

WESTERN AUSTRALIA

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# Petroleum Legislation Amendment Bill (No. 2) 2022

**CONSULTATION DRAFT BILL SHOWING ACTS  
MARKED UP FOR PUBLIC COMMENT**

The Government proposes to introduce into Parliament a Bill to amend —

- the *Petroleum and Geothermal Energy Resources Act 1967*;  
and
- the *Petroleum Pipelines Act 1969*; and
- the *Petroleum (Submerged Lands) Act 1982*.

This draft Bill has been prepared for public comment but it does not necessarily represent the Government's settled position.



# Petroleum Legislation Amendment Bill (No. 2) 2022

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Western Australia

LEGISLATIVE ASSEMBLY/COUNCIL

**Petroleum Legislation Amendment Bill  
(No. 2) 2022**

A Bill for

An Act to amend —

- the *Petroleum and Geothermal Energy Resources Act 1967*;  
and
- the *Petroleum Pipelines Act 1969*; and
- the *Petroleum (Submerged Lands) Act 1982*.

The Parliament of Western Australia enacts as follows:

s. 1

1

## **Part 1 — Preliminary**

2

### **1. Short title**

3

This is the *Petroleum Legislation Amendment Act (No. 2) 2022*.

4

### **2. Commencement**

5

This Act comes into operation as follows —

6

(a) Part 1 — on the day on which this Act receives the Royal Assent;

7

8

(b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

9



1 **Part 2 — Petroleum and Geothermal Energy Resources**  
2 **Act 1967 amended**

3 **3. Act amended**

4 This Part amends the *Petroleum and Geothermal Energy*  
5 *Resources Act 1967*.

6 *[The following text is the Petroleum and Geothermal Energy Resources*  
7 *Act 1967 (except for the Schedules, which are not being amended) showing*  
8 *proposed amendments in track changes.]*

9 **Petroleum and Geothermal Energy Resources**  
10 **Act 1967**

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

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

16 **Part I — Preliminary**

17 **1. Short title**

18 This Act may be cited as the *Petroleum and Geothermal Energy*  
19 *Resources Act 1967*.

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

21 **2. Commencement**

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

24 **3. Repeal**

25 The *Petroleum Act 1936* is repealed.

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

s. 5

1 **5. Terms used**

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

3 **access authority** means —

4 (a) a petroleum access authority; or

5 (b) a geothermal access authority;

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

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

13 **approved** means approved by the Minister;

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

18 **Barrow Island lease** has the meaning given in section 128;

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

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

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

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

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

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

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

34 **Crown land** means all land in the State —

35 [(a) deleted]

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

- 1 (c) which is not held under lease for any purpose except  
2 under —
- 3 (i) a pastoral lease within the meaning of the *Land*  
4 *Administration Act 1997*, or a lease otherwise  
5 granted for grazing purposes only; or
- 6 (ii) a lease for timber purposes; or
- 7 (iii) a lease for the use and benefit of the Aboriginal  
8 inhabitants,
- 9 and includes —
- 10 (d) any land reserved, declared or otherwise dedicated under  
11 the *Land Administration Act 1997* or any other written  
12 law; and
- 13 (e) without limiting paragraph (d), State forests and timber  
14 reserves within the meaning of the *Conservation and*  
15 *Land Management Act 1984*; and
- 16 *[(f), (g) deleted]*
- 17 (h) all land between —
- 18 (i) high and low-water mark on the sea shore and on  
19 the margin of tidal rivers; and
- 20 (ii) low-water mark referred to in subparagraph (i)  
21 and the inner limit of the territorial sea of  
22 Australia;
- 23 **document** includes any map, book, record or writing;
- 24 **drilling reservation** means —
- 25 (a) a petroleum drilling reservation; or
- 26 (b) a geothermal drilling reservation;
- 27 **facility** means a structure for or in connection with carrying out  
28 a petroleum operation or geothermal energy operation;
- 29 **geothermal access authority** means a geothermal access  
30 authority under Part III;
- 31 **geothermal drilling reservation** means a geothermal drilling  
32 reservation referred to in section 43D(2);
- 33 **geothermal energy** means thermal energy that results from  
34 natural geological processes and is contained in geothermal  
35 energy resources;
- 36 **geothermal energy operation** means any of the following —  
37 ~~means —~~
- 38 (a) an operation to explore for geothermal energy resources,  
39 and the carrying on of such operations and the execution  
40 of such works as are necessary for that purpose;

**s. 5**

- 1 (b) an operation to drill for geothermal energy resources,  
2 and the carrying on of such operations and the execution  
3 of such works as are necessary for that purpose;
- 4 (c) an operation to recover geothermal energy, and the  
5 carrying on of such operations and the execution of such  
6 works as are necessary for that purpose;
- 7 (d) any other kind of operation that is prescribed by the  
8 regulations to be a geothermal energy operation for the  
9 purposes of this ~~definition;~~  
10 (e) the care and maintenance of land, waters or  
11 infrastructure affected by an operation referred to in  
12 paragraphs (a) to (d);  
13 (f) the decommissioning of an operation referred to in  
14 paragraphs (a) to (d);  
15 (g) the rehabilitation of the land or waters affected by an  
16 operation referred to in paragraphs (a) to (d),

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

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

24 ***geothermal energy resources exploration operation*** means an  
25 operation under any of the following —

- 26 (a) a geothermal access authority;  
27 (b) a geothermal drilling reservation;  
28 (c) a geothermal exploration permit;  
29 (d) a geothermal production licence;  
30 (e) a geothermal retention lease;  
31 (f) a geothermal special prospecting authority;

32 ***geothermal exploration permit*** means a permit that confers the  
33 authority referred to in section 38(2);

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

36 ***geothermal lessee*** means the registered holder of a geothermal  
37 retention lease;

38 ***geothermal licensee*** means the registered holder of a  
39 geothermal production licence;

- 1 **geothermal permit area** means the area constituted by the  
 2 blocks that are the subject of a geothermal exploration permit;
- 3 **geothermal permittee** means the registered holder of a  
 4 geothermal exploration permit;
- 5 **geothermal production licence** means a geothermal production  
 6 licence under Part III;
- 7 **geothermal resources area** means a discrete area that contains  
 8 geothermal energy resources;
- 9 **geothermal retention lease** means a geothermal retention lease  
 10 under Part III;
- 11 **geothermal special prospecting authority** means a geothermal  
 12 special prospecting authority under Part III;
- 13 **good oil-field practice** means all those things that are generally  
 14 accepted as good and safe in the carrying on of exploration for  
 15 [petroleum or a regulated substance](#)~~petroleum~~, or in the  
 16 operations for the recovery of [petroleum or a regulated](#)  
 17 [substance](#)~~petroleum~~, as the case may be;
- 18 **granted**, in relation to a boundary-change permit, a petroleum  
 19 retention lease under section 48CD or a petroleum production  
 20 licence under section 61A, means taken to have been granted;
- 21 **graticular section** means a section referred to in section 27;
- 22 **holder of a drilling reservation** means the registered holder of a  
 23 drilling reservation;
- 24 **inspector** means a person appointed under section 118;
- 25 **lease** means —
- 26 (a) a petroleum retention lease; or  
 27 (b) a geothermal retention lease;
- 28 **lease area** means the area constituted by the blocks that are the  
 29 subject of a lease;
- 30 **lessee** means the registered holder of a lease;
- 31 **licence** means —
- 32 (a) a petroleum production licence; or  
 33 (b) a geothermal production licence;
- 34 **licence area** means the area constituted by the blocks that are  
 35 the subject of a licence;
- 36 **licensee** means the registered holder of a licence;
- 37 **location** means a block or blocks in respect of which a  
 38 declaration under section 47 is in force;

**s. 5**

- 1 **offshore area** has the meaning given in the *Petroleum*  
2 *(Submerged Lands) Act 1982* section 4;
- 3 **oil shale** includes naturally occurring hydrocarbons that are or  
4 may be contained in rocks from which they cannot be recovered  
5 otherwise than by mining those rocks as oil shale;
- 6 **operator** —
- 7 (a) in relation to an operation to explore for petroleum, a  
8 regulated substance ~~petroleum~~ or geothermal energy  
9 resources or the carrying on of such operations or the  
10 execution of such works as are necessary for that  
11 purpose, in a permit area, means the registered holder of  
12 the permit for that area;
- 13 (b) in relation to an operation to drill for petroleum, a  
14 regulated substance ~~petroleum~~ or geothermal energy  
15 resources or the carrying on of such operations or the  
16 execution of such works as are necessary for that  
17 purpose, in a drilling reservation area, means the  
18 registered holder of the drilling reservation for that area;
- 19 (c) in relation to an operation to explore for petroleum, a  
20 regulated substance ~~petroleum~~ or geothermal energy  
21 resources or the carrying on of such operations or the  
22 execution of such works as are necessary for that  
23 purpose, in a lease area, means the registered holder of  
24 the lease for that area;
- 25 (d) in relation to —
- 26 (i) an operation to recover petroleum, a regulated  
27 substance ~~petroleum~~ or geothermal energy in a  
28 licence area or to recover petroleum, a regulated  
29 substance ~~petroleum~~ or geothermal energy from  
30 a licence area in another area; or
- 31 (ii) an operation to explore for petroleum, a  
32 regulated substance ~~petroleum~~ or geothermal  
33 energy resources in a licence area; or
- 34 (iii) the carrying on of such operations or the  
35 execution of such works in a licence area as are  
36 necessary for those purposes,  
37 means the registered holder of the licence for that area;
- 38 (e) in relation to an operation for the mining, obtaining or  
39 production of petroleum under the Barrow Island lease  
40 as renewed, substituted or varied, means the lessee as  
41 defined in section 128;

