



Western Australia

Petroleum and Geothermal Energy Resources Act 1967

**Incorporating the amendments proposed
by the *Petroleum Legislation Amendment
Bill (B) 2023 Pt. 2***

Petroleum and Geothermal Energy Resources Act 1967

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Consultation Draft

Petroleum and Geothermal Energy Resources Act 1967

An Act relating to —

- the exploration for, and the exploitation of, petroleum resources, geothermal energy resources, and certain other resources, within certain lands of the State; and
- the injection and storage of greenhouse gas substances within certain lands of the State.

~~An Act relating to the exploration for, and the exploitation of, petroleum resources, geothermal energy resources, and certain other resources, within certain lands of the State; to repeal the *Petroleum Act 1936*, and for incidental and other purposes.~~

[Long title amended: No. 35 of 2007 s. 4.]

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Part I — Preliminary

1. Short title

This Act may be cited as the *Petroleum, Geothermal Energy and Greenhouse Gas Storage*~~*Petroleum and Geothermal Energy Resources*~~ Act 1967.

[Section 1 amended: No. 35 of 2007 s. 5.]

2. Commencement

This Act or any provision thereof shall come into operation on such date or such dates as are respectively fixed by proclamation.

3. Repeal

The *Petroleum Act 1936* is repealed.

[4. Deleted: No. 12 of 1990 s. 4.]

5. Terms used

(1) In this Act, unless the contrary intention appears —

access authority means —

- (a) a petroleum access authority; or
- (b) a geothermal access ~~authority; or~~ authority;
- (c) a GHG access authority;

application for a primary licence means an application for the grant or variation of a petroleum production licence under section 50(1) or (2) or 50A(1) or (2) and *primary licence* means a licence granted on such an application;

application for a secondary licence means an application under section 50(3) or 50A(3) and *secondary licence* means a licence granted on such an application;

approved means approved by the Minister;

approved development plan, in relation to a geothermal production licence, means the geothermal energy recovery development plan approved under section 62A that applies to the licence and includes that plan as varied under section 62B;

approved site plan means a site plan in respect of which an approval is in force under regulations made for the purposes of section 69HA;

Barrow Island lease has the meaning given in section 128;

block means a block constituted as provided by section 27 or 135;

boundary-change permit means a petroleum exploration permit granted under section 37B;

closure assurance period means a closure assurance period declared under section 69HX(2);

Commonwealth Act means the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth);

Commonwealth lease means a petroleum retention lease as defined in the Commonwealth Act section 7;

Commonwealth licence means a fixed-term petroleum production licence as defined in the Commonwealth Act section 7;

Commonwealth permit means a petroleum exploration permit as defined in the Commonwealth Act section 7;

construct includes “place” and **construction** has a corresponding meaning;

Crown land means all land in the State —

[(a) deleted]

(b) which has not been lawfully granted or contracted to be granted in fee simple; or

(c) which is not held under lease for any purpose except under —

(i) a pastoral lease within the meaning of the *Land Administration Act 1997*, or a lease otherwise granted for grazing purposes only; or

(ii) a lease for timber purposes; or

(iii) a lease for the use and benefit of the Aboriginal inhabitants,

and includes —

(d) any land reserved, declared or otherwise dedicated under the *Land Administration Act 1997* or any other written law; and

(e) without limiting paragraph (d), State forests and timber reserves within the meaning of the *Conservation and Land Management Act 1984*; and

[(f), (g) deleted]

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- (h) all land between —
- (i) high and low-water mark on the sea shore and on the margin of tidal rivers; and
 - (ii) low-water mark referred to in subparagraph (i) and the inner limit of the territorial sea of Australia;

detection agent means a substance, whether in a gaseous or liquid state, that —

- (a) facilitates the monitoring of the behaviour of another substance or a mixture of other substances when added to —

(i) that other substance; or

(ii) that mixture of other substances;

and

- (b) is specified in the regulations;

document includes any map, book, record or writing;

drilling reservation means —

(a) a petroleum drilling reservation; or

(b) a geothermal drilling ~~reservation; or reservation;~~

(c) a GHG drilling reservation;

drilling reservation area means the area constituted by the blocks that are the subject of a drilling reservation;

eligible GHG storage formation has the meaning given in section 6C(1);

facility means a structure for or in connection with carrying out a petroleum operation, geothermal energy operation or GHG operation ~~or geothermal energy~~ operation;

fundamental suitability determinants, in relation to an eligible GHG storage formation, has the meaning given in section 6C(9);

geological formation includes —

(a) any seal or reservoir of a geological formation; and

(b) any associated geological attributes or features of a geological formation;

geothermal access authority means a geothermal access authority under Part III;

geothermal drilling reservation means a geothermal drilling reservation under Part 3; ~~referred to in section 43D(2);~~

geothermal energy means thermal energy that results from natural geological processes and is contained in geothermal energy resources;

geothermal energy operation means —

(a) a geothermal exploration operation; or

~~(a) an operation to explore for geothermal energy resources, and the carrying on of such operations and the execution of such works as are necessary for that purpose;~~

(b) an operation to drill for geothermal energy resources, and the carrying on of such operations and the execution of such works as are necessary for that purpose; or

(c) an operation to recover geothermal energy, and the carrying on of such operations and the execution of such works as are necessary for that purpose; or

(d) any other kind of operation that is prescribed by the regulations to be a geothermal energy operation for the purposes of this definition,

but does not include an operation of a kind that is prescribed by the regulations not to be a geothermal energy operation for the purposes of this definition;

geothermal energy resources means subsurface rock or other subterranean substances that contain geothermal energy and, where the context so requires, includes the geothermal energy contained in those resources;

geothermal exploration operation means an operation to explore for geothermal energy resources, and the carrying on of operations and the execution of works necessary for that purpose;

geothermal exploration permit means a geothermal exploration permit under Part 3;~~permit that confers the authority referred to in section 38(2);~~

geothermal lease area means the area constituted by the blocks that are the subject of a geothermal retention lease;

geothermal lessee means the registered holder of a geothermal retention lease;

geothermal licence area means the area constituted by the blocks that are the subject of a geothermal production licence;

geothermal licensee means the registered holder of a geothermal production licence;

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geothermal permit area means the area constituted by the blocks that are the subject of a geothermal exploration permit;

geothermal permittee means the registered holder of a geothermal exploration permit;

geothermal production licence means a geothermal production licence under Part III;

geothermal resources area means a discrete area that contains geothermal energy resources;

geothermal retention lease means a geothermal retention lease under Part III;

geothermal special prospecting authority means a geothermal special prospecting authority under Part III;

GHG access authority means a GHG access authority under Part 3;

GHG drilling reservation means a GHG drilling reservation under Part 3;

GHG exploration operation means an operation to explore for potential GHG storage formations or potential GHG injection sites, and the carrying on of operations and the execution of works necessary for that purpose;

GHG exploration permit means a GHG exploration permit under Part 3;

GHG injection licence means a GHG injection licence under Part 3;

GHG injection operation means —

- (a) an operation to inject a greenhouse gas substance into an identified GHG storage formation, and to permanently store the greenhouse gas substance in the identified GHG storage formation, and the carrying on of operations and the execution of works necessary for those purposes; or
- (b) an operation to monitor a greenhouse gas substance stored in an identified GHG storage formation, and the carrying on of operations and the execution of works necessary for that purpose;

GHG lease area means the area constituted by the blocks that are the subject of a GHG retention lease;

GHG lessee means the registered holder of a GHG retention lease;

GHG licence area means the area constituted by the blocks that are the subject of a GHG injection licence;

GHG licensee means the registered holder of a GHG injection licence;

GHG operation —

(a) means —

(i) a GHG exploration operation; or

(ii) an operation to drill for potential GHG storage formations or potential GHG injection sites, and the carrying on of operations and the execution of works necessary for that purpose; or

(iii) a GHG injection operation; or

(iv) any other kind of operation prescribed by the regulations to be a GHG operation for the purposes of this definition;

but

(b) does not include —

(i) an operation of the kind described in paragraph (f) of the definition of *petroleum operation*; or

(ii) an operation of a kind prescribed by the regulations not to be a GHG operation;

GHG permit area means the area constituted by the blocks that are the subject of a GHG exploration permit;

GHG permittee means the registered holder of a GHG exploration permit;

GHG retention lease means a GHG retention lease under Part 3;

GHG special prospecting authority means a GHG special prospecting authority under Part 3;

good oil-field practice means all those things that are generally accepted as good and safe in the carrying on of exploration for petroleum, or in the operations for the recovery of petroleum, as the case may be;

granted, in relation to a boundary-change permit, a petroleum retention lease under section 48CD or a petroleum production licence under section 61A, means taken to have been granted;

graticular section means a section referred to in section 27;

greenhouse gas substance or *GHG* has the meaning given in section 6E(1);

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holder of a drilling reservation means the registered holder of a drilling reservation;

identified GHG storage formation means a part of a geological formation declared to be an identified GHG storage formation under section 69E(2)(a);

incidental greenhouse gas-related substance, in relation to a primary greenhouse gas substance, has the meaning given in section 6D(2);

inspector means a person appointed under section 118;

lease means —

- (a) a petroleum retention lease; or
- (b) a geothermal retention ~~lease; or~~ ~~lease;~~
- (c) a GHG retention lease;

lease area means the area constituted by the blocks that are the subject of a lease;

lessee means the registered holder of a lease;

licence means —

- (a) a petroleum production licence; or
- (b) a geothermal production ~~licence; or~~ ~~licence;~~
- (c) a GHG injection licence;

licence area means the area constituted by the blocks that are the subject of a licence;

licensee means the registered holder of a licence;

location means a block or blocks in respect of which a declaration under section 47 is in force;

offshore area has the meaning given in the *Petroleum (Submerged Lands) Act 1982* section 4;

oil shale includes naturally occurring hydrocarbons that are or may be contained in rocks from which they cannot be recovered otherwise than by mining those rocks as oil shale;

operator —

- (a) in relation to a petroleum exploration operation, geothermal exploration operation or GHG exploration operation in a permit area, means the registered holder of the permit for that area; or

(b) in relation to the following, means the registered holder of the drilling reservation for the drilling reservation area —

(i) an operation to drill for petroleum or geothermal energy resources in a drilling reservation area;

(ii) an operation to drill for potential GHG storage formations or potential GHG injection sites in a drilling reservation area;

(iii) the carrying on of any operations or the execution of any works in a drilling reservation area that are necessary for any of those purposes;

or

(c) in relation to a petroleum exploration operation, geothermal exploration operation or GHG exploration operation in a lease area, means the registered holder of the lease for that area; or

(d) in relation to the following, means the registered holder of the licence for the licence area —

(i) a petroleum exploration operation, geothermal exploration operation or GHG exploration operation in a licence area;

(ii) an operation to recover petroleum or geothermal energy in a licence area, or to recover petroleum or geothermal energy from a licence area in another area, or the carrying on of any operations or the execution of any works in a licence area that are necessary for those purposes;

(iii) a GHG injection operation in a licence area;

or

~~(a) in relation to an operation to explore for petroleum or geothermal energy resources or the carrying on of such operations or the execution of such works as are necessary for that purpose, in a permit area, means the registered holder of the permit for that area;~~

~~(b) in relation to an operation to drill for petroleum or geothermal energy resources or the carrying on of such operations or the execution of such works as are necessary for that purpose, in a drilling reservation area, means the registered holder of the drilling reservation for that area;~~

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- ~~(c) in relation to an operation to explore for petroleum or geothermal energy resources or the carrying on of such operations or the execution of such works as are necessary for that purpose, in a lease area, means the registered holder of the lease for that area;~~
- ~~(d) in relation to —~~
- ~~(i) an operation to recover petroleum or geothermal energy in a licence area or to recover petroleum or geothermal energy from a licence area in another area; or~~
- ~~(ii) an operation to explore for petroleum or geothermal energy resources in a licence area; or~~
- ~~(iii) the carrying on of such operations or the execution of such works in a licence area as are necessary for those purposes,~~
- ~~means the registered holder of the licence for that area;~~
- (e) in relation to an operation for the mining, obtaining or production of petroleum under the Barrow Island lease as renewed, substituted or varied, means the lessee as defined in section 128; or
- (f) in relation to a petroleum exploration operation, geothermal exploration operation or GHG exploration operation in an area specified in a special prospecting authority, means the registered holder of the special prospecting authority; or
- (g) in relation to the following, means the registered holder of the access authority —
- (i) a petroleum exploration operation, geothermal exploration operation or GHG exploration operation in an area specified in an access authority;
- (ii) an operation related to the recovery of petroleum or geothermal energy from an area specified in an access authority;
- (iii) a GHG injection operation in an area specified in an access authority;
- or
- ~~(f) in relation to a petroleum exploration operation or geothermal energy resources exploration operation specified in a special prospecting authority, means the registered holder of the special prospecting authority;~~

~~(g) in relation to a petroleum exploration operation or geothermal energy resources exploration operation or an operation related to the recovery of petroleum or geothermal energy in or from an area specified in an access authority, means the registered holder of the access authority;~~

(h) in relation to the injection of petroleum into a natural underground reservoir, means a person (other than the Minister) who is a party to an agreement under section 67(1), or who has the Minister's approval under section 67(2), in respect of that injection; [or](#)

(i) in relation to the injection of carbon dioxide, as defined in section 3 of the *Barrow Island Act 2003*, into an underground reservoir or other subsurface formation, means a person who has the BI Act Minister's approval under section 13 of that Act, in respect of that injection; [or](#)

(j) in relation to any other kind of operation that is prescribed by the regulations to be a petroleum operation for the purposes of the definition of ***petroleum operation***, means the person prescribed by the regulations to be the operator of such a petroleum operation for the purposes of this definition; [or](#)

(k) in relation to any other kind of operation that is prescribed by the regulations to be a geothermal energy operation for the purposes of the definition of ***geothermal energy operation***, means the person prescribed by the regulations to be the operator of such a geothermal energy operation for the purposes of this definition; [or](#)

[\(l\) in relation to any other kind of operation prescribed by the regulations to be a GHG operation for the purposes of the definition of ***GHG operation***, means the person prescribed by the regulations to be the operator of the GHG operation for the purposes of this definition;](#)

[partly cancelled](#), in relation to a permit, drilling reservation or licence, means cancelled as to 1 or more but not all of the blocks the subject of the permit, drilling reservation or licence;

~~partly cancelled means in relation to a permit, drilling reservation or licence cancelled as to one or more but not all of the blocks the subject of the permit, drilling reservation or licence;~~

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partly determined, in relation to a permit, drilling reservation or lease, means determined as to one or more but not all of the blocks the subject of the permit, drilling reservation or lease;

permit means —

- (a) a petroleum exploration permit; or
- (b) a geothermal exploration ~~permit; or permit;~~
- (c) a GHG exploration permit;

permit area means the area constituted by the blocks that are the subject of a permit;

~~*permit area* means —~~

- ~~(a) a petroleum permit area; or~~
- ~~(b) a geothermal permit area;~~

permittee means the registered holder of a permit;

petroleum means —

- (a) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state; or
- (b) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or
- (c) any naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state, and one or more of the following, that is to say, hydrogen sulphide, nitrogen, helium and carbon dioxide,

and includes any petroleum as defined by paragraph (a), (b) or (c) that has been returned to a natural reservoir, but excludes oil shale;

petroleum access authority means a petroleum access authority under Part III;

petroleum drilling reservation means a petroleum drilling reservation under Part 3;~~referred to in section 43D(1);~~

petroleum exploration operation means an operation to explore for petroleum, and the carrying on of operations and the execution of works necessary for that purpose;

petroleum exploration permit means a petroleum exploration permit under Part 3;~~permit that confers the authority referred to in section 38(1);~~

petroleum lease area means the area constituted by the blocks that are the subject of a petroleum retention lease;

petroleum lessee means the registered holder of a petroleum retention lease;

petroleum licence area means the area constituted by the blocks that are the subject of a petroleum production licence;

petroleum licensee means the registered holder of a petroleum production licence;

petroleum operation means —

(a) a petroleum exploration operation; or

~~(a) an operation to explore for petroleum, and the carrying on of such operations and the execution of such works as are necessary for that purpose;~~

(b) an operation to drill for petroleum, and the carrying on of such operations and the execution of such works as are necessary for that purpose; or

(c) an operation to recover petroleum, and the carrying on of such operations and the execution of such works as are necessary for that purpose; or

(d) an operation for the mining, obtaining or production of petroleum under the Barrow Island lease as renewed, substituted or varied; or

(e) the injection of petroleum into a natural underground reservoir; or

(f) the injection of carbon dioxide, as defined in section 3 of the *Barrow Island Act 2003*, into an underground reservoir or other subsurface formation; or

(g) any other kind of operation that is prescribed by the regulations to be a petroleum operation for the purposes of this definition,

but does not include an operation of a kind that is prescribed by the regulations not to be a petroleum operation for the purposes of this definition;

petroleum permit area means the area constituted by the blocks that are the subject of a petroleum exploration permit;

petroleum permittee means the registered holder of a petroleum exploration permit;

petroleum pool means a naturally occurring discrete accumulation of petroleum;

petroleum production licence means a petroleum production licence under Part III;

petroleum retention lease means a petroleum retention lease under Part III;

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petroleum special prospecting authority means a petroleum special prospecting authority under Part III;

potential GHG injection site means a place that is a suitable place to make a well or wells to inject a greenhouse gas substance into a part of a geological formation;

potential GHG storage formation has the meaning given in section 6B(1);

primary entitlement means —

- (a) in relation to a permittee, the number of blocks —
 - (i) forming part of a location in the permit area in respect of which that permittee may make an application under section 50(1); or
 - (ii) forming a location in the permit area in respect of which that permittee may make an application under section 50(1a);

and

- (b) in relation to a lessee, the number of blocks in the lease area in respect of which that lessee may make an application under section 50A(1) or (1A); ~~(1a)~~;

primary greenhouse gas substance means —

- (a) carbon dioxide; or
- (b) a prescribed greenhouse gas;

private land means any land which has been or may hereafter be alienated from the Crown for any estate of freehold, or is or may hereafter be the subject of any conditional purchase agreement, or of any lease or concession with or without the right of acquiring the fee simple thereof, other than —

- (a) a pastoral lease within the meaning of the *Land Administration Act 1997*, or a lease otherwise granted for grazing purposes only; or
- (b) a lease for timber purposes; or
- (c) a lease for the use and benefit of the Aboriginal inhabitants;

recovery, of geothermal energy, includes the recovery of any geothermal energy resources necessary to recover geothermal energy;

Register means the Register kept by the Minister in pursuance of Division 4 of Part III;

registered holder, in relation to a permit, drilling reservation, lease, licence, special prospecting authority or access authority, means the person whose name is for the time being shown in the Register as being the holder of the permit, drilling reservation, lease, licence, special prospecting authority or access authority;

regulations means regulations made under section 153;

relinquished area means —

- (a) in relation to a permit, drilling reservation, lease or licence that has expired — the area constituted by the blocks in respect of which the permit, drilling reservation, lease or licence was in force but has not been renewed; and
- (b) in relation to a permit, drilling reservation, or lease that has been wholly determined or partly determined — the area constituted by the blocks as to which the permit, drilling reservation or lease was so determined; and
- (c) in relation to a permit, drilling reservation or licence that has been wholly cancelled or partly cancelled — the area constituted by the blocks as to which the permit, drilling reservation or licence was so cancelled; and
- (ca) in relation to a lease that has been wholly cancelled — the area constituted by the blocks in respect of which the lease was in force; and
- (d) in relation to a special prospecting authority or access authority that has been surrendered or cancelled or has expired — the area constituted by the blocks in respect of which that authority was in force;

royalty period, in relation to a permit, drilling reservation or licence, means —

- (a) the period from and including the date from which the permit, drilling reservation or licence has effect to the end of the month of the year during which that date occurs; and
- (b) each month thereafter;

royalty value has the meaning applicable under section 144A(1) or (2);

site plan means a document that —

- (a) relates to an identified GHG storage formation; and
- (b) complies with any requirements specified in the regulations; and

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(c) is divided into the following parts —

(i) Part A, which sets out predictions for the behaviour of a greenhouse gas substance stored in the identified GHG storage formation;

(ii) Part B, which deals with other matters:

spatial extent, of an eligible GHG storage formation, has the meaning given in section 6C(3);

special prospecting authority means —

(a) a petroleum special prospecting authority; or

(b) a geothermal special prospecting ~~authority; or authority;~~

(c) a GHG special prospecting authority;

structure means any fixed, moveable or floating structure or installation and includes a pipeline, pumping station, tank station and valve station;

vessel means a vessel used in navigation, other than air navigation, and includes a barge or other vessel;

well means a hole in the Earth's crust made by drilling, boring or any other means in connection with exploration for petroleum or geothermal energy resources, operations for the recovery of petroleum or geothermal energy or GHG operations, ~~resources or operations for the recovery of petroleum or geothermal energy,~~ but does not include a seismic shot hole;

wholly cancelled, in relation to a permit, drilling reservation, lease or licence, means cancelled as to all the blocks the subject of the permit, drilling reservation, lease or licence;

wholly determined, in relation to a permit, drilling reservation or lease, means determined as to all the blocks the subject of the permit, drilling reservation or lease.

- (2) In this Act, a reference to the term of a permit, drilling reservation, lease, licence, special prospecting authority or access authority is a reference to the period during which the permit, drilling reservation, lease, licence, special prospecting authority or access authority remains in force and a reference to the date of expiration of a permit, drilling reservation, lease, licence, special prospecting authority or access authority is a reference to the day on which the permit, drilling reservation, lease, licence, special prospecting authority or access authority ceases to be in force.
- (3) In this Act, a reference to a year of the term of a permit, drilling reservation, lease or licence is a reference to a period of one

year commencing on the day on which the permit, drilling reservation, lease or licence, as the case may be, comes into force or on any anniversary of that day.

- (4) In this Act, a reference to the renewal, or to the grant of a renewal, of a permit is a reference to the grant of a permit in respect of all or some of the blocks specified in the first-mentioned permit to commence on the day after the date of expiration of the first-mentioned permit or on the day after the date of expiration of the permit granted upon a previous renewal of the first-mentioned permit.
- (4a) In this Act, a reference to the renewal, or to the grant of a renewal, of a lease is a reference to the grant of a lease in respect of the blocks in respect of which the first-mentioned lease was in force to commence on the day after the date of expiration of the first-mentioned lease or on the day after the date of expiration of the lease granted upon a previous renewal of the first-mentioned lease.
- (5) In this Act, a reference to the renewal, or to the grant of a renewal, of a licence in respect of the blocks specified in the licence is a reference to the grant of a licence in respect of those blocks to commence on the day after the date of expiration of the first-mentioned licence or on the day after the date of expiration of the licence granted upon a previous renewal of the first-mentioned licence.
- (5a) In this Act a reference to the extension of a drilling reservation in relation to the blocks specified in the drilling reservation is a reference to the grant of a drilling reservation in respect of those blocks to commence on the day after the date of expiration of the first-mentioned drilling reservation or on the day after the date of expiration of the previous extension, if any, of the first-mentioned drilling reservation.
- (6) In this Act, a reference to a permit, drilling reservation, lease, licence or access authority is a reference to the permit, drilling reservation, lease, licence or access authority as varied for the time being under this Act.
- (7) Notwithstanding anything in subsection (1), the Minister for the time being charged with the administration of the *Mining Act 1978* may, in the event of a dispute whether a particular substance is or is not oil shale, decide whether that substance is or is not oil shale for the purposes of this Act and the *Mining Act 1978* and his decision in the matter shall be final.

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- (8) The power conferred by this Act to make, grant or issue any instrument shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to repeal, rescind, revoke, amend or vary any such instrument.
- (9) Notes in this Act are provided to assist understanding and do not form part of the Act.

[Section 5 amended: No. 69 of 1981 s. 31; No. 12 of 1990 s. 5; No. 78 of 1990 s. 4; No. 11 of 1994 s. 4; No. 28 of 1994 s. 5; No. 31 of 1997 s. 141; No. 17 of 1999 s. 21; No. 13 of 2005 s. 4; No. 35 of 2007 s. 6 and 85; No. 42 of 2010 s. 4; No. 7 of 2017 s. 4; No. 36 of 2020 s. 300.]

6A. Effect of alteration of inshore area

- (1) In this section —

Commonwealth instrument means an instrument under the Commonwealth Act that confers, in relation to the offshore area, some or all of the rights that a permit, lease or licence confers in relation to the inshore area;

inshore area means the area that comes within paragraph (h) of the definition of **Crown land** in section 5(1).

- (2) This section applies to a change to the boundary of the inshore area whether occurring before, on or after the day on which the *Petroleum and Energy Legislation Amendment Act 2010* section 5 comes into operation.
- (3) If —
- (a) a permit, lease or licence has been granted on the basis that an area (the **affected area**) is within the inshore area; and
 - (b) as a result of a change to boundary of the inshore area, the affected area ceases to be within the inshore area,
- this Act applies in relation to the permit, lease or licence as if the affected area were still within the inshore area.
- (4) Subsection (3) continues to apply in relation to the affected area only while the permit, lease or licence remains in force.
- (5) If —
- (a) a Commonwealth instrument has been granted on the basis that an area (the **second affected area**) is within the offshore area; and

- (b) as a result of a change to the boundary of the inshore area the second affected area —
- (i) ceases to be within the offshore area; and
 - (ii) falls within the inshore area,

then this Act does not apply to the second affected area.

- (6) Subsection (5) continues to apply in relation to the second affected area only while the Commonwealth instrument remains in force.

[Section 6A inserted: No. 42 of 2010 s. 5; amended: No. 7 of 2017 s. 5.]

6B. Potential GHG storage formation

- (1) For the purposes of this Act, a *potential GHG storage formation* is a part of a geological formation that is suitable for the permanent storage of a greenhouse gas substance injected into that part.
- (2) For the purposes of subsection (1), it is not necessary to identify the greenhouse gas substance.
- (3) For the purposes of subsection (1), in determining whether a part of a geological formation is suitable for the permanent storage of a greenhouse gas substance injected into that part, regard may be had to reasonably foreseeable technological developments.

6C. Eligible GHG storage formation and related terms

- (1) For the purposes of this Act, an *eligible GHG storage formation* is a part of a geological formation that is suitable for the permanent storage of a particular amount of a particular greenhouse gas substance injected at a particular point or points into that part over a particular period.
- (2) An amount referred to in subsection (1) must be at least 100 000 tonnes.
- (3) For the purposes of this Act, the *spatial extent* of an eligible GHG storage formation is the expected migration pathway or pathways of the particular amount of the particular greenhouse gas substance injected as referred to in subsection (1), over the period —
 - (a) beginning at the start of the particular period referred to in that subsection; and

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- (b) ending at the notional site closing certificate time as defined in subsection (8).
- (4) In determining the spatial extent of an eligible GHG storage formation, regard must be had to —
- (a) the fundamental suitability determinants; and
- (b) any other relevant matters.
- (5) The regulations may provide that the expected migration pathway or pathways are to be ascertained for the purposes of subsection (3) on the basis of —
- (a) 1 or more assumptions (if any) specified in the regulations; and
- (b) a level of probability specified in the regulations; and
- (c) a methodology (if any) specified in the regulations.
- (6) For the purposes of the application of this section to a part of a geological formation covered by subsection (1), the notional site closing certificate time is worked out by —
- (a) assuming that the particular amount of the particular greenhouse gas substance referred to in that subsection was injected at the particular point or points referred to in that subsection over the particular period referred to in that subsection; and
- (b) assuming that, throughout that period, that part was an identified GHG storage formation; and
- (c) assuming that, throughout that period, operations for the injection of the greenhouse gas substance into that part —
- (i) were authorised by a GHG injection licence; and
- (ii) complied with the requirements of this Act and the regulations;
- and
- (d) assuming that, at the end of that period, operations for the injection of the greenhouse gas substance into that part ceased; and
- (e) estimating the earliest time after the end of that period when the Minister would be in a position to issue a site closing certificate in relation to the identified GHG storage formation.

- (7) When making an estimate under subsection (6)(e), section 69HL is to be disregarded.
- (8) The *notional site closing certificate time* is the time estimated under subsection (6)(e).
- (9) For the purposes of this Act, the following are the *fundamental suitability determinants* of an eligible GHG storage formation —
- (a) the particular amount referred to in subsection (1);
 - (b) the particular greenhouse gas substance referred to in subsection (1);
 - (c) the particular point or points referred to in subsection (1);
 - (d) the particular period referred to in subsection (1);
 - (e) the effective sealing feature or attribute that enables the permanent storage referred to in subsection (1).

6D. Incidental greenhouse gas-related substance

- (1) This section applies if a primary greenhouse gas substance is captured from a particular source material.
- (2) For the purposes of this Act, each of the following is an *incidental greenhouse gas-related substance* in relation to a primary greenhouse gas substance —
- (a) any substance that is incidentally derived from the source material;
 - (b) any substance that is incidentally derived from the capture;
 - (c) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is transported — any substance that is incidentally derived from the transportation;
 - (d) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is injected into a part of a geological formation — any substance that is incidentally derived from the injection;
 - (e) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is stored in a part of a geological formation — any substance that is incidentally derived from the storage.

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6E. Greenhouse gas substance or GHG

(1) For the purposes of this Act, each of the following is a **greenhouse gas substance** or **GHG** —

(a) a primary greenhouse gas substance, whether in a gaseous or liquid state;

(b) subject to subsection (2), a mixture of a substance referred to in paragraph (a) with —

(i) 1 or more incidental greenhouse gas-related substances, whether in a gaseous or liquid state, that relate to a substance referred to in paragraph (a); or

(ii) a detection agent, whether in a gaseous or liquid state.

(2) Subsection (1) applies only if —

(a) the mixture consists overwhelmingly of a primary greenhouse gas substance, whether in a gaseous or liquid state; and

(b) in a case where the mixture includes a detection agent — the concentration of the detection agent in the mixture is not more than the concentration prescribed in relation to that detection agent.

Part II — General

6. Act to be construed subject to State's legislative powers

This Act shall be read and construed subject to the limits of the legislative powers of the State and so as not to exceed those powers, to the intent that, where any enactment thereof, but for this section, would be construed as being in excess of those powers, it shall nevertheless be a valid enactment to the extent to which it is not in excess of those powers.

7. Application of Act

- (1) This Act applies to all natural persons, whether Australian citizens or not, and whether resident in the State or not, and to all corporations, whether incorporated or carrying on business in the State or not.
- (2) The conferral by or under this Act or by any permit, drilling reservation, lease, licence, special prospecting authority or access authority of rights over any land to which Part III of the *Aboriginal Affairs Planning Authority Act 1972* applies does not prevent or in any way affect the application of section 31 of that Act to any person exercising those rights.
- (3) The taking or use of any water for the purposes of any operations carried out under the authority of a permit, drilling reservation, access authority, special prospecting authority, lease or licence is subject to the *Rights in Water and Irrigation Act 1914*.
- (4) This Act does not apply to operations for the recovery of geothermal energy —
 - (a) that are carried out for the purposes of a small scale ground source heat pump used at or near the source of the geothermal energy; or
 - (b) that involve small scale recovery of geothermal energy not for a commercial purpose; or
 - (c) that are of a kind prescribed by the regulations.
- (5) Without limiting subsection (4)(b), the regulations may specify whether the small scale recovery of geothermal energy in prescribed circumstances or for a prescribed reason is or is not for a commercial purpose.

[Section 7 amended: No. 107 of 1982 s. 6; No. 12 of 1990 s. 6; No. 78 of 1990 s. 7; No. 35 of 2007 s. 7.]

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[7AA. Deleted: No. 36 of 2020 s. 301.]

7A. Geothermal resources area in, or extending into, other areas

- (1) The provisions of this section have effect for the purposes of this Act (including any Act with which this Act is incorporated) and of licences (whether granted before or after the commencement of this section).
- (2) Where a well-head is situated in a licence area or in an area in respect of which a geothermal access authority is in force (in this subsection called an *access authority area*) and the well from that well-head is inclined so as to enter a geothermal resources area, being an area that does not extend to that licence area or access authority area, at a place within an adjoining licence area of the same licensee or registered holder of the geothermal access authority, any geothermal energy recovered through that well shall be deemed to have been recovered in that adjoining licence area under the geothermal production licence in respect of that area.
- (3) Where a geothermal resources area is partly in one licence area and partly in an adjoining licence area of the same licensee and geothermal energy is recovered from that geothermal resources area through a well or wells in one or both of the licence areas, there shall be deemed to have been recovered in each of the licence areas, under the geothermal production licence in respect of that area, such proportion of all geothermal energy so recovered as may reasonably be treated as being derived from that area, having regard to the nature and probable extent of the geothermal resources area, and the respective proportions shall be determined in accordance with subsection (4).
- (4) The proportions to be determined for the purposes of subsection (3) may be determined by agreement between the licensee and the Minister or, in the absence of agreement, may be determined by the Supreme Court on the application of the licensee or the Minister.
- (5) Where a geothermal resources area is partly in a licence area and partly in another area in which the licensee has authority under another written law or a law of another State to explore for geothermal energy resources or recover geothermal energy, and geothermal energy is recovered from that geothermal resources area through a well or wells in the licence area, the other area or both, there shall be deemed to have been recovered in the licence area such proportion of all geothermal energy so

recovered as may reasonably be treated as being derived from the licence area, having regard to the nature and probable extent of the geothermal resources area, and that proportion shall be determined in accordance with subsection (6).

- (6) The proportion to be determined for the purposes of subsection (5) may be determined —
- (a) in the case of a licensee having authority under another written law, by agreement between —
 - (i) that licensee; and
 - (ii) the Minister; and
 - (iii) if the other written law is administered by a Minister of the Crown other than the Minister, that Minister of the Crown,or, in the absence of agreement, may be determined by the Supreme Court on the application of that licensee, the Minister, or the Minister of the Crown (if any) referred to in subparagraph (iii); or
 - (b) in the case of a licensee having authority under a law of another State, by agreement between —
 - (i) that licensee; and
 - (ii) the Minister; and
 - (iii) the State Minister administering the law of the other State,or, in the absence of agreement, may be determined by the Supreme Court on the application of that licensee, the Minister or the State Minister referred to in subparagraph (iii).
- (7) Where—
- (a) a geothermal resources area is partly in a licence area and partly in another area, whether in the State or not, in respect of which another person has authority, whether under this Act or another written law or under the law of another State, to explore for geothermal energy resources or recover geothermal energy; and
 - (b) a unit development agreement in accordance with section 69 is in force between the licensee and that other person; and

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- (c) geothermal energy is recovered from that geothermal resources area through a well or wells in the licence area, the other area or both,

there shall be deemed to have been recovered in the licence area such proportion of all geothermal energy so recovered as is specified in, or determined in accordance with, the agreement referred to in paragraph (b).

- (8) In this section —

- (a) a reference to a geothermal production licence includes a reference to a geothermal exploration permit and a geothermal retention lease; and
- (b) a reference to a licensee is a reference to the registered holder of a geothermal production licence and includes a reference to a geothermal permittee and a geothermal lessee; and
- (c) a reference to a licence area is a reference to the area constituted by the blocks that are the subject of a geothermal production licence and includes a reference to a geothermal permit area and a geothermal lease area; and
- (d) a reference to a State includes a reference to the Northern Territory; and
- (e) a reference to the Supreme Court is a reference to the Supreme Court of the State, or of one of the States, in which the petroleum pool is wholly or partly situated.

[Section 7A inserted: No. 12 of 1990 s. 7; amended: No. 35 of 2007 s. 8; No. 7 of 2017 s. 6.]

7B. Petroleum pool in, or extending into, other areas

- (1) The provisions of this section have effect for the purposes of this Act (including any Act with which this Act is incorporated) and of licences (whether granted before or after the commencement of this section).
- (2) If a well-head is situated in a licence area or in an area in respect of which a petroleum access authority is in force (in this subsection called an ***access authority area***) and the well from that well-head is inclined so as to enter a petroleum pool, being a pool that does not extend to that licence area or access authority area, at a place within an adjoining licence area of the same licensee or registered holder of the petroleum access

authority, any petroleum recovered through that well is taken to have been recovered in that adjoining licence area under the petroleum production licence in respect of that area.

- (3) If a petroleum pool is partly in one licence area and partly in an adjoining licence area of the same licensee and petroleum is recovered from that pool through a well or wells in one or both of the licence areas, there is taken to have been recovered in each of the licence areas, under the petroleum production licence in respect of that area, such proportion of all petroleum so recovered as may reasonably be treated as being derived from that area, having regard to the nature and probable extent of the pool, and the respective proportions are to be determined in accordance with subsection (4).
- (4) The proportions to be determined for the purposes of subsection (3) may be determined by agreement between the licensee and the Minister or, in the absence of agreement, may be determined by the Supreme Court on the application of the licensee or the Minister.
- (5) If a petroleum pool is partly in a licence area and partly in another area in which the licensee has authority under another written law or a law of another State or the Commonwealth to explore for, or recover, petroleum, and petroleum is recovered from that pool through a well or wells in the licence area, the other area or both, there is taken to have been recovered in the licence area such proportion of all petroleum so recovered as may reasonably be treated as being derived from the licence area, having regard to the nature and probable extent of the pool, and that proportion is to be determined in accordance with subsection (6).
- (6) The proportion to be determined for the purposes of subsection (5) may be determined —
 - (a) in the case of a licensee having authority under another written law, by agreement between —
 - (i) that licensee; and
 - (ii) the Minister; and
 - (iii) if the other written law is administered by a Minister of the Crown other than the Minister, that Minister of the Crown,or, in the absence of agreement, may be determined by the Supreme Court on the application of that licensee,

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the Minister, or the Minister of the Crown (if applicable) referred to in subparagraph (iii); or

- (b) in the case of a licensee having authority under a law of another State, by agreement between —
 - (i) that licensee; and
 - (ii) the Minister; and
 - (iii) the State Minister administering the law of the other State,

or, in the absence of agreement, may be determined by the Supreme Court on the application of that licensee, the Minister or the State Minister referred to in subparagraph (iii); or

- (c) in the case of a licensee having authority under a law of the Commonwealth, by agreement between —
 - (i) that licensee; and
 - (ii) the Minister; and
 - (iii) the Joint Authority,

or, in the absence of agreement, may be determined by the Supreme Court on the application of that licensee, the Minister or the Joint Authority.

- (7) In subsection (6) —
Joint Authority has the meaning given in the Commonwealth Act section 7.

- (8) If —

- (a) an agreement is in force to explore for, or recover, petroleum between —

- (i) a licensee, the Minister and, if the other written law mentioned in this subparagraph is administered by a Minister of the Crown other than the Minister, that Minister of the Crown in relation to a petroleum pool that is partly in the licence area and partly in another area (the **other area**) in which the licensee has authority under another written law; or
- (ii) a licensee, the Minister and the State Minister administering a law of another State in relation to a petroleum pool that is partly in the licence area and partly in another area (the **other area**) in

which the licensee has authority under the law of the other State; or

- (iii) a licensee, the Minister and the Joint Authority in relation to a petroleum pool that is partly in the licence area and partly in another area (the *other area*) in which the licensee has authority under a law of the Commonwealth;

and

- (b) the agreement contains a provision (the *apportionment provision*) that provides that, for the purposes of this section, there is taken to be recovered in the licence area a specified proportion of all of the petroleum recovered from the petroleum pool; and
- (c) assuming that petroleum were recovered from the part of the seabed that is within the areal and vertical extents specified in the agreement, the specified proportion would be consistent with such proportion of all petroleum so recovered as may reasonably be treated as being derived from the licence area, having regard to the nature and probable extent of the petroleum in that part of the seabed; and
- (d) the agreement contains a provision to the effect that if it becomes apparent that the areal and vertical extents of the petroleum pool, as specified in the agreement, comprise or are likely to comprise more than one petroleum pool, the apportionment set out in the apportionment provision will apply to the petroleum recovered from any or all of those petroleum pools, regardless of their location but within those areal and vertical extents; and
- (e) after the time of the making of the agreement, it becomes apparent that the areal and vertical extents of the petroleum pool, as specified in the agreement, comprise, or are likely to comprise, 2 or more petroleum pools; and
- (f) petroleum is recovered from any of those petroleum pools through a well or wells in the licence area, the other area or both,

then —

- (g) for the purposes of this Act, there is taken to have been recovered in the licence area such proportion of all

s. 7B

- petroleum so recovered as is specified in the apportionment provision; and
- (h) subsection (5) does not apply to any of those petroleum pools.
- (9) The question of whether there is or was a petroleum pool covered by subsection (8)(a) is to be determined on the basis of information known at the time of the making of the relevant agreement referred to in that provision.
- (10) The question of whether subsection (8)(c) applies is to be determined on the basis of information known at the time of the commencement of the apportionment provision.
- (11) The location of any of the 2 or more petroleum pools mentioned in subsection (8)(e) is immaterial.
- (12) If —
- (a) at a particular time after the commencement of this section, a petroleum pool is partly in a licence area and partly in another area (the *other area*) in which the licensee has authority under another written law or a law of another State or the Commonwealth to explore for, or recover, petroleum; and
- (b) at that time, an agreement is made between —
- (i) if the licensee has authority under another written law — the licensee, the Minister and, if the other written law is administered by a Minister of the Crown other than the Minister, that Minister of the Crown; or
- (ii) if the licensee has authority under a law of another State — the licensee, the Minister and the State Minister administering the law of the other State; or
- (iii) if the licensee has authority under a law of the Commonwealth — the licensee, the Minister and the Joint Authority;
- and
- (c) the agreement specifies a part of the seabed by reference to its areal and vertical extents; and
- (d) the areal and vertical extents of the specified part consist of —
- (i) the whole or a part of the licence area; and

- (ii) the whole or a part of the other area;
and
 - (e) the areal and vertical extents of the specified part include the petroleum pool; and
 - (f) the agreement contains a provision (the *apportionment provision*) that provides that, for the purposes of this section, there is taken to be recovered in the licence area a specified proportion of all of the petroleum recovered from the specified part; and
 - (g) assuming that petroleum were recovered from the specified part, the specified proportion would be consistent with such proportion of all petroleum so recovered as may reasonably be treated as being derived from the licence area, having regard to the nature and probable extent of the petroleum in the specified part; and
 - (h) petroleum is recovered from the specified part through a well or wells in the licence area, the other area or both,
- then —
- (i) for the purposes of this Act, there is taken to have been recovered in the licence area such proportion of all petroleum so recovered as is specified in the apportionment provision; and
 - (j) subsection (5) does not apply to a petroleum pool located in the specified part.
- (13) The question of whether there is or was a petroleum pool covered by subsection (12)(a) at a particular time is to be determined on the basis of information known at that time.
- (14) The question of whether subsection (12)(g) applies is to be determined on the basis of information known at the time of the commencement of the apportionment provision.
- (15) If —
- (a) a petroleum pool is partly in a licence area and partly in another area, whether in the State or not, in respect of which another person has authority, whether under this Act or another written law or under the law of another State or the Commonwealth, to explore for or recover petroleum; and

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- (b) a unit development agreement in accordance with section 69 is in force between the licensee and that other person; and
- (c) petroleum is recovered from that pool through a well or wells in the licence area, the other area or both,

there is taken to have been recovered in the licence area such proportion of all petroleum so recovered as is specified in, or determined in accordance with, the agreement referred to in paragraph (b).

(16) In this section —

- (a) a reference to a petroleum production licence includes a reference to a petroleum exploration permit and a petroleum retention lease; and
- (b) a reference to a licensee is a reference to the registered holder of a petroleum production licence and includes a reference to a petroleum permittee and a petroleum lessee; and
- (c) a reference to a licence area is a reference to the area constituted by the blocks that are the subject of a petroleum production licence and includes a reference to a petroleum permit area and a petroleum lease area; and
- (d) a reference to a State includes a reference to the Northern Territory; and
- (e) a reference to the Supreme Court is a reference to the Supreme Court of the State, or of one of the States, in which the petroleum pool is wholly or partly situated.

[Section 7B inserted: No. 7 of 2017 s. 7.]

8. Position on Earth's surface

- (1) Where, for the purposes of this Act, or for the purposes of an instrument under this Act, it is necessary to determine the position on the surface of the Earth of a point, line or area, that position is to be determined by reference to the prescribed Australian datum.
- (2) A datum may be prescribed for all or some of the purposes referred to in subsection (1), and different datums may be prescribed for different purposes.
- (3) Regulations that prescribe a datum for a purpose referred to in subsection (1), or amend that datum or prescribe another datum

to replace that datum, may make any transitional or savings provisions that are necessary or convenient to be made —

- (a) in relation to permits, drilling reservations, leases, licences, special prospecting authorities or access authorities granted before the regulations take effect; or
 - (b) in relation to applications for permits, drilling reservations, leases, licences, special prospecting authorities or access authorities pending when the regulations take effect; or
 - (c) for any other purpose.
- (4) Regulations referred to in subsection (3) may modify or otherwise affect the operation of this Act.

[Section 8 inserted: No. 54 of 2000 s. 7(2); amended: No. 13 of 2005 s. 16(1).]

9. Certain resources and formations declared to be property of Crown
~~Petroleum, geothermal energy resources and geothermal energy declared to be property of Crown~~

Notwithstanding anything to the contrary contained in any Act, or in any grant, lease, or other instrument of title, whether made or issued before or after the commencement of this Act, all petroleum, geothermal energy resources, geothermal energy, potential GHG storage formations and potential GHG injection sites ~~resources and geothermal energy~~ on or below the surface of all land within this State, whether alienated in fee simple or not so alienated from the Crown, are and shall be deemed always to have been the property of the Crown.

[Section 9 amended: No. 35 of 2007 s. 9.]

10. Reservations in Crown grants and leases

- (1) Every Crown grant and lease under any Act relating to Crown land issued before the coming into operation of this Act is taken to have contained the reservations set out in subsection (3).
- (2) Every Crown grant, transfer of Crown land in fee simple and lease under any Act relating to Crown land issued on or after the coming into operation of this Act must contain, or if not containing those reservations, is taken to contain, the reservations set out in subsection (3).

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(3) For subsections (1) and (2), the reservations are —

(a) a reservation of all petroleum, geothermal energy resources, geothermal energy, potential GHG storage formations and potential GHG injection sites on or below the surface of the land comprised in the Crown grant, lease or transfer; and

(b) a reservation of the right of access, subject to and in accordance with this Act —

(i) for the purpose of searching for and for the operations of obtaining petroleum, geothermal energy resources or geothermal energy in or on any part of the land; or

(ii) for the purpose of carrying out GHG operations in or on any part of the land.

~~**10. — Reservations in Crown grants and leases**~~

~~Every —~~

~~(a) Crown grant and lease under any Act relating to Crown land issued before the coming into operation of this Act shall be deemed to have contained; and~~

~~(b) Crown grant, transfer of Crown land in fee simple, and lease under any Act relating to Crown land issued on or after the coming into operation of this Act shall contain, or if not containing those reservations, be deemed to contain,~~

~~a reservation of all petroleum, geothermal energy resources and geothermal energy on or below the surface of the land comprised therein, and also a reservation of the right of access, subject to and in accordance with the provisions hereinafter contained, for the purpose of searching for and for the operations of obtaining petroleum, geothermal energy resources and geothermal energy in any part of the land.~~

~~[Section 10 amended: No. 31 of 1997 s. 76(1); No. 35 of 2007 s. 10.]~~

11. Minister may carry on petroleum, geothermal energy or GHG operations~~Minister may search for petroleum or geothermal energy resources~~

(1A) In this section—

unallocated Crown land means Crown land —

- (a) in which no interest is known to exist, but in which native title as defined in the *Native Title Act 1993* (Commonwealth) section 223 may or may not exist; and
- (b) which is not reserved, declared or otherwise dedicated under the *Land Administration Act 1997* or any other written law.

(1) The Minister may by his officers, agents, or workmen search for petroleum or geothermal energy resources, and conduct all operations deemed necessary for or incidental to searching for, obtaining, refining, or disposing of petroleum, geothermal energy resources or geothermal energy produced in Western Australia; and, for such purposes, may enter upon and occupy, either temporarily or permanently —

- (a) any unallocated ~~vacant~~ Crown land; or
- (b) any other land.

(1B) The Minister may by the Minister's officers, agents, or workmen carry on GHG operations and, for those purposes, may enter upon and occupy, either temporarily or permanently —

- (a) any unallocated Crown land; or
- (b) any other land.

(2) Where any of the powers conferred by subsection (1) has been exercised in relation to land referred to in subsection (1)(b), or any of the powers conferred by subsection (1B) has been exercised in relation to land referred to in subsection (1B)(b), paragraph (b) of that subsection, compensation is payable to the occupier of the land and to any person having an estate or interest therein for any interference with the use of the land by the occupier, with operations carried on thereon or for any damage to or interference with any improvement on the land.

(3) Any claim for payment of compensation under this section shall be made, dealt with, and determined under and in accordance with the provisions of Part 10 of the *Land Administration*

s. 11A

Act 1997, as if it were a claim for compensation made originally under that Act.

[Section 11 amended: No. 31 of 1997 s. 76(2); No. 35 of 2007 s. 11.]

11A. Property rights in recovered petroleum and geothermal energy

- (1) Subject to this Act and to any rights of other persons, on the recovery of any petroleum by a petroleum permittee, holder of a petroleum drilling reservation, petroleum lessee or petroleum licensee in the permit area, drilling reservation, lease area or licence area, the petroleum becomes the property of the petroleum permittee, holder of the petroleum drilling reservation, petroleum lessee or petroleum licensee.
- (2) Subject to this Act and to any rights of other persons, on the recovery of any geothermal energy by a geothermal permittee, holder of a geothermal drilling reservation, geothermal lessee or geothermal licensee in the permit area, drilling reservation, lease area or licence area, the geothermal energy becomes the property of the geothermal permittee, holder of the geothermal drilling reservation, geothermal lessee or geothermal licensee.
- (3) Nothing in subsection (2) operates to confer rights in relation to any water by means of which geothermal energy is transferred from geothermal energy resources for the purposes of its recovery.

[Section 11A inserted: No. 35 of 2007 s. 12(1).]

12. Land may be resumed

- (1) The Minister administering the *Land Administration Act 1997* may from time to time, under and subject to Part 9 of the *Land Administration Act 1997*, take on behalf of the Crown any land which in his opinion ought to be taken for the purposes of this Act, and for the purpose of any such proposed taking may cause the land to be inspected, surveyed, explored, and reported upon by such officers and workmen as he directs, all of whom may thereupon enter upon the land and carry out all necessary operations.
- (2) The Minister administering the *Land Administration Act 1997* may from time to time under and subject to Part 9 of the *Land Administration Act 1997*, and at the request of a person interested in land taken or intended to be taken under

subsection (1), take on behalf of the Crown any land which is being or is intended to be used in conjunction with the land so taken or so intended to be taken.

- (3) Upon any such taking the owner shall be entitled to compensation, and the amount of such compensation shall be determined in the manner prescribed by Part 10 of the *Land Administration Act 1997*.
- (4) Whenever it is proved to the satisfaction of the State Administrative Tribunal that damage has been sustained by a claimant by reason of the severance of the land resumed from other adjoining land of the claimant, the Tribunal may order that such adjoining land or some portion thereof shall also be resumed.

[Section 12 amended: No. 31 of 1997 s. 76(3)-(5), 142 and 143; No. 55 of 2004 s. 916.]

13. Governor to have right of pre-emption of petroleum in emergency

- (1) Upon the Governor proclaiming a state of national or State emergency, the Governor shall have the right of pre-emption of all petroleum produced by a licensee and of all the products of such petroleum; and in the event of the Governor exercising such right, the licensee concerned shall take all reasonable steps to facilitate the delivery of the petroleum or products thereof, as the Governor may direct.
- (2) No licensee shall sell or otherwise dispose of petroleum produced by him or the products thereof, without the written consent of the Minister.
Penalty: a fine of \$10 000.
- (3) Any sale or other disposition of petroleum or the products thereof made in contravention of subsection (2) shall, as against the Governor when exercising the right conferred by subsection (1), be null and void.
- (4) The price to be paid for petroleum or products thereof purchased by the Governor pursuant to the right of pre-emption conferred by subsection (1) shall, failing mutual agreement between the Minister and the vendor, be determined by arbitration under the provisions of the *Commercial Arbitration Act 2012*.

[Section 13 amended: No. 12 of 1990 s. 8; No. 42 of 2010 s. 62(15); No. 23 of 2012 s. 45.]

