

NORTHERN TERRITORY OF AUSTRALIA

PETROLEUM ACT
No. 50 of 1984
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SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

No. 50 of 1984

AN ACT

To regulate the exploration for, and the
production of, petroleum

[Assented to 25 September 1984]

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:

PART I - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Petroleum Act 1984*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. REPEAL

The Acts listed in the Schedule are repealed.

4. APPLICATION

(1) This Act does not bind the Crown.

(2) This Act extends to Aboriginal land and applies to and in relation to that land to the extent that it is capable of so applying.

5. INTERPRETATION

(1) In this Act, unless the contrary intention appears -

"Aboriginal land" has the same meaning as in the
Land Rights Act;

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"applicant", in relation to an application for a permit or licence, means a person who has applied for the permit or licence;

"application area", in relation to an application for a permit or licence, means the area the subject of the application;

"approved" means approved, in writing, by the Minister;

"block" means so much of a graticular section as is within the jurisdiction of the Territory and includes a part of a block;

"by notice" means by notice in writing;

"designated number", in relation to a block, means the identifying number assigned under section 8(2) to the graticular section or part of the graticular section which constitutes the block;

"document" means -

- (a) any paper, parchment or other material used for writing or printing, marked with matter capable of being read;
- (b) a photograph, or photographic negative, plate, slide, film, microfilm or microfiche, or a photostatic negative;
- (c) a disc, tape, wire, sound track, card or other material or device in or on which information, sound or other data is recorded, stored or embodied so as to be capable, with or without the aid of some other equipment, of being reproduced therefrom; or
- (d) any material derived, whether directly or by means of equipment, from information recorded or stored or processed by a device used for recording or storing or processing information;

"good oilfield practice", in relation to the exploration for, or operations for the recovery of, petroleum, means all those practices and procedures that are generally accepted as good and safe in the carrying on of that exploration or those operations, as the case may be;

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"graticular section" means a section referred to in section 8(1);

"inspector" means a person appointed as an inspector under section 87;

"Land Council" has the same meaning as in the *Land Rights Act*;

"*Land Rights Act*" means the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth;

"licence" means a retention licence or a production licence;

"licence area" means the area constituted by the blocks that are the subject of a licence;

"licensee" means a production licensee or a retention licensee;

"permit" means a permit granted or renewed under Division 2 of Part II;

"permit area" means the area constituted by the blocks that are the subject of a permit;

"permittee" means the person who is registered under Part IV as the holder of a permit;

"petroleum" means -

(a) a naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;

(b) a naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or

(c) a naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state, with hydrogen sulphide, nitrogen, helium or carbon dioxide or any combination of them,

and includes a hydrocarbon as defined by paragraph (a), (b) or (c) that has been returned to a natural reservoir, but does not include a substance which, in its naturally occurring state, is not recoverable from a well by conventional means;

"petroleum pool" means a naturally occurring discrete accumulation of petroleum;

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- "private land" means land, other than Aboriginal land, that is alienated from the Crown for an estate of freehold or is the subject of a conditional purchase agreement or of a lease or concession, with or without a right of acquiring the fee simple thereof, other than a lease or concession for pastoral or timber purposes, but does not include land held or occupied for purposes under the *Mining Act*, the repealed Act within the meaning of the *Mining Act*, this Act or the repealed Act;
- "production licence" means a production licence granted or renewed under Division 4 of Part II;
- "production licence area" means the area constituted by the blocks that are the subject of a production licence;
- "production licensee" means a person who is registered under Part IV as the holder of a production licence;
- "Register" means the Register kept in pursuance of section 90(2);
- "Registrar" means the person appointed under section 90(1) as Registrar;
- "repealed Act" means the Acts repealed by section 3, as in force immediately before that repeal;
- "restricted area" means an area which is the subject of a declaration under section 57;
- "retention licence" means a retention licence granted or renewed under Division 3 of Part II;
- "retention licence area" means the area constituted by the blocks that are the subject of a retention licence;
- "retention licensee" means the person who is registered under Part IV as the holder of a retention licence;
- "Secretary" means the departmental head of the Department for the time being principally responsible under the Minister for the administration of this Act;
- "this Act" includes the Regulations;

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"well" means a hole in the surface of land or the sea-bed made by drilling, boring or other means in connection with the exploration for, or operations for the recovery of, petroleum but does not include a seismic shot hole.

(2) In this Act, a reference to the term of a permit or licence is a reference to the period during which the permit or licence remains in force and a reference to the date of expiration of a permit or licence is a reference to the day on the expiration of which the permit or licence ceases to have effect.

(3) In this Act, a reference to a year of the term of a permit or licence is a reference to a period of one year commencing on the date from and including which the permit or licence has effect or on any anniversary of that date.

(4) In this Act, a reference to the renewal of a permit is a reference to the renewal, under section 25, of the permit in relation to some of the blocks specified in the first-mentioned permit to commence on the day after the date of expiration of the first-mentioned permit or on the day after the date of expiration of the permit upon a previous renewal of the first-mentioned permit.

(5) In this Act, a reference to the renewal of a licence in respect of the blocks specified in the licence is a reference to the renewal -

(a) in the case of a retention licence, under section 38; and

(b) in the case of a production licence, under section 52,

of the licence in respect of some or all of those blocks to commence on the day after the date of expiration of the first-mentioned licence or on the day after the date of expiration of the licence upon a previous renewal of the first-mentioned licence.

(6) In this Act, a reference to a permit or licence is a reference to the permit or licence as varied from time to time under this Act.

(7) For the avoidance of doubt, a permit, licence or other document or instrument granted or issued under this Act is an "instrument of a legislative or administrative character" for the purposes of the *Interpretation Act*.

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6. PETROLEUM PROPERTY OF CROWN

(1) Notwithstanding anything to the contrary contained in an Act or in any grant, lease or other instrument of title, whether made or issued before or after the commencement of this Act, but subject to subsection (2), all petroleum on or below the surface of land within the Territory, whether that land is alienated in fee simple or not so alienated from the Crown, is and shall be deemed always to have been the property of the Crown.

(2) The property in petroleum produced from a well in a production licence area passes to the production licensee at the wellhead.

PART II - EXPLORING AND MINING FOR PETROLEUM

Division 1 - Preliminary

7. DELEGATION

(1) The Minister may, by instrument in writing, delegate to a person any of his powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the Minister.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister.

8. GRATICULATION OF EARTH'S SURFACE

(1) For the purposes of this Act, the surface of the Earth shall be deemed to be divided -

- (a) by the meridian of Greenwich and by meridians that are at a distance from that meridian of 5 minutes, or a multiple of 5 minutes, of longitude; and
- (b) by the equator and by parallels of latitude that are at a distance from the equator of 5 minutes, or a multiple of 5 minutes, of latitude,

into sections, each of which is bounded -

- (c) by portions of 2 of those meridians that are at a distance from each other of 5 minutes of longitude; and

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- (d) by portions of 2 of those parallels of latitude that are at a distance from each other of 5 minutes of latitude.

(2) The Secretary shall assign to each graticular section all or part of which is within the jurisdiction of the Territory an identifying number for the purposes of this Act and the number so assigned shall also identify the block which, or part of which, constitutes the graticular section.

9. RESERVATION OF BLOCKS

(1) The Minister may, by notice in the *Gazette*, declare that a block specified in the notice (not being a block in relation to which a permit or licence is in force) shall not be the subject of a grant of a permit or licence.

(2) Subject to section 10, while a declaration under sub-section (1) remains in force in relation to a block, the Minister may not grant a permit or licence in relation to the block.

10. DEALINGS IN RESERVED BLOCKS

(1) The Minister may, by notice in the *Gazette*, indicate his willingness to revoke or vary a notice under section 9(1) so that a permit or licence may be granted in respect of the block to which the notice under section 9(1) relates.

(2) A notice under sub-section (1) in relation to a block shall specify -

- (a) the class of persons who may apply for the grant of a permit or licence in relation to the block; and
- (b) the conditions under which an application for a permit or licence may be made.

(3) A permit or licence in relation to a block to which a notice under sub-section (1) relates may be granted only to a person who has complied with the conditions specified in the notice.

11. LAND SUBJECT OF PERMIT OR LICENCE

Subject to this Act, a permit or licence may be granted in relation to any land within the Territory.

12. GRANT OF MINING INTEREST

Subject to this Act and the *Land Rights Act*, a corporation or a person who has attained the age of 15 years, may apply for and be granted a permit or licence, being a mining interest as defined in the *Land Rights Act*, in relation to Aboriginal land.

13. NO NEGOTIATIONS WITHOUT CONSENT OF MINISTER

(1) A person shall not enter into negotiations with a Land Council for the consent of the Council to the grant to him of a permit in relation to Aboriginal land -

(a) unless he has first lodged with the Minister an application for a permit in relation to that land; and

(b) except with the consent of the Minister and in accordance with any conditions imposed by the Minister.

(2) As soon as practicable after he receives an application referred to in sub-section (1), the Minister shall, unless he has already consented to another applicant entering into negotiations with it in relation to the same land, give written notice to the relevant Land Council that the application has been received.

(3) Where the Minister consents to an applicant referred to in sub-section (1) entering into negotiations referred to in that sub-section, the Minister shall not consent to any other applicant entering into negotiations referred to in that sub-section, unless he is satisfied that -

(a) negotiations between the first-mentioned applicant and the Land Council and the Commonwealth Minister have taken place; and

(b) the consent of that Land Council or the Commonwealth Minister to the grant has been reasonably withheld.

(4) Nothing in this section shall be construed as requiring the Minister to give his consent under sub-section (1) to the applicant who first lodged with the Minister an application for the grant to him of a permit in relation to the land the subject of the application.

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(5) In this section -

"Commonwealth Minister" means the Commonwealth Minister primarily responsible for the administration of the *Land Rights Act*;

"negotiations" includes the placing before the Land Council or the Commonwealth Minister of proposals referred to in section 40(2) of the *Land Rights Act*.

14. APPLICANT FOR LICENCE TO HOLD PERMIT

(1) Subject to sub-section (2), a person shall not apply for or be granted a licence in relation to Aboriginal land unless, at the time of the application for that licence, he was the holder of a permit in relation to that land.

(2) Sub-section (1) shall not apply to or in relation to a person who -

- (a) is, in relation to that land, a traditional Aboriginal owner within the meaning of the *Land Rights Act*;
- (b) had made an application for a licence over the land before it became Aboriginal land; or
- (c) made an application under the repealed Act for a lease in respect of Aboriginal land which application, by virtue of section 119, is deemed to be an application for a licence under this Act.

15. ENVIRONMENTAL CONSIDERATIONS

(1) In this section, "*Conservation Act*" means the *Territory Parks and Wildlife Conservation Act*.

(2) In relation to land which is a park or reserve within the meaning of the *Conservation Act*, the Minister may not grant -

- (a) a permit or retention licence, unless he has considered the opinions of the Director, within the meaning of the *Conservation Act*; or
- (b) a production licence, except in accordance with conditions specified by the Minister responsible for the administration of the *Conservation Act*,

in relation to the proposed grant.

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(3) Before a permittee or retention licensee may carry out his technical works programme or other exploration which involves substantial disturbance of the surface of land, which is in a park or reserve within the meaning of the *Conservation Act*, he shall, in writing, notify the Secretary of the proposed programme or exploration and comply with such directions as the Secretary thinks fit to protect the environment of, or in relation to, the park or reserve, as the case may be, whilst the permittee or licensee is carrying out the proposed programme or exploration.

(4) Before he issues a direction under sub-section (3), the Secretary shall notify the Director, within the meaning of the *Conservation Act*, of the proposed technical works programme or exploration and shall include any directions which the Director may require the Secretary to so include.

Division 2 - Permits for Petroleum

16. APPLICATION FOR PERMIT

(1) Subject to this Act, a person may apply for a permit by lodging with the Minister -

- (a) a statement containing the name and address of the applicant and an address for service within the Territory;
- (b) a statement containing the designated number of each block the subject of the application;
- (c) a map clearly delineating the application area and the boundaries of existing permit or licence areas in the immediate vicinity of the application area;
- (d) a proposed technical works programme for exploration of the blocks during each year of the term of the proposed permit;
- (e) evidence of the technical and financial capacity of the applicant to carry out the proposed technical works programme and to comply with this Act;
- (f) where the application is made by 2 or more persons, the proposed sharing arrangements between the applicants;
- (g) the name of the designated operator and evidence of his technical capacity to carry out the proposed technical works programme;

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- (h) a statutory declaration stating the applicant's interest, if any, in or in relation to a permit or licence applied for or granted under, or in force by virtue of, this Act or the repealed Act;
- (j) the prescribed application fee or, where no fee is prescribed, \$3,000; and
- (k) such other information in support of his application as the applicant thinks fit.

