



NORTHERN TERRITORY OF AUSTRALIA

No 23 of 1985

AN ACT

To amend the *Petroleum (Submerged Lands) Act*

[Assented to 24 May 1985]

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 1985*.

2. COMMENCEMENT

This Act shall come into operation on the day on which the Administrator's assent to this Act is given or 1 July 1985, whichever is the later.

3. PRINCIPAL ACT

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

4. INTERPRETATION

Section 4 of the Principal Act is amended -

- (a) by omitting from the definition of "access authority" in sub-section (1) "Part III" and substituting "Part II";
- (b) by omitting from sub-section (4) "ceases to have effect" and substituting "ceases to be in force"; and
- (c) by omitting from sub-section (5) all words after "commencing on" and substituting "the day on which the permit, licence or pipeline licence, as the case may be, comes into force or on any anniversary of that day".

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5. TERM OF PERMIT

Section 29 of the Principal Act is amended by inserting after "day on which the permit is granted" (twice occurring) the words "or, if a later day is specified in the permit as being the day on which the permit is to come into force, on that later day".

6. DECLARATION OF LOCATION

Section 37(2) of the Principal Act is amended by inserting after -

- (a) "be revoked" the words "in respect of that block or one or more of those blocks"; and
- (b) "declaration" (last occurring) "in the manner requested".

7. GRANT OF LICENCE

Section 44(5) of the Principal Act is amended by omitting "From and including the day on which a licence granted under this section has effect," and substituting "On the day on which a licence granted under this section comes into force,".

8. VARIATION OF LICENCE AREA

Section 45(2) of the Principal Act is amended by omitting "From and including the day from and including which" and substituting "On and from the day on and from which".

9. DETERMINATION OF PERMIT AS TO BLOCK NOT TAKEN UP BY LICENSEE

Section 46 of the Principal Act is amended by omitting sub-section (3) and substituting the following:

"(3) Subject to sub-section (4), where a block or blocks constituting or forming part of a location is or are no longer the subject of a permit, the Minister shall, by instrument in the *Gazette* -

- (a) in a case where that block or those blocks constitutes or constitute that location - revoke the declaration made under section 37(1) in respect of that location; or
- (b) in a case where that block or those blocks forms or form part of that location - revoke the declaration made under section 37(1) in respect of that location to the extent that it relates to that block or those blocks.

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"(4) Sub-section (3) does not apply in relation to a block -

- (a) in respect of which an application for the grant of a licence has been made, being an application that has not lapsed and in relation to which a decision has not been made by the Minister; or
- (b) in respect of which a licence is in force."

10. GRANT OF LICENCES IN RESPECT OF INDIVIDUAL BLOCKS

Section 51(6) of the Principal Act is amended by omitting "from and including the day on which those licences have effect" and substituting "on and from the day on which those licences come into force".

11. TERM OF LICENCE

Section 53 of the Principal Act is amended by inserting after "day on which the licence is granted" (wherever occurring) "or, if a later day is specified in the licence as being the day on which the licence is to come into force, on that later day".

12. APPLICATION FOR RENEWAL OF LICENCE

Section 54 of the Principal Act is amended by omitting "have effect" (twice occurring) and substituting "be in force".

13. DIRECTIONS AS TO RECOVERY OF PETROLEUM

Section 58 of the Principal Act is amended -

- (a) by omitting from sub-section (3) "the petroleum is being recovered" and substituting "petroleum is being recovered in the licence area or from a petroleum pool in the licence area";
- (b) by inserting after "licence area" in sub-section (4) "or from a petroleum pool in the licence area"; and
- (c) by adding at the end the following:

"(5) Without limiting the matters that may be taken into account by the Minister in determining whether to give a direction under sub-section (3) or (4), the Minister may take into account matters relating to the effects on the revenue of the Territory of the proposed direction, but the Minister shall not give a direction under sub-section (3) or (4) if the direction would require action to be taken that is contrary to good oil-field practice."

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14. UNIT DEVELOPMENT

Section 59(3) of the Principal Act is amended -

- (a) by omitting ", by notice in writing,"; and
- (b) by inserting after "part of the petroleum pool" the words ", by instrument in writing served on the licensee,".

15. TERM OF PIPELINE LICENCE

Section 67 of the Principal Act is amended by omitting sub-section (2) and substituting the following:

"(2) A pipeline licence comes into force on the day on which it is granted or, if a later day is specified in the pipeline licence as being the day on which it is to come into force, on that later day."