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14. Land comprised in permit, drilling reservation, lease or licence may be entered for certain purposes

- (1) Subject to the approval and consent in writing of the Minister, any person may enter upon any land comprised in any permit, drilling reservation, lease or licence and do any of the following things: —
 - (a) erect poles and posts thereon, and carry overhead across or along such land electric lines, and from time to time repair, alter, or remove such poles, posts, or lines; and
 - (b) make or construct any tramways thereon, and from time to time repair, alter, or remove the same; and
 - (c) construct any road, race or drain, or lay water-pipes under, over, across, or through such land; and
 - (d) any act or thing for or relating to a public purpose or the exercise of any right granted pursuant to law; and
 - (e) for carrying out any of the said purposes, break or otherwise disturb the surface and soil of such land.
- (2) If the permittee, holder of the drilling reservation, lessee or licensee suffers any estimable damage by reason of the exercise by any person of any of the powers mentioned in subsection (1), that person shall be liable to compensate the permittee, holder of the drilling reservation, lessee or licensee, as the case requires, in respect of the damage so caused.
- (3) In default of agreement between the parties concerned, the permittee, holder of the drilling reservation, lessee or licensee may make application to the Magistrates Court at the place nearest to the place at which the land is situated in the prescribed manner to fix the amount of compensation to be paid.
[Section 14 amended: No. 12 of 1990 s. 9; No. 78 of 1990 s. 7; No. 59 of 2004 s. 141.]

15. Authority conferred by permit, drilling reservation, lease or licence

- (1) Subject to this Act and to any condition referred to in section 91B(2), but notwithstanding the provisions of any other Act or law, the authority conferred by section 38, [38A](#), [43D](#), [43EA](#), [48C](#), [48DA](#) ~~43D~~, ~~48C~~ or 62 upon a permittee, holder of a drilling reservation, lessee or licensee is, by virtue of this Act, exercisable on any land within the permit area, drilling [reservation area](#), ~~reservation~~, lease area or licence area, as the

case may be, whether Crown land or private land or partly Crown land and partly private.

[(2) *deleted*]

[Section 15 amended: No. 12 of 1990 s. 10; No. 78 of 1990 s. 7; No. 31 of 1997 s. 141; No. 17 of 1999 s. 22(1) and (2).]

15A. Consent of Minister required for entry on reserves for purposes of exploration etc.

- (1) A permittee, holder of a drilling reservation, access authority or special prospecting authority, lessee or licensee shall not enter upon any land that is —
- (a) comprised in the permit, drilling reservation, access authority, special prospecting authority, lease or licence of which he is the holder; and
 - (b) reserved, declared or otherwise dedicated under the *Land Administration Act 1997* or any other written law, for the purpose of —
 - (c) exploring for petroleum or geothermal energy resources; or
 - (d) carrying out operations for the recovery of petroleum or geothermal ~~energy; or energy,~~
 - (e) carrying out GHG operations,

unless the consent in writing of the Minister has been first obtained.

- (2) Consent may be given for the purposes of subsection (1) subject to the inclusion in the permit, drilling reservation, access authority, special prospecting authority, lease or licence of such conditions as the Minister thinks fit and specifies in the consent.
- (3) Before giving consent for the purposes of subsection (1), the Minister shall consult with the responsible Minister and obtain that Minister's recommendations on the conditions, if any, which should be included in the permit, drilling reservation, access authority, special prospecting authority, lease or licence.
- (4) Without limiting subsection (2), the Minister may specify in the consent conditions for the purpose of ensuring, so far as is practicable, that any operations carried out on the land under the authority of the permit, drilling reservation, access authority, special prospecting authority, lease or licence are carried out in

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such a manner as to minimise the risk of damage to any native fauna or flora on the land.

- (5) The responsible Minister for the purposes of subsection (3) is the Minister responsible for the administration of the land or the written law under which the land is reserved, declared or dedicated, and if any question arises as to who is the responsible Minister under subsection (3), the question is to be determined by the Governor whose decision is final.
- (6) Nothing in this section limits or otherwise affects the operation of sections 13A(3) and 13B(9) of the *Conservation and Land Management Act 1984*.

[Section 15A inserted: No. 17 of 1999 s. 23(1); amended: No. 35 of 2007 s. 13.]

16. Consent of owner or trustees required in certain cases for exploration etc.

- (1) A permittee, holder of a drilling reservation, access authority or special prospecting authority, lessee or licensee shall not enter upon any land to which this section applies for the purpose of —
 - (a) exploring for petroleum or geothermal energy resources; or
 - (b) carrying out operations for the recovery of petroleum or geothermal ~~energy; or energy;~~
 - (c) carrying out GHG operations,

unless the consent in writing of the owner or trustees, as the case may be, of the land has been first obtained.

- (1a) This section applies to land that is comprised in the permit, drilling reservation, access authority, special prospecting authority, lease or licence and is —
 - (a) private land not exceeding 2 000 m² in extent; or
 - (b) used as a cemetery or burial place; or
 - (c) less than 150 m in lateral distance from any cemetery or burial place, reservoir or any substantial improvement.
- (2) For the purposes of this section —
 - (a) *reservoir* includes any natural or artificial storage or accumulation of water, spring, dam, bore, and artesian well; and
 - (b) the Minister is the sole judge of whether any improvement is substantial.

[Section 16 amended: No. 94 of 1972 s. 4; No. 12 of 1990 s. 11; No. 78 of 1990 s. 7; No. 73 of 1994 s. 4; No. 14 of 1996 s. 4; No. 17 of 1999 s. 24; No. 35 of 2007 s. 14.]

17. Compensation to owners and occupiers of private land

- (1) A permittee, holder of a drilling reservation, lessee or licensee may agree with the owner and occupier respectively of any private land comprised in the permit, drilling reservation, lease or licence as to the amount of compensation to be paid for the right to occupy the land.
- (2) Subject to subsections (3) and (5), the compensation to be made to the owner and occupier shall be compensation for being deprived of the possession of the surface or any part of the surface of the private land, and for damage to the surface of the whole or any part thereof, and to any improvements thereon, which may arise from the carrying on of operations thereon or thereunder, and for the severance of such land from other land of the owner or occupier, and for rights-of-way and for all consequential damages.
- (3) In assessing the amount of compensation no allowance shall be made to the owner or occupier for any gold, minerals, petroleum, geothermal energy [resources, geothermal energy, potential GHG storage formations or potential GHG injection sites](#) ~~resources or geothermal energy~~ known or supposed to be on or under the land.
- (4) If within such time as may be prescribed the parties are unable to agree upon the amount of compensation to be paid, either party may apply to the Magistrates Court at the place nearest to where the land is situated to fix the amount of compensation.
- (5) In determining the amount of compensation, the Court shall take into consideration the amount of any compensation which the owner and occupier or either of them have or has already received in respect of the damage for which compensation is being assessed, and shall deduct the amount already so received from the amount which they would otherwise be entitled to for such damage.

[Section 17 amended: No. 12 of 1990 s. 12; No. 78 of 1990 s. 7; No. 59 of 2004 s. 141; No. 35 of 2007 s. 15.]

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18. Owner of private land in vicinity of permit area, drilling reservation, lease area or licence area may be entitled to compensation

If any private land or improvement thereon adjoining or in the vicinity of the land comprised in any permit, drilling reservation, lease or licence is injured or depreciated in value by any operations carried on by or on behalf of the permittee, holder of the drilling reservation, lessee or licensee or by reason of the occupation of any portion of the surface, or the enjoyment by the permittee, holder of the drilling reservation, lessee or licensee of any right-of-way, the owner and occupier of the private land or improvements thereon shall severally be entitled to compensation for all loss and damage thereby sustained, and the amount of compensation shall be ascertained in the same manner as is provided in section 17.

[Section 18 amended: No. 12 of 1990 s. 13; No. 78 of 1990 s. 7.]

19. Compensation for further damage

If while in occupation of any land comprised in a permit, drilling reservation, lease or licence the permittee, holder of the drilling reservation, lessee or licensee, as the case requires, causes any damage to the surface of any private land comprised within the boundaries of the land the subject of the permit, drilling reservation, lease or licence belonging either to the same or any other owner, or to any improvement on any such private land, not being damage already assessed under the provisions of this Part, the owner and occupier of the private land or improvement shall severally be entitled to compensation for the damage sustained by each of them, and the amount of such compensation shall be ascertained in accordance with the provisions of section 17.

[Section 19 amended: No. 12 of 1990 s. 14; No. 78 of 1990 s. 7.]

20. Holder of permit, drilling reservation, lease or licence not to commence operations on private land until compensation tendered or agreed upon

- (1) A permittee, holder of a drilling reservation, lessee or licensee shall not commence any operations on private land unless or until he has paid or tendered to the owner and to the occupier of the land the amount of compensation, if any, which he is

required to pay under and as ascertained in accordance with this Act or he has made an agreement in writing with the owner or occupier as to the amount, times and mode of payment of the compensation, if any.

- (2) Where the owner is dead or cannot be found any payment of compensation may be made to the Minister in trust for the owner.

[Section 20 amended: No. 12 of 1990 s. 15; No. 78 of 1990 s. 7.]

21. Compensation payable to lessee of pastoral lease, lease for timber purposes or lease for use and benefit of Aboriginal inhabitants for damage to improvements and consequential damage

- (1) If a permittee, holder of a drilling reservation, lessee or licensee has by himself, his agent or his employee in the exercise or purported exercise of any of the powers conferred by or under this Act or by reason of any operation conducted or other action taken by him or any of them caused damage to any improvements on land leased by way of —
- (a) a pastoral lease within the meaning of the *Land Administration Act 1997*, or a lease otherwise granted for grazing purposes only; or
 - (b) a lease for timber purposes; or
 - (c) a lease for the use and benefit of the Aboriginal inhabitants,

he is liable, subject to section 24, to pay compensation to the person to whom that land is so leased (in this section and in section 22 called the *compensable lessee* or a *compensable lessee*, as the case requires) for that damage and for any damage which the compensable lessee may, in the opinion of the Magistrates Court, suffer as a consequence of the damage to those improvements.

- (2) A person liable to pay compensation to a compensable lessee under the provisions of this section may agree with the compensable lessee as to the amount of compensation including compensation for consequential damage.
- (3) If an agreement is not made under subsection (2), the compensable lessee may commence an action for compensation before the Magistrates Court at the place nearest to the place at which the land is situated, or the person liable to pay compensation may so

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commence an action claiming a declaration as to the amount of compensation payable.

[Section 21 amended: No. 12 of 1990 s. 16; No. 78 of 1990 s. 7; No. 31 of 1997 s. 141; No. 59 of 2004 s. 141.]

22. Determination of partial compensation

In an action under section 21, if the Court considers it impracticable or inexpedient to assess the amount of compensation to be paid in full satisfaction for the damage sustained by the compensable lessee to the improvements and consequential damage, the Court may on the application of a party or of its own motion give judgment or make a declaration as to the compensation payable in respect of any specified period and in respect of the whole or part of the total claim or compensation.

[Section 22 amended: No. 12 of 1990 s. 17.]

23. Security for compensation

The Court before whom proceedings in relation to compensation have been commenced may, at any stage of those proceedings, make an order against the person concerned in them and from whom compensation is sought, from commencing or, as the case may be, continuing any operations under this Act until he has given such security as the Court thinks fit for payment of any compensation for which he may be or become liable.

24. Matters for which compensation not payable

- (1) Except where and then only to the extent agreed to by the parties or authorised by the Court compensation is not payable under the provisions of this Act to the lessee of land leased by way of a pastoral lease within the meaning of the *Land Administration Act 1997*, a lease otherwise granted for grazing purposes only, a lease for timber purposes or a lease for the use and benefit of the Aboriginal inhabitants (in this subsection called the *affected lessee*) —
 - (a) for deprivation of the possession of the surface of the land or any part of the surface; and
 - (b) for damage to the surface of the land; and
 - (c) where the affected lessee is deprived of the possession of the surface of any land, for severance of the land from any other land of the affected lessee; and

- (d) for surface rights of way and easements.
- (2) Compensation is not payable for any gold, minerals, petroleum, geothermal energy resources, geothermal energy, potential GHG storage formations or potential GHG injection sites ~~resources of geothermal energy~~ known or supposed to be on or under the land.

[Section 24 amended: No. 12 of 1990 s. 18; No. 31 of 1997 s. 141; No. 35 of 2007 s. 16.]

24A. Liability for payment of compensation to native title holders

- (1) If compensation is payable to native title holders for or in respect of the grant of an authorisation, the person liable to pay the compensation is —
- (a) if an amount is to be paid and held in trust, the applicant for the grant of, or the holder of, the authorisation at the time the amount is required to be paid; or
 - (b) otherwise, the applicant for the grant of, or the holder of, the authorisation at the time a determination of compensation is made.
- (2) If, at the relevant time, there is no holder of the authorisation because the authorisation has been surrendered or cancelled or has expired, a reference in subsection (1) to the holder of the authorisation is a reference to the holder of the authorisation immediately before its surrender, cancellation or expiry.
- (3) In this section —
- authorisation** means a permit, drilling reservation, lease, licence, special prospecting authority or access authority;
- native title holders** has the same meaning as in the *Native Title Act 1993* of the Commonwealth.

[Section 24A inserted: No. 61 of 1998 s. 17.]

25. Delegation

- (1) The Minister may —
- (a) delegate all or any of his powers and functions under this Act (except this power of delegation); and
 - (b) vary or revoke a delegation given by him.
- (2) A power or function delegated by the Minister may be exercised or performed by the delegate —
- (a) in accordance with the instrument of delegation; and

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- (b) if the exercise of the power or the performance of the function is dependent upon the opinion, belief or state of mind of the Minister in relation to a matter — upon the opinion, belief or state of mind of the delegate in relation to that matter.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of the function by the Minister.
- (4) A copy of each instrument making, varying or revoking a delegation under this section shall be published in the *Gazette*.

[Section 25 amended: No. 13 of 2005 s. 16(1).]

Consultation Draft

Part 3 — Operations relating to recovery of petroleum and geothermal energy or GHG injection and storage
Part III — Mining for petroleum, geothermal energy resources and geothermal energy

~~[Heading inserted: No. 35 of 2007 s. 17.]~~

Division 1 — Preliminary

26. Term used: State

In this Part the *State* means all that part of the State of Western Australia that is not comprised in the *adjacent area* as defined in the *Petroleum (Submerged Lands) Act 1982*.

[Section 26 amended: No. 90 of 1987 s. 4.]

27. Graticulation of Earth's surface and constitution of blocks

- (1) For the purposes of this Act, the surface of the Earth shall be deemed to be divided —
- (a) by the meridian of Greenwich and by meridians that are at a distance from that meridian of 5 minutes, or a multiple of 5 minutes, of longitude; and
 - (b) by the equator and by parallels of latitude that are at a distance from the equator of 5 minutes, or a multiple of 5 minutes, of latitude,
- into sections, each of which is bounded —
- (c) by portions of 2 of those meridians that are at a distance from each other of 5 minutes of longitude; and
 - (d) by portions of 2 of those parallels of latitude that are at a distance from each other of 5 minutes of latitude.
- (2) For the purposes of this Act —
- (a) a graticular section that is wholly within the State constitutes a block; and
 - (b) if a part only of a graticular section is, or parts only of a graticular section are, within the State, the area of that part, or of those parts, constitutes a block.
- (3) In this Act —
- (a) a reference to a block that is constituted by a graticular section includes a reference to a block that is constituted

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by the area of a part only, or by the areas of parts only, of a graticular section; and

- (b) a reference to a graticular section that constitutes a block includes a reference to a graticular section part only of which constitutes, or parts only of which constitute, a block.
- (4) Without limiting subsection (2) of section 8, a datum is to be prescribed by regulations referred to in that section for the purposes of the determination of the position on the surface of the Earth of a graticular section or a block (including a block constituted as provided by section 135).

[Section 27 amended: No. 54 of 2000 s. 7(3).]

28. Reservation of blocks

- (1) The Minister may, by instrument published in the *Gazette*, declare that a block specified in the instrument (not being a block in respect of which a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease or petroleum production licence is in force) shall not be the subject of a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority.
- (1a) The Minister may, by instrument published in the *Gazette*, declare that a block specified in the instrument (not being a block in respect of which a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease or geothermal production licence is in force) shall not be the subject of a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease, geothermal production licence, geothermal special prospecting authority or geothermal access authority.

(1B) The Minister may, by instrument published in the *Gazette*, declare that a block specified in the instrument (not being a block in respect of which a GHG exploration permit, GHG drilling reservation, GHG retention lease or GHG injection licence is in force) must not be the subject of a GHG exploration permit, GHG drilling reservation, GHG retention lease, GHG injection licence, GHG special prospecting authority or GHG access authority.

- (2) While a declaration under subsection (1) remains in force in respect of a block, a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority shall not be granted in respect of that block.
- (3) While a declaration under subsection (1a) remains in force in respect of a block, a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease, geothermal production licence, geothermal special prospecting authority or geothermal access authority shall not be granted in respect of that block.
- (4) While a declaration under subsection (1B) remains in force in respect of a block, a GHG exploration permit, GHG drilling reservation, GHG retention lease, GHG injection licence, GHG special prospecting authority or GHG access authority must not be granted in respect of that block.

[Section 28 amended: No. 12 of 1990 s. 19; No. 78 of 1990 s. 7; No. 35 of 2007 s. 18.]

28A. Issue of permits etc. in marine reserves

- (1) Before granting, renewing or extending a permit, drilling reservation, access authority, special prospecting authority, lease or licence in respect of any marine reserve, the Minister shall first notify the Minister for the time being charged with the administration of the *Conservation and Land Management Act 1984*.

[(2) *deleted*]

- (3) In this section —

marine reserve means a marine nature reserve, marine park or marine management area within the meaning of the *Conservation and Land Management Act 1984*.

[Section 28A inserted: No. 5 of 1997 s. 43; amended: No. 17 of 1999 s. 22(3).]

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[Heading inserted: No. 78 of 1990 s. 5.]

29. Exploration for petroleum, geothermal energy resources, potential GHG storage formations and potential GHG injection sites restricted~~Exploration for petroleum and geothermal energy resources restricted~~

(1A) In this section —

explore for, in relation to petroleum, geothermal energy resources, a potential GHG storage formation or a potential GHG injection site, includes to conduct any geophysical survey the data from which is intended for use in the search for petroleum, geothermal energy resources, a potential GHG storage formation or a potential GHG injection site.

- (1) A person shall not explore for petroleum in the State except —
- (a) under and in accordance with a petroleum exploration permit or a petroleum drilling reservation; or
 - (b) as otherwise permitted by this Act.

Penalty for this subsection: imprisonment for 5 years or a fine of \$50 000.

~~Penalty: a fine of \$50 000 or imprisonment for 5 years, or both.~~

- (2) A person shall not explore for geothermal energy resources in the State except —
- (a) under and in accordance with a geothermal exploration permit or a geothermal drilling reservation; or
 - (b) as otherwise permitted by this Act.

Penalty for this subsection: imprisonment for 5 years or a fine of \$50 000.

~~Penalty: a fine of \$50 000 or imprisonment for 5 years, or both.~~

- (3) A person must not explore for a potential GHG storage formation or a potential GHG injection site in the State except —

- (a) under and in accordance with a GHG exploration permit or a GHG drilling reservation; or
- (b) as otherwise permitted by this Act.

Penalty for this subsection: imprisonment for 5 years or a fine of \$50 000.

~~(3) In this section —~~

~~*explore for*, in relation to petroleum or geothermal energy resources, includes to conduct any geophysical survey the data from which are intended for use in the search for petroleum or geothermal energy resources.~~

[Section 29 inserted: No. 12 of 1990 s. 20; amended: No. 78 of 1990 s. 7; No. 28 of 1994 s. 6; No. 35 of 2007 s. 19; No. 42 of 2010 s. 62(15).]

30. Advertisement of blocks

- (1) The Minister may, by instrument published in the *Gazette* —
 - (a) invite applications for the grant of a permit in respect of the block or blocks specified in the instrument; and
 - (b) specify a period within which applications may be made.
- (2) The Minister may, for reasons that he thinks sufficient, in an instrument under subsection (1), direct that subsection (2) or (3) of section 31 does not apply, or that both of those subsections do not apply, to or in relation to the applications.

(3) The Minister may, in an instrument under subsection (1) inviting applications for the grant of a GHG exploration permit, direct that the applications be accompanied by information concerning the source, volume and composition of the greenhouse gas substance that is proposed to be injected and stored and any other information the Minister considers relevant.

[Section 30 amended: No. 12 of 1990 s. 21.]

30A. Petroleum or geothermal permittee, lessee or licensee or holder of a drilling reservation to be notified of proposal to advertise certain blocks

(1) In this section —

relevant title holder means, as the case requires —

- (a) the petroleum permittee; or
- (b) the geothermal permittee; or
- (c) the holder of the petroleum drilling reservation; or
- (d) the holder of the geothermal drilling reservation; or
- (e) the petroleum lessee; or
- (f) the geothermal lessee; or

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(g) the petroleum licensee; or

(h) the geothermal licensee.

(2) This section applies if —

(a) the Minister proposes to publish an instrument under section 30(1) inviting applications for the grant of a GHG exploration permit in respect of a block or blocks that is or are the subject of —

(i) a petroleum exploration permit; or

(ii) a geothermal exploration permit; or

(iii) a petroleum drilling reservation; or

(iv) a geothermal drilling reservation; or

(v) a petroleum retention lease; or

(vi) a geothermal retention lease; or

(vii) a petroleum production licence; or

(viii) a geothermal production licence;

and

(b) at the time of the proposal, the relevant title holder is entitled to apply for the grant of a GHG retention lease or GHG injection licence over the block or blocks.

(3) The Minister must, at least 60 days before the proposed publication of the instrument, notify the relevant title holder of the proposed publication.

(4) Subsection (3) applies if the relevant title holder makes an application referred to in subsection (2)(b) during the period —

(a) beginning when the relevant title holder is given the notification under subsection (3); and

(b) ending at the end of the day before the day of proposed publication of the instrument.

(5) The Minister must not publish the instrument until —

(a) the application lapses; or

(b) the relevant title holder withdraws the application; or

(c) the Minister refuses to grant the GHG retention lease or GHG injection licence.

31. Application for permit

- (1) An application under section 30 or 105(3)(a)(ii) —
- [(a) *deleted*]
 - (b) shall be made in an approved manner; and
 - (c) shall be in respect of not more than —
 - (i) 400 blocks, if the application relates to the exploration for petroleum; or
 - (ii) 160 blocks, if the application relates to the exploration for geothermal energy resources;
 - and
 - (d) shall be accompanied by particulars of —
 - (i) the proposals of the applicant for work and expenditure in respect of the blocks specified in the application; and
 - (ii) the technical qualifications of the applicant and of his employees; and
 - (iii) the technical advice available to the applicant; and
 - (iv) the financial resources available to the applicant; and
 - (da) in the case of an application for a GHG exploration permit — must be accompanied by any information required under section 30(3); and
 - (e) may set out any other matters that the applicant wishes the Minister to consider; and
 - (f) shall be accompanied by the prescribed fee.
- (2) The number of blocks specified in the application —
- (a) if 16 blocks or more are available — shall not be less than 16; or
 - (b) if less than 16 blocks are available — shall be the number available.
- (3) The blocks specified in the application shall be blocks that are constituted by graticular sections that —
- (a) constitute a single area; and

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- (b) are such that each graticular section in that area has a side in common with at least one other graticular section in that area.
- (4) The Minister may, at any time, by instrument in writing served on the applicant, require him to furnish, within the time specified in the instrument, further information in writing in connection with his application.

[Section 31 amended: No. 69 of 1981 s. 34; No. 12 of 1990 s. 22; No. 28 of 1994 s. 7; No. 35 of 2007 s. 20; No. 42 of 2010 s. 6.]

32A. More than one permit application for same block or blocks

- (1) This section applies if —
- (a) 2 or more applications are made under section 30 for the grant of a petroleum exploration permit for the same block or blocks; or
 - (b) 2 or more applications are made under section 30 for the grant of a geothermal exploration permit for the same block or ~~blocks; or blocks.~~
 - (c) 2 or more applications are made under section 30 for the grant of a GHG exploration permit for the same block or blocks.
- (2) The Minister may grant the permit to whichever applicant, in the Minister's opinion, is most deserving of the grant of the permit, having regard to criteria made publicly available by the Minister.
- (3) For the purposes of subsection (2), the Minister may rank the applicants in the order in which they are deserving of the grant, the most deserving applicant being ranked highest.
- (4) The Minister may exclude from the ranking any applicant that, in the Minister's opinion, is not deserving of the grant of the permit.
- (5) If the Minister is of the opinion that, after considering the information accompanying the applications, 2 or more of the applicants are equally deserving of the grant of the permit, the Minister may, by written notice served on each of those applicants, invite them to give to the Minister, within the period stated in the notice, particulars of the applicant's proposals for additional work and expenditure in respect of the block or

blocks specified in the application, being particulars that the Minister considers to be relevant in determining which of the applicants is most deserving of the grant of the permit.

- (6) If any particulars are given by applicants to the Minister in accordance with the invitations contained in the notices served under subsection (5), the Minister shall have regard to the particulars in determining which of the applicants is most deserving of the grant of the permit.

[Section 32A inserted: No. 42 of 2010 s. 7.]

32. Grant or refusal of permit in relation to application

- (1A) In sections 32, 33A and 33B —

permit application means an application for the grant of a permit made under section 30 or 105(3)(a)(ii).

- (1) Where a permit application has been made, the Minister may —
- (a) by instrument in writing served on the applicant inform the applicant that the Minister is prepared to grant to the applicant a permit in respect of the block or blocks specified in the instrument; or
 - (b) refuse to grant a permit to the applicant.
- (2) An instrument under subsection (1) shall contain —
- (a) a summary of the conditions subject to which the permit is to be granted; and
 - (b) a statement to the effect that the application will lapse if the applicant does not make a request under subsection (3) in respect of the grant of the permit.
- (3) An applicant on whom there has been served an instrument under subsection (1) may, within a period of one month after the date of service of the instrument on him, or within such further period, not exceeding one month, as the Minister, on application in writing served on him before the expiration of the first-mentioned period of one month, allows, by instrument in writing served on the Minister, request the Minister to grant to the applicant the permit referred to in the first-mentioned instrument.
- (4) Where an applicant on whom there has been served an instrument under subsection (1) has made a request under subsection (3) within the period applicable under subsection (3),

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the Minister shall grant to the applicant a petroleum exploration permit, a geothermal exploration permit or a GHG ~~permit or a geothermal~~ exploration permit, as the case requires, in respect of the block or blocks specified in the instrument.

- (5) Where an applicant on whom there has been served an instrument under subsection (1) has not made a request under subsection (3) within the period applicable under subsection (3), the application lapses upon the expiration of that period.

[Section 32 amended: No. 28 of 1994 s. 8; No. 35 of 2007 s. 21; No. 42 of 2010 s. 8.]

33A. Withdrawal of application

The person who has made, or all the persons who have jointly made, a permit application may, by written notice served on the Minister, withdraw the application at any time before the permit is granted.

[Section 33A inserted: No. 42 of 2010 s. 9.]

33B. Application continued after withdrawal of joint applicant

If —

- (a) a permit application was a joint application; and
- (b) all of the joint applicants, by written notice served on the Minister, inform the Minister that one or more, but not all, of them, as specified in the notice, withdraw from the application,

the following paragraphs have effect —

- (c) the application continues in force as if it had been made by the remaining applicant or applicants;
- (d) if the Minister had informed the joint applicants to the effect that the Minister was prepared to grant to the applicants a permit in respect of the block or blocks to which the application relates, the Minister is taken not to have informed the applicants to that effect.

[Section 33B inserted: No. 42 of 2010 s. 9.]

33C. Effect of withdrawal or lapse of s. 30 application

If —

- (a) 2 or more applications have been made under section 30 for the grant of a permit in respect of the same block or blocks; and
- (b) one or more, but not all, of the applications are withdrawn or have lapsed,

the following paragraphs have effect —

- (c) the withdrawn or lapsed applications are taken not to have been made;
- (d) if the Minister had informed the applicant or one of the applicants whose application had been withdrawn or had lapsed to the effect that the Minister was prepared to grant to that applicant a permit in respect of the block or blocks to which the application related — the Minister is taken not to have informed the applicant or applicants to that effect;
- (e) if the applicant or one of the applicants whose application had been withdrawn had requested the Minister under section 32(3) to grant a permit to the applicant concerned — the request is taken not to have been made;
- (f) if the Minister had refused to grant a permit to the remaining applicant or to any of the remaining applicants — the refusal or refusals are taken not to have occurred.

[Section 33C inserted: No. 42 of 2010 s. 9.]

33. Application for permit in respect of surrendered etc. blocks

(1) Where —

- (a) a petroleum retention lease is surrendered, cancelled or determined as to a block or blocks; or
- (aa) a petroleum production licence is surrendered or cancelled as to a block or blocks; or
- (b) a petroleum exploration permit is surrendered, cancelled or determined as to a block or blocks and, at the time of the surrender, cancellation or determination, the block was, or was included in, or the blocks were, or were included in, a location; or

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- (c) a petroleum pool from which petroleum has been recovered is within or extends to a block which is, or to blocks which are, not the subject of a [petroleum exploration permit, petroleum drilling reservation, petroleum retention lease or petroleum production licence, permit, drilling reservation, lease or licence,](#)

the Minister may, at any subsequent time, by instrument published in the *Gazette*, invite applications for the grant of a petroleum exploration permit in respect of that block or such of those blocks as are specified in the instrument and specify a period within which applications may be made.

(2) If —

- (a) a geothermal retention lease is surrendered, cancelled or determined as to a block or blocks; or
- (b) a geothermal production licence is surrendered or cancelled as to a block or blocks; or
- (c) a geothermal exploration permit is surrendered, cancelled or determined as to a block or blocks and, at the time of the surrender, cancellation or determination, the block was, or was included in, or the blocks were, or were included in, a location; or
- (d) a geothermal resources area from which geothermal energy has been recovered is within or extends to a block which is not, or to blocks which are not, the subject of a [geothermal exploration permit, geothermal drilling reservation, geothermal retention lease or geothermal production licence, permit, drilling reservation, lease or licence,](#)

the Minister may, at any subsequent time, by instrument published in the *Gazette*, invite applications for the grant of a geothermal exploration permit in respect of that block or such of those blocks as are specified in the instrument and specify a period within which applications may be made.

[(3) *deleted*]

(4) An application under this section —

[(a) *deleted*]

- (b) shall be made in an approved manner; and

- (c) shall be accompanied by the particulars referred to in section 31(1)(d); and
 - (d) shall specify an amount that the applicant is prepared to pay to the Minister, in addition to the fee referred to in section 34(1)(a), in respect of the grant of a permit to him on the application; and
 - (e) may set out any other matters that the applicant wishes the Minister to consider.
- (5) The Minister may, at any time, by instrument in writing served on the applicant, require him to furnish, within the time specified in the instrument, further information in writing in connection with his application.

[Section 33 amended: No. 12 of 1990 s. 23; No. 28 of 1994 s. 9; No. 35 of 2007 s. 22; No. 42 of 2010 s. 10.]

34. Application fee etc.

- (1) An application under section 33 shall be accompanied by —
 - (a) the prescribed fee; and
 - (b) a deposit of 10% of the amount specified in the application under subsection (4)(d) of that section.
- (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.
- (3) Where an applicant on whom there has been served an instrument under section 35 does not request the Minister, in accordance with section 36, to grant to him the permit referred to in the instrument, the deposit shall not be refunded to the applicant.

[Section 34 amended: No. 69 of 1981 s. 34; No. 12 of 1990 s. 24; No. 42 of 2010 s. 11.]

35. Consideration of application

- (1) Where, at the expiration of the period specified in an instrument under section 33(1) or (2), only one application has been made under that subsection in respect of the block or blocks specified in the instrument, the Minister may reject the application or may, by instrument in writing served on the applicant, inform the applicant that he is prepared to grant to him [a petroleum](#)

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[exploration permit or a geothermal exploration permit, as the case requires, a permit](#) in respect of that block or those blocks.

- (2) Where, at the expiration of the period specified in an instrument under section 33(1) or (2), 2 or more applications have been made under that subsection in respect of the block or blocks specified in the instrument, the Minister may reject any or all of the applications and, if he does not reject all of the applications, may —
- (a) if only one application remains unrejected — by instrument in writing served on the applicant; or
 - (b) if 2 or more applications remain unrejected — by instrument in writing served on the applicant, or on one of the applicants, whose application has not been rejected and who has specified as the amount that he is prepared to pay in respect of the grant of a permit to him an amount that is not less than the amount specified by any other applicant whose application has not been rejected,

inform him that he is prepared to grant to him [a petroleum exploration permit or a geothermal exploration permit, as the case requires, a permit](#) in respect of that block or those blocks.

[(3), (4) deleted]

- (5) An instrument under this section shall contain —
- (a) a summary of the conditions to which the permit is to be granted; and
 - (b) a statement to the effect that the application will lapse if the applicant does not —
 - (i) make a request under section 36(1); and
 - (ii) pay the balance of the amount to be paid in respect of the grant of the permit to the applicant.

[Section 35 amended: No. 12 of 1990 s. 25; No. 28 of 1994 s. 10; No. 35 of 2007 s. 23; No. 42 of 2010 s. 12.]

36. Request by applicant for grant of permit in respect of advertised block

- (1) An applicant on whom there has been served an instrument under section 35 may, within a period of 3 months after the date of service of the instrument on him, or within such further period, not exceeding 3 months, as the Minister, on application

in writing served on him before the expiration of the first-mentioned period of 3 months, allows —

- (a) by instrument in writing served on the Minister, request the Minister to grant to him the permit referred to in the first-mentioned instrument; and
 - (b) pay the balance of the amount to be paid in respect of the grant of the permit to the applicant.
- (2) Where an applicant on whom there has been served an instrument under section 35 —
- (a) has not made a request under subsection (1); or
 - (b) has not paid the balance of the amount to be paid in respect of the grant of the permit to the applicant,

within the period applicable under subsection (1), the application lapses upon the expiration of that period.

- (3) Where the application of an applicant on whom there has been served an instrument under section 35(2) lapses as provided by subsection (2), section 35(2) applies in respect of the application or applications, if any, then remaining unrejected.

[Section 36 amended: No. 28 of 1994 s. 11; No. 42 of 2010 s. 13.]

37. Grant of permit on request

Where a person on whom there has been served an instrument under section 35 —

- (a) has made a request under subsection (1) of section 36; and
- (b) has paid the balance of the amount to be paid in respect of the grant of a permit to the applicant,

within the period applicable under that subsection, the Minister shall grant to that person a petroleum exploration permit or a geothermal exploration permit, as the case requires, in respect of the block or blocks specified in the instrument.

[Section 37 amended: No. 28 of 1994 s. 12; No. 35 of 2007 s. 24; No. 42 of 2010 s. 14.]

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37A. Permit for 2 or more blocks may be divided into 2 or more permits

- (1) Where a permit (in this section called the *original permit*) is in force in respect of 2 or more blocks (not being blocks that form, or form part of, a location), the permittee may make an application to the Minister for the grant to him of 2 or more petroleum exploration permits (if the original permit is a petroleum exploration permit) or 2 or more geothermal exploration permits (if the original permit is a geothermal exploration permit) in respect of the blocks the subject of the original permit in exchange for the original permit.
- (2) An application under subsection (1) —
 - (a) shall be made in the approved form; and
 - (b) shall be made in an approved manner; and
 - (c) shall specify the number of permits required; and
 - (d) shall specify the block or blocks the subject of the original permit in respect of which each permit is sought; and
 - (e) shall be accompanied by the prescribed fee; and
 - (f) shall be accompanied by particulars of the proposals of the applicant for work and expenditure in respect of the areas comprised in the block or blocks the subject of the original permit; and
 - (g) shall set out the reasons why the applicant is applying under this section, and any other matters that the applicant wishes the Minister to consider in relation to the application.
- (3) Where an application has been made under subsection (1) the Minister may —
 - (a) grant to the permittee the permits in accordance with the application; or
 - (b) refuse to grant to the permittee the permits requested.
- (4) A permit granted on an application under this section —
 - (a) remains in force, subject to this Part, for the remainder of the term of the original permit; and
 - (b) shall be granted subject to conditions corresponding as nearly as may be to the conditions to which the original permit was subject, and any other conditions that the

Minister thinks fit and specifies in the permit in respect of the information referred to in subsection (2)(f); and

- (c) shall be granted subject to any directions under this Act previously given to the holder of the original permit in respect of the permit area of the original permit; and
 - (d) shall be granted subject to any instruments and agreements in respect of the original permit a memorial of which is entered in the Register under section 70, insofar as such instruments and agreements apply to the permit, (or any such instruments and agreements which are in effect at the time that an application is granted under this section but in respect of which a memorial is not yet entered under that section).
- (5) Where permits are granted on an application under this section —
- (a) the original permit is, by force of this subsection, determined; and
 - (b) the determination has effect on and from the day on which those permits come into force.

[Section 37A inserted: No. 28 of 1994 s. 13; amended: No. 35 of 2007 s. 25.]

37B. Grant of boundary-change permit

- (1) In this section —
- section 27 block** means —
- (a) a block constituted as provided by section 27; or
 - (b) if a graticular section is wholly within the area that was covered by the Commonwealth permit concerned — the graticular section; or
 - (c) if a part only of a graticular section is within the area that was covered by the Commonwealth permit concerned — that part of the graticular section.

Note for this definition:

See also subsection (8).

- (2) This section applies if —
- (a) a Commonwealth permit has been granted on the basis that an area (the **relevant area**) is within the offshore area; and

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- (b) as a result of a change to the boundary of the offshore area, the relevant area —
 - (i) ceases to be within the offshore area; and
 - (ii) falls within the inshore area;and
- (c) either —
 - (i) the conditions set out in subsection (3) are satisfied; or
 - (ii) the conditions set out in subsection (4) are satisfied.
- (3) The conditions mentioned in subsection (2)(c)(i) are —
 - (a) one or more, but not all, of the section 27 blocks that were covered by the Commonwealth permit immediately before the change are in the relevant area; and
 - (b) the Commonwealth permit subsequently ceases to be in force at the same time (the *relevant time*) —
 - (i) as to all of the section 27 blocks that were covered by the Commonwealth permit immediately before the change and that are in the offshore area; and
 - (ii) otherwise than as the result of the cancellation or surrender of the Commonwealth permit.
- (4) The conditions mentioned in subsection (2)(c)(ii) are —
 - (a) all of the section 27 blocks that were covered by the Commonwealth permit immediately before the change are in the relevant area; and
 - (b) the Commonwealth permit subsequently ceases to be in force at the same time (the *relevant time*) —
 - (i) as to all of the section 27 blocks that were covered by the Commonwealth permit immediately before the change; and
 - (ii) otherwise than as the result of the cancellation or surrender of the Commonwealth permit.
- (5) If —
 - (a) assuming that —
 - (i) the change to the boundary of the offshore area had not occurred; and

- (ii) the relevant area had remained in the offshore area,

the holder of the Commonwealth permit would have been entitled to apply under the Commonwealth Act for the renewal of the Commonwealth permit in relation to all of the section 27 blocks that are —

- (iii) covered by the Commonwealth permit; and
- (iv) in the relevant area;

and

- (b) there are one or more section 27 blocks (the *relevant section 27 blocks*) that —
 - (i) correspond to the section 27 blocks covered by paragraph (a); and
 - (ii) are in the inshore area; and
 - (iii) are not the subject of a variation under section 97A,

the Minister is taken —

- (c) to have granted the holder of the Commonwealth permit a petroleum exploration permit over those relevant section 27 blocks; and
- (d) to have done so immediately after the relevant time mentioned in whichever of subsection (3) or (4) is applicable.

Note for this subsection:

For the duration of the petroleum exploration permit, see section 39(1A).

- (6) If —

- (a) assuming that —

- (i) the change to the boundary of the offshore area had not occurred; and
- (ii) the relevant area had remained in the offshore area,

the holder of the Commonwealth permit would not have been entitled to apply under the Commonwealth Act for the renewal of the Commonwealth permit in relation to all of the section 27 blocks that are —

- (iii) covered by the Commonwealth permit; and
- (iv) in the relevant area;

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and

- (b) there are one or more section 27 blocks (the *relevant section 27 blocks*) that —
 - (i) correspond to the section 27 blocks that were covered by the Commonwealth permit immediately before the change; and
 - (ii) are in the inshore area; and
 - (iii) are not the subject of a variation under section 97A,

the Minister is taken —

- (c) to have granted the holder of the Commonwealth permit a petroleum exploration permit over those relevant section 27 blocks; and
- (d) to have done so immediately after the relevant time mentioned in whichever of subsection (3) or (4) is applicable.

Note for this subsection:

For the duration of the petroleum exploration permit, see section 39(1B).

- (7) For the purposes of subsections (5) and (6), the following provisions of the Commonwealth Act are to be disregarded —
 - (a) the standard halving rules in section 123 of that Act;
 - (b) the modified halving rules in section 124 of that Act;
 - (c) a provision of a kind specified in the regulations.
- (8) If, after the change to the boundary of the offshore area —
 - (a) a part of a section 27 block that was covered by the Commonwealth permit immediately before the change is in the offshore area; and
 - (b) the remaining part of the section 27 block is in the inshore area,

then, for the purposes of this section (other than this subsection), each of those parts is taken to constitute, and to have always constituted, a section 27 block.

- (9) An assumption in subsection (5)(a) or (6)(a) does not affect subsection (8).

[Section 37B inserted: No. 7 of 2017 s. 8.]

38. Rights conferred by petroleum exploration permit or geothermal exploration permit

(1) A petroleum exploration permit, while it remains in force, authorises the petroleum permittee, subject to this Act and in accordance with the conditions to which the petroleum exploration permit is subject —

(a) to explore for petroleum in the permit area; and

(b) to recover petroleum in the petroleum permit area for the purpose of establishing the nature and probable extent of a discovery of petroleum; and

(c) to carry on any operations and execute any works in the petroleum permit area that are necessary for those purposes.

(2) A petroleum exploration permit does not authorise the petroleum permittee to make a well outside the petroleum permit area.

(3) A geothermal exploration permit, while it remains in force, authorises the geothermal permittee, subject to this Act and in accordance with the conditions to which the geothermal exploration permit is subject —

(a) to explore for geothermal energy resources in the geothermal permit area; and

(b) to recover geothermal energy in the geothermal permit area for the purpose of establishing the nature and probable extent of a discovery of geothermal energy resources; and

(c) to carry on any operations and execute any works in the geothermal permit area that are necessary for those purposes.

(4) A geothermal exploration permit does not authorise the geothermal permittee to make a well outside the geothermal permit area.

38A. Rights conferred by GHG exploration permit

(1) A GHG exploration permit, while it remains in force, authorises the GHG permittee, subject to this Act and in accordance with

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the conditions to which the GHG exploration permit is subject —

(a) to explore for a potential GHG storage formation in the GHG permit area; and

(b) to explore for a potential GHG injection site in the GHG permit area; and

(c) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the GHG permit area; and

(d) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the relevant well is situated in the GHG permit area; and

(e) to inject, on an appraisal basis, any of the following into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the GHG permit area —

(i) air;

(ii) petroleum;

(iii) water;

and

(f) to store, on an appraisal basis, any of the following in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the GHG permit area —

(i) air;

(ii) petroleum;

(iii) water,

and

(g) with the written consent of the Minister, to recover petroleum in the GHG permit area for the sole purpose of appraising a discovery of petroleum that was made as an incidental consequence of —

(i) the exploration authorised by paragraph (a) or (b); or

(ii) the injection authorised by paragraph (c) or (e);

_____ and

_____ (h) with the written consent of the Minister, to recover geothermal energy in the GHG permit area for the sole purpose of appraising a discovery of geothermal energy resources that was made as an incidental consequence of —

_____ (i) the exploration authorised by paragraph (a) or (b); or

_____ (ii) the injection authorised by paragraph (c) or (e);

_____ and

_____ (i) to carry on any operations and execute any works in the GHG permit area that are necessary for those purposes.

_____ (2) If petroleum is recovered by the GHG permittee in the GHG permit area as authorised by subsection (1)(g), the petroleum does not become the property of the GHG permittee.

_____ (3) If geothermal energy is recovered by the GHG permittee in the GHG permit area as authorised by subsection (1)(h), the geothermal energy does not become the property of the GHG permittee.

_____ (4) A GHG exploration permit does not authorise the GHG permittee to make a well outside the GHG permit area.

38. — Rights conferred by permit

~~_____ (1) A petroleum exploration permit, while it remains in force, authorises the permittee, subject to this Act and in accordance with the conditions to which the permit is subject, to explore for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the permit area.~~

~~_____ (2) A geothermal exploration permit, while it remains in force, authorises the permittee, subject to this Act and in accordance with the conditions to which the permit is subject —~~

~~_____ (a) to explore for geothermal energy resources in the permit area; and~~

~~_____ (b) to recover geothermal energy in the permit area for the purpose of establishing the nature and probable extent of a discovery of geothermal energy resources; and~~

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~~(c) to carry on such operations and execute such works in the permit area as are necessary for those purposes.~~

~~[Section 38 amended: No. 13 of 2005 s. 16(2); No. 35 of 2007 s. 26.]~~

39. Term of permit

- (1) Subject to this Part, a permit remains in force —
- (a) in the case of a permit granted otherwise than by way of the renewal of a permit — for a period of 6 years commencing on the day on which the permit is granted or, if a later day is specified in the permit as being the day on which the permit is to come into force, on that later day; and
 - (b) in the case of a permit granted by way of the renewal of a permit — for a period of 5 years commencing on the day on which the permit is granted or, if a later day is specified in the permit as being the day on which the permit is to come into force, on that later day.
- (1A) Subject to this Part, a boundary-change permit granted under section 37B(5) remains in force for a period of 5 years commencing on the day on which the permit is granted.
- (1B) Subject to this Part, a boundary-change permit granted under section 37B(6) remains in force for a period of 12 months commencing on the day on which the permit is granted.
- (2) If —
- (a) a permit in respect of a block or blocks cannot be renewed or further renewed; and
 - (b) before the time when the permit would, apart from this subsection, expire, the permittee has duly made an application to the Minister for the grant of a lease or licence in respect of the block, or one or more of the blocks, being a block or blocks that are included in a location,
- the permit continues in force in respect of the block or blocks to which the application relates until —
- (c) if the Minister tells the permittee that the Minister is prepared to grant to the permittee a lease or licence in respect of the block, or one or more of the blocks —

such a lease or licence is granted, the permittee withdraws the application or the application lapses; or

- (d) if the Minister decides not to grant to the permittee such a lease — the end of the period of one year after the day of the service under section 48B(2) or (3A) of the instrument or notice refusing to grant the lease; or
- (e) if the Minister decides not to grant the permittee such a licence — notice of the decision is served on the permittee.

[Section 39 amended: No. 12 of 1990 s. 26; No. 28 of 1994 s. 14; No. 42 of 2010 s. 15; No. 7 of 2017 s. 9.]

40. Application for renewal of permit

- (1) Subject to sections 41, 42A and 42B, a permittee may, from time to time, make an application to the Minister for the renewal of the permit in respect of such of the blocks the subject of the permit as are specified in the application.

- (2) An application for the renewal of a petroleum exploration permit or geothermal exploration permit ~~the permit~~—

[(a) deleted]

- (b) subject to subsection (3), shall be made in an approved manner not less than 3 months before the date of expiration of the permit; and

- (c) shall be accompanied by the prescribed fee.

- (3) The Minister may, for reasons that he thinks sufficient, receive an application for the renewal of a petroleum exploration permit or geothermal exploration permit ~~the permit~~ less than 3 months before, but not in any case after, the date of expiration of the permit.

- (4) An application for the renewal of a GHG exploration permit must —

- (a) be made in the approved manner —

- (i) not more than 12 months before the date of expiration of the permit; and

- (ii) at least 6 months before the date of expiration of the permit;

and

- (b) be accompanied by the prescribed fee.

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(5) The Minister may, for reasons that the Minister thinks sufficient, receive an application for the renewal of a GHG exploration permit —

(a) less than 6 months before the date of expiration of the permit; and

(b) before the date of expiration of the permit.

[Section 40 amended: No. 69 of 1981 s. 34; No. 12 of 1990 s. 27; No. 42 of 2010 s. 16; No. 7 of 2017 s. 10.]

41. Application for renewal of permit to be in respect of reduced area

- (1) Subject to subsections (3), (4) and (5), the number of blocks in respect of which an application for the renewal of a permit may be made shall not exceed the number calculated as follows —
 - (a) where the number of blocks in respect of which the permit is in force is a number that is divisible by 2 without remainder, half of that number; or
 - (b) where the number of blocks in respect of which the permit is in force is a number that is one less or one more than a number that is divisible by 4 without remainder, half of that last-mentioned number.
- (2) A block that is, or is included in, a location and in respect of which a permit is in force shall not be regarded as a block in respect of which the permit is in force for the purpose of making a calculation under subsection (1).
- (3) An application for the renewal of a permit may include, in addition to the blocks referred to in subsection (1), a block that is, or is included in, a location and in respect of which the permit is in force, or 2 or more such blocks.
- (4) If a permit is in force in respect of 5 or 6 blocks, an application may be made for the renewal of the permit in respect of one, 2, 3 or 4 of those blocks.
- (5) Subject to subsection (6) —
 - (a) if a permit is in force in respect of 4 blocks, an application may be made for the renewal of the permit in respect of one, 2, 3 or all of those blocks;
 - (b) if a permit is in force in respect of 3 blocks, an application may be made for the renewal of the permit in respect of one, 2 or all of those blocks;

- (c) if a permit is in force in respect of 2 blocks, an application may be made for the renewal of the permit in respect of either or both of those blocks;
 - (d) an application may be made for the renewal of a permit that is in force in respect of one block.
- (6) Despite sections 40(1) and 42, if a permit has been renewed as a result of an application referred to in subsection (5) —
- (a) the permittee is not entitled to apply for a further renewal of the permit; and
 - (b) the Minister cannot grant a further renewal of the permit.
- (7) Subsections (1) to (5) do not apply to an application for the renewal of a permit if —
- (a) the permit was granted on the basis that an area (the **relevant area**) was within the inshore area; and
 - (b) as a result of a change to the boundary of the offshore area, the relevant area —
 - (i) ceased to be within the inshore area; and
 - (ii) fell within the offshore area;and
 - (c) immediately before the change, the relevant area was a part of the permit area.
- (8) For the purposes of subsection (7) —
- (a) section 6A is to be disregarded; and
 - (b) it is immaterial whether the change occurred before, at or after the commencement day.

- (9) In subsection (8)(b) —

commencement day means the day on which the *Petroleum Legislation Amendment Act 2017* section 11 comes into operation.

[Section 41 amended: No. 12 of 1990 s. 28; No. 28 of 1994 s. 15; No. 42 of 2010 s. 17; No. 7 of 2017 s. 11.]

42A. Certain permits cannot be renewed more than twice

- (1) This section applies to a permit if —
- (a) the permit [is a petroleum exploration permit or geothermal exploration permit](#) and was granted under section 32 —

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- (i) on or after the day of the coming into operation of the *Petroleum and Energy Legislation Amendment Act 2010* section 18 (the **commencement day**); and
- (ii) as a result of an application made in response to an invitation in an instrument that was published under section 30(1) on or after the commencement day;

or

(b) the permit [is a petroleum exploration permit or geothermal exploration permit and](#) was granted under section 37 on or after the commencement ~~day; or day.~~

[\(c\) the permit is a GHG exploration permit.](#)

- (2) Despite sections 40(1) and 42, if a permit to which this section applies has been renewed twice —
 - (a) the permittee is not entitled to apply for a further renewal of the permit; and
 - (b) the Minister cannot grant a further renewal of the permit.

[Section 42A inserted: No. 42 of 2010 s. 18.]

42B. Limits on renewal of boundary-change permits

- (1) If —
 - (a) a boundary-change permit is granted under section 37B(5); and
 - (b) the relevant Commonwealth permit that ceases to be in force, as mentioned in section 37B(3)(b) or (4)(b), was granted otherwise than by way of renewal,
then —
 - (c) section 41 applies to an application for the renewal of the boundary-change permit; and
 - (d) an application must not be made for the renewal of the boundary-change permit if the Minister has previously granted a renewal of the permit.
- (2) If —
 - (a) a boundary-change permit is granted under section 37B(5); and

- (b) the relevant Commonwealth permit that ceases to be in force, as mentioned in section 37B(3)(b) or (4)(b), was granted by way of renewal,

an application must not be made for the renewal of the boundary-change permit.

- (3) If a boundary-change permit is granted under section 37B(6), an application must not be made for the renewal of the permit.

[Section 42B inserted: No. 7 of 2017 s. 12.]

42. Grant or refusal of renewal of permit

- (1) Where an application has been made under section 40 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 of 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 has 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 instrument in writing served on the person who is then the permittee inform the person that the Minister is prepared to grant to the permittee the renewal of the permit.

- (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 and of the regulations has 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 instrument in writing served on the person who is then the permittee, refuse to grant to that person the renewal of the permit.

