



NORTHERN TERRITORY OF AUSTRALIA

No. 6 of 1986

AN ACT

To amend the *Petroleum (Submerged Lands) Act*

[Assented to 19 May 1986]

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 1986*.

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. INTERPRETATION

(1) Section 4(1) of the Principal Act is amended -

- (a) by omitting from the definition of "application for a primary licence" the words "40(1) or (2)" and substituting "40(1) or (2) or 40A(2) or (3)";
- (b) by omitting from the definition of "application for a secondary licence" the words "40(3)" and substituting "40(3) or 40A(3)";
- (c) by inserting after the definition of "inspector" the following:

Petroleum (Submerged Lands) Amendment

"lease' means a retention lease under Division 2A of Part II;

'lease area' means the area constituted by the blocks that are the subject of a lease;

'lessee' means the registered holder of a lease";

(d) by inserting in the definition of "partly determined" after "permit" (twice occurring) "or lease";

(e) by omitting the definition of "primary entitlement" and substituting the following:

"primary entitlement' means -

(a) in relation to a permittee - the number of blocks forming part of a location in the permit area in respect of which that permittee may make an application under section 40(1); and

(b) in relation to a lessee - the number of blocks in the lease area in respect of which that lessee may make an application under section 40A(2);";

(f) by inserting in the definition of "registered holder" after "permit" (twice occurring) "lease,";

(g) by inserting in the definition of "registered holder" after "pipeline licence" (twice occurring) ", special prospecting authority";

(h) by inserting in paragraph (a) of the definition of "relinquished area" after "permit" (twice occurring) ", lease";

(j) by inserting in paragraph (b) of the definition of "relinquished area" after "permit" (twice occurring) "or lease";

(k) by inserting in the definition of "relinquished area" after paragraph (c) the following:

"(ca) in relation to a lease that has been wholly cancelled - the area constituted by the blocks in respect of which the lease was in force;";

(m) by omitting from the definition of "royalty period" -

(i) "to a permit" and substituting "to a permit, lease"; and

Petroleum (Submerged Lands) Amendment

(ii) "or licence has effect" and substituting
", lease or licence comes into force".

(n) by inserting in the definition of "wholly
cancelled" after "permit," (twice occurring)
"lease,"; and

(p) by inserting in the definition of "wholly
determined" after "permit" (twice occurring) "or
lease".

(2) Section 4 of the Principal Act is amended by
inserting after subsection (6) the following:

"(6A) In this Act, a reference to the renewal, or
the grant of a renewal, of a lease is a reference to the
grant of a lease in respect of the blocks in respect of
which the first-mentioned lease was in force to commence
on the day after the date of expiration of the first-
mentioned lease or on the day after the date of expiration
of the lease granted upon a previous renewal of the
first-mentioned lease.".

5. NEW DIVISION

The Principal Act is amended by inserting in Part II,
after Division 2, the following:

"Division 2A - Retention Leases for Petroleum

"38A. APPLICATION BY PERMITTEE FOR LEASE

"(1) A permittee whose permit is in force in respect
of a block that constitutes, or the blocks that consti-
tute, a location may, within the application period, make
an application to the Minister for the grant of a lease in
respect of that block, or in respect of one or more of
those blocks, as the case may be.

"(2) An application under subsection (1) -

(a) shall be in accordance with an approved form;

(b) shall be made in an approved manner;

(c) shall be accompanied by particulars of -

(i) the proposals of the applicant for work and
expenditure in respect of the area com-
prised in the blocks specified in the
application; and

(ii) the commercial viability of the recovery of
petroleum from the area comprised in the
blocks specified in the application at the
time of the application, and particulars of
the possible future commercial viability of
the recovery of petroleum from that area;

Petroleum (Submerged Lands) Amendment

- (d) may set out any other matters that the applicant wishes to be considered; and
- (e) shall be accompanied by a fee of \$600.

"(3) The Minister may, at any time, by instrument in writing served on the applicant, require the applicant to furnish, within the time specified in the instrument, further information in writing in connection with the application.

"(4) The application period in respect of an application under this section by a permittee is -

- (a) the period of 2 years after the date on which the block that constitutes the location concerned was, or the blocks that constitute the location concerned were, declared to be a location; or
- (b) such other period, being not less than 2 years or more than 4 years after that date, as the Minister, on application in writing by the permittee, served on the Minister before the end of the first-mentioned period of 2 years, allows.

"38B. GRANT OR REFUSAL OF LEASE IN RELATION TO APPLICATION

"(1) Where -

- (a) an application has been made under section 38A;
- (b) the applicant has furnished any further information as and when required by the Minister under section 38A(3); and
- (c) the Minister is satisfied that recovery of petroleum from the area comprised in the blocks specified in the application -
 - (i) is not, at the time of the application, commercially viable; and
 - (ii) is likely to become commercially viable within 15 years after that time,

the Minister shall, by instrument in writing served on the applicant, inform him -

- (d) that he is prepared to grant to him a lease in respect of the block or blocks specified in the application; and
- (e) that he will be required to lodge a security for compliance with the conditions to which the lease, if granted, will from time to time be subject and with the provisions of this Part and the Regulations.

Petroleum (Submerged Lands) Amendment

"(2) Where an application has been made under section 38A and -

- (a) the applicant has not furnished any further information as and when required by the Minister under section 38A(3); or
- (b) the Minister is not satisfied as to the matters referred to in subsection (1)(c) in relation to the blocks specified in the application,

the Minister shall, by instrument in writing served on the applicant, refuse to grant a lease to him.

"(3) An instrument under subsection (1) shall contain -

- (a) a summary of the conditions subject to which the lease is to be granted; and
- (b) a statement to the effect that the application will lapse if the applicant does not make a request under subsection (4) in respect of the grant of the lease and lodge with the Minister the security referred to in the instrument.

"(4) An applicant on whom there has been served an instrument under subsection (1) may, within a period of one month after the date of service of the instrument, or within such further period, not exceeding one month, as the Minister, on application in writing served on him before the end of the first-mentioned period of one month, allows -

- (a) by instrument in writing served on the Minister, request the Minister to grant to the applicant the lease; and
- (b) lodge with the Minister the security referred to in the instrument served under subsection (1) on the applicant.

"(5) Where an applicant on whom there has been served an instrument under subsection (1) -

- (a) has made a request under subsection (4); and
- (b) has lodged with the Minister the security referred to in the instrument,

within the period applicable under subsection (4), the Minister shall grant to him a retention lease in respect of the block or blocks specified in the instrument.

"(6) Where an applicant on whom there has been served an instrument under subsection (1) -

- (a) has not made a request under subsection (4); or

Petroleum (Submerged Lands) Amendment

- (b) has not lodged with the Minister the security referred to in the instrument,

within the period applicable under subsection (4), the application lapses upon the expiration of that period.

"(7) On the day on which a lease granted under this section in respect of a block or blocks comes into force, the permit in respect of the block or blocks ceases to be in force in respect of those blocks.

"38C. RIGHTS CONFERRED BY LEASE

"A lease, while it remains in force, authorizes the lessee, subject to this Act and the Regulations and in accordance with the conditions to which the lease is subject, to explore for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the lease area.

"38D. TERM OF LEASE

"Subject to this Part, a lease (whether granted by way of renewal of a lease or otherwise) remains in force for a period of 5 years commencing on the day on which it was granted or, if a later day is specified in the lease as being the day on which the lease is to come into force, on that later day.

"38E. NOTICE OF INTENTION TO CANCEL LEASE

"(1) Where -

- (a) a lessee has been given a notice of the kind referred to in section 38H(3)(b) during the term of the lease and has carried out, and has informed the Minister of the results of, the re-evaluation required by the notice;
- (b) the lessee has not made an application for the renewal of the lease; and
- (c) after consideration of the results of the re-evaluation referred to in paragraph (a) and such other matters as the Minister thinks fit, the Minister is of the opinion that recovery of petroleum from the lease area is commercially viable,

the Minister may serve on the lessee and on such other persons as he thinks appropriate an instrument in writing -

- (d) informing the lessee or the other person that the Minister has formed that opinion and that he intends to cancel the lease; and

Petroleum (Submerged Lands) Amendment

- (e) stating that the lessee or the other person may serve an instrument in writing on the Minister within the period specified in the first-mentioned instrument, not being a period ending earlier than one month after the date of service of the first-mentioned instrument, setting out any matters that the lessee or the other person, as the case may be, wishes to be considered.

