

NORTHERN TERRITORY OF AUSTRALIA
PETROLEUM (SUBMERGED LANDS) AMENDMENT ACT 1991

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Petroleum (Submerged Lands) 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 (Submerged Lands) Amendment Act 1991*.

2. COMMENCEMENT

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

3. PRINCIPAL ACT

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

4. APPLICATION FOR PERMITS

Section 21 of the Principal Act is amended -

- (a) by omitting from subsection (1)(f) "a fee of \$3,000" and substituting "the prescribed fee"; and
- (b) by omitting subsection (5).

5. APPLICATION FEE, &c.

Section 24 of the Principal Act is amended -

- (a) by omitting from subsection (1)(a) "a fee of \$3,000" and substituting "the prescribed fee"; and

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

"(2) Where a permit is not granted on the application, the amount of the deposit shall, subject to subsection (3), be refunded to the applicant."

6. APPLICATION FOR RENEWAL OF PERMIT

Section 30(2)(c) of the Principal Act is amended by omitting "a fee of \$300" and substituting "the prescribed fee".

7. GRANT OR REFUSAL OF RENEWAL OF PERMIT

Section 32 of the Principal Act is amended -

- (a) by omitting from subsection (1) all words before paragraph (c) and substituting the following:

"(1) Where an application has been made under section 30 for the renewal of a permit, the Minister -

- (a) shall, if the conditions to which the permit is, or has from time to time been, subject and the provisions of this Part and the Regulations have been complied with; or

- (b) may, if -

(i) any of the conditions to which the permit is, or has from time to time been, subject or any of the provisions of this Part and the Regulations have not been complied with; and

(ii) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the permit,

by notice in writing served on the person who is then the permittee, inform the person -"; and

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

"(2) If any of the conditions to which the permit is, or has from time to time been, subject or any of the provisions of this Part or the Regulations have not been complied with and if the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the permit, the Minister shall, subject to subsection (3), by notice in writing served on the person who is then the permittee, refuse to grant the renewal of the permit."

8. APPLICATION BY PERMITTEE FOR LEASE

Section 38A(2)(e) of the Principal Act is amended by omitting "a fee of \$600" and substituting "the prescribed fee".

9. NEW SECTION

The Principal Act is amended by inserting after section 38B the following:

"38BA. APPLICATION OF SECTIONS 38A AND 38B WHERE PERMIT TRANSFERRED

"Where -

- (a) after an application has been made under section 38A(1) in relation to a block or blocks in respect of which a permit is in force; and
- (b) before a decision has been made by the Minister under section 38B(1) or (2) in relation to the application,

a transfer of the permit is registered under section 78, sections 38A and 38B have effect, after the time of the transfer, as if a reference in those sections to the applicant were a reference to the transferee."

10. APPLICATION FOR RENEWAL OF LEASE

Section 38F of the Principal Act is amended -

- (a) by omitting from subsection (2)(d) "a fee of \$600" and substituting "the prescribed fee"; and
- (b) by omitting from subsection (4) "a lessee makes an application" and substituting "an application has been made".

11. GRANT OR REFUSAL OF RENEWAL OF LEASE

Section 38G of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following:

"(1) Where -

- (a) an application for the renewal of a lease has been made under section 38F;
- (b) any further information required by the Minister under section 38F(4) has been furnished in accordance with that section; and

- (c) the Minister is satisfied that recovery of petroleum from the lease area -
 - (i) is not, at the time of the application, commercially viable; and
 - (ii) is likely to become commercially viable within 15 years after that time,

the Minister -

- (d) shall, if the conditions to which the lease is, or has from time to time been, subject and the provisions of this Part and the Regulations have been complied with; or
- (e) may, if -
 - (i) any of the conditions to which the lease is, or has from time to time been, subject or any of the provisions of this Part and the Regulations have not been complied with; and
 - (ii) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the lease,

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

"(2) Subject to subsection (3), where an application for the renewal of a lease has been made under section 38F and -

- (a) any further information required by the Minister under section 38F(4) has not been furnished in accordance with that section;
- (b) the Minister is not satisfied as to the matters referred to in subsection (1)(c); or
- (c) any of the conditions to which the lease is, or has from time to time been, subject or any of the provisions of this Part or the Regulations have not been complied with and the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the lease,

the Minister shall, by instrument in writing served on the person who is then the lessee, refuse to grant the renewal of the lease."

