

NORTHERN TERRITORY OF AUSTRALIA
PETROLEUM (SUBMERGED LANDS) AMENDMENT ACT 1998

No. 54 of 1998

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Interpretation
5. New Division:

"Division 3 — Acts Affecting Native Title

"15A. APPLICATION
"15B. PROCEDURAL RIGHTS
"15C. COMPENSATION"

6. Interference with other rights
7. Regulations



NORTHERN TERRITORY OF AUSTRALIA

No. 54 of 1998

AN ACT

to amend the *Petroleum (Submerged Lands) Act*

[Assented 28 August 1998]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Petroleum (Submerged Lands) Amendment Act 1998*.

2. COMMENCEMENT

The provisions of this Act come into operation on the date or respective dates fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Petroleum (Submerged Lands) Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 4 of the Principal Act is amended —

Petroleum (Submerged Lands) Amendment

- (a) by inserting after the definition of "location" in subsection (1) the following:

"'native title' and 'native title rights and interests' have the meaning given in section 223 of the Native Title Act;

'Native Title Act' means the Native Title Act 1993 of the Commonwealth;

'native title holder' has the meaning given in section 224 of the Native Title Act;

'offshore place' has the meaning given in section 253 of the Native Title Act;"; and

- (b) by inserting after the definition of "registered holder" in subsection (1) the following:

"'registered native title claimant' has the meaning given in section 253 of the Native Title Act;

'registered native title rights and interests' has the meaning given in section 30(3) of the Native Title Act;".

5. NEW DIVISION

Part I of the Principal Act is amended by adding at the end the following:

"Division 3 — Acts Affecting Native Title

"15A. APPLICATION

"This Division applies in relation to acts done under this Act that are future acts to which Subdivision N of Division 3 of Part 2 of the Native Title Act applies.

"15B. PROCEDURAL RIGHTS

"Where an act to which this Division applies affects native title rights and interests —

- (a) the native title holders; and
(b) the registered native title claimants (if any) in relation to land or waters in the area concerned,

have the same procedural rights as they would have in relation to the act on the assumption that they instead held any corresponding rights and interests in relation

Petroleum (Submerged Lands) Amendment

to the offshore place that are not native title rights and interests.

"15C. COMPENSATION

"Compensation for the effect on native title of an act to which this Division applies —

- (a) is payable by the holder of the permit, lease, licence, pipeline licence, consent under section 60 or 123, special prospecting authority or access authority to which the act relates (in this section called 'the petroleum interest');
- (b) includes compensation for the effect on native title of activities done under the petroleum interest as a result of the act; and
- (c) is to be determined in accordance with Division 5 of Part 2 of the Native Title Act."

6. INTERFERENCE WITH OTHER RIGHTS

Section 124 of the Principal Act is amended by inserting after paragraph (b) the following:

"(ba) registered native title rights and interests;"

7. REGULATIONS

(1) The Administrator may make regulations —

- (a) amending this Act (other than this section), the *Petroleum (Submerged Lands) Act* or any other Act in relation to any matter arising from, connected with or consequential upon the enactment of the *Native Title Amendment Act 1998* of the Commonwealth in so far as that Commonwealth Act affects the doing under the *Petroleum (Submerged Lands) Act* of a future act within the meaning of section 233 of that Commonwealth Act; or
- (b) containing savings or transitional provisions connected with or consequential upon the enactment of this Act or an amendment under paragraph (a).

(2) Regulations made under subsection (1) may be expressed to have taken effect on a day earlier than the day on which the regulations are made, other than a day earlier than the day on which this section commences.

Petroleum (Submerged Lands) Amendment

(3) The Administrator may only make regulations under subsection (1) during the 12 months commencing on the day on which this section commences.