- 1 (f) in relation to a petroleum operation ~~petroleum~~  
 2 ~~exploration operation~~ or geothermal energy resources  
 3 exploration operation specified in a special prospecting  
 4 authority, means the registered holder of the special  
 5 prospecting authority;
- 6 (g) in relation to a petroleum operation ~~petroleum~~  
 7 ~~exploration operation~~ or geothermal energy resources  
 8 exploration operation or an operation related to the  
 9 recovery of petroleum or geothermal energy in or from  
 10 an area specified in an access authority, means the  
 11 registered holder of the access authority;
- 12 (h) in relation to the injection of petroleum into a natural  
 13 underground reservoir, means a person (other than the  
 14 Minister) who is a party to an agreement under  
 15 section 67(1), or who has the Minister's approval under  
 16 section 67(2), in respect of that injection;
- 17 (i) in relation to the injection of carbon dioxide, as defined  
 18 in section 3 of the *Barrow Island Act 2003*, into an  
 19 underground reservoir or other subsurface formation,  
 20 means a person who has the BI Act Minister's approval  
 21 under section 13 of that Act, in respect of that injection;
- 22 (j) in relation to any other kind of operation that is  
 23 prescribed by the regulations to be a petroleum  
 24 operation for the purposes of the definition of *petroleum*  
 25 *operation*, means the person prescribed by the  
 26 regulations to be the operator of such a petroleum  
 27 operation for the purposes of this definition;
- 28 (k) in relation to any other kind of operation that is  
 29 prescribed by the regulations to be a geothermal energy  
 30 operation for the purposes of the definition of  
 31 *geothermal energy operation*, means the person  
 32 prescribed by the regulations to be the operator of such a  
 33 geothermal energy operation for the purposes of this  
 34 definition;
- 35 *partly cancelled* means — in relation to a permit, drilling  
 36 reservation or licence — cancelled as to 1 ~~one~~ or more but not  
 37 all of the blocks the subject of the permit, drilling reservation or  
 38 licence;
- 39 *partly determined*, in relation to a permit, drilling reservation or  
 40 lease, means determined as to 1 ~~one~~ or more but not all of the  
 41 blocks the subject of the permit, drilling reservation or lease;

s. 5

- 1 *permit* means —  
2 (a) a petroleum exploration permit; or  
3 (b) a geothermal exploration permit;

- 4 *permit area* means —  
5 (a) a petroleum permit area; or  
6 (b) a geothermal permit area;

7 *permittee* means the registered holder of a permit;

8 *petroleum* —

9 (a) means the following —

- 10 (i) any naturally occurring hydrocarbon, whether in  
11 a gaseous, liquid or solid state;  
12 (ii) any naturally occurring mixture of hydrocarbons,  
13 whether in a gaseous, liquid or solid state;  
14 (iii) any naturally occurring mixture of 1 or more  
15 hydrocarbons, whether in a gaseous, liquid or  
16 solid state, and 1 or more of hydrogen sulphide,  
17 nitrogen, helium and carbon dioxide;

18 and

19 (b) includes the following —

- 20 (i) any petroleum as defined by paragraph (a) that  
21 has been returned to a natural reservoir, except  
22 oil shale;  
23 (ii) any petroleum as defined by paragraph (a)  
24 or (b)(i) to which 1 or more things prescribed by  
25 the regulations for the purposes of this definition  
26 have been added;

27 ~~*petroleum* means —~~

- 28 ~~(a) any naturally occurring hydrocarbon, whether in a~~  
29 ~~gaseous, liquid or solid state; or~~  
30 ~~(b) any naturally occurring mixture of hydrocarbons,~~  
31 ~~whether in a gaseous, liquid or solid state; or~~  
32 ~~(c) any naturally occurring mixture of one or more~~  
33 ~~hydrocarbons, whether in a gaseous, liquid or solid state,~~  
34 ~~and one or more of the following, that is to say,~~  
35 ~~hydrogen sulphide, nitrogen, helium and carbon dioxide;~~  
36 ~~and includes any petroleum as defined by paragraph (a), (b)~~  
37 ~~or (c) that has been returned to a natural reservoir, but excludes~~  
38 ~~oil shale;~~



1 *petroleum access authority* means a petroleum access authority  
2 under Part III;

3 *petroleum drilling reservation* means a petroleum drilling  
4 reservation referred to in section 43D(1);

5 *petroleum exploration permit* means a permit that confers the  
6 authority referred to in section 38(1);

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

9 *petroleum lessee* means the registered holder of a petroleum  
10 retention lease;

11 *petroleum licensee* means the registered holder of a petroleum  
12 production licence;

13 *petroleum operation* ~~means any of the following — means —~~

- 14 (a) an operation to explore for petroleum or a regulated  
15 substance~~petroleum~~, and the carrying on of such  
16 operations and the execution of such works as are  
17 necessary for that purpose;
- 18 (b) an operation to drill for petroleum or a regulated  
19 substance~~petroleum~~, and the carrying on of such  
20 operations and the execution of such works as are  
21 necessary for that purpose;
- 22 (c) an operation to recover petroleum or a regulated  
23 substance~~petroleum~~, and the carrying on of such  
24 operations and the execution of such works as are  
25 necessary for that purpose;
- 26 (d) an operation for the mining, obtaining or production of  
27 petroleum under the Barrow Island lease as renewed,  
28 substituted or varied;
- 29 (e) the injection of petroleum into a natural underground  
30 reservoir;
- 31 (f) the injection of carbon dioxide, as defined in section 3  
32 of the *Barrow Island Act 2003*, into an underground  
33 reservoir or other subsurface formation;
- 34 (g) any other kind of operation that is prescribed by the  
35 regulations to be a petroleum operation for the purposes  
36 of this ~~definition;~~definition;
- 37 (h) the care and maintenance of land, waters or  
38 infrastructure affected by an operation referred to in  
39 paragraphs (a) to (g);

s. 5

1 (i) the decommissioning of an operation referred to in  
2 paragraphs (a) to (g);

3 (j) the rehabilitation of the land or waters affected by an  
4 operation referred to in paragraphs (a) to (g).

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

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

10 **petroleum permittee** means the registered holder of a petroleum  
11 exploration permit;

12 ~~**petroleum pool** means a naturally occurring discrete~~  
13 ~~accumulation of petroleum;~~

14 **petroleum production licence** means a petroleum production  
15 licence under Part III;

16 **petroleum retention lease** means a petroleum retention lease  
17 under Part III;

18 **petroleum special prospecting authority** means a petroleum  
19 special prospecting authority under Part III;

20 **primary entitlement** means —

21 (a) in relation to a permittee, the number of blocks —

22 (i) forming part of a location in the permit area in  
23 respect of which that permittee may make an  
24 application under section 50(1); or

25 (ii) forming a location in the permit area in respect  
26 of which that permittee may make an application  
27 under section 50(1a);

28 and

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

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

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

40 (b) a lease for timber purposes; or

1 (c) a lease for the use and benefit of the Aboriginal  
2 inhabitants;

3 **recovery**, of geothermal energy, includes the recovery of any  
4 geothermal energy resources necessary to recover geothermal  
5 energy;

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

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

13 **regulated substance** means a naturally occurring substance  
14 that —

15 (a) occurs in a natural geological formation; and

16 (b) is prescribed by the regulations for the purposes of this  
17 definition;

18 **regulations** means regulations made under section 153;

19 **relinquished area** means —

20 (a) in relation to a permit, drilling reservation, lease or  
21 licence that has expired — the area constituted by the  
22 blocks in respect of which the permit, drilling  
23 reservation, lease or licence was in force but has not  
24 been renewed; and

25 (b) in relation to a permit, drilling reservation, or lease that  
26 has been wholly determined or partly determined — the  
27 area constituted by the blocks as to which the permit,  
28 drilling reservation or lease was so determined; and

29 (c) in relation to a permit, drilling reservation or licence that  
30 has been wholly cancelled or partly cancelled — the area  
31 constituted by the blocks as to which the permit, drilling  
32 reservation or licence was so cancelled; and

33 (ca) in relation to a lease that has been wholly  
34 cancelled — the area constituted by the blocks in respect  
35 of which the lease was in force; and

36 (d) in relation to a special prospecting authority or access  
37 authority that has been surrendered or cancelled or has  
38 expired — the area constituted by the blocks in respect  
39 of which that authority was in force;

40 **resources pool** means a naturally occurring discrete  
41 accumulation of petroleum or a regulated substance;

**s. 5**

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

3 (a) the period from and including the date from which the  
4 permit, drilling reservation or licence has effect to the  
5 end of the month of the year during which that date  
6 occurs; and

7 (b) each month thereafter;

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

10 **special prospecting authority** means —

11 (a) a petroleum special prospecting authority; or

12 (b) a geothermal special prospecting authority;

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

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

18 **well** means a hole in the Earth's crust made by drilling, boring  
19 or any other means in connection with exploration for  
20 [petroleum, a regulated substance](#) ~~petroleum~~ or geothermal  
21 energy resources or operations for the recovery of [petroleum, a](#)  
22 [regulated substance](#) ~~petroleum~~ or geothermal energy, but does  
23 not include a seismic shot hole;

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

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

30 (2) In this Act, a reference to the term of a permit, drilling  
31 reservation, lease, licence, special prospecting authority or  
32 access authority is a reference to the period during which the  
33 permit, drilling reservation, lease, licence, special prospecting  
34 authority or access authority remains in force and a reference to  
35 the date of expiration of a permit, drilling reservation, lease,  
36 licence, special prospecting authority or access authority is a  
37 reference to the day on which the permit, drilling reservation,  
38 lease, licence, special prospecting authority or access authority  
39 ceases to be in force.