12. APPLICATION BY PERMITTEE FOR LICENCE

Section 40 of the Principal Act is amended -

- (a) by inserting in subsection (2)(b), before "may", the words "being the holder of a licence referred to in paragraph (a),"; and
- (b) by omitting from subsection (3)(b) "to whom a licence has been granted" and substituting "who is the holder of a licence".

13. APPLICATION FOR LICENCE BY HOLDER OF LEASE

Section 40A(3) of the Principal Act is amended -

- (a) by omitting "a lessee makes an application" and substituting "an application has been made"; and
- (b) by omitting "he may" and substituting "the person who is then the lessee may".

14. APPLICATION FOR LICENCE

Section 41(1)(e) of the Principal Act is amended by omitting "a fee of \$600" and substituting "the prescribed fee".

15. NEW SECTION

The Principal Act is amended by inserting after section 44 the following:

"44A. APPLICATION OF SECTIONS 41 TO 44 WHERE PERMIT, &c., TRANSFERRED

"Where -

- (a) after an application has been made -
 - (i) under section 40 for the grant of a licence in respect of a block in respect of which a permit is in force; or
 - (ii) under section 40A for the grant of a licence in respect of a block in respect of which a lease is in force; and
- (b) before a decision has been made by the Minister under section 43(1) in relation to the application,

a transfer of the permit or lease (as the case may be) is registered under section 78, then, after the time of the transfer, sections 41 to 44 (inclusive) have effect in relation to the application as if a reference in those sections to the applicant were a reference to the transferee."

16. APPLICATION FEE, &c.

Section 48 of the Principal Act is amended -

- (a) by omitting from subsection (1)(a) "a fee of \$3,000" and substituting "the prescribed fee"; and
- (b) by omitting subsection (2) and substituting the following:

"(2) Where a licence is not granted on the application, the amount of the deposit shall, subject to subsection (3), be refunded to the applicant."

17. GRANT OF LICENCES IN RESPECT OF INDIVIDUAL BLOCKS

Section 51(2)(e) of the Principal Act is amended by omitting "a fee of \$300" and substituting "the prescribed fee".

18. APPLICATION FOR RENEWAL OF LICENCE

Section 54(2)(d) of the Principal Act is amended by omitting "a fee of \$600" and substituting "the prescribed fee".

19. GRANT OR REFUSAL OF LICENCE

Section 55 of the Principal Act is amended -

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

"(1) Where -

- (a) an application for the renewal of a licence has been made under section 54; and
- (b) the conditions to which the licence is, or has from time to time been, subject and the provisions of this Part and the Regulations have been complied with,

the Minister -

- (c) shall, if the application is in respect of the first renewal of the licence; or

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- (d) may, if the application is in respect of a renewal other than the first renewal of the licence,

by instrument in writing served on the person who is then the licensee, inform the person that he is prepared to grant to the person the renewal of the licence.

"(2) Where -

- (a) an application for the renewal of a licence has been made under section 54; and
- (b) any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part or the Regulations have not been complied with, but the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the licence,

the Minister may, by instrument in writing served on the person who is then the licensee, inform the person that he is prepared to grant to the person the renewal of the licence .";

- (b) by omitting from subsection (3) "If a licensee has not complied with the conditions to which a licence is subject and with the provisions of this Part and the Regulations" and substituting "If any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part or the Regulations have not been complied with";
- (c) by inserting in subsection (3), after "notice in writing served on the", the words "person who is then the";
- (d) by omitting from subsection (5) "a licensee makes an application" and substituting "an application has been made"; and
- (e) by inserting in subsection (5), after "notice in writing served on the", the words "person who is then the".

20. REPEAL OF SECTION 57

Section 57 of the Principal Act is repealed.

21. APPLICATION FOR PIPELINE LICENCE

Section 64(1)(f) of the Principal Act is amended by omitting "a fee of \$3,000" and substituting "the prescribed fee".