(2) Where the Minister has received an application for a permit, he may, by notice served on the applicant, request further information in relation to the applicant or his application.

(3) A person shall not apply for a permit in relation to an area which is the subject of another permit or a licence.

(4) A person may apply for one or more permits.

17. SIZE OF PERMIT AREA

A person shall not apply for a permit in respect of an area which is constituted by more than 200 blocks.

18. NOTICE OF APPLICATION FOR PERMIT

(1) As soon as practicable after an application for a permit has been lodged with the Minister -

- (a) the Minister shall cause to be published in the *Gazette*; and
- (b) the applicant shall cause to be published in a newspaper circulating in that part of the Territory in which the application area is situated or such other publication as the Minister directs the applicant to use,

a notice specifying -

- (c) the name of the applicant;
- (d) a description of the application area sufficient to enable it reasonably to be identified or a map upon which the proposed boundaries of the application area are indicated by reference to named geographical features; and

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- (e) a date, not being earlier than 28 days after the first publication, under sub-section (1)(b), of the notice, on or before which objections to the granting of the permit may be lodged with the Minister.

(2) The Minister may direct an applicant to serve a copy of a notice under sub-section (1) on a person named in the direction.

(3) A person who does not have an estate or interest in land comprised in, or land contiguous with land comprised in, an application area is not entitled to lodge an objection to the granting of a permit in respect of the application area.

19. NOTICE OF OBJECTIONS

(1) Subject to section 18(3), a person may object to the granting of a permit by lodging with the Minister, within the time referred to in section 18(1)(e), a written notice of his objection setting out the grounds on which the objection is made.

(2) The Minister shall give an applicant notice of the content of objections received under this section and specify a date, not being earlier than 28 days after the date of the notice, by which the applicant may lodge a reply or other comment in relation to the objections.

20. GRANT OF PERMIT

(1) After the date specified in a notice under section 19(2), the Minister shall consider -

- (a) the application;
- (b) the objections, if any;
- (c) the replies or other comments of the applicant, if any; and
- (d) any other information supplied to him under a request made under section 16(2) or other matter which, in the opinion of the Minister, is relevant to the application,

and shall determine to grant the permit in respect of some or all of the blocks to which the application relates or refuse to grant it.

(2) Where the Minister determines under sub-section (1) to grant a permit, he shall give notice to the applicant of -

- (a) the conditions subject to which he is prepared to grant it; and

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- (b) the date, not being earlier than 28 days after the date of the notice, after which the application shall lapse unless the Minister has received from the applicant an acceptance of the conditions specified in the notice.

(3) Subject to sub-section (4), where the Minister receives from an applicant within the time specified a written acceptance of the conditions specified in a notice under sub-section (2), he shall grant to the applicant a permit subject to those conditions.

(4) The Minister may not grant a permit in relation to an area which is the subject of another permit or a licence.

21. REFUSAL OF PERMIT

Where the Minister determines not to grant a permit, he shall, as soon as practicable after he has so determined, serve notice of his determination on the applicant.

22. TERM OF PERMIT

(1) Subject to sections 28(3), 30(3), 73 and 74, a permit remains in force for 5 years commencing on the day on which it was granted or last renewed.

(2) The Minister may not renew a permit more than twice.

23. APPLICATION FOR RENEWAL OF PERMIT

(1) Subject to section 24, a permittee may apply to the Minister to renew his permit in relation to the blocks specified in the application.

(2) For the purposes of sub-section (1), an application for the renewal of a permit shall be -

- (a) in an approved form;
- (b) made in an approved manner; and
- (c) accompanied by the prescribed fee or, where no fee is prescribed, \$300.

(3) In relation to an application for a renewal of a permit, the Minister -

- (a) shall, where the application is received not earlier than 6 months before, but not later than 3 months before, the expiration of the permit;

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(b) may, where the application is received later than 3 months before the expiration of the permit; and

(c) shall not, where the application is received after the expiration of the permit,

accept the application.

24. APPLICATION FOR RENEWAL OF PERMIT TO BE IN RELATION TO REDUCED AREA

(1) Subject to sub-section (3), the number of blocks in relation to which an application for the renewal of a permit may be made shall not exceed -

(a) where the number of blocks in respect of which the permit is in force is a number that is divisible by 2 without remainder - one-half of that number; or

(b) where the number of blocks in respect of which the permit is in force is a number that is one less or one more than a number that is divisible by 4 without remainder - one-half of the number arrived at by adding to or subtracting from, as the case may be, the number of blocks in respect of which the permit is in force, the number one.

(2) In an application for the renewal of a permit -

(a) the blocks specified in the application shall constitute a single area, or a number of discrete areas each comprised of 2 or more blocks; and

(b) each block, in a discrete area referred to in paragraph (a), shall have a side in common with at least one other block in the area.

(3) Subject to sub-section (4), where the number of blocks in respect of which an application for the renewal of a permit may be made is 12 or more, each area constituted by blocks in respect of which the application is made shall be constituted by not less than 12 blocks.

(4) The Minister may accept an application for the renewal of a permit notwithstanding that it does not comply with sub-section (3).

(5) Where the maximum number of blocks in respect of which an application for the renewal of a permit may be made is less than 12, the Minister may, by notice served on the permittee -

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- (a) inform the permittee that he will accept an application only in respect of the number of blocks, not exceeding 12, as is specified in the notice; and
- (b) give such directions as he thinks fit concerning the blocks in respect of which the application may be made.

25. GRANT OR REFUSAL OF RENEWAL OF PERMIT

(1) Where a permittee makes an application for the renewal of his permit and the Minister accepts the application, the Minister -

- (a) shall, where the permittee has complied with the conditions to which the permit is subject, the directions, if any, lawfully given to him by the Minister and with this Act; or
- (b) may, where the permittee has not so complied and the Minister is satisfied that, although the permittee has not so complied, circumstances exist that justify the renewal of the permit,

by notice, inform the permittee that -

- (c) he is prepared to renew the permit on the permittee lodging a security for compliance with the conditions to which the permit will from time to time be subject, the directions, if any, lawfully given to him by the Minister and with this Act.

(2) Where a permittee has not complied with the conditions to which his permit is subject, the directions, if any, lawfully given to him by the Minister or with this Act and the Minister is not satisfied that circumstances exist that justify the granting of the renewal of the permit, the Minister shall, subject to sub-section (3), by notice served on the retention licensee, refuse to renew the permit.

(3) The Minister shall not refuse to renew a permit unless he has -

- (a) by notice served on the permittee, given not less than 28 days notice of his intention to refuse to renew the permit;
- (b) in the notice -
 - (i) given particulars of the reasons for the intention; and

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- (ii) specified a date on or before which the permittee may, by notice served on the Minister, submit any matters that he wishes the Minister to consider; and
- (c) considered any matter so submitted by the permittee to him on or before the specified date.
- (4) A notice under sub-section (1) shall contain -
 - (a) a statement of the conditions to which the permit on its renewal is to be subject; and
 - (b) a statement to the effect that the application will lapse if the permittee does not make a request under sub-section (5) and lodge with the Minister the security referred to in the notice.
- (5) A permittee who has been served with a notice under sub-section (1) may, within 3 months after the date of service of the notice on him, by notice served on the Minister, request the Minister to -
 - (a) renew the permit and lodge with the Minister the security referred to in the first-mentioned notice; or
 - (b) amend the conditions contained in the first-mentioned notice or the amount of security to be lodged.
- (6) Where a permittee who has been served with a notice under sub-section (1) has -
 - (a) made a request under sub-section (5)(a); and
 - (b) lodged with the Minister the security referred to in the notice,within the period referred to in sub-section (5), the Minister shall renew the permit.
- (7) Where a permittee who has been served with a notice under sub-section (1) has made a request under sub-section (5)(b), the Minister shall -
 - (a) consider the permittee's request; and
 - (b) by notice served on the permittee, notify the permittee of the conditions to which the permit, on its renewal, is to be subject and the amount of the security to be lodged.
- (8) A permittee who has been served with a notice under sub-section (7)(b) may, within 28 days after the service of the notice on him, by notice served on the

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Minister, request the Minister to renew the permit subject to the conditions specified in the notice under sub-section (7)(b) and lodge with the Minister the security referred to in the notice under sub-section (7)(b).

(9) Where a permittee has, within the period referred to in sub-section (8), served a notice under that sub-section and lodged with the Minister the security referred to in the notice under sub-section (7)(b), the Minister shall renew the permit subject to the conditions specified in the notice under sub-section (7)(b).

(10) Where a permittee has been served with a notice under sub-section (1) and has not -

(a) made a request under sub-section (5)(a) and lodged with the Minister the security referred to in the notice under sub-section (1); or

(b) made a request under sub-section (5)(b),

within the period referred to in sub-section (5), the application lapses upon the expiration of that period.

(11) Where -

(a) an application for the renewal of a permit has been accepted; and

(b) the permit expires before -

(i) the Minister renews, or refuses to renew, the permit; or

(ii) the application lapses as provided by sub-section (10),

the permit shall be deemed to continue in force in all respects until -

(c) the Minister renews or refuses to renew the permit; or

(d) the application so lapses,

as the case may be.

26. RENT

(1) The rent payable in relation to an exploration permit is the prescribed amount per block per annum or, where no amount is prescribed, \$15 per block per annum.

(2) Other than in relation to the first year of a permit after it is granted or renewed, for the purposes of sub-section (1), rent -

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- (a) is payable in advance; and
- (b) is calculated on the number of blocks held, by the permittee on the anniversary of the commencement of his permit or its last renewal.

27. CONDITIONS OF PERMIT

(1) Subject to this Part, a permit may be granted or renewed subject to such conditions as the Minister thinks fit and specifies in the permit document.

(2) Without limiting the generality of sub-section (1) but subject to section 28, each permit is subject to the condition that the permittee shall, as soon as practicable, by notice served on the Minister, inform him of -

- (a) the location of any base camp in the permit area, the method for disposal of waste from such a camp and any change to that location or method of disposal; and
- (b) any flow of natural underground water encountered by the permittee during exploration drilling, and that the permittee will, where a flow of underground water is so encountered, where possible, obtain and submit to the Minister samples of, and data on the quality and quantity of, such water.

28. VARIATION, &c., OF CONDITION OF PERMIT

(1) A permittee may apply to the Minister to vary, suspend or waive a condition of his permit.

(2) Where the Minister receives an application under sub-section (1), he may, by notice served on the permittee, vary, suspend or waive a condition of the permit, in accordance with the application.

(3) Where a condition of a permit which places an obligation on the permittee is suspended under sub-section (2), the Minister may, in the notice of suspension or by a later instrument served on the permittee, extend the term of the permit by a period not exceeding the period of the suspension or one year, whichever is the lesser.

(4) Where an extension under sub-section (3) of the term of a permit is expressed to have effect from a date earlier than the date on which the notice by which it is extended is signed, it shall have and be deemed to have had effect as if the notice had been signed on that earlier date.

29. RIGHTS CONFERRED BY PERMIT

(1) A permit, while it remains in force, gives the permittee, subject to this Act and in accordance with the conditions to which the permit is subject and the directions, if any, lawfully given by the Minister, the exclusive right to explore for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the permit area.

(2) Without limiting the generality of sub-section (1), a permittee and his agents and employees may -

- (a) at any time, enter and remain in the permit area with such vehicles, vessels, machinery and equipment as are necessary or convenient for carrying out the technical works programme or other exploration of the permit area;
 - (b) carry out the technical works programme and other exploration for petroleum in the permit area;
 - (c) extract, remove or allow the release from the permit area for sampling and testing, an amount of material reasonably necessary for the purpose of establishing the presence of petroleum, or such greater amount as is approved; and
 - (d) subject to any prior lawful activity and to the directions, if any, of the Minister, use the water resources of the permit area for his domestic use and for any purpose in connection with his approved technical works programme and other exploration.
- (3) Where a permittee has -
- (a) complied with the conditions to which his permit is subject, the directions, if any, lawfully given to him by the Minister and with this Act;
 - (b) discovered a commercially exploitable accumulation of petroleum within his permit area; and
 - (c) under section 45, applied for a production licence in relation to the blocks where the accumulation occurs,

the Minister shall, subject to Division 4 and such conditions as the Minister may think fit, grant to him a production licence.

30. NOTICE TO APPLY FOR PRODUCTION LICENCE

(1) Subject to sub-section (6), where the Minister is satisfied that a commercially exploitable accumulation of petroleum may occur in a permit area, he may, by notice served on the permittee, require him to show cause why he should not apply for a production licence in relation to the blocks where the accumulation may occur and specify a date, being not earlier than 6 months after the date of the notice, before which the permittee should show cause.

(2) Subject to sub-section (5), where a permittee has been served with a notice under sub-section (1) and he fails to show cause to the satisfaction of the Minister, before the date specified in the notice, the Minister may, by notice served on the permittee, direct him to apply for a production licence and specify a date, being not earlier than 6 months after the date of the notice under this sub-section, before which he shall apply for the production licence.

