



NORTHERN TERRITORY OF AUSTRALIA

No. 19 of 1989

AN ACT

to amend the *Petroleum (Submerged Lands) Act*

[Assented to 15 June 1989]

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 1989*.

2. COMMENCEMENT

This Act shall come into operation on a date to be 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. ADVERTISEMENT OF BLOCKS

Section 20 of the Principal Act is amended by omitting subsections (3), (4) and (5).

5. APPLICATION FOR PERMIT IN RESPECT OF SURRENDERED BLOCKS, &c.

Section 23 of the Principal Act is amended by omitting subsections (2) and (3).

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6. REPEAL AND SUBSTITUTION

(1) Sections 36 and 37 of the Principal Act are repealed and the following substituted:

"36. NOMINATION OF BLOCKS AS LOCATION

"(1) Where a petroleum pool is identified in a permit area, the permittee may nominate the block in which the pool is situated, or the blocks (being blocks within the permit area) to which the pool extends, for declaration as a location.

"(2) Where 2 or more petroleum pools are identified in a permit area, the permittee may, instead of making a nomination under subsection (1) in relation to each pool, nominate all of the blocks to which the pools extend, or to which any 2 or more of the pools extend, for declaration as a single location.

"(3) A nomination may not be made under subsection (2) unless, in the case of each of the pools to which the nomination relates, at least one of the blocks to which the pool extends immediately adjoins a block to which the other, or another, of those pools extends.

"(4) A nomination by a permittee shall be in writing and served on the Minister.

"(5) A nomination may not be made by a permittee unless the permittee or another person has, whether within or outside the permit area, recovered petroleum from the petroleum pool to which the nomination relates or, if the nomination relates to more than one pool, from each of those pools.

"(6) Where -

(a) the Minister is of the opinion that a permittee is entitled to nominate a block or blocks under subsection (1) or (2); and

(b) the permittee has not done so,

the Minister may require the permittee to exercise the permittee's right to nominate the block or blocks within 3 months after the date of the making of the requirement.

"(7) A requirement by the Minister under subsection (6) shall be by written notice served on the permittee.

"(8) On written request by a permittee within the period fixed by subsection (6), the Minister may extend the time for compliance with a requirement under that subsection by not more than 3 months.

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"(9) If a permittee fails to comply with a requirement under subsection (6), the Minister may, by written notice served on the permittee, nominate the block or blocks for declaration as a location.

"37. DECLARATION OF LOCATION

"(1) Where -

- (a) a permittee has made a nomination under section 36; and
- (b) the Minister is of the opinion that the permittee is entitled under that section to nominate the block or blocks specified in the nomination,

the Minister shall, by notice in the *Gazette*, declare the block or blocks to which the nomination relates to be a location.

"(2) Where the Minister has made a nomination under subsection 36(9), the Minister shall, by notice in the *Gazette*, declare the block or blocks to which the nomination relates to be a location.

"(3) The Minister may, at the request of the permittee, revoke a declaration.

"(4) The Minister may vary a declaration -

- (a) by adding to the location a block in the permit area to which, in the opinion of the Minister, a petroleum pool within the location extends; or
- (b) deleting from the location a block to which, in the opinion of the Minister, no petroleum pool within the location extends.

"(5) The Minister may not vary a declaration unless -

- (a) the Minister has caused to be served on the permittee notice in writing of the proposed variation, identifying the block to be added to, or deleted from, the location;
- (b) the period of 30 days after the date of service of the notice has expired; and
- (c) the Minister has considered any matters submitted to the Minister by the permittee in relation to the proposed variation.

"(6) Subsection (5) does not apply where a variation is made at the request of the permittee."

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(2) Where -

- (a) at the commencement of this section a nomination had been made under section 36 of the Principal Act; and
- (b) at that commencement, a declaration had not been made under section 37 as a result of the making of the nomination,

sections 36, 37 and 38 of the Principal Act, as in force immediately before the commencement of this section, continue to have effect in relation to that nomination and the block or blocks that would be affected by a declaration as if this Act had not been enacted.

(3) A declaration made under section 37 of the Principal Act as continued in force by subsection (2) has effect, and the Principal Act, as amended by this Act, applies to the declaration, as if the declaration had been made under that section as amended by this Act.

(4) A declaration in force under section 37 of the Principal Act immediately before the commencement of this section has effect after that commencement as if it were a declaration under section 37 of the Principal Act, as amended by this Act.

(5) Where -

- (a) the permittee under a permit granted before the commencement of this section applies under section 40 of the Principal Act, as amended by this Act, for a licence;
- (b) the location that includes the block or blocks to which the application relates was declared under section 37 of the Principal Act, as amended by this Act;
- (c) the location consists of not more than 8 blocks;
- (d) the Minister notifies the applicant in writing that, in the Minister's opinion, the number of blocks specified in the notification represents the maximum number of blocks that the applicant would have been entitled to have declared as a location instead of the block or blocks constituting the location referred to in paragraph (b) if this Act had not been enacted; and
- (e) the number of blocks specified in the notification exceeds the number of blocks in the location referred to in paragraph (b),

subsection 40(1) of the Principal Act, as amended by this Act, applies as if the first-mentioned location were

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constituted by the number of blocks specified in the notification referred to in paragraph (d).