"(2) Where -

- (a) an instrument under subsection (1) is served on a lessee; and
- (b) he does not, within the period referred to in subsection (1)(e), serve on the Minister an instrument setting out matters that he wishes to be considered, or the Minister after consideration of matters set out in such an instrument served on the Minister by the lessee within that period, determines that the lease should be cancelled,

the Minister shall, by instrument in writing served on the lessee, cancel the lease.

"(3) The cancellation of a lease under subsection (2) has effect -

- (a) in a case to which paragraph (b) does not apply - at the end of the period of 12 months commencing on the date of service of the instrument of cancellation; or
- (b) in a case where the lessee makes an application for a licence in respect of one or more of the blocks comprised in the lease within the period referred to in paragraph (a) - when the Minister grants, or refuses to grant, the licence or when the application lapses, whichever first occurs.

"(4) Where a lease is cancelled under subsection (2), the lease shall be deemed to continue in force in all respects until the cancellation has effect in accordance with subsection (3).

"38F. APPLICATION FOR RENEWAL OF LEASE

"(1) A lessee may, from time to time, make an application to the Minister for the renewal of a lease.

"(2) An application for the renewal of a lease -

- (a) shall be in accordance with an approved form;

Petroleum (Submerged Lands) Amendment

- (b) subject to subsection (3), shall be made in an approved manner not less than 6 months or more than 12 months before the day on which the lease ceases to be in force;
- (c) shall be accompanied by particulars of -
 - (i) the proposals of the applicant for work and expenditure in respect of the lease area; and
 - (ii) particulars of the commercial viability of recovery of petroleum from the lease at the time of the application and particulars of the possible future commercial viability of recovery of petroleum from the lease area; and
- (d) shall be accompanied by a fee of \$600.

"(3) The Minister may, for reasons that he thinks sufficient, receive an application for the renewal of a lease less than 6 months before, but not in any case after, the day on which the lease ceases to be in force.

"(4) Where a lessee makes an application for the renewal of a lease, the Minister may, at any time, by instrument in writing served on the lessee, require the lessee to furnish, within the time specified in the instrument, further information in writing in connection with the application.

"38G. GRANT OR REFUSAL OF RENEWAL OF LEASE

- "(1) Where -
 - (a) a lessee makes an application for the renewal of a lease;
 - (b) the applicant has furnished any further information as and when required by the Minister under section 38F(4); and
 - (c) the Minister is satisfied that recovery of petroleum from the lease area -
 - (i) is not, at the time of the application, commercially viable; and
 - (ii) is likely to become commercially viable within 15 years after that time,

the Minister -

- (d) shall, if the lessee has complied with the conditions to which the lease is subject and with the provisions of this Part and of the Regulations; or

Petroleum (Submerged Lands) Amendment

- (e) may, if the lessee has not so complied but the Minister is satisfied that special circumstances exist that justify the granting of the renewal of the lease,

inform the lessee, by instrument in writing served on him, that he is prepared to grant to the lessee the renewal of the lease and that the lessee will be required to lodge a security for compliance with the conditions to which the lease, if the renewal is granted, will from time to time be subject and with the provisions of this Part and of the Regulations.

"(2) Subject to subsection (3), where -

- (a) a lessee makes an application for the renewal of a lease; and
- (b) either -
 - (i) the applicant has not furnished any further information as and when required under section 38F(4) by the Minister;
 - (ii) the Minister is not satisfied as to the matters referred to in subsection (1)(c); or
 - (iii) the lessee has not complied with the conditions to which the lease is subject and with the provisions of this Part and of the Regulations and the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the lease,

the Minister shall, by instrument in writing served on the lessee, refuse to grant the renewal of the lease.

"(3) The Minister shall not refuse to grant the renewal of a lease unless -

- (a) he has, by instrument in writing served on the lessee, given not less than one month's notice of his intention to refuse to grant the renewal of the lease;
- (b) he has served a copy of the instrument on such other persons, if any, as he thinks fit;
- (c) he has, in the instrument -
 - (i) given particulars of the reasons for the intention; and
 - (ii) specified a date on or before which the lessee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Minister, submit any

Petroleum (Submerged Lands) Amendment

matters that the lessee wishes to be considered; and

- (d) he has taken into account any matters so submitted on or before the specified date by the lessee or by a person on whom a copy of the first-mentioned instrument has been served.

"(4) An instrument referred to in subsection (1) shall contain -

- (a) a summary of the conditions to which the lease, on the grant of the renewal, is to be subject; and
- (b) a statement to the effect that the application will lapse if the lessee does not make a request under subsection (6) and lodge with the Minister the security referred to in the instrument.

"(5) An instrument under subsection (2) shall, where the Minister refuses to grant the renewal of a lease by reason only that he is not satisfied as to the matter referred to in subsection (1)(c)(i), contain a statement to the effect that the lessee may, within the period of 12 months after the date of service of the instrument, make an application for a licence in respect of one or more of the blocks comprised in the lease.

"(6) A lessee on whom there has been served an instrument under subsection (1) may, within the period of one month after the date of service of the instrument on him -

- (a) by instrument in writing served on the Minister, request him to grant the lessee the renewal of the lease; and
- (b) lodge with the Minister the security referred to in the first-mentioned instrument.

"(7) Where a lessee on whom there has been served an instrument under subsection (1) -

- (a) has made a request under subsection (6); and
- (b) has lodged with the Minister the security referred to in the instrument,

within the period referred to in subsection (6), the Minister shall grant to the lessee the renewal of the lease.

"(8) Where a lessee on whom there has been served an instrument under subsection (1) -

- (a) has not made a request under subsection (6); or

Petroleum (Submerged Lands) Amendment

- (b) has not lodged with the Minister the security referred to in the instrument,

within the period referred to in subsection (6), the application lapses upon the expiration of that period.

"(9) Where -

- (a) an application for the renewal of a lease has been made; and
- (b) the lease expires -
 - (i) before the Minister grants, or refuses to grant, the renewal of the lease; or
 - (ii) before the application lapses as provided by subsection (8),

the lease shall be deemed to continue in force in all respects -

- (c) until the Minister grants, or refuses to grant, the renewal of the lease; or
- (d) until the application so lapses,

whichever first occurs.

"(10) Where the Minister refuses to grant the renewal of a lease by reason only that the Minister is not satisfied as to the matter referred to in subsection (1)(c)(i), the lease shall be deemed to continue in force in all respects -

- (a) in a case to which paragraph (b) does not apply - until 12 months after the date of service of the instrument under subsection (2); or
- (b) in a case where the lessee makes an application for a licence in respect of one or more of the blocks comprised in the lease within the period of 12 months after the date referred to in paragraph (a) - until it grants, or refuses to grant, the licence or until the application lapses, whichever first occurs.

"38H. CONDITIONS OF LEASE

"(1) A lease may be granted subject to such conditions as the Minister thinks fit and are specified in the lease.

Petroleum (Submerged Lands) Amendment

"(2) The conditions referred to in subsection (1) may include conditions with respect to work to be carried out by the lessee in or in relation to the lease area during the term of the lease, or amounts to be expended by him in the carrying out of such work, or conditions with respect to both of those matters, including conditions requiring him to comply with directions given in accordance with the lease concerning those matters.

"(3) A lease shall be deemed to contain a condition that the lessee -

- (a) will comply with the provisions of this Act relating to the payment of royalty as in force from time to time; and
- (b) will, within the period of 3 months after the receipt of a written notice from the Minister requesting him to do so or within such further period as the Minister, on application in writing served on the Minister before the end of the first-mentioned period, allows, re-evaluate the commercial viability of petroleum production in the lease area (otherwise than by the drilling of wells) and inform the Minister in writing of the results of the re-evaluation.

"(4) Where a lessee has complied with 2 notices of the kind referred to in subsection (3)(b) during the term of the lease, the Minister shall not give to the lessee a further notice of that kind until such time, if ever, as that term is extended.

"38J. DISCOVERY OF PETROLEUM TO BE NOTIFIED

"(1) Where petroleum is discovered in a lease area, the lessee -

- (a) shall inform the Minister of the discovery forthwith; and
- (b) shall, within a period of 3 days after the date of the discovery, furnish to the Minister particulars in writing of the discovery.