(3) Subject to sub-section (5), where, under sub-section (2), a permittee has been directed to apply for a production licence before the date specified in the notice and he has failed to so apply, the Minister may, by notice served on the permittee, cancel the permit in relation to the blocks specified in the notice under sub-section (1).

(4) The Minister may, by notice served on the permittee, vary the date in a notice under sub-section (1) or (2) so as to allow a longer period for the permittee to show cause or apply for the production licence as required by the notice under sub-section (1) or (2), as the case may be.

(5) Where a notice under sub-section (1) or (2) has been served on a permittee and he has made an application to the Minister for a retention licence in relation to the blocks to which such a notice relates, the Minister may not exercise his powers under this section until the application for a retention licence has been determined.

(6) The Minister may not exercise his powers under this section -

- (a) during the first term of the permit; or
- (b) if the blocks where the commercially exploitable accumulation of petroleum may occur are, in whole or part, Aboriginal land and no agreement has been reached under the *Land Rights Act* either between the permittee and the Land Council or as otherwise permitted under that Act, in relation to the production of petroleum in that area.

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Division 3 - Retention Licences

31. ENTITLEMENT TO APPLY FOR RETENTION LICENCE

Where a permittee has -

- (a) by drilling operations in his permit area, established the presence of petroleum;
- (b) given notice, under section 64, to the Minister of the presence of the petroleum in his permit area; and
- (c) satisfied the Minister that the petroleum present in his permit area is potentially of a commercial quality and quantity,

he may apply for one or more retention licences in relation to the whole or part of the permit area.

32. APPLICATION FOR RETENTION LICENCE

(1) Subject to this Act, a permittee may apply for a retention licence by lodging with the Minister -

- (a) a statement containing the name and address of the applicant and an address for service within the Territory;
- (b) a statement containing the designated number of each block the subject of the application;
- (c) a map clearly delineating the application area and the boundaries of the existing permit area from which the application area is to be excised;
- (d) evidence, satisfactory to the Minister, that -
 - (i) the applicant is the permittee of the application area;
 - (ii) the applicant has established the presence of petroleum within the application area and notified, under section 64, the Minister of the presence of petroleum; and
 - (iii) although the petroleum present is potentially of a commercial quality and quantity, production from the application area is not, at the present time, commercially viable;

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- (e) a proposed technical works programme for the exploration, appraisal and development of petroleum within the application area, including an economic appraisal in relation to the presence of petroleum, during the period of the proposed licence;
- (f) evidence of the technical and financial capacity of the applicant to carry out the proposed technical works programme and to comply with this Act;
- (g) where the application is made by 2 or more persons, the proposed sharing arrangements between the applicants;
- (h) a statutory declaration stating the applicant's interest, if any, in or in relation to a permit or licence applied for or granted under, or in force by virtue of, this Act or the repealed Act;
- (j) the prescribed application fee or, where no fee is prescribed, \$3,000;
- (k) a statement of the reasons why the applicant -
 - (i) believes that an appraisal of the application area cannot be carried out during the unexpired term of the permit; and
 - (ii) has not applied for a production licence in relation to the application area; and
- (m) such other information in support of his application as the applicant thinks fit.

(2) Where the Minister has received an application for a retention licence, he may, by notice served on the applicant, request further information in relation to the applicant or his application.

33. SIZE OF RETENTION LICENCE AREA

(1) A permittee shall not apply for a retention licence in respect of an area which is constituted by more than 12 blocks.

(2) A permittee shall not apply for a retention licence in respect of an area which is constituted by more than one block unless the blocks form a discrete area which conforms to an approved shape.

34. GRANT OF RETENTION LICENCE

(1) Where the Minister -

- (a) has received an application under section 32;
- (b) is satisfied that the applicant has complied with the requirements of this Act relating to an application for a retention licence; and
- (c) is satisfied that the applicant, as a permittee, complied with the provisions of this Act relating to the permit and the permit area and the lawful directions, if any, given to him by the Minister,

he may, in his discretion, determine to grant the retention licence, subject to such conditions as he thinks fit, or refuse to grant it.

(2) Where the Minister determines under sub-section (1) to grant a retention licence, he shall give notice to the applicant of -

- (a) the conditions subject to which he is prepared to grant it; and
- (b) the date, not being earlier than 28 days after the date of the notice, upon which the application shall lapse unless the Minister has received from him an acceptance of the conditions specified in the notice.

(3) Where the Minister receives from an applicant, within the time specified, a written acceptance of the conditions specified in a notice under sub-section (2), he shall grant to the applicant a retention licence, subject to those conditions.

(4) Where the Minister determines not to grant a retention licence he shall, as soon as practicable after he has so determined, serve notice of his refusal on the applicant.

35. PERMIT NOT AFFECTED

The term and area of a permit are not affected by -

- (a) an application for a retention licence; or
- (b) the determination of the Minister not to grant a retention licence.

36. TERM OF RETENTION LICENCE

Subject to sections 43(3), 73 and 74, a retention licence remains in force for a period of 5 years commencing on the date on which it was granted or last renewed.

37. APPLICATION FOR RENEWAL OF RETENTION LICENCE

(1) A retention licensee may apply to the Minister to renew his retention licence.

(2) For the purposes of sub-section (1), an application for the renewal of a retention licence shall be -

- (a) in an approved form;
- (b) made in an approved manner; and
- (c) accompanied by the prescribed fee or, where no fee is prescribed, \$400.

(3) In relation to an application for a renewal of a retention licence, the Minister -

- (a) shall, where an application for the renewal of a retention licence is received not earlier than 6 months, but not later than 3 months, before the expiration of the licence;
- (b) may, where the application is received later than 3 months before the expiration of the licence; and
- (c) shall not, where the application is received after the expiration of the licence,

accept the application.

38. GRANT OR REFUSAL OF RENEWAL OF RETENTION LICENCE

(1) Where, under section 37, the Minister accepts an application by a retention licensee for the first renewal of his retention licence, the Minister -

- (a) shall, where the retention licensee has complied with the conditions to which the licence is subject, the lawful directions, if any, given to him by the Minister and with this Act; or
- (b) may, where the retention licensee has not so complied and the Minister is satisfied that, although the licensee has not so complied, circumstances exist that justify the renewal of the licence,

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by notice, inform the retention licensee, that he is prepared to renew the retention licence.

(2) Where, under section 37, the Minister accepts an application by a retention licensee for the renewal of his retention licence, other than the first renewal of the retention licence, the Minister may inform him, by notice served on him, that he is prepared to renew the retention licence and, if the retention licence is so renewed, it is renewed for a term of 5 years.

(3) Where, under section 37, the Minister accepts an application by a retention licensee for the renewal of his retention licence but the retention licensee has not complied with the conditions to which his licence is subject, the lawful directions, if any, given to him by the Minister and this Act and, in the case of an application for the first renewal of the retention licence, the Minister is not satisfied that circumstances exist that justify the renewal of the licence, the Minister shall, subject to sub-section (5), by notice served on the retention licensee, refuse to renew the licence.

(4) Before exercising his powers under sub-section (1), (2) or (3), the Minister may, by notice served on the applicant, require the applicant to lodge with him, before the date specified in the notice -

- (a) an analysis of the work undertaken and expenditure incurred during the term of the licence and details of the results of the work;
- (b) a statement of the reasons why the applicant has not applied for a production licence in relation to the licence area;
- (c) a technical works programme for the term of the proposed renewal; and
- (d) such other information as the Minister thinks fit.

(5) The Minister shall not refuse to renew a retention licence unless he has -

- (a) by notice served on the retention licensee, given not less than 28 days notice of his intention to refuse to renew the licence;
- (b) in the notice -
 - (i) given particulars of the reasons for his intention to refuse to renew the licence; and

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- (ii) specified a date on or before which the retention licensee may, by notice served on the Minister, submit any matters that he wishes the Minister to consider; and
- (c) taken into account any matters so submitted to him on or before the specified date by the retention licensee.
- (6) Notices under sub-sections (1) and (2) shall contain -
 - (a) a statement of the conditions to which the retention licence on its renewal is to be subject; and
 - (b) a statement to the effect that the application will lapse if the retention licensee does not make a request under sub-section (7).
- (7) Where a retention licensee has been served with a notice under sub-section (1) or (2), he may, within 3 months after the date of service of the notice on him, by notice served on the Minister, request the Minister to -
 - (a) renew the retention licence; or
 - (b) amend the conditions in the notice under that sub-section or the amount of the security to be lodged.
- (8) Where a retention licensee has been served with a notice under sub-section (1) or (2) and has made a request under sub-section (7)(a), within the period referred to in sub-section (7), the Minister shall renew the retention licence subject to the conditions specified in the notice under sub-section (1) or (2), as the case may be.
- (9) Where a retention licensee has been served with a notice under sub-section (1) or (2) and has made a request under sub-section (7)(b), the Minister shall -
 - (a) consider the request; and
 - (b) by notice served on the licensee, inform him of the conditions to which the retention licence, on its renewal, is to be subject and the amount of the security to be lodged.
- (10) Where a retention licensee has been served with a notice under sub-section (9)(b), he may, within 28 days after the date of service of the notice on him, by notice

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served on the Minister, request the Minister to renew the licence subject to the conditions specified in the notice under sub-section (9)(b).

(11) Where a retention licensee has served a notice under sub-section (10) within the period referred to in that sub-section, the Minister shall renew the licence.

(12) Where a retention licensee has been served with a notice under sub-section (1) or (2) but has not made a request under sub-section (7) within the period referred to in that sub-section, the application lapses on the expiration of that period.

(13) Where -

(a) an application for the renewal of a retention licence has been accepted; and

(b) the retention licence would, but for this sub-section, expire before -

(i) the Minister renews, or refuses to renew, the retention licence; or

(ii) the application lapses as provided by sub-section (12),

the retention licence shall be deemed to continue in force in all respects until -

(c) the Minister renews, or refuses to renew, the retention licence; or

(d) the application so lapses,

as the case may be.

39. RENT

(1) The rent payable in relation to a retention licence is the prescribed amount per block per annum or, where no amount is prescribed, \$2,000 per block per annum.

(2) Other than in relation to the first year of the retention licence after it is granted or renewed for the purposes of sub-section (1), rent -

(a) is payable in advance; and

(b) is calculated on the number of blocks held, by the licensee on the anniversary of the commencement of his licence or its last renewal.

40. CONDITIONS OF RETENTION LICENCE

(1) Subject to this Part, a retention licence may be granted subject to such conditions as the Minister thinks fit and specifies in the licence document.

(2) Without limiting the generality of sub-section (1) but subject to section 41, each retention licence is subject to the condition that the licensee shall, as soon as practicable, by notice served on the Minister, inform him of -

- (a) the location of any base camp in the licence area, the method for disposal of waste from such a camp and any change to that location or method of disposal; and
- (b) any flow of natural underground water encountered by the licensee during exploratory or other drilling, and that the licensee will, where a flow of underground water is so encountered, where possible, obtain and submit to the Minister samples of, and data on the quantity and quality of, such water.

41. VARIATION, &c., OF CONDITIONS OF RETENTION LICENCE

(1) A retention licensee may apply to the Minister to vary, suspend or waive a condition of his licence.

(2) Where the Minister receives an application under sub-section (1), he may, by notice served on the licensee, vary, suspend or waive a condition of the licence, in accordance with the application.

(3) Where a retention licensee has applied under sub-section (1) to vary, suspend or waive a condition of his licence which relates to the technical works programme, the Minister may, after consultation with the retention licensee, appoint a person to evaluate the proposed variation, suspension or waiver and report his findings to the Minister.

(4) Where the Minister appoints a person under sub-section (3), the cost of the person's services shall be a debt due and payable by the retention licensee to the Territory.

42. RIGHTS CONFERRED BY RETENTION LICENCE

(1) A retention licence, while it remains in force, gives the retention licensee, subject to this Act and in accordance with the conditions to which the licence is subject and the directions, if any, lawfully given by the

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Minister, the exclusive right to carry on in the licence area such geological, geophysical and geochemical programmes and other operations and works, including appraisal drilling, as are reasonably necessary to evaluate the development potential of the petroleum believed to be present in the licence area.

- (2) Where a retention licensee has -
 - (a) complied with the conditions of his licence, the lawful directions if any, of the Minister and this Act; and
 - (b) applied, in accordance with Division 4, for a production licence in relation to the whole or part of his retention licence area,

the Minister shall, subject to Division 4 and such conditions as the Minister thinks fit, grant to him a production licence.