22. GRANT OR REFUSAL OF PIPELINE LICENCE

Section 65 of the Principal Act is amended -

- (a) by omitting subsections (1), (2) and (3) and substituting the following:

"(1) Where a person makes an application in accordance with section 64, the Minister may, if that person is not the licensee and the application has not been rejected under section 64(3), inform the applicant, by notice in writing served on him, that the Minister is prepared to grant a pipeline licence to him.

"(2) Where an application for a pipeline licence in respect of the construction in an adjacent area of a pipeline for the conveyance of petroleum recovered in a licence area is made in accordance with section 64 by the licensee, the Minister -

- (a) shall, if the conditions to which the licence is, or has from time to time been, subject and the provisions of this Part and the Regulations have been complied with; or

- (b) may, if -

(i) any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part or the Regulations have not been complied with; and

(ii) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of a pipeline licence,

by instrument in writing served on the person who is then the licensee, inform the person that he is prepared to grant to the person a pipeline licence.

"(3) Where an application for a pipeline licence in respect of the construction in an adjacent area of a pipeline for the conveyance of petroleum recovered in a licence area is made in accordance with section 64 by the licensee, the Minister shall, if -

- (a) any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part or the Regulations have not been complied with; and

- (b) the Minister is not satisfied that special circumstances exist that justify the granting of a pipeline licence,

by instrument in writing served on the person who is then the licensee, refuse to grant a pipeline licence."; and

- (b) by omitting subsection (12).

23. APPLICATION FOR RENEWAL OF PIPELINE LICENCE

Section 68(2)(c) of the Principal Act is amended by omitting "a fee of \$600" and substituting "the prescribed fee".

24. GRANT OR REFUSAL OF RENEWAL OF PIPELINE LICENCE

Section 69 of the Principal Act is amended -

- (a) by omitting all words before subsection (1)(c) and substituting the following:

"(1) Where an application has been made under section 68 for the renewal of a pipeline licence, the Minister -

- (a) shall, if the conditions to which the pipeline licence is, or has from time to time been, subject and the provisions of this Part and the Regulations have been complied with; or

- (b) may, if -

- (i) any of the conditions to which the pipeline licence is, or has from time to time been, subject or any of the provisions of this Part or the Regulations have not been complied with; and
- (ii) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the pipeline licence,

by instrument in writing served on the person who is then the pipeline licensee, inform the person -"; and

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

"(2) Where an application has been made under section 68 for the renewal of a pipeline licence, the Minister shall, if -

- (a) any of the conditions to which the pipeline licence is, or has from time to time been, subject or any of the provisions of this Part or the Regulations have not been complied with; and

- (b) the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the pipeline licence,

by instrument in writing served on the person who is then the pipeline licensee, refuse to grant the renewal of the pipeline licence."

25. VARIATION OF PIPELINE LICENCE ON APPLICATION BY PIPELINE LICENSEE

Section 71(2)(e) of the Principal Act is amended by omitting "a fee of \$300" and substituting "the prescribed fee".

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

Section 79 of the Principal Act is amended by omitting "a fee of \$30" (twice occurring) and substituting "the prescribed fee".

27. INSPECTION OF REGISTER AND DOCUMENTS

Section 86 of the Principal Act is amended by omitting "a fee of \$6" and substituting "the fee prescribed or calculated in accordance with the Regulations".

28. EVIDENTIARY PROVISIONS

Section 87 of the Principal Act is amended -

- (a) by omitting from subsection (2) "at the rate of \$1.50 per page" and substituting "in accordance with the Regulations"; and
- (b) by omitting from subsection (3) "a fee of \$15" and substituting "the fee prescribed or calculated in accordance with the Regulations".

29. IMPOSITION OF REGISTRATION FEES

Section 92 of the Principal Act is amended -

- (a) by omitting from subsections (2) and (3) "\$300" (wherever occurring) and substituting "the prescribed amount";
- (b) by omitting from subsection (4) "\$3,000" (twice occurring) and substituting "the prescribed amount";
- (c) by omitting from subsection (6) "\$300" (twice occurring) and substituting "the prescribed amount"; and

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- (d) by omitting from subsection (7) "\$3,000" (twice occurring) and substituting "the prescribed amount".