"(2) Where petroleum is discovered in a lease area, the Minister may, from time to time, by instrument in writing served on the lessee, direct the lessee to furnish to the Minister, within the period specified in the instrument, particulars in writing of any one or more of the following:

- (a) the chemical composition and physical properties of the petroleum;
- (b) the nature of the subsoil in which the petroleum occurs; and

Petroleum (Submerged Lands) Amendment

- (c) any other matters relating to the discovery that are specified by the Minister in the instrument.

"(3) A person to whom a direction is given under subsection (2) shall comply with the direction.

Penalty: \$10,000.

"38K. DIRECTIONS BY DESIGNATED AUTHORITY ON DISCOVERY OF PETROLEUM

"(1) Where petroleum is discovered in a lease area, the Minister may, by instrument in writing served on the lessee, direct the lessee to do, within the period specified in the instrument, such things as the Minister thinks necessary and specifies in the instrument to determine the chemical composition and physical properties of that petroleum and to determine the quantity of petroleum in the petroleum pool to which the discovery relates or, if part only of that petroleum pool is within the lease area, in such part of that petroleum pool as is within the lease area.

"(2) A person to whom a direction is given under subsection (1) shall comply with the direction.

Penalty: \$10,000."

6. APPLICATION BY PERMITTEE FOR LICENCE

Section 40 of the Principal Act is amended -

- (a) by omitting from subsection (4) "The application period" and substituting "Subject to subsection (5), the application period"; and

- (b) by adding at the end the following:

"(5) Where -

- (a) a permittee applies for the grant by the Joint Authority of a licence in respect of a block or blocks in respect of which the permittee has applied for a lease under section 38A; and
- (b) an instrument refusing to grant the lease is served on the permittee pursuant to section 38B(2),

the application period shall be -

- (c) the period that is applicable under subsection (4); or
- (d) the period of 12 months after the day of service of the instrument,

whichever period last expires.

Petroleum (Submerged Lands) Amendment

7. NEW SECTION

The Principal Act is amended by inserting after section 40 the following:

"40A. APPLICATION FOR LICENCE BY HOLDER OF LEASE

"(1) A lessee whose lease is in force may make an application to the Minister for the grant of a licence where the lease is -

- (a) in respect of 9 blocks - in respect of 5 of those blocks;
- (b) in respect of 8 or 7 blocks - in respect of 4 of those blocks;
- (c) in respect of 6 or 5 blocks - in respect of 3 of those blocks;
- (d) in respect of 4 or 3 blocks - in respect of 2 of those blocks;
- (e) in respect of 2 blocks - in respect of one of those blocks; or
- (f) in respect of one block - in respect of that block.

"(2) At any time while a lease is in force, the lessee may, instead of making an application under subsection (1) in respect of his primary entitlement, make an application to the Minister for the grant of a licence in respect of a number of blocks that is less than his primary entitlement.

"(3) Where a lessee makes an application under subsection (1) in respect of his primary entitlement, he may, at any time while the lease concerned is in force, make an application to the Minister for the grant of a licence in respect of any of the other blocks forming part of the lease."

8. APPLICATION FOR LICENCE

Section 41(1) of the Principal Act is amended by inserting after "section 40" the words "or 40A".

9. NOTIFICATION AS TO GRANT OF LICENCE

Section 43(1) of the Principal Act is amended -

- (a) by inserting after "section 40" the words "or 40A"; and
- (b) by inserting after "information" the words "as and when".

Petroleum (Submerged Lands) Amendment

10. DETERMINATION OF PERMIT OR LEASE AS TO BLOCK NOT TAKEN UP

Section 46 of the Principal Act is amended -

(a) by inserting after subsection (1) the following:

"(1A) Subject to subsection (2), where all applications made by a lessee under section 40A in respect of a block have lapsed, the lease is determined as to that block and the determination has effect on the lapsing of the last of those applications."; and

(b) by adding at the end the following:

"(5) Where a lease is granted in respect of a block or blocks forming part of a location, the Minister shall, by notice in the *Gazette*, revoke the declaration made under section 37(1) to the extent that it relates to the block that is or blocks that are not within the lease area.

"(6) Where -

(a) the Minister refuses to grant a lease in respect of a block or blocks constituting or forming part of a location; and

(b) the reason, or one of the reasons, for the refusal is that the Minister is not satisfied as to the matter referred to in section 38B(1)(c)(ii),

the Minister shall, by notice in the *Gazette*, revoke the declaration made under section 37(1) in respect of that location."

11. UNIT DEVELOPMENT

Section 59 of the Principal Act is amended -

(a) by omitting from subsection (2) all words after "but" and substituting "nothing in this subsection derogates from the operation of section 81(2)";

(b) by omitting from subsection (3) all words after "lodge" and substituting "an application in accordance with section 81 for approval of any dealing to which the agreement relates";

(c) by omitting subsection (4)(b) and substituting the following:

Petroleum (Submerged Lands) Amendment

"(b) the licensee enters into such an agreement but an application for approval of a dealing to which the agreement relates is not lodged with the Minister or, if an application is so lodged, the dealing is not approved under section 81,"; and

(d) by omitting subsection (10) and substituting the following:

"(10) In this section, 'dealing' means a dealing to which section 81 applies.".

12. NEW SECTION

The Principal Act is amended by inserting before section 75 in Division 5 of Part II the following:

"74A. INTERPRETATION

"In this Division, 'title' means a permit, lease, licence, pipeline licence or access authority.".

13. REGISTER OF CERTAIN INSTRUMENTS TO BE KEPT

Section 75 of the Principal Act is amended by omitting "permits, licences, pipeline licences and access authorities" and substituting "titles and special prospecting authorities".

14. PARTICULARS TO BE ENTERED IN REGISTER

Section 76 of the Principal Act is amended -

- (a) by omitting from subsection (1) "permit, licence, pipeline licence or access authority" (wherever occurring) and substituting "title or special prospecting authority";
- (b) by inserting in subsection (1)(c) before "an access authority" the words "a special prospecting authority or";
- (c) by inserting in subsection (2)(c) before "access authority" (last occurring) the words "special prospecting authority or";
- (d) by omitting from subsection (2)(a) "permit, licence, pipeline licence or access authority" and substituting "title or special prospecting authority"; and
- (e) by omitting from subsections (3) and (5) "permit, licence, pipeline licence, access authority" (wherever occurring) and substituting "title, special prospecting authority".

Petroleum (Submerged Lands) Amendment

15. REPEAL AND SUBSTITUTION

(1) Section 78 of the Principal Act is repealed and the following substituted:

"78. APPROVAL AND REGISTRATION OF TRANSFERS

"(1) A transfer of a title is of no force or effect until it has been approved by the Minister and an instrument of transfer is registered as provided by this section.

"(2) Where it is desired that a title be transferred, one of the parties to the proposed transfer may make an application in writing to the Minister for approval of the transfer.

"(3) An application for approval of a transfer of a title shall be accompanied by -

- (a) an instrument of transfer in the prescribed form executed by the registered holder or, if there are 2 or more registered holders, by each registered holder and by the transferee or, if there are 2 or more transferees, by each transferee;
- (b) in a case where the transferee or one or more of the transferees is not a registered holder or are not registered holders of the title, an instrument setting out -
 - (i) the technical qualifications of that transferee or those transferees;
 - (ii) details of the technical advice that is or will be available to that transferee or those transferees; and
 - (iii) details of the financial resources that are or will be available to that transferee or those transferees; and
- (c) 2 copies of the application and of the instruments referred to in paragraphs (a) and (b).

"(4) The Minister shall not approve the transfer of a title unless the application was lodged with the Minister within 3 months after the day on which the party who last executed the instrument of transfer so executed the instrument of transfer or within such longer period as the Minister, in special circumstances, allows.

"(5) Where an application for approval of a transfer is made in accordance with this section, the Minister shall enter a memorandum in the register of the date on which the application was lodged and may make such other notation in the register as he considers appropriate.

Petroleum (Submerged Lands) Amendment

"(6) The Minister shall -

- (a) consider each application for approval of the transfer of a title and determine whether to approve the transfer; and
- (b) in the case of a transfer of a permit, lease, licence or pipeline licence, determine whether approval of the transfer should be made subject to a security being lodged by the transferee or transferees for compliance with the provisions of this Act, of the Regulations and of the conditions, if any, to which the permit, lease, licence or pipeline licence is, from time to time, subject.

