

NORTHERN TERRITORY OF AUSTRALIA

PETROLEUM (ENVIRONMENT) AMENDMENT REGULATIONS 2019

Subordinate Legislation No. 7 of 2019

Table of provisions

1	Citation	2
2	Commencement	2
3	Regulations amended.....	2
4	Regulation 3 amended (Definitions)	2
5	Regulation 4A inserted	2
	4A Code of practice	
6	Regulation 9 amended (Approval criteria for plan)	2
7	Regulation 11 amended (Approval of plan, refusal to approve and other actions).....	3
8	Part 5 inserted	4
	Part 5 Transitional matters for Petroleum (Environment) Amendment Regulations 2019	
	44 Definitions	
	45 Application of amending Regulations to existing regulated activities	
	46 Application of amending Regulations to environment management plan not yet approved	
9	Schedule 1 amended.....	5
10	Repeal of Regulations	5



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 7 of 2019*

Petroleum (Environment) Amendment Regulations 2019

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 1984*.

Dated 11 June 2019

V. S. O'Halloran
Administrator

By Her Honour's Command

N. K. Fyles
Attorney-General and Minister for Justice
acting for
Minister for Environment and Natural Resources

* Notified in the *Northern Territory Government Gazette* on 11 June 2019.

1 Citation

These Regulations may be cited as the *Petroleum (Environment) Amendment Regulations 2019*.

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 2016*.

4 Regulation 3 amended (Definitions)

Regulation 3

insert

Authority Certificate, see section 3 of the *Northern Territory Aboriginal Sacred Sites Act 1984*.

code of practice, see regulation 4A.

5 Regulation 4A inserted

After regulation 4

insert

4A Code of practice

The **code of practice** is the *Code of Practice: Onshore Petroleum Activities in the Northern Territory*, as made by the Minister.

6 Regulation 9 amended (Approval criteria for plan)

(1) Regulation 9(1)(c)(ii)

omit

acceptable.

insert

acceptable; and

(2) After regulation 9(1)(c)

insert

(d) include an Authority Certificate in relation to the land on which the activity will be carried out.

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

(1) Regulation 11(2)(b)(iii)

omit

approval; or

insert

approval.

(2) Regulation 11(2)(c)

omit

(3) After regulation 11(2)

insert

(2A) If the Minister is satisfied that more than 90 days will be required to make a decision for subregulation (2), the Minister must give the interest holder a notice setting out a proposed timetable for consideration of the plan.

(2B) However, if the reason that more than 90 days will be required to make the decision is because an Authority Certificate in relation to the land on which the activity to which the plan relates will be carried out has not been provided:

(i) the Minister is not required to give the interest holder a notice under subregulation (2A); and

(ii) the Minister must make the decision within 14 days after the interest holder has provided the Authority Certificate to the Minister.

8 Part 5 inserted

After regulation 43

insert

**Part 5 Transitional matters for Petroleum
(Environment) Amendment Regulations 2019**

44 Definitions

In this Part:

amending Regulations means the *Petroleum (Environment) Amendment Regulations 2019*.

commencement means the commencement of the amending Regulations.

45 Application of amending Regulations to existing regulated activities

- (1) This regulation applies if the environment management plan for a regulated activity was approved before the commencement.
- (2) The interest holder for the plan may carry out the regulated activity after the commencement in accordance with the plan as approved before the commencement.
- (3) A revision to the plan under regulation 19 must not include a requirement to meet the approval criteria in regulation 9, as in force after the commencement, irrespective of whether the revision occurs after the commencement.

46 Application of amending Regulations to environment management plan not yet approved

- (1) This regulation applies if:
 - (a) an interest holder has submitted an environment management plan for the activity before the commencement; and
 - (b) the Minister had not made a decision under regulation 11 in relation to the plan before the commencement.
- (2) The Minister must not approve the plan under regulation 11 unless the Minister is reasonably satisfied that the plan meets the approval criteria in regulation 9, as in force after the commencement.

9 Schedule 1 amended

- (1) Schedule 1, clause 10(1)(a)

omit

the practices and processes used to manage the environmental aspects of the activity

insert

the protection of the environment

- (2) Schedule 1, clause 10(2), definition **legislative requirements**

omit

a code of practice

insert

the code of practice

10 Repeal of Regulations

These Regulations are repealed on the day after they commence.