- 1 (3) In this Act, a reference to a year of the term of a permit, drilling  
2 reservation, lease or licence is a reference to a period of ~~1~~ one  
3 year commencing on the day on which the permit, drilling  
4 reservation, lease or licence, as the case may be, comes into  
5 force or on any anniversary of that day.
- 6 (4) In this Act, a reference to the renewal, or to the grant of a  
7 renewal, of a permit is a reference to the grant of a permit in  
8 respect of all or some of the blocks specified in the  
9 first-mentioned permit to commence on the day after the date of  
10 expiration of the first-mentioned permit or on the day after the  
11 date of expiration of the permit granted upon a previous renewal  
12 of the first-mentioned permit.
- 13 (4a) In this Act, a reference to the renewal, or to the grant of a  
14 renewal, of a lease is a reference to the grant of a lease in  
15 respect of the blocks in respect of which the first-mentioned  
16 lease was in force to commence on the day after the date of  
17 expiration of the first-mentioned lease or on the day after the  
18 date of expiration of the lease granted upon a previous renewal  
19 of the first-mentioned lease.
- 20 (5) In this Act, a reference to the renewal, or to the grant of a  
21 renewal, of a licence in respect of the blocks specified in the  
22 licence is a reference to the grant of a licence in respect of those  
23 blocks to commence on the day after the date of expiration of  
24 the first-mentioned licence or on the day after the date of  
25 expiration of the licence granted upon a previous renewal of the  
26 first-mentioned licence.
- 27 (5a) In this Act a reference to the extension of a drilling reservation  
28 in relation to the blocks specified in the drilling reservation is a  
29 reference to the grant of a drilling reservation in respect of those  
30 blocks to commence on the day after the date of expiration of  
31 the first-mentioned drilling reservation or on the day after the  
32 date of expiration of the previous extension, if any, of the  
33 first-mentioned drilling reservation.
- 34 (6) In this Act, a reference to a permit, drilling reservation, lease,  
35 licence or access authority is a reference to the permit, drilling  
36 reservation, lease, licence or access authority as varied for the  
37 time being under this Act.
- 38 (7) Notwithstanding anything in subsection (1), the Minister for the  
39 time being charged with the administration of the *Mining*  
40 *Act 1978* may, in the event of a dispute whether a particular  
41 substance is or is not oil shale, decide whether that substance is

**s. 6A**

1 or is not oil shale for the purposes of this Act and the *Mining*  
2 *Act 1978* and [the Minister's](#) ~~his~~ decision in the matter [is](#) ~~shall be~~  
3 final.

4 (8) The power conferred by this Act to make, grant or issue any  
5 instrument ~~must~~~~shall~~, unless the contrary intention appears, be  
6 construed as including a power exercisable in the like manner  
7 and subject to the like conditions, if any, to repeal, rescind,  
8 revoke, amend or vary any such instrument.

9 (9) Notes in this Act are provided to assist understanding and do not  
10 form part of the Act.

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

16 **6A. Effect of alteration of inshore area**

17 (1) In this section —

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

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

24 (2) This section applies to a change to the boundary of the inshore  
25 area whether occurring before, on or after the day on which the  
26 *Petroleum and Energy Legislation Amendment Act 2010*  
27 section 5 comes into operation.

28 (3) If —

29 (a) a permit, lease or licence has been granted on the basis  
30 that an area (the ***affected area***) is within the inshore  
31 area; and

32 (b) as a result of a change to boundary of the inshore area,  
33 the affected area ceases to be within the inshore area,

34 this Act applies in relation to the permit, lease or licence as if  
35 the affected area were still within the inshore area.

36 (4) Subsection (3) continues to apply in relation to the affected area  
37 only while the permit, lease or licence remains in force.

- 1 (5) If —  
2 (a) a Commonwealth instrument has been granted on the  
3 basis that an area (the *second affected area*) is within  
4 the offshore area; and  
5 (b) as a result of a change to the boundary of the inshore  
6 area the second affected area —  
7 (i) ceases to be within the offshore area; and  
8 (ii) falls within the inshore area,  
9 then this Act does not apply to the second affected area.  
10 (6) Subsection (5) continues to apply in relation to the second  
11 affected area only while the Commonwealth instrument remains  
12 in force.  
13 *[Section 6A inserted: No. 42 of 2010 s. 5; amended: No. 7 of*  
14 *2017 s. 5.]*

**s. 6**

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**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.]*



1 [7AA. Deleted: No. 36 of 2020 s. 301.]

2 **7A. Geothermal resources area in, or extending into, other areas**

3 (1) The provisions of this section have effect for the purposes of  
4 this Act (including any Act with which this Act is incorporated)  
5 and of licences (whether granted before or after the  
6 commencement of this section).

7 (2) Where a well-head is situated in a licence area or in an area in  
8 respect of which a geothermal access authority is in force (in  
9 this subsection called an *access authority area*) and the well  
10 from that well-head is inclined so as to enter a geothermal  
11 resources area, being an area that does not extend to that licence  
12 area or access authority area, at a place within an adjoining  
13 licence area of the same licensee or registered holder of the  
14 geothermal access authority, any geothermal energy recovered  
15 through that well ~~is taken shall be deemed~~ to have been  
16 recovered in that adjoining licence area under the geothermal  
17 production licence in respect of that area.

18 (3) Where a geothermal resources area is partly in ~~1 one~~ licence  
19 area and partly in an adjoining licence area of the same licensee  
20 and geothermal energy is recovered from that geothermal  
21 resources area through a well or wells in ~~1 one~~ or both of the  
22 licence areas, there ~~is taken shall be deemed~~ to have been  
23 recovered in each of the licence areas, under the geothermal  
24 production licence in respect of that area, such proportion of all  
25 geothermal energy so recovered as may reasonably be treated as  
26 being derived from that area, having regard to the nature and  
27 probable extent of the geothermal resources area, and the  
28 respective proportions ~~must shall~~ be determined in accordance  
29 with subsection (4).

30 (4) The proportions to be determined for the purposes of  
31 subsection (3) may be determined by agreement between the  
32 licensee and the Minister or, in the absence of agreement, may  
33 be determined by the Supreme Court on the application of the  
34 licensee or the Minister.

35 (5) Where a geothermal resources area is partly in a licence area  
36 and partly in another area in which the licensee has authority  
37 under another written law or a law of another State to explore  
38 for geothermal energy resources or recover geothermal energy,  
39 and geothermal energy is recovered from that geothermal  
40 resources area through a well or wells in the licence area, the  
41 other area or both, there ~~is taken shall be deemed~~ to have been

**s. 7A**

1 recovered in the licence area such proportion of all geothermal  
2 energy so recovered as may reasonably be treated as being  
3 derived from the licence area, having regard to the nature and  
4 probable extent of the geothermal resources area, and that  
5 proportion ~~shall~~ must be determined in accordance with  
6 subsection (6).

7 (6) The proportion to be determined for the purposes of  
8 subsection (5) may be determined —

- 9 (a) in the case of a licensee having authority under another  
10 written law, by agreement between —  
11 (i) that licensee; and  
12 (ii) the Minister; and  
13 (iii) if the other written law is administered by a  
14 Minister of the Crown other than the Minister,  
15 that Minister of the Crown,

16 or, in the absence of agreement, may be determined by  
17 the Supreme Court on the application of that licensee,  
18 the Minister, or the Minister of the Crown (if any)  
19 referred to in subparagraph (iii); or

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

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

30 (7) Where —

- 31 (a) a geothermal resources area is partly in a licence area  
32 and partly in another area, whether in the State or not, in  
33 respect of which another person has authority, whether  
34 under this Act or another written law or under the law of  
35 another State, to explore for geothermal energy  
36 resources or recover geothermal energy; and  
37 (b) a unit development agreement in accordance with  
38 section 69 is in force between the licensee and that other  
39 person; and

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

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

8 (8) In this section —

9 (a) a reference to a geothermal production licence includes  
10 a reference to a geothermal exploration permit and a  
11 geothermal retention lease; and

12 (b) a reference to a licensee is a reference to the registered  
13 holder of a geothermal production licence and includes a  
14 reference to a geothermal permittee and a geothermal  
15 lessee; and

16 (c) a reference to a licence area is a reference to the area  
17 constituted by the blocks that are the subject of a  
18 geothermal production licence and includes a reference  
19 to a geothermal permit area and a geothermal lease area;  
20 and

21 (d) a reference to a State includes a reference to the  
22 Northern Territory; and

23 (e) a reference to the Supreme Court is a reference to the  
24 Supreme Court of the State, or of ~~1 one~~ of the States, in  
25 which the ~~resources pool petroleum pool~~ is wholly or  
26 partly situated.

27 [Section 7A inserted: No. 12 of 1990 s. 7; amended: No. 35 of  
28 2007 s. 8; No. 7 of 2017 s. 6.]

29 **7B. Resources pool in, or extending into, other areas~~Petroleum~~**  
30 **pool in, or extending into, other areas**

31 (1) The provisions of this section have effect for the purposes of  
32 this Act (including any Act with which this Act is incorporated)  
33 and of licences (whether granted before or after the  
34 commencement of this section).

35 (2) If a well-head is situated in a licence area or in an area in  
36 respect of which a petroleum access authority is in force (in this  
37 subsection called an *access authority area*) and the well from  
38 that well-head is inclined so as to enter a resources  
39 pool~~petroleum pool~~, being a pool that does not extend to that  
40 licence area or access authority area, at a place within an

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1 adjoining licence area of the same licensee or registered holder  
2 of the petroleum access authority, any petroleum or regulated  
3 substance recovered ~~petroleum recovered~~ through that well is  
4 taken to have been recovered in that adjoining licence area  
5 under the petroleum production licence in respect of that area.

6 (3) If a resources pool ~~petroleum pool~~ is partly in 1 one licence area  
7 and partly in an adjoining licence area of the same licensee and  
8 petroleum or a regulated substance is recovered ~~petroleum is~~  
9 ~~recovered~~ from that pool through a well or wells in 1 one or  
10 both of the licence areas, there is taken to have been recovered  
11 in each of the licence areas, under the petroleum production  
12 licence in respect of that area, such proportion of all petroleum  
13 or regulated substances so recovered ~~petroleum so recovered~~ as  
14 may reasonably be treated as being derived from that area,  
15 having regard to the nature and probable extent of the pool, and  
16 the respective proportions are to be determined in accordance  
17 with subsection (4).

18 (4) The proportions to be determined for the purposes of  
19 subsection (3) may be determined by agreement between the  
20 licensee and the Minister or, in the absence of agreement, may  
21 be determined by the Supreme Court on the application of the  
22 licensee or the Minister.