"(7) Where an application for approval of the transfer of a title is made in accordance with this section, the Minister shall, by notice in writing served on the person who made the application, inform the person of the decision of the Minister and shall set out in the notice details of the security, if any, required to be lodged by the transferee or transferees.

"(8) Where -

- (a) the Minister has served a notice on a person under subsection (7) stating that the Minister will approve a transfer of a permit, lease, licence or pipeline licence subject to a security being lodged; and

(b) that security is lodged with the Minister,

the Minister shall be deemed to have approved the transfer.

"(9) Where the Minister approves the transfer of a title, he shall forthwith endorse on the instrument of transfer and on one copy of the instrument a memorandum of approval and shall, on payment of the fee provided by this Act, enter in the register a memorandum of the transfer and the name of the transferee or of each transferee.

"(10) Upon the entry in the register of a memorandum of the transfer of a title and of the name of the transferee in accordance with subsection (9) -

- (a) the transfer shall be deemed to be registered; and
- (b) the transferee becomes the registered holder, or the transferees become the registered holders, of the title.

"(11) Where the Minister refuses to approve the transfer of a title, he shall make a notation of the refusal in the register.

Petroleum (Submerged Lands) Amendment

"(12) Where a transfer is registered -

- (a) the copy of the instrument of transfer endorsed with the memorandum of approval shall be retained by the Minister and made available for inspection in accordance with this Division; and
- (b) the instrument of transfer endorsed with the memorandum of approval shall be returned to the person who lodged the application for approval of the transfer.

"(13) The mere execution of an instrument of transfer of a title creates no interest in the title."

(2) Section 78 of the Principal Act as amended by this Act applies in relation to applications for approval of transfers of permits, licences, pipeline licences or access authorities lodged after the commencement of this section.

(3) Notwithstanding the repeal of section 78 of the Principal Act effected by subsection (1) of this section, that section continues to apply in relation to applications for approval of transfers of permits, licences, pipeline licences or access authorities lodged before the commencement of this section.

(4) A transfer approved and registered under section 78 of the Principal Act shall be deemed to have been approved and registered under section 78 of the Principal Act as amended by this Act.

16. ENTRIES IN REGISTER ON DEVOLUTION OF TITLE, &c.

Section 79 of the Principal Act is amended -

- (a) by omitting from subsection (1) "permit, licence, pipeline licence or access authority" (first occurring) and substituting "particular title";
- (b) by omitting from subsection (1) "permit, licence, pipeline licence or access authority" (last occurring) and substituting "title";
- (c) by omitting from subsection (2) "permit, licence, pipeline licence or access authority" (wherever occurring) and substituting "title"; and
- (d) by adding at the end the following:

"(3) Where a company that is the registered holder of a particular title has changed its name, it may apply in writing to the Minister to have its new name substituted for its previous name in the register in relation to that title and, if -

Petroleum (Submerged Lands) Amendment

(a) the Minister is satisfied that the company has so changed its name; and

(b) the company has paid a fee of \$30,

the Minister shall make the necessary alterations in the Register."

17. REPEAL AND SUBSTITUTION

(1) Sections 80 and 81 of the Principal Act are repealed and the following substituted:

"81. APPROVAL OF DEALINGS CREATING, &c., INTERESTS, &c., IN EXISTING TITLES

"(1) This section applies to a dealing that would, but for subsection (2), have one or more of the following effects:

(a) the creation or assignment of an interest in an existing title;

(b) the creation or assignment of a right (conditional or otherwise) to the assignment of an interest in an existing title;

(c) the determining of the manner in which persons may exercise the rights conferred by, or comply with the obligations imposed by, or the conditions of, an existing title (including the exercise of those rights or the compliance with those obligations or conditions under cooperative arrangements for the recovery of petroleum);

(d) the creation or assignment of -

(i) an interest in or in relation to an existing permit, lease or licence, being an interest known as an overriding royalty interest, a production payment, a net profits interest or a carried interest; or

(ii) any other interest that is similar to an interest referred to in subparagraph (i), being an interest relating to petroleum produced from operations authorized by an existing permit, lease or licence or relating to revenue derived as a result of the carrying out of operations of that kind;

(e) the creation or assignment of an option (conditional or otherwise) to enter into a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c) and (d);

Petroleum (Submerged Lands) Amendment

- (f) the creation or assignment of a right (conditional or otherwise) to enter into a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c) and (d); and
- (g) the alteration or termination of a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c), (d), (e) and (f),

but this section does not apply to a transfer to which section 78 applies.

"(2) A dealing to which this section applies is of no force or effect in so far as the dealing would, but for this subsection, have an effect of a kind referred to in subsection (1) in relation to a particular title until -

- (a) the dealing, in so far as it relates to that title, has been approved by the Minister; and
- (b) an entry has been made in the register in relation to the dealing by the Minister in accordance with subsection (12).

"(3) A party to a dealing to which this section applies may lodge with the Minister -

- (a) in a case where the dealing relates to only one title, an application in writing for approval by the Minister of the dealing; or
- (b) in any other case, a separate application in writing for approval by the Minister of the dealing in relation to each title to which the dealing relates.

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

- (a) 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;
- (b) 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; and
- (c) 2 copies of the application and of the instruments referred to in paragraphs (a) and (b).

Petroleum (Submerged Lands) Amendment

"(5) Subject to subsection (6), the Minister shall not approve a dealing unless the application for approval of the dealing is lodged with the Minister within the period of 3 months after the day on which the party who last executed the instrument evidencing the dealing so executed the instrument or such longer period as the Minister in special circumstances, allows.

"(6) Where a dealing relating to a title was, immediately before the title came into existence, a dealing referred to in section 81A(1), the Minister shall not approve the dealing unless -

- (a) a provisional application for approval of the dealing was lodged in accordance with section 81A(1); or
- (b) an application for approval of the dealing is lodged with the Minister in accordance with this section within 3 months after the day on which the title came into existence or such longer period as the Minister, in special circumstances, allows.

"(7) Where a dealing to which this section applies forms a part of the issue of a series of debentures, all of the dealings constituting the issue of that series of debentures shall, for the purposes of this section, be taken to be one dealing.

"(8) Where a dealing to which this section applies (including a dealing referred to in subsection (7)) creates a charge over some or all of the assets of a body corporate, the person lodging the application for approval of the dealing shall be deemed to have complied with subsection (4)(a), and with subsection (4)(c) in so far as that subsection requires 2 copies of the document referred to in subsection (4)(a) to accompany the application, if the person lodges with the application 3 copies of each document relating to the creation of that charge required to be lodged under section 100 of the *Companies Act* or with the National Companies and Securities Commission pursuant to section 201 of the *Companies Act 1981* of the Commonwealth or pursuant to the corresponding provision of a law of a State or another Territory of the Commonwealth.

"(9) On receipt of an application made under this section, the Minister shall enter a memorandum in the register on the date on which the application was lodged and may make such other notation in the register as the Minister considers appropriate.

"(10) The Minister may approve or refuse to approve a dealing to which this section applies in so far as the dealing relates to a particular title.

Petroleum (Submerged Lands) Amendment

"(11) The Minister shall, by notice in writing served on the person who made an application for approval of a dealing, inform the person of the decision of the Minister.

"(12) If the Minister approves a dealing, he shall endorse on the original instrument evidencing the dealing and on one copy of that instrument or, if the original instrument was not lodged with the application, on 2 of the copies of that instrument a memorandum of approval and, on payment of the fee provided by this Act make an entry of the approval of the dealing in the register on the memorial relating to, or on the copy of, the title in respect of which the approval is sought.

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

- (a) one copy of an 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; and
- (b) the original instrument, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval shall be returned to the person who made the application for approval.

"(14) Where the Minister refuses to approve a dealing, he shall make a notation of the refusal in the register.

"(15) In this section, 'charge' and 'debenture' have the same respective meanings as they have for the purposes of section 201 of the *Companies Act 1981* of the Commonwealth.

"81A. APPROVAL OF DEALINGS IN FUTURE INTERESTS, &c.