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- (3) The Minister shall not refuse to grant the renewal of the permit unless —
- (a) he has, by instrument in writing served on the permittee, given not less than one month's notice of his intention to refuse to grant the renewal of the permit; and
 - (b) he has served a copy of the instrument on such other persons, if any, as he thinks fit; and
 - (c) he has, in the instrument —
 - (i) given particulars of the reasons for the intention; and
 - (ii) specified a date on or before which the permittee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Minister, submit any matters that he wishes the Minister to consider;and
 - (d) he has taken into account any matters so submitted to him on or before the specified date by the permittee or by a person on whom a copy of the first-mentioned instrument has been served.
- (4) An instrument referred to in subsection (1) shall contain —
- (a) a summary of the conditions to which the permit, on the grant of the renewal, is to be subject; and
 - (b) a statement to the effect that the application will lapse if the permittee does not make a request under subsection (5).
- (5) A permittee on whom there has been served an instrument under subsection (1) may, within a period of one month after the date of service of the instrument on him, by instrument in writing served on the Minister, request the Minister to grant to the permittee the renewal of the permit.
- (6) Where a permittee on whom there has been served an instrument under subsection (1) has made a request under subsection (5) within the period referred to in subsection (5), the Minister shall grant to him the renewal of the permit.
- (7) Where a permittee on whom there has been served an instrument under subsection (1) has not made a request under subsection (5) within the period referred to in subsection (5), the application lapses upon the expiration of that period.

- (8) Where —
- (a) an application for the renewal of a permit has been made; and
 - (b) the permit expires —
 - (i) before the Minister grants, or refuses to grant, the renewal of the permit; or
 - (ii) before the application lapses as provided by subsection (7),

the permit shall be deemed to continue in force in all respects —

- (c) until the Minister grants, or refuses to grant, the renewal of the permit; or
- (d) until the application so lapses,

whichever first happens.

[Section 42 amended: No. 28 of 1994 s. 16.]

43. Conditions of permit

- (1) A permit may be granted subject to such conditions as the Minister thinks fit and specifies in the permit.
- (1A) Subsection (1) does not apply to a boundary-change permit.
- (2) The conditions referred to in subsection (1) may include conditions with respect to work to be carried out by the permittee in or in relation to the permit area during the term of the permit, or amounts to be expended by the permittee in the carrying out of such work, or conditions with respect to both of those matters, including conditions requiring the permittee to comply with directions given in accordance with the permit concerning those matters.
- (3) The Minister may, by written notice given to the permittee, vary a boundary-change permit by imposing one or more conditions to which the permit is subject.
- (4) A notice under subsection (3) may only be given within 14 days after the grant of the boundary-change permit.
- (5) A variation under subsection (3) takes effect on the day on which notice of the variation is given to the permittee.
- (6) If, when a boundary-change permit is granted, the relevant Commonwealth permit that ceases to be in force, as mentioned in section 37B(3)(b) or (4)(b), is of a kind that corresponds to a

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petroleum exploration permit granted under section 32(4) or 37, any or all of the conditions mentioned in subsection (7) may be specified in —

- (a) the boundary-change permit; or
 - (b) a permit granted by way of the renewal of the boundary-change permit.
- (7) The following conditions are specified for the purposes of subsection (6) —
- (a) conditions requiring the permittee to carry out work in, or in relation to, the permit area (including conditions requiring the permittee to carry out the work during a period of 12 months or longer, or during periods each of which is 12 months or longer);
 - (b) conditions relating to the amounts that the permittee must spend in carrying out such work;
 - (c) conditions requiring the permittee to comply with directions that —
 - (i) relate to the matters covered by paragraphs (a) and (b); and
 - (ii) are given in accordance with the permit.
- (8) Subsection (6) does not limit subsection (3).
- (9) If —
- (a) a boundary-change permit is granted; and
 - (b) the relevant Commonwealth permit that ceases to be in force, as mentioned in section 37B(3)(b) or (4)(b), is a cash-bid petroleum exploration permit, as defined in the Commonwealth Act section 7,
- the conditions mentioned in subsection (10) must not be specified in —
- (c) the boundary-change permit; or
 - (d) a permit granted by way of the renewal of the boundary-change permit.
- (10) The following conditions are specified for the purposes of subsection (9) —
- (a) conditions requiring the permittee to carry out work in, or in relation to, the permit area;

- (b) conditions requiring the permittee to spend particular amounts on the carrying out of work in, or in relation to, the permit area.

[Section 43 amended: No. 12 of 1990 s. 29; No. 7 of 2017 s. 13.]

43A. Advertisement of blocks for drilling reservations

- (1) The Minister may, by instrument published in the *Gazette* —
- (a) invite applications for the grant of a drilling reservation in respect of the block or blocks specified in the instrument; and
 - (b) specify the period within which applications may be made.
- (2) Applications for the grant of a petroleum drilling reservation shall not be invited under subsection (1) over any area that is included in an existing petroleum exploration permit or an application for a petroleum exploration permit, petroleum drilling reservation, petroleum [retention](#) lease or petroleum production licence.
- (2a) Applications for the grant of a geothermal drilling reservation shall not be invited under subsection (1) over any area that is included in an existing geothermal exploration permit or an application for a geothermal exploration permit, geothermal drilling reservation, geothermal [retention](#) lease or geothermal production licence.

(2B) Applications for the grant of a GHG drilling reservation are not to be invited under subsection (1) over any area that is included in an existing GHG exploration permit or an application for a GHG exploration permit, GHG drilling reservation, GHG retention lease or GHG injection licence.

- (3) The Minister may, for reasons that the Minister thinks sufficient, in an instrument published under subsection (1), direct that no application fee is payable with respect to the applications.

(4) The Minister may, in an instrument under subsection (1) inviting applications for the grant of a GHG drilling reservation, direct that the applications be accompanied by information concerning the source, volume and composition of the greenhouse gas substance that is proposed to be injected and

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stored and any other information the Minister considers relevant.

[Section 43A inserted: No. 78 of 1990 s. 6; amended: No. 28 of 1994 s. 17; No. 35 of 2007 s. 27.]

43B. Application for drilling reservation

(1) An application under section 43A or 105(3)(a)(ii) —

[(a) deleted]

(b) must ~~shall~~ be made in an approved manner; and

(c) must be in respect of a block or blocks containing any of the following, as the case requires —

(i) a potential site of petroleum deposits;

(ii) a potential site of geothermal energy resources;

(iii) a potential GHG storage formation;

(iv) a potential GHG injection site;

and

~~(c) shall be in respect of a block or blocks containing potential sites of petroleum deposits or geothermal energy resources, as the case requires; and~~

(d) must ~~shall~~ be accompanied by particulars of —

(i) the proposals of the applicant for the drilling of a well or wells and other work in respect of the block or blocks specified in the application; and

(ii) the technical qualifications of the applicant and of the employees of the applicant; and

(iii) the technical advice available to the applicant; and

(iv) a statement as to the size and configuration of the potential petroleum deposit, potential geothermal energy resources, potential GHG storage formation or potential GHG injection site, ~~deposit or geothermal energy resources,~~ as the case requires and a geological prognosis of the well; and

(v) a statement of the approximate time of the completion of the well; and

(vi) the financial resources available to the applicant; and

- (da) in the case of an application for a GHG drilling reservation — must be accompanied by any information required under section 43A(4); and
 - (e) may set out any other matters that the applicant wishes the Minister to consider; and
 - (f) subject to section 43A(3), must ~~shall~~ be accompanied by the prescribed fee.
- (2) The number of blocks specified in the application shall be not less than one.
- (3) If more than one block is available the blocks specified in the application shall be blocks that are constituted by graticular section that —
- (a) constitute a single area; and
 - (b) are such that each graticular section in that area has a side in common with at least one other graticular section in that area.
- (4) The Minister may, at any time, by instrument in writing served on the applicant, require him to furnish, within the time specified in the instrument, further information in writing in connection with his application.

[Section 43B inserted: No. 78 of 1990 s. 6; amended: No. 28 of 1994 s. 18; No. 35 of 2007 s. 28; No. 42 of 2010 s. 19.]

43CA. More than one drilling reservation application for same block or blocks

- (1) This section applies if —
- (a) 2 or more applications are made under section 43A for the grant of a petroleum drilling reservation for the same block or blocks; or
 - (b) 2 or more applications are made under section 43A for the grant of a geothermal drilling reservation for the same block or blocks; or ~~blocks.~~
- (c) 2 or more applications are made under section 43A for the grant of a GHG drilling reservation for the same block or blocks.
- (2) The Minister may grant the drilling reservation to whichever applicant, in the Minister's opinion, is most deserving of the

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grant of the drilling reservation, having regard to criteria made publicly available by the Minister.

- (3) For the purposes of subsection (2), the Minister may rank the applicants in the order in which they are deserving of the grant, the most deserving applicant being ranked highest.
- (4) The Minister may exclude from the ranking any applicant that, in the Minister's opinion, is not deserving of the grant of the drilling reservation.
- (5) If the Minister is of the opinion that, after considering the information accompanying the applications, 2 or more of the applicants are equally deserving of the grant of the drilling reservation, the Minister may, by written notice served on each of those applicants, invite them to give to the Minister, within the period stated in the notice, particulars of the applicant's proposals for additional work and expenditure in respect of the block or blocks specified in the application, being particulars that the Minister considers to be relevant in determining which of the applicants is most deserving of the grant of the drilling reservation.
- (6) If any particulars are given by applicants to the Minister in accordance with the invitations contained in the notices served under subsection (5), the Minister shall have regard to the particulars in determining which of the applicants is most deserving of the grant of the drilling reservation.

[Section 43CA inserted: No. 42 of 2010 s. 20.]

43C. Grant or refusal in relation to applications for drilling reservations

- (1) Where an application has been made under section ~~43A 43B~~ or 105(3)(a)(ii), the Minister may —
 - (a) by instrument in writing served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a drilling reservation in respect of the block or blocks specified in the instrument; or
 - (b) refuse to grant a drilling reservation to the applicant.
- (2) An instrument under subsection (1) shall contain —
 - (a) a summary of the conditions subject to which the drilling reservation is granted; and

- (b) a statement to the effect that the application will lapse if the applicant does not make a request under subsection (3) in respect of the grant of the drilling reservation.
- (3) An applicant on whom there has been served an instrument under subsection (1) may, within a period of one month after the date of the service of the instrument on the applicant, or within such further period, not exceeding one month, as the Minister, on application in writing served on the Minister before the expiration of the first-mentioned period of one month, allows, by instrument in writing served on the Minister, request the Minister to grant to the applicant the drilling reservation referred to in the first-mentioned instrument.
- (4) Where an applicant on whom there has been served an instrument under subsection (1) has made a request under subsection (3) within the period applicable under subsection (3), the Minister shall grant to the applicant a drilling reservation in respect of the block or blocks specified in the instrument.
- (5) Where an applicant on whom there has been served an instrument under subsection (1) has not made a request under subsection (3) within the period applicable under subsection (3), the application lapses upon the expiration of that period.

[Section 43C inserted: No. 78 of 1990 s. 6; amended: No. 28 of 1994 s. 19.]

43DA. Withdrawal of application

- (1) In this section and section 43DB —
drilling reservation application means an application for the grant of a drilling reservation made under section 43A or 105(3)(a)(ii).
- (2) The person who has made, or all the persons who have jointly made, a drilling reservation application may, by written notice served on the Minister, withdraw the application at any time before the drilling reservation is granted.

[Section 43DA inserted: No. 42 of 2010 s. 21.]

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43DB. Application continued after withdrawal of joint applicant

If —

- (a) a drilling reservation application was a joint application; and
- (b) all of the joint applicants, by written notice served on the Minister, inform the Minister that one or more, but not all, of them, as specified in the notice, withdraw from the application,

the following paragraphs have effect —

- (c) the application continues in force as if it had been made by the remaining applicant or applicants;
- (d) if the Minister had informed the joint applicants to the effect that the Minister was prepared to grant to the applicants a drilling reservation in respect of the block or blocks to which the application relates, the Minister is taken not to have informed the applicants to that effect.

[Section 43DB inserted: No. 42 of 2010 s. 21.]

43DC. Effect of withdrawal or lapse of s. 43A application

If —

- (a) 2 or more applications have been made under section 43A for the grant of a drilling reservation in respect of the same block or blocks; and
- (b) one or more, but not all, of the applications are withdrawn or have lapsed,

the following paragraphs have effect —

- (c) the withdrawn or lapsed applications are taken not to have been made;
- (d) if the Minister had informed the applicant or one of the applicants whose application had been withdrawn or had lapsed to the effect that the Minister was prepared to grant to that applicant a drilling reservation in respect of the block or blocks to which the application related — the Minister is taken not to have informed the applicant or applicants to that effect;

- (e) if the applicant or one of the applicants whose application had been withdrawn had requested the Minister under section 43C(3) to grant a drilling reservation to the applicant concerned — the request is taken not to have been made;
- (f) if the Minister had refused to grant a drilling reservation to the remaining applicant or to any of the remaining applicants — the refusal or refusals are taken not to have occurred.

[Section 43DC inserted: No. 42 of 2010 s. 21.]

43D. Rights conferred by petroleum drilling reservation or geothermal drilling reservation ~~Rights conferred by drilling reservation~~

(1) A petroleum drilling reservation, while it remains in force, authorises the holder of the petroleum drilling reservation, subject to this Act and in accordance with the conditions to which the petroleum drilling reservation is subject —

- (a) to drill for petroleum in the drilling reservation area; and
- (b) to recover petroleum in the drilling reservation area for the purpose of establishing the nature and probable extent of a discovery of petroleum; and
- (c) to carry on any operations and execute any works in the drilling reservation area that are necessary for those purposes.

(1A) A petroleum drilling reservation does not authorise the holder of the petroleum drilling reservation to make a well outside the drilling reservation area.

~~(1) A petroleum drilling reservation, while it remains in force, authorises the holder of the drilling reservation, subject to this Act and in accordance with the conditions to which the drilling reservation is subject, to drill for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the drilling reservation area.~~

(2) A geothermal drilling reservation, while it remains in force, authorises the holder of the geothermal drilling reservation, subject to this Act and in accordance with the conditions to which the geothermal drilling reservation is subject —

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- (a) to drill for geothermal energy resources in the drilling reservation area; and
- (b) to recover geothermal energy in the drilling reservation area for the purpose of establishing the nature and probable extent of a discovery of geothermal energy resources; and
- (c) to carry on such operations and execute such works in the drilling reservation area as are necessary for those purposes.

(3) A geothermal drilling reservation does not authorise the holder of the geothermal drilling reservation to make a well outside the drilling reservation area.

[Section 43D inserted: No. 78 of 1990 s. 6; amended: No. 13 of 2005 s. 16(2); No. 35 of 2007 s. 29.]

43DAA. Rights conferred by GHG drilling reservation

(1) A GHG drilling reservation, while it remains in force, authorises the holder of the GHG drilling reservation, subject to this Act and in accordance with the conditions to which the GHG drilling reservation is subject —

- (a) to drill for a potential GHG storage formation in the GHG drilling reservation area; and
- (b) to drill for a potential GHG injection site in the GHG drilling reservation area; and
- (c) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the GHG drilling reservation area; and
- (d) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the relevant well is situated in the GHG drilling reservation area; and
- (e) to inject, on an appraisal basis, any of the following into a part of a geological formation for purposes in connection with the drilling authorised by paragraph (a) or (b), so long as the relevant well is situated in the GHG drilling reservation area —
 - (i) air;
 - (ii) petroleum;

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(4) A GHG drilling reservation does not authorise the holder of the GHG drilling reservation to make a well outside the GHG drilling reservation area.

43E. Term of drilling reservation

- (1) A drilling reservation is effective from the day on which the drilling reservation is granted or such later date as is specified by the Minister.
- (2) Subject to section 43F, a drilling reservation is effective for such period, not exceeding 3 years, as is specified by the Minister commencing from the day from which it is effective under subsection (1).

[Section 43E inserted: No. 78 of 1990 s. 6; amended: No. 17 of 1999 s. 25.]

43F. Extension of term of drilling reservation

- (1) The holder of a drilling reservation may, before the expiry of the drilling reservation, apply to the Minister for the extension of the period for which the drilling reservation is effective.
- (2) An extension of the period for which a drilling reservation is effective shall not be granted unless the holder of the drilling reservation has drilled or is in the course of drilling a well to the depth specified in the instrument issued under section 43C in relation to the grant of the drilling reservation and has submitted a report to the Minister in relation to the well.
- (2a) An extension of the period for which a drilling reservation is effective shall not be granted if that period has previously been extended under this section.
- (3) An application under subsection (1) shall be accompanied by —
 - [(a) deleted]*
 - (b) a statement of each type of work carried out on the drilling reservation; and
 - (c) a statement of the reasons for the extension of the drilling reservation; and
 - (d) the prescribed fee.
- (4) For the purposes of this section no account shall be taken of any delay arising from any assignment of interests in the drilling reservation.

- (5) Subject to subsections (2) and (2a), where —
- (a) an application has been made under subsection (1); and
 - (b) the conditions to which the drilling reservation is, or has from time to time been, subject, and the provisions of this Part and the regulations, have been complied with,

the Minister shall grant an extension of a drilling reservation for a period of 12 months commencing from the expiration of the period for which the drilling reservation is effective.

- (6) Where —
- (a) under subsection (1) an application for an extension of the period for which a drilling reservation is effective has been made; and
 - (b) the period for which the drilling reservation is effective expires before the Minister grants, or refuses to grant, the extension referred to in paragraph (a),

the drilling reservation shall be deemed to continue in force in all respects until the Minister grants, or refuses to grant, the extension applied for.

[Section 43F inserted: No. 78 of 1990 s. 6; amended: No. 28 of 1994 s. 20; No. 17 of 1999 s. 26(1)-(4).]

44. Certain discoveries in permit area or drilling reservation area to be notified

- (1) Subsection (2) applies if —

(a) petroleum is discovered in a petroleum permit area or petroleum drilling reservation area; or

(b) geothermal energy resources are discovered in a geothermal permit area or geothermal drilling reservation area; or

(c) a potential GHG storage formation or potential GHG injection site is discovered in a GHG permit area or GHG drilling reservation area.

- (2) The permittee or holder of the drilling reservation, as the case requires, must —

(a) immediately inform the Minister of the discovery; and

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(b) within the period of 3 days after the date of the discovery, give the Minister particulars in writing of the discovery.

Penalty for this subsection: a fine of \$10 000.

(3) Subsection (4) applies if —

(a) petroleum is discovered in a geothermal permit area, geothermal drilling reservation area, GHG permit area or GHG drilling reservation area; or

(b) geothermal energy resources are discovered in a petroleum permit area, petroleum drilling reservation area, GHG permit area or GHG drilling reservation area; or

(c) a potential GHG storage formation or potential GHG injection site is discovered in a petroleum permit area, petroleum drilling reservation area, geothermal permit area or geothermal drilling reservation area.

(4) The permittee or holder of the drilling reservation, as the case requires, must, within the period of 3 days after the date of the discovery, give the Minister particulars in writing of the discovery.

Penalty for this subsection: a fine of \$10 000.

~~**44. Discovery of petroleum or geothermal energy resources to be notified etc.**~~

~~(1) Where petroleum is discovered in a petroleum permit area or petroleum drilling reservation, as the case may be, the permittee or the holder of the drilling reservation, as the case requires —~~

~~(a) shall forthwith inform the Minister of the discovery; and~~

~~(b) shall, within a period of 3 days after the date of the discovery, furnish to the Minister particulars in writing of the discovery.~~

~~(1a) If geothermal energy resources are discovered in a geothermal permit area or geothermal drilling reservation, the permittee or the holder of the drilling reservation, as the case requires —~~

~~(a) shall forthwith inform the Minister of the discovery; and~~

~~(b) shall, within a period of 3 days after the date of the discovery, furnish to the Minister particulars in writing of the discovery.~~

~~—(1b) If—~~

~~—(a) petroleum is discovered in a geothermal permit area or
geothermal drilling reservation; or~~

~~—(b) geothermal energy resources are discovered in a
petroleum permit area or petroleum drilling reservation;~~

~~—the permittee or the holder of the drilling reservation, as the case
requires, shall, within a period of 3 days after the date of the
discovery, furnish to the Minister particulars in writing of the
discovery.~~

~~—Penalty for an offence under subsection (1), (1a) or (1b): a fine
of \$10 000.~~

~~—[(2) deleted]~~

~~—[Section 44 amended: No. 12 of 1990 s. 30; No. 78 of 1990 s. 7;
No. 35 of 2007 s. 30; No. 42 of 2010 s. 22.]~~

[45. Deleted: No. 42 of 2010 s. 23.]

46. Nomination of blocks as location

(1) Where a petroleum pool is identified in a petroleum permit area or petroleum drilling ~~reservation area, reservation,~~ the permittee or the holder of the drilling reservation, as the case requires, may nominate the block in which the pool is situated, or the blocks (being blocks within the permit area or drilling ~~reservation area, reservation~~) to which the pool extends, for declaration as a location.

(1a) If a geothermal resources area is identified in a geothermal permit area or geothermal drilling ~~reservation area, reservation,~~ the permittee or the holder of the drilling reservation, as the case requires, may nominate the block in which the geothermal resources area is situated, or the blocks (being blocks within the permit area or drilling ~~reservation area, reservation~~) to which the geothermal resources area extends, for declaration as a location.

(2) Where 2 or more petroleum pools are identified in a petroleum permit area or petroleum drilling ~~reservation area, reservation,~~ the permittee or holder of the drilling reservation, as the case requires, may, instead of making a nomination under subsection (1) in relation to each pool, nominate all of the blocks to which the pools extend, or to which any 2 or more of the pools extend, for declaration as a single location.

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- (2a) If 2 or more geothermal resources areas are identified in a geothermal permit area or geothermal drilling [reservation area](#), ~~reservation~~, the permittee or holder of the drilling reservation, as the case requires, may, instead of making a nomination under subsection (1a) in relation to each geothermal resources area, nominate all of the blocks to which the geothermal resources areas extend, or to which any 2 or more of the geothermal resources areas extend, for declaration as a single location.
- (3) A nomination may not be made under subsection (2) or (2a) unless, in the case of each of the pools or geothermal resources areas to which the nomination relates, at least one of the blocks to which the pool or geothermal resources area extends immediately adjoins a block to which the other, or another, of those pools or geothermal resources areas extends.
- (4) A nomination by a permittee or holder of a drilling reservation shall be in writing and served on the Minister.
- (5) A nomination may not be made by a permittee or holder of a drilling reservation unless the permittee or holder of the drilling reservation, as the case requires, or another person has, whether within or outside the permit area or drilling [reservation area](#), ~~reservation~~, recovered petroleum from the petroleum pool, or geothermal energy from the geothermal resources area, to which the nomination relates or, if the nomination relates to more than one pool or geothermal resources area, from each of those pools or geothermal resources areas.
- (6) Where —
- (a) the Minister is of the opinion that a permittee or a holder of a drilling reservation is entitled to nominate a block or blocks under subsection (1), (1a), (2) or (2a); and
 - (b) the permittee or a holder of the drilling reservation, as the case requires, has not done so,
- the Minister may require the permittee or the holder of the drilling reservation, as the case requires, to exercise his or her right to nominate the block or blocks within 3 months after the date of the making of the requirement.
- (7) A requirement by the Minister under subsection (6) shall be by written notice served on the permittee or holder of the drilling reservation, as the case requires.

- (8) On written request by a permittee or holder of a drilling reservation within the period fixed by subsection (6), the Minister may extend the time for compliance with a requirement under that subsection by not more than 3 months.
- (9) If a permittee or the holder of a drilling reservation, as the case requires, fails to comply with a requirement under subsection (6), the Minister may, by written notice served on the permittee or the holder of the drilling reservation, nominate the block or blocks for declaration as a location.

[Section 46 inserted: No. 12 of 1990 s. 32; amended: No. 78 of 1990 s. 7; No. 35 of 2007 s. 32 (correction to reprint: Gazette 23 Jun 2009 p. 2470).]

47. Declaration of location

- (1A) In this section —

section 27 block means —

- (a) a block constituted as provided by section 27; or
- (b) if a graticular section is wholly within the area that was covered by the Commonwealth permit concerned — the graticular section; or
- (c) if a part only of a graticular section is within the area that was covered by the Commonwealth permit concerned — that part of the graticular section.

- (1) Where —

- (a) a permittee or holder of a drilling reservation has made a nomination under section 46; and
- (b) the Minister is of the opinion that the permittee or the holder of the drilling reservation, as the case requires, is entitled under that section to nominate the block or blocks specified in the nomination,

the Minister shall, by notice published in the *Gazette*, declare the block or blocks to which the nomination relates to be a location.

- (2) Where the Minister has made a nomination under section 46(9), the Minister shall, by notice published in the *Gazette*, declare the block or blocks to which the nomination relates to be a location.

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- (2A) Subsection (2B) applies if —
- (a) a boundary-change permit is granted over one or more section 27 blocks; and
 - (b) immediately before the grant, those section 27 blocks were, or were part of, a location as defined in the Commonwealth Act section 7; and
 - (c) apart from this subsection, those section 27 blocks are not, and are not part of, a location as defined in section 5 of this Act.
- (2B) The Minister is taken —
- (a) to have declared those section 27 blocks to be a location; and
 - (b) to have done so immediately after the grant.
- (2C) Subsection (2D) applies if —
- (a) a permit is varied under section 97A so as to include in the permit area one or more section 27 blocks; and
 - (b) immediately before the variation, those section 27 blocks were, or were part of, a location as defined in the Commonwealth Act section 7; and
 - (c) apart from this subsection, those section 27 blocks are not, and are not part of, a location as defined in section 5 of this Act.
- (2D) The Minister is taken —
- (a) to have declared those section 27 blocks to be a location; and
 - (b) to have done so immediately after the variation.
- (3) The Minister may, at the request of the permittee or the holder of the drilling reservation, as the case requires, revoke a declaration.
- (4) The Minister may vary a declaration that relates to petroleum by —
- (a) adding to the location a block in the permit area or drilling [reservation area](#), ~~reservation~~, as the case requires, to which, in the opinion of the Minister, a petroleum pool within the location extends; or

- (b) deleting from the location a block to which, in the opinion of the Minister, no petroleum pool within the location extends.
- (4a) The Minister may vary a declaration that relates to geothermal energy resources by —
- (a) adding to the location a block in the permit area or drilling reservation area, ~~reservation~~, as the case requires, to which, in the opinion of the Minister, a geothermal resources area within the location extends; or
- (b) deleting from the location a block to which, in the opinion of the Minister, no geothermal resources area within the location extends.
- (5) The Minister may not vary a declaration unless —
- (a) the Minister has caused to be served on the permittee or the holder of the drilling reservation, as the case requires, notice in writing of the proposed variation, identifying the block to be added to, or deleted from, the location; and
- (b) the period of 30 days after the date of service of the notice has expired; and
- (c) the Minister has considered any matters submitted to him by the permittee or the holder of the drilling reservation, as the case requires, in relation to the proposed variation.
- (6) Subsection (5) does not apply where a variation is made at the request of the permittee or the holder of the drilling reservation, as the case requires.
- (7) The Minister may form an opinion for the purposes of this section if the Minister considers that there are reasonable grounds for forming the opinion having regard to any information in the Minister's possession, whether provided by the permittee or otherwise.

[Section 47 inserted: No. 12 of 1990 s. 32; amended: No. 78 of 1990 s. 7; No. 35 of 2007 s. 33; No. 42 of 2010 s. 24; No. 7 of 2017 s. 14.]

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48. Immediately adjoining blocks

For the purposes of section 46, a block immediately adjoins another block if the graticular section that constitutes or includes that block and the graticular section that constitutes or includes that other block —

- (a) have a side in common; or
- (b) are joined together at one point only.

[Section 48 amended: No. 12 of 1990 s. 33.]

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[Heading inserted: No. 12 of 1990 s. 34; amended: No. 35 of 2007 s. 34.]

48A. Application by permittee or holder of drilling reservation for lease

- (1) A permittee whose petroleum exploration permit is in force, or the holder of a drilling reservation whose petroleum drilling reservation is in force, in respect of a block that constitutes, or the blocks that constitute, a location may, within the application period, make an application to the Minister for the grant of a petroleum retention lease in respect of that block, or in respect of one or more of those blocks, as the case may be.
- (1a) A permittee whose geothermal exploration permit is in force, or the holder of a drilling reservation whose geothermal drilling reservation is in force, in respect of a block that constitutes, or the blocks that constitute, a location may, within the application period, make an application to the Minister for the grant of a geothermal retention lease in respect of that block, or in respect of one or more of those blocks, as the case may be.

(1B) A permittee whose GHG exploration permit is in force, or the holder of a GHG drilling reservation that is in force, in respect of a block that constitutes, or the blocks that constitute, an identified GHG storage formation may apply to the Minister for the grant of a GHG retention lease in respect of that block, or in respect of 1 or more of those blocks, as the case may be.

(1C) A petroleum permittee or the holder of a petroleum drilling reservation may apply to the Minister for the grant of a GHG retention lease in respect of 1 or more of the blocks specified in the application if —

-
- (a) a petroleum exploration permit or petroleum drilling reservation, as the case requires, is in force in respect of the block or blocks; and
 - (b) 1 or more identified GHG storage formations are wholly situated in the petroleum permit area or drilling reservation area; and
 - (c) neither a GHG injection licence nor a GHG retention lease exists in respect of the block or blocks.
- (1D) A geothermal permittee or the holder of a geothermal drilling reservation may apply to the Minister for the grant of a GHG retention lease in respect of 1 or more of the blocks specified in the application if —
- (a) a geothermal exploration permit or geothermal drilling reservation, as the case requires, is in force in respect of the block or blocks; and
 - (b) 1 or more identified GHG storage formations are wholly situated in the geothermal permit area or drilling reservation area; and
 - (c) neither a GHG injection licence nor a GHG retention lease exists in respect of the block or blocks.

(2) An application under subsection (1) or (1a) —

[(a) deleted]

(b) shall be made in an approved manner; and

(c) shall be accompanied by particulars of —

(i) the proposals of the applicant for work and expenditure in respect of the area comprised in the blocks specified in the application; and

(ii) the commercial viability of the recovery of petroleum or geothermal energy, as the case requires, from the area comprised in the blocks specified in the application at the time of the application, and particulars of the possible future commercial viability of the recovery of petroleum or geothermal energy from that area;

and

(d) may set out any other matters that the applicant wishes to be considered; and

(e) shall be accompanied by the prescribed fee.

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(2A) An application under subsection (1B), (1C) or (1D) —

(a) must be made in an approved manner; and

(b) must be accompanied by —

(i) particulars of the proposals of the applicant for work and expenditure in respect of the identified GHG storage formation comprised in the blocks specified in the application; and

(ii) an assessment of when the applicant will be in a position to carry on a GHG injection operation in respect of the identified GHG storage formation comprised in the blocks specified in the application;

and

(c) may set out any other matters that the applicant wishes to be considered; and

(d) must be accompanied by the prescribed fee.

(3) The Minister may, at any time, by instrument in writing served on the applicant, require the applicant to furnish, within the time specified in the instrument, further information in writing in connection with the application.

(4) The application period in respect of an application under subsection (1) or (1a) ~~this section~~ by a permittee or the holder of a drilling reservation is —

(a) the period of 2 years after the date on which the block that constitutes the location concerned was, or the blocks that constitute the location concerned were, declared to be a location; or

(b) such other period, not less than 2 years or more than 4 years after that date, as the Minister, on application in writing by the permittee or the holder of the drilling reservation, as the case requires, served on the Minister before the end of the first-mentioned period of 2 years, allows.

(5) The application period for an application under subsection (1B), (1C) or (1D) is —

(a) the period of 12 months after —

(i) if there is a single identified greenhouse gas storage formation, the day on which the

identified greenhouse gas storage formation was
declared; or

(ii) if there are 2 or more identified greenhouse gas
storage formations, the earliest day on which any
of the identified greenhouse gas storage
formations was declared;

or

(b) any longer period, not more than 6 months after that day,
that the Minister allows.

(6) The Minister may allow a longer period under subsection (5)(b)
only on written application made by the GHG permittee within
the period of 12 months mentioned in subsection (5)(a).

*[Section 48A inserted: No. 12 of 1990 s. 34; amended: No. 78 of
1990 s. 7; No. 35 of 2007 s. 35; No. 42 of 2010 s. 25.]*

48B. Grant or refusal of lease in relation to application

(1) If —

- (a) an application has been made under section 48A(1); and
- (b) the applicant has furnished any further information as
and when required by the Minister under section 48A(3);
and
- (c) the Minister is satisfied that —
 - (i) the area comprised in the block, or any one or
more of the blocks, specified in the application
contains petroleum; and
 - (ii) the recovery of petroleum from that area is not, at
the time of the application, commercially viable,
but is likely to become commercially viable
within the period of 15 years after that time,

the Minister shall, by written notice served on the applicant,
inform the applicant that the Minister is prepared to grant to the
applicant a petroleum retention lease in respect of the block or
blocks as to which the Minister is satisfied as mentioned in
paragraph (c).

(2A) If —

- (a) an application has been made under section 48A(1a);
and

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- (b) the applicant has furnished any further information as and when required by the Minister under section 48A(3); and
- (c) the Minister is satisfied that —
 - (i) the area comprised in the block, or any one or more of the blocks, specified in the application contains geothermal energy resources; and
 - (ii) the recovery of geothermal energy from that area is not, at the time of the application, commercially viable, but is likely to become commercially viable within the period of 15 years after that time,

the Minister shall, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a geothermal retention lease in respect of the block or blocks as to which the Minister is satisfied as mentioned in paragraph (c).

(2B) On an application under section 48A(1B), (1C) or (1D), the Minister must, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a GHG retention lease in respect of 1 or more of the blocks specified in the application if —

(a) the applicant has given any further information as and when required by the Minister under section 48A(3); and

(b) the Minister is satisfied that —

(i) the area comprised in the block or blocks contains an identified GHG storage formation; and

(ii) the applicant is not, at the time of the application, in a position to carry on a GHG injection operation in respect of that identified GHG storage formation but is likely to be in a position to do so within the period of 10 years after that time.

- (2) Where an application has been made under section 48A and —
 - (a) the applicant has not furnished any further information as and when required by the Minister under section 48A(3); or

- (b) the Minister is not satisfied as to the matters referred to in subsection [\(1\)\(c\)](#), [\(2A\)\(c\)](#) or [\(2B\)\(b\)](#), ~~(1)(e)~~ or ~~(2A)(e)~~, whichever is applicable, in relation to the block, or all the blocks, specified in the application,

the Minister shall, by instrument in writing served on the applicant, refuse to grant a lease to the applicant.

(3A) If —

- (a) an application has been made under section 48A specifying 2 or more blocks; and
- (b) the Minister is not satisfied as mentioned in subsection [\(1\)\(c\)](#), [\(2A\)\(c\)](#) or [\(2B\)\(b\)](#), ~~(1)(e)~~ or ~~(2A)(e)~~, whichever is applicable, in relation to one or more, but not all, of the blocks,

the Minister shall, by notice in writing served on the applicant, refuse to grant a lease to the applicant in respect of the block or blocks as to which the Minister is not satisfied as mentioned in subsection [\(1\)\(c\)](#), [\(2A\)\(c\)](#) or [\(2B\)\(b\)](#), ~~(1)(e)~~ or ~~(2A)(e)~~.

(3) An instrument under subsection [\(1\)](#), [\(2A\)](#) or [\(2B\)](#) ~~(1)~~ or ~~(2A)~~ shall contain —

- (a) a summary of the conditions subject to which the lease is to be granted; and
- (b) a statement to the effect that the application will lapse if the applicant does not make a request under subsection (4) in respect of the grant of the lease.

(4) An applicant on whom there has been served an instrument under subsection [\(1\)](#), [\(2A\)](#) or [\(2B\)](#) ~~(1)~~ or ~~(2A)~~ may, within a period of one month after the date of service of the instrument, or within such further period, not exceeding one month, as the Minister, on application in writing served on the Minister before the end of the first-mentioned period of one month, allows, by instrument in writing served on the Minister, request the Minister to grant to the applicant the lease.

(5) Where an applicant on whom there has been served an instrument under subsection [\(1\)](#), [\(2A\)](#) or [\(2B\)](#) ~~(1)~~ or ~~(2A)~~ has made a request under subsection (4) within the period applicable under subsection (4), the Minister shall grant to the applicant a petroleum retention [lease](#), [geothermal retention lease](#) or [GHG lease or geothermal](#) retention lease, as the case requires, in respect of the block or blocks specified in the instrument.

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- (6) Where an applicant on whom there has been served an instrument under subsection (1), (2A) or (2B) ~~(1) or (2A)~~ has not made a request under subsection (4) within the period applicable under subsection (4), the application lapses upon the expiration of that period.
- (7) On the day on which a lease granted under this section in respect of a block or blocks comes into force, the permit or drilling reservation, as the case requires, in respect of the block or blocks ceases to be in force in respect of those blocks.

[Section 48B inserted: No. 12 of 1990 s. 34; amended: No. 78 of 1990 s. 7; No. 28 of 1994 s. 21; No. 35 of 2007 s. 36; No. 42 of 2010 s. 26.]

48BA. Application of s. 48A and 48B where permit is transferred

Where —

- (a) after an application has been made under section 48A 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 48B(1), (2A), (2B), (2) or (3A) in relation to the application,

a transfer of the permit is registered under section 72, sections 48A and 48B have effect, after the time of the transfer, as if any reference in those sections to the applicant were a reference to the transferee.

[Section 48BA inserted: No. 28 of 1994 s. 22; amended: No. 42 of 2010 s. 27.]

48BB. Application by petroleum or geothermal lessee for GHG retention lease

- (1) A petroleum lessee may apply to the Minister for the grant of a GHG retention lease in respect of 1 or more of the blocks specified in the application if —
- (a) a petroleum retention lease is in force in respect of the block or blocks; and
- (b) 1 or more identified GHG storage formations are wholly situated in the petroleum lease area; and
- (c) neither a GHG injection licence nor a GHG retention lease exists in respect of the block or blocks.

(2) A geothermal lessee may apply to the Minister for the grant of a GHG retention lease in respect of 1 or more of the blocks specified in the application if —

(a) a geothermal retention lease is in force in respect of the block or blocks; and

(b) 1 or more identified GHG storage formations are wholly situated in the geothermal lease area; and

(c) neither a GHG injection licence nor a GHG retention lease exists in respect of the block or blocks.

(3) An application under subsection (1) or (2) —

(a) must be made in an approved manner; and

(b) must be accompanied by any information that is specified in the regulations; and

(c) may set out any other matters that the applicant wishes to be considered; and

(d) must be accompanied by the prescribed fee.

(4) The Minister may, at any time, by instrument in writing served on the applicant, require the applicant to give the Minister, within the time specified in the instrument, further information in writing in connection with the application.

48BC. Grant or refusal of GHG retention lease in relation to application by petroleum or geothermal lessee

(1) On an application under section 48BB(1) or (2), the Minister must, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a GHG retention lease in respect of 1 or more of the blocks specified in the application if —

(a) the applicant has given any further information as and when required by the Minister under section 48BB(4); and

(b) the Minister is satisfied —

(i) the area comprised in the block or any 1 or more of the blocks specified in the application contains an identified GHG storage formation; and

(ii) the applicant is not, at the time of the application, in a position to carry on a GHG injection operation in respect of that identified GHG storage formation but is likely to be in that

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position within the period of 10 years after that time.

(2) On an application under section 48BB(1) or (2), the Minister must, by written notice served on the applicant, refuse to grant a GHG retention lease to the applicant if —

(a) the applicant has not given any further information as and when required by the Minister under section 48BB(4); or

(b) the Minister is not satisfied as to the matters referred to in subsection (1)(b) in relation to the block or all of the blocks specified in the application.

(3) On an application under section 48BB(1) or (2) specifying 2 or more blocks, the Minister must, by written notice served on the applicant, refuse to grant a GHG retention lease to the applicant if the Minister is not satisfied as to the matters mentioned in subsection (1)(b) in relation to any of the blocks.

(4) A notice under subsection (1) must contain —

(a) a summary of the conditions subject to which the lease is to be granted; and

(b) a statement to the effect that the application will lapse if the applicant does not make a request under subsection (5) in respect of the grant of the lease.

(5) An applicant on whom a notice is served under subsection (1) may request the Minister to grant the lease to the applicant.

(6) The request must be in writing and must be made —

(a) before the end of the period of 1 month after the date of service of the notice on the applicant under subsection (1); or

(b) if the Minister, on application in writing made to the Minister before the end of that period, allows a further period of not more than 1 month for the making of the request — before the end of that further period.

(7) If the applicant makes the request within the period applicable under subsection (6), the Minister must grant to the applicant a GHG retention lease in respect of the block or blocks specified in the notice.

(8) If the applicant does not make the request within the period applicable under subsection (6), the application lapses at the end of that period.

(9) On the day on which a GHG retention lease granted under this section in respect of a block or blocks comes into force, the petroleum retention lease or geothermal retention lease in respect of the block or blocks ceases to be in force in respect of that block or those blocks.

48BD. Application of s. 48BB and 48BC if petroleum or geothermal retention lease is transferred

(1) This section applies if a transfer of a petroleum retention lease or geothermal retention lease is registered under section 72 —

(a) after an application is made under section 48BB(1) or (2) in relation to a block or blocks in respect of which the petroleum retention lease or geothermal retention lease is in force; and

(b) before a decision is made by the Minister under section 48BC(1), (2) or (3) in relation to the application.

(2) Sections 48BB and 48BC have effect, after the time of the transfer, as if any reference in those sections to the applicant were a reference to the transferee.

48CA. Application by licensee for lease

(1) If —

(a) a petroleum production licence is in force under section 63(1)(c) or (2) in respect of a block or blocks; and

(b) no operations for the recovery of petroleum are being carried on under the licence in respect of an area (the *unused area*) —

(i) that consists of, or consists of part of, the block or blocks; and

(ii) in which petroleum has been found to exist,

the petroleum licensee may, within the application period, apply to the Minister for the grant of a petroleum retention lease in respect of the unused area.

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- (2) If —
- (a) a geothermal production licence is in force under section 63(1)(c) or (2) in respect of a block or blocks; and
 - (b) no operations for the recovery of geothermal energy are being carried on under the licence in respect of an area (the *unused area*) —
 - (i) that consists of, or consists of part of, the block or blocks; and
 - (ii) in which geothermal energy resources have been found to exist,

the geothermal licensee may, within the application period, apply to the Minister for the grant of a geothermal retention lease in respect of the unused area.

(2A) Subsection (2B) applies if —

- (a) a GHG injection licence is in force under section 63(4) in respect of a block or blocks; and
- (b) no GHG injection operation is being carried on under the licence in respect of an area (the *unused area*) —
 - (i) that consists of, or consists of part of, the block or blocks; and
 - (ii) in which an identified GHG storage formation is found to exist.

(2B) The GHG licensee may, within the application period, apply to the Minister for the grant of a GHG retention lease in respect of the unused area.

(2C) Subsection (2D) applies if —

- (a) a petroleum production licence is in force under section 63(1)(c) or (2) in respect of a block or blocks; and
- (b) a single identified GHG storage formation extends to the block or blocks; and
- (c) neither a GHG injection licence nor a GHG retention lease exists in respect of the block or blocks to which the identified GHG storage formation extends.

(2D) The petroleum licensee may, within the application period, apply to the Minister for the grant of a GHG retention lease over

the block or blocks to which the identified GHG storage formation extends.

(2E) Subsection (2F) applies if —

(a) a geothermal production licence is in force under section 63(1)(c) or (2) in respect of a block or blocks; and

(b) a single identified GHG storage formation extends to the block or blocks; and

(c) neither a GHG injection licence nor a GHG retention lease exists in respect of the block or blocks to which the identified GHG storage formation extends.

(2F) The geothermal licensee may, within the application period, apply to the Minister for the grant of a GHG retention lease over the block or blocks to which the identified GHG storage formation extends.

(3) An application under this section —

(a) is to be made in an approved manner; and

(b) is to be accompanied by particulars of the proposals of the applicant for work and expenditure in respect of the unused area; and

(c) may set out any other matters that the applicant wishes to be considered; and

(d) is to be accompanied by the prescribed fee.

(4) An application under subsection (1) is also to be accompanied by particulars of the commercial viability of the recovery of petroleum from the unused area at the time of the application, and particulars of the possible future commercial viability of the recovery of petroleum from that area.

(5) An application under subsection (2) is also to be accompanied by particulars of the commercial viability of the recovery of geothermal energy from the unused area at the time of the application, and particulars of the possible future commercial viability of the recovery of geothermal energy from that area.

(5A) An application under subsection (2B), (2D) or (2F) is also to be accompanied by any other information that is specified in the regulations.

(6) The Minister may, at any time, by written notice served on the applicant, require the applicant to give, within the period stated

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in the notice, further written information in connection with an application under this section.

- (7) The application period in respect of an application under subsection (1) by a licensee is the period of 5 years that began on —
- (a) the day on which the licence was granted; or
 - (b) if any operations for the recovery of petroleum have been carried on under the licence in respect of the unused area — the last day on which any such operations were carried on.
- (8) The application period in respect of an application under subsection (2) by a licensee is the period of 5 years that began on —
- (a) the day on which the licence was granted; or
 - (b) if any operations for the recovery of geothermal energy have been carried on under the licence in respect of the unused area — the last day on which any such operations were carried on.
- (9) The application period in respect of an application under subsection (2B) by a GHG licensee is the period of 5 years that began on —
- (a) the day on which the licence was granted; or
 - (b) if any GHG injection operations have been carried on under the licence in respect of the unused area — the last day on which those operations were carried on.
- (10) The application period in respect of an application under subsection (2D) or (2F) by a petroleum licensee or geothermal licensee is the period of 5 years that began on the day on which the petroleum production licence or geothermal production licence was granted.

[Section 48CA inserted: No. 42 of 2010 s. 28.]

48CB. Grant or refusal of lease in relation to application by licensee

- (1) If —
- (a) an application has been made under section 48CA(1); and

- (b) the applicant has given any further information as and when required by the Minister under section 48CA(6); and
- (c) the Minister is satisfied that recovery of petroleum from the unused area —
 - (i) is not, at the time of the application, commercially viable; and
 - (ii) is likely to become commercially viable within the period of 15 years after that time,

the Minister shall, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a petroleum retention lease in respect of the unused area.

(2) If —

- (a) an application has been made under section 48CA(2); and
- (b) the applicant has given any further information as and when required by the Minister under section 48CA(6); and
- (c) the Minister is satisfied that recovery of geothermal energy from the unused area —
 - (i) is not, at the time of the application, commercially viable; and
 - (ii) is likely to become commercially viable within the period of 15 years after that time,

the Minister shall, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a geothermal retention lease in respect of the unused area.

(2A) Subsection (2B) applies if —

- (a) an application is made under section 48CA(2B), (2D) or (2F); and
- (b) the applicant has given any further information as and when required by the Minister under section 48CA(6); and

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(c) the Minister is satisfied that the applicant —

(i) is not, at the time of the application, in a position to carry on a GHG injection operation in the unused area; and

(ii) is likely to be in that position within the period of 10 years after that time.

(2B) The Minister must, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a GHG retention lease in respect of the unused area.

- (3) If an application has been made under section 48CA and —
- (a) the applicant has not given further information as and when required by the Minister under section 48CA(6); or
 - (b) the Minister is not satisfied as mentioned in subsection (1)(c), (2)(c) or (2A)(c), ~~(1)(e) or (2)(e)~~, as the case requires, in relation to the unused area,

the Minister shall, by written notice served on the applicant, refuse to grant a lease to the applicant.

- (4) A notice under subsection (1), (2) or (2B), ~~(1) or (2)~~ shall contain —
- (a) a summary of the conditions subject to which the lease is to be granted; and
 - (b) a statement to the effect that the application will lapse if the applicant does not make a request under subsection (5) in respect of the grant of the lease.
- (5) An applicant on whom a notice is served under subsection (1), (2) or (2B), ~~(1) or (2)~~ may request the Minister to grant the lease to the applicant.
- (6) The request must be in writing and must be made —
- (a) before the end of the period of one month after the date of service of the notice on the applicant under subsection (1), (2) or (2B); or ~~(1) or (2); or~~
 - (b) if the Minister, on application in writing made to the Minister before the end of that period, allows a further period of not more than one month for the making of the request — before the end of that further period.

- (7) If the applicant makes the request within the period applicable under subsection (6), the Minister shall grant to the applicant a petroleum retention [lease, geothermal retention lease or GHG lease or geothermal](#) retention lease, as the case requires, in respect of the unused area.
- (8) If the applicant does not make the request within the period applicable under subsection (6), the application lapses at the end of that period.
- (9) On the day on which a lease ~~is~~ granted under this section in respect of an unused area comes into force, the licence in respect of the block or blocks of which the area consists or in which the area is included ceases to be in force in respect of the area.

[Section 48CB inserted: No. 42 of 2010 s. 28.]

48CC. Application of s. 48CA and 48CB if licence is transferred

If —

- (a) after an application has been made under section 48CA in relation to an area consisting of or included in a block or blocks in respect of which a licence is in force; and
- (b) before a decision has been made by the Minister under section 48CB(1), [\(2\), \(2B\)](#) ~~(2)~~ or (3) in relation to the application,

a transfer of the licence is registered under section 72, sections 48CA and 48CB have effect, after the time of the transfer, as if any reference in those sections to the applicant were a reference to the transferee.

[Section 48CC inserted: No. 42 of 2010 s. 28.]

48CD. Grant of petroleum retention lease as result of change to boundary of offshore area

- (1) In this section —

section 27 block means —

- (a) a block constituted as provided by section 27; or
- (b) if a graticular section is wholly within the area that was covered by the Commonwealth lease concerned — the graticular section; or

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- (c) if a part only of a graticular section is within the area that was covered by the Commonwealth lease concerned — that part of the graticular section.

Note for this definition:

See also subsection (6).

- (2) This section applies if —
 - (a) a Commonwealth lease has been granted on the basis that an area (the *relevant area*) is within the offshore area; and
 - (b) as a result of a change to the boundary of the offshore area, the relevant area —
 - (i) ceases to be within the offshore area; and
 - (ii) falls within the inshore area;and
 - (c) either —
 - (i) the conditions set out in subsection (3) are satisfied; or
 - (ii) the conditions set out in subsection (4) are satisfied;and
 - (d) there are one or more section 27 blocks (the *relevant section 27 blocks*) that —
 - (i) correspond to the section 27 blocks that were covered by the Commonwealth lease immediately before the change; and
 - (ii) are in the inshore area; and
 - (iii) are not the subject of a variation under section 97A.
- (3) The conditions mentioned in subsection (2)(c)(i) are —
 - (a) one or more, but not all, of the section 27 blocks that were covered by the Commonwealth lease immediately before the change are in the relevant area; and
 - (b) the Commonwealth lease subsequently ceases to be in force at the same time (the *relevant time*) —
 - (i) as to all of the section 27 blocks that were covered by the Commonwealth lease

immediately before the change and that are in the offshore area; and

- (ii) otherwise than as the result of the cancellation or surrender of the Commonwealth lease.
- (4) The conditions mentioned in subsection (2)(c)(ii) are —
- (a) all of the section 27 blocks that were covered by the Commonwealth lease immediately before the change are in the relevant area; and
 - (b) the Commonwealth lease subsequently ceases to be in force at the same time (the *relevant time*) —
 - (i) as to all of the section 27 blocks that were covered by the Commonwealth lease immediately before the change; and
 - (ii) otherwise than as the result of the cancellation or surrender of the Commonwealth lease.
- (5) The Minister is taken —
- (a) to have granted the holder of the Commonwealth lease a petroleum retention lease over the relevant section 27 blocks; and
 - (b) to have done so immediately after the relevant time mentioned in whichever of subsection (3) or (4) is applicable.

Note for this subsection:

For the duration of the petroleum retention lease, see section 48D(2).

- (6) If, after the change to the boundary of the offshore area —
- (a) a part of a section 27 block that was covered by the Commonwealth lease immediately before the change is in the offshore area; and
 - (b) the remaining part of the section 27 block is in the inshore area,

then, for the purposes of this section (other than this subsection), each of those parts is taken to constitute, and to have always constituted, a section 27 block.

[Section 48CD inserted: No. 7 of 2017 s. 15.]

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48C. Rights conferred by petroleum retention lease or geothermal retention lease~~Rights conferred by lease~~

(1) A petroleum retention lease, while it remains in force, authorises the lessee, subject to this Act and in accordance with the conditions to which the petroleum retention lease is subject —

(a) to explore for petroleum in the lease area; and

(b) to recover petroleum in the lease area for the purpose of establishing the nature and probable extent of a discovery of petroleum; and

(c) to carry on any operations and execute any works in the lease area that are necessary for those purposes.