30. SPECIAL PROSPECTING AUTHORITIES

Section 111 of the Principal Act is amended -

- (a) by omitting from subsection (2)(b) "and";
- (b) by omitting from subsection (2)(c) "those operations." and substituting "those operations; and"; and
- (c) by adding at the end of subsection (2) the following:

"(d) shall be accompanied by the prescribed fee."

31. ACCESS AUTHORITIES

Section 112 of the Principal Act is amended -

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

"(1B) The holder of a special prospecting authority may make an application to the Minister for the grant of an access authority to enable the applicant to carry on petroleum exploration operations in an area, being part of the adjacent area not included in any block that is the subject of the special prospecting authority.

"(1C) The holder of a permit, lease, licence or special prospecting authority may make an application to the Minister for the grant of an access authority to enable the applicant to carry on, in a block or blocks within an adjoining adjacent area -

- (a) petroleum exploration operations; or
- (b) where the applicant is the holder of a permit, lease or licence, operations related to the recovery of petroleum in or from any block within the adjacent area that is the subject of the permit, lease or licence.";
- (b) by inserting in subsection (3)(a), after "licensee", the words ", holder of a special prospecting authority";
- (c) by omitting from subsection (4) "this section" and substituting "a provision of this section other than subsection (1C);

- (d) by omitting from subsection (4) "or licence" (twice occurring) and substituting ", licence or special prospecting authority";
- (e) by inserting in subsection (4), after "other than the applicant, or vary", the word "such";
- (f) by inserting after subsection (4) the following:

"(4A) The Minister shall not grant or vary an access authority on an application under subsection (1C) without the approval of the Minister of State administering the corresponding law in respect of the adjoining adjacent area within which the block or blocks to be specified in the access authority is or are situated.

"(4B) Where the approval of the Minister is sought in respect of -

- (a) an application under a corresponding law for the grant of an access authority in respect of a block within the adjacent area that is the subject of a permit, lease, licence or special prospecting authority of which the registered holder is a person other than the applicant; or
- (b) a proposal to vary an access authority granted on an application under a corresponding law in respect of a block within the adjacent area that is the subject of a permit, lease, licence or special prospecting authority of which the registered holder is a person other than the registered holder of the access authority,

the Minister shall not approve the grant or the variation unless -

- (c) the Minister has, by instrument in writing served on that person, given not less than one month's notice of the intention to grant or vary, as the case may be, the access authority;
- (d) a copy of the instrument has been served -
 - (i) on such other persons, if any, as the Minister thinks fit; and
 - (ii) where it is proposed to vary an access authority - on the registered holder of the access authority;
- (e) the instrument gives -
 - (i) particulars of the access authority that it is proposed to grant or vary, as the case may be; and

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(ii) notice that a person on whom the instrument, or a copy of the instrument, has been served may, by instrument in writing served on the Minister on or before the date specified in the instrument, submit any matters that the person wishes the Minister to consider; and

(f) the Minister has taken into account any matters submitted in accordance with the notice referred to in paragraph (e)(ii)."; and

(g) by omitting subsection (13) and substituting the following:

"(13) In this section -

"adjoining adjacent area" means an adjacent area (within the meaning of a corresponding law) that adjoins the adjacent area;

"State Title" means an authority, however described, under a law of the Commonwealth, Western Australia or Queensland, to explore for, or to recover, petroleum."

32. SECURITIES

Section 114(1) of the Principal Act is amended by omitting paragraph (a) and substituting the following:

"(a) shall be in such amount as is prescribed;".

33. RELEASE OF INFORMATION

Section 118 of the Principal Act is amended by omitting "of \$15 per day" (wherever occurring) and substituting "calculated in accordance with the Regulations".

34. PERMIT FEES

Section 138 of the Principal Act is amended by omitting all words after "term of a" and substituting "permit, the fee prescribed or calculated in accordance with the Regulations."

35. LEASE FEES

Section 138A(1) of the Principal Act is amended by omitting all words after "lease, a" and substituting "fee calculated in accordance with the Regulations."

36. LICENCE FEES

Section 139 of the Principal Act is amended by omitting all words after "a fee" and substituting "calculated in accordance with the Regulations."

37. PIPELINE LICENCE FEES

Section 140 of the Principal Act is amended by omitting all words after "licence," and substituting "a fee calculated in accordance with the Regulations."