43. NOTICE TO APPLY FOR PRODUCTION LICENCE

(1) Subject to sub-section (5), where the Minister is satisfied that commercial production of petroleum should commence in a retention licence area, he may, by notice served on the retention licensee, require him to show cause why he should not apply for a production licence in relation to the blocks where the commercially exploitable accumulation of petroleum occurs and specify a date, being not earlier than 6 months after the date of the notice, by which the licensee should show cause.

(2) Where a retention licensee has been served with a notice under sub-section (1) and he fails to show cause to the satisfaction of the Minister, within the time specified in the notice, the Minister may, by notice served on the retention licensee, direct him to apply for a production licence and specify a date, being not earlier than 3 months after the date of the notice, by which the licensee should apply for the production licence.

(3) Where, under sub-section (2), a retention licensee has been directed to apply for a production licence before a date specified in the direction and the licensee has failed to so apply, the Minister may, by notice served on the licensee, cancel his licence.

(4) The Minister may, by notice served on a retention licensee, vary the date in a notice under sub-section (1) or (2) so as to allow a longer period for the retention licensee to show cause or apply for a production licence.

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(5) The Minister may not exercise his powers under this section if the blocks where the commercially exploitable accumulation of petroleum occurs are, in whole or part, Aboriginal land and no agreement in relation to the production of petroleum in that area has been reached under the *Land Rights Act* between the retention licensee and the Land Council or as otherwise permitted under that Act.

Division 4 - Production Licences

44. APPLICANT

A person who is -

- (a) a permittee; or
- (b) a retention licensee,

may apply for a production licence in relation to the whole or part of his permit or licence area.

45. APPLICATION FOR PRODUCTION LICENCE

(1) Subject to this Act, a permittee or licensee may apply for a production licence by lodging with the Minister -

- (a) a statement containing the name and address of the applicant and an address for service within the Territory;
- (b) a statement containing the designated number of each block the subject of the application;
- (c) a map clearly delineating the application area and the boundaries of the existing permit or retention licence area in which the application is comprised;
- (d) a proposed technical works programme specifying the proposals for exploration, appraisal and production of petroleum from within the proposed licence area;
- (e) evidence of the technical and financial capacity of the applicant to carry out the proposed technical works programme and to comply with this Act;
- (f) proposals for the protection of the environment, including proposed measures to be undertaken by the applicant for the rehabilitation of the licence area or other affected areas;

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- (g) where the application is made by 2 or more persons, the proposed sharing arrangements between the applicants;
- (h) a statutory declaration stating the applicant's interest, if any, in or in relation to each permit or licence applied for or granted under, or in force by virtue of, this Act or the repealed Act;
- (j) the prescribed application fee or, where no fee is prescribed, \$600; and
- (k) such other information in support of his application as the applicant thinks fit.

(2) Where the Minister has received an application for a production licence, he may, by notice served on the applicant, request further information in relation to the applicant or his application.

(3) A permittee or licensee may apply for one or more production licences.

46. SIZE OF PRODUCTION LICENCE

(1) A person shall not apply for a production licence in respect of an area which is constituted by more than 12 blocks.

(2) A person shall not apply for a production licence in respect of an area which is constituted by more than one block unless the blocks form a discrete area which conforms to an approved shape.

(3) The Minister may grant a production licence in respect of -

(a) an area of less than one block; or

(b) blocks which form more than one discrete area,

where he is of the opinion that circumstances justify his doing so or it is in the public interest to do so.

47. GRANT OF PRODUCTION LICENCE

(1) Where the Minister -

(a) has received an application under section 45;

(b) is satisfied that the applicant has complied with the requirements of this Act relating to an application for a production licence; and

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- (c) is satisfied that he is required under section 29(3) or 42(2) to grant to the applicant a production licence in relation to specific blocks,

he shall determine to grant to the applicant the production licence, subject to such conditions as he thinks fit.

- (2) Where the Minister -

- (a) has received an application under section 45; and
- (b) is satisfied that, although the applicant has not complied with the conditions under which his permit or licence was granted, the lawful directions, if any, given to him by the Minister or this Act, circumstances exist that justify the granting of the production licence,

he may determine to grant to the applicant the production licence, subject to such conditions as he thinks fit, or refuse to grant it.

(3) Where the Minister exercises his power under sub-section (1) or (2) and determines to grant to an applicant a licence, he shall grant a licence only in relation to the minimum number of blocks which, in his opinion, is reasonably necessary for the applicant to fully exploit the commercially exploitable accumulation of petroleum which occurs in the application area.

(4) Where the Minister determines under sub-section (1) or (2) to grant a production licence, he shall give notice to the applicant of -

- (a) the conditions subject to which he is prepared to grant it; and
- (b) the date, not being earlier than 3 months after the date of the notice, upon which the application shall lapse unless the Minister has received from the applicant a notice under sub-section (5).

(5) An applicant for a production licence who has been served with a notice under sub-section (4) may, before the expiration of the period referred to in sub-section (4)(b), by notice served on the Minister, request the Minister -

- (a) to grant to him the production licence subject to the conditions specified in the first-mentioned notice; or

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- (b) to amend the conditions contained in the first-mentioned notice or the amount of the security to be lodged.

(6) Where an applicant has been served with a notice under sub-section (4) and has made a request under sub-section (5)(a), within the period referred to in sub-section (5), the Minister shall grant the production licence subject to the conditions specified in the notice under sub-section (4).

(7) Where an applicant has been served with a notice under sub-section (4) and has made a request under sub-section (5)(b), the Minister shall -

- (a) consider the applicant's request; and
- (b) by notice served on the licensee, inform him as to the conditions to which the licence on its being granted, is to be subject and the amount of security to be lodged.

(8) An applicant who has been served with a notice under sub-section (7)(b) may, within 28 days after the date of service of the notice on him, by notice served on the Minister, request the Minister to grant to him the licence subject to the conditions specified in the notice under sub-section (7)(b).

(9) Where an applicant has served a notice under sub-section (8), within the period referred to in that sub-section, the Minister shall grant to him the licence subject to the conditions specified in the notice under sub-section (7)(b).

(10) Where an applicant who may request, under sub-section (5) or (8), that the Minister grant a licence to him, fails to make the request, his application for a licence lapses at the expiration of the period during which the request may be made.

48. REFUSAL OF PRODUCTION LICENCE

(1) Where the Minister determines to refuse to grant a production licence he shall, as soon as practicable after he has so determined, serve notice of his determination on the applicant, setting out the reasons for his determination.

(2) The Minister may not determine to refuse to grant a licence, unless he has -

- (a) by notice served on the applicant, given not less than 28 days notice of his intention to refuse to grant the licence;

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- (b) in the notice, specified -
 - (i) the reasons for his intended refusal; and
 - (ii) a date on or before which the applicant may, by notice served on the Minister, submit any matters he wishes the Minister to consider; and
- (c) taken into account any matters so submitted to him on or before the specified date by the applicant.

49. PERMIT OR LICENCE NOT AFFECTED

The term and area of a permit or retention licence are not affected by -

- (a) an application for a production licence; or
- (b) the determination of the Minister not to grant a production licence.

50. TERM OF PRODUCTION LICENCE

Subject to sections 73 and 74, a production licence remains in force for a period of 21 years commencing on the date on which it was granted or last renewed.

51. APPLICATION FOR RENEWAL OF PRODUCTION LICENCE

(1) A production licensee may apply to the Minister to renew his production licence.

(2) For the purposes of sub-section (1), an application for the renewal of a production licence shall be -

- (a) in an approved form;
- (b) made in an approved manner; and
- (c) accompanied by the prescribed fee or, where no fee is prescribed, \$600.

(3) In relation to an application for the renewal of a production licence, the Minister -

- (a) shall, where an application is received not earlier than 6 months before, but not later than 3 months before, the expiration of the production licence;

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- (b) may, where the application is received later than 3 months before the expiration of the licence; and
- (c) shall not, where the application is received after the expiration of the licence,

accept the application.

52. GRANT OR REFUSAL OF RENEWAL OF PRODUCTION LICENCE

(1) Where, under section 51, the Minister accepts an application by a production licensee for the first renewal of his production licence, the Minister -

- (a) shall, where the production licensee has complied with the conditions to which the licence is subject, the lawful directions, if any, given to him by the Minister and this Act; or
- (b) may, where the production licensee has not so complied and the Minister is satisfied that, although the licensee has not so complied, circumstances exist that justify the renewal of the licence,

inform the production licensee, by notice, that he is prepared to renew the production licence.

(2) Where, under section 51, the Minister accepts an application by a production licensee for the renewal of his production licence, other than the first renewal of the licence, the Minister may, by notice served on him, inform the production licensee that he is prepared to renew the production licence and, if the production licence is so renewed, it is renewed for such term, not exceeding 21 years, as is specified in the notice.

(3) Where, under section 51, the Minister accepts an application by a production licensee for the renewal of his production licence but the production licensee has not complied with the conditions to which his licence is subject, the lawful directions, if any, of the Minister and this Act and, in the case of an application for the first renewal of the production licence, the Minister is not satisfied that circumstances exist that justify the renewal of the licence, the Minister shall, subject to sub-section (4), by notice served on the production licensee, refuse to renew the licence.

(4) The Minister shall not refuse to renew a production licence unless he has -

- (a) by notice served on the production licensee, given not less than 28 days notice of his intention to refuse to renew the licence;

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- (b) served a copy of the notice on such other persons, if any, as he thinks fit;
 - (c) in the notice -
 - (i) given particulars of the reasons for his intention to refuse to renew the licence; and
 - (ii) specified a date on or before which the production licensee may, by notice served on the Minister, submit any matters that he wishes the Minister to consider; and
 - (d) taken into account any matters so submitted to him on or before the specified date by the production licensee or by a person on whom a copy of the notice has been served under paragraph (b).
- (5) Notices under sub-sections (1) and (2) shall contain -
- (a) a statement of the conditions to which the production licence, on its renewal is to be subject; and
 - (b) a statement to the effect that the application will lapse if the production licensee does not make a request under sub-section (6).
- (6) Where a production licensee has been served with a notice under sub-section (1) or (2), he may, within 28 days after the date of service of the notice on him, by notice served on the Minister, request the Minister to -
- (a) renew the production licence; or
 - (b) amend the conditions contained in the notice under that sub-section or the amount of the security to be lodged.
- (7) Where a production licensee has been served with a notice under sub-section (1) or (2) and has made a request under sub-section (6)(a), within the period referred to in sub-section (6), the Minister shall renew the production licence subject to the conditions specified in the notice under sub-section (1) or (2), as the case may be.
- (8) Where a production licensee has been served with a notice under sub-section (1) or (2) and has made a request under sub-section (6)(b), the Minister shall -
- (a) consider the request; and

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- (b) by notice served on the licensee, inform him of the conditions to which the licence, on its renewal, is to be subject and the amount of the security to be lodged.

(9) Where a production licensee has been served with a notice under sub-section (8)(b), he may, within 28 days after the date of service of the notice on him, by notice served on the Minister, request the Minister to renew the licence subject to the conditions specified in the notice under sub-section (8)(b).

(10) Where a production licensee has served a notice under sub-section (9), within the period referred to in that sub-section, the Minister shall renew the licence.

(11) Where a production licensee has been served with a notice under sub-section (1) or (2) but has not made a request under sub-section (6), within the period referred to in sub-section (6), the application lapses on the expiration of that period.

(12) Where -

- (a) an application for the renewal of a production licence has been accepted; and
- (b) the production licence would, but for this sub-section, expire before -
 - (i) the Minister renews, or refuses to renew, the production licence; or
 - (ii) the application lapses as provided by sub-section (11),

the production licence shall be deemed to continue in force in all respects until -

- (c) the Minister renews, or refuses to renew, the production licence; or
- (d) the application lapses,

as the case may be.

53. RENT

(1) The rent payable in relation to a production licence is the prescribed amount per block or part of a block per annum or, where no amount is prescribed, \$9,000 per block or part of a block per annum.

(2) Other than in relation to the first year of a production licence after it is granted or renewed, for the purposes of sub-section (1), rent -

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- (a) is payable in advance; and
- (b) is calculated on the number of blocks held, by the production licensee on the anniversary of the commencement of his licence or its last renewal.

54. CONDITIONS OF PRODUCTION LICENCE

(1) Subject to this Part, a production licence may be granted subject to such conditions as the Minister thinks fit and specifies in the licence document.

(2) Without limiting the generality of sub-section (1), but subject to section 55, each production licence is subject to the condition that the production licensee -

- (a) shall use the licence area continuously and exclusively for the purposes for which it is granted;
- (b) shall not produce petroleum obtained from the licence area until the Minister authorizes the commencement of production operations;
- (c) shall pay royalties under this Act on petroleum produced;
- (d) shall, as soon as practicable, by notice served on the Minister, inform him of the location of any base camps in the licence area, the method of disposal of waste from such a camp and any change to that location or method of disposal;
- (e) shall, as soon as practicable, by notice served on the Minister, inform him of any flow of natural underground water encountered by the production licensee during exploratory or production drilling, and, where a flow of underground water is so encountered, where possible, obtain and submit to the Minister samples of, and data on the quantity and quality of, such water; and
- (f) shall, during such period of the term of the licence as is specified in the licence document, maintain an approved insurance policy, for -
 - (i) well redrilling and well recompletion expenses; and
 - (ii) damages arising out of damage to property or the environment, including by pollution, seepage or contamination.