23 (5) If a resources pool ~~petroleum pool~~ is partly in a licence area and  
24 partly in another area in which the licensee has authority under  
25 another written law or a law of another State or the  
26 Commonwealth to explore for, or recover, petroleum or a  
27 regulated substance, and petroleum or a regulated substance  
28 ~~petroleum, and petroleum~~ is recovered from that pool through a  
29 well or wells in the licence area, the other area or both, there is  
30 taken to have been recovered in the licence area such proportion  
31 of all petroleum or regulated substances so recovered ~~petroleum~~  
32 ~~so recovered~~ as may reasonably be treated as being derived  
33 from the licence area, having regard to the nature and probable  
34 extent of the pool, and that proportion is to be determined in  
35 accordance with subsection (6).

36 (6) The proportion to be determined for the purposes of  
37 subsection (5) may be determined —

- 38 (a) in the case of a licensee having authority under another  
39 written law, by agreement between —  
40 (i) that licensee; and  
41 (ii) the Minister; and

- 1 (iii) if the other written law is administered by a  
2 Minister of the Crown other than the Minister,  
3 that Minister of the Crown,  
4 or, in the absence of agreement, may be determined by  
5 the Supreme Court on the application of that licensee,  
6 the Minister, or the Minister of the Crown (if applicable)  
7 referred to in subparagraph (iii); or  
8 (b) in the case of a licensee having authority under a law of  
9 another State, by agreement between —  
10 (i) that licensee; and  
11 (ii) the Minister; and  
12 (iii) the State Minister administering the law of the  
13 other State,  
14 or, in the absence of agreement, may be determined by  
15 the Supreme Court on the application of that licensee,  
16 the Minister or the State Minister referred to in  
17 subparagraph (iii); or  
18 (c) in the case of a licensee having authority under a law of  
19 the Commonwealth, by agreement between —  
20 (i) that licensee; and  
21 (ii) the Minister; and  
22 (iii) the Joint Authority,  
23 or, in the absence of agreement, may be determined by  
24 the Supreme Court on the application of that licensee,  
25 the Minister or the Joint Authority.  
26 (7) In subsection (6) —  
27 **Joint Authority** has the meaning given in the Commonwealth  
28 Act section 7.  
29 (8) If —  
30 (a) an agreement is in force to explore for, or [recover,](#)  
31 [petroleum or a regulated substance](#) ~~recover, petroleum~~  
32 between —  
33 (i) a licensee, the Minister and, if the other written  
34 law mentioned in this subparagraph is  
35 administered by a Minister of the Crown other  
36 than the Minister, that Minister of the Crown in  
37 relation to a [resources pool](#) ~~petroleum pool~~ that is  
38 partly in the licence area and partly in another  
39 area (the **other area**) in which the licensee has  
40 authority under another written law; or

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- 1 (ii) a licensee, the Minister and the State Minister  
2 administering a law of another State in relation to  
3 a resources pool ~~petroleum pool~~ that is partly in  
4 the licence area and partly in another area (the  
5 *other area*) in which the licensee has authority  
6 under the law of the other State; or
- 7 (iii) a licensee, the Minister and the Joint Authority in  
8 relation to a resources pool ~~petroleum pool~~ that is  
9 partly in the licence area and partly in another  
10 area (the *other area*) in which the licensee has  
11 authority under a law of the Commonwealth;
- 12 and
- 13 (b) the agreement contains a provision (the *apportionment*  
14 *provision*) that provides that, for the purposes of this  
15 section, there is taken to be recovered in the licence area  
16 a specified proportion of all of the petroleum or  
17 regulated substances recovered ~~petroleum recovered~~  
18 from the resources pool ~~petroleum pool~~; and
- 19 (c) assuming that petroleum or regulated substances were  
20 recovered ~~petroleum were recovered~~ from the part of the  
21 seabed that is within the areal and vertical extents  
22 specified in the agreement, the specified proportion  
23 would be consistent with such proportion of all  
24 petroleum or regulated substances so recovered  
25 ~~petroleum so recovered~~ as may reasonably be treated as  
26 being derived from the licence area, having regard to the  
27 nature and probable extent of the petroleum or regulated  
28 substances in ~~petroleum in~~ that part of the seabed; and
- 29 (d) the agreement contains a provision to the effect that if it  
30 becomes apparent that the areal and vertical extents of  
31 the resources pool ~~petroleum pool~~, as specified in the  
32 agreement, comprise or are likely to comprise more than  
33 1 ~~one~~ resources pool ~~petroleum pool~~, the apportionment  
34 set out in the apportionment provision will apply to the  
35 petroleum or regulated substances recovered ~~petroleum~~  
36 ~~recovered~~ from any or all of those resources  
37 pools ~~petroleum pools~~, regardless of their location but  
38 within those areal and vertical extents; and
- 39 (e) after the time of the making of the agreement, it  
40 becomes apparent that the areal and vertical extents of  
41 the resources pool ~~petroleum pool~~, as specified in the  
42 agreement, comprise, or are likely to comprise, 2 or  
43 more resources pools ~~petroleum pools~~; and



- 1 (f) petroleum or a regulated substance is recovered  
 2 ~~petroleum is recovered~~ from any of those resources  
 3 pools ~~petroleum pools~~ through a well or wells in the  
 4 licence area, the other area or both,
- 5 then —
- 6 (g) for the purposes of this Act, there is taken to have been  
 7 recovered in the licence area such proportion of all  
 8 petroleum or regulated substances so recovered  
 9 ~~petroleum so recovered~~ as is specified in the  
 10 apportionment provision; and
- 11 (h) subsection (5) does not apply to any of those resources  
 12 pools ~~petroleum pools~~.
- 13 (9) The question of whether there is or was a resources pool  
 14 ~~petroleum pool~~ covered by subsection (8)(a) is to be determined  
 15 on the basis of information known at the time of the making of  
 16 the relevant agreement referred to in that provision.
- 17 (10) The question of whether subsection (8)(c) applies is to be  
 18 determined on the basis of information known at the time of the  
 19 commencement of the apportionment provision.
- 20 (11) The location of any of the 2 or more resources pools ~~petroleum~~  
 21 ~~pools~~ mentioned in subsection (8)(e) is immaterial.
- 22 (12) If —
- 23 (a) at a particular time after the commencement of this  
 24 section, a resources pool ~~petroleum pool~~ is partly in a  
 25 licence area and partly in another area (the *other area*)  
 26 in which the licensee has authority under another written  
 27 law or a law of another State or the Commonwealth to  
 28 explore for, or recover, petroleum or a regulated  
 29 substance ~~recover, petroleum~~; and
- 30 (b) at that time, an agreement is made between —
- 31 (i) if the licensee has authority under another  
 32 written law — the licensee, the Minister and, if  
 33 the other written law is administered by a  
 34 Minister of the Crown other than the Minister,  
 35 that Minister of the Crown; or
- 36 (ii) if the licensee has authority under a law of  
 37 another State — the licensee, the Minister and  
 38 the State Minister administering the law of the  
 39 other State; or

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- 1 (iii) if the licensee has authority under a law of the  
2 Commonwealth — the licensee, the Minister and  
3 the Joint Authority;
- 4 and
- 5 (c) the agreement specifies a part of the seabed by reference  
6 to its areal and vertical extents; and
- 7 (d) the areal and vertical extents of the specified part consist  
8 of —
- 9 (i) the whole or a part of the licence area; and  
10 (ii) the whole or a part of the other area;
- 11 and
- 12 (e) the areal and vertical extents of the specified part  
13 include the resources pool~~petroleum pool~~; and
- 14 (f) the agreement contains a provision (the *apportionment*  
15 *provision*) that provides that, for the purposes of this  
16 section, there is taken to be recovered in the licence area  
17 a specified proportion of all of the petroleum or  
18 regulated substances recovered ~~petroleum recovered~~  
19 from the specified part; and
- 20 (g) assuming that petroleum or regulated substances were  
21 recovered ~~petroleum were recovered~~ from the specified  
22 part, the specified proportion would be consistent with  
23 such proportion of all petroleum or regulated substances  
24 so recovered ~~petroleum so recovered~~ as may reasonably  
25 be treated as being derived from the licence area, having  
26 regard to the nature and probable extent of the  
27 petroleum or regulated substances in ~~petroleum in~~ the  
28 specified part; and
- 29 (h) petroleum or a regulated substance is recovered  
30 ~~petroleum is recovered~~ from the specified part through a  
31 well or wells in the licence area, the other area or both,
- 32 then —
- 33 (i) for the purposes of this Act, there is taken to have been  
34 recovered in the licence area such proportion of all  
35 petroleum or regulated substances so recovered  
36 ~~petroleum so recovered~~ as is specified in the  
37 apportionment provision; and
- 38 (j) subsection (5) does not apply to a resources pool  
39 ~~petroleum pool~~ located in the specified part.



- 1 (13) The question of whether there is or was a resources pool  
2 ~~petroleum pool~~ covered by subsection (12)(a) at a particular  
3 time is to be determined on the basis of information known at  
4 that time.
- 5 (14) The question of whether subsection (12)(g) applies is to be  
6 determined on the basis of information known at the time of the  
7 commencement of the apportionment provision.
- 8 (15) If —
- 9 (a) a resources pool ~~petroleum pool~~ is partly in a licence  
10 area and partly in another area, whether in the State or  
11 not, in respect of which another person has authority,  
12 whether under this Act or another written law or under  
13 the law of another State or the Commonwealth, to  
14 explore for or recover petroleum or a regulated  
15 substance ~~recover petroleum~~; and
- 16 (b) a unit development agreement in accordance with  
17 section 69 is in force between the licensee and that other  
18 person; and
- 19 (c) petroleum or a regulated substance is recovered  
20 ~~petroleum is recovered~~ from that pool through a well or  
21 wells in the licence area, the other area or both,
- 22 there is taken to have been recovered in the licence area such  
23 proportion of all petroleum or regulated substances so recovered  
24 ~~petroleum so recovered~~ as is specified in, or determined in  
25 accordance with, the agreement referred to in paragraph (b).
- 26 (16) In this section —
- 27 (a) a reference to a petroleum production licence includes a  
28 reference to a petroleum exploration permit and a  
29 petroleum retention lease; and
- 30 (b) a reference to a licensee is a reference to the registered  
31 holder of a petroleum production licence and includes a  
32 reference to a petroleum permittee and a petroleum  
33 lessee; and
- 34 (c) a reference to a licence area is a reference to the area  
35 constituted by the blocks that are the subject of a  
36 petroleum production licence and includes a reference to  
37 a petroleum permit area and a petroleum lease area; and
- 38 (d) a reference to a State includes a reference to the  
39 Northern Territory; and

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- 1 (e) a reference to the Supreme Court is a reference to the  
2 Supreme Court of the State, or of ~~1~~ one of the States, in  
3 which the resources pool ~~petroleum pool~~ is wholly or  
4 partly situated.