"(1) Where 2 or more persons enter into a dealing relating to a title that may come into existence in the future and that dealing would, if the title came into existence, become a dealing to which section 81 applies, a person who is a party to the dealing may, during the prescribed period in relation to the title, lodge with the Minister -

- (a) in a case where the dealing relates to only one title that may come into existence in the future, a provisional application in writing for approval by the Minister of the dealing; or
- (b) in any other case, a separate provisional application in writing for approval by the Minister of the dealing in relation to each title that may come into existence in the future and to which the dealing relates.

Petroleum (Submerged Lands) Amendment

"(2) Section 81(4), (7) and (8) applies to a provisional application lodged under subsection (1) of this section as if that provisional application were an application lodged under section 81(3).

"(3) Where -

- (a) the title to which a dealing referred to in subsection (1) relates comes into existence; and
- (b) upon that title coming into existence, the dealing becomes a dealing to which section 81 applies,

the provisional application lodged under subsection (1) in relation to the dealing shall be treated as if it were an application lodged under section 81(3) on the day on which that title came into existence.

"(4) A reference in subsection (1) to the prescribed period, in relation to a title, is a reference to the period -

(a) commencing -

- (i) in the case of a permit, lease, licence or pipeline licence - on the day of service of an instrument informing the applicant for the permit, lease, licence or pipeline licence that the Minister is prepared to grant the permit, lease, licence or pipeline licence; or
- (ii) in the case of an access authority - on the day on which the application for the grant of the access authority is made; and

(b) ending on the day on which the title comes into existence."

(2) Subject to this section, sections 81 and 81A of the Principal Act as amended by this Act apply in relation to dealings evidenced by instruments executed after the commencement of this section.

(3) A party to an instrument to which section 81 of the Principal Act applied, being an instrument that had not been approved under that section may, if the instrument evidences a dealing -

- (a) to which section 81 of the Principal Act as amended by this Act would, if the instrument had been executed after the commencement of this section, apply; and
- (b) that relates to a permit, licence, pipeline licence or access authority that was in existence at the time of execution of the instrument,

Petroleum (Submerged Lands) Amendment

make an application in writing, within 12 months after the commencement of this section, to the Minister for his approval of the dealing.

(4) Where -

- (a) before the commencement of this section, 2 or more persons entered into a dealing relating to a permit, licence, pipeline licence or access authority that was not in existence at the time of execution of the instrument evidencing the dealing;
- (b) that dealing would, if the instrument evidencing the dealing had been executed after the commencement of this section, be a dealing referred to in section 81A(1) of the Principal Act as amended by this Act; and
- (c) that permit, licence, pipeline licence or access authority has come, or comes, into existence,

a party to the dealing may make an application in writing within -

- (d) in a case where that permit, licence, pipeline licence or access authority came into existence before the commencement of this section, 12 months after that commencement; or
- (e) in any other case, 3 months after that permit, licence, pipeline licence or access authority comes into existence,

to the Minister for his approval of the dealing.

(5) Section 81 of the Principal Act as amended by this Act (other than subsections (5) and (6) of that section) applies to a dealing in respect of which an application is made under subsection (3) or (4) of this section.

18. TRUE CONSIDERATION TO BE SHOWN

Section 82 of the Principal Act is amended -

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

"(1) A person who is a party to a transfer referred to in section 78, a dealing to which section 81 applies or a dealing referred to in section 81A(1) shall not lodge with the Minister -

- (a) an instrument of transfer;
- (b) an instrument evidencing the dealing; or

Petroleum (Submerged Lands) Amendment

- (c) an instrument of the kind referred to in section 81(4)(b),

that contains a statement relating to the consideration for the transfer or dealing, or to any other fact or circumstance affecting the amount of the fee payable in respect of the transfer or dealing under this Act, being a statement that is, to the knowledge of the person, false or misleading in a material particular.

Penalty: \$10,000."; and

- (b) by omitting from subsection (2) "instrument" and substituting "dealing".

19. MINISTER NOT CONCERNED WITH CERTAIN MATTERS

Section 83 of the Principal Act is amended -

- (a) by omitting "such an instrument" and substituting "a transfer or dealing"; and
(b) by omitting "it" (twice occurring) and substituting "the transfer or dealing".

20. POWER OF MINISTER TO ACQUIRE INFORMATION AS TO DEALINGS

Section 84 of the Principal Act is amended -

- (a) by omitting from subsection (1) "an instrument for approval" and substituting "an application for approval of a transfer or dealing or a provisional application for approval of a dealing";
(b) by omitting from subsection (1) "the instrument, or the transaction to which the instrument relates," and substituting "the transfer or dealing"; and
(c) by inserting after subsection (1) the following:

"(1A) The Minister may require a person who is a party to a dealing approved under section 81 to furnish to the Minister a statement in writing setting out such information concerning alterations in the interests or rights existing in relation to the title to which the approved dealing relates as the Minister considers necessary or advisable.

"(1B) The Minister may require a person making an application under section 79(1) or (3) or 87A(2) to furnish to the Minister in writing such information concerning the matter to which the application relates as the Minister considers necessary or advisable.

"(1C) A person shall not fail or refuse to comply with a requirement given under subsection (1), (1A) or (1B)."

Petroleum (Submerged Lands) Amendment

21. PRODUCTION AND INSPECTION OF DOCUMENTS

Section 85 of the Principal Act is amended -

- (a) by omitting from subsection (1) "an instrument lodged with the Minister for approval under this Division or to the transaction to which such an instrument relates" and substituting "a transfer or dealing in relation to which approval is sought under this Division";
- (b) by inserting after subsection (1) the following subsection:

"(1A) The Minister may require a person to produce to him or to make available for inspection by him a document in the possession or under the control of that person and relating to an application made under section 79(1) or (3) or 87A(2) to the Minister."; and

- (c) by omitting from subsection (2) "subsection (1)" and substituting "subsection (1) or (1A)".

22. INSPECTION OF REGISTER AND DOCUMENTS

Section 86 of the Principal Act is amended -

- (a) by omitting from subsection (1) "Subject to subsection (2), the" and substituting "The";
- (b) by omitting from subsection (1) "registered, or subject to inspection," and substituting "subject to inspection"; and
- (c) by omitting subsection (2).

23. NEW SECTION

The Principal Act is amended by inserting after section 87 the following:

"87A. MINISTER MAY MAKE CORRECTIONS TO REGISTER

"(1) The Minister may alter the register for the purposes of correcting a clerical error or an obvious defect in it.

"(2) Subject to subsection (3), the Minister may, on application being made in writing to him by a person or of his own motion, make such entries in the register as he considers appropriate for the purposes of ensuring that the register accurately records the interests and rights existing in relation to a title.

"(3) Where the Minister proposes to make an entry in the register in accordance with subsection (2), he shall cause to be published in the *Gazette* a notice -

Petroleum (Submerged Lands) Amendment

- (a) setting out the terms of the entry that he proposes to make; and
- (b) inviting interested persons to give to him by such day as is specified in the notice, being a day not earlier than 45 days after the publication of the notice, submissions in writing relating to the making of the entry.

"(4) Where submissions are, in accordance with a notice under subsection (3), given to the Minister in relation to the proposed making of an entry in the register, he shall -

- (a) take those submissions into account before making an entry in the register; and
- (b) after making an entry in the register, cause to be published in the *Gazette* a notice setting out the terms of the entry."

24. REPEAL AND SUBSTITUTION

Section 92 of the Principal Act is repealed and the following substituted:

"92. IMPOSITION OF REGISTRATION FEES

"(1) In this section 'title' means a permit, lease, licence, pipeline licence or access authority.

"(2) Subject to this section, there is payable to the Minister in respect of an entry in the register of a memorandum of the transfer of a title under section 78 a fee at the rate of 1.5% of -

- (a) the value of the consideration for the transfer; or
- (b) the value of the title transferred,

whichever is the greater or, if the amount of that fee is less than \$300, a fee of \$300.

"(3) Where -

- (a) a fee imposed by subsection (5) in respect of an entry of approval of a dealing, being a dealing pursuant to which the transfer of a title is agreed to, has been paid; and
- (b) but for this subsection, the amount of the fee imposed by subsection (2) in respect of the entry of a memorandum of the transfer of the title, being a transfer executed for the purpose of giving effect to the dealing referred to in paragraph (a), would be greater than \$300,

Petroleum (Submerged Lands) Amendment

the amount of the fee imposed by subsection (2) in respect of the entry of the memorandum of the transfer is \$300.