(1A) A petroleum retention lease does not authorise the lessee to make a well outside the lease area.

~~(1) A petroleum lease, while it remains in force, authorises the lessee, subject to this Act and in accordance with the conditions to which the lease is subject, to explore for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the lease area.~~

(2) A geothermal retention lease, while it remains in force, authorises the lessee, subject to this Act and in accordance with the conditions to which the geothermal retention lease is subject —

(a) to explore for geothermal energy resources in the lease area; and

(b) to recover geothermal energy in the lease area for the purpose of establishing the nature and probable extent of a discovery of geothermal energy resources; and

(c) to carry on such operations and execute such works in the lease area as are necessary for those purposes.

(3) A geothermal retention lease does not authorise the lessee to make a well outside the lease area.

[Section 48C inserted: No. 12 of 1990 s. 34; amended: No. 13 of 2005 s. 16(2); No. 35 of 2007 s. 37.]

48CAA. Rights conferred by GHG retention lease

(1) A GHG retention lease, while it remains in force, authorises the lessee, subject to this Act and in accordance with the conditions to which the GHG retention lease is subject —

-
- (a) to explore for a potential GHG storage formation in the lease area; and
- (b) to explore for a potential GHG injection site in the lease area; and
- (c) to inject, on an appraisal basis, a greenhouse gas substance into a part of the identified GHG storage formation, so long as the relevant well is situated in the lease area; and
- (d) to store, on an appraisal basis, a greenhouse gas substance in a part of the identified GHG storage formation, so long as the relevant well is situated in the lease area; and
- (e) to inject, on an appraisal basis, into a part of the identified GHG storage formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the lease area —
- (i) air; or
- (ii) petroleum; or
- (iii) water;
- and
- (f) to store, on an appraisal basis, in a part of the identified GHG storage formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the lease area —
- (i) air; or
- (ii) petroleum; or
- (iii) water;
- and
- (g) with the written consent of the Minister, to recover petroleum in the lease area for the sole purpose of appraising a discovery of petroleum that was made as an incidental consequence of —
- (i) the exploration authorised by paragraph (a) or (b); or
- (ii) the injection authorised by paragraph (c) or (e);
- and
-

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- (h) with the written consent of the Minister, to recover geothermal energy in the lease area for the sole purpose of appraising a discovery of geothermal energy resources that was made as an incidental consequence of —
- (i) the exploration authorised by paragraph (a) or (b); or
- (ii) the injection authorised by paragraph (c) or (e);
- and
- (i) to carry on any operations and execute any works in the lease area that are necessary for those purposes.
- (2) If petroleum is recovered by the lessee in the lease area as authorised by subsection (1)(g), the petroleum does not become the property of the lessee.
- (3) If geothermal energy is recovered by the lessee in the lease area as authorised by subsection (1)(h), the geothermal energy does not become the property of the lessee.
- (4) A GHG retention lease does not authorise the lessee to make a well outside the lease area.

48D. Term of lease

- (1) Subject to this Part, a lease (whether granted by way of renewal of a lease or otherwise and other than a petroleum retention lease granted under section 48CD) remains in force for a period of 5 years commencing on the day on which the lease was granted or, if a later day is specified in the lease as being the day on which the lease is to come into force, on that later day.
- (2) Subject to this Part, a petroleum retention lease granted under section 48CD remains in force for a period of 5 years commencing on the day on which the lease is granted.

[Section 48D inserted: No. 12 of 1990 s. 34; amended: No. 7 of 2017 s. 16.]

48E. Notice of intention to cancel lease

- (1) Subsection (2) applies if —
- (a) a lessee has been given a notice of the kind referred to in section 48H(3) during the term of the lease and has carried out, and has informed the Minister of the results of, the re-evaluation required by the notice; and

-
- (b) the lessee has not applied for the renewal of the lease;
and
- (c) after consideration of the results of the re-evaluation referred to in paragraph (a) and any other matters that the Minister thinks fit, the Minister is of the opinion that any of the following applies —
- (i) recovery of petroleum from the petroleum lease area is commercially viable;
- (ii) recovery of geothermal energy from the geothermal lease area is commercially viable;
- (iii) the lessee is in a position to carry on a GHG injection operation in the GHG lease area.
- (2) The Minister may serve on the lessee and on any other person that the Minister thinks appropriate an instrument in writing —
- (a) informing the lessee and the other person that the Minister has formed that opinion and that the Minister intends to cancel the lease; and
- (b) stating that the lessee or the other person may serve an instrument in writing on the Minister within the period specified in the first-mentioned instrument, not being a period ending earlier than 1 month after the date of service of the first-mentioned instrument, setting out any matters that the lessee or other person, as the case may be, wishes to be considered.
- (2A) Subsection (2B) applies if —
- (a) an instrument under subsection (2) is served on a lessee;
and
- (b) either —
- (i) the lessee does not, within the period referred to in subsection (2)(b), serve on the Minister an instrument setting out matters that the lessee wishes to be considered; or
- (ii) the Minister, after consideration of matters set out in an instrument served on the Minister by the lessee within the period referred to in subsection (2)(b), determines that the lease should be cancelled.

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(2B) The Minister must, by instrument in writing served on the lessee, cancel the lease.

~~(1) Where~~

~~(a) a lessee has been given a notice of the kind referred to in section 48H(3) during the term of the lease and has carried out, and has informed the Minister of the results of, the re-evaluation required by the notice; and~~

~~(b) the lessee has not made an application for the renewal of the lease; and~~

~~(c) after consideration of the results of the re-evaluation referred to in paragraph (a) and such other matters as the Minister thinks fit, the Minister is of the opinion that recovery of petroleum from the petroleum lease area or geothermal energy from the geothermal lease area, as the case requires, is commercially viable,~~

~~the Minister may serve on the lessee and on such other persons as the Minister thinks appropriate an instrument in writing~~

~~(d) informing the lessee and the other persons that the Minister has formed that opinion and that the Minister intends to cancel the lease; and~~

~~(e) stating that the lessee or the other person may serve an instrument in writing on the Minister within the period specified in the first mentioned instrument, not being a period ending earlier than one month after the date of service of the first mentioned instrument, setting out any matters that the lessee or other person, as the case may be, wishes to be considered.~~

~~(2) Where~~

~~(a) an instrument under subsection (1) is served on a lessee; and~~

~~(b) the lessee does not, within the period referred to in subsection (1)(e), serve on the Minister an instrument setting out matters that the lessee wishes to be considered or the Minister, after consideration of matters set out in an instrument served on the Minister by the lessee within that period, determines that the lease should be cancelled,~~

~~the Minister shall, by instrument in writing served on the lessee, cancel the lease.~~

- (3) The cancellation of a lease under subsection ~~(2B)~~(2) has effect —
- (a) in a case to which paragraph (b) does not apply, at the end of the period of 12 months commencing on the date of service of the instrument of cancellation; or
 - (b) in a case where the lessee makes an application for a licence in respect of one or more of the blocks comprised in the lease within the period referred to in paragraph (a), when the Minister grants, or refuses to grant, the licence or when the application lapses, whichever first happens.
- (4) Where a lease is cancelled under subsection ~~(2B)~~, (2), the lease shall be deemed to continue in force in all respects until the cancellation has effect in accordance with subsection (3).

[Section 48E inserted: No. 12 of 1990 s. 34; amended: No. 35 of 2007 s. 38.]

48F. Application for renewal of lease

- (1) A lessee may, from time to time, make an application to the Minister for the renewal of the lease.
 - (2) An application for the renewal of a [petroleum retention lease or geothermal retention lease](#) —
 - [(a) deleted]*
 - (b) subject to subsection (3), shall be made in an approved manner not less than 6 months or more than 12 months before the day on which the lease ceases to be in force; and
 - (c) shall be accompanied by particulars of —
 - (i) the proposals of the applicant for work and expenditure in respect of the lease area; and
 - (ii) the commercial viability of recovery of petroleum from the petroleum lease area or geothermal energy from the geothermal lease area, as the case requires, at the time of the application and particulars of the possible future commercial viability of recovery of petroleum from the petroleum lease area or geothermal energy from the geothermal lease area;
- and

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(d) shall be accompanied by the prescribed fee.

(2A) An application for the renewal of a GHG retention lease —

(a) subject to subsection (3), must be made in an approved manner not less than 6 months or more than 12 months before the day on which the lease ceases to be in force; and

(b) must be accompanied by —

(i) particulars of the proposals of the applicant for work and expenditure in respect of the lease area; and

(ii) any other information specified in the regulations;

and

(c) must be accompanied by the prescribed fee.

(3) The Minister may, for reasons that the Minister thinks sufficient, receive an application for the renewal of the lease less than 6 months before, but not in any case after, the day on which the lease ceases to be in force.

(4) Where an application has been made for the renewal of a lease, the Minister may, at any time, by instrument in writing served on the lessee, require the lessee to furnish, within the time specified in the instrument, further information in writing in connection with the application.

[Section 48F inserted: No. 12 of 1990 s. 34; amended: No. 28 of 1994 s. 23; No. 35 of 2007 s. 39; No. 42 of 2010 s. 29.]

48G. Grant or refusal of renewal of lease

(1) Subsections (1A) and (1B) apply if —

(a) an application for the renewal of a lease is made under section 48F(1); and

(b) the applicant has given any further information as and when required by the Minister under section 48F(4); and

(c) in the case of a petroleum retention lease or a geothermal retention lease, the Minister is satisfied that recovery of petroleum from the petroleum lease area or geothermal energy from the geothermal lease area, as the case requires —

- (i) is not, at the time of the application, commercially viable; and
- (ii) is likely to become commercially viable within the period of 15 years after that time;
- and
- (d) in the case of a GHG retention lease, the Minister is satisfied that the applicant —
- (i) is not, at the time of the application, in a position to carry on a GHG injection operation in the GHG lease area; and
- (ii) is likely to be in that position within the period of 10 years after that time.
- (1A) The Minister must inform the person who is then the lessee, by instrument in writing served on that person, that the Minister is prepared to grant to that person the renewal of the lease if the following have been complied with —
- (a) the conditions to which the lease is, or has from time to time been, subject;
- (b) the provisions of this Part and of the regulations.
- (1B) The Minister may inform the person who is then the lessee, by instrument in writing served on that person, that the Minister is prepared to grant to that person the renewal of the lease if —
- (a) 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 of the regulations has not been complied with; and
- (b) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the lease.
- (2) Subject to subsection (3), if an application for the renewal of a lease is made under section 48F, the Minister must, by instrument in writing served on the person who is then the lessee, refuse to grant the renewal of the lease if —
- (a) the applicant has not given any further information as and when required by the Minister under section 48F(4); or
- (b) the Minister is not satisfied as to the matters referred to in subsection (1)(c) or (d), whichever is applicable; or

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(c) both of the following apply —

(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 of the regulations has not been complied with;

(ii) the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the lease.

~~(1) Where~~

~~(a) an application for the renewal of a lease has been made under section 48F; and~~

~~(b) any further information required by the Minister under subsection (4) of section 48F has been furnished in accordance with that subsection; and~~

~~(c) the Minister is satisfied that recovery of petroleum from the petroleum lease area or geothermal energy from the geothermal lease area, as the case requires —~~

~~(i) is not, at the time of the application, commercially viable; and~~

~~(ii) is likely to become commercially viable within the period of 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 of 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 of the regulations has not been complied with; and~~

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

~~inform the person who is then the lessee, by instrument in writing served on that person, that the Minister is prepared to grant to that person the renewal of the lease.~~

- ~~(2) Subject to subsection (3), where an application for the renewal of a lease has been made under section 48F and —~~
- ~~(a) any further information required by the Minister under subsection (4) of section 48F has not been furnished in accordance with that subsection; or~~
- ~~(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 permit is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has 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.~~
- (3) The Minister shall not refuse to grant the renewal of the lease unless —
- (a) he has, by instrument in writing served on the lessee, given not less than one month's notice of his intention to refuse to grant the renewal of the lease; and
- (b) he has served a copy of the instrument on such other persons, if any, as he thinks fit; and
- (c) he has, in the instrument —
- (i) given particulars of the reasons for the intention; and
- (ii) specified a date on or before which the lessee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Minister, submit any matters that the lessee wishes to be considered;
- and
- (d) he has taken into account any matters so submitted on or before the specified date by the lessee or by a person on whom a copy of the first-mentioned instrument has been served.
- (4) An instrument referred to in subsection [\(1A\)](#) or [\(1B\)](#)~~(1)~~ shall contain —
- (a) a summary of the conditions to which the lease, on the grant of the renewal, is to be subject; and

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- (b) a statement to the effect that the application will lapse if the lessee does not make a request under subsection (6).
- (5) An instrument under subsection (2) shall, where the Minister refuses to grant the renewal of a lease by reason only that the Minister is not satisfied as to the matter referred to in subsection [\(1\)\(c\)\(i\) or \(d\)\(i\)](#), ~~(1)(e)(i)~~, contain a statement to the effect that the lessee may, within the period of 12 months after the date of service of the instrument, make an application for a licence in respect of one or more of the blocks comprised in the lease.
- (6) A lessee on whom there has been served an instrument under subsection [\(1A\) or \(1B\)](#) ~~(1)~~ may, within a period of one month after the date of service of the instrument on the lessee, by instrument in writing served on the Minister, request the Minister to grant the lessee the renewal of the lease.
- (7) Where a lessee on whom there has been served an instrument under subsection [\(1A\) or \(1B\)](#) ~~(1)~~ has made a request under subsection (6) within the period referred to in subsection (6), the Minister shall grant to the lessee the renewal of the lease.
- (8) Where a lessee on whom there has been served an instrument under subsection [\(1A\) or \(1B\)](#) ~~(1)~~ has not made a request under subsection (6) within the period referred to in subsection (6), the application lapses upon the expiration of that period.
- (9) Where —
- (a) an application for the renewal of a lease has been made; and
 - (b) the lease expires —
 - (i) before the Minister grants, or refuses to grant, the renewal of the lease; or
 - (ii) before the application lapses as provided by subsection (8),
- the lease shall be deemed to continue in force in all respects —
- (c) until the Minister grants, or refuses to grant, the renewal of the lease; or
 - (d) until the application so lapses,
- whichever first happens.

- (10) Where the Minister refuses to grant the renewal of a lease by reason only that the Minister is not satisfied as to the matter referred to in subsection ~~(1)(c)(i) or (d)(i), (1)(e)(i)~~, the lease shall be deemed to continue in force in all respects —
- (a) in a case to which paragraph (b) does not apply, until 12 months after the date of service of the instrument under subsection (2); or
 - (b) in a case where the lessee makes an application for a licence in respect of one or more of the blocks comprised in the lease within the period of 12 months after the date referred to in paragraph (a), until the Minister grants, or refuses to grant, the licence or until the application lapses, whichever first happens.

[Section 48G inserted: No. 12 of 1990 s. 34; amended: No. 28 of 1994 s. 24; No. 35 of 2007 s. 40.]

48GA. GHG retention lease cannot be renewed more than once

Despite sections 48F and 48G, if a GHG retention lease is renewed once —

- (a) the lessee is not entitled to apply for a further renewal of the lease; and
- (b) the Minister cannot grant a further renewal of the lease.

48H. Conditions of lease

- (1) A lease may be granted subject to such conditions as the Minister thinks fit and are specified in the lease.
- (1A) Subsection (1) does not apply to a petroleum retention lease granted under section 48CD.
- (2) The conditions referred to in subsection (1) may include conditions with respect to work to be carried out by the lessee in or in relation to the lease area during the term of the lease, or amounts to be expended by the lessee in the carrying out of such work, or conditions with respect to both of those matters, including conditions requiring the lessee to comply with directions given in accordance with the lease concerning those matters.

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(3) A lease is taken to contain a condition that the lessee will within the required period —

(a) re-evaluate, as the case requires —

(i) the commercial viability of the recovery of petroleum from the petroleum lease area (otherwise than by the drilling of wells); or

(ii) the commercial viability of the recovery of geothermal energy from the geothermal lease area (otherwise than by the drilling of wells); or

(iii) whether or not the lessee is in a position to carry on a GHG injection operation in the GHG lease area;

and

(b) inform the Minister in writing of the results of the re-evaluation.

(3A) For the purposes of subsection (3), the *required period* is —

(a) 3 months after the receipt of a written notice from the Minister requesting the lessee to comply with subsection (3); or

(b) any further period that the Minister, on application in writing served on the Minister before the end of the period mentioned in paragraph (a), allows.

~~(3) A lease shall be deemed to contain a condition that the lessee will, within the period of 3 months after the receipt of a written notice from the Minister requesting the lessee to do so or within such further period as the Minister, on application in writing served on the Minister before the end of the first mentioned period, allows, re-evaluate the commercial viability of, as the case requires, the recovery of petroleum from the petroleum lease area or geothermal energy from the geothermal lease area (otherwise than by drilling of wells) and inform the Minister in writing of the results of the re-evaluation.~~

(4) Where a lessee has complied with 2 notices of the kind referred to in subsection (3A) ~~(3)~~ during the term of the lease, the Minister shall not give to the lessee during that term a further notice of that kind.

(5) The Minister may, by written notice given to the lessee, vary a petroleum retention lease granted under section 48CD by imposing one or more conditions to which the lease is subject.

- (6) A notice under subsection (5) may only be given within 14 days after the grant of the petroleum retention lease.
- (7) A variation under subsection (5) takes effect on the day on which notice of the variation is given to the lessee.

[Section 48H inserted: No. 12 of 1990 s. 34; amended: No. 35 of 2007 s. 41; No. 7 of 2017 s. 17.]

48J. Certain discoveries in lease area to be notified

(1) Subsection (2) applies if —

- (a) petroleum is discovered in a petroleum lease area; or
- (b) geothermal energy resources are discovered in a geothermal lease area; or
- (c) a potential GHG storage formation or potential GHG injection site is discovered in a GHG lease area.

(2) The lessee must —

- (a) immediately inform the Minister of the discovery; and
- (b) within the period of 3 days after the date of the discovery, give the Minister particulars in writing of the discovery.

Penalty for this subsection: a fine of \$10 000.

(3) Subsection (4) applies if —

- (a) petroleum is discovered in a geothermal lease area or GHG lease area; or
- (b) geothermal energy resources are discovered in a petroleum lease area or GHG lease area; or
- (c) a potential GHG storage formation or potential GHG injection site is discovered in a petroleum lease area or geothermal lease area.

(4) The lessee must, within the period of 3 days after the date of the discovery, give the Minister particulars in writing of the discovery.

Penalty for this subsection: a fine of \$10 000.

~~**48J. Discovery of petroleum or geothermal energy resources to be notified**~~

~~On the discovery of petroleum or geothermal energy resources in a lease area, the lessee —~~

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~~— (a) shall forthwith inform the Minister of the discovery; and~~

~~— (b) shall, within the period of 3 days after the date of the discovery, furnish to the Minister particulars in writing of the discovery.~~

~~— Penalty: a fine of \$10 000.~~

~~— [Section 48J inserted: No. 42 of 2010 s. 30.]~~

48K. Directions by Minister on discovery of petroleum or geothermal energy resources

~~— (1) Where petroleum is discovered in a petroleum lease area, the Minister may, by instrument in writing served on the lessee, direct the lessee to do, within the period specified in the instrument, such things as the Minister thinks necessary and specifies in the instrument to determine the chemical composition and physical properties of that petroleum and to determine the quantity of petroleum in the petroleum pool to which the discovery relates or, if part only of that petroleum pool is within the lease area, in such part of that petroleum pool as is within the lease area.~~

~~— (1a) If geothermal energy resources are discovered in a geothermal lease area, the Minister may, by instrument in writing served on the lessee, direct the lessee to do, within the period specified in the instrument, such things as the Minister thinks necessary and specifies in the instrument to determine the properties of the geothermal energy resources and to determine the quantity of geothermal energy resources in the geothermal resources area to which the discovery relates or, if part only of that geothermal resources area is within the lease area, in such part of that geothermal resources area as is within the lease area.~~

~~— (2) A person to whom a direction is given under subsection (1) or (1a) shall comply with the direction.~~

~~— Penalty for an offence under subsection (2): a fine of \$10 000.~~

~~— [Section 48K inserted: No. 12 of 1990 s. 34; amended: No. 35 of 2007 s. 43; No. 42 of 2010 s. 62(1).]~~

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[Heading amended: No. 35 of 2007 s. 44.]

49. Recovery of petroleum or geothermal energy resources in State

- (1) A person shall not carry on operations for the recovery of petroleum in the State except —
- (a) under and in accordance with a petroleum production licence; or
 - (b) as otherwise permitted by this Act.

Penalty: a fine of \$50 000 or imprisonment for 5 years, or both.

- (2) A person shall not carry on operations for the recovery of geothermal energy in the State except —
- (a) under and in accordance with a geothermal production licence; or
 - (b) as otherwise permitted by this Act.

Penalty: a fine of \$50 000 or imprisonment for 5 years, or both.

[Section 49 inserted: No. 12 of 1990 s. 35; amended: No. 35 of 2007 s. 45; No. 42 of 2010 s. 62(15).]

49A. GHG injection operations in State

A person must not carry on GHG injection operations in the State except —

- (a) under and in accordance with a GHG injection licence;
- or
- (b) as otherwise permitted by this Act.

Penalty: imprisonment for 5 years or a fine of \$50 000.

50. Application by permittee or holder of drilling reservation for petroleum production licence or geothermal production licence
~~**Application by permittee for licence**~~

- (1) A permittee whose petroleum exploration permit is in force, or the holder of a drilling reservation whose petroleum drilling reservation is in force, in respect of a block that constitutes, or the blocks that constitute, a location may, within the application

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period, make an application to the Minister for the grant of a petroleum production licence —

- (a) where 9 or more blocks constitute the location concerned — in respect of 5 of those blocks; or
- (b) where 8 or 7 blocks constitute the location concerned — in respect of 4 of those blocks; or
- (c) where 6 or 5 blocks constitute the location concerned — in respect of 3 of those blocks; or
- (d) where 4 or 3 blocks constitute the location concerned — in respect of 2 of those blocks; or
- (e) where 2 blocks constitute the location concerned — in respect of one of those blocks; or
- (f) where one block constitutes the location concerned — in respect of that block.

(1a) A permittee whose geothermal exploration permit is in force, or the holder of a drilling reservation whose geothermal drilling reservation is in force, in respect of a block that constitutes, or the blocks that constitute, a location may, within the application period, make an application to the Minister for the grant of a geothermal production licence in respect of the block that constitutes, or the blocks that constitute, the location.

(2) A permittee whose [petroleum exploration](#) permit is in force, or, the holder of a drilling reservation whose [petroleum](#) drilling reservation is in force, in respect of blocks that constitute a location —

- (a) instead of making an application under subsection (1) ~~or (1a)~~ in respect of his primary entitlement, may, within the application period, make an application to the Minister for the grant of a [petroleum production](#) licence in respect of a number of those blocks that is less than his primary entitlement; and
- (b) being the holder of a [petroleum production](#) licence referred to in paragraph (a), may, from time to time within that period, make an application to the Minister for the variation of that licence to include in the licence area a number of those blocks that does not exceed the number, if any, by which his primary entitlement exceeds the number of blocks in respect of which that licence was granted and the number of blocks, if any,

included in that licence by reason of any previous variations of that licence.

(3) Where —

- (a) a petroleum permittee or the holder of a petroleum drilling reservation makes an application under subsection (1) in respect of his primary entitlement; or
- (b) a petroleum permittee or the holder of a petroleum drilling reservation who is the holder of a petroleum licence in respect of a number of blocks that is less than his primary entitlement makes an application under subsection (2) for a variation of that licence, and the number of blocks in respect of which that licence was granted, together with the number of blocks included, and sought to be included, in the licence area by reason of applications under that subsection, is his primary entitlement,

the permittee or the holder of the drilling reservation, as the case requires, may, within the application period, make an application to the Minister for the grant of a licence in respect of any of the other blocks forming part of the location concerned.

(4) Subject to subsection (5), the application period in respect of an application under this section by a permittee or the holder of a drilling reservation is —

- (a) the period of 2 years after the date on which the block that constitutes the location concerned was, or the blocks that constitute the location concerned were, declared to be a location; or
- (b) such other period, not less than 2 years or more than 4 years after that date, as the Minister, on application by the permittee or the holder of the drilling reservation, as the case requires, in writing, served on the Minister before the expiration of the first-mentioned period of 2 years, allows.

(5) Where —

- (a) a permittee or the holder of a drilling reservation applies for the grant by the Minister of a licence in respect of a block or blocks in respect of which the permittee or the holder of the drilling reservation, as the case requires, has applied for a lease under section 48A; and

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- (b) an instrument refusing to grant the lease is served on the permittee or the holder of the drilling reservation, as the case requires, under section 48B(2),

the application period is whichever of the following periods last expires —

- (c) the period that is applicable under subsection (4);
(d) the period of 12 months after the day of service of the instrument.

[Section 50 amended: No. 12 of 1990 s. 36; No. 78 of 1990 s. 7; No. 28 of 1994 s. 25; No. 35 of 2007 s. 46.]

50AA. Application by GHG permittee or holder of GHG drilling reservation for GHG injection licence

(1) A GHG permittee whose GHG exploration permit is in force, or the holder of a GHG drilling reservation that is in force, in respect of a block that constitutes, or the blocks that constitute, an identified GHG storage formation may apply to the Minister for the grant of a GHG injection licence in respect of —

- (a) the block that constitutes the identified GHG storage formation; or
(b) all of the blocks that constitute the identified GHG storage formation; or
(c) some of the blocks that constitute the identified GHG storage formation.

(2) Subsection (3) applies if —

- (a) an application under subsection (1) (the *licence application*) relates to a block or blocks in respect of which the permittee or the holder of the drilling reservation, as the case requires, has applied for a GHG retention lease under section 48A(1B); and
(b) an instrument refusing to grant the GHG retention lease is served on the permittee or the holder of the drilling reservation under section 48B(2).

(3) The licence application must be made within 12 months after the day of service of the instrument.

50AB. Application by petroleum or geothermal permittee or holder of a petroleum or geothermal drilling reservation for GHG injection licence

(1) A petroleum permittee whose petroleum exploration permit is in force, or the holder of a petroleum drilling reservation that is in force, in respect of a block that constitutes, or the blocks that constitute, an identified GHG storage formation may apply to the Minister for the grant of a GHG injection licence in respect of —

- (a) the block that constitutes the identified GHG storage formation; or
- (b) all of the blocks that constitute the identified GHG storage formation; or
- (c) some of the blocks that constitute the identified GHG storage formation.

(2) A geothermal permittee whose geothermal exploration permit is in force, or the holder of a geothermal drilling reservation that is in force, in respect of a block that constitutes, or the blocks that constitute, an identified GHG storage formation may apply to the Minister for the grant of a GHG injection licence in respect of —

- (a) the block that constitutes the identified GHG storage formation; or
- (b) all of the blocks that constitute the identified GHG storage formation; or
- (c) some of the blocks that constitute the identified GHG storage formation.

(3) Subsection (4) applies if —

- (a) an application under subsection (1) or (2) (the *licence application*) relates to a block or blocks in respect of which the petroleum permittee, geothermal permittee, holder of the petroleum drilling reservation or the geothermal drilling reservation, as the case requires, has applied for a GHG retention lease under section 48A(1C) or (1D); and
- (b) an instrument refusing to grant the GHG retention lease is served on the petroleum permittee or the geothermal permittee or the holder of the petroleum drilling

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reservation or geothermal drilling reservation under section 48B(2).

(4) The licence application must be made within 12 months after the day of service of the instrument.

50A. Application by lessee for licence

- (1) A petroleum lessee whose petroleum retention lease is in force may make an application to the Minister for the grant of a petroleum production licence —
- (a) where the lease is in respect of 9 or more blocks, in respect of 5 of those blocks; or
 - (b) where the lease is in respect of 8 or 7 blocks, in respect of 4 of those blocks; or
 - (c) where the lease is in respect of 6 or 5 blocks, in respect of 3 of those blocks; or
 - (d) where the lease is in respect of 4 or 3 blocks, in respect of 2 of those blocks; or
 - (e) where the lease is in respect of 2 blocks, in respect of one of those blocks; or
 - (f) where the lease is in respect of one block, in respect of that block.

(1A) A geothermal lessee whose geothermal retention lease is in force may apply to the Minister for the grant of a geothermal production licence —

- (a) if the lease is in respect of 2 or more blocks, in respect of all of those blocks; or
- (b) if the lease is in respect of 1 block, in respect of that block.

(1B) A GHG lessee whose GHG retention lease is in force may apply to the Minister for the grant of a GHG injection licence —

- (a) if the lease is in respect of 2 or more blocks, in respect of all of those blocks; or
- (b) if the lease is in respect of 1 block, in respect of that block.

(1C) A petroleum lessee whose petroleum retention lease is in force under section 48D in respect of a block or blocks may apply to

the Minister for the grant of a GHG injection licence over the block or blocks if —

(a) a single identified GHG storage formation extends to the block or blocks; and

(b) neither a GHG injection licence nor a GHG retention lease exists in respect of the block or blocks to which the identified GHG storage formation extends.

(1D) A geothermal lessee whose geothermal retention lease is in force under section 48D in respect of a block or blocks may apply to the Minister for the grant of a GHG injection licence over the block or blocks if —

(a) a single identified GHG storage formation extends to the block or blocks; and

(b) neither a GHG injection licence nor a GHG retention lease exists in respect of the block or blocks to which the identified GHG storage formation extends.

~~(1a) A lessee whose geothermal lease is in force may make an application to the Minister for the grant of a geothermal production licence —~~

~~(a) where the lease is in respect of 2 or more blocks, in respect of all of those blocks; or~~

~~(b) where the lease is in respect of one block, in respect of that block.~~

(2) At any time while a petroleum retention lease is in force, the petroleum lessee may, instead of making an application under subsection (1) ~~or (1a)~~ in respect of the lessee's primary entitlement, make an application to the Minister for the grant of a petroleum production licence in respect of a number of blocks that is less than the lessee's primary entitlement.

(3) Where a petroleum lessee makes an application under subsection (1) in respect of the lessee's primary entitlement, the lessee may, at any time while the petroleum retention lease concerned is in force, make an application to the Minister for the grant of a petroleum production licence in respect of any of the other blocks forming part of the lease.

[Section 50A inserted: No. 12 of 1990 s. 37; amended: No. 35 of 2007 s. 47.]

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50B. Application by petroleum or geothermal licensee for GHG injection licence

(1) A petroleum licensee whose petroleum production licence is in force under section 63(1)(c) or (2) in respect of a block or blocks may apply to the Minister for the grant of a GHG injection licence over the block or blocks if —

(a) a single identified GHG storage formation extends to the block or blocks; and

(b) neither a GHG injection licence nor a GHG retention lease exists in respect of the block or blocks to which the identified GHG storage formation extends.

(2) A geothermal licensee whose geothermal production licence is in force under section 63(1)(c) or (2) in respect of a block or blocks may apply to the Minister for the grant of a GHG injection licence over the block or blocks if —

(a) a single identified GHG storage formation extends to the block or blocks; and

(b) neither a GHG injection licence nor a GHG retention lease exists in respect of the block or blocks to which the identified GHG storage formation extends.

51. Requirements for application for licence under s. 50, 50AA, 50AB, 50A or 50B ~~Application for licence under s. 50 or 50A, requirements for~~

(1) An application under section 50, 50AA, 50AB, 50A or 50B —
~~50 or 50A —~~

[(a) deleted]

(b) shall be made in an approved manner; and

(c) shall be accompanied by particulars of the proposals of the applicant for work and expenditure in respect of the area comprised in the blocks specified in the application; and

(ca) must, in the case of an application for the grant of a GHG injection licence, specify the source, volume and composition of the greenhouse gas substance to be injected and stored; and

(d) may set out any other matters that the applicant wishes the Minister to consider; and

- (e) shall, in the case of an application for the grant of a licence, be accompanied by the prescribed fee.
- (2) The Minister may, at any time, by instrument in writing served on the applicant, require him to furnish, within the period specified in the instrument, further information in writing in connection with his application.

[Section 51 amended: No. 69 of 1981 s. 34; No. 12 of 1990 s. 38; No. 42 of 2010 s. 31.]

52. Determination of rate of royalty

- (1) Where an application is made for a primary licence, the Minister shall determine a rate or rates at which royalty is to be payable in respect of petroleum recovered under the licence, being a rate that is, or rates each of which is, not less than 5% nor more than 10% of the royalty value of that petroleum.
- (2) Where the Minister determines, pursuant to subsection (1), more than one rate at which royalty is to be payable in respect of petroleum recovered under a licence, he shall also determine the period for which each rate so determined is to have effect.
- (3) Where an application for a primary licence has been made and, before or after the grant of the primary licence, the applicant makes an application for a secondary licence, the Minister shall determine a rate at which royalty is to be payable in respect of petroleum recovered whether under the secondary licence, or, subject to section 142(6), under the primary licence, being a rate that —
- (a) for tight gas is not less than 5% nor more than 12.5% of the royalty value of that petroleum; and
- (b) for petroleum other than tight gas is not less than 10% nor more than 12.5% of the royalty value of that petroleum.
- (4A) In subsection (3) —
- tight gas*** means petroleum in a gaseous state occurring in subsurface rock with a permeability of 0.1 millidarcy or less.
- (4) The Minister shall not make a determination under this section unless he has given to the applicant an opportunity to confer

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with him concerning the matter or matters to be the subject of the determination.

[Section 52 amended: No. 11 of 1994 s. 5; No. 42 of 2010 s. 32.]

53. Notification as to grant of licence

(1) If —

- (a) an application for the grant of a petroleum production licence has been made under section 50 or [50A\(1\)](#); ~~and 50A; and~~
- (b) the applicant has given any further information as and when required by the Minister under section 51(2); and
- (c) the Minister is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum,

the Minister shall, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a petroleum production licence in respect of the block or blocks as to which the Minister is satisfied as mentioned in paragraph (c).

(2A) If —

- (a) an application for the grant of a geothermal production licence has been made under section 50 or [50A\(1A\)](#); ~~and 50A; and~~
- (b) the applicant has given any further information as and when required by the Minister under section 51(2); and
- (c) the Minister is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains geothermal energy resources,

the Minister shall, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a geothermal production licence in respect of the block or blocks as to which the Minister is satisfied as mentioned in paragraph (c).

[\(2B\) On an application under section 50AA, 50AB, 50A\(1B\), \(1C\) or \(1D\) or 50B for the grant of a GHG injection licence, the Minister must, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant the licence in](#)

respect of 1 or more of the blocks specified in the application
if —

- (a) the applicant has given any further information as and
when required by the Minister under section 51(2); and
- (b) the Minister is satisfied that the area comprised in the
block, or any 1 or more of the blocks, specified in the
application contains an identified GHG storage
formation.

(2) A notice under subsection (1), (2A) or (2B)~~(1) or (2A)~~ shall —

- (a) contain a summary of the conditions subject to which
the licence is to be granted; and
- (b) in respect of an application for the grant of a petroleum
production licence — specify the rate or rates, and the
periods related thereto, if any, of royalty determined by
the Minister in pursuance of section 52(1), (2) or (3);
and
- (c) contain a statement to the effect that the application will
lapse if the applicant does not make a request under
section 54(1) in respect of the grant of the licence.

(3) If the Minister decides not to grant to the applicant a licence in
respect of a block specified in the application because —

- (a) the applicant has failed to comply with a requirement
made by the Minister under section 51(2); or
- (b) the Minister is not satisfied as mentioned in
subsection (1)(c), (2A)(c) or (2B)(b), whichever is
applicable, in respect of the block,

~~(b) the Minister is not satisfied as mentioned in
subsection (1)(e) or (2A)(e), whichever is applicable, in
respect of the block,~~

the Minister shall, by written notice served on the applicant,
inform the applicant of the Minister's decision and the reasons
for the decision.

*[Section 53 amended: No. 12 of 1990 s. 39; No. 28 of 1994
s. 26; No. 35 of 2007 s. 48; No. 42 of 2010 s. 33.]*

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54. Grant of licence

(1) An applicant on whom a notice is served under section 53(1), (2A) or (2B) may, within the required period, by instrument in writing served on the Minister, request the Minister to grant to the applicant the licence referred to in the notice.

(2) If an applicant on whom a notice is served under section 53(1), (2A) or (2B) has made a request under subsection (1) within the required period, the Minister must grant to the applicant a petroleum production licence, geothermal production licence or GHG injection licence, as the case requires, in respect of the block or blocks as to which the Minister is satisfied as mentioned in section 53(1)(c), (2A)(c) or (2B)(b).

(2A) For the purposes of subsections (1) and (2), the *required period* is —

(a) 3 months after the date of service of the notice; or

(b) any further period that the Minister, on application in writing served on the Minister before the end of the period mentioned in paragraph (a), allows.

~~(1) An applicant on whom there has been served an instrument under section 53(1) may, within a period of 3 months after the date of service of the instrument on him, or within such further period, not exceeding 3 months, as the Minister, on application in writing served on him before the expiration of the first mentioned period of 3 months, allows, by instrument in writing served on the Minister, request the Minister to grant to him the licence referred to in the first mentioned instrument.~~

~~(2) Where an applicant on whom there has been served an instrument under section 53(1) has made a request under subsection (1) within the period applicable under subsection (1), the Minister shall grant to the applicant a petroleum production licence or geothermal production licence, as the case requires, in respect of the block or blocks as to which the Minister is satisfied as mentioned in section 53(1)(c) or (2A)(c).~~

(3) A secondary licence shall not be granted to a permittee, the holder of the drilling reservation or lessee in respect of any one or more of the blocks that constitute a location unless —

(a) a primary licence has been granted in respect of a block or blocks forming part of that location; and

- (b) the number of blocks in respect of which the primary licence was granted, together with the number of blocks included in that licence by reason of variations of the licence under section 55, is the primary entitlement of the permittee, holder of the drilling reservation or lessee, as the case requires.
- (4) Where an applicant on whom there has been served [a notice under section 53\(1\), \(2A\) or \(2B\)](#) ~~an instrument under section 53(1)~~ has not made a request under subsection (1) within the period applicable under subsection (1), the application lapses upon the expiration of that period.
- (5) On the day on which a licence granted under this section comes into force, the permit, drilling reservation or lease in respect of the blocks in respect of which the licence was granted ceases to be in force in respect of those blocks.

[Section 54 amended: No. 12 of 1990 s. 40; No. 78 of 1990 s. 7; No. 28 of 1994 s. 27; No. 35 of 2007 s. 49; No. 42 of 2010 s. 34.]

54A. Application of s. 51 to 54 where permit etc. transferred

Where —

- (a) after an application has been made —
- (i) under section [50, 50AA or 50AB](#) ~~50~~ for the grant of a licence in respect of a block or blocks in respect of which a permit or drilling reservation is in force; or
 - (ii) under section 50A for the grant of a licence in respect of a block or blocks in respect of which a lease is in ~~force; or force;~~
 - (iii) [under section 50B for the grant of a licence in respect of a block or blocks in respect of which a petroleum production licence or geothermal production licence is in force;](#)

and

- (b) before a decision has been made by the Minister under section [53\(1\), \(2A\) or \(2B\)](#) ~~53(1)~~ in relation to the application,

a transfer of the permit, drilling reservation or lease, as the case may be, is registered under section 72, then, after the time of the

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transfer sections 51 to 54 have effect in relation to the application as if any reference in those sections to the applicant were a reference to the transferee.

[Section 54A inserted: No. 28 of 1994 s. 28.]

55. Variation of petroleum production licence area ~~Variation of licence area~~

- (1) Where an application is made under section 50(2) for a variation of a petroleum production licence, the Minister shall, by instrument in writing served on the licensee, vary the licence to include in the licence area such of the blocks specified in the application as are blocks as to which the Minister is satisfied as mentioned in section 53(1)(c). ~~53(1)(e) or (2A)(e)~~.
- (2) On and from the day on and from which a variation of a licence under this section has effect —
 - (a) the blocks included in the licence area by reason of the variation are, subject to this Part, for the remainder of the term of the licence, blocks in respect of which the licence is in force; and
 - (b) the permit that is in force in respect of the blocks so included ceases to be in force in respect of those blocks.

[Section 55 amended: No. 12 of 1990 s. 41; No. 42 of 2010 s. 35.]

56. Determination of petroleum exploration permit, petroleum drilling reservation or petroleum retention lease ~~Determination of permit as to blocks not taken up by licensee~~

- (1) Subject to subsection (2), where —
 - (a) a petroleum permittee or the holder of a petroleum drilling reservation, as the case requires, who may make an application under section 50 in respect of a block does not, within the application period, make the application; or
 - (b) all applications made by a petroleum permittee or the holder of a petroleum drilling reservation, as the case requires, under that section in respect of a block have lapsed,

the petroleum exploration permit or petroleum drilling reservation is determined as to that block and the determination has effect —

- (c) in a case referred to in paragraph (a) — upon the expiration of the application period; and
- (d) in a case referred to in paragraph (b) —
- (i) upon the expiration of the application period; or
 - (ii) upon the lapsing of the last of the applications referred to in that paragraph,
- whichever is the later.
- (1a) Subject to subsection (2), where all applications made by a [petroleum](#) lessee under section 50A in respect of a block have lapsed, the [petroleum retention](#) lease is determined as to that block and the determination has effect upon the lapsing of the last of those applications.
- (2) Where a [petroleum](#) permittee, the holder of a [petroleum](#) drilling reservation or [petroleum](#) lessee makes an application for a secondary licence —
- (a) the [petroleum exploration permit](#), ~~petroleum permit~~, drilling reservation or [petroleum retention](#) lease is determined as to any blocks forming part of the location concerned that are not the subject of that application or of any application for a primary licence or for the variation of such a licence; and
 - (b) the determination has effect upon the making of the application.
- (3) Subject to subsection (4), where a block or blocks constituting or forming part of a location is or are no longer the subject of a [petroleum exploration permit](#), [petroleum drilling reservation](#) or [petroleum retention](#) ~~permit, drilling reservation or~~ lease, the Minister shall, by instrument published in the *Gazette* —
- (a) in a case where that block or those blocks constitutes or constitute that location, revoke the declaration made under section 47 in respect of that location; or
 - (b) in a case where that block or those blocks forms or form part of that location, revoke the declaration made under section 47 in respect of that location to the extent that it relates to that block or those blocks.
- (4) Subsection (3) does not apply in relation to a block —
- (a) in respect of which an application for the grant of a [petroleum retention](#) lease or [petroleum production](#) licence has been made, being an application that has not

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lapsed and in relation to which a decision has not been made by the Minister; or

(b) in respect of which a [petroleum retention](#) lease or [petroleum production](#) licence is in force.

(5) Where a [petroleum retention](#) lease is granted in respect of a block or blocks forming part of a location, the Minister shall, by instrument published in the *Gazette*, revoke the declaration made under section 47 to the extent that it relates to the block or blocks that is or are not within the [petroleum retention](#) lease area.

(6) Where —

(a) the Minister refuses to grant a [petroleum retention](#) lease in respect of a block or blocks constituting or forming part of a location; and

(b) the reason, or one of the reasons, for the refusal is that the Minister is not satisfied as to the matter referred to in section 48B(1)(c)(ii),

the Minister shall, by instrument published in the *Gazette*, revoke the declaration made under section 47 in respect of that location.

(7) This section does not apply in relation to a permit if —

(a) the permit has been granted on the basis that an area (the *relevant area*) is within the inshore area; and

(b) as a result of a change to the boundary of the offshore area, the relevant area —

(i) ceases to be within the inshore area; and

(ii) falls within the offshore area;

and

(c) immediately before the change, the relevant area was a part of the permit area.

(8) For the purposes of subsection (7) —

(a) section 6A is to be disregarded; and

(b) it is immaterial whether the change occurred before, at or after the commencement day.

(9) In subsection (8)(b) —

commencement day means the day on which the *Petroleum Legislation Amendment Act 2017* section 18 comes into operation.

[Section 56 amended: No. 12 of 1990 s. 42; No. 78 of 1990 s. 7; No. 7 of 2017 s. 18.]

57. Application for licence in respect of surrendered etc. blocks

(1) Where —

- (a) a petroleum production licence is surrendered or cancelled as to a block; or
- (b) a petroleum exploration permit, petroleum drilling reservation or petroleum retention lease is surrendered, cancelled or determined as to a block —
 - (i) that, at the time of the surrender, cancellation or determination, was, or was included in, a location; and
 - (ii) in which, in the opinion of the Minister, there is petroleum;

or

- (ba) a petroleum pool from which petrol has been recovered is within or extends to a block which is not the subject of a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease or petroleum production licence,

the Minister may by instrument published in the *Gazette* —

- (c) invite applications for the grant of a petroleum production licence in respect of that block; and
- (d) specify a period within which applications may be made.

(1a) If —

- (a) a geothermal production licence is surrendered or cancelled as to a block; or
- (b) a geothermal exploration permit, geothermal drilling reservation or geothermal retention lease is surrendered, cancelled or determined as to a block —
 - (i) that, at the time of the surrender, cancellation or determination, was, or was included in, a location; and

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(ii) in which, in the opinion of the Minister, there are geothermal energy resources;

or

(c) a geothermal resources area from which geothermal energy has been recovered is within or extends to a block which is not the subject of a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease or geothermal production licence,

the Minister may by instrument published in the *Gazette* —

(d) invite applications for the grant of a geothermal production licence in respect of that block; and

(e) specify a period within which applications may be made.

(2) The Minister shall, in an instrument under subsection (1), state —

(a) that an applicant is required to specify an amount that he would be prepared to pay in respect of the grant of a petroleum production licence to him on his application; or

(b) that an applicant is required to specify a rate of royalty that he would be prepared to pay, if a petroleum production licence were granted to him on his application, in respect of petroleum recovered under the licence, being a rate that exceeds 10% of the royalty value of that petroleum.

(3) Where the Minister, in an instrument under subsection (1), states that an applicant is required to specify a rate of royalty as mentioned in subsection (2)(b), the Minister may, in that instrument, state that an applicant on whose application he is prepared to grant a petroleum production licence will also be required to pay to him, in respect of the grant of the licence to the applicant, the amount specified in that behalf in that instrument.

(4) The Minister shall, in an instrument under subsection (1a), state that an applicant is required to specify an amount that the applicant would be prepared to pay in respect of the grant of a geothermal production licence to the applicant on the application.

[(5) *deleted*]

- (6) An application under this section —
- [(a) *deleted*]
 - (b) shall be made in an approved manner; and
 - (c) shall be accompanied by the particulars referred to in section 51(1)(c); and
 - (d) in the case of an application under subsection (1), shall specify, in accordance with the requirement in the instrument by which applications were invited, the amount, or the rate of royalty, that the applicant would be prepared to pay; and
 - (e) in the case of an application under subsection (1a), shall specify, in accordance with the requirement in the instrument by which applications were invited, the amount that the applicant would be prepared to pay; and
 - (f) may set out any other matters that the applicant wishes the Minister to consider.
- (7) The Minister may, at any time, by instrument in writing served on the applicant, require him to furnish, within the period specified in the instrument, further information in connection with his application.

[Section 57 amended: No. 12 of 1990 s. 43; No. 78 of 1990 s. 7; No. 11 of 1994 s. 5; No. 28 of 1994 s. 29; No. 35 of 2007 s. 50; No. 42 of 2010 s. 36.]

58. Application fee etc. for s. 57 applications

- (1) An application under section 57 shall be accompanied by —
- (a) the prescribed fee; and
 - (b) a deposit —
 - (i) if the applicant has specified an amount that he would be prepared to pay in respect of the grant of a licence to him on the application — of 10% of that amount; or
 - (ii) if the Minister has, in the instrument by which applications were invited, stated an amount that the applicant will be required to pay in respect of the grant of a licence — of 10% of that amount.

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- (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.
- (3) Where an applicant on whom there has been served an instrument under subsection (1) of section 59 does not request the Minister, under subsection (6) of that section, to grant to him the licence referred to in the instrument, the deposit shall not be refunded to the applicant.

[Section 58 amended: No. 69 of 1981 s. 34; No. 12 of 1990 s. 44; No. 42 of 2010 s. 37.]

59. Request by applicant for grant of petroleum production licence or geothermal production licence~~Request by applicant for grant of licence~~

- (1) Where, at the expiration of the period specified in an instrument under subsection (1) or (1a) of section 57, only one application has been made under that subsection in respect of the block specified in the instrument, the Minister may reject the application or may, by instrument in writing served on the applicant, inform him that he is prepared to grant to him a petroleum production licence or a geothermal production licence, as the case requires,~~a licence~~ in respect of that block.
- (2) Where, at the expiration of the period specified in an instrument under subsection (1) or (1a) of section 57, 2 or more applications have been made under that subsection in respect of the block specified in the instrument, the Minister may reject any or all of the applications and, if he does not reject all of the applications, may —
 - (a) if only one application remains unrejected — by instrument in writing served on the applicant; or
 - (b) if 2 or more applications remain unrejected — by instrument in writing served on the applicant, or on one of the applicants, whose application has not been rejected and who has specified in his application an amount, or, if applicable, a rate of royalty, that he would be prepared to pay that is not less than the amount, or, if applicable, the rate of royalty, specified in the application of any other applicant whose application has not been rejected,

inform him that he is prepared to grant to him a petroleum production licence or a geothermal production licence, as the

case requires, a licence in respect of that block and that he will be required to pay the amount specified in the application, royalty at the rate specified in the application, or royalty at the rate specified in the application and the amount specified in the instrument under section 57(1), as the case requires.

[(3), (4) deleted]

- (5) An instrument under any of the preceding provisions of this section shall contain —
- (a) a summary of the conditions subject to which the licence is to be granted; and
 - (b) a statement of the balance of the amount, if any, that the applicant will be required to pay in respect of the grant of the licence to him; and
 - (c) a statement to the effect that the application will lapse —
 - (i) if the applicant does not make a request under subsection (6); or
 - (ii) in a case where the instrument contains a statement referred to in paragraph (b) — if the applicant does not pay the balance of the amount referred to in that statement.
- (6) An applicant on whom there has been served an instrument under any of the preceding provisions of this section may, within a period of 3 months after the date of service of the instrument on him, or within such further period, not exceeding 3 months, as the Minister, on application in writing served on him before the expiration of the first-mentioned period of 3 months, allows —
- (a) by instrument in writing served on the Minister, request the Minister to grant to him the licence; and
 - (b) if the first-mentioned instrument contains a statement of the balance of an amount that the applicant will be required to pay in respect of the grant of the licence to the applicant — pay that balance.
- (7) Where an applicant on whom there has been served an instrument under subsection (1) or (2) —
- (a) has not made a request under subsection (6); or
 - (b) if the instrument contains a statement of the balance of an amount that the applicant will be required to pay in

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respect of the grant of a licence to the applicant — has not paid that balance,

within the period applicable under subsection (6), the application lapses upon the expiration of that period.

- (8) Where the application of an applicant on whom there has been served an instrument under subsection (2) lapses as provided by subsection (7), subsection (2) applies in respect of the application or applications, if any, then remaining unrejected.

[Section 59 amended: No. 12 of 1990 s. 45; No. 28 of 1994 s. 30; No. 35 of 2007 s. 51; No. 42 of 2010 s. 38.]

60. Grant of licence on request

Where an applicant on whom there has been served an instrument under section 59 —

- (a) has made a request under subsection (6) of that section; and
- (b) if the instrument contains a statement of the balance of an amount that the applicant will be required to pay in respect of the grant of a licence to the applicant — has paid that balance,

within the period applicable under section 59(6), the Minister shall grant to him a petroleum production licence or geothermal production licence, as the case requires, in respect of the block specified in the instrument.

[Section 60 amended: No. 28 of 1994 s. 31; No. 35 of 2007 s. 52; No. 42 of 2010 s. 39.]

**61. Petroleum production licence or geothermal production licence for 2 or more blocks may be divided into 2 or more licences
~~Licence for 2 or more blocks may be divided into 2 or more licences~~**

- (1) Where a petroleum production licence or geothermal production licence (in this section called the *original licence*) is in force in respect of 2 or more blocks (not being blocks that form or form part of a location), the licensee may make an application to the Minister for the grant to him of —

- (a) if the original licence is a petroleum production licence — 2 or more petroleum production licences; or

- (b) if the original licence is a geothermal production licence — 2 or more geothermal production licences, in respect of the blocks the subject of the original licence in exchange for the original licence.
- (2) An application under subsection (1) —
- [(a) *deleted*]
- (b) shall be made in an approved manner; and
- (c) shall specify the number of licences required; and
- (d) shall specify the block or blocks the subject of the original licence in respect of which each licence is sought; and
- (e) shall be accompanied by the prescribed fee.
- [(3) *deleted*]
- (4) Where a licensee has made an application under this section the Minister shall grant to the licensee petroleum production licences or geothermal production licences, as the case requires, in accordance with the application.
- (5) A licence granted on an application under this section —
- (a) remains in force, subject to this Part, but notwithstanding section 63, for the remainder of the term of the original licence; and
- (b) shall be granted subject to conditions corresponding as nearly as may be to the conditions to which the original licence was subject; and
- (c) shall be granted subject to any directions under this Act previously given to the holder of the original licence in respect of the licence area of the original licence; and
- (d) shall be granted subject to any instruments and agreements in respect of the original licence a memorial of which is entered in the Register under section 70, insofar as such instruments and agreements apply to the licence, (or any such instruments and agreements which are in effect at the time that an application is granted under this section but in respect of which a memorial is not yet entered under that section).