16. APPLICATION FOR RENEWAL OF PIPELINE LICENCE

Section 68 of the Principal Act is amended by omitting "have effect" (twice occurring) and substituting "be in force".

17. PARTICULARS TO BE ENTERED IN REGISTER

Section 76 of the Principal Act is amended by omitting sub-section (4).

18. DATE OF EFFECT OF PERMITS, &c.

Section 95 of the Principal Act is amended -

- (a) by omitting sub-section (1); and
- (b) by omitting from sub-sections (2), (3) and (4) "from and including" and substituting "on and from".

19. COMMENCEMENT OF WORKS

Section 96 of the Principal Act is amended by omitting "has effect" (twice occurring) and substituting "comes into force".

20. DIRECTIONS

Section 101 of the Principal Act is amended -

- (a) by omitting sub-section (7) (including the penalty set out at the foot of that sub-section) and substituting the following:

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"(7) A person who fails to comply with a direction in force under sub-section (1) that applies to the person is guilty of an offence.

Penalty: \$10,000."

21. SPECIAL PROSPECTING AUTHORITIES

Section 111 of the Principal Act is amended -

(a) by omitting from sub-section (6) "has effect from and including" and substituting "comes into force on";

(b) by setting out at the foot of sub-section (9) the following:

"Penalty: \$10,000."; and

(c) by omitting the penalty set out at the foot of the section.

22. ACCESS AUTHORITIES

Section 112(7) of the Principal Act is amended by omitting "has effect from and including" and substituting "comes into force on".

23. RELEASE OF INFORMATION

Section 118(4) of the Principal Act is amended by omitting paragraph (b) and substituting the following:

"(b) where a licence is in force in respect of the block, the relevant day is the day on which the period of 12 months that commenced on the day on which the report, return, other document, core, cutting or sample was furnished to the Minister expires;"

24. REPEAL

Section 119 of the Principal Act is repealed.

25. REPEAL AND SUBSTITUTION

Section 132 of the Principal Act is repealed and the following substituted:

"132. PROSECUTION OF OFFENCES

"(1) In this section 'prescribed offence' means an offence against this Act the penalty in respect of which may include a term of imprisonment.

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"(2) Except as provided by sub-section (3), a prescribed offence is triable only on indictment.

"(3) The Court of Summary Jurisdiction may hear and determine proceedings for a prescribed offence if the Court is satisfied that it is appropriate to do so, and the defendant and the prosecutor consent.

"(4) Where, in accordance with sub-section (3), the Court of Summary Jurisdiction convicts a person of a prescribed offence, the penalty that the Court may impose in respect of the offence is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 2 years, or both.

"(5) An offence against this Act other than a prescribed offence is, unless the contrary intention appears, punishable summarily."

26. NEW DIVISION

The Principal Act is amended by inserting after section 137 the following:

"Division 6A - Safety Zones

"137A. INTERPRETATION

"(1) In this Division -

'authorized person' means -

- (a) a member or special member within the meaning of the *Australian Federal Police Act 1979* of the Commonwealth;
- (b) a member of the Police Force;
- (c) a member of the Police Force of a State of the Commonwealth;
- (d) a defence member within the meaning of the *Defence Force Discipline Act 1982* of the Commonwealth; or
- (e) a person, or a person included in a class of persons, authorized under sub-section (2) to perform duties under this Division;

'exempt vessel', in relation to a safety zone, means a vessel -

- (a) that is excluded from the operation of section 137B in relation to that safety zone by virtue of the instrument establishing the safety zone; or

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- (b) in respect of which there is in force a consent, under section 137B(1), of the Minister in relation to that safety zone;

'master', in relation to a vessel, means the person having command or charge of the vessel;

'owner', in relation to a vessel, means -

- (a) in a case to which paragraph (b) does not apply - the person who owns the vessel; or
- (b) where the vessel is being operated by a person (not being the person who owns the vessel) who has the whole possession and control of the vessel - the operator of the vessel;

'safety zone' means an area specified in a notice under section 137B(1).

"(2) The Minister may, by notice in the *Gazette*, authorize a person, or a person included in a specified class of persons, to perform duties under this Division.

"137B. SAFETY ZONES

"(1) For the purpose of protecting a well, structure or equipment, in an adjacent area, the Minister may, by notice in the *Gazette*, prohibit -

- (a) all vessels;
- (b) all vessels other than specified vessels; or
- (c) all vessels other than the vessels included in specified classes of vessels,

from entering or remaining in a specified area surrounding the well, structure or equipment without the consent in writing of the Minister.