"(4) Where -

(a) the parties to a transfer of a title lodged for approval under section 78 satisfy the Minister that -

(i) they are related corporations within the meaning of the *Companies Act*;

(ii) the transfer was executed solely for the purpose of a reorganization of the corporations concerned or any of them or solely for the purpose of securing the better administration of the corporations concerned or any of them; and

(iii) the transfer was not executed substantially for the purpose of avoiding or reducing the registration fees that would, but for this subsection, be payable under subsection (2) in respect of the entry of a memorandum of the transfer; and

(b) but for this subsection, the amount of the fee imposed by subsection (2) in respect of the entry of the memorandum of the transfer of the title would be more than \$3,000,

the amount of the fee imposed by subsection (2) in respect of the entry of the memorandum of the transfer is \$3,000.

"(5) Subject to this section, there is payable to the Minister in respect of an entry in the register of the approval of a dealing under section 81 a fee at the rate of 1.5% of -

(a) the value of the consideration for the dealing or, if the Minister approves the dealing in relation to another title or other titles, an amount equal to the value of the consideration for the dealing divided by the number of titles in relation to which the dealing is approved; or

(b) in a case where -

(i) the entry of approval relates to an interest in a licence or pipeline licence;

(ii) the value of the interest is greater than the amount applicable under paragraph (a);

(iii) the dealing has an effect of the kind referred to in section 81(1)(a), (b) or (d); and

Petroleum (Submerged Lands) Amendment

- (iv) the Minister is satisfied that the dealing was not made pursuant to another dealing, being a dealing that relates to that title and in respect of an entry of approval of which a fee imposed by this subsection has been paid,

the value of the interest.

"(6) Where -

- (a) but for this subsection, the amount of the fee imposed by subsection (5) in relation to an entry of approval of a dealing would be less than \$300; or
- (b) an approval under section 81 is given in respect of a dealing that is a dealing to which that section applies by reason only that the dealing creates, varies or terminates a charge over some or all of the assets of a body corporate,

the amount of the fee imposed by subsection (5) in respect of the entry of that approval is \$300.

"(7) Where -

- (a) the parties to a dealing lodged for approval under section 81 satisfy the Minister that -
 - (i) they are related corporations within the meaning of the *Companies Act*;
 - (ii) the dealing was entered into solely for the purpose of a reorganization of the corporations concerned or any of them or solely for the purpose of securing the better administration of the corporations concerned or any of them; and
 - (iii) the dealing was not entered into substantially for the purpose of avoiding or reducing the registration fees that would, but for this subsection, be payable under subsection (5) in respect of the entry of approval of the dealing; and
- (b) but for this subsection, the amount of the fee imposed by subsection (5) in relation to the entry of approval of the dealing would be more than \$3,000,

the amount of the fee imposed by subsection (5) in respect of the entry of approval of that dealing is \$3,000.

Petroleum (Submerged Lands) Amendment

"(8) For the purposes of calculating the amount of the fee imposed by subsection (5) in respect of an entry of approval of a dealing, the value, as determined by the Minister of any exploration works to be carried out pursuant to the dealing, being works that were, at the time when the application for approval of the dealing was lodged, required or permitted to be carried out by or under the relevant title, shall be deducted from the value of the consideration for the dealing or from the value of the interest in the relevant licence as the case requires."

25. DIRECTIONS

(1) Section 101 of the Principal Act is amended -

(a) by omitting subsections (1) and (2) and substituting the following:

"(1) The Minister may, by notice in writing served on the registered holder of a permit, lease, licence, pipeline licence, special prospecting authority or access authority, give to the registered holder a direction as to any matter in respect of which regulations may be made.

"(2) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to -

(a) a specified class of persons, being a class constituted by or included in one or both of the following classes of persons:

(i) servants or agents of, or persons acting on behalf of, the registered holder;

(ii) persons performing work or services, whether directly or indirectly, for the registered holder; or

(b) a person (not being a person to whom the direction applies otherwise than in accordance with this paragraph) who is in the adjacent area for any reason touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for petroleum or the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil or is in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for a reason of that kind,

and where a direction so expressed is given, the direction shall be deemed to apply to each person included in that specified class or to each person who is in the adjacent area as mentioned in paragraph (b), as the case may be.

Petroleum (Submerged Lands) Amendment

"(2A) Where a direction under this section applies to a registered holder and to a person referred to in subsection (2)(a), the registered holder shall cause a copy of the instrument by which the direction was given to be given to that other person or to be exhibited at a prominent position at a place in an adjacent area frequented by that other person.

Penalty: \$5,000.

"(2B) Where a direction under this section applies to a registered holder and to a person referred to in subsection (2)(b), the registered holder shall cause a copy of the instrument by which the direction was given to be exhibited at a prominent position at a place in an adjacent area.

Penalty: \$5,000.

"(2C) Where a direction under this section applies to a registered holder and to a person referred to in subsection (2)(b), the Minister may, by notice in writing given to the registered holder, require him to cause to be displayed at such places in an adjacent area, and in such manner, as are specified in the notice, copies of the instrument by which the direction was given, and the registered holder shall comply with that requirement.

Penalty: \$5,000.";

(b) by omitting subsection (6) and substituting the following:

"(6) Subsections (2A) and (2B) of section 151 apply in relation to directions made under this section in like manner as they apply to the Regulations."; and

(c) by adding at the end the following:

"(8) Where -

(a) a direction given under this section applies to a registered holder and another person and that other person is prosecuted for an offence against subsection (7) in relation to the direction; and

(b) the person adduces evidence that he did not know, and could not reasonably be expected to have known, of the existence of the direction,

he shall not be convicted of the offence unless the prosecutor proves that the person knew, or could reasonably be expected to have known, of the existence of the direction."

Petroleum (Submerged Lands) Amendment

(2) A direction in force under section 101 of the Principal Act immediately before the commencement of this section shall, after that commencement, continue to apply to the person or persons to whom it applied before that commencement as if it were a direction under section 101 of the Principal Act as amended by this Act.

(3) A registered holder is not required by section 101(2A) of the Principal Act as amended by this Act to cause a copy of a direction to which subsection (2) of this section applies to be given to another person or to cause a copy of such a direction to be exhibited at a place frequented by that other person if the direction or a copy of the direction was served, within the meaning of the Principal Act, on the person before the commencement of this section.

26. COMPLIANCE WITH DIRECTIONS

Section 102 of the Principal Act is amended -

(a) by omitting from subsections (1) and (3) "given to him" and substituting "given or applicable to him";

(b) by inserting in subsection (2) after "was given" the words "or was applicable"; and

(c) by inserting after subsection (2) the following:

"(2A) Where -

(a) a direction given under section 101 applies to a permittee, lessee, licensee, pipeline licensee or the holder of a special prospecting authority or access authority and another person and an action under subsection (2) relating to the direction is brought against that other person; and

(b) the person adduces evidence that the person did not know, and could not reasonably be expected to have known, of the existence of the direction,

the person is not liable under subsection (2) unless the plaintiff proves that the person knew, or could reasonably be expected to have known, of the existence of the direction."

27. SPECIAL PROSPECTING AUTHORITIES

Section 111 of the Principal Act is amended -

(a) by omitting subsection (1) and substituting the following:

Petroleum (Submerged Lands) Amendment

"(1) A person may make an application to the Minister for the grant of a special prospecting authority in respect of a block or blocks in respect of which a permit, lease or licence is not in force."; and

(b) by inserting after subsection (6) the following:

"(6A) A special prospecting authority is not capable of being transferred.

"(6B) Where -

(a) a person holds a special prospecting authority in respect of a block; and

(b) another special prospecting authority is granted to another person in respect of the block,

the Minister shall, by notice in writing served on each of those persons, inform each of them of -

(c) the petroleum exploration operations authorized by the special prospecting authority granted to the other person; and

(d) the conditions to which the special prospecting authority granted to the other person is subject.".

28. ACCESS AUTHORITIES

Section 112 of the Principal Act is amended -

(a) by inserting after subsection (1) the following:

"(1A) A holder of a State title may make an application to the Minister for the grant of an access authority to enable the holder to carry on, in a part of the adjacent area, petroleum exploration operations or operations related to the recovery of petroleum in or from the area to which that State title relates.";

(b) by omitting from subsection (3)(a) "or licensee" and substituting ", licensee or holder of a State title"; and

(c) by adding at the end the following:

"(13) In this section, 'State title' means an authority, however described, under a law of the Commonwealth or a State, to explore for, or to recover, petroleum.".