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

6 **8. Position on Earth's surface**

7 (1) Where, for the purposes of this Act, or for the purposes of an  
8 instrument under this Act, it is necessary to determine the  
9 position on the surface of the Earth of a point, line or area, that  
10 position is to be determined by reference to the prescribed  
11 Australian datum.

12 (2) A datum may be prescribed for all or some of the purposes  
13 referred to in subsection (1), and different datums may be  
14 prescribed for different purposes.

15 (3) Regulations that prescribe a datum for a purpose referred to in  
16 subsection (1), or amend that datum or prescribe another datum  
17 to replace that datum, may make any transitional or savings  
18 provisions that are necessary or convenient to be made —

19 (a) in relation to permits, drilling reservations, leases,  
20 licences, special prospecting authorities or access  
21 authorities granted before the regulations take effect; or

22 (b) in relation to applications for permits, drilling  
23 reservations, leases, licences, special prospecting  
24 authorities or access authorities pending when the  
25 regulations take effect; or

26 (c) for any other purpose.

27 (4) Regulations referred to in subsection (3) may modify or  
28 otherwise affect the operation of this Act.

29 *[Section 8 inserted: No. 54 of 2000 s. 7(2); amended: No. 13 of*  
30 *2005 s. 16(1).]*

31 **9. Petroleum, regulated substances, geothermal energy**  
32 **resources and geothermal energy declared to be property of**  
33 **Crown ~~Petroleum, geothermal energy resources and~~**  
34 **~~geothermal energy declared to be property of Crown~~**

35 Despite ~~Notwithstanding~~ anything to the contrary contained in  
36 any Act, or in any grant, lease, or other instrument of title,  
37 whether made or issued before or after the commencement of  
38 this Act, all petroleum, regulated substances ~~all petroleum,~~  
39 geothermal energy 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 is taken ~~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**

Every —

- (a) Crown grant and lease under any Act relating to Crown land issued before the coming into operation of this Act is taken ~~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 contains~~shall contain~~, or if not containing those reservations, is taken ~~be deemed~~ to contain,

a reservation of all petroleum, regulated substances~~all petroleum~~, geothermal energy resources and geothermal energy on or below the surface of the land comprised in the land~~therein~~, and also a reservation of the right of access, subject to and in accordance with the provisions of this Act~~hereinafter contained~~, for the purpose of searching for and for the operations of obtaining petroleum, regulated substances~~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 search for petroleum, regulated substances or geothermal energy resources ~~Minister may search for petroleum or geothermal energy resources~~**

- (1) The Minister may by the Minister's ~~his~~ officers, agents, or workers ~~workmen~~ search for petroleum, regulated substances ~~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, regulated substances~~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 vacant Crown land; or
  - (b) any other land.

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

8 (3) Any claim for payment of compensation under this section ~~shall~~ must  
9 ~~be made, dealt with, and determined under and in~~  
10 accordance with the provisions of Part 10 of the *Land*  
11 *Administration Act 1997*, as if it were a claim for compensation  
12 made originally under that Act.

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

15 **11A. Property rights in recovered petroleum, regulated**  
16 **substances and geothermal energy ~~Property rights in~~**  
17 **~~recovered petroleum and geothermal energy~~**

18 (1) Subject to this Act and to any rights of other persons, on the  
19 recovery of any petroleum or regulated substance ~~any petroleum~~  
20 by a petroleum permittee, holder of a petroleum drilling  
21 reservation, petroleum lessee or petroleum licensee in the permit  
22 area, drilling reservation, lease area or licence area, the  
23 petroleum or regulated substance becomes ~~petroleum becomes~~  
24 the property of the petroleum permittee, holder of the petroleum  
25 drilling reservation, petroleum lessee or petroleum licensee.

26 (2) Subject to this Act and to any rights of other persons, on the  
27 recovery of any geothermal energy by a geothermal permittee,  
28 holder of a geothermal drilling reservation, geothermal lessee or  
29 geothermal licensee in the permit area, drilling reservation,  
30 lease area or licence area, the geothermal energy becomes the  
31 property of the geothermal permittee, holder of the geothermal  
32 drilling reservation, geothermal lessee or geothermal licensee.

33 (3) Nothing in subsection (2) operates to confer rights in relation to  
34 any water by means of which geothermal energy is transferred  
35 from geothermal energy resources for the purposes of its  
36 recovery.

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

38 **12. Land may be resumed**

39 (1) The Minister administering the *Land Administration Act 1997*  
40 may from time to time, under and subject to Part 9 of the *Land*

1 Administration Act 1997, take on behalf of the Crown any land  
 2 which in his opinion ought to be taken for the purposes of this  
 3 Act, and for the purpose of any such proposed taking may cause  
 4 the land to be inspected, surveyed, explored, and reported upon  
 5 by such officers and workmen as he directs, all of whom may  
 6 thereupon enter upon the land and carry out all necessary  
 7 operations.

8 (2) The Minister administering the *Land Administration Act 1997*  
 9 may from time to time under and subject to Part 9 of the *Land*  
 10 *Administration Act 1997*, and at the request of a person  
 11 interested in land taken or intended to be taken under  
 12 subsection (1), take on behalf of the Crown any land which is  
 13 being or is intended to be used in conjunction with the land so  
 14 taken or so intended to be taken.

15 (3) Upon any such taking the owner shall be entitled to  
 16 compensation, and the amount of such compensation shall be  
 17 determined in the manner prescribed by Part 10 of the *Land*  
 18 *Administration Act 1997*.

19 (4) Whenever it is proved to the satisfaction of the State  
 20 Administrative Tribunal that damage has been sustained by a  
 21 claimant by reason of the severance of the land resumed from  
 22 other adjoining land of the claimant, the Tribunal may order that  
 23 such adjoining land or some portion thereof shall also be  
 24 resumed.

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

27 **13. Governor to have right of pre-emption of petroleum or**  
 28 **regulated substances in emergency ~~Governor to have right~~**  
 29 **~~of pre-emption of petroleum in emergency~~**

30 (1) Upon the Governor proclaiming a state of national or State  
 31 emergency, the Governor ~~has shall have~~ the right of  
 32 pre-emption of all petroleum or regulated substances ~~all~~  
 33 ~~petroleum~~ produced by a licensee and of all the products of the  
 34 petroleum or regulated substances ~~such petroleum~~; and in the  
 35 event of the Governor ~~exercising the exercising such~~ right, the  
 36 licensee concerned must ~~concerned shall~~ take all reasonable  
 37 steps to facilitate the delivery of the petroleum or regulated  
 38 substances ~~delivery of the petroleum~~ or products of them  
 39 ~~thereof~~, as the Governor may direct.

40 (2) A licensee must not ~~No licensee shall~~ sell or otherwise dispose  
 41 of petroleum or regulated substances ~~petroleum~~ produced by the

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1 ~~licensee, him~~ or the products ~~of them~~ ~~thereof~~, without the written  
2 consent of the Minister.

3 Penalty: a fine of \$10 000.

4 (3) Any sale or other disposition of ~~petroleum or regulated~~  
5 ~~substances, petroleum~~ or the products ~~of them, thereof~~ made in  
6 contravention of subsection (2) ~~are~~ ~~shall~~, as against the Governor  
7 when exercising the right conferred by subsection (1), ~~null be~~  
8 ~~null~~ and void.

9 (4) The price to be paid for ~~petroleum or regulated substances,~~  
10 ~~petroleum~~ or products ~~of them, thereof~~ purchased by the  
11 Governor pursuant to the right of pre-emption conferred by  
12 subsection (1) ~~must~~ ~~shall~~, failing mutual agreement between the  
13 Minister and the vendor, be determined by arbitration under the  
14 provisions of the *Commercial Arbitration Act 2012*.

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

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

19 (1) Subject to the approval and consent in writing of the Minister,  
20 any person may enter upon any land comprised in any permit,  
21 drilling reservation, lease or licence and do any of the following  
22 things: —

23 (a) erect poles and posts thereon, and carry overhead across  
24 or along such land electric lines, and from time to time  
25 repair, alter, or remove such poles, posts, or lines; and

26 (b) make or construct any tramways thereon, and from time  
27 to time repair, alter, or remove the same; and

28 (c) construct any road, race or drain, or lay water-pipes  
29 under, over, across, or through such land; and

30 (d) any act or thing for or relating to a public purpose or the  
31 exercise of any right granted pursuant to law; and

32 (e) for carrying out any of the said purposes, break or  
33 otherwise disturb the surface and soil of such land.

34 (2) If the permittee, holder of the drilling reservation, lessee or  
35 licensee suffers any estimable damage by reason of the exercise  
36 by any person of any of the powers mentioned in subsection (1),  
37 that person shall be liable to compensate the permittee, holder of  
38 the drilling reservation, lessee or licensee, as the case requires,  
39 in respect of the damage so caused.