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- (6) Where licences are granted on an application under this section —
- (a) the original licence is, by force of this subsection, determined; and
 - (b) the determination has effect on and from the day on which those licences come into force.

[Section 61 amended: No. 69 of 1981 s. 34; No. 12 of 1990 s. 46; No. 28 of 1994 s. 32; No. 35 of 2007 s. 53; No. 42 of 2010 s. 40.]

61A. Grant of petroleum production licence as result of change to boundary of offshore area

- (1) In this section —
- section 27 block** means —
- (a) a block constituted as provided by section 27; or
 - (b) if a graticular section is wholly within the area that was covered by the Commonwealth licence concerned — the graticular section; or
 - (c) if a part only of a graticular section is within the area that was covered by the Commonwealth licence concerned — that part of the graticular section.

Note for this definition:

See also subsection (6).

- (2) This section applies if —
- (a) a Commonwealth licence has been granted on the basis that an area (the **relevant area**) is within the offshore area; and
 - (b) as a result of a change to the boundary of the offshore area, the relevant area —
 - (i) ceases to be within the offshore area; and
 - (ii) falls within the inshore area;and
 - (c) either —
 - (i) the conditions set out in subsection (3) are satisfied; or
 - (ii) the conditions set out in subsection (4) are satisfied;and

-
- (d) there are one or more section 27 blocks (the *relevant section 27 blocks*) that —
- (i) correspond to the section 27 blocks that were covered by the Commonwealth licence immediately before the change; and
 - (ii) are in the inshore area; and
 - (iii) are not the subject of a variation under section 97A.
- (3) The conditions mentioned in subsection (2)(c)(i) are —
- (a) one or more, but not all, of the section 27 blocks that were covered by the Commonwealth licence immediately before the change are in the relevant area; and
 - (b) the Commonwealth licence subsequently ceases to be in force at the same time (the *relevant time*) —
 - (i) as to all of the section 27 blocks that were covered by the Commonwealth licence immediately before the change and that are in the offshore area; and
 - (ii) otherwise than as the result of the cancellation or surrender of the Commonwealth licence.
- (4) The conditions mentioned in subsection (2)(c)(ii) are —
- (a) all of the section 27 blocks that were covered by the Commonwealth licence immediately before the change are in the relevant area; and
 - (b) the Commonwealth licence subsequently ceases to be in force at the same time (the *relevant time*) —
 - (i) as to all of the section 27 blocks that were covered by the Commonwealth licence immediately before the change; and
 - (ii) otherwise than as the result of the cancellation or surrender of the Commonwealth licence.
- (5) The Minister is taken —
- (a) to have granted the holder of the Commonwealth licence a petroleum production licence over the relevant section 27 blocks; and

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- (b) to have done so immediately after the relevant time mentioned in whichever of subsection (3) or (4) is applicable.

Note for this subsection:

For the duration of the licence, see section 63(3).

- (6) If, after the change to the boundary of the offshore area —
- (a) a part of a section 27 block that was covered by the Commonwealth licence immediately before the change is in the offshore area; and
- (b) the remaining part of the section 27 block is in the inshore area,

then, for the purposes of this section (other than this subsection), each of those parts is taken to constitute, and to have always constituted, a section 27 block.

[Section 61A inserted: No. 7 of 2017 s. 19.]

62. Rights conferred by licence

(1) A petroleum production licence, while it remains in force, authorises the petroleum licensee, subject to this Act and in accordance with the conditions to which the petroleum production licence is subject —

- (a) to recover petroleum in the petroleum licence area and to recover petroleum from the petroleum licence area in another area to which the petroleum licensee has lawful access for that purpose; and
- (b) to explore for petroleum in the petroleum licence area; and
- (c) to carry on any operations and execute any works in the petroleum licence area that are necessary for those purposes.

(2) A geothermal production licence, while it remains in force, authorises the geothermal licensee, subject to this Act and in accordance with the conditions to which the geothermal production licence is subject —

- (a) to recover geothermal energy in the geothermal licence area and to recover geothermal energy from the geothermal licence area in another area to which the geothermal licensee has lawful access for that purpose; and

(b) to explore for geothermal energy resources in the geothermal licence area; and

(c) to carry on any operations and execute any works in the geothermal licence area that are necessary for those purposes.

(3) A GHG injection licence, while it remains in force, authorises the GHG licensee, subject to this Act and in accordance with the conditions to which the GHG injection licence is subject —

(a) to inject a greenhouse gas substance into an identified GHG storage formation that is wholly situated in the licence area, so long as the relevant well is situated in the GHG licence area; and

(b) to permanently store a greenhouse gas substance in an identified GHG storage formation that is wholly situated in the licence area, so long as the injection of the stored greenhouse gas substance takes place at a well situated in the GHG licence area; and

(c) to explore for a potential GHG storage formation in the GHG licence area; and

(d) to explore for a potential GHG injection site in the GHG licence area; and

(e) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the GHG licence area; and

(f) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the relevant well is situated in the GHG licence area; and

(g) to inject, on an appraisal basis, any of the following into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (c) or (d), so long as the relevant well is situated in the GHG licence area —

(i) air;

(ii) petroleum;

(iii) water;

and

(h) to store, on an appraisal basis, any of the following in a part of a geological formation for purposes in connection

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with the exploration authorised by paragraph (c) or (d), so long as the relevant well is situated in the GHG licence area —

(i) air;

(ii) petroleum;

(iii) water,

and

(i) with the written consent of the Minister, to recover petroleum in the GHG licence area for the sole purpose of appraising a discovery of petroleum that was made as an incidental consequence of —

(i) the injection authorised by paragraph (a); or

(ii) the exploration authorised by paragraph (c) or (d);

and

(j) with the written consent of the Minister, to recover geothermal energy in the GHG licence area for the sole purpose of appraising a discovery of geothermal energy resources that was made as an incidental consequence of —

(i) the injection authorised by paragraph (a); or

(ii) the exploration authorised by paragraph (c) or (d);

and

(k) to carry on any operations and execute any works in the GHG licence area that are necessary for those purposes.

(4) If petroleum is recovered by the GHG licensee in the GHG licence area as authorised by subsection (3)(i), the petroleum does not become the property of the GHG licensee.

(5) If geothermal energy is recovered by the GHG licensee in the GHG licence area as authorised by subsection (3)(j), the geothermal energy does not become the property of the GHG licensee.

(6) A GHG injection licence does not authorise the GHG licensee to make a well outside the GHG licence area.

62. ~~Rights conferred by licence~~

~~(1) A petroleum production licence, while it remains in force, authorises the licensee, subject to this Act and in accordance with the conditions to which the licence is subject —~~

~~———— (a) to recover petroleum in the licence area and to recover petroleum from the licence area in another area to which he has lawful access for that purpose; and~~

~~———— (b) to explore for petroleum in the licence area; and~~

~~———— (c) to carry on such operations and execute such works in the licence area as are necessary for those purposes.~~

~~(2) A geothermal production licence, while it remains in force, authorises the licensee, subject to this Act and in accordance with the conditions to which the licence is subject —~~

~~———— (a) to recover geothermal energy in the licence area and to recover geothermal energy from the licence area in another area to which the licensee has lawful access for that purpose; and~~

~~———— (b) to explore for geothermal energy resources in the licence area; and~~

~~———— (c) to carry on such operations and execute such works in the licence area as are necessary for those purposes.~~

~~[Section 62 amended: No. 12 of 1990 s. 47; No. 13 of 2005 s. 16(2); No. 35 of 2007 s. 54.]~~

62A. Geothermal energy recovery development plans

(1) A geothermal licensee is to submit to the Minister for approval a geothermal energy recovery development plan, or a geothermal energy recovery development plan as varied under subsection (2), that sets out the information required by the regulations in relation to how geothermal energy is proposed to be recovered under the licence.

(2) Before approving a geothermal energy recovery development plan submitted under subsection (1), the Minister may, by instrument in writing served on the geothermal licensee, direct the licensee to vary the development plan, as specified in the instrument, for the purpose of securing the more effective recovery of geothermal energy under the licence.

(3) The Minister is not to give a direction under subsection (2) unless the Minister has given to the geothermal licensee an

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opportunity to confer with the Minister concerning the proposed direction.

- (4) The Minister may approve a geothermal energy recovery development plan submitted under subsection (1).

[Section 62A inserted: No. 35 of 2007 s. 55.]

62B. Variation of approved development plans

- (1) The Minister may, by instrument in writing served on a geothermal licensee, direct the licensee to vary the approved development plan that applies to the geothermal production licence, as specified in the instrument, for the purpose of securing the more effective recovery of geothermal energy under the licence.
- (2) The Minister is not to give a direction under subsection (1) unless the Minister has given to the geothermal licensee an opportunity to confer with the Minister concerning the proposed direction.
- (3) On the written application of the geothermal licensee, the Minister may approve a variation of the approved development plan.
- (4) An approved development plan that is varied under this section has effect as so varied.

[Section 62B inserted: No. 35 of 2007 s. 55.]

63. Term of licence

- (1) Subject to this Part, a [petroleum production licence or geothermal production licence](#) granted before the commencement of the *Petroleum and Energy Legislation Amendment Act 2010* section 41(3) remains in force —
- (a) in the case of a licence granted otherwise than by way of renewal of a licence, for a period of 21 years commencing on the day on which the licence is granted or, if a later day is specified in the licence as being the day on which the licence is to come into force, on that later day; and
- (b) in the case of a licence granted by way of the first renewal of a licence, for the period of 21 years commencing on the day on which the licence is granted or, if a later day is specified in the licence as being the

day on which the licence is to come into force, on that later day; and

- (c) in the case of a licence granted by way of the second renewal of a licence — indefinitely.
- (2) Subject to this Part, a [petroleum production licence or geothermal production licence](#) granted after the commencement of the *Petroleum and Energy Legislation Amendment Act 2010* section 41(3), other than a petroleum production licence granted under section 61A, remains in force indefinitely.
- (3) Subject to this Part, a petroleum production licence granted under section 61A remains in force for the period of 21 years commencing on the day on which the licence is granted.
- (4) Subject to this Part, a GHG injection licence remains in force indefinitely.

[Section 63 inserted: No. 12 of 1990 s. 48; amended: No. 42 of 2010 s. 41; No. 7 of 2017 s. 20.]

64A. Termination of licence if no operations for 5 years

- (1) If —
 - (a) a petroleum production licence is in force under section 63(1)(c) or (2) and the licensee has not carried on any operations for the recovery of petroleum under the licence at any time during a continuous period of at least 5 years; or
 - (b) a geothermal production licence is in force under section 63(1)(c) or (2) and the licensee has not carried on any operations for the recovery of geothermal energy under the licence at any time during a continuous period of at least 5 ~~years; or~~ years;
 - (c) a GHG injection licence is in force under section 63(4) and the licensee has not carried on any GHG injection operations under the licence at any time during a continuous period of at least 5 years.

the Minister may, by written notice served on the licensee, inform the licensee that the Minister proposes to terminate the licence after the end of the period of one month after the notice is served.

- (2) At any time after the end of the period of one month after the notice referred to in subsection (1) is served on the licensee, the

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Minister may, by written notice served on the licensee, terminate the licence.

(3) In working out —

- (a) for the purposes of subsection (1)(a) the duration of the period in which no operations for the recovery of petroleum were carried on under a petroleum production licence; or
- (b) for the purposes of subsection (1)(b) the duration of the period in which no operations for the recovery of geothermal energy were carried on under a geothermal production ~~licence; or licence,~~
- (c) for the purposes of subsection (1)(c) the duration of the period in which no GHG injection operations were carried on under a GHG injection licence,

any period in which no such operations were carried on because of circumstances beyond the licensee's control is to be disregarded.

[Section 64A inserted: No. 42 of 2010 s. 42.]

64. Application for renewal of licence

- (1) Subject to this section, a licensee under a licence to which section 63(1)(a) or (b) or (3) applies may, from time to time, make an application to the Minister for the renewal of the licence.
- (2) An application for the renewal of the licence —
 - [(a) deleted]*
 - (b) subject to subsection (3), shall be made in an approved manner not less than 6 months before the day on which the licence ceases to be in force; and
 - (c) shall be accompanied by particulars of the proposals of the licensee for work and expenditure in respect of the licence area; and
 - (d) shall be accompanied by the prescribed fee.
- (3) The Minister may, for reasons that he thinks sufficient, receive an application for the renewal of the licence less than 6 months before, but not in any case after, the day on which the licence ceases to be in force.

- (4) If —
- (a) a petroleum production licence is granted under section 61A; and
 - (b) the relevant Commonwealth licence that ceases to be in force, as mentioned in section 61A(3)(b) or (4)(b), was granted otherwise than by way of renewal,

an application must not be made for the renewal of the petroleum production licence if the Minister has previously granted a renewal of the licence.

- (5) If —
- (a) a petroleum production licence is granted under section 61A; and
 - (b) the relevant Commonwealth licence that ceases to be in force, as mentioned in section 61A(3)(b) or (4)(b), was granted by way of renewal,

an application must not be made for the renewal of the petroleum production licence.

[Section 64 amended: No. 69 of 1981 s. 34; No. 12 of 1990 s. 49; No. 42 of 2010 s. 43; No. 7 of 2017 s. 21.]

65. Grant or refusal of renewal of licence

- (1) Where —
- (a) an application for the renewal of a licence has been made under section 64; and
 - (b) the conditions to which the licence is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with,
- the Minister —
- (c) shall if —
 - (i) the application is in respect of the first renewal of the licence; or
 - (ii) the application is in respect of a renewal of the licence other than the first renewal and operations for the recovery of petroleum have been carried on in the licence area within the period of 5 years before the application for the renewal was made;

or

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(d) may in any other case,

by instrument in writing served on the person who is then the licensee inform the person that the Minister 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 64; 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 and of the regulations has 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 the Minister is prepared to grant to the person the renewal of the licence.

(3) 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 and of the regulations has not been complied with, and if the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the licence, the Minister shall, subject to subsection (4), by instrument in writing served on the person who is then the licensee, refuse to grant the renewal of the licence.

(4) The Minister shall not under subsection (3) refuse to grant the renewal of a licence unless —

(a) he has, by instrument in writing served on the licensee, given not less than one month's notice of his intention to refuse to grant the renewal of the licence; and

(b) he has served a copy of the instrument on such other persons, if any, as he thinks fit; and

(c) he has, in the instrument —

(i) given particulars of the reasons for the intention; and

(ii) specified a date on or before which the licensee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Minister, submit any matters that he wishes the Minister to consider;

and

- (d) he has taken into account any matters so submitted to him on or before the specified date by the licensee or by a person on whom a copy of the first-mentioned instrument has been served.
- (5) Where an application has been made under section 64 in respect of a renewal other than the first renewal of the licence, the Minister may, by instrument in writing served on the person who is then the licensee, refuse to grant the renewal of the licence.
- [(6) *deleted*]
- (7) An instrument under subsection (1) or (2) shall contain —
- (a) a summary of the conditions to which the licence, on the grant of the renewal, is to be subject; and
 - (b) a statement to the effect that the application will lapse if the licensee does not make a request under subsection (8).
- (8) A licensee on whom there has been served an instrument under subsection (1) or (2) may, within a period of one month after the date of service of the instrument on him, by instrument in writing served on the Minister, request the Minister to grant to him the renewal of the licence.
- (9) Where a licensee on whom there has been served an instrument under subsection (1) or (2) has made a request under subsection (8) within the period referred to in subsection (8), the Minister shall grant to him the renewal of the licence.
- (10) Where a licensee on whom there has been served an instrument under subsection (1) or (2) has not made a request under subsection (8) within the period referred to in subsection (8), the application lapses upon the expiration of that period.
- (11) Where —
- (a) an application for the renewal of a licence is made under section 64; and
 - (b) the licence expires —
 - (i) before the Minister grants, or refuses to grant, the renewal of the licence; or

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- (ii) before the application lapses as provided by subsection (10),

the licence shall be deemed to continue in force in all respects —

- (c) until the Minister grants, or refuses to grant, the renewal of the licence; or
(d) until the application so lapses,

whichever first happens.

[Section 65 amended: No. 28 of 1994 s. 33; No. 42 of 2010 s. 44.]

66. Conditions of licence

- (1) A licence may be granted subject to such conditions as the Minister thinks fit and specifies in the licence.
- (2) Without limiting subsection (1), a geothermal production licence is subject to the condition that geothermal energy may be recovered under the licence only in accordance with the approved development plan.

(2A) Without limiting subsection (1), a GHG injection licence is subject to the condition that the GHG licensee must comply with any requirements imposed on the GHG licensee by any regulations made for the purposes of subsection (2B).

(2B) The regulations may establish a regime for third party access to services provided by means of the use of —

(a) identified GHG storage formations; or

(b) wells, equipment or structures for use in injecting greenhouse gas substances into identified GHG storage formations; or

(c) equipment or structures for use in the processing, compressing or storing of greenhouse gas substances prior to the injection of the substances into identified GHG storage formations.

- (3) Subsection (1) does not apply to a petroleum production licence granted under section 61A.
- (4) The Minister may, by written notice given to the licensee, vary a petroleum production licence granted under section 61A by imposing one or more conditions to which the licence is subject.

- (5) A notice under subsection (4) may only be given within 14 days after the grant of the petroleum production licence.
- (6) A variation under subsection (4) takes effect on the day on which notice of the variation is given to the licensee.

[Section 66 amended: No. 35 of 2007 s. 56; No. 7 of 2017 s. 22.]

67. Storage of petroleum underground

- (1) A person shall not inject petroleum into a natural underground reservoir —
 - (a) for the purpose of storage and subsequent recovery other than in accordance with an agreement made under this section; or
 - (b) for a purpose other than storage and subsequent recovery without the approval of the Minister.

Penalty: a fine of \$10 000.

- (2) Where a person wishes to inject petroleum into a natural underground reservoir, the person shall apply in writing to the Minister who may reject the application or may —
 - (a) where the Minister is of the opinion the injection is for the purpose of storage and subsequent recovery, require the applicant to enter into an agreement with the Minister as to the injection, storage and subsequent recovery of that petroleum; or
 - (b) where the Minister is of the opinion the injection is for a purpose other than storage and subsequent recovery, approve the application.
- (3) An agreement under subsection (2)(a) —
 - (a) shall specify the details of the methods to be used for the injection, storage and subsequent recovery of the petroleum; and
 - (b) may specify —
 - (i) whether or not royalty under this Act or the *Petroleum (Submerged Lands) Act 1982* in respect of that petroleum by reason of the initial recovery is to be paid; and

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- (ii) such conditions, restrictions and other matters as the Minister thinks fit.

[Section 67 inserted: No. 28 of 1994 s. 34; amended: No. 42 of 2010 s. 62(15).]

68. Directions as to recovery of petroleum

- (1) Where petroleum is not being recovered in a licence area and the Minister is satisfied that there is recoverable petroleum in that area, he may, by instrument in writing served on the licensee, direct the licensee to take all necessary and practicable steps to recover that petroleum.
- (2) Where the Minister is not satisfied with the steps taken or being taken by a licensee to whom a direction has been given under subsection (1), the Minister may, by instrument in writing served on the licensee, give to the licensee such directions as the Minister thinks necessary for or in relation to the recovery of petroleum in the licence area.
- (3) Where petroleum is being recovered in a licence area, the Minister may, for reasons that he thinks sufficient, by instrument in writing served on the licensee, direct the licensee to take all necessary and practicable steps to increase or reduce the rate at which petroleum is being recovered in the licence area or from a petroleum pool in the licence area to such rate as the Minister specifies in the instrument.
- (4) Where the Minister is not satisfied with the steps taken or being taken by a licensee to whom a direction has been given under subsection (3), the Minister may, by instrument in writing served on the licensee, give to the licensee such directions as the Minister thinks necessary for or in relation to the increase or reduction of the rate at which petroleum is being recovered in the licence area or from a petroleum pool in the licence area.
- (5) Without limiting the matters that may be taken into account by the Minister in determining whether to give a direction under subsection (3) or (4), the Minister may take into account matters relating to the effects on State revenue of the proposed direction, but the Minister shall not give a direction under subsection (3) or (4) if the direction would require action to be taken that is contrary to good oil-field practice.

[Section 68 amended: No. 12 of 1990 s. 51.]

69. Unit development

(1A) In this section —

Joint Authority and *offshore area* have the respective meanings given in the Commonwealth Act section 7.

(1) In this section, the expression *unit development* —

(a) applies in relation to —

(i) a petroleum pool that is partly in a particular licence area of a petroleum licensee and partly in another area, whether in the State or not, in respect of which another person has authority, whether under this Act or another written law or under the law of another State, the Northern Territory or the Commonwealth, to carry on operations for the recovery of petroleum from the pool; or

(ii) a geothermal resources area that is partly in a particular licence area of a geothermal licensee and partly in another area, whether in the State or not, in respect of which another person has authority, whether under this Act or another written law or under the law of another State or of the Northern Territory, to carry on operations for the recovery of geothermal energy from the geothermal resources area;

and

(b) means the carrying on of operations for the recovery of petroleum from that pool or geothermal energy from that geothermal resources area, as the case requires, under cooperative arrangements between the persons entitled to carry on such operations in each of those areas.

(2) A licensee may from time to time enter into an agreement in writing for or in relation to the unit development of a petroleum pool or geothermal resources area, as the case requires, but nothing in this subsection derogates from the operation of section 75(2).

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- (3) The Minister, of his own motion or on application made to him in writing by —
- (a) a licensee in whose licence area there is a part of a particular petroleum pool or particular geothermal resources area; or
 - (b) a person who is lawfully entitled to carry on operations for the recovery of petroleum or geothermal energy in an area outside the State that includes part of a particular petroleum pool or particular geothermal resources area that extends into the State,

may, for the purpose of securing the more effective recovery of petroleum from the petroleum pool or geothermal energy from the geothermal resources area, direct any petroleum licensee whose licence area includes part of the petroleum pool or any geothermal licensee whose licence area includes part of the geothermal resources area, by instrument in writing served on the licensee, to enter into an agreement in writing, within the period specified in the instrument, for or in relation to the unit development of the petroleum pool or geothermal resources area and to lodge an application in accordance with section 75 for approval of any dealing to which the agreement relates.

- (4) Where —
- (a) a licensee who is directed under subsection (3) to enter into an agreement for or in relation to the unit development of a petroleum pool or geothermal resources area does not enter into such an agreement within the specified period; or
 - (b) a licensee enters into such an agreement but an application for approval of a dealing to which the agreement relates is not lodged with the Minister or, if an application is so lodged, the dealing is not approved under section 75,

the Minister may, by instrument in writing served on that licensee, direct the licensee to submit to him, within the period specified in the instrument, a scheme for or in relation to the unit development of the petroleum pool or geothermal resources area.

- (5) At any time after the expiration of the period within which a scheme for or in relation to the unit development of a petroleum pool or geothermal resources area is to be submitted by a

licensee under subsection (4), the Minister may, by instrument in writing served on the licensee, give to that licensee such directions as the Minister thinks necessary for the purpose of securing the more effective recovery of petroleum from the petroleum pool or geothermal energy from the geothermal resources area.

(6) Where a person is —

- (a) the petroleum licensee in respect of 2 or more licence areas in each of which there is part of a particular petroleum pool; or
- (b) the geothermal licensee in respect of 2 or more licence areas in each of which there is part of a particular geothermal resources area,

the Minister may, by instrument in writing served on the licensee, give to the licensee such directions as the Minister thinks necessary for the purpose of securing the more effective recovery of petroleum from the petroleum pool or geothermal energy from the geothermal resources area.

(7) Where an agreement under this section is in force or the Minister has given directions under subsection (5) or (6), the Minister may, having regard to additional information that has become available, by instrument in writing served on the licensee or licensees concerned, give to the licensee or licensees such directions, or further directions, as the case may be, as he thinks necessary for the purpose of securing the more effective recovery of petroleum from the petroleum pool or geothermal energy from the geothermal resources area.

(8) The Minister shall not give a direction under either subsection (6) or (7) unless he has given to the licensee or licensees concerned an opportunity to confer with him concerning the proposed direction.

(9) Directions under subsection (5), (6), or (7) may include directions as to the rate at which petroleum or geothermal energy is to be recovered.

(10) In this section, *dealing* means a dealing to which section 75 applies.

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- (11) If a petroleum pool extends, or is reasonably believed by the Minister to extend, from an area of the State into —
- (a) lands to which other written laws or the laws of another State or of a Territory relating to the exploitation of petroleum resources apply; or
 - (b) the adjacent area of an adjoining State or Territory; or
 - (c) the offshore area,

each Minister concerned shall consult concerning the exploitation of the petroleum pool with any other Minister concerned and with the appropriate authority of the other State or the Territory if paragraph (a) or (b) applies and with the Joint Authority if paragraph (c) applies.

- (11a) If a geothermal resources area extends, or is reasonably believed by the Minister to extend, from an area of the State into —
- (a) lands to which other written laws or the laws of another State or of a Territory relating to the exploitation of geothermal energy resources apply; or
 - (b) the adjacent area of an adjoining State or Territory,

each Minister concerned shall consult concerning the exploitation of the geothermal resources area with any other Minister concerned and with the appropriate authority of the other State or the Territory.

- (12) Where subsection (11) applies in relation to a petroleum pool or subsection (11a) applies in relation to a geothermal resources area, a Minister shall not approve an agreement under this section, or give a direction under this section, in relation to that petroleum pool or geothermal resources area except with the approval of any other Minister concerned and any State or Territory authority concerned and with the approval of the Joint Authority if subsection (11)(c) applies.

[Section 69 amended: No. 12 of 1990 s. 52; No. 35 of 2007 s. 57; No. 7 of 2017 s. 23.]

Division 3A — Petroleum titles, geothermal titles and GHG titles and geothermal titles may subsist in respect of same blocks

[Heading inserted: No. 35 of 2007 s. 58.]

69A. Petroleum titles, geothermal titles and GHG titles may subsist in respect of same blocks~~Petroleum titles and geothermal titles may subsist in respect of same blocks~~

(1) In this section —

geothermal title means a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease, geothermal production licence, geothermal special prospecting authority or geothermal access authority;

GHG title means a GHG exploration permit, GHG drilling reservation, GHG retention lease, GHG injection licence, GHG special prospecting authority or GHG access authority;

petroleum title means a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority.

(2) The Minister is not to —

(a) grant a petroleum title on an application under this Act in respect of a block that is the subject of a geothermal title or GHG title of which the registered holder is a person other than the applicant; or

(b) vary a petroleum production licence on an application under section 50(2) to include in the licence area a block that is the subject of a geothermal title or GHG title of which the registered holder is a person other than the applicant,

unless the Minister has complied with subsection (3).

(3) The Minister has complied with this subsection if the Minister —

(a) has, by instrument in writing served on the registered holder of the geothermal title or GHG title, given not less than one month's notice of the Minister's intention to grant the petroleum title or vary the petroleum production licence, as the case requires; and

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- (b) has in the instrument —
- (i) given particulars of the petroleum title proposed to be granted or of the variation proposed to be made to the petroleum production licence; and

(ia) given the information referred to in subsection (6C); and

- (ii) specified a date on or before which the person on whom the instrument is served may, by instrument in writing served on the Minister, submit any matters relating to the information given under subparagraph (ia) that the person wishes the Minister to consider;

and

- (c) has taken into account any matters submitted to the Minister on or before the specified date by that person.

(4) The Minister must not grant a geothermal title on an application under this Act in respect of a block that is the subject of a petroleum title or GHG title the registered holder of which is a person other than the applicant, unless the Minister has complied with subsection (5).

~~(4) The Minister is not to~~

~~(a) grant a geothermal title on an application under this Act in respect of a block that is the subject of a petroleum title of which the registered holder is a person other than the applicant; or~~

~~(b) vary a geothermal production licence on an application under section 50(2) to include in the licence area a block that is the subject of a petroleum title of which the registered holder is a person other than the applicant;~~

~~unless the Minister has complied with subsection (5).~~

(5) The Minister has complied with this subsection if the Minister —

(a) has, by instrument in writing served on the registered holder of the petroleum title or GHG title, given not less than 1 month's notice of the Minister's intention to grant the geothermal title; and

~~(a) has, by instrument in writing served on the registered holder of the petroleum title, given not less than one~~

~~month's notice of the Minister's intention to grant the geothermal title or vary the geothermal production licence, as the case requires; and~~

(b) has in the instrument —

(i) given particulars of the geothermal title proposed to be granted; and

(ia) given the information referred to in subsection (5C); and

~~(i) given particulars of the geothermal title proposed to be granted or of the variation proposed to be made to the geothermal production licence; and~~

(ii) specified a date on or before which the person on whom the instrument is served may, by instrument in writing served on the Minister, submit any matters relating to the information given under subparagraph (ia) that the person wishes the Minister to consider;

and

(c) has taken into account any matters submitted to the Minister on or before the specified date by that person.

(5A) The Minister must not grant a GHG title on an application under this Act in respect of a block that is the subject of a petroleum title or geothermal title the registered holder of which is a person other than the applicant, unless the Minister has complied with subsection (5B).

(5B) The Minister has complied with this subsection if the Minister —

(a) has, by instrument in writing served on the registered holder of the petroleum title or geothermal title, given not less than 1 month's notice of the Minister's intention to grant the GHG title; and

(b) has in the instrument —

(i) given particulars of the GHG title proposed to be granted ; and

(ii) given the information referred to in subsection (5C); and

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(iii) specified a date on or before which the person on whom the instrument is served may, by instrument in writing served on the Minister, submit any matters relating to the information given under subparagraph (ii) that the person wishes the Minister to consider;

and

(c) has taken into account any matters submitted to the Minister on or before the specified date by that person.

(5C) The following information must be provided in an instrument under subsection (3), (5) or (5B) —

(a) the reasons put forward by the applicant for the grant of the relevant title;

(b) the legitimate business interests of the holder of the existing title;

(c) the effect of the operations to be carried out under the proposed title on the operations carried out under the existing title;

(d) the operational and technical requirements for the safe, efficient and reliable conduct of operations under both titles;

(e) information about any other matters the Minister considers relevant.

(6) Nothing in this section limits the operation of any other provisions of this Act relating to applying for or granting a petroleum title, geothermal title or GHG title or varying a petroleum title.

~~(6) Nothing in this section limits the operation of any other provision of this Act relating to applying for, granting or varying a petroleum title or geothermal title.~~

[Section 69A inserted: No. 35 of 2007 s. 58.]

~~[69B-69I. Deleted: No. 52 of 1995 s. 37.]~~

Division 3B — Matters relating to GHG injection and storage

Subdivision 1 — Declaration of identified GHG storage formation

69B. Application for declaration of identified GHG storage formation

(1) This section applies if —

- (a) a GHG exploration permit, GHG drilling reservation, GHG retention lease, GHG injection licence, petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum production licence, geothermal exploration permit, geothermal drilling reservation, geothermal retention lease or geothermal production licence is in force; and
- (b) the permittee, holder of the drilling reservation, lessee or licensee has reasonable grounds to believe that —
 - (i) a part of a geological formation is an eligible GHG storage formation; and
 - (ii) that part is wholly situated in the permit area, drilling reservation area, lease area or licence area.

(2) The permittee, holder of the drilling reservation, lessee or licensee may apply to the Minister for the declaration of the part referred to in subsection (1)(b) as an identified GHG storage formation.

(3) An application under this section must set out —

- (a) the applicant's reasons for believing that the part referred to in subsection (1)(b) is an eligible GHG storage formation; and
- (b) assuming that the part referred to in subsection (1)(b) is an eligible GHG storage formation —
 - (i) the fundamental suitability determinants of the eligible GHG storage formation; and
 - (ii) an estimate of the spatial extent of the eligible GHG storage formation; and
 - (iii) any other information that is specified in the regulations.

(4) An estimate of spatial extent must comply with any requirements specified in the regulations.

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69C. Requirement for further information or further analysis

(1) The Minister may, by written notice given to the applicant, require the applicant —

(a) to give the Minister, within the period specified in the notice, further information in connection with the application; or

(b) to —

(i) carry out any further analysis of relevant information specified in the notice; and

(ii) give the Minister, within the period specified in the notice, a written report of the results of that analysis.

(2) If the applicant breaches a requirement under subsection (1), the Minister may, by written notice given to the applicant —

(a) refuse to consider the application; or

(b) refuse to take any action, or any further action, in relation to the application.

69D. Variation of application

(1) At any time before the Minister makes a decision on an application under section 69E, the applicant may, by written notice given to the Minister, vary —

(a) any or all of the fundamental suitability determinants specified in the application; or

(b) the spatial extent estimated in the application.

(2) A variation of an application must be made in the approved manner.

(3) A variation of an application may be made —

(a) on the applicant's own initiative; or

(b) at the request of the Minister.

(4) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

69E. Declaration of identified GHG storage formation

(1) This section applies if —

(a) an application is made under section 69B in relation to a part of a geological formation; and

(b) the Minister is satisfied that, using the fundamental suitability determinants set out in the application —

(i) that part is an eligible GHG storage formation; and

(ii) the estimate of the spatial extent set out in the application is a reasonable estimate of the spatial extent of the eligible GHG storage formation.

(2) The Minister must, by instrument in writing, declare —

(a) that part to be an identified GHG storage formation for the purposes of this Act; and

(b) that, for the purposes of this Act, the spatial extent of the identified GHG storage formation is the spatial extent estimated in the application; and

(c) that the fundamental suitability determinants specified in the application are the fundamental suitability determinants of the identified GHG storage formation for the purposes of this Act.

(3) A declaration under subsection (2) must set out —

(a) the estimate of the spatial extent specified in the application; and

(b) the fundamental suitability determinants specified in the application.

(4) A copy of a declaration under subsection (2) must be published in the *Gazette*.

69F. Refusal to make declaration

(1) This section applies if —

(a) an application is made under section 69B in relation to a part of a geological formation; and

(b) the Minister is not required by section 69E to make a declaration in relation to that part.

(2) The Minister must, by written notice given to the applicant, refuse to declare that part to be an identified GHG storage formation.

69G. Variation of declaration

(1) This section applies if a declaration is in force under section 69E in relation to a part of a geological formation.

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(2) The Minister may, by instrument in writing, vary the declaration.

(3) A variation of the declaration may be made —

(a) if the part is wholly situated in —

(i) the permit area of a GHG exploration permit, petroleum exploration permit or geothermal exploration permit — on the application of the permittee; or

(ii) the drilling reservation area of a GHG drilling reservation, petroleum drilling reservation or geothermal drilling reservation — on the application of the holder of the drilling reservation; or

(iii) the lease area of a GHG retention lease, petroleum retention lease or geothermal retention lease — on the application of the lessee; or

(iv) the licence area of a GHG injection licence, petroleum production licence or geothermal production licence — on the application of the licensee;

or

(b) on the Minister's own initiative.

(4) An application for a variation of the declaration must —

(a) set out the proposed variation; and

(b) specify the reasons for the proposed variation.

(5) In deciding whether to vary the declaration, the Minister must have regard to —

(a) any new information; and

(b) any new analysis; and

(c) any relevant scientific or technological developments; and

(d) any other matters that the Minister considers relevant.

(6) Before varying a declaration under subsection (2) on the Minister's own initiative, the Minister must consult —

(a) if the part is wholly situated in the permit area of a GHG exploration permit, petroleum exploration permit or geothermal exploration permit — the permittee; or

- (b) if the part is wholly situated in the drilling reservation area of a GHG drilling reservation, petroleum drilling reservation or geothermal drilling reservation — the holder of the drilling reservation; or
 - (c) if the part is wholly situated in the lease area of a GHG retention lease, petroleum retention lease or geothermal retention lease — the lessee; or
 - (d) if the part is wholly situated in the licence area of a GHG injection licence, petroleum production licence or geothermal production licence — the licensee.
- (7) A copy of a variation under subsection (2) must be published in the *Gazette*.
- (8) If a declaration in force under section 69E is varied, a reference in this Act to the declaration is a reference to the declaration as varied.

69H. Revocation of declaration

- (1) This section applies if a declaration is in force under section 69E in relation to a part of a geological formation.
- (2) The Minister may revoke the declaration if the Minister is satisfied that, using any set of fundamental suitability determinants, the part is not an eligible GHG storage formation.
- (3) A copy of a revocation under subsection (2) must be published in the *Gazette*.
- (4) Before revoking a declaration under subsection (2), the Minister must consult —
 - (a) if the part is wholly situated in the permit area of a GHG exploration permit, petroleum exploration permit or geothermal exploration permit — the permittee; or
 - (b) if the part is wholly situated in the drilling reservation area of a GHG drilling reservation, petroleum drilling reservation or geothermal drilling reservation — the holder of the drilling reservation; or
 - (c) if the part is wholly situated in the lease area of a GHG retention lease, petroleum retention lease or geothermal retention lease — the lessee; or

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(d) if the part is wholly situated in the licence area of a GHG injection licence, petroleum production licence or geothermal production licence — the licensee.

(5) If the Minister proposes to revoke a declaration under subsection (2), the Minister must consider whether the Minister should instead vary the declaration under section 69G.

Subdivision 2 — Approved site plans

69HA. Approved site plans

(1) The regulations may provide that a GHG licensee must not carry on any operations in relation to an identified GHG storage formation specified in the licence unless an approved site plan is in force in relation to the formation.

(2) The regulations may provide that, if an approved site plan is in force in relation to an identified GHG formation specified in a GHG injection licence, the GHG licensee must comply with the approved site plan.

(3) The regulations may make provision for the Minister to approve draft site plans.

(4) The regulations may provide that, if the Minister approves a draft site plan, the approved site plan —

(a) comes into force at the time of the approval; and

(b) remains in force —

(i) if, under the regulations, the Minister withdraws approval of the approved site plan — until the withdrawal; or

(ii) otherwise — indefinitely.

(5) The regulations may make provision for the Minister to withdraw approval of approved site plans.

(6) The regulations may make provision for and in relation to the variation of approved site plans.

(7) Regulations made for the purposes of subsection (6) may —

(a) require a GHG licensee to prepare a draft variation of an approved site plan —

(i) periodically; or

- (ii) in any circumstances specified in the regulations;
or
(iii) when required to do so by the Minister;
and
(b) require a GHG licensee to give the draft variation to the Minister; and
(c) make provision for the Minister to approve the variation; and
(d) provide that, if the Minister approves the variation, the approved site plan is varied accordingly.
- (8) If an approved site plan is varied, a reference in this Act to the approved site plan is a reference to the approved site plan as varied.

Subdivision 3 — Serious situations

69HB. When serious situation exists

For the purposes of this Subdivision, a *serious situation* exists in relation to an identified GHG storage formation if —

- (a) a greenhouse gas substance that has been injected into the identified GHG storage formation has leaked or will leak; or
(b) a greenhouse gas substance has leaked or will leak in the course of being injected into the identified GHG storage formation; or
(c) a greenhouse gas substance that has been injected into the identified GHG storage formation has behaved or will behave otherwise than as predicted in Part A of an approved site plan for the formation; or
(d) the injection of a greenhouse gas substance into, or the storage of a greenhouse gas substance in, the identified GHG storage formation has had or will have a significant adverse impact on the geotechnical integrity of the whole or a part of a geological formation or geological structure; or
(e) the identified GHG storage formation is not suitable for the permanent storage of a greenhouse gas substance as set out in an approved site plan for the formation.

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69HC. Reporting of serious situations

If a GHG licensee becomes aware that a serious situation exists in relation to an identified GHG storage formation specified in the licence, the GHG licensee must —

- (a) immediately inform the Minister of the serious situation; and
- (b) within the period of 3 days after informing the Minister under paragraph (a), give to the Minister particulars in writing of the serious situation.

Penalty: a fine of \$10 000.

69HD. Minister may give directions

(1) If, in the opinion of the Minister, a serious situation exists in relation to an identified GHG storage formation specified in a GHG injection licence, the Minister may, by written notice given to the GHG licensee, direct the licensee —

- (a) to take all reasonable steps to ensure that a greenhouse gas substance is injected into the identified GHG storage formation in the manner specified in the direction; or
- (b) to take all reasonable steps to ensure that the greenhouse gas substance is stored in the identified GHG storage formation in the manner specified in the direction; or
- (c) to stop or suspend the injection of a greenhouse gas substance at the place or places specified in the direction; or
- (d) to inject a greenhouse gas substance into the identified GHG storage formation at the place or places specified in the direction; or
- (e) to undertake the activities specified in the direction for the purposes of eliminating, mitigating, managing or remedying the serious situation; or
- (f) to take any action that is specified in the direction; or
- (g) to refrain from taking any action that is specified in the direction.

(2) A direction under subsection (1) —

- (a) has effect, and must be complied with, despite —
 - (i) any previous direction under that subsection; and
 - (ii) anything in the regulations;

and

(b) prevails over anything in an approved site plan for the identified GHG storage formation to the extent of any inconsistency; and

(c) may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect; and

(d) may prohibit the doing of an act or thing —

(i) unconditionally; or

(ii) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.

(3) A person to whom a direction is given under subsection (1) must comply with the direction.

Penalty for this subsection: a fine of \$10 000.

Subdivision 4 — Site closing certificates

69HE. Application for site closing certificate

A GHG licensee may apply to the Minister for a site closing certificate in relation to a particular identified GHG storage formation specified in the licence.

69HF. Application for site closing certificate required if operations have ceased

(1) This section applies if —

(a) a GHG injection licence is in force; and

(b) operations for the injection of a greenhouse gas substance into the identified GHG storage formation concerned have ceased.

(2) The GHG licensee must, within the application period, apply under section 69HE for a site closing certificate in relation to the identified GHG storage formation.

Penalty for this subsection: a fine of \$10 000.

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(3) The *application period* for an application referred to in subsection (2) is —

- (a) the period of 30 days after the day on which the cessation referred to in subsection (1)(b) occurred; or
- (b) any longer period, not more than 90 days after that day, that the Minister allows.

(4) The Minister may allow a longer period under subsection (3)(b) only on written application made by the licensee within the period of 30 days mentioned in subsection (3)(a).

69HG. Application for site closing certificate may be directed if ground for cancelling licence exists

(1) This section applies if —

- (a) a GHG licence is in force; and
- (b) under section 99(1), there is a ground for cancelling the licence.

(2) The Minister may, by written notice given to the GHG licensee, direct the licensee —

- (a) to apply under section 69HE for a site closing certificate in relation to each identified GHG storage formation specified in the licence; and
- (b) to do so within the period specified in the notice.

(3) The period specified under subsection (2)(b) must not be shorter than 30 days.

(4) A person to whom a direction is given under subsection (2) must comply with the direction.

Penalty for this subsection: a fine of \$10 000.

69HH. Application for site closing certificate may be directed if GHG injection licence tied to ceased petroleum lease or licence

(1) This section applies if —

- (a) a GHG injection licence is in force; and
- (b) the GHG injection licence is tied to a petroleum retention lease or petroleum production licence; and
- (c) the petroleum retention lease or petroleum production licence ceases to be in force as a result of being surrendered, cancelled, terminated or wholly revoked.

(2) The Minister may, by written notice given to the GHG licensee, direct the licensee —

(a) to apply under section 69HE for a site closing certificate in relation to each identified GHG storage formation specified in the licence; and

(b) to do so within the period specified in the notice.

(3) The period specified under subsection (2)(b) must not be shorter than 30 days.

(4) A person to whom a direction is given under subsection (2) must comply with the direction.

Penalty for this subsection: a fine of \$10 000.

(5) For the purposes of subsection (1)(b), a GHG injection licence (the *GHG licence*) is tied to a petroleum retention lease (the *petroleum lease*) if —

(a) the GHG licence is derived from a GHG retention lease —

(i) granted under section 48BC to the registered holder of a petroleum retention lease; or

(ii) granted by way of renewal of a GHG retention lease granted under section 48BC to the registered holder of a petroleum retention lease;

and

(b) the petroleum lease is —

(i) the petroleum retention lease referred to in paragraph (a)(i) or (ii); or

(ii) a petroleum retention lease granted by way of renewal of the petroleum retention lease referred to in paragraph (a)(i) or (ii).

(6) For the purposes of subsection (1)(b), a GHG injection licence (the *GHG licence*) is tied to a petroleum production licence (the *petroleum licence*) if —

(a) the GHG licence is derived from a GHG retention lease —

(i) granted under section 48BC to the registered holder of a petroleum retention lease; or

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(ii) granted by way of renewal of a GHG retention lease granted under section 48BC to the registered holder of a petroleum retention lease;

and

(b) the petroleum licence is derived from —

(i) the petroleum retention lease referred to in paragraph (a)(i) or (ii); or

(ii) a petroleum retention lease granted by way of renewal of the petroleum retention lease referred to in paragraph (a)(i) or (ii).

69HI. Requirements for application

(1) An application under section 69HE —

(a) must be made in an approved manner; and

(b) must be accompanied by a written report that sets out —

(i) the applicant's modelling of the behaviour of the greenhouse gas substance injected into the identified GHG storage formation; and

(ii) information relevant to that modelling; and

(iii) the applicant's analysis of that information;

and

(c) must be accompanied by a written report that sets out the applicant's assessment of —

(i) the behaviour of the greenhouse gas substance injected into the identified GHG storage formation; and

(ii) the expected migration pathway or pathways of that greenhouse gas substance; and

(iii) the short-term consequences of the migration of that greenhouse gas substance; and

(iv) the long-term consequences of the migration of that greenhouse gas substance;

and

(d) must be accompanied by the applicant's suggestions for the approach to be taken by the State, after the issue of the certificate, to the monitoring of the behaviour of a greenhouse gas substance stored in the identified GHG storage formation; and

(e) must be accompanied by any other information that is specified in the regulations; and

(f) may set out any other matters that the applicant wishes the Minister to consider; and

(g) must be accompanied by the prescribed fee.

(2) Subsection (1)(b) to (e) do not apply if there have not been any operations for the injection of a greenhouse gas substance into the identified GHG storage formation.

(3) The Minister may, at any time, by instrument in writing served on the applicant, require the applicant to give to the Minister, within the period specified in the instrument, further information in writing in connection with the application.

69HJ. Acknowledgment of receipt of application

(1) This section applies if an application for a site closing certificate is made under section 69HE.

(2) The Minister must give the applicant notice of receipt of the application.

69HK. Variation of application

(1) This section applies if an application for a site closing certificate is made under section 69HE.

(2) At any time before a decision on the application is made by the Minister, the applicant may, by written notice given to the Minister, vary the application.

(3) A variation of an application must be made in the approved manner.

(4) A variation of an application may be made —

(a) on the applicant's own initiative; or

(b) at the request of the Minister.

(5) A variation of an application may set out any additional matters that the applicant wishes to be considered.

(6) If an application is varied under this section, a reference in this Act to the application is a reference to the application as varied.

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69HL. Time for decision on application for site closing certificate

If an application for a site closing certificate is made under section 69HE, the Minister must make a decision on the application, and a decision whether to give the applicant a pre-certificate notice, within 5 years after the application is made.

69HM. Pre-certificate notice

(1) This section applies if an application for a site closing certificate is made under section 69HE.

(2) The Minister may give the applicant a written notice (a *pre-certificate notice*) telling the applicant that the Minister is prepared to issue to the applicant a site closing certificate in relation to the identified GHG storage formation if the Minister is satisfied that —

(a) operations for the injection of a greenhouse gas substance into the identified GHG storage formation concerned have ceased; or

(b) there have not been any operations for the injection of a greenhouse gas substance into the identified GHG storage formation concerned.

(3) In deciding whether to give the applicant a pre-certificate notice, the Minister must have regard to any significant risk the Minister is satisfied exists that a greenhouse gas substance injected into the identified GHG storage formation will have a significant adverse impact on —

(a) the surface of any land or any improvements on any land; or

(b) any of the following operations of another person that are being lawfully carried on —

(i) operations relating to the exploration for, recovery of or conveyance of a mineral, whether petroleum or not, or geothermal energy resources or geothermal energy;

(ii) GHG operations;

(iii) operations relating to the construction or operation of a pipeline.

(4) Subsection (3) does not limit the matters to which the Minister may have regard.

(5) The Minister must not give the applicant a pre-certificate notice in relation to the identified GHG storage formation unless the Minister is satisfied that —

(a) either —

(i) the relevant statutory requirements have been complied with; or

(ii) any of the relevant statutory requirements have not been complied with, but there are sufficient grounds to warrant the issue of the site closing certificate;

or

(b) if any conditions are specified in the regulations — those conditions have been satisfied.

(6) For the purposes of subsection (5)(a), each of the following is a relevant statutory requirement —

(a) the conditions to which the GHG injection licence is, or has from time to time been, subject;

(b) the provisions of this Part;

(c) the provisions of the regulations.

69HN. Refusal of pre-certificate notice

(1) This section applies if an application for a site closing certificate is made under section 69HE.

(2) The Minister may refuse to give the applicant a pre-certificate notice in relation to the identified GHG storage formation if —

(a) the Minister is not satisfied that the greenhouse gas substance injected into the identified GHG storage formation is behaving as predicted in Part A of an approved site plan for the formation; or

(b) the Minister is satisfied that there is a significant risk that a greenhouse gas substance injected into the identified GHG storage formation will have a significant adverse impact on —

(i) the conservation of the resources of the soil or the Earth's crust; or

(ii) the geotechnical integrity of the whole or a part of a geological formation or geological structure; or

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(iii) the environment; or

(iv) human health or safety.

(3) Subsection (2) does not limit the matters to which the Minister may have regard in deciding whether to refuse to give the applicant a pre-certificate notice.

69HO. Notice of refusal to give pre-certificate notice

(1) This section applies if —

(a) an application for a site closing certificate is made under section 69HE; and

(b) the Minister refuses to give a pre-certificate notice to the applicant.

(2) The Minister must give written notice of the refusal to the applicant.

69HP. Content of pre-certificate notice

(1) A pre-certificate notice that relates to an application for a site closing certificate must —

(a) specify a program of operations proposed to be carried out by the State for the purposes of monitoring the behaviour of a greenhouse gas substance stored in the identified GHG storage formation concerned; and

(b) set out an estimate of the total costs and expenses of carrying out the program; and

(c) specify the form and amount of a security to be lodged by the applicant in respect of the compliance, by the holder for the time being of the site closing certificate, with the holder's obligations under section 69HW in relation to the costs and expenses of carrying out the program; and

(d) contain a statement to the effect that the application will lapse if the applicant does not lodge the security with the Minister within the period applicable under subsection (3).

(2) The amount of the security is to equal the estimate referred to in subsection (1)(b).

- (3) The period for lodging the security is —
- (a) 2 months after the pre-certificate notice was given to the applicant; or
- (b) any longer period, not more than 6 months after the pre-certificate notice was given to the applicant, that the Minister allows.
- (4) If the applicant does not lodge the security with the Minister within the period applicable under subsection (3), the application lapses at the end of that period.
- (5) The regulations may provide that an estimate referred to in subsection (1)(b) is to be made on the basis of —
- (a) an assumption that costs and expenses will increase at an annual rate specified in the regulations; and
- (b) any other assumptions specified in the regulations.
- (6) Subsection (1) does not apply if the Minister is satisfied that there have not been any operations for the injection of a greenhouse gas substance into the identified GHG storage formation concerned.

69HQ. Issue of site closing certificate

- (1) This section applies if —
- (a) an applicant has been given a pre-certificate notice under section 69HM; and
- (b) if section 69HP(1) applies — the applicant has lodged the specified security within the period applicable under section 69HP(3).
- (2) The Minister must issue to the applicant a site closing certificate in relation to the identified GHG storage formation specified in the pre-certificate notice.

69HR. Transferee of GHG injection licence treated as applicant

- (1) This section applies if a transfer of a GHG injection licence is registered under section 72 —
- (a) after an application is made under section 69HE for a site closing certificate in relation to an identified GHG storage formation specified in the GHG injection licence; and

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(b) before any action is taken by the Minister under section 69HM, 69HN or 69HO in relation to the application.

(2) After the transfer, sections 69HE to 69HQ have effect in relation to the application as if any reference in those sections to the applicant were a reference to the transferee.

69HS. Duration of site closing certificate

Subject to this Part, a site closing certificate remains in force indefinitely.

