



NORTHERN TERRITORY OF AUSTRALIA

No. 62 of 1981

AN ACT

To amend the Petroleum (Prospecting and Mining) Act

[Assented to 14 July 1981]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the Petroleum (Prospecting and Mining) Amendment Act 1981.

2. COMMENCEMENT

(1) Sections 4, 5 and 9 of this Act shall come into operation on the date of commencement of the Mining Act 1980.

(2) Subject to sub-section (1), this Act shall come into operation on the date on which the Administrator declares his assent.

3. PRINCIPAL ACT

The Petroleum (Prospecting and Mining) Act is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 4 of the Principal Act is amended -

- (a) by omitting the definition of "Director of Mines"; and
- (b) by inserting after the definition of "reconnaissance survey" the following definition:

"'Secretary' means the Secretary within the meaning of the Mining Act";

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5. AMENDMENTS

The Principal Act is amended by omitting from sections 19(1), 71(b) and 103(2) "Director of Mines" and substituting "Secretary".

6. GRANT OF LEASES

Section 46 of the Principal Act is amended by inserting after sub-section (7) the following:

"(8) For the purposes of sub-section (2)(b) a lease shall be subject to the terms and conditions set out in the Schedule."

7. SURRENDER OF LEASE

Section 55(1) of the Principal Act is amended by inserting after "good oil field practice" the words "as approved by the Minister, using current technology so as to maximize the recovery of petroleum from the land comprised in the lease".

8. AVOIDANCE OF HARMFUL METHODS OF WORKING

Section 86(1)(b) of the Principal Act is amended by inserting after "good oil field practice" the words "as approved by the Minister, using current technology so as to maximize the recovery of petroleum from the land comprised in the lease".

9. REPEAL AND SUBSTITUTION OF SECTION 112

Section 112 of the Principal Act is repealed and the following section substituted:

"112. APPLICATION OF PROVISIONS OF MINING ACT

"Subject to this Act, the provisions of Part XII of the Mining Act (excepting sections 141 and 145(a), (b), (c), (d), (e), (f) and (k)) apply mutatis mutandis to questions arising as to petroleum and natural gas under this Act as to the matters referred to in that Part."

10. NEW SCHEDULE

The Principal Act is amended by adding at the end the following Schedule:

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"SCHEDULE

Section 46

TERMS AND CONDITIONS OF LEASE UNDER
SECTION 46 OF THE ACT

1. INTERPRETATION

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

'land' means the land demised by the lease;

'lessee' includes the successors and permitted assigns of the lessee.

(2) For the purposes of a lease, the expression 'good oil field practice' wherever occurring in the Act shall include the requirement that the land will be developed in accordance with the technology which, from time to time, is determined in writing by the Minister to be the most appropriate technology and which causes the minimum damage to the natural resources of the land, including the fauna and flora, and the minimum damage to or pollution or degradation of the natural environment.

2. VALUE OF PETROLEUM, &c.

(1) For the purpose of calculating the value at the well-head of all substances upon which a royalty is payable as provided by the Act, the lessee shall measure the quantity of such substances by a measuring device approved by the Minister and installed at the well-head, or at such other place as the Minister approves, by the lessee.

(2) The value at the well-head for the purpose of calculating the royalty payable during any period shall be such amount as is agreed upon between the Minister and the lessee or, in default of agreement within a reasonable time, is such amount as is fixed by the Minister.

3. INSPECTION OF MEASURING DEVICE

The lessee shall, from time to time, permit any person authorized by the Minister, at such times as the Minister may require, to test and examine any measuring device used or to be used by the lessee to measure the quantity of petroleum recovered from the land.

4. LESSEE TO COMPLY WITH LAW

The lessee shall, at all times during the currency of the lease, comply with the Act and Regulations and all other laws from time to time in force so far as they are applicable to or in relation to the land and the use of the land by the lessee.

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5. LESSEE TO COMPLY WITH NOTICES

The lessee shall comply promptly with the requirements of all notices relating to the land and the use of the land by the lessee lawfully given to the lessee in pursuance of any law in force in the Territory.

6. CONSTRUCTION WORK, &c.

When and as often as the lessee intends to construct on the land any permanent building, plant, water-way, road or other improvement or structure permitted to be constructed by the Act or Regulations, the lessee shall give to the Minister written notice of the proposed location thereof and shall obtain the Minister's written consent before commencing any such construction work, which consent may be given on such terms and conditions as the Minister thinks fit, and the lessee shall give to the Minister such further information as the Minister may, from time to time, require in respect of any such construction.