7. APPLICATION FOR LICENCE IN RESPECT OF SURRENDERED BLOCKS, &c.

Section 47 of the Principal Act is amended -

- (a) by omitting subsections (4) and (5);
- (b) by adding at the end of subsection (6)(d) "and"; and
- (c) by omitting subsection (6)(e).

8. APPROVAL OF DEALINGS RELATING TO EXISTING TITLES

(1) Section 81 of the Principal Act is amended:

- (a) by omitting subsection (4) and substituting the following:

"(4) An application under subsection (3) for approval of a dealing -

- (a) shall be accompanied by the instrument evidencing the dealing or, if that instrument has already been lodged with the Minister for the purposes of another application, a copy of that instrument; and
- (b) may be accompanied by an instrument setting out such particulars (if any) as are prescribed for the purposes of an application for approval of a dealing of that kind.

"(4A) An application under subsection (3) for approval of a dealing shall be accompanied by 2 copies of -

- (a) the application;
- (b) the instrument referred to in subsection (4)(a); and
- (c) any instrument lodged for the purposes of subsection (4)(b).";
- (b) by omitting from subsection (8) "subsection (4)(c)" and substituting "subsection (4A)"; and
- (c) by omitting subsection (13) and substituting the following:

"(13) Where an entry is made in the Register in relation to a dealing in accordance with subsection (12) -

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- (a) if the dealing was approved before the commencement of section 11 of the *Petroleum (Submerged Lands) Amendment Act 1989* or the application for approval of the dealing was not accompanied by an instrument for the purpose of subsection (4)(b), one copy of the instrument evidencing the dealing endorsed with a memorandum of approval shall be retained by the Minister and made available for inspection in accordance with this Division;
- (b) if the application for approval of the dealing was accompanied by an instrument for the purpose of subsection (4)(b), a copy of that instrument endorsed with a copy of the memorandum of approval of the dealing shall be retained by the Minister and made available for inspection in accordance with this Division but a copy of the instrument evidencing the dealing shall not be so made available; and
- (c) the original instrument evidencing the dealing, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval and the instrument (if any) lodged for the purpose of subsection (4)(b) shall be returned to the person who made the application for approval.

"(13A) The approval of a dealing or the making of an entry in the Register in relation to a dealing is not rendered ineffective by a failure to comply, in relation to the application for approval of the dealing, with the requirements of this section."

(2) If, when the first regulations made for the purposes of section 81(4)(b) of the Principal Act, as amended by this Act, take effect, an application for approval of a dealing has been made but the Minister has neither approved nor refused to approve the dealing -

- (a) the Minister shall give to the applicant written notice that the applicant is entitled to lodge an instrument for the purpose of section 81(4)(b) in relation to the application;
- (b) the applicant may lodge an instrument for the purpose of section 81(4)(b);
- (c) the application shall not be dealt with by the Minister until after the end of 30 days after the day on which notice is given for the purpose of paragraph (a); and
- (d) where the applicant lodges an instrument under paragraph (b), the applicant shall lodge with the instrument 2 copies of the instrument.

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(3) An instrument lodged under subsection (2) shall be taken, for the purposes of section 81(13) of the Principal Act, as amended by this Act, to have accompanied the application when the application was lodged.

9. INSPECTION OF REGISTER AND DOCUMENTS

Section 86 of the Principal Act is amended by inserting in subsection (1), after "instruments", the words "or copies of instruments".

10. RELEASE OF INFORMATION

Section 118 of the Principal Act is amended by adding at the end the following:

"(9) Subsections (2) and (5A) apply to information contained in a document to which this section applies that was furnished to the Minister before or after the commencement of section 29 of the *Petroleum (Submerged Lands) Amendment Act 1986*.

"(10) Subsection (3) applies to cores, cuttings and samples furnished to the Minister before or after the commencement of section 29 of the *Petroleum (Submerged Lands) Amendment Act 1985*."

11. AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 11

AMENDMENTS

Provision	Amendment	
	omit	substitute
Section 38	"sections 36 and 37"	"section 36"
Section 40(1)(a)	"9 blocks"	"9 or more blocks"
Section 46(3), (5) and (6)	"section 37(1)" (wherever occurring)	"section 37"
	"him"	"the Minister"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Section 48(1) (b)(i)	"the application is made under section 47(1) or (4) and"	
Section 48(1) (b)(ii)	"the application is made under section 47(1) and"	
Section 48(3)	"or (3)"	
Section 49(3)	the whole subsection	
Section 49(7)	"(1), (2) or (3)"	"(1) or (2)"
Section 78(3)(c)	"2 copies"	"a copy"
Section 81(4)(c)	"2 copies"	"a copy"
Section 112(13)	"or a State"	"Western Australia or Queensland"
Section 118(1)	"another Minister or to"	
Section 118(1A), (2), (3) and (5)	"or another Minister" (wherever occurring)	
Section 118(3) and (5)	"or the other Minister" (wherever occurring)	
Section 118(6)	" , or another Minister to whom any information, core, cutting or sample has been made available under sub-section (1),"	
Section 118(6)(a)	"a minister or"	