

NORTHERN TERRITORY OF AUSTRALIA

**PETROLEUM (ENVIRONMENT) FURTHER AMENDMENT
REGULATIONS 2018**

Subordinate Legislation No. 28 of 2018

Table of provisions

| | | |
|---|--|---|
| 1 | Citation | 2 |
| 2 | Commencement | 2 |
| 3 | Regulations amended..... | 2 |
| 4 | Regulation 3 amended (Definitions) | 2 |
| 5 | Regulation 8 amended (Form and content of plan) | 2 |
| 6 | Part 3A inserted..... | 3 |
| | Part 3A Reporting requirements for hydraulic fracturing | |
| | 37A Report about flowback fluid | |
| | 37B Report about produced water | |
| 7 | Schedule 1 amended (Information to be included in environment management plan)..... | 5 |
| 8 | Repeal of Regulations | 6 |



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 28 of 2018*

Petroleum (Environment) Further 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) Further 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)

NORM means naturally occurring radioactive materials.

prescribed chemical legislation means the following:

- (a) *Dangerous Goods Act*;
- (b) *Medicines, Poisons and Therapeutic Goods Act*;
- (c) *Waste Management and Pollution Control Act*;
- (d) *Water Act*;
- (e) *Work Health and Safety (National Uniform Legislation) Act*.

5 Regulation 8 amended (Form and content of plan)

After regulation 8(4)(b)

insert

- (ba) if the activity is hydraulic fracturing – the details about any chemical or other substance that may be in, or added to, any treatment fluids to be used in the course of the activity;

6 Part 3A inserted

After regulation 37

insert

Part 3A Reporting requirements for hydraulic fracturing

37A Report about flowback fluid

- (1) An interest holder in relation to an activity that includes hydraulic fracturing must give the Minister a report about flowback fluid within 6 months of the flowback occurring.
- (2) The report must contain the following information:
 - (a) the identity of any chemical or NORM found in the flowback fluid;
 - (b) the concentration of any chemical or NORM found in the flowback fluid;
 - (c) details regarding how any chemical or NORM has been or will be managed;
 - (d) details regarding how any chemical or NORM has been or will be transported;
 - (e) details regarding how any chemical or NORM has been or will be treated;
 - (f) details regarding any action proposed to be taken to prevent any chemical or NORM spill;
 - (g) details of the emergency contingency plan included in the environment management plan to which the activity relates;
 - (h) the requirements in relation to the management of any chemical or NORM of the prescribed chemical legislation.

Note for subregulation (2)(c)

Managed includes handling, collecting and storing any chemical or NORM.

- (3) An interest holder commits an offence if the interest holder does not comply with subregulation (1).

Maximum penalty: 200 penalty units.

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- (4) An offence against subregulation (3) is an offence of strict liability.
 - (5) The Minister must publish the report on the Agency's website within 5 business days after receiving the report.
 - (6) In this regulation:

flowback fluid means fluid that is a mixture of hydraulic fracturing fluid and formation fluid that is allowed to flow from the well following hydraulic fracturing.

37B Report about produced water

- (1) An interest holder in relation to an activity that includes hydraulic fracturing must give the Minister a report about produced water within 6 months of the produced water being extracted.
- (2) The report must contain the following information:
 - (a) the identity of any chemical or NORM found in the produced water;
 - (b) the concentration of any chemical or NORM found in the produced water;
 - (c) details regarding how any chemical or NORM has been or will be managed;
 - (d) details regarding how any chemical or NORM has been or will be transported;
 - (e) details regarding how any chemical or NORM has been or will be treated;
 - (f) details regarding any action proposed to be taken to prevent any chemical or NORM spill;
 - (g) details of the emergency contingency plan included in the environment management plan to which the activity relates;
 - (h) the requirements in relation to the management of any chemical or NORM of the prescribed chemical legislation.

Note for subregulation (2)(c)

Managed includes handling, collecting and storing any chemical or NORM.

- (3) An interest holder commits an offence if the interest holder does not comply with subregulation (1).

Maximum penalty: 200 penalty units.

-
- (4) An offence against subregulation (3) is an offence of strict liability.
 - (5) The Minister must publish the report on the Agency's website within 5 business days after receiving the report.
 - (6) In this regulation:

produced water means naturally occurring water that is extracted from the geological formation following hydraulic fracturing.

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

- (1) Schedule 1, Part 1, clause 1(c)
omit
activity; and
insert
activity.
- (2) Schedule 1, Part 1, clause 1(d)
omit
- (3) Schedule 1, after clause 4, in Part 1
insert

4A Chemicals used in the course of hydraulic fracturing

If the activity is hydraulic fracturing, a plan must specify the following information in relation to any chemical or other substance that may be in, or added to, any treatment fluids to be used in the course of the activity:

- (a) the identity of the chemical or other substance;
- (b) the volume of the chemical or other substance;
- (c) the concentration of the chemical or other substance;
- (d) the purpose of the chemical or other substance;
- (e) details regarding how the chemical or other substance will be managed;
- (f) details regarding how the chemical or other substance will be transported on-site;

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- (g) details regarding any action proposed to be taken to prevent a spill of the chemical or other substance;
 - (h) the requirements in relation to the management of the chemical or other substance of the prescribed chemical legislation.

Note for clause 4A(e)

Managed includes handling, collecting and storing any chemical or other substance.

8 Repeal of Regulations

These Regulations are repealed on the day after they commence.