"(2) A safety zone specified in a notice under sub-section (1) may extend to a distance of 500 metres around the well, structure or equipment specified in the notice measured from each point of the outer edge of the well, structure or equipment.

"(3) Where a vessel enters or remains in a safety zone in contravention of a notice under sub-section (1), the owner and the person in command or in charge of the vessel are each guilty of an offence against this section.

Penalty: \$100,000 or imprisonment for 10 years.

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"(4) It is a defence to a prosecution for an offence against this section where the person charged satisfies the court that -

- (a) an unforeseen emergency rendered it necessary for the vessel to enter or remain in the safety zone in order to attempt to secure the safety of the vessel, of another vessel, of a well, pipeline, structure or equipment or of human life; or
- (b) the vessel entered or remained in the safety zone in circumstances not under the control of the person who was in charge of the navigational watch of the vessel.

"137C. POWERS OF AUTHORIZED PERSONS

"(1) Subject to sub-section (3), an authorized person may -

- (a) board a vessel that the authorized person has reasonable grounds to believe has been used, is being used or is about to be used, in contravention of section 137B;
- (b) where, under paragraph (a), he has boarded a vessel -
 - (i) require a person on board the vessel to answer questions relating to the vessel or to the movements of the vessel;
 - (ii) require the master of the vessel to state whether there is in force in respect of the vessel a consent under section 137B(1) and, if so, to produce the consent;
 - (iii) if the vessel is registered under the *Shipping Registration Act 1981* of the Commonwealth - require the master of the vessel to produce the certificate of registration of the vessel; or
 - (iv) search the vessel for documents relating to the vessel or movements of the vessel;
- (c) require the master of a vessel, being a vessel that is in a safety zone and that is not an exempt vessel in relation to the safety zone, to take the vessel outside the safety zone;

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- (d) require the master of a disabled vessel that is in a safety zone to permit the vessel to be towed away from the safety zone or to accept the giving of such other assistance to the vessel as the authorized person considers necessary; or
- (e) detain a vessel that the authorized person has reasonable grounds to believe has been used in contravention of section 137B.

"(2) A person who -

- (a) fails to facilitate, by all reasonable means, the boarding under sub-section (1)(a) of a vessel by an authorized person;
- (b) refuses to allow a search to be made under sub-section (1)(b)(iv) by an authorized person;
- (c) refuses or neglects to comply with a requirement made under sub-section (1) by an authorized person;
- (d) where, under sub-section (1), an authorized person requires the person to give information, gives information that is, to the knowledge of the person, false or misleading in a material particular; or
- (e) resists or obstructs an authorized person who is acting in pursuance of sub-section (1),

is guilty of an offence.

Penalty: \$5,000.

"(3) The powers, under sub-section (1)(a), (b) and (e), of an authorized person in relation to a vessel shall not be exercised except -

- (a) in pursuance of a warrant issued under section 137D;
- (b) after obtaining the consent of the master of the vessel; or
- (c) in circumstances of seriousness and urgency, under section 137E.

"137D. SEARCH WARRANTS

"(1) Where an information on oath is laid before a magistrate alleging that there are reasonable grounds to believe that a vessel has been used, is being used or is about to be used, in contravention of section 137B and

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the information sets out those grounds and identifies the vessel, a magistrate may issue a warrant authorizing an authorized person named in the warrant, with such assistance as the authorized person thinks necessary, to exercise all or any of the powers referred to in section 137C(1)(a), (b) and (e) in relation to that vessel.

"(2) A magistrate shall not, under sub-section (1), issue a warrant unless -

- (a) the informant or some other person has given the magistrate either orally or by affidavit such further information (if any) as the magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
- (b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.

"(3) A warrant issued under sub-section (1) shall -

- (a) specify the purpose for which it is issued;
- (b) set out a description of the vessel in relation to which it is issued; and
- (c) specify a day, not being later than 7 days after the day on which it is issued, as being the day on which it ceases to have effect.

"137E. EXERCISE OF POWERS IN SERIOUS CIRCUMSTANCES

"An authorized person may exercise, in relation to a vessel, all or any of the powers under section 137C(1)(a), (b) and (e) where -

- (a) the authorized person has reasonable grounds to believe that -
 - (i) the vessel has been used, is being used or is about to be used, in contravention of section 137B; or
 - (ii) the exercise of those powers is necessary to prevent damage being caused to a well, structure or equipment in a safety zone; and
- (b) the circumstances are of such a serious nature as to require and justify the immediate exercise of those powers without the authority of a warrant issued under section 137D."