55. VARIATION, &c., OF CONDITIONS OF PRODUCTION LICENCE

(1) A production licensee may apply to the Minister to vary, suspend or waive a condition of his licence.

(2) Where the Minister receives an application under sub-section (1), he may, by notice served on the licensee, vary, suspend or waive a condition of the licence, in accordance with the application.

(3) Where a production licensee has applied under sub-section (1) to vary, suspend or waive a condition of his licence which relates to the technical works programme, the Minister may, after consultation with the production licensee, appoint a person to evaluate the proposed variation, suspension or waiver and report his findings to the Minister.

(4) Where the Minister appoints a person under sub-section (3), the cost of the person's services shall be a debt due and payable by the production licensee to the Territory.

56. RIGHTS CONFERRED BY PRODUCTION LICENCE

A production licence, while it remains in force, gives the production licensee, subject to this Act and in accordance with the conditions to which the licence is subject and the directions, if any, lawfully given by the Minister, the exclusive right -

- (a) to explore for petroleum and recover it from the licence area; and
- (b) to carry out such operations and execute such works in the licence area as are necessary for the exploration for and recovery of petroleum.

57. DECLARATION OF RESTRICTED AREA

(1) A production licensee may, by notice in the Gazette and a newspaper circulating in that part of the Territory in which his production licence area is situated, declare his production licence area or part of that area to be a restricted area.

(2) Where a production licensee has, under sub-section (1), declared a restricted area, he shall, within 3 months of the date of the notice in the Gazette fence the area.

(3) Where a production licensee fails to fence a restricted area within 3 months after the date of the notice in the Gazette, the declaration has no force or effect after the expiration of the 3 month period.

(4) The Minister may, by notice in the Gazette, repeal or vary a declaration under sub-section (1).

(5) The production licensee has all the powers, in relation to the restricted area, of a person in lawful occupation of that area.

PART III - GENERAL PROVISIONS RELATING
TO PERMITS AND LICENCES

Division 1 - Rights and Duties of Permittee or Licensee

58. GENERAL CONDITIONS

A permit or licence granted under this Act is subject to the conditions that the permittee or licensee shall -

- (a) comply with such provisions of this Act as are in force from time to time relating to the payment of rent and royalties;
- (b) conduct all operations in relation to the permit or licence area, with reasonable diligence, in particular in accordance with -
 - (i) good oilfield practice; and
 - (ii) the approved technical works programme;
- (c) carry out the technical works programme and other activities in relation to the permit or licence area in such a way as to cause as little disturbance as practicable to the environment and comply with such directions, if any, as the Minister, from time to time, gives for minimizing that disturbance, or restoring or rehabilitating the disturbed surface area, of the land;
- (d) not allow the escape or release from the permit or licence area of any petroleum except in the interest of safety or in accordance with good oilfield practice or the provisions of the relevant technical works programme, without the approval of the Minister but may allow the release or removal of such quantities of petroleum as is reasonably required for the purpose of sampling and testing;
- (e) conduct the technical works programme and other activities in relation to the permit or licence area in such a way as to not interfere with existing roads, railways, telephone or telegraph lines, power lines and cables, water pipelines

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or dams or reservoirs or energy pipelines or tailing pipelines or storage containers situated within the permit or licence area except in accordance with the approval of the Minister;

- (f) comply with lawful directions, if any, of the Minister in relation to the protection of the environment in or upon the permit or licence area or adjacent areas which are or may be affected by his operations;
- (g) not erect a permanent structure or facility within the permit or licence area unless the erection of the structure or facility has been approved;
- (h) where his permit or licence area is wholly or partly comprised of Aboriginal land, inform his employees, agents and contractors working within the permit or licence area of -
 - (i) the relevant provisions of the *Land Rights* Act and other Acts relating to conduct upon Aboriginal land; and
 - (ii) the principal provisions of any agreement relevant to the activities of his agents, contractors and employees he has reached with the relevant Land Council in relation to the permit or licence area; and
- (j) conduct his operations and activities in relation to the permit or licence area in such a way as to not interfere with the lawful rights or activities of any other person.

59. ANNUAL REPORTS

(1) Subject to section 62(2), a permittee or licensee shall, within 28 days after the expiration of each period of 12 months, or other longer approved period, of his permit or licence, lodge at the office of the Secretary a comprehensive report in a form satisfactory to the Secretary on the exploration and other activities within the permit or licence area during that period.

(2) A report under sub-section (1) shall include all -

- (a) geological, geochemical and geophysical survey reports;
- (b) drilling and other work reports; and

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- (c) data, maps, logs and records in support of, or necessary to interpret, reports referred to in paragraphs (a) and (b),

which are completed or have become available in relation to the exploration and other activities of the permittee or licensee.

Penalty for an offence against this section: \$2,000 or imprisonment for 12 months.

60. CORE SAMPLES TO BE LODGED

(1) As soon as practicable after he recovers a drill core or cutting from a permit or licence area, the permittee or licensee shall, by notice, inform the Minister that the core or cutting has been recovered and identify, to the satisfaction of the Minister, the place in the permit or licence area from which the core or cutting was taken.

(2) A drill core or cutting referred to in sub-section (1) shall not be disposed of by the permittee or licensee except in an approved manner.

(3) The Minister may, by notice served on a permittee or licensee, direct the permittee or licensee to lodge with the Secretary a drill core or cutting from the permit or licence area.

(4) A permittee or licensee shall comply with a direction under sub-section (3).

61. CONFIDENTIALITY OF REPORTS

(1) Where a report, drill core or cutting is lodged under this Act by a permittee or licensee -

- (a) subject to paragraph (b), the report shall be confidential and the drill core or cutting kept safe whilst the permit or licence remains in force; and

- (b) he may authorize a person to inspect the report, drill core or cutting.

(2) Where an area ceases to be the subject of a permit or licence, a report, drill core or cutting lodged under this Act in relation to that area may be inspected by any person on the payment to the Secretary of the prescribed amount or, where no amount is prescribed, \$20.

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62. PROJECT REPORTS

(1) The Minister may direct that a retention licensee provide a report on a specified project or activity or all projects and activities within his licence area.

(2) Where, under sub-section (1), the Minister directs a retention licensee to provide a report, he may waive the requirements for an annual report to be lodged under section 59 by the licensee in relation to the licence area.

63. RENT

(1) Where an applicant applies for a permit or licence, or a renewal of a permit or licence, the first year's rent for each block in respect of which the application is made is payable by the applicant at the time of lodging his application with the Minister.

(2) Where the Minister determines not to grant a permit or licence, the applicant is entitled to payment, within 28 days after the determination, of an amount equal to the rent paid under sub-section (1).

(3) Where the Minister determines to grant or renew a permit or licence in respect of a lesser number of blocks than the applicant for the permit or licence applied for, the applicant is entitled to payment of an amount equal to the amount paid under sub-section (1) in excess of the amount payable in relation to the number of blocks granted.

64. DISCOVERY OF PETROLEUM TO BE NOTIFIED

(1) Where petroleum is discovered within a permit or licence area, the permittee or licensee shall -

- (a) as soon as possible, notify the Secretary of the discovery; and
- (b) within 3 days after the discovery, provide the Minister with particulars, in writing, of the discovery.

Penalty: \$10,000 or imprisonment for 5 years.

(2) Where petroleum is discovered in a permit or licence area, the Minister may, by notice served on the permittee or licensee, require the permittee or licensee, to furnish him, as soon as and so far as practicable, with the particulars requested in the notice.

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(3) A permittee or licensee upon whom a notice under sub-section (2) is served shall comply with the notice.

Penalty: \$2,000 or imprisonment for 12 months.

65. ACCESS

(1) Where a person is given the right to occupy land as a permittee or licensee, he shall have, for himself, his employees, agents and contractors, a right to construct a road or carry out other work to ensure access to the permit or licence area by the shortest practicable route to a road, within the meaning of the *Control of Roads Act*, a railway line, the sea or a waterway.

(2) For the purpose of constructing a road or carrying out work to ensure access to a permit or licence area, the permittee or licensee as the case may be may enter land with such machinery, equipment and workmen as is or are necessary to mark out and construct the road or carry out the work.

(3) A person shall not, except in accordance with a law in force in the Territory, interfere with a right, given under this section, to construct a road or carry out other work.

Penalty: \$2,000 or imprisonment for 12 months.

66. TENANTS IN COMMON

(1) Where a permit is granted to 2 or more persons, it is held by them as tenants in common -

(a) in the shares specified in the permit document; or

(b) where the permit document does not specify such shares, in equal shares.

(2) Where a retention licence is granted, it is to be granted in the name or names of the holder or holders of the permit from which the licence derives, but where the retention licence is granted to 2 or more persons, the retention licence may at the request of the applicants be granted in shares different from those in which the permit was held.

(3) Where a production licence is granted, it is to be granted in the name or names of the holders of the permit or, where a retention licence was held, the retention licence from which the production licence

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derives, but when the production licence is granted to 2 or more persons, it may at the request of the applicants be granted in shares different from those in which the permit or retention licence was held.

67. DRILLING AND SEISMIC SURVEYS

(1) Before he commences operations for the drilling of a well or for a seismic survey, a permittee or licensee shall, by notice, inform the Minister of the relevant details, including the geographic position, of the proposed well or area of the seismic survey.

(2) The Minister may give directions relating to the commencement or conduct of operations under sub-section (1).

68. FENCING

The Minister may, by notice to a permittee or licensee, require the permittee or licensee to fence his permit or licence area in accordance with the notice.

69. UNIT DEVELOPMENT

(1) Where, except in relation to Aboriginal land, the Minister is satisfied that a petroleum pool extends beyond a licence area and it is desirable, for the purpose of securing economy and efficiency and of avoiding wasteful and harmful development and practices, that the petroleum pool should be worked as one unit, the Minister may -

- (a) vary the area of the licence by including in it any block, not comprising land to which paragraph (b) applies, to which the petroleum pool extends; or
- (b) where the petroleum pool extends into an adjacent permit or licence area held by another person, require the licensee and each permittee and licensee of the adjacent areas, by notice served on each of them, to prepare and furnish to him a scheme for registration under section 96 for the working and development of the petroleum pool as one unit.

(2) Additional land included in a licence under sub-section (1) shall be -

- (a) compact and limited by well-marked permanent physical boundaries; or
- (b) substantially in the form of a rectangle.

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(3) A notice under sub-section (1)(b) shall specify the land in relation to which, and the time within which, the Minister requires the scheme to be furnished.

(4) Where a scheme is not furnished within the time specified in a notice under sub-section (1), or where the Minister does not approve the scheme furnished to him, the Minister shall prepare a scheme and supply particulars of it to each permittee and licensee to whom notice was served under sub-section (1).

(5) A permittee and licensee to whom the Minister has supplied particulars of a scheme under sub-section (4) shall perform and observe all the conditions of that scheme.

(6) A licensee may enter into an agreement in writing for and in relation to the development of a petroleum pool as a unit but such an agreement does not have any force until it is registered under section 96.

(7) For the purposes of sub-section (6), an agreement includes a variation of a scheme prepared under sub-section (1) or (4).

Division 2 - Actions by Minister

70. GAZETAL OF INSTRUMENTS

The Minister shall cause to be published in the *Gazette*, with such particulars as he thinks fit, notice of -

- (a) an application for a permit or licence;
- (b) the granting of a permit or licence;
- (c) a surrender or cancellation of a permit or licence in whole or in part;
- (d) the expiration of a permit or licence; and
- (e) the renewal of a permit or licence.

71. DIRECTIONS BY MINISTER

(1) The Minister may, by notice served on a permittee or licensee, give to him directions as to any matter in relation to which regulations may be made under this Act.

(2) A direction under sub-section (1) has effect and shall be complied with notwithstanding anything in the Regulations and, to the extent to which the

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Regulations are inconsistent with the direction, the permittee or licensee to whom the direction is given is not obliged to comply with the Regulations.

(3) A permittee or licensee to whom a direction under sub-section (1) is given shall comply with and not contravene the direction.

Penalty: \$10,000 or imprisonment for 5 years.

72. COMPLIANCE WITH DIRECTIONS

(1) Where a person does not comply with a direction given to him under this Act, the Minister may do all or any of the things required by the direction to be done.

(2) Costs and expenses incurred by the Minister under sub-section (1) in relation to a direction are a debt due and payable to the Territory by the person to whom the direction was given.