69HT. Transfer of site closing certificate

(1) This section applies if —

(a) a site closing certificate is held by the registered holder of a GHG injection licence; and

(b) a transfer of the licence is registered under section 72.

(2) The site closing certificate is, by force of this section, transferred to the transferee of the licence.

69HU. Transfer of securities

(1) This section applies if —

(a) a security is in force in relation to a site closing certificate; and

(b) the site closing certificate is transferred under section 69HT.

(2) The interest of the transferor in the security is, by force of this section, transferred to the transferee.

(3) A document setting out or relating to the security has effect, after the transfer, as if a reference in the document to the transferor were a reference to the transferee.

69HV. Discharge of securities

The regulations may make provision in relation to the discharge, in whole or in part, by the Minister of securities in force in relation to site closing certificates.

69HW. Recovery of State's costs and expenses

(1) This section applies if —

(a) a site closing certificate is in force in relation to an identified GHG storage formation; and

(b) the State incurs reasonable costs or expenses in carrying out the program specified in the pre-certificate notice for the site closing certificate.

(2) The costs and expenses —

(a) are a debt due to the State by the holder of the certificate; and

(b) are recoverable in a court of competent jurisdiction.

(3) The total of the costs and expenses recoverable under subsection (2) must not exceed the estimate set out in the pre-certificate notice.

Subdivision 5 — Long-term liabilities in respect of GHG storage

69HX. Closure assurance period

(1) This section applies if —

(a) a site closing certificate is in force in relation to an identified GHG storage formation; and

(b) the Minister is satisfied that operations for the injection of a greenhouse gas substance into the formation ceased on a day (the *cessation day*) before the application for the site closing certificate was made; and

(c) on a day (the *decision day*) that is at least 15 years after the issue of the site closing certificate, the Minister is satisfied that —

(i) the greenhouse gas substance injected into the formation is behaving as predicted in Part A of an approved site plan for the formation; and

(ii) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on the geotechnical integrity of the whole or a part of a geological formation or geological structure; and

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- (iii) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on the environment; and
 - (iv) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on human health or safety; and
 - (v) since the cessation day, there have not been any operations for the injection of a greenhouse gas substance into the formation.
- (2) The Minister may, by instrument in writing, declare that for the purposes of this Act the closure assurance period in relation to the formation is the period —
- (a) beginning at the end of the cessation day; and
 - (b) ending at the end of the decision day.
- (3) A copy of a declaration under subsection (2) is to be given to the holder of the site closing certificate.

69HY. Indemnity against long-term liability

- (1) This section applies if —
- (a) a site closing certificate is in force in relation to an identified GHG storage formation; and
 - (b) when the application for the certificate was made, the formation was specified in a GHG injection licence; and
 - (c) there is a closure assurance period in relation to the formation; and
 - (d) the following conditions are satisfied in relation to a liability of an existing person who is or has been the registered holder of the licence (whether or not the licence is in force) —

 - (i) the liability is a liability for damages;
 - (ii) the liability is attributable to an act done or omitted to be done in the carrying out of operations authorised by the licence in relation to the formation;
 - (iii) the liability is incurred or accrued after the end of the closure assurance period in relation to the formation;

(iv) any other conditions specified in the regulations.

(2) The State must indemnify the person against the liability.

(3) The amount of any indemnity under subsection (2) is to be charged to the Consolidated Account, which is, to the necessary extent, appropriated accordingly.

69HZ. State to assume long-term liability if licensee has ceased to exist

(1) This section applies if —

(a) a site closing certificate is in force in relation to an identified GHG storage formation; and

(b) when the application for the certificate was made, the formation was specified in a GHG injection licence; and

(c) there is a closure assurance period in relation to the formation; and

(d) a person who has been the registered holder of the licence (whether or not the licence is in force) has ceased to exist; and

(e) if the person had continued in existence, the following conditions would have been satisfied in relation to a liability of the person —

(i) the liability is a liability for damages;

(ii) the liability is attributable to an act done or omitted to be done in the carrying out of operations authorised by the licence in relation to the formation;

(iii) the liability is incurred or accrued after the end of the closure assurance period in relation to the formation;

(iv) any other conditions specified in the regulations;

and

(f) apart from this section, the damages are irrecoverable because the person has ceased to exist.

(2) The liability is taken to be a liability of the State.

(3) The amount of any liability under subsection (2) is to be charged to the Consolidated Account, which is, to the necessary extent, appropriated accordingly.

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Division 4 — Registration of instruments

69J. Term used: title

In this Division, *title* means a permit, drilling reservation, lease, licence or access authority.

[Section 69J (formerly 69A) inserted: No. 12 of 1990 s. 53; amended: No. 78 of 1990 s. 7; renumbered: No. 21 of 1993 s. 45.]

70. Register of certain instruments to be kept

- (1) For the purposes of this Part, the Minister shall keep a Register of titles and special prospecting authorities granted by him.
- (2) The Minister shall enter in the Register a memorial in respect of each title or special prospecting authority —
 - (a) specifying the name of the holder of the title or special prospecting authority; and
 - (b) in the case of a permit, drilling reservation, lease or licence, setting out an accurate description (including, where convenient, a map) of the permit area, drilling [reservation area](#), ~~reservation~~, lease area or licence area; and
 - (c) in the case of a special prospecting authority or an access authority, setting out an accurate description (including, where convenient, a map) of the area in respect of which the special prospecting authority or access authority is in force; and
 - (d) specifying the term of the title or special prospecting authority; and
 - (e) setting out such other matters and things as are required by this Part to be entered in the Register; and
 - (f) setting out such further matters relating to the registered holder or to the terms and conditions of the title or special prospecting authority as the Minister deems proper and expedient in the public interest.
- (3) The Minister shall enter in the Register a memorial of —
 - (a) any instrument varying, cancelling, surrendering or otherwise affecting a title or special prospecting authority; and
 - (b) any instrument under section 69(5), (6) or (7); and

- (c) any agreement under section 67; and
 - (ca) any instrument under section 69E, 69G or 69H; and
 - (d) any instrument varying or revoking an instrument referred to in either paragraph (a) or (b).
- (4) It is sufficient compliance with the requirements of subsection (2) or (3) if the Minister enters a copy of the title, special prospecting authority or instrument in the Register.
- [(5) *deleted*]
- (6) The Minister shall endorse on the title, special prospecting authority or instrument a memorandum of the date upon which the memorial or copy was entered in the Register.

[Section 70 amended: No. 12 of 1990 s. 54; No. 78 of 1990 s. 7; No. 28 of 1994 s. 35; No. 42 of 2010 s. 45.]

71. Memorials to be entered of permits determined etc.

Where —

- (a) a permit, drilling reservation or lease ceases to be in force in respect of a block in respect of which a licence is granted; or
 - (aa) a permit ceases to be in force in respect of a block in respect of which a lease is granted; or
 - (b) a permit, drilling reservation or lease has been wholly determined or partly determined; or
 - (c) a title or special prospecting authority has expired,
- the Minister shall enter in the Register a memorial of the fact.

[Section 71 amended: No. 12 of 1990 s. 55; No. 78 of 1990 s. 7.]

72. Approval and registration of transfers

- (1) A transfer of a title is of no force until it has been approved by the Minister and an instrument of transfer is registered as provided by this section.
- (2) Where it is desired that a title be transferred, one of the parties to the proposed transfer may make an application in writing to the Minister for approval of the transfer.

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- (3) An application for approval of a transfer of a title shall be accompanied by —
- (a) an instrument of transfer in the prescribed form executed by the registered holder or, if there are 2 or more registered holders, by each registered holder and by the transferee or, if there are 2 or more transferees, by each transferee; and
 - (b) in a case where the transferee or one or more of the transferees is not a registered holder, or are not registered holders, of the title, an instrument setting out —
 - (i) the technical qualifications of that transferee or those transferees; and
 - (ii) details of the technical advice that is or will be available to that transferee or those transferees; and
 - (iii) details of the financial resources that are or will be available to that transferee or those transferees;and
 - (c) one copy of the application and of the instrument referred to in paragraph (a).
- (4) The Minister shall not approve the transfer of a title unless the application was lodged with the Minister within 3 months after the day on which the party who last executed the instrument of transfer so executed the instrument of transfer or within such longer period as the Minister, in special circumstances, allows.
- (5) Where an application for approval of a transfer is made in accordance with this section, the Minister shall enter a memorandum in the Register of the date on which the application was lodged and may make such other notation in the Register as the Minister considers appropriate.
- (6) The Minister shall consider each application for approval of the transfer of a title and determine whether to approve the transfer.
- (7) Where an application for approval of the transfer of a title is made in accordance with this section, the Minister shall, by notice in writing served on the person who made the application, inform the person of the decision of the Minister.
- [(8) *deleted*]

- (9) Where the Minister approves the transfer of a title, the Minister shall forthwith endorse on the instrument of transfer and on one copy of the instrument a memorandum of approval and shall, on payment of the fee provided by the [Petroleum, Geothermal Energy and Greenhouse Gas Storage ~~Petroleum and Geothermal Energy Resources~~ \(Registration Fees\) Act 1967](#), enter in the Register a memorandum of the transfer and the name of the transferee or of each transferee.
- (10) Upon the entry in the Register of a memorandum of the transfer of a title and of the name of the transferee or each transferee in accordance with subsection (9) —
- (a) the transfer shall be deemed to be registered; and
 - (b) the transferee becomes the registered holder, or the transferees become the registered holders, of the title.
- (11) Where the Minister refuses to approve the transfer of a title, the Minister shall make a notation of the refusal in the Register.
- (12) Where a transfer is registered —
- (a) the copy of the instrument of transfer endorsed with the memorandum of approval shall be retained by the Minister and made available for inspection in accordance with this Division; and
 - (b) the instrument of transfer endorsed with the memorandum of approval shall be returned to the person who lodged the application for approval of the transfer.
- (13) The mere execution of an instrument of transfer of a title creates no interest in the title.

[Section 72 inserted: No. 12 of 1990 s. 56; amended: No. 78 of 1990 s. 7; No. 28 of 1994 s. 36; No. 35 of 2007 s. 59.]

73. Entries in Register on devolution of title

- (1) A person upon whom the rights of a registered holder of a particular title have devolved by operation of law may apply in writing to the Minister to have his name entered in the Register as the holder of the title.
- (2) The Minister shall, if he is satisfied that the rights of the holder have devolved upon the applicant by operation of law and on payment of the prescribed fee, enter the name of the applicant in the Register as holder of the title and, upon that entry being so made, the applicant becomes the registered holder of the title.

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- (3) Where a company that is the registered holder of a particular title has changed its name, it may apply in writing to the Minister to have its new name substituted for its previous name in the Register in relation to that title and, if —
- (a) the Minister is satisfied that the company has so changed its name; and
 - (b) the company has paid the prescribed fee,

the Minister shall make the necessary alterations in the Register.

[Section 73 amended: No. 69 of 1981 s. 34; No. 12 of 1990 s. 57.]

[74. Deleted: No. 12 of 1990 s. 58.]

75. Approval of dealings creating interests etc. in existing titles

- (1) This section applies to a dealing that would, but for subsection (2), have one or more of the following effects —
- (a) the creation or assignment of an interest in an existing title;
 - (b) the creation or assignment of a right (conditional or otherwise) to the assignment of an interest in an existing title;
 - (c) the determining of the manner in which persons may exercise the rights conferred by, or comply with the obligations imposed by or the conditions of, an existing title (including the exercise of those rights or the compliance with those obligations or conditions under cooperative arrangements for the recovery of petroleum or geothermal [energy or the carrying out of GHG operations](#));~~energy~~;
 - (d) the creation or assignment of —
 - (i) an interest in relation to an existing permit, drilling reservation, lease or licence, being an interest known as an overriding royalty interest, a production payment, a net profits interest or a carried interest; or
 - (ii) any other interest that is similar to an interest referred to in subparagraph (i), being an interest relating to petroleum or geothermal energy produced from operations authorised by an existing permit, drilling reservation, lease or

licence or relating to revenue derived as a result of the carrying out of operations of that [kind](#); ~~or [kind](#)~~;

[\(iii\) any other interest that is similar to an interest referred to in subparagraph \(i\), being an interest relating to a greenhouse gas substance injected or stored under an existing permit, drilling reservation, lease or licence or relating to revenue derived as a result of the carrying out of GHG operations authorised by an existing permit, drilling reservation, lease or licence;](#)

- (e) the creation or assignment of an option (conditional or otherwise) to enter into a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c) and (d);
- (f) the creation or assignment of a right (conditional or otherwise) to enter into a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c) and (d);
- (g) the alteration or termination of a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c), (d), (e) and (f),

but this section does not apply to a transfer to which section 72 applies.

- (2) A dealing to which this section applies is of no force in so far as the dealing would, but for this subsection, have an effect of a kind referred to in subsection (1) in relation to a particular title until —
 - (a) the dealing, in so far as it relates to that title, has been approved by the Minister; and
 - (b) an entry has been made in the Register in relation to the dealing by the Minister in accordance with subsection (12).
- (3) A party to a dealing to which this section applies may lodge with the Minister —
 - (a) in a case where the dealing relates to only one title, an application in writing for approval by the Minister of the dealing; or

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- (b) in any other case, a separate application in writing for approval by the Minister of the dealing in relation to each title to which the dealing relates.
- (4) An application under subsection (3) for approval of a dealing —
 - (a) shall be accompanied by the instrument evidencing the dealing or, if that instrument has already been lodged with the Minister for the purposes of another application, a copy of that instrument; and
 - (b) may be accompanied by an instrument setting out such particulars (if any) as are prescribed for the purposes of an application for approval of a dealing of that kind.
- (4a) An application under subsection (3) for approval of a dealing shall be accompanied by 2 copies of —
 - (a) the application; and
 - (b) the instrument referred to in subsection (4)(a); and
 - (c) any instrument lodged for the purposes of subsection (4)(b).
- (5) Subject to subsection (6), the Minister shall not approve a dealing unless the application for approval of the dealing is lodged with the Minister within 3 months after the day on which the party who last executed the instrument evidencing the dealing so executed the instrument or such longer period as the Minister, in special circumstances, allows.
- (6) Where a dealing relating to a title was, immediately before the title came into existence, a dealing referred to in section 75A(1), the Minister shall not approve the dealing unless —
 - (a) a provisional application for approval of the dealing was lodged in accordance with section 75A(1); or
 - (b) an application for approval of the dealing is lodged with the Minister in accordance with this section within 3 months after the day on which the title came into existence or such longer period as the Minister, in special circumstances, allows.
- (7) Where a dealing to which this section applies forms a part of the issue of a series of debentures, all of the dealings constituting the issue of that series of debentures shall, for the purposes of this section, be taken to be one dealing.

- (8) Where a dealing to which this section applies (including a dealing referred to in subsection (7)) creates a charge over some or all of the assets of a body corporate, the person lodging the application for approval of the dealing shall be deemed to have complied with subsection (4)(a), and with subsection (4a) in so far as that subsection requires 2 copies of the document referred to in subsection (4)(a) to accompany the application, if the person lodges with the application 3 copies of each document required to be lodged with the Australian Securities and Investments Commission relating to the creation of that charge pursuant to section 263 of the *Corporations Act 2001* of the Commonwealth.
- (9) On receipt of an application made under this section, the Minister shall enter a memorandum in the Register of the date on which the application was lodged and may make such other notation in the Register as the Minister considers appropriate.
- (10) The Minister may approve or refuse to approve a dealing to which this section applies in so far as the dealing relates to a particular title.
- (11) The Minister shall, by notice in writing served on the person who made an application for approval of a dealing, inform the person of the decision of the Minister.
- (12) If the Minister approves a dealing, the Minister shall endorse on the original instrument evidencing the dealing and on one copy of that instrument or, if the original instrument was not lodged with the application, on 2 of the copies of that instrument a memorandum of approval and, on payment of the fee provided by the [Petroleum, Geothermal Energy and Greenhouse Gas Storage ~~Petroleum and Geothermal Energy Resources~~ \(Registration Fees\) Act 1967](#), make an entry of the approval of the dealing in the Register on the memorial relating to, or on the copy of, the title in respect of which the approval is sought.
- (13) Where an entry is made in the Register in relation to a dealing in accordance with subsection (12) —
- (a) if the dealing was approved before the commencement of section 58 of the *Acts Amendment (Petroleum) Act 1990*, or the application for approval of the dealing was not accompanied by an instrument for the purpose of subsection (4)(b), one copy of the instrument evidencing the dealing endorsed with a memorandum of

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approval shall be retained by the Minister and made available for inspection in accordance with this Division; and

- (b) if the application for approval of the dealing was accompanied by an instrument for the purpose of subsection (4)(b), a copy of that instrument endorsed with a copy of the memorandum of approval of the dealing shall be retained by the Minister and made available for inspection in accordance with this Division but a copy of the instrument evidencing the dealing shall not be so made available; and
 - (c) the original instrument evidencing the dealing, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval and the instrument (if any) lodged for the purpose of subsection (4)(b) shall be returned to the person who made the application for approval.
- (13a) The approval of a dealing or the making of an entry in the Register in relation to a dealing is not rendered ineffective by any failure to comply, in relation to the application for approval of the dealing, with the requirements of this section.
- (14) Where the Minister refuses to approve a dealing, the Minister shall make a notation of the refusal in the Register.
- (15) In this section, *charge* and *debenture* have the same respective meanings as they have for the purposes of the *Corporations Act 2001* of the Commonwealth.

[Section 75 inserted: No. 12 of 1990 s. 58; amended: No. 78 of 1990 s. 7; No. 28 of 1994 s. 37; No. 20 of 2003 s. 35; No. 35 of 2007 s. 60.]

75A. Approval of dealings in future interests etc.

- (1) Where 2 or more persons enter into a dealing relating to a title that may come into existence in the future and that dealing would, if the title came into existence, become a dealing to which section 75 applies, a person who is a party to the dealing may, during the prescribed period in relation to the title, lodge with the Minister —
 - (a) in a case where the dealing relates to only one title that may come into existence in the future, a provisional

application in writing for approval by the Minister of the dealing; or

- (b) in any other case, a separate provisional application in writing for approval by the Minister of the dealing in relation to each title that may come into existence in the future and to which the dealing relates.
- (2) Section 75(4), (7) and (8) applies to a provisional application lodged under subsection (1) as if that provisional application were an application lodged under section 75(3).
- (3) Where —
- (a) the title to which a dealing referred to in subsection (1) relates comes into existence; and
 - (b) upon that title coming into existence, the dealing becomes a dealing to which section 75 applies,

the provisional application lodged under subsection (1) in relation to the dealing shall be treated as if it were an application lodged under section 75(3) on the day on which that title came into existence.

- (4) A reference in subsection (1) to the prescribed period, in relation to a title, is a reference to the period —
- (a) commencing —
 - (i) in the case of a permit, drilling reservation, lease or licence, on the day of service of an instrument informing the applicant for the permit, drilling reservation, lease or licence that the Minister is prepared to grant the permit, drilling reservation, lease or licence; or
 - (ii) in the case of an access authority, on the day on which the application for the grant of the access authority is made;
- and
- (b) ending on the day on which the title comes into existence.

[Section 75A inserted: No. 12 of 1990 s. 58; amended: No. 78 of 1990 s. 7.]

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76. True consideration to be shown in transfer or dealing

- (1) A person who is a party to a transfer referred to in section 72, a dealing to which section 75 applies or a dealing referred to in section 75A(1) shall not lodge with the Minister —
- (a) an instrument of transfer; or
 - (b) an instrument evidencing the dealing; or
 - (c) an instrument of the kind referred to in section 75(4)(b),

that contains a statement relating to the consideration for the transfer or dealing, or to any other fact or circumstance affecting the amount of the fee payable in respect of the transfer or dealing under the [Petroleum, Geothermal Energy and Greenhouse Gas Storage](#) ~~Petroleum and Geothermal Energy Resources~~-(Registration Fees) Act 1967, being a statement that is, to the knowledge of the person, false or misleading in a material particular.

Penalty: a fine of \$10 000.

- (2) Where a person is convicted of an offence against subsection (1) the Minister may make a fresh determination of the amount of the fee payable under the [Petroleum, Geothermal Energy and Greenhouse Gas Storage](#) ~~Petroleum and Geothermal Energy Resources~~-(Registration Fees) Act 1967 in respect of the memorandum relating to the transfer or dealing.
- (3) Subsections (2) and (3) of section 85 apply in relation to a determination under subsection (2) as they apply in relation to a determination under subsection (1) of that section.

[Section 76 amended: No. 12 of 1990 s. 59; No. 35 of 2007 s. 61; No. 42 of 2010 s. 62(15).]

77. Minister not concerned with certain matters

Neither the Minister nor a person acting under his direction or authority is concerned with the effect in law of any instrument lodged with him in pursuance of this Division nor does the approval of a transfer or dealing give to the transfer or dealing any force, effect or validity that the transfer or dealing would not have had if this Division had not been enacted.

[Section 77 amended: No. 12 of 1990 s. 60.]

78. Power of Minister to require information as to transfers or dealings

- (1) The Minister may require the person lodging an application for approval of a transfer or dealing or a provisional application for approval of a dealing under this Division to furnish to him in writing such information concerning the transfer or dealing as the Minister considers necessary or advisable.
- (1a) The Minister may require a person who is a party to a dealing approved by the Minister under section 75 to furnish to the Minister a statement in writing setting out such information concerning alterations in the interests or rights existing in relation to the title to which the approved dealing relates as the Minister considers necessary or advisable.
- (1b) The Minister may require a person making an application under section 73(1) or (3) or 81A(2) to furnish to the Minister in writing such information concerning the matter to which the application relates as the Minister considers necessary or advisable.
- (1c) A person shall not fail or refuse to comply with a requirement given to the person under subsection (1), (1a) or (1b).
- (2) A person who is so required to furnish information shall not knowingly furnish information that is false or misleading in a material particular.

Penalty for an offence under subsection (1c) or (2): a fine of \$5 000.

[Section 78 amended: No. 12 of 1990 s. 61; No. 28 of 1994 s. 38; No. 42 of 2010 s. 62(2) and (3).]

79. Production and inspection of documents

- (1) The Minister may require any person to produce to him or to make available for inspection by him any documents in the possession or under the control of that person and relating to a transfer or dealing in relation to which approval is sought under this Division.
- (1a) The Minister may require any person to produce to the Minister or to make available for inspection by the Minister any documents in the possession or under the control of that person and relating to an application made to the Minister under section 73(1) or (3) or 81A(2).

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- (2) A person shall not fail or refuse to comply with a requirement given to him under subsection (1) or (1a).

Penalty for an offence under subsection (2): a fine of \$5 000.

[Section 79 amended: No. 12 of 1990 s. 62; No. 42 of 2010 s. 62(4).]

80. Inspection of Register and instruments

- (1) The Register and all instruments or copies of instruments registered, or subject to inspection, under this Division shall at all convenient times be open for inspection by any person upon payment of the prescribed fee.

[(2) deleted]

[Section 80 amended: No. 69 of 1981 s. 34; No. 12 of 1990 s. 63.]

81. Evidentiary provisions

- (1) The Register shall be received by all courts and tribunals as evidence of all matters required or authorised by this Division to be entered in the Register.
- (2) The Minister may, on payment of a fee calculated at the prescribed rate, supply copies of or extracts from the Register or of or from any instrument lodged with him under this Division, certified by writing under his hand, and such a copy or extract so certified is admissible in evidence in all courts, tribunals and proceedings without further proof or production of the original.
- (3) The Minister may, on payment of the prescribed fee, by instrument in writing under his hand, certify that an entry, matter or thing required or permitted by or under this Division to be made or done or not to be made or done has or has not, as the case may be, been made or done and such a certificate is evidence in all courts, tribunals and proceedings of the statements contained in the certificate.

[Section 81 amended: No. 69 of 1981 s. 34; No. 12 of 1990 s. 64; No. 55 of 2004 s. 917.]

81A. Minister may make corrections to, and entries in, Register

- (1) The Minister may alter the Register for the purposes of correcting a clerical error or an obvious defect in the Register.

- (2) Subject to subsection (3), the Minister may, on application being made in writing to the Minister by a person or of the Minister's own motion, make such entries in the Register as the Minister considers appropriate for the purposes of ensuring that the Register accurately records the interests and rights existing in relation to a title.
- (3) Where the Minister proposes to make an entry in the Register in accordance with subsection (2), the Minister shall cause to be published in the *Gazette* a notice —
 - (a) setting out the terms of the entry that the Minister proposes to make in the Register; and
 - (b) inviting interested persons to give to the Minister, by such day as is specified in the notice, being a day not earlier than 45 days after the publication of the notice, submissions in writing relating to the making of the entry.
- (4) Where submissions are, in accordance with a notice under subsection (3), given to the Minister in relation to the proposed making of an entry in the Register, the Minister shall —
 - (a) take those submissions into account before making an entry in the Register; and
 - (b) after making an entry in the Register, cause to be published in the *Gazette* a notice setting out the terms of the entry.

[Section 81A inserted: No. 12 of 1990 s. 65.]

82. Application to State Administrative Tribunal for orders

- (1) A person aggrieved by —
 - (a) the omission of an entry from the Register; or
 - (b) an entry made in the Register without sufficient cause; or
 - (c) an entry wrongly existing in the Register; or
 - (d) an error or defect in an entry in the Register,

may apply to the State Administrative Tribunal in its original jurisdiction for such order as the Tribunal thinks fit directing the rectification of the Register.

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- (2) The Tribunal may, in proceedings under this section, decide any question that it is necessary or expedient to decide in connection with the rectification of the Register.
- (3) Notice of an application under this section shall be given to the Minister, who may appear and be heard and shall appear if so directed by the Tribunal.
- (4) An office copy of an order made by the Tribunal may be served on the Minister, and the Minister shall, upon receipt of the order, rectify the Register accordingly.

[Section 82 amended: No. 55 of 2004 s. 918.]

[83. Deleted: No. 13 of 2005 s. 6.]

84. Offences connected with Register and certain documents

A person who wilfully —

- (a) makes, causes to be made, or concurs in making a false entry in the Register; or
- (b) produces or tenders in evidence a document falsely purporting to be a copy of or extract from an entry in the Register or of or from an instrument lodged with the Minister under this Division,

commits an offence.

Penalty: a fine of \$5 000.

[Section 84 amended: No. 12 of 1990 s. 66; No. 42 of 2010 s. 62(5) and (6).]

85. Assessment of fee payable under Petroleum, Geothermal Energy and Greenhouse Gas Storage (Registration Fees) Act 1967 ~~Assessment of fee payable under Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967~~

- (1) The Minister may determine the amount of the fee payable under the Petroleum, Geothermal Energy and Greenhouse Gas Storage ~~Petroleum and Geothermal Energy Resources~~ (Registration Fees) Act 1967 in respect of any memorandum.
- (2) A person dissatisfied with a determination of the Minister under subsection (1) may apply to the State Administrative Tribunal for a review of the determination.

[Section 85 amended: No. 55 of 2004 s. 919; No. 35 of 2007 s. 62.]

86. Exemption from duty

Duty under the *Duties Act 2008* is not chargeable —

- (a) on a permit, drilling reservation, lease, licence or access authority; or
- (b) on a transfer of a permit, drilling reservation, lease, licence or access authority to which section 72 applies; or
- (c) on any other instrument in so far as it relates to a legal or equitable interest in or affecting a permit, drilling reservation, lease, licence or access authority.

[Section 86 amended: No. 12 of 1990 s. 67; No. 78 of 1990 s. 7; No. 31 of 2008 s. 34.]

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[87. Deleted: No. 12 of 1990 s. 68.]

88. Notice of grants of permits etc. to be published

The Minister shall cause notice of, and such particulars as he thinks fit of —

- (a) the grant, and the grant of the renewal, of a permit, lease or licence; and
- (aa) the grant, and the extension of, a drilling reservation; and
- (b) the variation of a licence; and
- (c) the surrender or cancellation of a permit, drilling reservation, lease or licence as to all or some of the blocks in the permit area, drilling reservation, lease area or licence area; and
- (d) the determination of a permit, drilling reservation or lease as to a block or blocks; and
- (e) the expiry of a permit, drilling reservation, lease or licence,

under this Part to be published in the *Gazette*.

[Section 88 amended: No. 12 of 1990 s. 69; No. 78 of 1990 s. 7; No. 28 of 1994 s. 39.]

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89. Date of effect of certain surrenders, cancellations and variations

[(1) deleted]

- (2) The surrender or cancellation of a permit, drilling reservation, lease or licence as to all or some of the blocks in the permit area, drilling [reservation area](#), ~~reservation~~, lease area or licence area has effect on and from the day on which notice of the surrender or cancellation is published in the *Gazette*.
- (3) A variation of a licence has effect on and from the day on which notice of the variation is published in the *Gazette*.

[Section 89 amended: No. 12 of 1990 s. 70; No. 78 of 1990 s. 7.]

90. Commencement of works

- (1) Where a permit, drilling reservation, lease or licence is granted subject to a condition that works or operations specified in the permit, drilling reservation, lease or licence are to be carried out, the permittee, holder of the drilling reservation, lessee or licensee, as the case may be, shall commence to carry out those works or operations within a period of 6 months after the day on which the permit, drilling reservation, lease or licence, as the case may be, comes into force.
- (2) The Minister may, for reasons that he thinks sufficient, by instrument in writing served on a permittee, holder of a drilling reservation, lessee or licensee —
- (a) exempt him from compliance with the requirements of subsection (1); and
- (b) direct him to commence to carry out the works or operations specified in the permit, drilling reservation, lease or licence, as the case may be, within such period after the day on which the permit, drilling reservation, lease or licence, as the case may be, comes into force as is specified in the instrument.
- (3) A person to whom a direction is given under subsection (2) shall comply with the direction.

Penalty for an offence under subsection (1) or (3): a fine of \$10 000.

(4) This section does not apply to —

- (a) a GHG exploration permit; or
- (b) a GHG drilling reservation; or
- (c) a GHG retention lease; or
- (d) a GHG injection licence.

*[Section 90 amended: No. 12 of 1990 s. 71; No. 78 of 1990 s. 7;
No. 42 of 2010 s. 62(7).]*

91. Work practices

(1) Subsection (1A) applies to the following operations —

- (a) all petroleum exploration operations and operations for the recovery of petroleum;
- (b) all geothermal exploration operations and operations for the recovery of geothermal energy;
- (c) all GHG operations.

(1A) A permittee, holder of a drilling reservation, lessee or licensee must carry out the operations referred to in subsection (1) in the permit area, drilling reservation area, lease area or licence area, as the case requires —

- (a) in a proper and workmanlike manner; and
- (b) in the case of operations referred to in subsection (1)(a), in accordance with good oil-field practice.

(1B) Subsections (2) and (2a) have effect without limiting the generality of subsection (1A) but subject to any authorisation, requirement or direction given or made by or under this Act.

~~(1) A permittee, holder of a drilling reservation, lessee or licensee shall carry out —~~

- ~~(a) all petroleum exploration operations and operations for the recovery of petroleum; or~~
- ~~(b) all geothermal energy resources exploration operations and operations for the recovery of geothermal energy,~~

~~as the case requires, in the permit area, drilling reservation, lease area or licence area in a proper and workmanlike manner and in accordance with good oil-field practice.~~

~~(1a) Subsections (2) and (2a) have effect without limiting the generality of subsection (1) but subject to any authorisation, requirement or direction given or made by or under this Act.~~

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(2) A petroleum permittee, holder of a petroleum drilling reservation, petroleum lessee or petroleum licensee shall —

(a) control the flow and prevent the waste or escape in the permit area, drilling reservation area, lease area or licence area of petroleum, geothermal energy resources, greenhouse gas substances or water; and

~~(a) control the flow and prevent the waste or escape in the permit area, drilling reservation, lease area or licence area of petroleum or water; and~~

(b) prevent the escape in the permit area, drilling reservation area, ~~reservation~~, lease area or licence area of any mixture of water or drilling fluid with petroleum or any other matter; and

(c) prevent damage to petroleum-bearing strata, geothermal energy resources, potential GHG storage formations or potential GHG injection sites ~~strata~~ in an area, whether in the State or not, in respect of which the permit, drilling reservation, lease or licence is not in force; and

(d) keep separate —

(i) each petroleum pool, geothermal resources area, potential GHG storage formation or potential GHG injection site discovered in the permit area, drilling reservation area, lease area or licence area; and

~~(i) each petroleum pool discovered in the permit area, drilling reservation, lease area or licence area; and~~

(ii) such of the sources of water, if any, discovered in that area as the Minister, by instrument in writing served on that person, directs;

and

(e) prevent water or any other matter entering any petroleum pool, geothermal resources area, potential GHG storage formation or potential GHG injection site through wells in the permit area, drilling reservation area, ~~pool through wells in the permit area, drilling reservation~~, lease area or licence area except when required by, and in accordance with, good oil-field practice.

(2a) A geothermal permittee, holder of a geothermal drilling reservation, geothermal lessee or geothermal licensee shall —

(a) control the flow and prevent the waste or escape in the permit area, drilling reservation area, lease area or licence area of geothermal energy resources, petroleum, greenhouse gas substances or water; and

~~(a) control the flow and prevent the waste or escape in the permit area, drilling reservation, lease area or licence area of geothermal energy resources or water; and~~

(b) prevent the escape in the permit area, drilling reservation area, ~~reservation~~, lease area or licence area of any mixture of water or drilling fluid with geothermal energy resources or any other matter; and

(c) prevent damage to geothermal energy resources, petroleum-bearing strata, potential GHG storage formations or potential GHG injection sites ~~resources~~ in an area, whether in the State or not, in respect of which the permit, drilling reservation, lease or licence is not in force; and

(d) keep separate —

(i) each geothermal resources area, petroleum pool, potential GHG storage formation or potential GHG injection site discovered in the permit area, drilling reservation area, lease area or licence area; and

~~(i) each geothermal resources area discovered in the permit area, drilling reservation, lease area or licence area; and~~

(ii) such of the sources of water, if any, discovered in that area as the Minister, by instrument in writing served on that person, directs;

and

(e) except for the purposes of the recovery of geothermal energy under this Act in a proper and workmanlike manner, prevent water or any other matter entering any geothermal resources area, petroleum pool, potential GHG storage formation or potential GHG injection site through wells in the permit area, drilling reservation area, lease area or licence area.

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~~(e) except for the purposes of the recovery of geothermal energy under this Act and when required by, and in accordance with, good oil field practice — prevent water or any other matter entering any geothermal resources area through wells in the permit area, drilling reservation, lease area or licence area.~~

(3) A GHG permittee, holder of a GHG drilling reservation, GHG lessee or GHG licensee must —

(a) control the flow and prevent the waste or escape in the permit area, drilling reservation area, lease area or licence area of greenhouse gas substances, petroleum, geothermal energy resources or water; and

(b) prevent the escape in the permit area, drilling reservation area, lease area or licence area of any mixture of water or drilling fluid with greenhouse gas substances or any other matter; and

(c) prevent damage to potential GHG storage formations, potential GHG injection sites, petroleum-bearing strata or geothermal energy resources in an area, whether in the State or not, in respect of which the permit, drilling reservation, lease or licence is not in force; and

(d) keep separate —

(i) each potential GHG storage formation, potential GHG injection site, petroleum pool or geothermal resources area discovered in the permit area, drilling reservation area, lease area or licence area; and

(ii) any of the sources of water, if any, discovered in that area that the Minister, by instrument in writing served on that person, directs;

and

(e) except for the purposes of carrying on a GHG operation under this Act in a proper and workmanlike manner, prevent water or any other matter entering any potential GHG storage formation, potential GHG injection site, petroleum pool or geothermal resources area through wells in the permit area, drilling reservation area, lease area or licence area.

(3A) A person who is the holder of a special prospecting authority or an access authority must carry out all petroleum exploration

operations, geothermal exploration operations or GHG exploration operations, as the case requires, in the area in respect of which the special prospecting authority or access authority is in force —

(a) in a proper and workmanlike manner; and

(b) in the case of petroleum exploration operations, in accordance with good oil-field practice.

~~(3) A person who is the holder of a special prospecting authority or an access authority shall carry out all petroleum exploration operations or geothermal energy resources exploration operations, as the case requires, in the area in respect of which the special prospecting authority or access authority is in force in a proper and workmanlike manner and in accordance with good oil-field practice.~~

- (4) It is a defence if a person charged with failing to comply with a provision of this section, or a defendant in an action arising out of a failure by the defendant to comply with a provision of this section, proves that he took all reasonable steps to comply with that provision.

Penalty for an offence under subsection (1A), (2), (2a), (3) or (3A):~~(1), (2), (2a) or (3):~~ a fine of \$10 000.

[Section 91 amended: No. 12 of 1990 s. 72; No. 78 of 1990 s. 7; No. 28 of 1994 s. 40; No. 13 of 2005 s. 7; No. 35 of 2007 s. 63; No. 42 of 2010 s. 62(8).]

91A. Conditions relating to insurance

- (1) The registered holder of a permit, drilling reservation, lease or licence must maintain, as directed by the Minister from time to time, insurance against expenses or liabilities or specified things arising in connection with, or as a result of, the carrying out of work, or the doing of any other thing, under the permit, drilling reservation, lease or licence, including expenses of complying with directions with respect to the clean-up or other remedying of the effects of the escape of petroleum, geothermal energy resources or greenhouse gas substances, ~~petroleum or geothermal energy resources,~~ as the case requires.
- (2) The conditions subject to which a special prospecting authority or access authority is granted may include a condition that the registered holder maintain, as directed by the Minister from time to time, insurance against expenses or liabilities or specified

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things arising in connection with, or as a result of, the carrying out of work, or the doing of any other thing, under the authority, including expenses of complying with directions with respect to the clean-up or other remedying of the effects of the escape of [petroleum, geothermal energy resources or greenhouse gas substances](#), ~~petroleum or geothermal energy resources~~, as the case requires.

- (3) When —
- (a) a permit, drilling reservation, lease or licence was in force immediately before the commencement of section 41 of the *Acts Amendment (Petroleum) Act 1994*; and
 - (b) the Minister has required the registered holder to maintain insurance under subsection (1); and
 - (c) the Minister is satisfied that the required insurance is in effect,

the Minister shall issue a certificate to the effect that he is so satisfied.

- (4) Where the Minister issues a certificate under subsection (3), any security in force in relation to the permit, drilling reservation, lease or licence, being a security that was required under this Act before the commencement of section 41 of the *Acts Amendment (Petroleum) Act 1994*, is discharged.
- (5) The discharge of a security under subsection (4) has no effect on any liability arising under or in relation to the security before its discharge.

[Section 91A inserted: No. 28 of 1994 s. 41; amended: No. 35 of 2007 s. 64.]

91B. Conditions prohibiting entry on certain land

- (1) In this section —
holder means the holder of the permit, drilling reservation, lease or licence.
- (2) The conditions subject to which a permit, drilling reservation, lease or licence is granted may include a condition prohibiting the holder from entering specified land within the permit area, drilling [reservation area](#), ~~reservation~~, lease area or licence area.

- (3) The Minister may, at any time, by instrument in writing served on the holder, vary or revoke a condition referred to in subsection (2).

[Section 91B inserted: No. 17 of 1999 s. 27.]

92. Maintenance etc. of property

- (1) In this section —

operations area —

- (a) in relation to an operator who is a permittee, holder of a drilling reservation, lessee or licensee — means the permit area, drilling ~~reservation area, reservation,~~ lease area or licence area, as the case may be; and
- (b) in relation to an operator who is the holder of a special prospecting authority or access authority — means the area in respect of which that authority is in force;

operator means a permittee, holder of a drilling reservation, lessee, licensee or holder of a special prospecting authority or access authority.

- (2) An operator shall maintain in good condition and repair all structures, equipment and other property in the operations area and used in connection with the operations in which he is engaged.
- (3) An operator shall remove from the operations area all structures, equipment and other property that are not either used or to be used in connection with the operations in which he is engaged.
- (4) Subsections (2) and (3) do not apply in relation to any structure, equipment or other property that was not brought into the operations area by or with the authority of the operator.

Penalty for an offence under subsection (2) or (3): a fine of \$10 000.

[Section 92 amended: No. 12 of 1990 s. 74; No. 78 of 1990 s. 7; No. 28 of 1994 s. 42; No. 42 of 2010 s. 62(9).]

93. Operation of s. 91, 91A and 92 subject to this Act and other laws

Sections 91, 91A and 92 have effect subject to —

- (a) any other provision of this Act; and
- (b) the regulations; and

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- (c) a direction under section 95; and
- (d) any other law.

[Section 93 amended: No. 28 of 1994 s. 43.]

[94. Deleted: No. 42 of 2010 s. 46.]

95. Directions by Minister

- (1) The Minister may, by instrument in writing served on the registered holder of a permit, drilling reservation, lease, licence, special prospecting authority or access authority, give to the registered holder a direction as to any matter with respect to which regulations may be made.

(2) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to —

(a) a specified class of persons, being a class constituted by or included in 1 or both of the following classes of persons —

(i) servants or agents of, or persons acting on behalf of, the registered holder;

(ii) persons performing work or services, whether directly or indirectly, for the registered holder;

or

(b) any person (not being a person to whom the direction applies in accordance with paragraph (a)) who is in the State for a reason touching, concerning, arising out of or connected with —

(i) exploration for, or the exploitation of, petroleum or geothermal energy resources in the State; or

(ii) GHG operations in the State.

(2AA) A direction expressed in accordance with subsection (2) is taken to apply to each person included in the specified class or to each person who is in the State as mentioned in subsection (2)(b), as the case may be.

~~(2) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to —~~

~~(a) a specified class of persons, being a class constituted by or included in one or both of the following classes of persons—~~

~~(i) servants or agents of, or persons acting on behalf of, the registered holder;~~

~~(ii) persons performing work or services, whether directly or indirectly, for the registered holder;~~

~~or~~

~~(b) any person (not being a person to whom the direction applies otherwise than in accordance with this paragraph) who is in the State for any reason touching, concerning, arising out of or connected with exploration for, or the exploitation of, petroleum or geothermal energy resources in the State or is in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the State for a reason of that kind,~~

~~and, where a direction so expressed is given, the direction shall be deemed to apply to each person included in that specified class or to each person who is in the State as mentioned in paragraph (b), as the case may be.~~

(2a) Where a direction under this section applies to a registered holder and to a person referred to in subsection (2)(a), the registered holder shall cause a copy of the instrument by which the direction was given to be given to that other person or to be exhibited at a prominent position at a place in the State frequented by that other person.

Penalty: a fine of \$5 000.

(2b) Where a direction under this section applies to a registered holder and to a person referred to in subsection (2)(b), the registered holder shall cause a copy of the instrument by which the direction was given to be exhibited at a prominent position at a place in the State.

Penalty: a fine of \$5 000.

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- (2c) Where a direction under this section applies to a registered holder and to a person referred to in subsection (2)(b), the Minister may, by notice in writing given to the registered holder, require the registered holder to cause to be displayed at such places in the State, and in such manner, as are specified in the notice, copies of the instrument by which the direction was given, and the registered holder shall comply with that requirement.

Penalty: a fine of \$5 000.

- (3) A direction under this section has effect and shall be complied with notwithstanding any previous direction under this section.
- (4) A direction under this section has effect and shall be complied with notwithstanding anything in the regulations.
- (5) Section 153(2a) and (2b) applies in relation to directions made under this section in like manner as that section applies to the regulations.
- (6) A person who fails to comply with a direction in force under subsection (1) that applies to the person is guilty of an offence punishable, upon conviction, by a fine not exceeding \$10 000.
- (7) Where —
- (a) a direction given under this section applies to a registered holder and another person and that other person is prosecuted for an offence against subsection (6) in relation to the direction; and
 - (b) the person adduces evidence that the person did not know, and could not reasonably be expected to have known, of the existence of the direction,

the person shall not be convicted of the offence unless the prosecutor proves that the person knew, or could reasonably be expected to have known, of the existence of the direction.

[Section 95 inserted: No. 12 of 1990 s. 76; amended: No. 78 of 1990 s. 7; No. 35 of 2007 s. 65; No. 42 of 2010 s. 62(15).]

96. Compliance with directions

- (1) Where a person does not comply with a direction given or applicable to the person under this Part or under the regulations, the Minister may do all or any of the things required by the direction to be done.

(2) Costs and expenses incurred by the Minister under subsection (1) in relation to a direction are a debt due by the person to whom the direction was given or was applicable to the Crown and are recoverable in a court of competent jurisdiction.

(2a) Where —

- (a) a direction given under section 95 applies to a permittee, lessee or licensee or the holder of a special prospecting authority or access authority and another person and an action under subsection (2) relating to the direction is brought against that other person; and
- (b) the person adduces evidence that the person did not know, and could not reasonably be expected to have known, of the existence of the direction,

the person is not liable under subsection (2) unless the plaintiff proves that the person knew, or could reasonably be expected to have known, of the existence of the direction.

(3) It is a defence if a person charged with failing to comply with a direction given or applicable to the person under this Part or under the regulations or a defendant in an action under subsection (2) proves that he took all reasonable steps to comply with the direction.

[Section 96 amended: No. 12 of 1990 s. 77.]

97. Variation and suspension of, and exemption from compliance with, conditions

(1) Where —

- (a) a permit, drilling reservation, lease or licence is, under this Part, to be deemed to continue in force until the Minister grants, or refuses to grant, the renewal of the permit, drilling reservation, lease or licence; or
- (b) a licence is varied under section 55; or
- (c) a licensee enters into an agreement under section 69, or a direction is given to a licensee under that section; or
- (d) a permit, drilling reservation, lease or licence is partly cancelled, partly determined or surrendered as to one or more but not all of the blocks in respect of which it is in force; or

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- (e) a permittee, holder of a drilling reservation, lessee or licensee consents to the making of a determination under section 135; or
- (f) an access authority is granted in respect of a block the subject of a permit, drilling reservation, lease or licence, or an access authority as in force in respect of such a block is varied; or
- (g) a permittee, holder of a drilling reservation, lessee, licensee or the holder of a special prospecting authority or access authority applies, by instrument in writing served on the Minister —
 - (i) for a variation or suspension of; or
 - (ii) for exemption from compliance with, any of the conditions to which the permit, drilling reservation, lease, licence, special prospecting authority or access authority is subject; or
- (h) the Minister under this Part or the regulations gives a direction or consent to a permittee, holder of a drilling reservation, lessee, licensee or the holder of a special prospecting authority or access authority,

the Minister may, at any time, by instrument in writing served on the permittee, holder of the drilling reservation, lessee, licensee or the holder of the special prospecting authority or access authority —

- (i) vary or suspend; or
 - (j) exempt the permittee, holder of the drilling reservation, lessee, licensee or the holder of the special prospecting authority or access authority from compliance with, any of the conditions to which the permit, drilling reservation, lease, licence, special prospecting authority or access authority is subject, upon such conditions, if any, as the Minister determines and specifies in the instrument.
- (2) Subsection (1) does not authorise the making of an instrument to the extent that it would affect —
- (a) a condition of a permit, drilling reservation, lease or licence included in the permit, drilling reservation, lease or licence in compliance with Division 7; or
 - (b) the term of a permit, drilling reservation, lease or licence.

- (3) Where, in pursuance of subsection (1), the Minister suspends, or exempts the permittee, the holder of a drilling reservation or a lessee from compliance with, any of the conditions to which a permit, drilling reservation or lease is subject, the Minister may, if he considers the circumstances make it reasonable to do so, in the instrument of suspension or exemption or by a later instrument in writing served on the permittee, the holder of a drilling reservation or lessee, extend the term of the permit, drilling reservation or lease by a period not exceeding the period of the suspension or exemption.

[Section 97 amended: No. 12 of 1990 s. 78; No. 78 of 1990 s. 7; No. 28 of 1994 s. 44.]

97A. Variation of petroleum title by including area as result of change to boundary of offshore area

- (1) In this section —

Commonwealth title means —

- (a) a Commonwealth permit; or
- (b) a Commonwealth lease; or
- (c) a Commonwealth licence;

fixed-term WA petroleum production licence means a petroleum production licence granted for a fixed period of years;

petroleum title means a petroleum exploration permit, petroleum retention lease or fixed-term WA petroleum production licence;

section 27 block means —

- (a) a block constituted as provided by section 27; or
- (b) if a graticular section is wholly within the area that was covered by the Commonwealth title concerned — the graticular section; or
- (c) if a part only of a graticular section is within the area that was covered by the Commonwealth title concerned — that part of the graticular section.

Note for this definition:

See also subsection (14).

- (2) This section applies if —

- (a) a Commonwealth title has been granted on the basis that an area (the **relevant area**) is within the offshore area; and

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- (b) as a result of a change to the boundary of the offshore area, the relevant area —
- (i) ceases to be within the offshore area; and
 - (ii) falls within the inshore area;
- and
- (c) either —
- (i) the conditions set out in subsection (3) are satisfied; or
 - (ii) the conditions set out in subsection (4) are satisfied;
- and
- (d) immediately before the relevant time mentioned in whichever of subsection (3) or (4) is applicable —
- (i) the Commonwealth title was held by the registered holder of a petroleum title that corresponds to the Commonwealth title; and
 - (ii) at least one section 27 block covered by the petroleum title immediately adjoined at least one other section 27 block that was covered by the Commonwealth title and that is in the relevant area;
- and
- (e) before the relevant time mentioned in whichever of subsection (3) or (4) is applicable —
- (i) the registered holder of the Commonwealth title; and
 - (ii) the registered holder of the petroleum title, gave the Minister a written notice electing to accept the variation under this section of the petroleum title.

Note for this subsection:

For when a petroleum title corresponds to a Commonwealth title, see subsection (13).

- (3) The conditions mentioned in subsection (2)(c)(i) are —
- (a) one or more, but not all, of the section 27 blocks that were covered by the Commonwealth title immediately before the change are in the relevant area; and

-
- (b) the Commonwealth title subsequently ceases to be in force at the same time (the *relevant time*) —
- (i) as to all of the section 27 blocks that were covered by the Commonwealth title immediately before the change and that are in the offshore area; and
 - (ii) otherwise than as the result of the cancellation or surrender of the Commonwealth title.
- (4) The conditions mentioned in subsection (2)(c)(ii) are —
- (a) all of the section 27 blocks that were covered by the Commonwealth title immediately before the change are in the relevant area; and
 - (b) the Commonwealth title subsequently ceases to be in force at the same time (the *relevant time*) —
 - (i) as to all of the section 27 blocks that were covered by the Commonwealth title immediately before the change; and
 - (ii) otherwise than as the result of the cancellation or surrender of the Commonwealth title.
- (5) If the conditions set out in subsection (2)(d) and (e) are met in relation to only one petroleum title, that petroleum title is the *relevant petroleum title* for the purposes of this section.
- (6) If the conditions set out in subsection (2)(d) and (e) would, apart from this subsection, be met in relation to 2 or more petroleum titles that have the same registered holder, the Minister must, by written notice given to the registered holder, declare that one of those petroleum titles is the *relevant petroleum title* for the purposes of this section.
- (7) If the relevant petroleum title is a petroleum exploration permit —
- (a) the Minister must, by written notice given to the permittee, vary the permit to include in the permit area all of the section 27 blocks that —
 - (i) correspond to the section 27 blocks that were covered by the Commonwealth title immediately before the change; and
 - (ii) are in the inshore area;
- and

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- (b) the section 27 blocks included in the permit area because of the variation are, for the remainder of the term of the permit, blocks in relation to which the permit is in force.
- (8) If the relevant petroleum title is a petroleum retention lease —
- (a) the Minister must, by written notice given to the lessee, vary the lease to include in the lease area all of the section 27 blocks that —
 - (i) correspond to the section 27 blocks that were covered by the Commonwealth title immediately before the change; and
 - (ii) are in the inshore area;and
 - (b) the section 27 blocks included in the lease area because of the variation are, for the remainder of the term of the lease, blocks in relation to which the lease is in force.
- (9) If the relevant petroleum title is a petroleum production licence —
- (a) the Minister must, by written notice given to the licensee, vary the licence to include in the licence area all of the section 27 blocks that —
 - (i) correspond to the section 27 blocks that were covered by the Commonwealth title immediately before the change; and
 - (ii) are in the inshore area;and
 - (b) the section 27 blocks included in the licence area because of the variation are, for the remainder of the term of the licence, blocks in relation to which the licence is in force.
- (10) Subsections (7)(b), (8)(b) and (9)(b) have effect subject to this Part.
- (11) A variation mentioned in subsection (7)(a), (8)(a) or (9)(a) takes effect immediately after the relevant time mentioned in whichever of subsection (3) or (4) is applicable.