- 1 (3) In default of agreement between the parties concerned, the  
2 permittee, holder of the drilling reservation, lessee or licensee  
3 may make application to the Magistrates Court at the place  
4 nearest to the place at which the land is situated in the  
5 prescribed manner to fix the amount of compensation to be paid.  
6 *[Section 14 amended: No. 12 of 1990 s. 9; No. 78 of 1990 s. 7;*  
7 *No. 59 of 2004 s. 141.]*

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

- 10 (1) Subject to this Act and to any condition referred to in  
11 section 91B(2), but notwithstanding the provisions of any other  
12 Act or law, the authority conferred by section 38, 43D, 48C  
13 or 62 upon a permittee, holder of a drilling reservation, lessee or  
14 licensee is, by virtue of this Act, exercisable on any land within  
15 the permit area, drilling reservation, lease area or licence area,  
16 as the case may be, whether Crown land or private land or partly  
17 Crown land and partly private.

18 *[(2) deleted]*

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

21 **15A. Consent of Minister required for entry on reserves for**  
22 **purposes of exploration etc.**

- 23 (1) A person who is a ~~A~~ permittee, holder of a drilling reservation,  
24 access authority or special prospecting authority, lessee or  
25 licensee ~~must shall~~ not enter upon any land that is —  
26 (a) comprised in the permit, drilling reservation, access  
27 authority, special prospecting authority, lease or licence  
28 of which the person ~~he~~ is the holder; and  
29 (b) reserved, declared or otherwise dedicated under the  
30 *Land Administration Act 1997* or any other written law,  
31 for the purpose of —  
32 (c) exploring for petroleum, regulated substances ~~petroleum~~  
33 or geothermal energy resources; or  
34 (d) carrying out operations for the recovery of petroleum,  
35 regulated substances ~~petroleum~~ or geothermal energy,  
36 unless the consent in writing of the Minister has been first  
37 obtained.  
38 (2) Consent may be given for the purposes of subsection (1) subject  
39 to the inclusion in the permit, drilling reservation, access

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1 authority, special prospecting authority, lease or licence of such  
2 conditions as the Minister thinks fit and specifies in the consent.

3 (3) Before giving consent for the purposes of subsection (1), the  
4 Minister ~~shall~~ must consult with the responsible Minister and  
5 obtain that Minister's recommendations on the conditions, if  
6 any, which should be included in the permit, drilling  
7 reservation, access authority, special prospecting authority,  
8 lease or licence.

9 (4) Without limiting subsection (2), the Minister may specify in the  
10 consent conditions for the purpose of ensuring, so far as is  
11 practicable, that any operations carried out on the land under the  
12 authority of the permit, drilling reservation, access authority,  
13 special prospecting authority, lease or licence are carried out in  
14 such a manner as to minimise the risk of damage to any native  
15 fauna or flora on the land.

16 (5) The responsible Minister for the purposes of subsection (3) is  
17 the Minister responsible for the administration of the land or the  
18 written law under which the land is reserved, declared or  
19 dedicated, and if any question arises as to who is the responsible  
20 Minister under subsection (3), the question is to be determined  
21 by the Governor whose decision is final.

22 (6) Nothing in this section limits or otherwise affects the operation  
23 of sections 13A(3) and 13B(9) of the *Conservation and Land*  
24 *Management Act 1984*.

25 *[Section 15A inserted: No. 17 of 1999 s. 23(1); amended: No.*  
26 *35 of 2007 s. 13.]*

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

29 (1) A permittee, holder of a drilling reservation, access authority or  
30 special prospecting authority, lessee or licensee ~~shall~~ must not  
31 enter upon any land to which this section applies for the purpose  
32 of —

33 (a) exploring for ~~petroleum~~ petroleum, regulated substances  
34 or geothermal energy resources; or

35 (b) carrying out operations for the recovery of ~~petroleum~~ petroleum,  
36 regulated substances or geothermal energy,

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



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

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

17 **17. Compensation to owners and occupiers of private land**

- 18 (1) A permittee, holder of a drilling reservation, lessee or licensee  
 19 may agree with the owner and occupier respectively of any  
 20 private land comprised in the permit, drilling reservation, lease  
 21 or licence as to the amount of compensation to be paid for the  
 22 right to occupy the land.
- 23 (2) Subject to subsections (3) and (5), the compensation to be made  
 24 to the owner and occupier ~~is shall be~~ compensation for being  
 25 deprived of the possession of the surface or any part of the  
 26 surface of the private land, and for damage to the surface of the  
 27 whole or any part ~~of the land, and to any improvements on the~~  
 28 ~~land thereof, and to any improvements thereon~~, which may arise  
 29 from the carrying on of operations ~~on or under the land thereon~~  
 30 ~~or thereunder~~, and for the severance of ~~the such~~ land from other  
 31 land of the owner or occupier, and for rights-of-way and for all  
 32 consequential damages.
- 33 (3) In assessing the amount of compensation ~~allowance must not no~~  
 34 ~~allowance shall~~ be made to the owner or occupier for any gold,  
 35 minerals, ~~petroleum, regulated substances~~ ~~petroleum~~, geothermal  
 36 energy resources or geothermal energy known or supposed to be  
 37 on or under the land.
- 38 (4) If within such time as may be prescribed the parties are unable  
 39 to agree upon the amount of compensation to be paid, either

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1 party may apply to the Magistrates Court at the place nearest to  
2 where the land is situated to fix the amount of compensation.

3 (5) In determining the amount of compensation, the Court must  
4 ~~shall~~ take into consideration the amount of any compensation  
5 which the owner and occupier or either of them have or has  
6 already received in respect of the damage for which  
7 compensation is being assessed, and must ~~shall~~ deduct the  
8 amount already ~~so~~ received from the amount which they would  
9 otherwise be entitled to for such damage.

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

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

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

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

29 **19. Compensation for further damage**

30 If while in occupation of any land comprised in a permit,  
31 drilling reservation, lease or licence the permittee, holder of the  
32 drilling reservation, lessee or licensee, as the case requires,  
33 causes any damage to the surface of any private land comprised  
34 within the boundaries of the land the subject of the permit,  
35 drilling reservation, lease or licence belonging either to the  
36 same or any other owner, or to any improvement on any such  
37 private land, not being damage already assessed under the  
38 provisions of this Part, the owner and occupier of the private  
39 land or improvement shall severally be entitled to compensation  
40 for the damage sustained by each of them, and the amount of

1 such compensation shall be ascertained in accordance with the  
2 provisions of section 17.

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

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

8 (1) A permittee, holder of a drilling reservation, lessee or licensee  
9 shall not commence any operations on private land unless or  
10 until he has paid or tendered to the owner and to the occupier of  
11 the land the amount of compensation, if any, which he is  
12 required to pay under and as ascertained in accordance with this  
13 Act or he has made an agreement in writing with the owner or  
14 occupier as to the amount, times and mode of payment of the  
15 compensation, if any.

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

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

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

25 (1) If a permittee, holder of a drilling reservation, lessee or licensee  
26 has by himself, his agent or his employee in the exercise or  
27 purported exercise of any of the powers conferred by or under  
28 this Act or by reason of any operation conducted or other action  
29 taken by him or any of them caused damage to any  
30 improvements on land leased by way of —

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

34 (b) a lease for timber purposes; or

35 (c) a lease for the use and benefit of the Aboriginal  
36 inhabitants,

37 he is liable, subject to section 24, to pay compensation to the  
38 person to whom that land is so leased (in this section and in  
39 section 22 called the *compensable lessee* or a *compensable*  
40 *lessee*, as the case requires) for that damage and for any damage

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1 which the compensable lessee may, in the opinion of the  
2 Magistrates Court, suffer as a consequence of the damage to  
3 those improvements.

4 (2) A person liable to pay compensation to a compensable lessee  
5 under the provisions of this section may agree with the  
6 compensable lessee as to the amount of compensation including  
7 compensation for consequential damage.

8 (3) If an agreement is not made under subsection (2), the compensable  
9 lessee may commence an action for compensation before the  
10 Magistrates Court at the place nearest to the place at which the  
11 land is situated, or the person liable to pay compensation may so  
12 commence an action claiming a declaration as to the amount of  
13 compensation payable.

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

16 **22. Determination of partial compensation**

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

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

27 **23. Security for compensation**

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

36 **24. Matters for which compensation not payable**

37 (1) Except where and then only to the extent agreed to by the  
38 parties or authorised by the Court compensation is not payable  
39 under the provisions of this Act to the lessee of land leased by

1 way of a pastoral lease within the meaning of the *Land*  
2 *Administration Act 1997*, a lease otherwise granted for grazing  
3 purposes only, a lease for timber purposes or a lease for the use  
4 and benefit of the Aboriginal inhabitants (in this subsection  
5 called the *affected lessee*) —

- 6 (a) for deprivation of the possession of the surface of the  
7 land or any part of the surface; and  
8 (b) for damage to the surface of the land; and  
9 (c) where the affected lessee is deprived of the possession  
10 of the surface of any land, for severance of the land from  
11 any other land of the affected lessee; and  
12 (d) for surface rights of way and easements.

- 13 (2) Compensation is not payable for any gold, minerals, [petroleum](#),  
14 [regulated substances](#)~~petroleum~~, geothermal energy resources or  
15 geothermal energy known or supposed to be on or under the  
16 land.

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

19 **24A. Liability for payment of compensation to native title holders**

- 20 (1) If compensation is payable to native title holders for or in  
21 respect of the grant of an authorisation, the person liable to pay  
22 the compensation is —  
23 (a) if an amount is to be paid and held in trust, the applicant  
24 for the grant of, or the holder of, the authorisation at the  
25 time the amount is required to be paid; or  
26 (b) otherwise, the applicant for the grant of, or the holder of,  
27 the authorisation at the time a determination of  
28 compensation is made.  
29 (2) If, at the relevant time, there is no holder of the authorisation  
30 because the authorisation has been surrendered or cancelled or  
31 has expired, a reference in subsection (1) to the holder of the  
32 authorisation is a reference to the holder of the authorisation  
33 immediately before its surrender, cancellation or expiry.

- 34 (3) In this section —

35 *authorisation* means a permit, drilling reservation, lease,  
36 licence, special prospecting authority or access authority;

37 *native title holders* has the same meaning as in the *Native Title*  
38 *Act 1993* of the Commonwealth.

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

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1    **25.    Delegation**

2        (1)    The Minister may —

3            (a)    delegate all or any of his powers and functions under  
4            this Act (except this power of delegation); and

5            (b)    vary or revoke a delegation given by him.