(3) It is a defence to a prosecution for an offence of failing to comply with a direction given to him under this Act or for the recovery of a debt under sub-section (2) if the person charged or against whom the recovery action is taken, as the case may be, proves that he took all reasonable steps to comply with the direction.

Division 3 - Surrender, Cancellation, &c.

73. SURRENDER

(1) A permittee or licensee may apply to the Minister to surrender all or part of his permit or licence area.

(2) After the expiration of 2 months from the date of receipt of an application under sub-section (1), the Minister shall accept the surrender, provided that the permittee or licensee has complied with, at the time of application for surrender and up to the date of surrender, in the case of -

(a) a partial surrender -

- (i) the conditions of the permit or licence;
- (ii) the provisions of this Act; and
- (iii) the directions, if any, lawfully given by the Minister,

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in relation to the whole permit or licence area and the area or areas retained by the permittee or licensee form discrete areas comprising not less than the minimum number of blocks allowed under this Act, and the shape or shapes conform to the approved shape or shapes; or

(b) a complete surrender -

(i) the conditions of the permit or licence;

(ii) the provisions of this Act; and

(iii) the directions, if any, lawfully given by the Minister during the life of the permit or licence, as the case may be,

and the permittee or licensee has discharged such of his obligations, financial or otherwise, to all of his employees, agents and contractors in relation to the permit or licence, as the Minister thinks fit.

(3) Where, under sub-section (2), the Minister may not accept a proposed surrender of a permit or licence, he may -

(a) give such directions as he thinks fit which must be complied with before he will accept the surrender; and

(b) grant the application where the retained area is not one discrete area or is less than the minimum allowable size but the Minister is satisfied that circumstances so justify the granting; or

(c) as he thinks fit, grant the application.

(4) Where, during a permit or licence year, the permit or licence is surrendered, the permittee or licensee shall pay the rent for the whole of a permit or licence year regardless of the time during the year that surrender takes place and, notwithstanding another section of this Act, the permittee or licensee is not entitled to a refund of rent in relation to the surrender.

74. CANCELLATION

(1) As an alternative to instituting a prosecution for an offence against this Act or taking proceedings for a debt due and payable under this Act and in addition to any other penalty which may be imposed for an offence against this Act, but subject to this section, the

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Minister may cancel a permit or licence in relation to all or any of the blocks to which the permit or licence relates, where the permittee or licensee -

- (a) has not complied with a condition of the permit or licence;
- (b) has not complied with a provision of this Act;
- (c) has not complied with a direction lawfully given by the Minister;
- (d) has not paid, within 3 months after the date on which it became due, an amount payable by him under this Act; or
- (e) has been convicted of an offence against this Act.

(2) Where the Minister determines to cancel a permit or licence, he shall, by notice served on the permittee or licensee, inform the permittee or licensee of his intention to cancel the permit or licence.

(3) A notice under sub-section (2) shall specify -

- (a) the reason for the Minister determining to cancel the permit or licence; and
- (b) a date, being not earlier than 28 days after the date of the notice, by which the permittee or licensee may submit reasons as to why the Minister should not cancel the permit or licence.

(4) After the date referred to in sub-section (3)(b), the Minister shall consider the submissions, if any, of the permittee or licensee and in his discretion cancel the permit or licence or repeal his notice.

(5) Where a permit or licence is cancelled in relation to the whole or part of a permit or licence area, the permittee or licensee, may not apply for a permit or licence in relation to that area within 2 years after the date of the cancellation.

75. REPORT ON CEASING TO HOLD PERMIT OR LICENCE AREA

- (1) A person who -
 - (a) was a permittee or licensee; or
 - (b) is a permittee or licensee and -
 - (i) his permit or licence area has been reduced; or

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- (ii) part of his permit or licence area has been surrendered,

under this Act, shall, within 3 months, or a longer approved period, after -

- (c) in the case of a person referred to in paragraph (a) - he ceases to hold the permit or licence;
- (d) in the case of a person referred to in paragraph (b)(i) - the permit or licence area has been reduced; and
- (e) in the case of a person referred to in paragraph (b)(ii) - part of the permit or licence area has been surrendered,

lodge at the office of the Secretary a comprehensive report in accordance with this section on the exploration and other activities carried out on -

- (f) in the case of a person referred to in paragraph (a) - the permit or licence area, as comprised from time to time, during the period of that permit or licence;
- (g) in the case of a person referred to in paragraph (b)(i) - the permit or licence area which has not been retained; and
- (h) in the case of a person referred to in paragraph (b)(ii) - the permit or licence area which has been surrendered.

Penalty: \$10,000 or imprisonment for 5 years.

(2) A report under sub-section (1) shall be in the same form, as far as possible, as a report under section 59.

76. WELL COMPLETION REPORT

(1) Where the drilling or boring of a well on a permit or licence area ceases or is completed, the permittee or licensee shall, within 3 months after the cessation or completion, lodge at the office of the Secretary a report.

(2) A report under sub-section (1) shall include all details of the results of drilling, including the results of all logs and coring carried out, and a description of the strata penetrated.

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(3) Subject to section 61(2), a well completion report lodged under sub-section (1) remains confidential for 2 years after the date on which it was lodged.

77. REMOVAL OF PROPERTY ON SURRENDER, EXPIRY OR CANCELLATION

(1) Where a permit or licence has been surrendered or cancelled, in whole or in part, or has expired, the Minister may direct the person who is, or was, the permittee or licensee -

- (a) to remove or cause to be removed from the former permit or licence area, property brought into that area by any person engaged or concerned in operations authorized by the permit or licence, or to make other arrangements in relation to the property satisfactory to the Minister;
- (b) to plug or close off all wells drilled or bored in the former permit or licence area; and
- (c) to restore the surface of the former permit or licence area, where disturbed, and take measures to rehabilitate the area, to the satisfaction of the Minister.

(2) A person shall comply with a direction under sub-section (1).

Penalty: \$10,000 or imprisonment for 5 years.

78. SALE OF PROPERTY

(1) Where a person fails to comply with a direction under section 77, the Minister may remove and dispose of property on the former permit or licence area, in such manner as he thinks fit.

(2) Where under sub-section (1) the Minister disposes of property by sale, he may deduct from the proceeds of the sale any costs and expenses incurred by him in relation to the direction and any fees and amounts due under the Act.

(3) No action shall lie against the Minister by a person who fails to comply with a direction under section 77, or a person claiming through him, in relation to the removal, disposal or sale of property under sub-section (1).

Division 4 - Securities and Compensation

79. SECURITY

(1) Subject to sections 25, 38, 47 and 52, where the Minister has determined to grant a permit or licence, or to renew a permit or licence, he may, by notice, require the applicant for the permit or licence to lodge with the Minister a security in such form, for such amount and from such person as the Minister thinks fit, to secure the applicant's compliance with the provisions of this Act and the conditions to which the permit or licence is to be subject.

(2) Where, under sub-section (1), the Minister has required a permittee or licensee to lodge a security, notwithstanding any other provision of this Act, the Minister shall not grant or renew the permit or licence until the security is so lodged.

80. SECURITY FOR COMPENSATING OWNERS, &c., OF PRIVATE LAND

Where a permit or licence is granted in relation to private land, the permittee or licensee shall lodge with the Minister such security as the Minister, in his discretion, decides is appropriate and adequate to cover claims for compensation from the owner or lawful occupier of the land against the permittee or licensee.

81. COMPENSATION TO OWNERS

(1) Where the Minister has granted a permit or licence to a person, the owner of any estate or interest (whether legal or equitable) or lawful occupier of land within the permit or licence area is entitled to compensation for -

- (a) deprivation of use or enjoyment of the land, including improvements on the land; and
- (b) damage, caused by the permittee or licensee, to the land or improvements on the land.

(2) A permittee shall not commence his exploration operations unless he has given notice to -

- (a) the Registered proprietors and the person in apparent possession of the land within the permit area of the proposed date of commencement, nature and duration of his exploration operations and served that owner with a copy of this section; and

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- (b) the Minister that he has complied with paragraph (a).

Penalty: \$10,000 or imprisonment for 5 years.

(3) Where a permittee and a person entitled under sub-section (1) to compensation are unable to agree upon an amount, by way of compensation, to which the person is entitled, the permittee may apply to a warden to determine that amount.

(4) A licensee shall not commence his development or production operations within his licence area unless he has satisfied the Minister that negotiations have been conducted between the licensee and the Registered proprietors and the person in apparent possession of the land within the licence area and that payment for compensation under sub-section (1) has been made or an enforceable agreement for making such payments has been entered into.

Penalty: \$10,000 or imprisonment for 5 years.

(5) Where a licensee is not able to satisfy the Minister under sub-section (4), the Minister may give directions to the licensee and the Registered proprietors and the person in apparent possession of the land within the licence area, including a direction specifying a period within which -

- (a) an enforceable agreement for making a payment under sub-section (1) shall be entered into; or
- (b) the licensee shall make an application to a warden to determine an amount to be paid under sub-section (1) to the owner or occupier.

(6) No person is entitled under this section to compensation based on the known or potential occurrence of petroleum in or on the land.

(7) An agreement in relation to compensation may include compensation for work undertaken under a permit, retention licence or production licence or under all permits and licences held by the permittee or licensee in relation to that land.

(8) For the purpose of this section, "Registered proprietor" means a Registered proprietor within the meaning of the *Real Property Act*.

82. COMPENSATION FOR RIGHT OF ACCESS

(1) Where any land over which a right to construct a road or carry out other work to ensure access to a permit or licence area is injured or diminished in value as a result of the exercise of that right, the owner of

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any estate or interest (whether legal or equitable) and lawful occupier of the land is entitled to compensation from the permittee or licensee for the loss or damage.

(2) Where, for the purposes of sub-section (1), an amount of compensation cannot be agreed upon, either party may refer the matter to a warden who shall determine the amount, if any, which is payable.

83. APPLICATION OF *MINING ACT*

For the purposes of this Division -

- (a) "warden" has the same meaning as in the *Mining Act*;
- (b) the warden's courts established by the *Mining Act* have jurisdiction to hear and determine an application under this Act to determine an amount by way of compensation under sections 65, 81 and 82; and
- (c) Part XII of the *Mining Act*, with the necessary changes, applies to and in relation to an application under sections 65, 81 and 82 to a warden.

Division 5 - Royalties

84. ROYALTIES

(1) Subject to this section, a licensee shall pay to the Minister, at the time and in the manner prescribed, a royalty at the rate of 10% upon the gross value at the wellhead of all petroleum produced from his licence area.

(2) For the purposes of this section, the gross value of the petroleum shall be the value, from time to time, agreed upon between the Minister and the licensee, or in default of agreement within such period as the Minister allows, is such amount as determined by the Minister as being that value.

(3) For the purposes of sub-section (2), an agreement or determination shall not have any force, unless it is in writing.

(4) Royalty is not payable in relation to petroleum which is -

- (a) unavoidably lost or is returned to the natural reservoir;
- (b) flared or vented in accordance with good oil-field practice; or

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- (c) used by the licensee for the purposes of approved mining operations or any incidental purposes (including the heating and lighting of the dwellings of employees engaged by the licensee in connection with the work of production and the heating and lighting of buildings maintained to provide social amenities for those employees, workmen and their families).

(5) Petroleum shall, for the purpose of calculating the amount of royalty payable, be measured by the licensee by an approved measuring device or devices installed by him at the wellhead or other approved places within his licence area.

(6) The amount of royalty payable under a licence in relation to a year is to be reduced by the amount of rent paid in relation to that licence in relation to that year.

85. LATE OR NON-PAYMENT OF ROYALTIES

(1) Subject to section 86(3), where a licensee fails to pay royalty due under this Act or within the time allowed for payment or makes a provisional payment less than the amount eventually assessed by the Minister, he shall pay to the Minister, in addition to the amount of royalty unpaid, an amount calculated at the rate of 0.33% per day upon the amount of royalty from time to time remaining unpaid, to be computed from the time such royalty became payable until it is paid.

(2) Where -

- (a) a licensee makes a provisional payment as a royalty payment due under this Act and it is an amount less than the amount eventually assessed by the Minister;
- (b) the licensee satisfies the Minister that the licensee held an honest and reasonable belief that the amount of the provisional payment was the correct amount payable; and
- (c) the licensee has paid the difference between the amount of the provisional payment and the amount assessed by the Minister as payable,

the Minister may, by notice to the licensee, waive all or part of an amount otherwise payable under sub-section (1).

86. SUSPENSION, &c., OF RENT OR ROYALTY

(1) A production licensee may apply to the Minister to waive, suspend or reduce a rent or royalty payable in relation to his licence.

