

NORTHERN TERRITORY OF AUSTRALIA

PETROLEUM (ENVIRONMENT) AMENDMENT REGULATIONS 2018

Subordinate Legislation No. 27 of 2018

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 27 of 2018*

Petroleum (Environment) Amendment Regulations 2018

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Petroleum Act*.

Dated 12 December 2018

V. S. O'HALLORAN
Administrator

By Her Honour's Command

N. S. MANISON
Treasurer
acting for
Minister for Primary Industry and Resources

* Notified in the *Northern Territory Government Gazette* on 19 December 2018.

1 Citation

These Regulations may be cited as the *Petroleum (Environment) Amendment Regulations 2018*.

2 Commencement

These Regulations commence on the day on which they are notified in the *Gazette*.

3 Regulations amended

These Regulations amend the *Petroleum (Environment) Regulations*.

4 Regulation 3 amended (Definitions)

Regulation 3

insert (in alphabetical order)

hydraulic fracturing means the underground gas and oil extraction process that involves the injection of fluids at high pressure into a geological formation to induce fractures that conduct hydrocarbons for extraction.

5 Regulations 8A and 8B inserted

After regulation 8, in Part 2, Division 1

insert

8A Publishing certain plans for comment

- (1) The Minister must publish an environment management plan if:
 - (a) the plan is submitted to the Minister under regulation 6; and
 - (b) the plan relates to the drilling of a well or to hydraulic fracturing; and
 - (c) the plan complies with regulation 8.
- (2) The plan must be published, in any manner the Minister considers appropriate, within 14 days of the Minister receiving the plan.
- (3) The requirement to publish does not apply to:
 - (a) information received under regulation 10; or
 - (b) a modified plan submitted under regulation 11; or

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- (c) a plan that relates to the drilling of a water bore.
 - (4) The Minister must publish, with the plan, a notice stating the following:
 - (a) that the plan is published for public comment;
 - (b) that interested persons may submit written comments on the plan to the Minister no later than 28 days after the date of its publication;
 - (c) the address to which comments may be sent or delivered;
 - (d) that all comments received will be published.
 - (5) In publishing a plan, the Minister:
 - (a) must withhold from the public information of a commercially confidential nature; and
 - (b) may withhold other information from the public if satisfied there are reasonable grounds for doing so.

8B Public comments on plan

- (1) Interested persons may submit written comments on a plan published under regulation 8A to the Minister no later than 28 days after the date of its publication.
- (2) The Minister must publish any comments submitted under subregulation (1), in any manner the Minister considers appropriate, after the end of the 28 day period.

6 Regulation 11 amended (Approval of plan, refusal to approve and other actions)

After regulation 11(1)

insert

- (1A) The Minister must take into account any comments submitted under regulation 8B when making a decision under subregulation (2) in relation to a plan published under regulation 8A.

7 Regulation 35A inserted

After regulation 35, in Part 3, Division 1

insert

35A Publication of notices and reports

- (1) The Minister must publish the following documents:
 - (a) written notice of a reportable incident under regulation 33;
 - (b) a final report about a reportable incident under regulation 34;
 - (c) a report about recordable incidents under regulation 35.
- (2) The document must be published, in any manner the Minister considers appropriate, as soon as practicable but no later than 2 business days of the Minister receiving the notice or report.
- (3) In publishing the document, the Minister:
 - (a) must withhold from the public information of a commercially confidential nature; and
 - (b) may withhold other information from the public if satisfied there are reasonable grounds for doing so.

8 Schedule 1 amended (Information to be included in environment management plan)

Schedule 1, clause 3(2)(b)

omit, insert

- (b) the cumulative effects of those impacts and risks when considered with each other and in conjunction with any other activities or events that occurred or may occur in or near the permit area for the regulated activity.

Example for clause 3(2)(b) of other activities or events

Activities or events associated with:

- (a) *other exploration for, or production of, petroleum; or*
- (b) *the exploration for, or extraction of, minerals or extractive minerals.*

9 Repeal of Regulations

These Regulations are repealed on the day after they commence.