29. RELEASE OF INFORMATION

Section 118 of the Principal Act is amended -

(a) by omitting from subsection (1) paragraph (a) and substituting the following:

Petroleum (Submerged Lands) Amendment

"(a) any information contained in a document to which this section applies that has been furnished to the Minister; and";

(b) by omitting subsection (2) and substituting the following subsections:

"(1A) The Minister or another Minister may, at any time after the grant or renewal, or refusal to grant or renew, a permit, lease, licence, pipeline licence, access authority or special prospecting authority -

(a) make publicly known; or

(b) on request by a person and, if the Minister or another Minister so requires, on payment of a fee of \$15 per day, make available to that person,

any information contained in, or accompanying, the application for the grant or renewal, as the case may be, but not including -

(c) information of a kind referred to in subsection (2) or (5A); or

(d) particulars of -

(i) the technical qualifications of the applicant and of the employees of the applicant;

(ii) the technical advice available to the applicant; or

(iii) the financial resources available to the applicant.

"(2) The Minister or another Minister may, at any time after the relevant day -

(a) make publicly known; or

(b) on request by a person and, if the Minister or another Minister so requires, on payment of a fee of \$15 per day, make available to that person,

any information contained in a document to which this section applies that has been furnished to the Minister, being information that relates to the sea-bed or subsoil, or to petroleum, in a block, but not including any matter contained in a document to which this section applies that, in the opinion of the Minister, is a conclusion drawn, in whole or in part, from, or an opinion based, in whole or in part, on, any such information.";

(c) by omitting subsection (4) and substituting the following:

Petroleum (Submerged Lands) Amendment

"(4) For the purposes of subsections (2) and (3) -

(a) where -

- (i) a permit or lease is in force in respect of the block; and
- (ii) the document, core, cutting or sample was furnished to the Minister during the period during which any of the following were in force in respect of the block:
 - (A) the permit or lease;
 - (B) in a case where a lease is in force in respect of the block - the permit that ceased to be in force in respect of the block by virtue of section 38B(7) on the day on which the lease came into force,

the relevant day is the day on which the period of 2 years that commenced on the day on which the document, core, cutting or sample was furnished to the Minister expires;

(b) where -

- (i) a licence is in force in respect of the block; and
- (ii) the document, core, cutting or sample was furnished to the Minister during the period during which any of the following were in force in respect of the block:
 - (A) the licence;
 - (B) the permit or lease that ceased to be in force in respect of the block by virtue of section 44(5) on the day on which the licence came into force,

the relevant day is the day on which the period of 12 months that commenced on the day on which the document, core, cutting or sample was furnished to the Minister expires;

(c) where the document, core, cutting or sample was furnished to the Minister during a period during which a permit, lease or licence was in force in respect of the block and -

- (i) the permit, lease or licence is surrendered, cancelled or determined as to the block; or
- (ii) the permit, lease or licence expires but is not renewed in respect of the block,

Petroleum (Submerged Lands) Amendment

the relevant day is the day on which the permit, lease or licence is so surrendered, cancelled or determined or expires, as the case may be, whether another permit, lease or licence is subsequently in force in respect of the block or not; and

- (d) where the document, core, cutting or sample was furnished to the Minister during a period during which a permit, lease or licence was not in force in respect of the block, the relevant day is such day as the Minister determines, being a day earlier than the day on which the period of 2 years that commenced on the day on which the document, core, cutting or sample was furnished to the Minister expires.";
- (d) by omitting from subsection (5)(a) "report, return, other";
- (e) by omitting from subsection (5)(b)(i) "report, return or other";
- (f) by inserting after subsection (5) the following:

"(5A) Subject to subsection (5J), the Minister may, at any time after 5 years after a document to which this section applies was furnished to him -

- (a) make publicly known; or
- (b) on request by a person and, if the Minister so requires, on payment of a fee of \$15 per day, make available to that person,

any information contained in the document, being information that relates to the sea-bed or subsoil, or to petroleum, in a block, and that, in the opinion of the Minister, is a conclusion drawn, in whole or in part, from, or an opinion based, in whole or in part, on any such information.

"(5B) Before the Minister makes available or publicly known any information pursuant to subsection (5A) he shall -

- (a) cause to be published in the Gazette a notice -
 - (i) stating that he proposes to make the information available or publicly known;
 - (ii) inviting interested persons to give to him by such day as is specified in the notice, being a day not earlier than 45 days after the publication of the notice, a notice objecting to the whole or any part of the information being made available or publicly known; and

Petroleum (Submerged Lands) Amendment

(iii) stating that, if a person does not make an objection in accordance with the invitation, the person will be taken to have consented to the information being made available or publicly known; and

(b) if it is practicable to do so, cause a copy of the notice so published in the *Gazette* to be served on the person who furnished the document containing the information.

"(5C) There shall be set out in a notice of objection under subsection (5B)(a)(ii) the reasons for making the objection.

"(5D) A person is not entitled to make an objection to information being made available or publicly known except on the grounds that to do so would disclose -

(a) a trade secret; or

(b) any other information the disclosure of which would, or could reasonably be expected to, adversely affect him in respect of his lawful business, commercial or financial affairs.

"(5E) Where a person makes an objection to the Minister in accordance with such an invitation, the Minister shall, within 45 days after the receipt of the notice of objection, consider the objection, and may disallow it or allow it in whole or in part, and shall cause to be served on the person written notice of the decision on the objection.

"(5F) The Minister shall not make available or make publicly known any information pursuant to subsection (5A) if there is in force an objection made in relation to the information being made available or publicly known but, where such an objection is in force, nothing in this section shall be taken to preclude a further invitation under subsection (5B) being made in relation to the information.";

(g) by omitting from paragraph (6)(a) "report, return or other document referred to in any of those provisions" and substituting "document to which this section applies"; and

(h) by inserting after subsection (6) the following:

"(6A) This section applies to -

(a) an application made under this Act to the Minister or a document accompanying such an application; and

(b) a report, return or other document relating to a block that has been furnished under this Act to the Minister."

Petroleum (Submerged Lands) Amendment

30. NEW SECTION

The Principal Act is amended by inserting after section 137 in Division 6 of Part II the following:

"137AA. SERVICE OF DOCUMENTS ON 2 OR MORE PERMITTEES, &c.

"(1) Where there are 2 or more registered holders of a title or special prospecting authority, those registered holders may, by notice in writing signed by each of them and served on the Minister, nominate one of the registered holders as being the person on whom documents relating to the title or special prospecting authority that are required or permitted by this Act to be served may be served.

"(2) Subject to subsections (3) and (4), where -

- (a) a document relating to a title or special prospecting authority is required or permitted by this Act to be served on the registered holder;
- (b) there are 2 or more registered holders of the title or special prospecting authority; and
- (c) the document is served on a person in respect of whom a nomination under subsection (1) is in force in relation to the title or special prospecting authority,

the document shall be deemed to have been served on each of those registered holders.

"(3) Where -

- (a) a person has been nominated under subsection (1) in relation to a title or special prospecting authority; and
- (b) one of the registered holders of the title or special prospecting authority, by notice in writing served on the Minister, revokes that nomination,

that nomination ceases to be in force.

"(4) Where -

- (a) a person has been nominated under subsection (1) in relation to a title or special prospecting authority; and
- (b) the person so nominated ceases to be one of the registered holders of the title or special prospecting authority,

that nomination ceases to be in force.

Petroleum (Submerged Lands) Amendment

"(5) In this section, 'title' means a permit, lease, licence, pipeline licence or access authority."

31. NEW SECTION

The Principal Act is amended by inserting after section 138 the following:

"138A. LEASE FEES

"(1) There is payable to the Minister by a lessee, in respect of each year of the term of the lease, a fee calculated at the rate of \$4,500 for each of the blocks to which the lease relates at the commencement of that year.

"(2) A fee referred to in subsection (1) is due and payable at the end of one month after -

(a) in the case of the first year of the term of the lease - the day on which that term commenced; and

(b) in the case of a year of the term of the lease other than the first - the anniversary of that day."

32. TIME OF PAYMENT OF FEES

Section 141 of the Principal Act is amended by inserting after "section 138," the figures and letter "138A,".

