

NORTHERN TERRITORY OF AUSTRALIA

PETROLEUM AMENDMENT BILL 1997

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Petroleum Act*

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 Amendment Act 1997*.

2. COMMENCEMENT

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. NEW DIVISION

The *Petroleum Act* is amended by inserting after section 57 the following:

"Division 5 - Priority in Case of Invalidity

"57A. APPLICATION

"This Division applies notwithstanding anything to the contrary in this Act.

Petroleum Amendment

"57B. APPLICATION WHERE GRANT INVALID

"(1) Where -

- (a) the purported grant of a permit or licence is found to be wholly or partially invalid due to the existence of a native title right or interest over all or part of the land to which the permit or licence purported to apply; and
- (b) at the time of the purported grant of the permit or licence there was no determination of a court or a tribunal as to whether or not the native title right or interest exists in respect of the land to which the permit or licence was to purportedly apply,

the person who or corporation which purportedly held the permit or licence immediately before the finding of invalidity may make, within the time determined under section 57C, an application under section 16, 32 or 45 (as the case may be) for the grant of a permit or licence of the same kind and in respect of the same land as the first-mentioned permit or licence.

"(2) The Minister is to consider and determine an application made in accordance with subsection (1) in preference to any other application he or she receives, or has received but has not yet determined, in respect of the land the subject of the application.

"57C. TIME FOR MAKING APPLICATION

"The Minister is, as soon as practicable after there is a finding of invalidity referred to in section 57B(1)(a), to determine, by notice in writing to the person who or corporation which purportedly held the permit or licence immediately before the finding of invalidity, the time within which the person or corporation is to make an application that will be given preference in accordance with section 57B(2).

"57D. NEW PERMIT OR LICENCE REPLACES ORIGINAL

"Where the Minister grants a permit or licence the subject of an application referred to in section 57B, the permit or licence is to replace the permit or licence that was found to be invalid, whether or not it was found to be wholly or partially invalid.

Petroleum Amendment

"57E. INTERPRETATION

"(1) In this Division, 'native title right or interest' means a native title right or interest within the meaning of the *Native Title Act 1993* of the Commonwealth.

"(2) In section 57B, 'the same land', in relation to a permit that is found to be invalid, means the area of land to which the permit purportedly applied immediately before the finding of invalidity."

4. OPERATION OF ACT

The amendment effected by this Act applies to and in relation to the grants or purported grants of permits and licences made before and after the commencement of this Act.

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