

NORTHERN TERRITORY OF AUSTRALIA

PETROLEUM (TRANSITIONAL) REGULATIONS 2023

Subordinate Legislation No. 13 of 2023

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NORTHERN TERRITORY OF AUSTRALIA

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Petroleum (Transitional) Regulations 2023

I, Hugh Crosbie Heggie, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Petroleum Act 1984*.

Responsible Minister:

N. S. MANISON
Minister for Mining and Industry

H. C. HEGGIE
Administrator

Date of making: 13 June 2023

Part 1 Preliminary matters

1 Title

These Regulations may be cited as the *Petroleum (Transitional) Regulations 2023*.

2 Commencement

These Regulations commence on the commencement of section 84 of the *Petroleum Legislation Amendment Act 2022*.

3 Authorising provision

These Regulations are made under section 137 of the Act.

4 Definitions

In these Regulations:

amending Act means the *Petroleum Legislation Amendment Act 2022*.

commencement means the commencement of section 84 of the amending Act.

Schedule means the *Schedule of Onshore Petroleum Exploration and Production Requirements* dated 1 June 2021 issued by the Minister as in force immediately before the commencement.

Note for definition Schedule

The Schedule is being revoked in conjunction with the commencement of the Petroleum Legislation Amendment Act 2022.

Part 2 Applications

5 Applications

- (1) This regulation applies in relation to the following applications made under the Act and not determined before the commencement:
 - (a) an application for the grant or renewal of a petroleum interest;
 - (b) an application under section 24A of the Act;
 - (c) an application to vary the conditions of a petroleum interest;
 - (d) an application to surrender all or part of an exploration permit area or a licence area;

- (e) an application under section 93 of the Act;
 - (f) an application under section 96 of the Act.
- (2) Subject to subregulation (3), the Act, as in force immediately before the commencement, continues to apply in relation to the application until it is finally dealt with under the Act.
- (3) A right to apply to the Tribunal for the review of a reviewable decision under Part II, Division 6, Subdivision 2 of the Act, as inserted by the amending Act, extends to a reviewable decision made after the commencement in relation to an application referred to in subregulation (1).

6 Exemption from requirement to reduce permit area

- (1) The permittee may retain the blocks held as a result of the following exemptions:
- (a) an exemption applying under section 24A of the Act immediately before commencement;
 - (b) an exemption granted on account of the operation of regulation 5(1)(b) and (2).
- (2) The blocks may be held as part of the permit as renewed by the Minister.
- (3) Section 25A of the Act, as inserted by the amending Act, will apply to the exemption if the permit is subsequently renewed.

7 Transfer of interest in application for petroleum interest

Section 57AAB of the Act, as inserted by the amending Act, extends to an application for a petroleum interest made before the commencement.

Part 3 Schedule

8 Compliance with Schedule

- (1) A condition applying in relation to a petroleum interest requiring compliance with the Schedule ceases to apply on the commencement.

- (2) Nothing in subregulation (1) affects:
- (a) the operation of any other regulation that makes specific provision in relation to:
 - (i) a matter within the ambit of the Schedule; or
 - (ii) the operation of the Schedule; or
 - (b) the ability of the Minister to impose a condition or to make a direction that has effect under the Act after the commencement.

Part 4 Resource management, activity and infrastructure plans

9 Well operation management plans

- (1) An application for the acceptance of a well operations management plan submitted to the Regulator under the Schedule that is not determined before the commencement must be assessed as if the Schedule had not been revoked.
- (2) The following are taken to be approved well operations management plans under section 61A of the Act:
 - (a) an accepted well operations management plan in force under the Schedule immediately before the commencement;
 - (b) a well operations management plan accepted as a well operations management plan after the commencement on account of the operation of subregulation (1).
- (3) For the purposes of section 61B(2)(d) of the Act, as inserted by the amending Act, the date on which a well operations management plan under subregulation (2) is accepted is taken to be the date on which the well operations management plan is approved.

10 Field management plans

- (1) An application for the approval of a reservoir management plan submitted to the Minister under the Schedule that is not determined before the commencement must be assessed as if the Schedule had not been revoked.

- (2) Subject to subregulations (3) and (4), the following are taken to be approved field management plans under section 61A of the Act:
 - (a) an approved reservoir management plan in force under the Schedule immediately before the commencement;
 - (b) a reservoir management plan approved as a reservoir management plan after the commencement on account of the operation of subregulation (1).
- (3) A licensee who has the benefit of subregulation (2) must submit to the Minister, for approval, a field management plan under the Act, as amended by the amending Act, within 6 months after the reservoir management plan comes within the ambit of that subregulation.
- (4) Subregulation (2) ceases to apply in a particular case if the licensee:
 - (a) fails to make an application for the approval of a field management plan in accordance with subregulation (3); or
 - (b) makes an application for the approval of a field management plan but the Minister is unable to approve the plan under section 61A of the Act as inserted by the amending Act.