33. REGULATIONS

Section 151 of the Principal Act is amended by inserting after subsection (2) the following:

"(2A) The Regulations may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a code of practice or standard contained in an instrument (including an instrument issued or made outside Australia), as in force or existing at the time when the Regulations take effect or as in force or existing from time to time, being a code of practice or standard that is relevant to that matter.

"(2B) Regulations under this section may prohibit the doing of an act or thing either unconditionally or subject to conditions, including conditions requiring the grant, as prescribed by the Regulations, of the consent or approval of a person specified in the Regulations."

34. CONSEQUENTIAL AMENDMENTS

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

Petroleum (Submerged Lands) Amendment

SCHEDULE

Section 34

CONSEQUENTIAL AMENDMENTS

Section	Amendment	
	Omit	Substitute
4(4), (5) and (10)	"permit," (wherever occurring)	"permit, lease,"
7(11)	", a permittee or a permit area"	"and a lease, a permittee and a lessee or a permit area and a lease area"
18(1)	"permit or" "subject of a permit"	"permit, lease or" "subject of a permit, lease,"
18(2)	"a permit,"	"a permit, lease,"
23(1)(a)	the whole paragraph	"(a) a lease is surrendered, can- celled or deter- mined as to a block or blocks; (aa) a licence is surrendered or cancelled as to a block or blocks; or"
36(5)(b)(ii)	"section 44(5)"	"section 38B(7) or 44(5)"
44(3)	"permittee"	"permittee or lessee"
44(3)(b)	"permittee's"	"permittee's or lessee's"
44(5)	"permit"	"permit or lease"
46(2)	"permittee"	"permittee or lessee"
46(2)(a)	"permit"	"permit or lease"
46(3)	"permit"	"permit or lease"

Petroleum (Submerged Lands) Amendment

SCHEDULE - continued

Section	Amendment	
	Omit	Substitute
46(4)	"licence" (twice occurring)	"lease or licence"
47(1)(b)	"permit"	"permit or lease"
76(1)(b)	"permit or"	"permit, lease or"
	"permit area"	"permit area, lease area"
77(a) and (b)	"permit"	"permit or lease"
94(a)	"permit,"	"permit, lease,"
94(c)	"permit" (first occurring)	"permit, lease"
	"permit area"	"permit area, lease area"
94(d)	"permit"	"permit or lease"
94(g)	"permit"	"permit, lease,"
95(2)	"permit" (first occurring)	"permit, lease"
	"permit area"	"permit area, lease area"
96(1)	"permit," (wherever occurring)	"permit, lease,"
	"permittee,"	"permittee, lessee,"
96(2)	"permittee,"	"permittee, lessee,"
96(2)(b)	"permit," (twice occurring)	"permit, lease,"
97(1)	"permittee"	"permittee, lessee"
	"permit area" (twice occurring)	"permit area, lease area"
97(2)	"permittee"	"permittee, lessee"
	"permit area" (wherever occurring)	"permit area, lease area"

Petroleum (Submerged Lands) Amendment

SCHEDULE - continued

Section	Amendment	
	Omit	Substitute
97(2)(c)	"permit or"	"permit, lease or"
97(6)	"permit,"	"permit, lease,"
98(1)	"the permittee,"	"the permittee, lessee,"
	"a permittee"	"a permittee, lessee"
	"permit area"	"permit area, lease area"
100(1)	"permittee"	"permittee, lessee"
	"permit area"	"permit area, lease area"
100(2)	"permittee" (twice occurring)	"permittee, lessee"
103(1)	"permit," (wherever occurring)	"permit, lease"
	"permit or licence" (wherever occurring)	"permit, lease or licence"
	"permittee or licensee"	"permittee, lessee or licensee"
	"permittee," (wherever occurring)	"permittee, lessee,"
103(2)	"permit,"	"permit, lease,"
103(3)	"permittee" (twice occurring)	"permittee or lessee"
	"permit" (twice occurring)	"permit or lease"
104(1)	"permit,"	"permit, lease,"
104(1)(a)	the whole paragraph	"(a) in the case of a permit or licence - as to all or some of the blocks in respect of which it is in force;

Petroleum (Submerged Lands) Amendment

SCHEDULE - continued

Section	Amendment	
	Omit	Substitute
		(aa) in the case of a lease - as to all of the blocks in respect of which it is in force; or"
104(3)	"permit,"	"permit, lease,"
104(5)(a)	"permit" (twice occurring)	"permit, lease"
105(1)	"permittee," (twice occurring)	"permittee, lessee,"
	"permit,"	"permit, lease,"
105(1)(e)	the whole paragraph	"(e) in the case of a permit or licence - cancel the permit or licence as to all or some of the blocks in respect of which it is in force; (ea) in the case of a lease - cancel the lease as to all the blocks in respect of which it is in force; or"
105(2)	"in force"	"in force, or cancel a lease as to all of the blocks in respect of which it is in force,"
105(2)(a)	"permittee,"	"permittee, lessee,"
	"permit,"	"permit, lease,"
105(2)(c)	"permittee,"	"permittee, lessee,"
105(2)(d)	"permittee," (twice occurring)	"permittee, lessee,"

Petroleum (Submerged Lands) Amendment

SCHEDULE - continued

Section	Amendment	
	Omit	Substitute
106(1)	"partly cancelled"	"partly cancelled, and a lease may be wholly, cancelled,"
	"permit," (last occurring)	"permit, lease,"
106(2)	"permit," (first occurring)	"permit, lease,"
	"permit," (last occurring)	"permit, lease,"
106(3)	"partly cancelled"	"partly cancelled, and a lease may be wholly cancelled,"
	"permit," (last occurring)	"permit, lease,"
106(4)	"permit" (first occurring)	"permit, lease"
	"permit," (last occurring)	"permit, lease,"
107(1)	"expired,"	"expired, or a lease has been wholly determined, partly determined or wholly cancelled or has expired,"
	"permittee,"	"permittee, lessee,"
107(1)(a)	"permit,"	"permit, lease,"
107(2)	"permittee,"	"permittee, lessee,"
107(2)(a)	"permit area,"	"permit area, lease area,"
	"permit,"	"permit, lease,"
107(3)	"permit,"	"permit, lease,"

Petroleum (Submerged Lands) Amendment

SCHEDULE - continued

Section	Amendment	
	Omit	Substitute
108	"expired,"	"expired, or a lease has been wholly determined, partly determined or wholly cancelled or has expired,"
108(b)	"permit,"	"permit, lease,"
112(1)	"permittee,"	"permittee, lessee,"
	"permit area" (twice occurring)	"permit area, lease area"
112(3)(a)	"permittee"	"permittee, lessee"
112(4)	"permit" (twice occurring)	"permit, lease"
112(8)(b)	"permit area"	"permit area, lease area"
112(11)	"permit" (twice occurring)	"permit, lease"
113(3)(b)	"permittee,"	"permittee, lessee,"
114(1)(a)(i)	"Division 2"	"Division 2 or 2A"
118(1)	"another State"	"a State of the Commonwealth"
118(5)(a)	"permit" (twice occurring)	"permit, lease"
118(5)(b)	"permittee,"	"permittee, lessee,"
	"permit," (twice occurring)	"permit, lease,"
120	"or in a licence area, the permittee"	", a lease area or a licence area, the permittee, lessee"
121	"permittee" (wherever occurring)	"permittee, lessee"

Petroleum (Submerged Lands) Amendment

SCHEDULE - continued

Section	Amendment	
	Omit	Substitute
122(1)	"permit,"	"permit, lease,"
124	"permit,"	"permit, lease,"
127	"permittee" (twice occurring)	"permittee, lessee"
	"permit area"	"permit area, lease area"
129	"permittee" (twice occurring)	"permittee, lessee"
	"permit"	"permit, lease"
142(1)	"permittee" (twice occurring)	"permittee, lessee"
	"permit area"	"permit area, lease area"
142(2) and (8)	"permit or licence"	"permit, lease or licence"
144	"permittee" (wherever occurring)	"permittee, lessee"
145	"permittee"	"permittee, lessee"
146	"permittee"	"permittee, lessee"
147	"permittee" (wherever occurring)	"permittee, lessee"
149	"permittee"	"permittee, lessee"
150	"permittee"	"permittee, lessee"
151(2)(b)	"permit"	"permit, lease"
151(2)(j)	"permit area" (twice occurring)	"permit area, lease area"