-
- (12) For the purposes of this section, a section 27 block immediately adjoins another section 27 block if —
- (a) the graticular section that constitutes or includes that section 27 block and the graticular section that constitutes or includes that other section 27 block —
 - (i) have a side in common; or
 - (ii) are joined together at one point only;
 - or
 - (b) that section 27 block and that other section 27 block are in the same graticular section.
- (13) For the purposes of this section —
- (a) a petroleum exploration permit granted otherwise than by way of renewal corresponds to a Commonwealth permit granted otherwise than by way of renewal; and
 - (b) a petroleum retention lease corresponds to a Commonwealth lease; and
 - (c) a fixed-term WA petroleum production licence granted otherwise than by way of renewal corresponds to a Commonwealth licence granted otherwise than by way of renewal; and
 - (d) a petroleum exploration permit granted by way of first renewal corresponds to a Commonwealth permit granted by way of first renewal; and
 - (e) a fixed-term WA petroleum production licence granted by way of first renewal corresponds to a Commonwealth licence granted by way of first renewal; and
 - (f) a petroleum exploration permit granted by way of second renewal corresponds to a Commonwealth permit granted by way of second renewal; and
 - (g) a fixed-term WA petroleum production licence granted by way of second or subsequent renewal corresponds to a fixed-term petroleum production licence, as defined in the Commonwealth Act section 7, granted by way of second or subsequent renewal.
- (14) If, after the change to the boundary of the offshore area —
- (a) a part of a section 27 block that was covered by the Commonwealth title immediately before the change is in the offshore area; and

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- (b) the remaining part of the section 27 block is in the inshore area,

then, for the purposes of this section (other than this subsection), each of those parts is taken to constitute, and to have always constituted, a section 27 block.

[Section 97A inserted: No. 7 of 2017 s. 24.]

98. Surrender of permits etc.

- (1) The registered holder of an instrument, being a permit, drilling reservation, lease or licence, may, at any time, by application in writing served on the Minister, apply for consent to surrender the instrument as to all or some of the blocks in respect of which it is in force.
- (2) Subject to subsection (3), the Minister shall not give his consent to a surrender of an instrument under subsection (1), unless the registered holder —
- (a) has paid all fees and amounts payable by him under this Act, or has made arrangements that are satisfactory to the Minister for the payment of those fees and amounts; and
 - (b) has complied with the conditions to which the instrument is subject and with the provisions of this Part and of the regulations; and
 - (c) has, to the satisfaction of the Minister, removed or caused to be removed from the area to which the surrender relates all property brought into that area by any person engaged or concerned in the operations authorised by the instrument, or has made arrangements that are satisfactory to the Minister with respect to that property; and
 - (d) has, to the satisfaction of the Minister, plugged or closed off all wells made in that area by any person engaged or concerned in the operations authorised by the instrument; and
 - (e) subject to this Part and to the regulations, has made provision, to the satisfaction of the Minister, for the conservation and protection of the natural resources in that area; and
 - (f) has, to the satisfaction of the Minister, made good any damage to the Earth's crust in that area caused by any

person engaged or concerned in the operations
authorised by the instrument,

but, if the registered holder has complied with those
requirements, the Minister shall not unreasonably refuse consent
to the surrender.

- (3) Where the registered holder of an instrument, being a permit,
drilling reservation, lease or licence, has not complied with the
conditions to which the instrument is subject and with the
provisions of this Part and of the regulations, the Minister may
give his consent to a surrender of the instrument under
subsection (1) if he is satisfied that, although the registered
holder has not so complied, special circumstances exist that
justify the giving of consent to the surrender.
- (4) Where the Minister consents to an application under
subsection (1), the applicant may, by instrument in writing
served on the Minister, surrender the instrument accordingly.
- (5) In this section, the *area to which the surrender relates* means,
in relation to a surrender of a permit, drilling reservation, lease
or licence, the area constituted by the blocks as to which the
permit, drilling reservation, lease or licence is proposed to be
surrendered.

*[Section 98 amended: No. 12 of 1990 s. 79; No. 78 of 1990
s. 7.]*

99. Cancellation of permits etc.

- (1) Where a permittee, holder of a drilling reservation, lessee or
licensee —
 - (a) has not complied with a condition to which the permit,
drilling reservation, lease or licence is subject; or
 - (b) has not complied with a direction given to him under
this Part by the Minister; or
 - (c) has not complied with a provision of this Part or of the
regulations; or
 - (d) has not paid any amount payable by him under this Act,
within a period of 3 months after the day on which the
amount became payable,

the Minister may, on that ground, by instrument in writing
served on the permittee, holder of the drilling reservation or
lessee or licensee, as the case may be, cancel the permit, drilling
reservation or licence, as the case requires, as to all or some of

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the blocks in respect of which it is in force, or cancel the lease as to all of the blocks in respect of which it is in force.

- (2) The Minister shall not, under subsection (1), cancel a permit, drilling reservation or licence as to all or some of the blocks in respect of which it is in force, or cancel a lease as to all of the blocks in respect of which it is in force, on a ground referred to in that subsection unless —
- (a) he has, by instrument in writing served on the permittee, holder of the drilling reservation, lessee or licensee, as the case may be, given not less than one month's notice of his intention so to cancel the permit, drilling reservation, lease or licence on that ground; and
 - (b) he has served a copy of the instrument on such other persons, if any, as he thinks fit; and
 - (c) he has, in the instrument, specified a date on or before which the permittee, holder of the drilling reservation, lessee or licensee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Minister, submit any matters that he wishes the Minister to consider; and
 - (d) he has taken into account —
 - (i) any action taken by the permittee, holder of the drilling reservation, lessee or licensee, as the case may be, to remove that ground or to prevent the recurrence of similar grounds; and
 - (ii) any matters so submitted to him on or before the specified date by the permittee, holder of the drilling reservation, lessee or licensee or by a person on whom a copy of the first-mentioned instrument has been served.

[Section 99 amended: No. 12 of 1990 s. 80; No. 78 of 1990 s. 7.]

100. Cancellation of permit etc. not affected by other provisions

- (1) A permit, drilling reservation or licence may be wholly cancelled or partly cancelled, and a lease may be wholly cancelled, on the ground that the registered holder of the permit, drilling reservation, lease or licence has not complied with a provision of this Part or of the regulations notwithstanding that

he has been convicted of an offence by reason of his failure to comply with the provision.

- (2) A person who was the registered holder of a permit, drilling reservation, lease or licence that has been wholly cancelled, or is the registered holder of a permit, drilling reservation, or licence that has been partly cancelled, on the ground that he has not complied with a provision of this Part or of the regulations may be convicted of an offence by reason of his failure to comply with the provision; notwithstanding that the permit, drilling reservation, lease or licence has been so cancelled.
- (3) A permit, drilling reservation or licence may be wholly cancelled or partly cancelled, and a lease may be wholly cancelled, on the ground that the registered holder of the permit, drilling reservation, lease or licence has not paid an amount payable by him under this Act, within a period of 3 months after the day on which the amount became payable; notwithstanding that judgment for the amount has been obtained or that the amount, or any part of the amount, has been paid or recovered.
- (4) A person who was the registered holder of a permit, drilling reservation, lease or licence that has been wholly cancelled or is the registered holder of a permit or licence that has been partly cancelled, on the ground that he has not paid an amount payable by him under this Act, within a period of 3 months after the day on which the amount became payable continues to be liable to pay that amount, together with any additional amount payable by reason of late payment of that amount; notwithstanding that the permit, drilling reservation, lease or licence has been so cancelled.

[Section 100 amended: No. 12 of 1990 s. 81; No. 78 of 1990 s. 7.]

101. Removal of property etc. by permittee etc.

- (1) Where a permit, drilling reservation or licence has been wholly determined, partly determined, wholly cancelled or partly cancelled, or has expired, or a lease has been wholly determined, partly determined or wholly cancelled or has expired, the Minister may, by instrument in writing served on the person who was, or is, as the case may be, the permittee,

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holder of the drilling reservation, lessee or licensee, direct that person to do any one or more of the following things —

- (a) to remove or cause to be removed from the relinquished area all property brought into that area by any person engaged or concerned in the operations authorised by the permit, drilling reservation, lease or licence or to make arrangements that are satisfactory to the Minister with respect to that property; and
 - (b) to plug or close off, to the satisfaction of the Minister, all wells made in that area by any person engaged or concerned in those operations; and
 - (c) subject to this Part and to the regulations, to make provision, to the satisfaction of the Minister, for the conservation and protection of the natural resources in that area; and
 - (d) to make good to the satisfaction of the Minister any damage to the Earth's crust in that area caused by any person engaged or concerned in those operations.
- (2) The Minister may, by instrument in writing served on a permittee, holder of a drilling reservation, lessee or licensee, direct him to do any one or more of the following things —
- (a) to remove or cause to be removed from the permit area, drilling reservation area, ~~reservation~~, lease area or licence area, as the case may be, all property brought into that area or part by any person engaged or concerned in the operations authorised by the permit, drilling reservation, lease or licence or to make arrangements that are satisfactory to the Minister with respect to that property; and
 - (b) to plug or close off, to the satisfaction of the Minister, all wells made in that area or part by any person engaged or concerned in those operations; and
 - (c) subject to this Part and to the regulations, to make provision, to the satisfaction of the Minister, for the conservation and protection of the natural resources in that area or part; and
 - (d) to make good to the satisfaction of the Minister any damage to the Earth's crust in that area or part caused by any person engaged or concerned in those operations.

- (3) A person to whom a direction is given under either subsection (1) or (2) shall comply with the direction —
- (a) in the case of a direction given under subsection (1) — within the period specified in the instrument by which the direction was given; or
 - (b) in the case of a direction given under subsection (2) — on or before the date of expiration of the permit, drilling reservation, lease or licence concerned.

Penalty for an offence under subsection (3): a fine of \$10 000.

[Section 101 amended: No. 12 of 1990 s. 82; No. 78 of 1990 s. 7; No. 42 of 2010 s. 62(10).]

102. Removal of property etc. by Minister

Where a permit, drilling reservation or licence has been wholly determined, partly determined, wholly cancelled or partly cancelled, or has expired, or a lease has been wholly determined, partly determined or wholly cancelled or has expired, and a direction under section 101 has not been complied with, or an arrangement under that section has not been carried out, in relation to the relinquished area —

- (a) the Minister may do all or any of the things required by the direction or arrangement to be done; and
- (b) if any property brought into that area by any person engaged or concerned in the operations authorised by the permit, drilling reservation, lease or licence has not been removed in accordance with the direction or arrangement, the Minister may, by instrument published in the *Gazette*, direct that the owner or owners of that property shall remove it from that area, or dispose of it to the satisfaction of the Minister, within the period specified in the instrument and shall serve a copy of the instrument on each person whom he believes to be an owner of that property or any part of that property.

[Section 102 amended: No. 12 of 1990 s. 83; No. 78 of 1990 s. 7.]

[103, 104. Deleted: No. 42 of 2010 s. 47.]

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105. Special prospecting authorities

- (1) A person may make an application to the Minister for the grant of a special prospecting authority in respect of a block or blocks in respect of which a permit, lease or licence is not in force.
- (1a) A person making an application under subsection (1) may also request authority to apply for the grant of a permit in accordance with section 31 or a drilling reservation in accordance with section 43B in respect of that block or those blocks.
- (2) An application under this section —
- [(a) deleted]*
 - (b) shall be made in an approved manner; and
 - (c) shall specify the operations that the applicant proposes to carry on and the block or blocks in respect of which the applicant proposes to carry on those operations; and
 - (d) shall be accompanied by the prescribed fee.
- (3) The Minister —
- (a) may —
 - (i) grant to the applicant a special prospecting authority subject to such conditions as the Minister thinks fit and specifies in the authority; and
 - (ii) if the Minister considers it appropriate to do so and so specifies in the special prospecting authority, authorise the applicant to apply for the grant of a permit or drilling reservation as requested under subsection (1a);
 - or
 - (b) may refuse to grant the application.
- (4) A petroleum special prospecting authority, while it remains in force, authorises the holder, subject to this Act and in accordance with the conditions to which the special prospecting authority is subject, to carry on in the blocks specified in the special prospecting authority the petroleum exploration operations so specified.

(4a) A geothermal special prospecting authority, while it remains in force, authorises the holder, subject to this Act and in accordance with the conditions to which the special prospecting authority is subject, to carry on in the blocks specified in the special prospecting authority the geothermal **energy resources** exploration operations so specified.

(4B) A GHG special prospecting authority, while it remains in force, authorises the holder, subject to this Act and in accordance with the conditions to which the special prospecting authority is subject, to carry on in the blocks specified in the special prospecting authority the GHG exploration operations so specified.

(5) Nothing in a special prospecting authority authorises the holder to make a well.

(6) A special prospecting authority comes into force on the day specified for the purpose in the authority and, unless surrendered or cancelled, remains in force for such period, not exceeding 6 months, as is so specified.

(6a) A special prospecting authority is not capable of being transferred.

(6b) Where —

(a) a person holds a petroleum special prospecting authority in respect of a block; and

(b) another petroleum special prospecting authority is granted to another person in respect of the block,

the Minister shall, by notice in writing served on each of those persons, inform each of them of —

(c) the petroleum exploration operations authorised by the special prospecting authority granted to the other person; and

(d) the conditions to which the special prospecting authority granted to the other person is subject.

(6c) If —

(a) a person holds a geothermal special prospecting authority in respect of a block; and

(b) another geothermal special prospecting authority is granted to another person in respect of the block,

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the Minister shall, by notice in writing served on each of those persons, inform each of them of —

- (c) the geothermal ~~energy resources~~-exploration operations authorised by the special prospecting authority granted to the other person; and
- (d) the conditions to which the special prospecting authority granted to the other person is subject.

(6D) Subsection (6E) applies if —

- (a) a person holds a GHG special prospecting authority in respect of a block; and
- (b) another GHG special prospecting authority is granted to another person in respect of the block.

(6E) The Minister must, by notice in writing served on each of the persons referred to in subsection (6D), inform each of them of —

- (a) the GHG exploration operations authorised by the special prospecting authority granted to the other person; and
- (b) the conditions to which the special prospecting authority granted to the other person is subject.

(7) A special prospecting authority —

- (a) may be surrendered by the holder at any time by instrument in writing served on the Minister; and
- (b) may, if the holder has not complied with a condition to which the authority is subject, be cancelled by the Minister by instrument in writing served on the holder.

(8) Where a special prospecting authority has been surrendered or cancelled, or has expired, the Minister may, by instrument in writing served on the person who was the holder of the special prospecting authority, direct that person to do any one or more of the following things —

- (a) to remove or cause to be removed from the relinquished area all property brought into that area by any person engaged or concerned in the operations authorised by the special prospecting authority or to make arrangements that are satisfactory to the Minister with respect to that property; and

- (b) subject to this Part and to the regulations, to make provision, to the satisfaction of the Minister, for the conservation or protection of the natural resources in that area; and
 - (c) to make good, to the satisfaction of the Minister, any damage to the Earth's crust in that area caused by any person engaged or concerned in those operations.
- (9) A person to whom a direction is given under subsection (8) shall comply with the direction.
Penalty: a fine of \$10 000.
- (10) Section 102 applies to and in relation to a special prospecting authority as if —
- (a) a reference in that section to a permit were a reference to a special prospecting authority; and
 - (b) a reference in that section to a direction or an arrangement under section 101 were a reference to a direction or an arrangement under subsection (8).

[Section 105 amended: No. 12 of 1990 s. 85; No. 28 of 1994 s. 45; No. 13 of 2005 s. 16(2); No. 35 of 2007 s. 66; No. 42 of 2010 s. 48 and 62(15).]

106. Access authorities

(1AA) In this section:

GHG title means an authority, however described, under the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* or a law of the Commonwealth, of another State or of the Northern Territory, to carry on an operation equivalent to a GHG injection operation;

geothermal title means an authority, however described, under a law of the Commonwealth, of another State or of the Northern Territory, to explore for geothermal energy resources or to recover geothermal energy;

petroleum title means an authority, however described, under the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982* or a law of the Commonwealth, of another State or of the Northern Territory, to explore for, or to recover, petroleum.

- (1) A petroleum permittee, holder of a petroleum drilling reservation, petroleum lessee, petroleum licensee or holder of a petroleum special prospecting authority may make an

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application to the Minister for the grant of a petroleum access authority to enable him to carry on, in an area being part of the State that is not part of the permit area, drilling [reservation area](#), ~~reservation~~, lease area or licence area or area of the blocks specified in the special prospecting authority, petroleum exploration operations or operations related to the recovery of petroleum in or from the permit area, drilling [reservation area](#), ~~reservation~~, lease area or licence area or area of the blocks so specified.

- (1a) A holder of a petroleum title outside the State may make an application to the Minister for the grant of a petroleum access authority to enable the holder to carry on, in a part of the State, petroleum exploration operations or operations related to the recovery of petroleum in or from the area to which that petroleum title relates.
- (1b) A person who is a geothermal permittee, holder of a geothermal drilling reservation, geothermal lessee, geothermal licensee or holder of a geothermal special prospecting authority may make an application to the Minister for the grant of a geothermal access authority to enable the person to carry on, in an area being part of the State that is not part of the permit area, drilling [reservation area](#), ~~reservation~~, lease area or licence area or area of the blocks specified in the special prospecting authority, geothermal ~~energy resources~~ exploration operations or operations related to the recovery of geothermal energy in or from the permit area, drilling [reservation area](#), ~~reservation~~, lease area or licence area or area of the blocks so specified.
- (1c) A holder of a geothermal title outside the State may make an application to the Minister for the grant of a geothermal access authority to enable the holder to carry on, in a part of the State, geothermal ~~energy resources~~ exploration operations or operations related to the recovery of geothermal energy in or from the area to which that geothermal title relates.

(1D) A person who is a GHG permittee, holder of a GHG drilling reservation, GHG lessee, GHG licensee or holder of a GHG special prospecting authority may apply to the Minister for the grant of a GHG access authority to enable the person to carry on, in an area being part of the State that is not part of the permit area, drilling reservation area, lease area or licence area or area of the blocks specified in the special prospecting authority,

GHG operations in the permit area, drilling reservation area, lease area or licence area or area of the blocks so specified.

(1E) A holder of a GHG title outside the State may apply to the Minister for the grant of a GHG access authority to enable the holder to carry on, in a part of the State, GHG operations in the area to which that GHG title relates.

(2) An application under this section —

[(a) deleted]

- (b) shall be made in an approved manner; and
- (c) shall specify the operations that the applicant proposes to carry on and the area in which the applicant proposes to carry on those operations; and
- (d) may set out any other matters that the applicant wishes the Minister to consider.

(3) The Minister may —

- (a) if he is satisfied that it is necessary or desirable to do so for the more effective exercise of the rights, or for the proper performance of the duties, of a permittee, holder of a drilling reservation, lessee, licensee or holder of a special prospecting authority, petroleum title, geothermal title or GHG title ~~title or geothermal title~~ who has made an application under this section, grant to him an access authority subject to such conditions as the Minister thinks fit and specifies in the access authority; and
- (b) at any time, by instrument in writing served on the registered holder of an access authority so granted, vary the access authority.

(4) Subject to subsection (4D), the Minister must not do either of the following unless the Minister has first complied with subsection (4C) —

- (a) grant a petroleum access authority on an application under this section in respect of a block that is the subject of a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum production licence or petroleum special prospecting authority of which the registered holder is a person other than the applicant;

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(b) vary a petroleum access authority as in force in respect of a block that is the subject of a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum production licence or petroleum special prospecting authority of which the registered holder is a person other than the registered holder of the access authority.

(4A) Subject to subsection (4D), the Minister must not do either of the following unless the Minister has first complied with subsection (4C) —

(a) grant a geothermal access authority on an application under this section in respect of a block that is the subject of a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease, geothermal production licence or geothermal special prospecting authority of which the registered holder is a person other than the applicant;

(b) vary a geothermal access authority as in force in respect of a block that is the subject of a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease, geothermal production licence or geothermal special prospecting authority of which the registered holder is a person other than the registered holder of the access authority.

(4B) Subject to subsection (4D), the Minister must not do either of the following unless the Minister has first complied with subsection (4C) —

(a) grant a GHG access authority on an application under this section in respect of a block that is the subject of a GHG exploration permit, GHG drilling reservation, GHG retention lease, GHG injection licence or GHG special prospecting authority of which the registered holder is a person other than the applicant;

(b) vary a GHG access authority as in force in respect of a block that is the subject of a GHG exploration permit, GHG drilling reservation, GHG retention lease, GHG injection licence or GHG special prospecting authority of which the registered holder is a person other than the registered holder of the access authority.

(4C) The Minister must not grant or vary, as the case may be, an access authority under subsection (4), (4A) or (4B) unless the Minister has —

(a) by instrument in writing served on the person who is the registered holder of the permit, lease, licence or special prospecting authority, given not less than 1 month's notice of the Minister's intention to grant or vary, as the case may be, the access authority; and

(b) served a copy of the instrument —

(i) on any other persons that the Minister thinks fit; and

(ii) in a case where the Minister intends to vary an access authority, on the registered holder of the access authority;

and

(c) in the instrument —

(i) given particulars of the access authority proposed to be granted, or of the variation proposed to be made, as the case may be; and

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

and

(d) has taken into account any matters so submitted on or before the specified date by a person on whom the first-mentioned instrument, or a copy of that instrument, has been served.

(4D) Subsection (4), (4A) or (4B), as the case requires, does not apply if the holder of the permit, drilling reservation, lease, licence or special prospecting authority has consented in writing to the grant of the access authority.

~~(4) Subject to subsection (5A), the Minister shall not —~~

~~(aa) grant a petroleum access authority on an application under this section in respect of a block that is the subject of a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum~~

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~~production licence or petroleum special prospecting authority of which the registered holder is a person other than the applicant, or vary a petroleum access authority as in force in respect of a block that is the subject of a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum production licence or petroleum special prospecting authority of which the registered holder is a person other than the registered holder of the access authority; or~~

~~(bb) grant a geothermal access authority on an application under this section in respect of a block that is the subject of a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease, geothermal production licence or geothermal special prospecting authority of which the registered holder is a person other than the applicant, or vary a geothermal access authority as in force in respect of a block that is the subject of a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease, geothermal production licence or geothermal special prospecting authority of which the registered holder is a person other than the registered holder of the access authority;~~

~~unless~~

~~(a) he has, by instrument in writing served on that person, given not less than one month's notice of his intention to grant, or vary, as the case may be, the access authority; and~~

~~(b) he has served a copy of the instrument~~

~~(i) on such other persons, if any, as he thinks fit; and~~

~~(ii) in a case where he intends to vary an access authority on the registered holder of the access authority;~~

~~and~~

~~(c) he has, in the instrument~~

~~(i) given particulars of the access authority proposed to be granted, or of the variation proposed to be made, as the case may be; and~~

~~(ii) specified a date on or before which a person on whom the instrument, or a copy of the instrument, is served may, by instrument in~~

~~writing served on the Minister, submit any
matters that he wishes the Minister to consider;~~

~~and~~

~~(d) he has taken into account any matters so submitted to
him on or before the specified date by a person on whom
the first mentioned instrument, or a copy of that
instrument, has been served.~~

~~(5A) Subsection (4) does not apply if the holder of the permit, drilling
reservation, lease, licence or special prospecting authority has
consented in writing to the grant of the access authority.~~

(5) An access authority, while it remains in force, authorises the holder, subject to this Act and in accordance with the conditions to which the access authority is subject, to carry on, in the area specified in the access authority, the operations so specified.

(6) Nothing in an access authority authorises the holder to make a well other than a deviation well into an adjacent permit area, drilling [reservation area](#), ~~reservation~~-lease area or licence area held by him under this Act or, in the case of a petroleum access authority, the *Petroleum and Greenhouse Gas Storage (Submerged Lands) Act 1982*.

(7) An access authority comes into force on the day specified for the purpose in the access authority and, unless surrendered or cancelled, remains in force for such period as is so specified but may be extended by the Minister for a further specified period.

(8) An access authority —

(a) may be surrendered by the holder at any time by instrument in writing served on the Minister; and

(b) may be cancelled by the Minister at any time by instrument in writing served on the holder and on any person in whose permit area, drilling [reservation area](#), ~~reservation~~-lease area or licence area operations may be carried on in pursuance of the access authority.

(9) Where an access authority has been surrendered or cancelled or has expired, the Minister may, by instrument in writing served on the person who was the holder of the access authority, direct that person to do any one or more of the following things —

(a) to remove or cause to be removed from the relinquished area all property brought into that area by any person engaged or concerned in the operations authorised by the

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access authority or to make arrangements that are satisfactory to the Minister with respect to that property; and

- (b) subject to this Part and to the regulations, to make provision, to the satisfaction of the Minister, for the conservation and protection of the natural resources in that area; and
- (c) to make good, to the satisfaction of the Minister, any damage to the Earth's crust in that area caused by any person engaged or concerned in those operations.

(10) A person to whom a direction is given under subsection (9) shall comply with the direction.

Penalty: a fine of \$10 000.

(11) The holder of an access authority shall, if the access authority is in force in respect of an area that consists of, or includes, a block that is the subject of a permit, drilling reservation, lease or licence of which he is not the registered holder, furnish to the registered holder of that permit, drilling reservation, lease or licence, within 28 days after the end of each month during which the access authority is in force in respect of that block, a full report, in writing, of the operations (not being operations related to the recovery of petroleum or geothermal energy by means of a deviation well referred to in subsection (6)) carried on in that block during that month and a summary of the facts ascertained from those operations.

Penalty: a fine of \$5 000.

(12) Section 102 applies to and in relation to an access authority as if —

- (a) a reference in that section to a permit were a reference to an access authority; and
- (b) a reference in that section to a direction or an arrangement under section 101 were a reference to a direction or an arrangement under subsection (9).

~~(13) In this section —~~

~~*geothermal title* means an authority, however described, under a law of the Commonwealth, of another State or of the Northern Territory to explore for geothermal energy resources or to recover geothermal energy;~~

~~*petroleum title* means an authority, however described, under the *Petroleum (Submerged Lands) Act 1982* or a law of the Commonwealth, of another State or of the Northern Territory to explore for, or to recover, petroleum.~~

[Section 106 amended: No. 12 of 1990 s. 86; No. 78 of 1990 s. 7; No. 28 of 1994 s. 46; No. 13 of 2005 s. 16(2); No. 35 of 2007 s. 67; No. 42 of 2010 s. 49 and 62(15).]

107. Removal, disposal or sale of property

- (1) Where a direction under section 102 has not been complied with in relation to any property, the Minister may do all or any of the following things —
 - (a) remove, in such manner as he thinks fit, all or any of that property from the relinquished area concerned; and
 - (b) dispose of, in such manner as he thinks fit, all or any of that property; and
 - (c) if he has served a copy of the instrument by which the direction was given on a person whom he believed to be an owner of that property or part of that property, sell, by public auction or otherwise, as he thinks fit, all or any part of that property that belongs, or that he believes to belong, to that person.
- (2) The Minister may deduct from the proceeds of a sale under subsection (1) of property that belongs, or that he believes to belong, to a particular person —
 - (a) all or any part of any costs and expenses incurred by him under that subsection in relation to that property; and
 - (b) all or any part of any costs and expenses incurred by him in relation to the doing of any thing required by a direction under section 101, 105 or 106, as the case may be, to be done by that person; and
 - (c) all or any part of any fees or amounts due and payable under this Act by that person.
- (3) Costs and expenses incurred by the Minister under subsection (1) —
 - (a) if incurred in relation to the removal, disposal or sale of property, are a debt due by the owner of the property to the Crown; or

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- (b) if incurred in relation to the doing of anything required by a direction under section 101, 105 or 106, as the case may be, to be done by a person who is or was a permittee, holder of a drilling reservation, lessee, licensee or holder of a special prospecting authority or access authority, are a debt due by that person to the Crown,

and, to the extent to which they are not recovered under subsection (2), are recoverable in a court of competent jurisdiction.

- (4) Subject to subsection (3), no action lies in respect of the removal, disposal or sale of property under this section.

[Section 107 amended: No. 12 of 1990 s. 87; No. 78 of 1990 s. 7.]

[108. Deleted: No. 28 of 1994 s. 47.]

109. Minister etc. may require information to be furnished etc.

- (1) Where the Minister or an inspector has reason to believe that a person is capable of giving information or producing documents relating to petroleum exploration operations or operations for the recovery of petroleum in the State, or to geothermal ~~energy resources~~ exploration operations or operations for the recovery of geothermal energy in the State, or to GHG operations in the State, he may, by instrument in writing served on that person, require that person—
- (a) to furnish to him, in writing, within the period and in the manner specified in the instrument, any such information; or
- (b) to attend before him or a person specified in the instrument, at such time and place as is so specified and there to answer questions relating to those operations and to produce such documents relating to those operations as are so specified.
- (2) A person is not excused from furnishing information, answering a question or producing a document when required to do so under this section on the ground that the information so furnished, the answer to the question or the production of the document might tend to incriminate him or make him liable to a penalty.

- (3) However, any information furnished, answer given or document produced pursuant to the requirement, and any information or thing (including any document) obtained as a direct or indirect consequence of the furnishing of the information, the answering of the question or the production of the document, as the case may be, is not admissible in any civil proceedings or in any criminal proceedings other than proceedings for an offence against section 111.

[Section 109 amended: No. 35 of 2007 s. 68; No. 42 of 2010 s. 50.]

110. Power to examine on oath

- (1) The Minister or an inspector may administer an oath to a person required to attend before him in pursuance of section 109 and may examine that person on oath.
- (2) Where a person attending before the Minister or an inspector in pursuance of section 109 conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath and that he will state the truth, the whole truth and nothing but the truth to all questions asked him.
- (3) An affirmation made under subsection (2) is of the same force and effect, and entails the same penalties, as an oath.

111. Failing to furnish information etc.

A person shall not —

- (a) refuse or fail to comply with a requirement in an instrument under section 109 to the extent to which he is capable of complying with it; or
- (b) in purported compliance with such a requirement, knowingly furnish information that is false or misleading in a material particular; or
- (c) when attending before the Minister or an inspector in pursuance of such a requirement knowingly make a statement or produce a document that is false or misleading in a material particular.

Penalty: a fine of \$10 000.

[Section 111 amended: No. 12 of 1990 s. 89; No. 42 of 2010 s. 62(15).]

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[112. Deleted: No. 42 of 2010 s. 51.]

112A. Exclusion zones

- (1) For the purpose of protecting a well or structure, or any equipment, in an area of water in the State, the Minister may, by instrument in writing published in the *Gazette*, prohibit —
 - (a) all vessels; or
 - (b) all vessels other than specified vessels; or
 - (c) all vessels other than the vessels included in specified classes of vessels,

from entering or remaining in a specified area (in this section called an *exclusion zone*) surrounding the well, structure or equipment without the consent in writing of the Minister.

- (2) An exclusion zone specified in an instrument under subsection (1) may extend to a distance of 500 m around the well, structure or equipment specified in the instrument measured from each point of the outer edge of the well, structure or equipment.
- (3) The owner and the person in command or in charge of a vessel shall ensure that the vessel does not enter or remain in an exclusion zone specified in an instrument under subsection (1) in contravention of the instrument.

Penalty for an offence under subsection (3): a fine of \$100 000 or imprisonment for 10 years.

[Section 112A inserted: No. 28 of 1994 s. 49; amended: No. 42 of 2010 s. 62(11); No. 36 of 2020 s. 302.]

113. Discovery of water to be notified

- (1) Where water is discovered in a permit area, a drilling ~~reservation area, reservation,~~ a lease area or a licence area, the permittee, holder of the drilling reservation, lessee or licensee, as the case may be, shall, within a period of one month after the date of the discovery, furnish to the Minister, in writing, particulars of the discovery.

Penalty: a fine of \$10 000.

- (2) In subsection (1) —

water does not include water that constitutes geothermal energy resources.

[Section 113 amended: No. 12 of 1990 s. 91; No. 78 of 1990 s. 7; No. 28 of 1994 s. 50; No. 35 of 2007 s. 70; No. 42 of 2010 s. 62(15).]

[114. Deleted: No. 42 of 2010 s. 52.]

115. Records etc. to be kept

- (1) The Minister may, by instrument in writing served on a person carrying on operations in the State under a permit, drilling reservation, lease, licence, special prospecting authority, access authority or instrument of consent under section 116, direct that person to do any one or more of the following things —

- (a) to keep such accounts, records and other documents in connection with those operations as are specified in the instrument;
- (b) to collect and retain such cores, cuttings and samples in connection with those operations as are so specified;
- (c) to furnish to the Minister, or to such person as is so specified, in the manner so specified, such reports, returns, other documents, cores, cuttings and samples in connection with those operations as are so specified.

- (2) A person to whom a direction is given under subsection (1) shall comply with the direction.

Penalty for an offence under subsection (2): a fine of \$10 000.

[Section 115 amended: No. 12 of 1990 s. 93; No. 78 of 1990 s. 7; No. 28 of 1994 s. 52; No. 42 of 2010 s. 62(12).]

116A. Data management: regulations

- (1) The regulations may make provision for and in relation to —
- (a) the keeping of accounts, records and other documents in connection with operations under —
 - (i) a permit; or
 - (ii) a drilling reservation; or
 - (iii) a lease; or
 - (iv) a licence; or

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- (v) a special prospecting authority; or
 - (vi) an access authority; or
 - (vii) a consent under section 116;
- and
- (b) the collection and retention of cores, cuttings and samples in connection with those operations; and
 - (c) the giving to the Minister, or a specified person, of reports, returns, other documents, cores, cuttings and samples in connection with those operations.
- (2) A requirement under section 115 is in addition to a requirement under regulations made for the purposes of this section.

[Section 116A inserted: No. 42 of 2010 s. 53.]

116. Scientific investigations

- (1) The Minister may, by instrument in writing, consent to the carrying on in the State by any person of petroleum exploration [operations, geothermal exploration operations or GHG operations or geothermal energy resources](#) exploration operations in the course of a scientific investigation.
- (2) An instrument of consent under subsection (1) may be made subject to such conditions, if any, as are specified in the instrument.
- (3) An instrument of consent in force under subsection (1) authorises the person specified in the instrument, subject to section 117 and in accordance with the conditions, if any, to which the instrument is subject, to carry on in the State petroleum exploration [operations, geothermal exploration operations or GHG operations or geothermal energy resources](#) exploration operations so specified in the course of the scientific investigation so specified.

[Section 116 amended: No. 35 of 2007 s. 71.]

117. Interference with other rights etc.

A person carrying on operations in the State under a permit, drilling reservation, lease, licence, special prospecting authority, access authority or instrument of consent under section 116

shall carry on those operations in a manner that does not interfere with —

- (a) the surface of any land or any improvements thereon; or
- (b) the conservation of the resources of the soil or the Earth's crust; or

(c) any of the following operations of another person that are being lawfully carried on —

(i) operations relating to the exploration for, recovery of or conveyance of a mineral, whether petroleum or not, or geothermal energy resources or geothermal energy;

(ii) GHG operations;

(iii) operations relating to the construction or operation of a pipeline;

or

~~(c) any operations of another person being lawfully carried on by way of exploration for, recovery of or conveyance of a mineral, whether petroleum or not, or geothermal energy resources or geothermal energy, or by way of construction or operation of a pipeline; or~~

- (d) navigation; or
- (e) fishing; or
- (f) the conservation of the resources of the sea and the seabed,

to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of that first-mentioned person.

Penalty: a fine of \$10 000.

[Section 117 amended: No. 12 of 1990 s. 94; No. 78 of 1990 s. 7; No. 35 of 2007 s. 72; No. 42 of 2010 s. 54 and 62(15).]

117A. Interfering with petroleum operation, geothermal energy operation or GHG operation~~Interfering with petroleum operation or geothermal energy operation~~

A person must not intentionally or recklessly —

- (a) cause damage to, or interfere with, a well or any structure or vessel in the State that is, or is to be, used in

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a petroleum [operation, geothermal energy operation or GHG operation](#) ~~operation or geothermal energy~~ operation; or

- (b) interfere with any petroleum [operation, geothermal energy operation or GHG operation](#) ~~operation or geothermal energy~~ operation.

Penalty: imprisonment for 10 years.

[Section 117A inserted: No. 13 of 2005 s. 8; amended: No. 35 of 2007 s. 86.]

118. Inspectors

- (1) The Minister may, by instrument in writing, appoint a person to be an inspector for such or all of the purposes of this Act as are specified in the instrument of appointment.
- (2) The Minister may furnish to an inspector a certificate stating that the person is an inspector for the purposes specified in the certificate.
- (3) Where the appointment of a person under this section expires or is revoked, that person shall forthwith surrender the certificate furnished to him under this section to the Minister or, if the Minister, by instrument in writing served on that person, specifies another person to whom the certificate is to be surrendered, to that other person.

Penalty for an offence under subsection (3): a fine of \$500.

[Section 118 amended: No. 12 of 1990 s. 95; No. 13 of 2005 s. 9; No. 42 of 2010 s. 62(13).]

119. Powers of inspectors

- (1) For the purposes of this Act, an inspector, at all reasonable times and on production of the certificate furnished to him under section 118 —
- (a) shall have access to any part of the State and to any structure, vehicle, aircraft or building in the State that, in his opinion, has been, is being or is to be used in connection with petroleum exploration operations or operations for the recovery of [petroleum, geothermal](#) ~~petroleum or geothermal energy resources~~ exploration operations or operations for the recovery of geothermal [energy, or GHG operations; and](#) ~~energy; and~~

- (b) may inspect and test any equipment that, in his opinion, has been, is being or is to be used in that area in connection with any of those operations; and
 - (c) may enter any structure, vehicle, aircraft, building or place in the State, in which, in his opinion, there are any documents relating to any of those operations and may inspect, take extracts from and make copies of any of those documents.
- (2) A person who is the occupier or person in charge of any building, structure or place, or is the person in charge of any vehicle, aircraft or equipment referred to in subsection (1) shall provide an inspector with all reasonable facilities and assistance for the effective exercise of his powers under this section.
 - (3) A person shall not, without reasonable excuse, obstruct or hinder an inspector in the exercise of his powers under this section.

Penalty for an offence under subsection (2) or (3): a fine of \$5 000.

[Section 119 amended: No. 12 of 1990 s. 96; No. 13 of 2005 s. 10; No. 35 of 2007 s. 73; No. 42 of 2010 s. 62(14); No. 36 of 2020 s. 303.]

119A. Protection from liability for wrongdoing

- (1) An action in tort does not lie against a person for anything that the person has done, in good faith, in the performance or purported performance of a function under this Act.
- (2) The protection given by subsection (1) applies even though the thing done as described in that subsection may have been capable of being done whether or not this Act had been enacted.
- (3) Despite subsection (1), the State is not relieved of any liability that it might have for another person having done anything as described in that subsection.
- (4) In this section a reference to the doing of anything includes a reference to the omission to do anything.

[Section 119A inserted: No. 13 of 2005 s. 11.]

[120. Deleted: No. 35 of 2007 s. 12(2).]

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121. Continuing offences

- (1) Where an offence is committed by a person by reason of his failure to comply, within the period specified in a direction given to him under this Act, with the requirements specified in the direction, the offence, for purposes of subsection (3), shall be deemed to continue so long as any requirement specified in the direction remains undone, notwithstanding that the period has elapsed.
- (2) Where an offence is committed by a person by reason of his failure to comply with a requirement made by this Act, the offence, for the purposes of subsection (3), shall be deemed to continue so long as that failure continues, notwithstanding that any period within which the requirement was to be complied with has elapsed.
- (3) Where, under either subsection (1) or (2), an offence is to be deemed to continue, the person who committed the offence commits an additional offence against this Act on each day during which the offence is to be deemed to continue and is liable, upon conviction for such an additional offence, to a fine not exceeding \$10 000.

[Section 121 amended: No. 12 of 1990 s. 98; No. 13 of 2005 s. 16(1).]

122. Crimes and other offences

- (1) If the penalty provided for an offence under this Act is or includes imprisonment, the offence is a crime.
- (2) The summary conviction penalty for an offence referred to in subsection (1) is imprisonment for 2 years or a fine of \$10 000 or both.
- (3) Unless the contrary intention appears, an offence under this Act, other than a crime, is punishable summarily.

[Section 122 inserted: No. 4 of 2004 s. 58.]

123. Orders for forfeiture etc. in respect of certain offences

- (1) Where a person is convicted by the Supreme Court of an offence against section [29\(1\), \(2\) or \(3\)](#), [49\(1\) or \(2\) or 49A](#), ~~29 or 49~~, the court may, in addition to imposing a fine, make one or more of the following orders —

- (a) an order for the forfeiture of a specified vessel, aircraft or vehicle used in the commission of the offence; and
 - (b) an order for the forfeiture of specified equipment used in the commission of the offence; and
 - (c) an order —
 - (i) for the forfeiture of specified petroleum recovered in the course of the commission of the offence; or
 - (ii) for the payment by that person to the Crown of an amount equal to the proceeds of the sale of specified petroleum or geothermal energy so recovered; or
 - (iii) for the payment by that person to the Crown of an amount equal to the value at the well-head, assessed by the court, of the quantity, so assessed, of petroleum or geothermal energy so recovered or for the payment of such part of that amount as the court, having regard to all the circumstances, thinks fit.
- (2) Where, in respect of petroleum, the court is satisfied that an order made under subparagraph (i) of paragraph (c) of subsection (1) cannot, for any reason, be enforced, the court may, upon the application of the person by whom the proceedings were brought, set aside the order and make either of the orders referred to in subparagraphs (ii) and (iii) of that paragraph.
- (3) The court may, before making an order under this section, require notice to be given to, and hear, such persons as the court thinks fit.

[Section 123 amended: No. 28 of 1994 s. 53; No. 35 of 2007 s. 74.]

124. Power of Attorney General to direct disposal of goods

Goods in respect of which an order is made under section 123 shall be dealt with as the Attorney General directs and, pending his direction, may be detained in such custody as the court directs.

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125. Time for bringing proceedings for offences

Notwithstanding the provisions of any other Act, proceedings in respect of an offence against this Act may be brought at any time.

[Section 125 amended: No. 13 of 2005 s. 12.]

126. Judicial notice

- (1) All courts shall take judicial notice of the signature of a person who is, or has been, the Minister or a delegate of the Minister and of the fact that that person is, or has been, the Minister or a delegate of the Minister.
- (2) In this section, *court* includes all persons authorised by the law of the State or by consent of parties to receive evidence.

126A. Evidentiary matters

- (1) In a proceeding for an offence against this Act an averment in the charge of the offence that at a particular time —
 - (a) a particular operation was a petroleum [operation, geothermal energy operation or GHG operation](#) or ~~geothermal energy~~ operation; or
 - (b) a particular person was the operator of a petroleum [operation, geothermal energy operation or GHG operation](#) or ~~geothermal energy~~ operation; or
 - (c) a particular person was in control of a particular part of a petroleum [operation, geothermal energy operation or GHG operation](#) or ~~geothermal energy~~ operation; or
 - (d) a particular person was an employer who carried on a petroleum [operation, geothermal energy operation or GHG operation](#) or ~~geothermal energy~~ operation; or
 - (e) a particular person was an employer of a particular person or particular persons engaged in a petroleum [operation, geothermal energy operation or GHG operation](#) or ~~geothermal energy~~ operation; or
 - (f) a particular person was an employee or inspector,is to be taken to have been proved in the absence of evidence to the contrary.

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- (c) by leaving the document at the last known place of abode of that person with some person apparently an inmate of that place and apparently not less than 16 years of age; or
 - (d) by leaving the document at the last known place of business of that person or, if he is carrying on business at 2 or more places, at one of those places with some person apparently in the service of that person and apparently not less than 16 years of age.
- (2) A document required or permitted by this Act to be served on the Minister shall be served —
- (a) by prepaying and posting the document as a letter addressed to the Minister at a place of business of the Minister; or
 - (b) by leaving it at a place of business of the Minister with some person apparently employed in connection with the business of the Minister and apparently not less than 16 years of age.
- (3) A document required by this Act to be served on a person, being a corporation, shall be served —
- (a) by prepaying and posting the document as a letter addressed to the corporation at its last known place of business or, if it is carrying on business at 2 or more places, at one of those places; or
 - (b) by leaving it at that place, or at one of those places, with some person apparently in the service of the corporation and apparently not less than 16 years of age.
- (4) Where a document required by this Act to be served is posted as a letter in accordance with this section, service shall, unless the contrary is proved, be deemed to have been effected at the time at which the letter would have been delivered in the ordinary course of post.

[Section 127 amended: No. 12 of 1990 s. 100.]

127A. Service of documents on 2 or more permittees etc.

- (1) Where there are 2 or more registered holders of a title or special prospecting authority, those registered holders shall, by notice in writing signed by each of them and served on the Minister, nominate one of the registered holders as being the person on

whom documents relating to the title or special prospecting authority that are required or permitted by this Act to be served may be served.

(2) Subject to subsections (3) and (4), where —

- (a) a document relating to a title or special prospecting authority is required or permitted by this Act to be served on the registered holder; and
- (b) there are 2 or more registered holders of the title or special prospecting authority; and
- (c) the document is served on a person in respect of whom a nomination under subsection (1) is in force in relation to the title or special prospecting authority,

the document shall be deemed to have been served on each of those registered holders.

(3) Where —

- (a) a person has been nominated under subsection (1) in relation to a title or special prospecting authority; and
- (b) one of the registered holders of the title or special prospecting authority, by notice in writing served on the Minister, revokes that nomination,

that nomination ceases to be in force and the registered holders of the title or special prospecting authority shall forthwith make a fresh nomination under subsection (1) in relation to the title or special prospecting authority.

(4) Where —

- (a) a person has been nominated under subsection (1) in relation to a title or special prospecting authority; and
- (b) the person so nominated ceases to be one of the registered holders of the title or special prospecting authority,

that nomination ceases to be in force and, if 2 or more registered holders of the title or special prospecting authority remain, those holders shall forthwith make a fresh nomination under subsection (1) in relation to the title or special prospecting authority.

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- (5) In this section, *title* means a permit, [drilling reservation](#), lease, licence or access authority.

[Section 127A inserted: No. 12 of 1990 s. 101.]

Division 6 — Transitional provisions

128. Terms used

In this Division, unless the contrary intention appears —

Barrow Island lease means the petroleum lease dated 27 February 1967 granted under the former provisions and registered as Number 1H and named “Barrow Island” pursuant to those provisions;

commencing day means the day on which this Division commences;

former provisions means the provisions of the *Petroleum Act 1936*¹;

lessee means the lessee for the time being under the Barrow Island lease;

operations to which this Division applies means any works or operations authorised or required to be done within the State under or pursuant to a prescribed instrument or under the former provisions;

prescribed instrument means a permit to explore or licence to prospect issued under the former provisions, authorising the holder thereof to prospect for, or explore for, petroleum in an area which is within the State;

variation agreement means the agreement a copy of which is set forth in the Schedule to the *Barrow Island Royalty Variation Agreement Act 1985*.

[Section 128 amended: No. 113 of 1985 s. 6; No. 90 of 1987 s. 5; No. 42 of 2010 s. 55.]

129. This Division prevails over other provisions

Except in so far as a provision contained in this Division is inconsistent with another provision contained in this Part, this Part applies —

- (a) to and in relation to an application for a permit made under this Division as if it were an application made under section 30; and

- (b) to and in relation to an application for a licence made under this Division as if it were an application made under section 50,

and to and in relation to a permit or licence granted on such an application.

130. Cessation of operation of former provisions

- (1) Subject to this Division, on the commencing day the former provisions shall cease to apply to or in relation to the carrying on within the State of any operations to which this Division applies.
- (2) Section 16 of the *Interpretation Act 1918*², has effect, subject to this Division, for the purposes of subsection (1) as if the former provisions were repealed on the commencing day, so far as those provisions relate to the carrying on of operations to which this Division applies.

131. Prohibition on granting of instruments under former provisions after commencing day

The Minister or the Governor shall not, on or after the commencing day, grant to a person who makes application therefor, whether the application is received before, on or after that day, a permit to explore, licence to prospect or petroleum lease under the former provisions in respect of an area within the State; or renew any such permit, licence or lease, other than the Barrow Island lease, in accordance with those provisions.

132. Rights of holders of existing prescribed instruments

- (1) A prescribed instrument that is in force immediately prior to the commencing day continues, subject to subsection (2), to have the same force and effect on and after that day as it had immediately prior to that day, and, subject to that subsection, the former provisions remain in full force and effect and apply to and in relation to such an instrument and to and in relation to anything done or authorised or required to be done by, under, or in connection with such an instrument.
- (2) Notwithstanding subsection (1), the holder of a prescribed instrument that is continued in force by that subsection is not entitled to be granted a petroleum lease under or pursuant to the former provisions but if that holder would have been entitled to apply for and to be granted a petroleum lease if this Act had not

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commenced, he may nominate a block under section 46 and may make an application or applications to the Minister for the grant of a licence and, for those purposes, this Act applies to and in relation to that person, as if he were the holder of a permit under this Act in respect of the area comprised in the prescribed instrument and had become entitled under the provisions of this Act to apply for and to be granted a licence under this Act.

133. Holders of existing instruments may be granted permits under this Part

- (1) A person who —
- (a) is the holder of a prescribed instrument on the commencing day; or
 - (b) was the holder of such an instrument that expired at any time within one month before that day,

may make one or more applications for the grant of a permit.

- (2) An application under subsection (1) may be made only in respect of a single area that is constituted by —
- (a) the whole or any part of the area (in this subsection referred to as the *former area*) to which the prescribed instrument relates or related; or
 - (b) the whole or any part of the former area and, in addition, so much of the area of any block, being a block that is constituted as provided by section 27 and is partly included in the former area, as is not included in the former area,

but excluding any area in which a person other than the applicant is entitled by reason of an instrument granted or issued under this Act or under the former provisions to prospect for or explore for petroleum as defined by this Act, or by the former provisions, as the case may be, or to carry on operations for the recovery of petroleum as so defined.

- (3) The application —
- (a) shall be made within 6 months after the commencing day, or within 3 months after the date of the expiration of the prescribed instrument, whichever is the earlier; and

- (b) shall be accompanied by a fee of \$300.
- (4) The Minister may grant to a person by whom an application under this section is made an exploration permit for petroleum in respect of a single area constituted by the whole or any part of the area in respect of which the application is made.
- (5) Where a permit is not granted on an application under this section, the applicant is not entitled to the refund of the fee, or any part of the fee, accompanying the application.
- (6) A permit shall not be granted under this section if the applicant does not, where so required by the Minister, lodge with the Minister a security for compliance with the conditions to which the permit shall be from time to time subject and with the provisions of this Part and of the regulations.
- (7) Upon the grant of a permit on an application made under this section, the prescribed instrument held by the applicant shall be deemed to have been surrendered by the holder of the prescribed instrument.

[Section 133 amended: No. 69 of 1981 s. 34.]

134. Transitional provisions relating to Barrow Island lease

Notwithstanding the repeal effected by section 3, the former provisions shall, by force of this section, be deemed to subsist and enure in their application to or in relation to the Barrow Island lease and to any renewal thereof.

134A. Application of former provisions after coming into operation of variation agreement

For the purposes of their application under section 134 to or in relation to the Barrow Island lease as varied and affected by the variation agreement and to any renewal thereof the former provisions shall, after the coming into operation of clause 6 of the variation agreement, be deemed to be modified —

- (a) in section 4, by substituting for the definitions of *Minister* and *petroleum* definitions as follows —

Minister means the Minister of the Crown for the time being charged with the administration of the *Petroleum and Geothermal Energy Resources Act 1967*;

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petroleum has the same meaning as it has in and for the purposes of the *Petroleum and Geothermal Energy Resources Act 1967*;

; and

- (b) by substituting for sections 71 to 75 sections as follows —

71. Interpretation

- (1) In this section and in sections 72, 74 and 75 **Barrow Island lease** means the petroleum lease dated 27 February 1967 granted under this Act and registered as Number 1H and named “Barrow Island” pursuant to this Act and includes that lease as renewed, substituted or varied.
- (2) In sections 72 to 75 and 117 **royalty provisions** means the provisions of the Barrow Island lease relating to the imposition, calculation, assessment, collection and recovery of royalty.

72. Statements, information and records

The lessee of the Barrow Island lease shall furnish statements, supply information and keep books and records in accordance with the royalty provisions.

73. Powers of officers

An authorised officer appointed under the royalty provisions may exercise the powers conferred on an authorised officer under those provisions.

74. Royalty a debt due to the State

The amount of royalty due under the Barrow Island lease shall, until paid or recovered under the royalty provisions, be a debt due from the lessee of the lease to the State.

75. Offences

- (1) Where the lessee of the Barrow Island lease is required under the royalty provisions to furnish a statement or

supply information the lessee shall not wilfully make a false statement or supply false information.

Penalty: a fine of \$5 000.

- (2) A person shall not impede or obstruct any authorised officer appointed under the royalty provisions in the exercise of his powers under those provisions.

Penalty: a fine of \$5 000.