11 Petroleum surface infrastructure plans

- (1) An application for the approval of a production equipment and safety system submitted to the Minister under the Schedule that is not determined before the commencement must be assessed as if the Schedule had not been revoked.
- (2) The following are taken to be approved petroleum surface infrastructure plans under section 61A of the Act:
 - (a) an approved production equipment and safety system in force under the Schedule immediately before the commencement;
 - (b) a production equipment and safety system approved as a production equipment and safety system on or after the commencement on account of the operation of subregulation (1).
- (3) A licensee who has the benefit of subregulation (2) must submit to the Minister, for approval, a petroleum surface infrastructure plan under the Act, as amended by the amending Act, within 6 months after the production equipment and safety system comes within the ambit of that subregulation.

- (4) Subregulation (2) ceases to apply in a particular case if the licensee:
- (a) fails to make an application for the approval of a petroleum surface infrastructure plan in accordance with subregulation (3); or
 - (b) makes an application for the approval of a petroleum surface infrastructure plan but the Minister is unable to approve the plan under section 61A of the Act as inserted by the amending Act.

Part 5 Change in control of corporation

12 Change in control

- (1) This regulation applies to a change in control of a corporation under Part IVA of the Act, as inserted by the amending Act, that occurs within 6 months after the commencement.
- (2) An application for the approval of the Minister is not required under section 104E of the Act, and an offence is not committed against section 104F of the Act, if an investor notifies the Minister that the change in control has occurred as soon as reasonably practicable after its occurrence.
- (3) A notification under subregulation (2) must be in the approved form.

Part 6 Securities

13 Security for compliance with Act and conditions

- (1) Subregulation (2) applies in relation to an amount held under section 79 of the Act immediately before the commencement, other than an amount provided in connection with the approval of an environment management plan.
- (2) The amount may continue to be held and applied by the Minister:
 - (a) for a purpose referred to in section 79 of the Act, as in force immediately before the commencement; or
 - (b) towards a liability of the person to pay a monitoring and compliance levy under Part VD of the Act, as inserted by the amending Act.

14 Environmental securities

- (1) Subregulation (2) applies in relation to an amount held by the Minister immediately before the commencement in connection with the approval of an environment management plan:
 - (a) under section 79 of the Act, as in force immediately before the commencement; or
 - (b) under a condition attached to (or purportedly attached to) an approval or a petroleum interest under the Act.
- (2) On the commencement, the amount is taken to be an environmental security under Part VC of the Act, as inserted by the amending Act.

15 Petroleum infrastructure decommissioning securities

An interest holder with a well operations management plan under regulation 9(2) is not required to provide a petroleum infrastructure decommissioning security that complies with Part VC, Division 3 of the Act, as inserted by the amending Act, in relation to a well that is under construction or in operation before the commencement until 2 years after the commencement.

Part 7 Reports**16 Annual reports**

- (1) An interest holder must comply with section 59 of the Act, as in force immediately before the commencement (and with the requirements of the Schedule in relation to annual reports) in relation to a reporting period that ended before the commencement.
- (2) Subject to an approval under subregulation (5), an interest holder must comply with section 61H of the Act, as inserted by the amending Act, in relation to a reporting period that ends after the commencement.
- (3) An interest holder may apply to the Minister for approval to give the Minister an annual report later than 1 month after the end of a reporting period that ends after the commencement.
- (4) An application under subregulation (3) must be in the approved form.
- (5) If the Minister decides to grant an approval, the approval is for the period determined by the Minister.

17 Other reports

- (1) An interest holder must comply with a reporting requirement under the Schedule in relation to a period applying under the Schedule that commenced before the commencement (as if the Schedule had not been revoked).
- (2) Subregulation (1) does not apply in relation to:
 - (a) an annual report; or
 - (b) a report under Part II of the Schedule.
- (3) An interest holder must comply with section 61J of the Act, as inserted by the amending Act, in relation to a period applying under that section that commences after the commencement.

18 Incident reporting

An incident that occurs before the commencement that is a reportable incident under the Schedule but that has not been reported before the commencement must be reported as if the Schedule had not been revoked.

Part 8 Code of practice**19 Approval of code**

The *Code of Practice: Onshore Petroleum Activities in the Northern Territory* referred to in regulation 4A of the *Petroleum (Environment) Regulations 2016*, as in force immediately before the commencement, is taken to be an approved code of practice under Part VF of the Act, as inserted by the amending Act.

Part 9 Repeal**20 Repeal of Regulations**

These Regulations are repealed 2 years after commencement.