6        (2)    A power or function delegated by the Minister may be exercised  
7        or performed by the delegate —

8            (a)    in accordance with the instrument of delegation; and

9            (b)    if the exercise of the power or the performance of the  
10           function is dependent upon the opinion, belief or state of  
11           mind of the Minister in relation to a matter — upon the  
12           opinion, belief or state of mind of the delegate in  
13           relation to that matter.

14        (3)    A delegation under this section does not prevent the exercise of  
15        a power or the performance of the function by the Minister.

16        (4)    A copy of each instrument making, varying or revoking a  
17        delegation under this section shall be published in the *Gazette*.

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

1                   **Part III — Mining for petroleum, regulated**  
2 **substancespetroleum, geothermal energy resources and**  
3 **geothermal energy**

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

5                   **Division 1 — Preliminary**

6                   **26. Term used: State**

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

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

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

12                  (1) For the purposes of this Act, the surface of the Earth shall be  
13                  deemed to be divided —

- 14                   (a) by the meridian of Greenwich and by meridians that are  
15                   at a distance from that meridian of 5 minutes, or a  
16                   multiple of 5 minutes, of longitude; and  
17                   (b) by the equator and by parallels of latitude that are at a  
18                   distance from the equator of 5 minutes, or a multiple of  
19                   5 minutes, of latitude,

20                  into sections, each of which is bounded —

- 21                   (c) by portions of 2 of those meridians that are at a distance  
22                   from each other of 5 minutes of longitude; and  
23                   (d) by portions of 2 of those parallels of latitude that are at a  
24                   distance from each other of 5 minutes of latitude.

25                  (2) For the purposes of this Act —

- 26                   (a) a graticular section that is wholly within the State  
27                   constitutes a block; and  
28                   (b) if a part only of a graticular section is, or parts only of a  
29                   graticular section are, within the State, the area of that  
30                   part, or of those parts, constitutes a block.

31                  (3) In this Act —

- 32                   (a) a reference to a block that is constituted by a graticular  
33                   section includes a reference to a block that is constituted  
34                   by the area of a part only, or by the areas of parts only,  
35                   of a graticular section; and

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1 (b) a reference to a graticular section that constitutes a block  
2 includes a reference to a graticular section part only of  
3 which constitutes, or parts only of which constitute, a  
4 block.

5 (4) Without limiting subsection (2) of section 8, a datum is to be  
6 prescribed by regulations referred to in that section for the  
7 purposes of the determination of the position on the surface of  
8 the Earth of a graticular section or a block (including a block  
9 constituted as provided by section 135).

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

11 **28. Reservation of blocks**

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

21 (1a) The Minister may, by instrument published in the *Gazette*,  
22 declare that a block specified in the instrument (not being a  
23 block in respect of which a geothermal exploration permit,  
24 geothermal drilling reservation, geothermal retention lease or  
25 geothermal production licence is in force) shall not be the  
26 subject of a geothermal exploration permit, geothermal drilling  
27 reservation, geothermal retention lease, geothermal production  
28 licence, geothermal special prospecting authority or geothermal  
29 access authority.

30 (2) While a declaration under subsection (1) remains in force in  
31 respect of a block, a petroleum exploration permit, petroleum  
32 drilling reservation, petroleum retention lease, petroleum  
33 production licence, petroleum special prospecting authority or  
34 petroleum access authority shall not be granted in respect of that  
35 block.

36 (3) While a declaration under subsection (1a) remains in force in  
37 respect of a block, a geothermal exploration permit, geothermal  
38 drilling reservation, geothermal retention lease, geothermal  
39 production licence, geothermal special prospecting authority or



1 geothermal access authority shall not be granted in respect of  
2 that block.

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

5 **28A. Issue of permits etc. in marine reserves**

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

12 [(2) *deleted*]

13 (3) In this section —

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

17 *[Section 28A inserted: No. 5 of 1997 s. 43; amended: No. 17 of*  
18 *1999 s. 22(3).]*

19 **Division 2 — Permits and drilling reservations**

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

21 **29. Exploration for petroleum, regulated substances and**  
22 **geothermal energy resources restricted ~~Exploration for~~**  
23 **~~petroleum and geothermal energy resources restricted~~**

24 (1) Except as provided in subsection (1A), a person must not  
25 explore for petroleum or a regulated substance ~~A person shall~~  
26 ~~not explore for petroleum~~ in the State except —

27 (a) under and in accordance with a petroleum exploration  
28 permit or a petroleum drilling reservation; or

29 (b) as otherwise permitted by this Act.

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

31 (1A) A petroleum exploration permit or petroleum drilling  
32 reservation does not authorise the permittee or reservation  
33 holder to explore for a regulated substance, and to carry on such

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1 operations and execute such works as are necessary for that  
2 purpose, in the permit or reservation area unless —

3 (a) the permittee or reservation holder applies to the  
4 Minister in writing for approval to carry out the  
5 exploration, carry on the operations and execute the  
6 works; and

7 (b) the Minister —

8 (i) by instrument in writing, grants the approval; and

9 (ii) endorses the permit or reservation accordingly.

10 (2) A person must ~~shall~~ not explore for geothermal energy  
11 resources in the State except —

12 (a) under and in accordance with a geothermal exploration  
13 permit or a geothermal drilling reservation; or

14 (b) as otherwise permitted by this Act.

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

16 (3) In this section —

17 *explore for*, in relation to petroleum, regulated substances  
18 ~~petroleum~~ or geothermal energy resources, includes to conduct  
19 any geophysical survey the data from which are intended for use  
20 in the search for petroleum, regulated substances ~~petroleum~~ or  
21 geothermal energy resources.

22 [Section 29 inserted: No. 12 of 1990 s. 20; amended: No. 78 of  
23 1990 s. 7; No. 28 of 1994 s. 6; No. 35 of 2007 s. 19; No. 42 of  
24 2010 s. 62(15).]

25 **30. Advertisement of blocks**

26 (1) The Minister may, by instrument published in the *Gazette* —

27 (a) invite applications for the grant of a permit in respect of  
28 the block or blocks specified in the instrument; and

29 (b) specify a period within which applications may be  
30 made.

31 (2) The Minister may, for reasons that he thinks sufficient, in an  
32 instrument under subsection (1), direct that subsection (2) or (3)  
33 of section 31 does not apply, or that both of those subsections  
34 do not apply, to or in relation to the applications.

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

1     **31.     Application for permit**

- 2     (1)    An application under section 30 or 105(3)(a)(ii) —
- 3            [(a)    ~~deleted~~]
- 4            (b)    ~~must shall~~ be made in an approved manner; and
- 5            (c)    ~~must shall~~ be in respect of not more than —
- 6                (i)    400 blocks, if the application relates to the
- 7                exploration for petroleum or a regulated
- 8                substance~~petroleum~~; or
- 9                (ii)   160 blocks, if the application relates to the
- 10              exploration for geothermal energy resources;
- 11            and
- 12            (d)    ~~must shall~~ be accompanied by particulars of —
- 13                (i)    the proposals of the applicant for work and
- 14                expenditure in respect of the blocks specified in
- 15                the application; and
- 16                (ii)   the technical qualifications of the applicant and
- 17                of the employees of the applicant~~his employees~~;
- 18                and
- 19                (iii)   the technical advice available to the applicant;
- 20                and
- 21                (iv)   the financial resources available to the applicant;
- 22            and
- 23            (e)    may set out any other matters that the applicant wishes
- 24            the Minister to consider; and
- 25            (f)    ~~must shall~~ be accompanied by the prescribed fee.
- 26    (2)    The number of blocks specified in the application —
- 27            (a)    if 16 blocks or more are available — ~~must shall~~ not be
- 28            less than 16; or
- 29            (b)    if less than 16 blocks are available — ~~must shall~~ be the
- 30            number available.
- 31    (3)    The blocks specified in the application ~~must shall~~ be blocks that
- 32            are constituted by graticular sections that —
- 33            (a)    constitute a single area; and
- 34            (b)    are such that each graticular section in that area has a
- 35            side in common with at least 1~~one~~ other graticular
- 36            section in that area.

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

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

8 **32A. More than one permit application for same block or blocks**

- 9 (1) This section applies if —  
10 (a) 2 or more applications are made under section 30 for the  
11 grant of a petroleum exploration permit for the same  
12 block or blocks; or  
13 (b) 2 or more applications are made under section 30 for the  
14 grant of a geothermal exploration permit for the same  
15 block or blocks.
- 16 (2) The Minister may grant the permit to whichever applicant, in  
17 the Minister's opinion, is most deserving of the grant of the  
18 permit, having regard to criteria made publicly available by the  
19 Minister.
- 20 (3) For the purposes of subsection (2), the Minister may rank the  
21 applicants in the order in which they are deserving of the grant,  
22 the most deserving applicant being ranked highest.
- 23 (4) The Minister may exclude from the ranking any applicant that,  
24 in the Minister's opinion, is not deserving of the grant of the  
25 permit.
- 26 (5) If the Minister is of the opinion that, after considering the  
27 information accompanying the applications, 2 or more of the  
28 applicants are equally deserving of the grant of the permit, the  
29 Minister may, by written notice served on each of those  
30 applicants, invite them to give to the Minister, within the period  
31 stated in the notice, particulars of the applicant's proposals for  
32 additional work and expenditure in respect of the block or  
33 blocks specified in the application, being particulars that the  
34 Minister considers to be relevant in determining which of the  
35 applicants is most deserving of the grant of the permit.
- 36 (6) If any particulars are given by applicants to the Minister in  
37 accordance with the invitations contained in the notices served  
38 under subsection (5), the Minister shall have regard to the

1           particulars in determining which of the applicants is most  
2           deserving of the grant of the permit.

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

4   **32.     Grant or refusal of permit in relation to application**

5   (1A)   In sections 32, 33A and 33B —

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

8   (1)   Where a permit application has been made, the Minister may —

9           (a)   by instrument in writing served on the applicant inform  
10           the applicant that the Minister is prepared to grant to the  
11           applicant a permit in respect of the block or blocks  
12           specified in the instrument; or

13           (b)   refuse to grant a permit to the applicant.