7. CONSERVATION AND PROTECTION OF NATURAL RESOURCES

The lessee shall, from time to time when so required in writing by the Minister during the continuance of the lease, make provision to the satisfaction of the Minister for the continued conservation and protection of the natural resources of the land, including fauna and flora, and for minimizing damage to or pollution or degradation of the natural environment.

8. REMOVAL OF PLANT, &c.

If the Minister so directs in writing, the lessee shall, within 3 calendar months next following the expiration or earlier determination of the lease, remove from the land all plant, buildings, equipment and other property of the lessee reasonably capable of being so removed.

9. RESTORATION OF SURFACE AREAS, &c.

The lessee shall take all reasonable steps to ensure that -

- (a) topsoil from all disturbed areas of the land is stockpiled and, within the 3 calendar months next following the expiration or earlier determination of the lease, is respread to maximum advantage for rehabilitation and revegetation purposes, to the satisfaction of the Minister; and
- (b) wherever vegetation on the land has been removed, damaged or interfered with, within the 3 calendar months next following the expiration or earlier determination of the lease, all areas from or on which vegetation has been so removed, damaged or interfered with is revegetated in the manner and to the extent required by the Minister.

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10. PRESERVATION OF MINISTER'S RIGHT TO CANCEL

The waiver by the Minister of any default by the lessee shall not prevent the Minister from cancelling the lease pursuant to the Act or the exercise by the Minister of any other remedy he may have by reason of any other cause or for the same cause arising at any other time.

11. OBLIGATIONS IN RELATION TO ABORIGINAL LAND

The lessee shall inform all employees, agents and contractors of the lessee from time to time working on the land of the principal obligations of the lessee under any agreement between the lessee and a Land Council established by or under the Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth and shall take all reasonable steps to ensure that such employees, agents and contractors comply with and observe such obligations.

12. LESSEE TO INDEMNIFY CROWN, &c.

The lessee shall at all times indemnify and keep the Territory and the Minister, and all servants thereof, indemnified against all actions, proceedings, costs, charges, claims and demands whatsoever which may be made or brought against the Territory or the Minister or any such servant by any person whomsoever in relation to or in connection with the lease or any matter or thing done or purported to have been done in pursuance thereof.

13. COPIES OF RECORDS TO BE PROVIDED

The lessee shall, from time to time, deliver to the Minister or his duly authorized representative copies of or extracts from such records of the lessee relating to the land or the operations of the lessee thereon as the Minister may, from time to time in writing, require.

14. INSPECTION OF RECORDS

The lessee shall, at all times, permit a person duly authorized in writing by the Minister to inspect any of the records of the lessee relating to the land or the operations of the lessee thereon and that person may take such copies of or extracts from such records as he requires.

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11. FURTHER AMENDMENTS

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

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SCHEDULE

Section 11

FORMAL AMENDMENTS

Provision	Amendment	
	Omit	Substitute
Long title	"An Ordinance"	"An Act"
Sections 1 and 2	"This Ordinance"	"This Act"
Section 4	"this Ordinance" (wherever occurring)	"this Act"
	<u>"Aboriginal Land Rights (Northern Territory) Act 1976"</u>	<u>"Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth"</u>
	<u>"Petroleum (Submerged Lands) Act 1967"</u>	<u>"Petroleum (Submerged Lands) Act 1967 of the Commonwealth"</u>
	<u>"Mining Ordinance"</u> (wherever occurring)	<u>"Mining Act"</u>
Section 4A	"This Ordinance"	"This Act"
Section 5	"this Ordinance"	"this Act"
Section 6	"this Ordinance" (twice occurring)	"this Act"
Section 7A	"Ordinance" (twice occurring)	"Act"
Section 8(1) and (5)	"this Ordinance"	"this Act"
Section 9(1)	"this Ordinance"	"this Act"
Section 10(1)	"this Ordinance"	"this Act"
Section 11(1)	"this Ordinance"	"this Act"

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Provision	Amendment	
	Omit	Substitute
Section 12(1)	"this Ordinance"	"this Act"
Section 16A(2)	"this Ordinance"	"this Act"
Section 17	"this Ordinance" (twice occurring)	"this Act"
Section 18(1)	"this Ordinance"	"this Act"
Section 18(2)	"200 dollars"	"\$200"
Section 20(2) (b)(ii)	"2,000 dollars"	"\$2,000"
Section 21(1)	"this Ordinance"	"this Act"
Section 21(4)(b), (5) and (7)	" <u>Aboriginal Land Rights (Northern Territory) Act 1976</u> "	" <u>Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth</u> "
Section 22(3) and (7)	"this Ordinance"	"this Act"
Section 26(b)	"this Ordinance"	"this Act"
Section 26A(1)	" <u>Mining Ordinance</u> "	" <u>Mining Act</u> "
Section 28(1A)	" <u>Aboriginal Land Ordinance 1978</u> "	" <u>Aboriginal Land Act</u> "
Section 44(1)(a) (ii) and (2)	"this Ordinance"	"this Act"
Section 44(2)(b)	"20,000 dollars"	"\$20,000"
Section 45(1)	"sub-section (2) of section 44"	"section 44(2)"
	"100,000 dollars"	"\$100,000"
Section 46(1), (2)(c) and (3)	"this Ordinance"	"this Act"