; and

- (c) by adding after section 116 a section as follows —

117. Application of regulations to Barrow Island lease

- (1) Where the royalty provisions are inconsistent with a regulation made under section 116 the royalty provisions shall prevail to the extent of the inconsistency.
- (2) Regulations under the *Petroleum and Geothermal Energy Resources Act 1967* section 153(2)(1a) to (1c) may apply in relation to operations referred to in paragraphs (d) and (f) of the definition of **petroleum operation** in section 5(1) of that Act.

; and

- (d) without affecting the character and incidents of the Barrow Island lease as a petroleum lease under the *Petroleum Act 1936*¹ but notwithstanding anything in that Act the following provisions apply —

- (i) before the expiration of the lease the lessee for the time being of the lease may make application for the renewal of the lease;
- (ii) with respect to the term of any renewal of the lease section 63(b) and (c) applies;
- (iii) section 64(1) and (2)(d) applies with respect to the application fee to be paid;
- (iv) section 65 applies with respect to the renewal;
- (v) section 91A applies to and in relation to the insurance to be maintained by the lessee;
- (vi) section 138 applies as to the fee payable,

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as though the lease were a licence and the form of any renewal of the Barrow Island lease granted in respect of an application made under this provision shall be in the form of Lease Form No. 1 of the regulations made under the former provisions with such variations and additions as the circumstances require for the purposes of complying with section 5(3) of the *Barrow Island Royalty Variation Agreement Act 1985* and this provision.

[Section 134A inserted: No. 113 of 1985 s. 7; amended: No. 90 of 1987 s. 6; No. 28 of 1994 s. 54; No. 42 of 2010 s. 56 and 62(15).]

[134B. Deleted: No. 28 of 1994 s. 55.]

135. Certain portions of blocks to be blocks

- (1) Where the area in respect of which a permit, drilling reservation, lease, licence or prescribed instrument is in force includes one or more portions of a block constituted as provided by section 27, then, for the purposes of this Part —
 - (a) the area of that portion or those portions constitutes a block; and
 - (b) the area of the remaining portion or portions of the first-mentioned block (but not including any part of that area in respect of which a permit, drilling reservation, lease, licence or prescribed instrument is in force) constitutes a block.
- (2) Where a permit, drilling reservation, lease, licence or prescribed instrument ceases to be in force in respect of an area that constitutes a block as provided by subsection (1)(a), the Minister may, by instrument in writing, if he considers it desirable to do so, determine that that block shall be amalgamated with another block or blocks, being a block or blocks —
 - (a) constituted as provided by this section; and
 - (b) forming part of the graticular section of which that first-mentioned block forms part; and
 - (c) in respect of which a permit, drilling reservation, lease or licence is in force.

- (3) Where such a determination is made, then, for the purposes of this Part —
- (a) the blocks the subject of the determination cease to constitute blocks and the areas of those blocks together constitute a block;
 - (b) the block constituted by reason of the determination is, subject to this Part, for the remainder of the term of the permit, drilling reservation, lease or licence concerned a block in respect of which the permit, drilling reservation, lease or licence is in force.
- (4) The Minister shall not make a determination under subsection (2) except with the consent of the permittee, holder of the drilling reservation, lessee or licensee concerned.

[Section 135 amended: No. 12 of 1990 s. 102; No. 78 of 1990 s. 7.]

136. Certain petroleum exploration or recovery activities not prohibited by s. 29(1) or 49(1) ~~Certain petroleum exploration or recovery activities not prohibited by s. 29 or 49~~

It is not an offence against —

- (a) section ~~29(1)~~29 for the holder of a prescribed instrument to explore for petroleum in the State in accordance with the instrument and with the former provisions;
- (b) section ~~49(1)~~49 for the lessee to carry on operations for the recovery of petroleum in the State before the coming into operation of clause 6 of the variation agreement in accordance with the Barrow Island lease and with the former provisions;
- (c) section ~~49(1)~~49 for the lessee to carry on operations for the recovery of petroleum in the State after the coming into operation of clause 6 of the variation agreement in accordance with the Barrow Island lease as varied and affected by the variation agreement and with the former provisions as modified by section 134A.

[Section 136 amended: No. 113 of 1985 s. 8.]

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137. Permit and drilling reservation fees

There is payable to the Minister by a permittee or holder of a drilling reservation, in respect of each year of the term of the permit or drilling reservation, as the case requires —

- (a) the prescribed fee; or
- (b) a fee calculated at the prescribed rate for each of the blocks to which the permit or the drilling reservation relates, at the commencement of that year,

whichever is the greater.

[Section 137 amended: No. 69 of 1981 s. 34; No. 12 of 1990 s. 103; No. 78 of 1990 s. 7.]

137A. Lease fees

There is payable to the Minister by a lessee, in respect of each year of the term of the lease, a fee calculated at the prescribed rate for each of the blocks to which the lease relates at the commencement of that year.

[Section 137A inserted: No. 12 of 1990 s. 104.]

138. Licence fees

- (1) There is payable to the Minister by a licensee, in respect of each year of the term of the licence, a fee calculated at the prescribed rate for each of the blocks to which the licence relates at the commencement of that year.
- (2) The Minister may, on application made by a licensee, for reasons the Minister thinks sufficient, by notice in writing reduce or waive the fee payable under subsection (1).
- (3) A reduction or waiver of a fee under subsection (2) may apply for an indefinite period of time or for a limited period specified in the notice and may apply subject to such conditions as the Minister specifies in the notice.

[Section 138 amended: No. 69 of 1981 s. 34; No. 12 of 1990 s. 105; No. 28 of 1994 s. 56.]

139. Time of payment of fees

A fee referred to in section 137, 137A or 138 is payable within one month after —

- (a) in the case of the first year of the term of a permit, drilling reservation, lease or licence, the day on which that term commenced; and
- (b) in the case of a year of the term of a permit, drilling reservation, lease or licence other than the first, the anniversary of that day.

[Section 139 amended: No. 12 of 1990 s. 106; No. 28 of 1994 s. 57.]

140. Penalty for late payment of fees

Where the liability of a permittee, holder of a drilling reservation, lessee or licensee to pay a fee referred to in section 137, 137A or 138 is not discharged at or before the time when the fee is payable, there is payable to the Minister by the permittee, holder of the drilling reservation, lessee or licensee an additional amount calculated at the rate of one third of one per centum per day upon the amount of the fee from time to time remaining unpaid, to be computed from the time when the fee became payable until it is paid.

[Section 140 amended: No. 12 of 1990 s. 107; No. 28 of 1994 s. 58.]

141. Fees and penalties debts due to Crown

A fee under section 137, 137A or 138, or an amount payable under section 140, is a debt due by the permittee, holder of a drilling reservation, lessee or licensee, as the case may be, to the Crown and is recoverable in a court of competent jurisdiction.

[Section 141 amended: No. 12 of 1990 s. 108; No. 78 of 1990 s. 7.]

142. Royalty

- (1) The conditions subject to which a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease or petroleum production licence is granted must include a condition that the permittee, holder of the drilling reservation, lessee or licensee must, subject to this section, pay to the Minister a royalty at the prescribed rate in respect of all

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petroleum recovered by the permittee, holder of the drilling reservation, lessee or licensee in the petroleum permit area, petroleum drilling reservation area, petroleum lease area or petroleum licence area.

(1A) The conditions subject to which a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease or geothermal production licence is granted must include a condition that the permittee, holder of the drilling reservation, lessee or licensee must, subject to this section, pay to the Minister a royalty at the prescribed rate in respect of all geothermal energy recovered by the permittee, holder of the drilling reservation, lessee or licensee in the geothermal permit area, geothermal drilling reservation area, geothermal lease area or geothermal licence area.

~~(1) The conditions subject to which a permit, drilling reservation, lease or licence is granted shall include a condition that the permittee, holder of the drilling reservation, lessee or licensee shall, subject to this section, pay to the Minister a royalty at the prescribed rate in respect of all petroleum or all geothermal energy, as the case requires, recovered by the permittee, holder of the drilling reservation, lessee or licensee in the permit area, drilling reservation, lease area or licence area.~~

(2) The prescribed rate in respect of petroleum recovered under a petroleum exploration permit, petroleum drilling reservation or petroleum retention lease is 10% of the royalty value of the petroleum.

(2a) Subject to section 143, the prescribed rate in respect of geothermal energy recovered under a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease or geothermal production licence is 2.5% of the royalty value of the geothermal energy.

(3) Subject to the succeeding provisions of this section and to the provisions of section 143, the prescribed rate in respect of petroleum recovered under a petroleum production licence is the percentage determined by the Minister in pursuance of subsection (1) of section 52 or, where more than one percentage was so determined, the percentage so determined that is, in accordance with subsection (2) of that section, for the time being applicable in respect of petroleum so recovered.

- (4) Subject to section 143, the prescribed rate in respect of petroleum recovered under a secondary licence is the percentage determined by the Minister in pursuance of section 52(3) in respect of petroleum so recovered.
- (5) Subject to subsection (6) and to section 143, where a secondary licence is granted to the holder of a primary licence, the prescribed rate in respect of petroleum recovered under the primary licence is, as from the commencement of the next royalty period after the day from which the secondary licence has effect, the same percentage as is applicable in respect of petroleum recovered under the secondary licence.
- (6) Notwithstanding the provisions of section 52(3) and subsection (5), where a secondary licence is granted to the holder of a primary licence, the Minister may determine that the prescribed rate or rates in respect of petroleum recovered under the primary licence shall continue, as from the commencement of the next royalty period after the day from which the secondary licence has effect, to be the same rate or rates as was or were determined by the Minister under section 52(1) in respect of the primary licence.
- (7) Where —
- (a) a petroleum production licence is granted on an application under section 57; and
 - (b) the instrument served on the applicant under section 59 contains a statement that the applicant will be required to pay, in respect of petroleum recovered under that licence, royalty at the rate specified in that statement,
- the prescribed rate in respect of petroleum recovered under that licence is the percentage specified in that statement.
- (8) Where a petroleum production licence is granted on an application under subsection (1) of section 61, the prescribed rate in respect of petroleum recovered under that licence is the same percentage as was applicable in respect of petroleum recovered under the original licence as defined by subsection (1) of that section.
- (9) Subject to section 143, the prescribed rate in respect of petroleum recovered under a petroleum production licence granted by way of renewal of a licence is the percentage applicable under the licence before renewal (or, if another percentage is fixed by Parliament in respect of petroleum so

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recovered, that percentage) of the royalty value of the petroleum.

[Section 142 amended: No. 12 of 1990 s. 109; No. 78 of 1990 s. 7; No. 11 of 1994 s. 5; No. 35 of 2007 s. 75.]

143. Reduction of royalty in certain cases

- (1) Where the Minister is satisfied that the rate of recovery of petroleum from a well has become so reduced that, having regard to the rate of royalty fixed by section 142, further recovery of petroleum from that well would be uneconomic, the Minister may, by instrument in writing, determine that the royalty in respect of petroleum recovered from that well shall be at such rate (being a rate lower than that fixed by that section) as the Minister specifies in respect of such period as the Minister specifies.
- (1a) If, because the rate of recovery of geothermal energy from a well has become so reduced or for any other reason, the Minister is satisfied that, having regard to the rate of royalty fixed by section 142(2a), further recovery of geothermal energy from that well would be uneconomic, the Minister may, by instrument in writing, determine that the royalty in respect of geothermal energy recovered from that well is to be at such rate (being a rate lower than that fixed by that provision) as the Minister specifies in respect of such period as the Minister specifies.
- (2) The prescribed rate in respect of petroleum or geothermal energy recovered, during the period specified in a determination under subsection (1) or (1a), as the case requires, from the well to which such a determination relates, is the rate so specified.

[Section 143 amended: No. 35 of 2007 s. 76.]

144. Royalty not payable in certain cases

- (1) Royalty under this Act —
 - (a) is not payable in respect of petroleum or geothermal energy that the Minister is satisfied was unavoidably lost before the quantity of that petroleum or geothermal energy was ascertained; and
 - (b) is not payable in respect of petroleum that is used by the permittee, lessee, holder of the drilling reservation, or licensee as approved by the Minister for the purposes of

- petroleum exploration operations or operations for the recovery of petroleum; and
- (ba) is not payable in respect of geothermal energy that is used by the permittee, lessee, holder of the drilling reservation, or licensee as approved by the Minister for the purposes of geothermal ~~energy resources~~ exploration operations or operations for the recovery of geothermal energy; and
- (c) is not payable in respect of —
- (i) petroleum that, with the approval of the Minister, is flared or vented in connection with operations for the recovery of petroleum; or
 - (ii) geothermal energy that, with the approval of the Minister, is dissipated in connection with operations for the recovery of geothermal energy.
- (2) Where petroleum that has been recovered by a permittee, holder of a drilling reservation, lessee or licensee is, with the approval of the Minister, returned to a natural reservoir, royalty under this Act is not payable in respect of that petroleum by reason of the recovery but this subsection does not affect the liability of that or any other permittee, holder of a drilling reservation, lessee or licensee to pay royalty in respect of petroleum that is recovered from that natural reservoir.
- (3) Where petroleum that has been recovered by a permittee, holder of a drilling reservation, lessee or licensee is, pursuant to an agreement entered into under section 67(2)(a), injected into a natural underground reservoir for the purpose of storage and subsequent recovery, royalty under this Act is not payable in respect of that petroleum by reason of the initial recovery except as provided under that agreement.
- (4) Subject to any agreement entered into under section 67(2)(a), nothing in subsection (3) affects the liability of any permittee, holder of a drilling reservation, lessee or licensee to pay royalty in respect of petroleum that is recovered from the natural reservoir in which it is stored.
- (5) This section does not apply to —
- (a) a GHG permittee; or
 - (b) a holder of a GHG drilling reservation; or

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(c) a GHG lessee; or

(d) a GHG licensee.

[Section 144 amended: No. 12 of 1990 s. 110; No. 78 of 1990 s. 7; No. 28 of 1994 s. 59; No. 35 of 2007 s. 77.]

144A. Royalty value

- (1) For the purposes of this Act (but subject to subsection (2)) the royalty value of any petroleum or geothermal energy is its value at the well-head as agreed or determined under section 145.
- (2) If the value at the well-head of petroleum or geothermal energy as agreed or determined under section 145 is calculated in a way that provides for a reduction, discount, deduction or allowance to be made for federal duty that has been paid, is payable or may become payable, the royalty value of that petroleum or geothermal energy is the sum of —
 - (a) its value at the well-head as so calculated; and
 - (b) the amount of that reduction, discount, deduction or allowance.
- (3) In subsection (2) ***federal duty*** means excise duty, or any other tax, duty, fee, levy or charge (except a tax, duty, fee, levy or charge of a kind excluded from this definition by the regulations) imposed by or under a law of the Commonwealth.

[Section 144A inserted: No. 11 of 1994 s. 6; amended: No. 35 of 2007 s. 78.]

145. Ascertainment of value of petroleum or geothermal energy

For the purposes of this Act the value at the well-head of any petroleum or geothermal energy is such amount as is agreed between the [petroleum permittee, holder of the petroleum drilling reservation, petroleum lessee, petroleum licensee, geothermal permittee, holder of the geothermal drilling reservation, geothermal lessee or geothermal ~~permittee, holder of the drilling reservation, lessee or~~ licensee](#) and the Minister, or in default of agreement within such period as the Minister allows is such amount as is determined by the Minister as being that value.

[Section 145 amended: No. 12 of 1990 s. 111; No. 78 of 1990 s. 7; No. 35 of 2007 s. 79.]

146. Ascertainment of well-head

For the purposes of this Act, the well-head, in relation to any petroleum or geothermal energy, is such valve station as is agreed between the [petroleum permittee, holder of the petroleum drilling reservation, petroleum lessee, petroleum licensee, geothermal permittee, holder of the geothermal drilling reservation, geothermal lessee or geothermal](#) ~~permittee, holder of the drilling reservation, lessee or licensee~~ and the Minister, or, in default of agreement within such period as the Minister allows, is such valve station as is determined by the Minister as being that well-head.

[Section 146 amended: No. 12 of 1990 s. 112; No. 78 of 1990 s. 7; No. 35 of 2007 s. 80.]

147. Ascertainment of quantity of petroleum or geothermal energy recovered

For the purposes of this Act, the quantity of petroleum or geothermal energy recovered by a [petroleum permittee, holder of a petroleum drilling reservation, petroleum lessee, petroleum licensee, geothermal permittee, holder of a geothermal drilling reservation, geothermal lessee or geothermal licensee](#) ~~permittee, holder of a drilling reservation, lessee or licensee~~ during a period shall be taken to be —

- (a) the quantity measured during that period by a measuring device approved by the Minister and installed at the well-head or at such other place as the Minister approves; or
- (b) where no such measuring device is so installed, or the Minister is not satisfied that the quantity of petroleum or geothermal energy recovered by the permittee, holder of the drilling reservation, lessee or licensee has been properly or accurately measured by such a measuring device, the quantity determined by the Minister as being the quantity recovered by the permittee, holder of the drilling reservation, lessee or licensee during that period.

[Section 147 amended: No. 12 of 1990 s. 113; No. 78 of 1990 s. 7; No. 35 of 2007 s. 81.]

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148. Payment of royalty and penalty for late payment

- (1) Royalty under this Act in respect of petroleum or geothermal energy recovered during a royalty period is payable not later than the last day of the next succeeding royalty period.
- (2) Where the amount of royalty under this Act is not paid as provided by subsection (1), there is payable to the Minister by the [petroleum permittee, the holder of the petroleum drilling reservation, the petroleum lessee, the petroleum licensee, the geothermal permittee, the holder of the geothermal drilling reservation, the geothermal lessee or the geothermal permittee,](#) ~~the holder of the drilling reservation, the lessee or the licensee~~ an additional amount calculated at the rate of one third of one per centum per day upon the amount of royalty from time to time remaining unpaid, to be computed from the time when the royalty became payable until it is paid.
- (3) An additional amount is not payable under subsection (2) in respect of any period before the expiration of 7 days after the value of the petroleum was agreed or determined under section 145.

[Section 148 amended: No. 12 of 1990 s. 114; No. 78 of 1990 s. 7; No. 28 of 1994 s. 60; No. 35 of 2007 s. 82.]

149. Royalty or late payment amount is debt due to Crown

Royalty payable under section 142 or an amount payable under section 148(2) is a debt due by the [petroleum permittee, holder of the petroleum drilling reservation, petroleum lessee, petroleum licensee, geothermal permittee, holder of the geothermal drilling reservation, geothermal lessee or geothermal licensee](#) ~~permittee, holder of the drilling reservation, lessee or licensee~~ to the Crown and is recoverable in a court of competent jurisdiction.

[Section 149 amended: No. 12 of 1990 s. 115; No. 78 of 1990 s. 7.]

[Part IIIA (s. 149A-149C) deleted: No. 36 of 2020 s. 305.]

Part IVA — Release of information

[Heading inserted: No. 42 of 2010 s. 57.]

Division 1 — Preliminary

[Heading inserted: No. 42 of 2010 s. 57.]

150A. Terms used

In this Part, unless the contrary intention appears —

applicable document means —

- (a) an application made after the commencement to the Minister under this Act; or
- (b) a document accompanying an application so made; or
- (c) a report, return or other document relating to a block given after the commencement to the Minister under —
 - (i) this Act; or
 - (ii) regulations made for the purposes of section 116A;

commencement means the commencement of the *Petroleum and Energy Legislation Amendment Act 2010* section 57;

documentary information means information contained in an applicable document;

mining sample means —

- (a) a core or cutting from, or a sample of, the seabed or subsoil; or
- (b) a sample of petroleum recovered; or
- (c) a sample of fluid recovered (other than fluid petroleum),

that has been given at any time, whether before or after the commencement, to the Minister, and includes a portion of such a core, cutting or sample;

Minister of another jurisdiction means a Minister of the Commonwealth, a Minister of another State or a Minister of the Northern Territory.

[Section 150A inserted: No. 42 of 2010 s. 57.]

Division 2 — Protection of confidentiality of information and samples

[Heading inserted: No. 42 of 2010 s. 57.]

Subdivision 1 — Information and samples obtained by the Minister

[Heading inserted: No. 42 of 2010 s. 57.]

150B. Protection of confidentiality of information obtained by Minister

- (1) This section restricts what the Minister may do with documentary information.
- (2) The Minister shall not —
 - (a) make the information publicly known; or
 - (b) make the information available to a person (other than another Minister or a Minister of another jurisdiction),unless the Minister does so —
 - (c) in accordance with regulations made for the purposes of this paragraph; or
 - (d) for the purposes of the administration of this Act.

[Section 150B inserted: No. 42 of 2010 s. 57.]

150C. Protection of confidentiality of samples obtained by Minister

- (1) This section restricts what the Minister may do with a mining sample.
- (2) The Minister shall not —
 - (a) make publicly known any details of the sample; or
 - (b) permit a person (other than another Minister or a Minister of another jurisdiction) to inspect the sample,unless the Minister does so —
 - (c) in accordance with regulations made for the purposes of this paragraph; or
 - (d) for the purposes of the administration of this Act.

[Section 150C inserted: No. 42 of 2010 s. 57.]

150D. Information or samples obtained by Minister can be made available to certain persons

The Minister may make documentary information or a mining sample available to another Minister or a Minister of another jurisdiction.

[Section 150D inserted: No. 42 of 2010 s. 57.]

Subdivision 2 — Information and samples obtained by another Minister

[Heading inserted: No. 42 of 2010 s. 57.]

150E. Protection of confidentiality of information obtained by another Minister

- (1) This section restricts what a Minister may do with documentary information made available to that Minister under section 150D or 150G.
- (2) The Minister shall not —
 - (a) make the information publicly known; or
 - (b) make the information available to a person (other than another Minister or a Minister of another jurisdiction),unless the Minister does so —
 - (c) in accordance with regulations made for the purposes of this paragraph; or
 - (d) for the purposes of the administration of this Act.

[Section 150E inserted: No. 42 of 2010 s. 57.]

150F. Protection of confidentiality of samples obtained by another Minister

- (1) This section restricts what a Minister may do with a mining sample made available to that Minister under section 150D or 150G.
- (2) The Minister shall not —
 - (a) make publicly known any details of the sample; or
 - (b) permit a person (other than another Minister or a Minister of another jurisdiction) to inspect the sample,

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unless the Minister does so —

- (c) in accordance with regulations made for the purposes of this paragraph; or
- (d) for the purposes of the administration of this Act.

[Section 150F inserted: No. 42 of 2010 s. 57.]

150G. Information or samples obtained by another Minister can be made available to certain persons

A Minister to whom documentary information or a mining sample is made available under section 150D or this section may make the information or sample available to another Minister or a Minister of another jurisdiction.

[Section 150G inserted: No. 42 of 2010 s. 57.]

Subdivision 3 — Miscellaneous

[Heading inserted: No. 42 of 2010 s. 57.]

150H. Fees

- (1) This section applies to regulations made for the purposes of any of the following —
 - (a) section 150B(2)(c);
 - (b) section 150C(2)(c);
 - (c) section 150E(2)(c);
 - (d) section 150F(2)(c).
- (2) The regulations may make provision for fees relating to —
 - (a) making information available to a person; or
 - (b) permitting a person to inspect a sample.

[Section 150H inserted: No. 42 of 2010 s. 57.]

Part IV — Miscellaneous

150. Jurisdiction of Magistrates Court

- (1) In any action brought before the Magistrates Court under section 14, 17, 18, 19, 21 or 22, the court has jurisdiction irrespective of the amount claimed.
- (2) The procedure of the Magistrates Court in relation to proceedings brought before it under Part II shall be as prescribed by the rules of court, or in the absence of those rules, as the court determines.

[Section 150 amended: No. 59 of 2004 s. 141.]

151. Special case may be reserved for Supreme Court

At any stage of any civil proceedings before it the Magistrates Court may reserve any question of law for the opinion of the Supreme Court, and, with respect to every question so reserved, the following provisions shall apply—

- (a) the Magistrates Court shall prepare a special case, setting forth the question so reserved, and shall transmit such case to a master of the Supreme Court;
- (b) the master shall set a special case down for argument before a judge of the Supreme Court, and the judge's opinion on the special case shall, when given, be drawn up and transmitted by the master to the Magistrates Court;
- (c) the costs of the proceedings shall be in the discretion of the judge;
- (d) upon receipt of such opinion the Magistrates Court shall act in accordance therewith, and in the meantime no judgment or order of the Magistrates Court shall affect the question so reserved;
- (e) when reserving any such question, or at any time before acting on the judge's opinion thereon, the Magistrates Court, on the application of any party to the proceedings, and on such terms as it thinks fit, may make such order for an injunction or a receiver or for payment of money into court, or for giving security for

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damages and costs or otherwise, and on such terms, as it may think fit.

[Section 151 amended: No. 12 of 1990 s. 116; No. 59 of 2004 s. 141.]

152. Certain things are not personal property for purposes of Personal Property Securities Act 2009 (Commonwealth)

In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of *licence* paragraph (d), the following rights, entitlements or authorities are declared not to be personal property for the purposes of that Act —

- (a) a petroleum exploration permit or geothermal exploration permit granted under section 32(4), 37 or 37A(3);
- (b) a GHG exploration permit granted under section 32(4);
- (c) a petroleum drilling reservation, geothermal drilling reservation or GHG drilling reservation granted under Part 3;
- (ca) a petroleum retention lease, geothermal retention lease or GHG retention lease granted under section 48B(5) or 48CB(7);
- ~~(a) a petroleum exploration permit or a geothermal exploration permit granted under section 37;~~
- ~~(b) a drilling reservation granted under section 43C(4);~~
- ~~(c) a petroleum retention lease or geothermal retention lease granted under section 48B(5);~~
- (d) a petroleum production licence or geothermal production licence granted under section 54(2), 60 or 61(4);~~section 61(4).~~
- (e) a GHG injection licence granted under section 54(2).

[Section 152 inserted: No. 42 of 2011 s. 87.]

[152A, 152B. Deleted: No. 28 of 1994 s. 61.]

153. Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, but without limiting the generality of subsection (1), the regulations may make provision for securing, regulating, controlling or restricting all or any of the following matters —

(a) the exploration for petroleum or geothermal energy resources and the carrying on of operations, and the execution of works, for that purpose;

(b) the recovery of petroleum or geothermal energy and the carrying on of operations, and the execution of works, for that purpose;

(ba) GHG operations:

(c) conserving, and preventing the waste of, natural resources, whether petroleum or otherwise;

(d) the construction, erection, maintenance, operation or use of installations, equipment or facilities;

(e) the control of the flow and the prevention of the escape of petroleum, greenhouse gas substances ~~petroleum~~ or water;

(f) the control of the flow or discharge, and the prevention of the escape, of petroleum, greenhouse gas substances, water or drilling fluid, or a mixture of water or drilling fluid with petroleum, greenhouse gas substances ~~petroleum~~ or any other matter;

(fa) the clean-up or other remedying of the effects of the escape of petroleum or greenhouse gas substances; ~~petroleum;~~

(g) the prevention of damage to petroleum-bearing strata, geothermal energy resources, potential GHG storage formations or potential GHG injection sites ~~strata or geothermal energy resources~~ in an area, whether in the State or not, in respect of which a permit, drilling reservation, lease or licence is not in force;

(h) the keeping separate of —

(i) each petroleum pool discovered in a permit area, drilling reservation area, ~~reservation,~~ lease area or licence area; and

(ii) each source of water discovered in a permit area, drilling reservation area, ~~reservation,~~ lease area or licence area;

(i) the prevention of water or other matter from entering a petroleum pool through wells;

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- (j) the maintaining in good condition and repair of all structures, equipment and other property used or intended to be used for or in connection with exploration for, or the exploitation of, petroleum or geothermal energy resources in the State;
 - (ja) the maintaining in good condition and repair of all structures, equipment and other property used or intended to be used for or in connection with GHG operations in the State;
 - (k) the removal from the State of structures, equipment and other property brought into the State for or in connection with exploration for, or the exploitation of, petroleum or geothermal energy resources that are not used or intended to be used in connection with exploration for, or the exploitation of, petroleum or geothermal energy resources in the State;
 - (laa) the removal from the State of structures, equipment and other property brought into the State for or in connection with GHG operations that are not used or intended to be used in connection with GHG operations in the State;
 - (la) the preparation, submission and approval of environment plans;
 - (lb) the prohibition of the doing of an act or thing otherwise than in accordance with an approved environment plan;
 - (lc) the responsibilities of a permittee, holder of a drilling reservation, lessee, licensee or holder of a special prospecting authority or access authority as to authorising, or obtaining authorisation for, the release of documentary information as defined in section 150A;
 - (l) fees in relation to petroleum operations, geothermal energy operations or GHG~~operations or geothermal energy~~ operations, audits or other services provided by the Minister;
 - (m) any transitional matter arising out of the amendments made to this Act by the *Petroleum Legislation Amendment and Repeal Act 2005*.
- (2a) The regulations may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a code of practice or standard contained in an instrument (including an instrument issued or made outside Australia), as in force or existing at the time when the

regulations take effect or as in force or existing from time to time, being a code of practice or standard that is relevant to that matter.

- (2b) Regulations under this section may prohibit the doing of an act or thing either unconditionally or subject to conditions, including conditions requiring the grant, as prescribed by the regulations, of the consent or approval of a person specified in the regulations.
- (2c) Regulations under this section may adopt or apply, with or without modification, any regulation made under the [Petroleum and Greenhouse Gas Pipelines Act 1969](#), the [Petroleum and Greenhouse Gas Storage \(Submerged Lands\) Act 1982](#) ~~[Petroleum Pipelines Act 1969](#), the [Petroleum \(Submerged Lands\) Act 1982](#)~~ or the Commonwealth Act as defined in that Act, that is in force or existing at the time when the regulations under this section take effect or as in force or existing from time to time.
- (3) The regulations may provide, in respect of an offence against the regulations, for the imposition of —
- (a) a fine not exceeding \$10 000; or
 - (b) a fine not exceeding that amount for each day on which the offence occurs.

[Section 153 amended: No. 12 of 1990 s. 118; No. 78 of 1990 s. 7; No. 28 of 1994 s. 62; No. 13 of 2005 s. 15; No. 35 of 2007 s. 83 and 87; No. 42 of 2010 s. 58; No. 36 of 2020 s. 306.]

154. Further transitional provisions

- (1) In this section —

Gazettal day means the day on which transitional regulations are published in the *Gazette*;

transitional matter means a matter of a transitional, savings or application nature;

transitional regulations means regulations under subsection (3).

- (2) Schedule 2 contains provisions relating to transitional matters.
- (3) Regulations may prescribe anything else required, necessary or convenient to be prescribed in relation to a transitional matter in connection with amendments made to this Act by another Act (the **amending Act**).

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- (4) Transitional regulations can only be made before the end of the period of 12 months beginning on the day on which the amending Act commences.
- (5) If transitional regulations provide that a state of affairs is to be taken to have existed, or not to have existed, on and from a day (the *operative day*) that is earlier than Gazettal day, the regulations have effect according to their terms as long as the operative day is not earlier than the day on which the amending Act commences.
- (6) If transitional regulations contain a provision referred to in subsection (5), the provision does not operate so as to —
 - (a) affect in a manner prejudicial to any person (other than the State), the rights of that person existing before Gazettal day; or
 - (b) impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before Gazettal day.

[Section 154 inserted: No. 42 of 2010 s. 59.]

[Schedule 1 (Div. 1-6) deleted: No. 36 of 2020 s. 307.]

Schedule 2 — Further transitional provisions

[s. 154]

[Heading inserted: No. 42 of 2010 s. 61.]

Division 1 — Provisions for *Petroleum and Energy Legislation Amendment Act 2010*

[Heading inserted: No. 42 of 2010 s. 61.]

1. Terms used

In this Division —

amending Act means the *Petroleum and Energy Legislation Amendment Act 2010*;

regulation 3 means the *Petroleum and Geothermal Energy Resources Regulations 1987* regulation 3.

[Clause 1 inserted: No. 42 of 2010 s. 61.]

2. Section 41(5) (permit renewals)

- (1) This clause has effect despite the deletion of section 41(5) by section 17(2) of the amending Act.
- (2) Section 41(5) as in force immediately before the commencement of section 17 of the amending Act continues to apply in respect of the first application after that commencement for the renewal of a permit that was granted before that commencement.

[Clause 2 inserted: No. 42 of 2010 s. 61.]

3. Section 112 (release of information)

- (1) This clause has effect despite the deletion of section 112 by section 51 of the amending Act.
- (2) Section 112 as in force immediately before it was deleted continues to apply in respect of information given to the Minister before the commencement of section 51 of the amending Act.
- (3) Regulation 3 as in force immediately before the deletion of section 112 —
 - (a) continues in force for the purposes of that section as it continues to apply under subclause (1); and
 - (b) also separately continues in force on and after the commencement of section 57 of the amending Act as if it had been made for the purposes of Part IVB.

Petroleum and Geothermal Energy Resources Act 1967

Schedule 2 Further transitional provisions

Division 1 Provisions for Petroleum and Energy Legislation Amendment Act 2010

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- (4) Regulation 3 as continued in force under subclause (3)(a) or (b) may, for the purposes of its application under subclause (3)(a) or (b), be amended or deleted by regulations.

[Clause 3 inserted: No. 42 of 2010 s. 61.]

Consultation Draft

Notes

This is a compilation of the *Petroleum and Geothermal Energy Resources Act 1967* and includes amendments made by other written laws³. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Petroleum Act 1967</i> ⁴	72 of 1967	11 Dec 1967	5 Sep 1969 (see s. 2 and <i>Gazette</i> 5 Sep 1969 p. 2540)
<i>Metric Conversion Act 1972</i> s. 4	94 of 1972 (as amended by No. 19 of 1973 s. 8)	4 Dec 1972	Relevant amendments (see First Sch. ⁵) took effect on 1 Jan 1973 (see s. 4(2) and <i>Gazette</i> 29 Dec 1972 p. 4811)
<i>Acts Amendment (Mining) Act 1981</i> Pt. III ⁶	69 of 1981	30 Oct 1981	30 Oct 1981
Reprint of the <i>Petroleum Act 1967</i> approved 20 Sep 1982 (includes amendments listed above)			
<i>Acts Amendment (Aboriginal Affairs Planning Authority) Act 1982</i> Pt. III	107 of 1982	7 Dec 1982	7 Dec 1982
<i>Barrow Island Royalty Variation Agreement Act 1985</i> Pt. III	113 of 1985	7 Jan 1986	7 Jan 1986 (see s. 2)
<i>Petroleum Amendment Act 1987</i>	90 of 1987	9 Dec 1987	Act other than s. 6: 14 Feb 1983 (see s. 2(1)); s. 6: 9 Dec 1987 (see s. 2(2))
<i>Acts Amendment (Petroleum) Act 1990</i> Pt. II ⁷⁻¹³	12 of 1990	31 Jul 1990	1 Oct 1990 (see s. 2(1) and <i>Gazette</i> 28 Sep 1990 p. 5099)
<i>Petroleum (Drilling Reservations) Amendment Act 1990</i>	78 of 1990	22 Dec 1990	s. 1 and 2: 22 Dec 1990; Act other than s. 1 and 2: 1 Mar 1991 (see s. 2 and <i>Gazette</i> 22 Feb 1991 p. 868)
Reprint of the <i>Petroleum Act 1967</i> as at 17 Dec 1992 (erratum: <i>Gazette</i> 26 Feb 1993 p. 1362) (includes amendments listed above)			
<i>Land (Titles and Traditional Usage) Act 1993</i> s. 45	21 of 1993	2 Dec 1993	2 Dec 1993 (see s. 2)
<i>Petroleum Royalties Legislation Amendment Act 1994</i> Pt. 2	11 of 1994	15 Apr 1994	1 Mar 1994 (see s. 2)
<i>Acts Amendment (Petroleum) Act 1994</i> Pt. 3 ¹⁴⁻¹⁶	28 of 1994	29 Jun 1994	22 Jul 1994 (see s. 2 and <i>Gazette</i> 22 Jul 1994 p. 3728)

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Notes Compilation table

Short title	Number and year	Assent	Commencement
<i>Statutes (Repeals and Minor Amendments) Act 1994 s. 4</i>	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Acts Amendment and Repeal (Native Title) Act 1995 Pt. 7</i>	52 of 1995	24 Nov 1995	9 Dec 1995 (see s. 2 and <i>Gazette</i> 8 Dec 1995 p. 5935)
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Acts Amendment (Marine Reserves) Act 1997 Pt. 4</i>	5 of 1997	10 Jun 1997	29 Aug 1997 (see s. 2 and <i>Gazette</i> 29 Aug 1997 p. 4867)
<i>Acts Amendment (Land Administration) Act 1997 Pt. 49 and 68</i>	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<i>Acts Amendment (Land Administration, Mining and Petroleum) Act 1998 Pt. 4</i>	61 of 1998	11 Jan 1999	11 Jan 1999 (see s. 2(1))
<i>Acts Amendment (Mining and Petroleum) Act 1999 Pt. 3^{17, 18}</i>	17 of 1999	15 Jun 1999	24 Jul 1999 (see s. 2 and <i>Gazette</i> 23 Jul 1999 p. 3385)
Reprint of the <i>Petroleum Act 1967</i> as at 14 Jan 2000 (includes amendments listed above)			
<i>Acts Amendment (Australian Datum) Act 2000 s. 7</i>	54 of 2000	28 Nov 2000	16 Dec 2000 (see s. 2 and <i>Gazette</i> 15 Dec 2000 p. 7201)
<i>Corporations (Consequential Amendments) Act (No. 2) 2003 Pt. 15</i>	20 of 2003	23 Apr 2003	15 Jul 2001 (see s. 2(1) and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)
<i>Criminal Code Amendment Act 2004 s. 58</i>	4 of 2004	23 Apr 2004	21 May 2004 (see s. 2)
<i>Courts Legislation Amendment and Repeal Act 2004 s. 141</i>	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 2 Div. 98¹⁹</i>	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Petroleum Legislation Amendment and Repeal Act 2005 Pt. 2</i>	13 of 2005	1 Sep 2005	15 May 2010 (see s. 2 and <i>Gazette</i> 14 May 2010 p. 2015)
Reprint 4: The <i>Petroleum Act 1967</i> as at 13 Apr 2007 (includes amendments listed above except those in the <i>Petroleum Legislation Amendment and Repeal Act 2005</i>)			

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Compilation table

Notes

Short title	Number and year	Assent	Commencement
<i>Petroleum Amendment Act 2007 Pt. 2</i>	35 of 2007	21 Dec 2007	Div. 1: 19 Jan 2008 (see s. 2(b) and <i>Gazette</i> 18 Jan 2008 p. 147); Div. 2: 15 May 2010 (see s. 2(b) and <i>Gazette</i> 14 May 2010 p. 2015)
Reprint 5: The Petroleum and Geothermal Energy Resources Act 1967 as at 2 May 2008 (includes amendments listed above except those in the <i>Petroleum Legislation Amendment and Repeal Act 2005</i> and the <i>Petroleum Amendment Act 2007 Pt. 2 Div. 2</i>) (correction: <i>Gazette</i> 23 Jun 2009 p. 2470)			
<i>Revenue Laws Amendment Act (No. 2) 2008 s. 34</i>	31 of 2008	27 Jun 2008	28 Jun 2008 (see s. 2(b))
Reprint 6: The Petroleum and Geothermal Energy Resources Act 1967 as at 22 Oct 2010 (includes amendments listed above)			
<i>Petroleum and Energy Legislation Amendment Act 2010 Pt. 2</i>	42 of 2010	28 Oct 2010	Pt. 2 other than s. 51, 57, 58(b) (to the extent that it inserts s. 153(2)(lc)), 61 (to the extent that it inserts Sch. 2 cl. 3): 25 May 2011 (see s. 2(b) and <i>Gazette</i> 24 May 2011 p. 1892); s. 51, 57, 58(b) (to the extent that it inserts s. 153(2)(lc)), 61 (to the extent that it inserts Sch. 2 cl. 3): 1 Jul 2015 (see s. 2(b) and <i>Gazette</i> 30 Jun 2015 p. 2321)
Reprint 7: The Petroleum and Geothermal Energy Resources Act 1967 as at 5 Aug 2011 (includes amendments listed above except those in the <i>Petroleum and Energy Legislation Amendment Act 2010</i> s. 51, 57, 58(b) (to the extent that it inserts s. 153(2)(lc)) and 61 (to the extent that it inserts Sch. 2 cl. 3))			
<i>Personal Property Securities (Consequential Repeals and Amendments) Act 2011 Pt. 9 Div. 3</i>	42 of 2011	4 Oct 2011	30 Jan 2012 (see s. 2(c) and Cwlth Legislative Instrument No. F2011L02397 cl. 5 registered 21 Nov 2011)
<i>Statutes (Repeals and Minor Amendments) Act 2011 s. 15</i>	47 of 2011	25 Oct 2011	26 Oct 2011 (see s. 2(b))
<i>Commercial Arbitration Act 2012 s. 45 it. 15</i>	23 of 2012	29 Aug 2012	7 Aug 2013 (see s. 1B(b) and <i>Gazette</i> 6 Aug 2013 p. 3677)
<i>Statutes (Repeals and Minor Amendments) Act 2014 s. 8</i>	17 of 2014	2 Jul 2014	6 Sep 2014 (see s. 2(b) and <i>Gazette</i> 5 Sep 2014 p. 3213)
Reprint 8: The Petroleum and Geothermal Energy Resources Act 1967 as at 15 Jan 2016 (includes amendments listed above)			
<i>Petroleum Legislation Amendment Act 2017 Pt. 2</i>	7 of 2017	14 Sep 2017	15 Nov 2017 (see s. 2(b) and <i>Gazette</i> 14 Nov 2017 p. 5597)
<i>Work Health and Safety Act 2020 Pt. 15 Div. 3 Subdiv. 1</i>	36 of 2020	10 Nov 2020	31 Mar 2022 (see s. 2(1)(c) and SL 2022/18 cl. 2)

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Notes Uncommenced provisions table

Short title	Number and year	Assent	Commencement
Petroleum Legislation Amendment Bill (B) 2023 Pt. 2	Current Bill		

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
<i>Native Title (State Provisions) Act 1999</i> Sch. 2 Div. 7	60 of 1999	10 Jan 2000	s. 7.3 operative on earliest of commencement of Pt. 2 (except s. 2.2), Pt. 3 (except s. 3.1) and Pt. 4

Other notes

- ¹ The *Petroleum Act 1936* was repealed by this Act, s. 3.
- ² The *Interpretation Act 1918* was repealed by the *Interpretation Act 1984*.
- ³ The amendment in the *Petroleum Safety Act 1999* s. 92 is not included as it was deleted by the *Petroleum Legislation Amendment and Repeal Act 2005* s. 51 before it came into operation.
- ⁴ Now known as the *Petroleum and Geothermal Energy Resources Act 1967*; short title changed (see note under s. 1).
- ⁵ The Schedule to the *Metric Conversion Act 1972* was redesignated as the First Schedule by the *Metric Conversion Act Amendment Act 1973*.
- ⁶ The *Acts Amendment (Mining) Act 1981* s. 34(2) and (3) are transitional provisions that are of no further effect.
- ⁷ The *Acts Amendment (Petroleum) Act 1990* s. 26(2) reads as follows:
 - (2) A permit granted before the commencement of this section is not invalidated by reason of any error that may have occurred in specifying the date of commencement of the permit and the term of such a permit shall be deemed to have commenced on the day of commencement specified in it.
- ⁸ The *Acts Amendment (Petroleum) Act 1990* s. 32(2)-(6) read as follows:
 - (2) Where —
 - (a) at the commencement of this section, a nomination has been made under section 46 of the principal Act; and
 - (b) at that commencement, a declaration had not been made under section 47 of the principal Act as a result of the making of the nomination,

sections 46, 47 and 48 of the principal Act, as in force immediately before the commencement of this section, continue to have effect in relation to that nomination and the block or blocks that would be affected by a declaration as if this Act had not been enacted.

- (3) A declaration made under section 47 of the principal Act as continued in force by subsection (2) has effect, and the principal Act, as amended by this Act, applies to the declaration, as if the declaration had been made under that section as amended by this Act.
- (4) A declaration in force under section 47 of the principal Act immediately before the commencement of this section has effect after that commencement as if it were a declaration under section 47 of the principal Act, as amended by this Act.
- (5) Where —
- (a) the permittee under a permit granted before the commencement of this section applies under section 50 of the principal Act, as amended by this Act, for a licence;
 - (b) the location that includes the block or blocks to which the application relates was declared under section 47 of the principal Act, as amended by this Act;
 - (c) the location consists of not more than 8 blocks;
 - (d) the Minister notifies the applicant in writing that, in his opinion, the number of blocks specified in the notification represents the maximum number of blocks that the applicant would have been entitled to have declared as a location instead of the block or blocks constituting the location referred to in paragraph (b) if this Act had not been enacted; and
 - (e) the number of blocks specified in the notification exceeds the number of blocks in the location referred to in paragraph (b),

section 50(1) of the principal Act, as amended by this Act, applies as if the firstmentioned location were constituted by the number of blocks specified in the notification referred to in paragraph (d).

- (6) Where —
- (a) a lessee under a lease of a block or blocks for which a permit was granted before the commencement of this section applies under section 50A of the principal Act, as amended by this Act, for a licence;
 - (b) the location that includes the block or blocks to which the application relates was declared under section 47 of the principal Act, as amended by this Act;
 - (c) the location consists of not more than 8 blocks;
 - (d) the Minister notifies the applicant in writing that, in his opinion, the number of blocks specified in the notification represents the maximum number of blocks that the applicant would have been entitled to have declared as a location instead of the block or blocks

constituting the location referred to in paragraph (b) if this Act had not been enacted; and

- (e) the number of blocks specified in the notification exceeds the number of blocks in the location referred to in paragraph (b),

section 50A(2) of the principal Act, as amended by this Act, applies as if the lease were in respect of the number of blocks specified in the notification referred to in paragraph (d).

⁹ The *Acts Amendment (Petroleum) Act 1990* s. 42(2) reads as follows:

- (2) The revocation, under section 56(3) of the principal Act, of a declaration in respect of a location shall be deemed not to have affected the validity of a licence granted under the principal Act in respect of any block forming part of that location.

¹⁰ The *Acts Amendment (Petroleum) Act 1990* s. 48(2) reads as follows:

- (2) A licence granted before the commencement of this section is not invalidated by reason of any error that may have occurred in specifying the date of commencement of the licence and the term of such a licence shall be deemed to have commenced on the date of commencement specified in it.

¹¹ The *Acts Amendment (Petroleum) Act 1990* s. 56(2), (3) and (4) read as follows:

- (2) Section 72 of the principal Act as amended by this Act applies in relation to applications for approval of transfers of permits, licences or access authorities lodged after the commencement of this section.
- (3) Notwithstanding the repeal of section 72 of the principal Act effected by subsection (1), that section continues to apply in relation to applications for approval of transfers of permits, licences or access authorities lodged before the commencement of this section.
- (4) A transfer approved and registered under section 72 of the principal Act shall be deemed to have been approved and registered under section 72 of the principal Act as amended by this Act.

¹² The *Acts Amendment (Petroleum) Act 1990* s. 58(2)-(7) read as follows:

- (2) Subject to this section, sections 75 and 75A of the principal Act as amended by this Act apply in relation to dealings evidenced by instruments executed after the commencement of this section.

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- (3) A party to an instrument to which section 75 of the principal Act applied, being an instrument that had not been approved under that section of that Act, may, if the instrument evidences a dealing —
- (a) to which section 75 of the principal Act as amended by this Act would, if the instrument had been executed after the commencement of this section, apply; and
 - (b) that relates to a permit, licence or access authority that was in existence at the time of execution of the instrument,

make an application in writing, within 12 months after the commencement of this section, to the Minister for approval of the dealing.

- (4) Where —
- (a) before the commencement of this section, 2 or more persons entered into a dealing relating to a permit, licence or access authority that was not in existence at the time of execution of the instrument evidencing the dealing;
 - (b) that dealing would, if the instrument evidencing the dealing had been executed after the commencement of this section, be a dealing referred to in section 75A(1) of the principal Act as amended by this Act; and
 - (c) that permit, licence or access authority has come, or comes, into existence,

a party to the dealing may make an application in writing within —

- (d) in a case where that permit, licence or access authority came into existence before the commencement of this section, 12 months after that commencement; or
- (e) in any other case, 3 months after that permit, licence or access authority comes into existence,

to the Minister for approval of the dealing.

- (5) Section 75 of the principal Act as amended by this Act (other than subsections (5) and (6) of that section) applies to a dealing in respect of which an application is made under subsection (3) or (4) of this section.

- (6) If, when the first regulations made for the purposes of section 75(4)(b) of the principal Act, as amended by this Act, take effect, an application for approval of a dealing has been made but the Minister has neither approved nor refused to approve the dealing —
- (a) the Minister shall give to the applicant written notice that the applicant is entitled to lodge an instrument for the purpose of section 75(4)(b) in relation to the application;
 - (b) the applicant may lodge an instrument for the purpose of section 75(4)(b);

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- (c) the application shall not be dealt with by the Minister until after the end of 30 days after the day on which notice is given for the purpose of paragraph (a); and
 - (d) where the applicant lodges an instrument under paragraph (b), the applicant shall lodge with the instrument 2 copies of the instrument.
- (7) An instrument lodged under subsection (6) shall be taken, for the purposes of section 75(13) of the principal Act, as amended by this Act, to have accompanied the application when the application was lodged.

¹³ The *Acts Amendment (Petroleum) Act 1990* s. 76(2) and (3) read as follows:

- (2) A direction in force under section 95 of the principal Act immediately before the commencement of this section shall, after that commencement, continue to apply to the person or persons to whom it applied before that commencement as if it were a direction under section 95 of the principal Act as amended by this Act.
- (3) A registered holder is not required by section 95(2a) of the principal Act as amended by this Act to cause a copy of a direction to which subsection (2) applies to be given to another person or to cause a copy of such a direction to be exhibited at a place frequented by that other person if the direction or a copy of the direction was served, within the meaning of the principal Act, on the person before the commencement of this section.

¹⁴ The *Acts Amendment (Petroleum) Act 1994* s. 14(2), (3) and (4) read as follows:

- (2) Where a permit referred to in section 39(a) of the principal Act is in force at the commencement of this section, the registered holder of the permit may apply to the Minister for the term of that permit to be extended from 5 years to 6 years and that application shall —
 - (a) be in accordance with a form approved by the Minister;
 - (b) be accompanied by the particulars set out in section 31(1)(d)(i) of the principal Act relevant to the year that the application is in respect of; and
 - (c) set out any other matters that the applicant wishes the Minister to consider, or that the Minister requests, in connection with the application.
- (3) By instrument in writing served on a person who has made an application under subsection (2) the Minister shall inform that person —
 - (a) that the Minister is prepared to extend the term of the permit, and the instrument shall contain a summary of any conditions subject to which the extension is to be granted; or
 - (b) that the Minister has refused to extend the term of the permit.

- (4) The Minister shall grant to an applicant on whom there has been served an instrument under subsection (3)(a) the extension referred to in the instrument if the applicant requests the Minister to do so by instrument in writing served on the Minister within one month after the service on the applicant of the instrument under subsection (3)(a).

¹⁵ The *Acts Amendment (Petroleum) Act 1994* s. 16(2) reads as follows:

- (2) Section 41 of the principal Act as in force immediately before the commencement of this section continues to have effect in relation to the renewal of all permits in force at the commencement of this section, other than those permits in respect of which an extension from 5 years to 6 years has been granted under section 14 of this Act, in which case section 41 of the principal Act as amended by this section applies.

¹⁶ The *Acts Amendment (Petroleum) Act 1994* s. 55(2) reads as follows:

- (2) Notwithstanding the repeal of section 134B of the principal Act, Part III of the principal Act continues to apply to and in relation to a licence granted on an application made under that section.

¹⁷ The *Acts Amendment (Mining and Petroleum) Act 1999* s. 23(2) and (3) read as follows:

- (2) Section 15A as inserted into the *Petroleum Act 1967* by subsection (1) does not prohibit operations being carried out under the authority of —
- (a) a relevant licence on land that immediately before the commencement of section 22 was declared under section 15(2) of that Act to be Crown land and land to which that Act applied; or
 - (b) the Barrow Island lease.

(3) In subsection (2) —

Barrow Island lease has the meaning given in section 128 of the *Petroleum Act 1967*;

relevant licence means a production licence for petroleum in force under Part III of the *Petroleum Act 1967* immediately before the commencement of this section.

¹⁸ The *Acts Amendment (Mining and Petroleum) Act 1999* s. 26(5) reads as follows:

- (5) Despite the amendments made by this section, section 43F of the *Petroleum Act 1967* continues to apply to and in relation to the extension of a drilling reservation in force on the commencement of this section.

¹⁹ The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administrative Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.

Consultation Draft