(2) Where the Minister receives an application under sub-section (1), he may, by notice to the applicant, waive, suspend or reduce a rent or royalty payable in relation to the licence where he considers that such a waiver, suspension or reduction in the rent or royalty is necessary -

- (a) for the purpose of the promotion of the development of the licence area;
- (b) because the production licence cannot be successfully operated under the conditions provided for in the licence;
- (c) to encourage the greatest ultimate recovery of the petroleum from the licence area; or
- (d) to conserve natural resources.

(3) Where, under sub-section (2), the Minister waives, suspends or reduces a royalty, the licensee is not liable for an amount otherwise payable under section 85.

Division 6 - Inspectors

87. INSPECTORS

(1) The Minister may, by notice, appoint a person to be an inspector for the purposes of this Act.

(2) The Secretary shall furnish to an inspector a certificate stating that he is an inspector for the purposes of this Act.

(3) Where the appointment of a person under sub-section (1) expires or is revoked, the person shall as soon as possible surrender to the Secretary the certificate furnished to him under sub-section (2).

Penalty: \$200.

88. POWERS OF INSPECTORS

(1) For the purposes of this Act, an inspector may, at all reasonable times and, if requested, on production of the certificate furnished under section 87(2) to him -

- (a) enter and remain in a permit or licence area and for the purpose use a road or other means of access provided under section 65;

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- (b) inspect and test equipment that, in his opinion, has been or is being used in an area in connection with operations for petroleum exploration or operations for the recovery of petroleum or incidental to such exploration and operations; and
 - (c) require a permittee or licensee to produce or provide him with access to documents in his possession or control relating to the permittee's or licensee's operations and may inspect, take extracts from and obtain copies of any of those documents.
- (2) A person who is the occupier or person in charge of a building, structure or place shall provide an inspector with all reasonable facilities and assistance for the effective exercise of his powers.
- (3) Where an inspector is satisfied that there are reasonable grounds for suspecting that an offence against this Act has been, is being or is about to be committed, he may, without warrant, and with such assistance as he thinks necessary, on a permit or licence area or otherwise -
- (a) seize or secure any thing which he believes, on reasonable grounds has been, is being or is about to be used in connection with the commission of that offence or proposed offence; and
 - (b) take such other action as is reasonably necessary to prevent the commission of an offence against this Act.
- (4) As soon as practicable after an inspector seizes a thing under sub-section (3), he shall make a report in writing to the Minister in a form approved by the Minister.
- (5) A person shall not, without reasonable excuse, obstruct or hinder an inspector or a person assisting an inspector in the exercise of his powers or, being a permittee or licensee, refuse or fail to provide the documents or provide the access referred to in sub-section (1)(c).

Penalty: \$2,000 or imprisonment for 12 months.

89. NO ACTION AGAINST INSPECTOR OR ASSISTANTS

No action or proceeding, civil or criminal, lies against an inspector, or a person assisting an inspector, for or in relation to an act or thing done in good faith and in his capacity as an inspector or a person assisting an inspector, as the case may be.

PART IV - REGISTRATION OF INSTRUMENTS

90. REGISTRAR AND REGISTER OF INSTRUMENTS

(1) The Minister may appoint a person to be the Registrar for the purposes of this Act.

(2) The Registrar shall establish and maintain a Register of permits and licences granted under this Act.

91. PARTICULARS TO BE ENTERED IN REGISTER

(1) The Registrar shall enter in the Register a memorial in relation to each permit and licence -

- (a) specifying the name of the permittee or licensee;
- (b) containing an accurate description, including designated numbers, of the permit or licence area;
- (c) specifying the term of the permit or licence;
- (d) containing, where the area has previously been the subject of a permit or licence, details of the previous permit or licence;
- (e) specifying the conditions subject to which the permit or licence is granted;
- (f) setting out such other matters and things as are required by this Part to be entered in the Register; and
- (g) setting out such further matters relating to the permittee or licensee and to the conditions of the permit or licence as the Minister thinks fit.

(2) The Registrar shall enter in the Register a memorial of -

- (a) any notice varying, cancelling, surrendering or otherwise affecting a permit or licence;
- (b) a direction to the permittee or licensee by the Minister; and
- (c) any notice or instrument varying or revoking a notice or instrument referred to in paragraph (a).

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(3) It is sufficient compliance with the requirements of sub-section (1) or (2) where the Registrar enters a copy of the permit, licence, notice, direction or instrument in the Register.

(4) A permit or licence shall be deemed to be registered as soon as a memorial complying with sub-section (1) or a copy of the permit or licence, has been entered in the Register.

(5) A person to whom a permit or licence has been granted shall not exercise any powers under this Act or his permit or licence, except under this Part, until the permit or licence, as the case may be, is registered.

(6) The Registrar shall endorse on the memorial or copy of the permit or licence a memorandum of the date upon which the memorial or copy was entered in the Register.

92. MEMORIALS TO BE ENTERED OF PERMITS, &c., CANCELLED, &c.

Where -

- (a) a permit or licence ceases to be in force in relation to a block;
- (b) a permit has been wholly or partly cancelled; or
- (c) a permit or licence has expired,

the Registrar shall enter in the Register a memorial of the cessation, cancellation or expiration, as the case may be.

93. APPROVAL AND REGISTRATION OF TRANSFERS

(1) Subject to this Act, a permittee or licensee may transfer his permit or licence to another person or to himself and another person jointly.

(2) A permittee or licensee who desires to transfer his permit or licence may apply to the Minister for approval of the transfer.

(3) An application for approval of a transfer shall be accompanied by an instrument of transfer, duly executed by the transferor and transferee, together with a copy of that instrument.

(4) On the receipt of the application under sub-section (2) the Minister shall direct the Registrar to enter a memorial in the Register of the date on which the application was lodged with the Minister and to make such other notation in the Register as the Minister thinks fit.

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(5) Subject to sub-section (1), the Minister shall not approve the transfer of a permit or licence unless it is an absolute transfer of the whole of the permit or licence.

(6) Subject to sub-section (5), the Minister may, by notice served on the proposed transferor of a permit or licence -

(a) inform him that he is prepared to approve the transfer and that the proposed transferee will be required to lodge a security for compliance with the conditions to which the permit or licence is from time to time subject and with the provisions of this Act; or

(b) refuse the application.

(7) Where -

(a) the Minister has, under sub-section (6), informed a proposed transferor that the proposed transferee will be required to lodge a security; and

(b) the proposed transferee has lodged that security with the Minister,

the Minister shall approve the transfer.

(8) Where, in the case of the proposed transfer of a licence, the Minister is prepared to approve the transfer and is of the opinion that the proposed transferee should not be required to lodge a security as mentioned in sub-section (6), that sub-section and sub-section (7) do not apply to or in relation to the proposed transfer and the Minister may, subject to sub-section (5), approve it.

(9) Where the Minister approves a transfer he shall, as soon as possible, endorse on the instrument of transfer and on the copy, a memorial of approval and direct the Registrar that, on payment of the prescribed fee or where no fee is prescribed, \$750, he may enter in the Register the memorial of the transfer and the name of the transferee.

(10) A transfer shall be deemed to be registered as soon as a memorial of the transfer and the name of the transferee has, under sub-section (9), been entered in the Register and, upon that memorial being so entered, the transferee becomes the registered holder of the permit or licence to which the instrument of transfer relates.

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(11) A copy of an instrument of transfer endorsed with the memorial of approval shall be retained by the Registrar and is subject to inspection in accordance with this Part.

(12) An instrument of transfer endorsed with the memorial of approval shall be returned to the person who lodged the application for the transfer.

(13) An instrument of transfer of a permit or licence does not convey a legal or equitable interest in the permit or licence until it has been approved by the Minister and entered in the Register by the Registrar as provided by this section.

94. ENTRIES IN REGISTER ON DEVOLUTION OF TITLE

(1) A person upon whom the rights of a permittee or licensee have devolved by operation of law may apply in writing to the Registrar to have his name entered in the Register as the permittee or licensee.

(2) The Registrar shall, where he is satisfied that the rights of a permittee or licensee have devolved upon an applicant by operation of law, and on payment of the prescribed fee, enter the name of the applicant in the Register as the permittee or licensee and, upon that entry being so made, the applicant becomes the permittee or licensee and is subject to the same rights and obligations under this Act as if he were the person to whom the permit or licence was granted.

95. INTERESTS NOT TO BE CREATED, &c., EXCEPT BY INSTRUMENTS IN WRITING

A legal or equitable interest in or affecting an existing or future permit or licence is not capable of being created, assigned, affected or dealt with, whether directly or indirectly, except by an instrument in writing.

96. APPROVAL OF INSTRUMENTS CREATING, &c., INTERESTS

(1) This section applies to an instrument by which a legal or equitable interest in or affecting an existing or future permit or licence is or may be created, assigned, affected or dealt with, whether directly or indirectly, not being an instrument of transfer to which section 93 applies.

(2) An instrument to which this section applies does not create, assign or deal with, whether directly or indirectly, a legal or equitable interest in an existing or future permit or licence until -

(a) it has been approved by the Minister; and

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- (b) an entry has been made in the Register by the Registrar in accordance with sub-section (7).
- (3) A party to an instrument to which this section applies or a person having an interest in or in relation to a permit or licence by reason of such an instrument may apply to the Minister for its approval.
- (4) An application under sub-section (3) shall be in writing and be accompanied by the instrument and a copy of the instrument.
- (5) On receipt of an application under sub-section (3), the Minister shall direct the Registrar to enter a memorial in the Register of the date on which the application was received by the Minister and to make such other notation in the Register as the Minister thinks fit.
- (6) The Minister may approve or refuse to approve an instrument lodged with him for approval.
- (7) Where the Minister approves an instrument lodged with him for approval, he shall, as soon as possible, endorse on the original instrument, and on the copy, a memorial of approval and direct the Registrar that, on payment of the prescribed fee or where no fee is prescribed, \$300, he may make an entry of the approval of the instrument in the Register and a memorial relating to the approval, the permit or licence to which the instrument relates or a copy of that permit or licence.
- (8) A copy of an instrument endorsed with the memorial of approval shall be retained by the Registrar and is subject to inspection in accordance with this Part.
- (9) The original instrument endorsed with the memorial of approval shall be returned to the person who lodged the application for approval.
- (10) Where the Minister refuses an application, he shall direct the Registrar to make a notation of the refusal in the Register.

97. MINISTER NOT CONCERNED WITH CERTAIN MATTERS

Neither the Minister nor a person acting under his direction or authority is concerned with the effect in law of an instrument lodged with him in pursuance of this Part nor does the approval of such an instrument give to it any force, effect or validity that it would not have had if this Part had not been enacted.

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98. POWER OF MINISTER TO REQUIRE INFORMATION AS TO PROPOSED DEALINGS

(1) The Minister may, by notice served on the person lodging an instrument for approval under this Part, require him to furnish to the Minister such information concerning the instrument, or the transaction to which the instrument relates, as the Minister thinks fit.

(2) A person who is required under sub-section (1) to furnish information shall not furnish information that is false or misleading in a material particular.

Penalty: \$2,000 or imprisonment for 12 months.

99. PRODUCTION AND INSPECTION OF DOCUMENTS

(1) The Minister may require any person to produce to him or to make available for inspection by him any documents in the possession or under the control of that person and relating to an instrument lodged with the Minister for approval under this Part or to the transaction to which such an instrument relates.

(2) A person shall not fail or refuse to comply with a requirement of him under sub-section (1).

Penalty: \$2,000 or imprisonment for 12 months.

100. INSPECTION OF REGISTER AND DOCUMENTS

The Register and all instruments registered, or subject to inspection, under this Part shall, at all convenient times, be open for inspection by any person upon payment of the prescribed fee.

101. RECTIFICATION OF REGISTER

Subject to section 103, the Registrar may, at any time, rectify an entry in the Register where he is satisfied that the entry does not accurately reflect the true position in relation to a permit, licence or other matter required or permitted by or under this Act to be entered in the Register.

102. EVIDENTIARY PROVISIONS

(1) The Register shall be received by all courts as prima facie evidence of all matters required or authorized by this Part to be entered in the Register.

(2) The Registrar may, on payment of a fee calculated at a prescribed rate per page, supply copies of or extracts from the Register or of or from any instrument.

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lodged with him under this Part certified by writing under his hand, and such a copy or extract so certified is admissible in evidence in all courts and proceedings without further proof or production of the original.

(3) The Registrar may, on payment of a prescribed fee, by instrument in writing under his hand, certify that an entry, matter or thing required or permitted by or under this Part to be made or done or not to be made or done has or has not, as the case may be, been made or done and such a certificate is prima facie evidence in all courts and proceedings of the statements contained in the certificate.

103. APPEALS IN RELATION TO REGISTER

(1) The Supreme Court may, on the application of a person aggrieved by -

- (a) the omission of an entry from the Register;
- (b) an entry made in the Register without sufficient cause;
- (c) an entry wrongly existing in the Register; or
- (d) an error or defect in an entry in the Register,

make such order as it thinks fit directing the rectification of the Register.