Petroleum (Prospecting and Mining) Amendment

Provision	Amendment	
	Omit	Substitute
Section 46(4)(b)	<u>"Aboriginal Land Rights (Northern Territory) Act 1976"</u>	<u>"Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth"</u>
Section 47(1)	"this Ordinance"	"this Act"
Section 48(1)	"this Ordinance"	"this Act"
Section 49(1)	"this Ordinance"	"this Act"
Section 50(2)	"this Ordinance"	"this Act"
Section 50(2)(b)	"100 dollars"	"\$100"
Section 50(2)(c)(ii)	"20,000 dollars"	"\$20,000"
Section 50(3)	"this Ordinance"	"this Act"
Section 51(1)	"paragraph (c) of sub-section (2) of section 50"	"section 50(2)(c)"
	"100,000 dollars"	"\$100,000"
Section 56(2)(a)	"30 dollars"	"\$30"
Section 56(2)(b)	"60 dollars"	"\$60"
Section 56(2)(c)	"100 dollars"	"\$100"
Section 59(1)(c)	"this Ordinance"	"this Act"
Section 59(5)(b)	"this Ordinance" (twice occurring)	"this Act"
Sections 61 and 62	<u>"Social Welfare Ordinance"</u>	<u>"Social Welfare Act"</u>
Section 65(1)	"this Ordinance"	"this Act"
Section 67	"this Ordinance" (wherever occurring)	"this Act"
	<u>"Crown Lands Ordinance"</u>	<u>"Crown Lands Act"</u>

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Provision	Amendment	
	Omit	Substitute
Section 68(1)	"this Ordinance"	"this Act"
Section 69(b)(i)	<u>"Companies Ordinances"</u> (twice occurring)	<u>"Companies Act"</u>
Section 69(d)	"sub-paragraph (i) or (ii) of paragraph (b)"	"paragraph (b)(i) or (ii)"
Section 69(e)	"sub-paragraph (i) or (ii) of paragraph (b)"	"paragraph (b)(i) or (ii)"
Sections 70, 72(1), 72A, 74(a), 75(1) and (3)	"this Ordinance" (wherever occurring)	"this Act"
Section 76(1)(a) (iii) and (c)	<u>"Mining Ordinance"</u>	<u>"Mining Act"</u>
Section 76(1)(d)	<u>"Atomic Energy Act 1953"</u>	<u>"Atomic Energy Act 1953 of the Commonwealth"</u>
Section 76(2)	"paragraphs (a) and (c) of sub-section (1)"	"sub-section (1)(a) and (c)"
Section 77(1)(b)	<u>"Crown Lands Ordinance"</u>	<u>"Crown Lands Act"</u>
Section 77(1A)	"Northern Territory"	"Territory"
Section 77(2)	"paragraph (b) of sub- section (1)"	"sub-section (1)(b)"
Sections 84(1), (2)(d), 91(1), (2) and 92	"this Ordinance" (wherever occurring)	"this Act"
Section 94	<u>"Mining Ordinance"</u>	<u>"Mining Act"</u>
	"that Ordinance"	"that Act"
	"this Ordinance"	"this Act"
Section 98(3)	"paragraph (d) of sub- section (1)"	"sub-section (1)(d)"

Petroleum (Prospecting and Mining) Amendment

Provision	Amendment	
	Omit	Substitute
Sections 101(2), 103(1), 104(1), (2), 107, 108(1), (2) and 109(1)	"this Ordinance" (wherever occurring)	"this Act"
Section 109(1)(a)	"200 dollars"	"\$200"
Section 109(1)(b)	"500 dollars"	"\$500"
Section 109(2)	"this Ordinance"	"this Act"
Section 110	"this Ordinance" (wherever occurring)	"this Act"
	<u>"Mining Ordinance"</u>	<u>"Mining Act"</u>
	"other Ordinance"	"other Act"
Section 111(1) and (2)	"this Ordinance" (wherever occurring)	"this Act"
Section 117	"this Ordinance" (wherever occurring)	"this Act"
	"200 dollars"	"\$200"

