

[Assented to 27 June 2000]
[Second reading 18 May 2000]

The Legislative Assembly of the Northern Territory enacts as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Petroleum Amendment Act 2000*.

2. Commencement

Section 8 is to be taken to have come into operation on 16 April 1999.

PART 2 – PETROLEUM ACT

3. Notice of application for permit

Section 18 of the *Petroleum Act* is amended by omitting from subsection (1)(e) "21 days" and substituting "at least 21 days".

4. Notification of conditions relating to native title

Section 70A of the *Petroleum Act* is amended by omitting "a prescribed petroleum act" and substituting "a prescribed petroleum act to which Part IIA applies".

5. New section

The *Petroleum Act* is amended by inserting after section 82 in Division 4 of Part III the following:

"83. Conditions about compensation for effect on native title

"(1) The Minister may do a prescribed petroleum act that is a future act to which Part IIA does not apply subject to conditions relating to the payment by the holder of the petroleum interest to which the prescribed petroleum act relates of compensation for the effect of the prescribed petroleum act on native title.

"(2) The kinds of conditions that may be imposed under subsection (1) include but are not limited to the following:

- (a) conditions about the payment of compensation to the native title holder;
- (b) conditions about the payment of an amount in respect of compensation into the Petroleum Trust Fund established under section 117AA;
- (c) conditions about compensation for the effect on native title of activities done under the petroleum interest as a result of the prescribed petroleum act."

PART 3 – PETROLEUM AMENDMENT ACT 1998

6. Repeal

Section 13 of the *Petroleum Amendment Act 1998* as amended and in force immediately before the commencement of this section is repealed.

PART 4 – PETROLEUM AMENDMENT REGULATIONS (1999, NO. 13)

7. Transitional provision: pending Part IIA applications – notifying registered native title claimants etc.

Regulation 16 of the Petroleum Amendment Regulations (Regulations 1999, No. 13) as amended and in force immediately before the commencement of this section is amended –

- (a) by omitting subregulation (1) and substituting the following:

"(1) This regulation applies in relation to applications for prescribed petroleum acts to which Part IIA of the Petroleum Act applies –

- (a) that were pending immediately before 1 October 1998; or

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- (b) lodged on or after 1 October 1998 but before a determination under section 43A(1)(b) of the Native Title Act in respect of the relevant provisions of the Petroleum Act comes into force.";
- (b) by omitting from subregulation (1A)(a) "Principal Act" and substituting "Petroleum Act";
- (c) by omitting from subregulations (2) and (4) "Principal Act as amended by these Regulations" and substituting "Petroleum Act";
- (d) by omitting from subregulation (5) "*Petroleum Act*" and substituting "Petroleum Act"; and
- (e) by adding at the end the following:

"(6) In this regulation, 'Petroleum Act' means the *Petroleum Act* as amended and in force from time to time."

8. Transitional provision: pending applications for future acts—public notification

Regulation 17 of the Petroleum Amendment Regulations (Regulations 1999, No. 13) as amended and in force immediately before the commencement of this section is amended—

- (a) by inserting in subregulation (1) "that are future acts" after "acts";
- (b) by omitting from subregulations (1)(b) and (2) "Principal Act as amended by these Regulations" and substituting "Petroleum Act"; and
- (c) by omitting subregulations (3), (4), (5), (6) and (7) and substituting the following:

"(3) The Minister is to be taken to have complied with section 18(1) of the Petroleum Act if—

- (a) where Part IIA of the Petroleum Act applies — the Minister publishes the notice referred to in section 18(1) as soon as practicable after the Minister advises the applicant under regulation 16 of these Regulations as amended and in force from time to time that the persons referred to in section 57E(a), (b) and (c) are to be served; or
- (b) where Part IIA of the Petroleum Act does not apply — the Minister publishes the notice referred to in section 18(1) as soon as practicable after the application to which the notice relates is lodged.

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"(4) For the purposes of section 18(1)(e) of the Petroleum Act, the date to be specified in the notice published in accordance with subregulation (3) is –

- (a) if Part IIA of the Petroleum Act applies – the date that is at least 21 days after the day on which the Minister advises the applicant that the persons referred to in section 57E(a), (b) and (c) are to be served; or
- (b) if Part IIA of the Petroleum Act does not apply – the date that is at least 21 days after the day on which the notice is last published.

"(5) Subject to subregulations (6) and (7), a notice that was published in respect of an application in accordance with section 18(1) of the Petroleum Act is, to the extent that the notice relates to a future act, to be disregarded.

"(6) An objection in respect of an application lodged under section 19(1) of the Petroleum Act in accordance with a notice that is, or that part of which is, to be disregarded under subregulation (5) is, to the extent that the objection relates to a future act, to be taken to have been lodged under section 19(1) of the Petroleum Act in response to the notice in respect of the application published in accordance with subregulation (3).

"(7) Nothing in this regulation is to be taken to prevent a person who lodged an objection (‘the previous objection’) in respect of an application under section 19(1) of the Petroleum Act in accordance with a notice that is, or that part of which is, to be disregarded under subregulation (5) from lodging a further objection about the future act to which the application relates under section 19(1) of the Petroleum Act if the further objection is different in substance from the previous objection.

"(8) The Minister may, by notice in the *Gazette*, declare that this regulation ceases to operate in respect of an application for a prescribed petroleum act lodged on and after a specified date (being a date not earlier than the date on which the notice is published in the *Gazette*) and the declaration has effect according to its terms.

"(9) In this regulation –

‘future act’ does not include a pre-existing right-based act within the meaning of section 24IB of the Native Title Act;

‘Petroleum Act’ means the *Petroleum Act* as amended and in force from time to time.”