(2) The Supreme Court may, in proceedings under this section, decide any question that it is necessary or expedient to decide in connection with the rectification of the Register.

(3) Notice of an application under this section shall be given to the Registrar, who may appear and be heard and shall appear if so directed by the Supreme Court.

(4) An office copy of an order made under sub-section (1) by the Supreme Court may be served on the Registrar and the Registrar shall, upon receipt of the order, rectify the Register accordingly.

(5) A person may not apply under sub-section (1), unless he has first requested the Registrar to rectify the Register.

104. REGISTRAR NOT LIABLE TO CERTAIN ACTIONS

Subject to section 103, neither the Registrar nor a person acting under his direction or authority is liable to an action, suit or proceeding for or in respect of an

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act or matter bona fide done or omitted to be done in exercise or purported exercise of a power or authority conferred by this Part.

PART V - OFFENCES AND FORFEITURE, &c.

105. LICENCES REQUIRED TO EXPLORE AND RECOVER PETROLEUM

A person shall not explore for, or engage in operations for the recovery of, petroleum unless he does so under and in accordance with a permit, retention licence or production licence.

Penalty: \$10,000 or imprisonment for 5 years.

106. OFFENCES GENERALLY

(1) A person shall not contravene or fail to comply with this Act or a direction or notice under this Act.

(2) A person who contravenes or fails to comply with this Act or a direction or notice under this Act for which a penalty is not provided by this Act, other than this section, is punishable upon conviction by a fine of \$1,000 or imprisonment for 6 months.

107. CONTINUING OFFENCES

A person who has been convicted of contravening or failing to comply with this Act or a notice or direction under this Act is guilty of a further offence against this Act where the contravention or failure to comply continues (notwithstanding that the period has elapsed) after he has been convicted and upon conviction of the further offence is punishable by a penalty of \$1,000 for each day during which the offence continues.

108. OFFENCE BY BODY CORPORATE

(1) Where a body corporate is guilty of an offence against this Act, an officer of the body corporate who was in any way, by act or omission, directly or indirectly, knowingly concerned in or party to the commission of the offence is also guilty of that offence.

(2) For the purposes of this section, "officer", in relation to a body corporate, includes -

- (a) a director, secretary, executive officer or employee of the body corporate;
- (b) a receiver, or a receiver and manager, of the property, or part of the property, of the body corporate;

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- (c) an official manager or a deputy official manager of the body corporate;
- (d) a liquidator of the body corporate; and
- (e) a trustee or other person administering a compromise or arrangement made between the body corporate and its creditors.

109. FALSE STATEMENTS

A person shall not -

- (a) knowingly make a false statement in an application for a permit or licence or other document required under this Act to be lodged with the Minister or Secretary;
- (b) utter or pass off, or attempt to utter or pass off, as true, before the Minister or Secretary, a false, forged or counterfeit certificate or document; or
- (c) falsely personate or represent himself as being the person referred to in a certificate or document presented to the Minister or in a permit or licence.

Penalty: \$5,000 or imprisonment for 2 years.

110. OFFENCES IN RELATION TO REGISTER

A person who wilfully -

- (a) makes, causes to be made or concurs in making a false entry in the Register; or
- (b) produces or tenders in evidence a document falsely purporting to be a copy of or extract from an entry in the Register or of or from an instrument lodged with the Minister under this Act,

is guilty of an offence.

Penalty: \$5,000 or imprisonment for 2 years.

111. CERTAIN OPERATIONS PROHIBITED

No permittee or licensee may carry out operations, which would otherwise be permitted by this Act, upon land that is -

- (a) lawfully used as, or within 50 metres of land being used as, a residence, yard, garden, orchard or cultivated field;

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- (b) used as, or within 200 metres of land being used as, a cemetery within the meaning of the *Cemeteries Act*; or
- (c) within a distance of 200 metres of any artificial accumulation of water or outlet from which water may be obtained,

except with the express approval, in writing, of the owner, lawful occupier or, in the case of a public cemetery within the meaning of the *Cemeteries Act*, the Board of Trustees of the public cemetery.

Penalty: \$5,000 or imprisonment for 2 years.

112. TIME FOR COMMENCING PROCEEDINGS

(1) Notwithstanding anything in any other law of the Territory, proceedings for an offence against this Act may be brought at any time.

(2) Proceedings for an offence against this Act shall not be commenced without the consent in writing of the Minister.

113. FORFEITURE

(1) A thing seized under this Act may, on conviction of a person for an offence in connection with which that thing was seized, at the discretion of the court recording the conviction, be forfeited to the Crown.

(2) A forfeiture under this Act shall be in addition to and not a part of a penalty imposed under this Act.

(3) Where a thing seized under this Act is not forfeited under sub-section (1), section 115 applies as if no prosecution had been instituted within the period referred to in that section.

(4) Notwithstanding sub-section (3), if a person is convicted of an offence in connection with which a thing was seized under this Act, that person is liable to pay to the Territory the reasonable costs of handling, maintaining and storing that thing from the time it was seized.

114. DELIVERY TO MINISTER

A thing seized under this Act shall, where practicable, be delivered to the Minister, or a person authorized by the Minister to accept delivery of it, by the inspector who seized it.

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115. NOTICE TO CLAIM

Where a thing seized under this Act is delivered under section 114, and no prosecution is instituted within 3 months after the seizure or delivery in respect of the use or possession of the thing, the Minister shall, by notice in writing, require the person from whom it was seized, or a person appearing to the Minister to be the owner of, or to have a legal interest in, the thing, to claim delivery to him of the thing seized.

116. FAILURE TO CLAIM

If no claim is made within 21 days after the date of service of a notice under section 115, the thing seized to which that section relates is forfeited to the Crown.

117. DETERMINATION OF CLAIM

Where a person served with a notice under section 115 makes a claim for the delivery to him of a thing seized under this Act, the Minister shall refer the claim to a court of summary jurisdiction which may deal with the claim in all respects as if it were a claim made by a claimant of property under section 130B of the *Justices Act*.

PART VI - MISCELLANEOUS

118. REGULATIONS

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters -

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of sub-section (1), the Administrator may in the Regulations prescribe for or in relation to -

- (a) the exploration for petroleum and the carrying on of operations for that purpose;
- (b) the production of petroleum, including the rate of production from a licence area, and the carrying on of operations and execution of works for that purpose;
- (c) the conservation and prevention of waste of natural resources whether petroleum or otherwise;

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- (d) the construction, erection, maintenance, operation or use of installations or equipment within a permit or licence area by the permittee or licensee;
- (e) the control of the flow or discharge, and the prevention of escape of, petroleum, water or drilling fluid, or a mixture of them or any other matter;
- (f) the cleaning up or other remedying of the effects of the escape of petroleum;
- (g) the prevention of damage to petroleum bearing strata in an area in relation to which a permit or licence is not in force;
- (h) the separation of -
 - (i) each source of petroleum discovered in a permit or licence area; and
 - (ii) each source of water discovered in a permit or licence area;
- (j) the prevention of water and other matter from entering a petroleum pool through wells;
- (k) the maintenance in good condition and repair of all structures, equipment and other property used or intended to be used for or in connection with the exploration for, or the production of, petroleum in a permit or licence area;
- (m) the removal from a permit or licence area of structures, equipment or other property brought into a permit or licence area;
- (n) the safety of operations for or related to the exploration for or the recovery of petroleum;
- (p) the protection of the environment and people who have lawful access to the permit or licence area;
- (q) the fees payable under this Act;
- (r) the form and manner of making applications under this Act; and
- (s) penalties, not exceeding \$10,000, for offences against the Regulations.

119. APPLICATION, SAVINGS AND TRANSITIONAL

(1) Subject to this section, this Act does not apply to or in relation to -

- (a) a permit or lease, granted under the repealed Act before the commencement of this Act;
- (b) a renewal of a permit or lease referred to in paragraph (a); or
- (c) the application for, or grant or renewal of, a lease in relation to an area which was previously the whole or part of the area the subject of a permit referred to in paragraph (a).

(2) For the purposes of sub-section (1), the repealed Act shall continue in force as though this Act had not come into operation.

(3) A permittee or lessee, within the meaning of the repealed Act, may, by notice in writing to the Minister, apply to surrender his permit or lease under the repealed Act in consideration of a grant, subject to sub-section (4), of a permit or licence under this Act.

(4) In an application under sub-section (3), the permittee or lessee, within the meaning of the repealed Act, shall specify -

- (a) the nature;
- (b) the term, including whether it shall be deemed to be an initial grant or a renewal and the date of expiration; and
- (c) the conditions,

of the permit or licence he proposes shall be granted to him.

(5) Before the expiration of 3 months from the date of receipt of an application under sub-section (3), the Minister shall, by notice in writing to the person who has made the application -

- (a) grant the application, subject to the terms and conditions specified under sub-section (4), and cause the Registrar to register it; or
- (b) specify terms and conditions, other than those specified under sub-section (4), upon which he is prepared to grant a permit or licence.

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(6) Where, under sub-section (5)(b), the Minister specifies terms and conditions upon which he is prepared to grant a permit or licence and, within 28 days of service of the notice under sub-section (5)(b), the person who made the application under sub-section (3) notifies the Minister that he accepts the grant of a permit or licence, as the case may be, upon the terms and conditions of the notice under sub-section (5)(b), the Minister shall grant the permit or licence upon those terms and conditions and cause the Registrar to register it.

(7) Upon the registration of a permit or licence granted under sub-section (5)(a) or (6), the permit or lease, within the meaning of the repealed Act, expires.

(8) Subject to sub-section (9), an application for a permit that had been made under the repealed Act and had not been processed before the commencement of this Act may, at the election of the applicant made within 2 months after the commencement of this Act, be processed as an application for a permit under this Act as though it were an application made under this Act on the commencement of this Act, but shall otherwise lapse.

(9) Where an application referred to in sub-section (8) does not comply with the requirements of section 16(1), the Minister may -

(a) exercise his powers under section 16(2); and

(b) as he thinks fit, amend the application so that it complies with the requirements of section 16(1).

(10) The person who, immediately before the commencement of this Act, held the office of Petroleum Registrar within the meaning of the repealed Act shall, on that commencement, be the Registrar for the purposes of this Act as if he were appointed under section 90(1) by the Minister on the commencement.

(11) The Register of Permits and Register of Leases, within the meaning of the repealed Act shall, on the commencement of this Act form part of the Register for the purposes of this Act.

(12) Each record kept, registration or record made, certificate or instrument issued, permit, permission, authority, notice or information given, served or lodged or return made, for any purpose, under the repealed Act

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and in force or effect immediately before the commencement of this Act, shall continue in force and have effect as if kept, made, issued or given under this Act.

(13) An interest, whether legal or equitable, created before the commencement of this Act in relation to a permit or lease granted or issued under the repealed Act and in force immediately before the commencement of this Act, shall continue to have the same force and effect after the commencement of this Act as it had before the commencement.

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SCHEDULE

Section 3

ACTS REPEALED

Number and Year	Short title
No. 5, 1954	<i>Petroleum (Prospecting and Mining) Ordinance 1954</i>
No. 14, 1954	<i>Petroleum (Prospecting and Mining) Ordinance (No. 2) 1954</i>
No. 20, 1957	<i>Petroleum (Prospecting and Mining) Ordinance 1957</i>
No. 16, 1960	<i>Petroleum (Prospecting and Mining) Ordinance 1960</i>
No. 15, 1961	<i>Petroleum (Prospecting and Mining) Ordinance (No. 2) 1960</i>
No. 33, 1964	<i>Petroleum (Prospecting and Mining) Ordinance 1964</i>
No. 28, 1966	<i>Petroleum (Prospecting and Mining) Ordinance 1966</i>
No. 45, 1966	<i>Petroleum (Prospecting and Mining) Ordinance (No. 2) 1966</i>
No. 12, 1968	<i>Petroleum (Prospecting and Mining) Ordinance 1968</i>
No. 35, 1977	<i>Petroleum (Prospecting and Mining) Ordinance 1977</i>
No. 113, 1978	<i>Petroleum (Prospecting and Mining) Ordinance 1978</i>
No. 32, 1979	<i>Petroleum (Prospecting and Mining) Act 1979</i>
No. 33, 1979	<i>Petroleum (Prospecting and Mining) Act (No. 2) 1979</i>
No. 62, 1981	<i>Petroleum (Prospecting and Mining) Amendment Act 1981</i>

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Number and Year	Short title
No. 97, 1981	<i>Petroleum (Prospecting and Mining) Amendment Act (No. 2) 1981</i>
No. 98, 1981	<i>Petroleum (Prospecting and Mining) Amendment Act (No. 3) 1981</i>
