

NORTHERN TERRITORY OF AUSTRALIA

PETROLEUM AMENDMENT AND RELATED MATTERS ACT 2010

Act No. 13 of 2010

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 13 of 2010

An Act to amend the *Petroleum Act* and to repeal or amend other related legislation

[Assented to 20 May 2010]
[Second reading 17 February 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Petroleum Amendment and Related Matters Act 2010*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Petroleum Act

3 Act amended

This Part amends the *Petroleum Act*.

4 Amendment of section 5 (Interpretation)

Section 5(1)

insert (in alphabetical order)

aggrieved person, for Part II, Division 6, means an applicant, permittee or licensee who is dissatisfied with a determination mentioned in section 57AB(1).

panel, for Part II, Division 6, means a panel appointed under section 57AC(1) to conduct a review of a determination mentioned in section 57AB(1).

5 Repeal of section 15A

Section 15A

*repeal***6 Amendment of section 16 (Application for exploration permit)**

Section 16(2), (3) and (4)

omit, substitute

- (2) A person may apply for one or more exploration permits.
- (3) A person is not entitled to apply for an exploration permit in relation to an area that is the subject of:
 - (a) an exploration permit or a licence; or
 - (b) an application for an exploration permit lodged with the Minister on an earlier business day.
- (4) However, if 2 or more applications for an exploration permit are lodged on the same business day in relation to all or part of the same application area, the Minister must accept each application for consideration under this Division.
- (5) The Minister may, by written notice to an applicant, request:
 - (a) further information relevant to the applicant or application; or
 - (b) an amendment or variation of the application (for example, a variation of the application area if subsection (4) applies).
- (6) For subsections (3) and (4), an application for the grant of an exploration permit lodged after 4 pm on a business day is taken to have been lodged with the Minister on the next business day.

7 Section 18 (Notice of application for exploration permit)

(1) Before section 18(1)

insert

(1AA) This section applies as soon as practicable:

- (a) after the Minister has received an application for an exploration permit under section 16(1); or
- (b) if the Minister has made a request under section 16(5)(a) – after the Minister has received all relevant information; or
- (c) if the Minister has made a request under section 16(5)(b) – after all matters relevant to the amendment or variation have been completed in accordance with the guidelines issued under section 21E.

(2) Section 18(1)

omit

As soon as practicable after an application for an exploration permit has been lodged with the Minister, the

substitute

The

8 Amendment of section 20 (Determination of application for exploration permit)

(1) Section 20(1)

omit

(2) Section 20(2)(d)

omit

section 16(2)

substitute

section 16(5)(a)

(3) Section 20(6)

omit, substitute

(6) If the Minister determines to refuse to grant the exploration permit, the Minister must, as soon as practicable, give the applicant a notice of the determination stating:

(a) the reasons for the determination; and

(b) the applicant may apply for a review of the determination under Division 6.

9 Repeal of sections 21, 21A, 21B and 21D

Sections 21, 21A, 21B and 21D

repeal

10 Amendment of section 21E (Guidelines relating to determination of applications)

(1) Section 21E, heading

omit

relating to determination of applications

(2) Section 21E(1)

omit

matters the Minister must consider when determining an application

substitute

making, and consideration and determination of, an application

11 New section 24A

After section 24

insert

24A Exemption from requirement to reduce permit area

(1) A permittee who applies under section 23 for the renewal of the permittee's exploration permit may also apply to the Minister for an exemption, for a period not exceeding 12 months, from the requirement to reduce the number of blocks as required by section 24(1).

- (2) An application for an exemption must give reasons why the permittee seeks the exemption.
- (3) An exemption may provide for:
 - (a) a deferral of the reduction of the permit area; or
 - (b) a reduction of the permit area by a lesser number of blocks than would otherwise be required or permitted under section 24.
- (4) The Minister may grant an exemption and accept the application for renewal of the permittee's exploration permit only if satisfied:
 - (a) with the extent to which the permittee has complied with this Act, the conditions to which the exploration permit is subject, and any directions lawfully given by the Minister; and
 - (b) that, if the exploration permit is renewed, the exemption:
 - (i) will assist the permittee to more effectively carry out the permittee's technical works programme, or other exploration of the permit area, for the discovery of a commercially exploitable accumulation of petroleum; and
 - (ii) will be in the best interests of the Territory.
- (5) An exemption granted under subsection (4) must be in writing and specify the period, not exceeding 12 months, for which the exemption is granted.
- (6) Before the end of a period of exemption, the permittee may apply for an extension of the exemption and, if the Minister is satisfied about the matters mentioned in subsection (4), the Minister may extend the exemption for a period not exceeding 12 months.

12 Repeal of Part 3A

Part 3A

repeal

13 New Part VII

After section 119

insert

Part VII Transitional matters for Petroleum Amendment and Related Matters Act 2010**120 Definitions**

In this Part:

amendment Act means the *Petroleum Amendment and Related Matters Act 2010*.

commencement day means the day on which this section commences.

repealed, in relation to a provision mentioned in this Part, means the provision of this Act as in force immediately before the commencement day.

121 Determination of competing applications

If, on the commencement day, the Minister has not completed the determination of competing applications for the grant of an exploration permit under repealed section 21, 21A or 21B:

- (a) those repealed provisions continue to apply in relation to the determination; and
- (b) repealed section 21D of the Act applies in relation to the determination; and
- (c) Part II, Division 6 of this Act, as in force immediately before the commencement day, applies to any review of the determination.

122 Minister's powers and functions

If, on the commencement day, the Minister is exercising a power or performing a function of the Authority under the *Workplace Health and Safety Act* as provided by repealed section 89A(2)(a):

- (a) the Minister may continue to exercise or perform the power or function as if the amendment Act had not commenced; or

- (b) the Authority may, as agreed with the Minister, continue to exercise or perform the power or function.

123 Inspector's powers and functions

- (1) This section applies if, on the commencement day, an inspector is exercising a power or performing a function of a workplace safety officer under the *Workplace Health and Safety Act* as provided by repealed section 89A(2)(b).
- (2) The inspector may continue to exercise or perform the power or function, or a workplace safety officer may do so, in accordance with an agreement between the Minister and the Authority.

14 Further amendments

The Schedule has effect.

Part 3 Repeal of Petroleum (Occupational Health and Safety) Regulations

15 Repeal of regulations

The *Petroleum (Occupational Health and Safety) Regulations* (SL No. 25 of 2001) are repealed.

Part 4 Amendment of Petroleum (Submerged Lands) (Application of Commonwealth Laws) Regulations

16 Regulation amended

This Part amends the *Petroleum (Submerged Lands) (Application of Commonwealth Laws) Regulations*.

17 Amendment of regulation 4 (Disapplication of Territory occupational health and safety laws)

Regulation 4(c)

omit

Schedule Further amendments

section 14

Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
section 3(2)(e)	whole paragraph	
section 23(1)	section 24	sections 24 and 24A
section 24(1)	subsection (3)	subsection (3) and section 24A
section 25(2A)	review	review of the determination under Division 6
section 57AA	whole section	
section 57AD(2)	Subject to subsection (3), the	The
sections 57AD(3) and 57AE(2)	whole subsection	
section 118(2)(n) and (pa)	whole paragraph	
section 119(2)	to Part IIIA and	