14   (2)   An instrument under subsection (1) shall contain —

15           (a)   a summary of the conditions subject to which the permit  
16           is to be granted; and

17           (b)   a statement to the effect that the application will lapse if  
18           the applicant does not make a request under  
19           subsection (3) in respect of the grant of the permit.

20   (3)   An applicant on whom there has been served an instrument  
21           under subsection (1) may, within a period of one month after the  
22           date of service of the instrument on him, or within such further  
23           period, not exceeding one month, as the Minister, on application  
24           in writing served on him before the expiration of the  
25           first-mentioned period of one month, allows, by instrument in  
26           writing served on the Minister, request the Minister to grant to  
27           the applicant the permit referred to in the first-mentioned  
28           instrument.

29   (4)   Where an applicant on whom there has been served an  
30           instrument under subsection (1) has made a request under  
31           subsection (3) within the period applicable under subsection (3),  
32           the Minister shall grant to the applicant a petroleum exploration  
33           permit or a geothermal exploration permit, as the case requires,  
34           in respect of the block or blocks specified in the instrument.

35   (5)   Where an applicant on whom there has been served an  
36           instrument under subsection (1) has not made a request under

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1 subsection (3) within the period applicable under subsection (3),  
2 the application lapses upon the expiration of that period.

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

5 **33A. Withdrawal of application**

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

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

11 **33B. Application continued after withdrawal of joint applicant**

12 If —

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

18 the following paragraphs have effect —

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

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

27 **33C. Effect of withdrawal or lapse of s. 30 application**

28 If —

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

34 the following paragraphs have effect —

- 35 (c) the withdrawn or lapsed applications are taken not to  
36 have been made;

- 1 (d) if the Minister had informed the applicant or one of the  
2 applicants whose application had been withdrawn or had  
3 lapsed to the effect that the Minister was prepared to  
4 grant to that applicant a permit in respect of the block or  
5 blocks to which the application related — the Minister is  
6 taken not to have informed the applicant or applicants to  
7 that effect;
- 8 (e) if the applicant or one of the applicants whose  
9 application had been withdrawn had requested the  
10 Minister under section 32(3) to grant a permit to the  
11 applicant concerned — the request is taken not to have  
12 been made;
- 13 (f) if the Minister had refused to grant a permit to the  
14 remaining applicant or to any of the remaining  
15 applicants — the refusal or refusals are taken not to have  
16 occurred.

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

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

- 19 (1) Where —
- 20 (a) a petroleum retention lease is surrendered, cancelled or  
21 determined as to a block or blocks; or
- 22 (aa) a petroleum production licence is surrendered or  
23 cancelled as to a block or blocks; or
- 24 (b) a petroleum exploration permit is surrendered, cancelled  
25 or determined as to a block or blocks and, at the time of  
26 the surrender, cancellation or determination, the block  
27 was, or was included in, or the blocks were, or were  
28 included in, a location; or
- 29 (c) a [resources pool](#) ~~petroleum pool~~ from which [petroleum](#)  
30 [or a regulated substance has been recovered](#) ~~petroleum~~  
31 ~~has been recovered~~ is within or extends to a block which  
32 is, or to blocks which are, not the subject of a permit,  
33 drilling reservation, lease or licence,

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

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- 1 (2) Subsection (3) applies if — ~~If—~~
- 2 (a) a geothermal retention lease is surrendered, cancelled or
- 3 determined as to a block or blocks; or
- 4 (b) a geothermal production licence is surrendered or
- 5 cancelled as to a block or blocks; or
- 6 (c) a geothermal exploration permit is surrendered,
- 7 cancelled or determined as to a block or blocks and, at
- 8 the time of the surrender, cancellation or determination,
- 9 the block was, or was included in, or the blocks were, or
- 10 were included in, a location; or
- 11 (d) a geothermal resources area from which geothermal
- 12 energy has been recovered is within or extends to a
- 13 block which is not, or to blocks which are not, the
- 14 subject of a permit, drilling reservation, lease or licence.
- 15 ~~licence,~~

16 ~~the Minister may, at any subsequent time, by instrument~~

17 ~~published in the *Gazette*, invite applications for the grant of a~~

18 ~~geothermal exploration permit in respect of that block or such of~~

19 ~~those blocks as are specified in the instrument and specify a~~

20 ~~period within which applications may be made.~~

21 (3) The Minister may, at any subsequent time, by instrument

22 published in the *Gazette*, invite applications for the grant of a

23 geothermal exploration permit in respect of that block or such of

24 those blocks as are specified in the instrument and specify a

25 period within which applications may be made.

26 ~~[(3) deleted]~~

- 27 (4) An application under this section —
- 28 [(a) deleted]
- 29 (b) must ~~shall~~ be made in an approved manner; and
- 30 (c) must ~~shall~~ be accompanied by the particulars referred to
- 31 in section 31(1)(d); and
- 32 (d) must ~~shall~~ specify an amount that the applicant is
- 33 prepared to pay to the Minister, in addition to the fee
- 34 referred to in section 34(1)(a), in respect of the grant of
- 35 a permit ~~to him~~ on the application; and
- 36 (e) may set out any other matters that the applicant wishes
- 37 the Minister to consider.



- 1 (5) The Minister may, at any time, by instrument in writing served  
2 on the applicant, require the applicant ~~him~~ to furnish, within the  
3 time specified in the instrument, further information in writing  
4 in connection with the ~~his~~ application.

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

7 **34. Application fee etc.**

- 8 (1) An application under section 33 shall be accompanied by —  
9 (a) the prescribed fee; and  
10 (b) a deposit of 10% of the amount specified in the  
11 application under subsection (4)(d) of that section.
- 12 (2) Where a permit is not granted on the application, the amount of  
13 the deposit shall, subject to subsection (3), be refunded to the  
14 applicant.
- 15 (3) Where an applicant on whom there has been served an  
16 instrument under section 35 does not request the Minister, in  
17 accordance with section 36, to grant to him the permit referred  
18 to in the instrument, the deposit shall not be refunded to the  
19 applicant.

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

22 **35. Consideration of application**

- 23 (1) Where, at the expiration of the period specified in an instrument  
24 under section 33(1) or (2), only one application has been made  
25 under that subsection in respect of the block or blocks specified  
26 in the instrument, the Minister may reject the application or  
27 may, by instrument in writing served on the applicant, inform  
28 the applicant that he is prepared to grant to him a permit in  
29 respect of that block or those blocks.
- 30 (2) Where, at the expiration of the period specified in an instrument  
31 under section 33(1) or (2), 2 or more applications have been  
32 made under that subsection in respect of the block or blocks  
33 specified in the instrument, the Minister may reject any or all of  
34 the applications and, if he does not reject all of the applications,  
35 may —  
36 (a) if only one application remains unrejected — by  
37 instrument in writing served on the applicant; or

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1 (b) if 2 or more applications remain unrejected — by  
2 instrument in writing served on the applicant, or on one  
3 of the applicants, whose application has not been  
4 rejected and who has specified as the amount that he is  
5 prepared to pay in respect of the grant of a permit to him  
6 an amount that is not less than the amount specified by  
7 any other applicant whose application has not been  
8 rejected,

9 inform him that he is prepared to grant to him a permit in  
10 respect of that block or those blocks.

11 [(3), (4) deleted]

12 (5) An instrument under this section shall contain —

13 (a) a summary of the conditions to which the permit is to be  
14 granted; and

15 (b) a statement to the effect that the application will lapse if  
16 the applicant does not —

17 (i) make a request under section 36(1); and

18 (ii) pay the balance of the amount to be paid in  
19 respect of the grant of the permit to the applicant.

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

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

24 (1) An applicant on whom there has been served an instrument  
25 under section 35 may, within a period of 3 months after the date  
26 of service of the instrument on him, or within such further  
27 period, not exceeding 3 months, as the Minister, on application  
28 in writing served on him before the expiration of the  
29 first-mentioned period of 3 months, allows —

30 (a) by instrument in writing served on the Minister, request  
31 the Minister to grant to him the permit referred to in the  
32 first-mentioned instrument; and

33 (b) pay the balance of the amount to be paid in respect of  
34 the grant of the permit to the applicant.

35 (2) Where an applicant on whom there has been served an  
36 instrument under section 35 —

37 (a) has not made a request under subsection (1); or

1 (b) has not paid the balance of the amount to be paid in  
2 respect of the grant of the permit to the applicant,

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

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

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

11 **37. Grant of permit on request**

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

14 (a) has made a request under subsection (1) of section 36;  
15 and

16 (b) has paid the balance of the amount to be paid in respect  
17 of the grant of a permit to the applicant,

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

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

24 **37A. Permit for 2 or more blocks may be divided into 2 or more**  
25 **permits**

26 (1) Where a permit (in this section called the *original permit*) is in  
27 force in respect of 2 or more blocks (not being blocks that form,  
28 or form part of, a location), the permittee may make an  
29 application to the Minister for the grant to him of 2 or more  
30 petroleum exploration permits (if the original permit is a  
31 petroleum exploration permit) or 2 or more geothermal  
32 exploration permits (if the original permit is a geothermal  
33 exploration permit) in respect of the blocks the subject of the  
34 original permit in exchange for the original permit.

35 (2) An application under subsection (1) —

36 (a) shall be made in the approved form; and

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

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- 1 (c) shall specify the number of permits required; and  
2 (d) shall specify the block or blocks the subject of the original  
3 permit in respect of which each permit is sought; and  
4 (e) shall be accompanied by the prescribed fee; and  
5 (f) shall be accompanied by particulars of the proposals of  
6 the applicant for work and expenditure in respect of the  
7 areas comprised in the block or blocks the subject of the  
8 original permit; and  
9 (g) shall set out the reasons why the applicant is applying  
10 under this section, and any other matters that the  
11 applicant wishes the Minister to consider in relation to  
12 the application.
- 13 (3) Where an application has been made under subsection (1) the  
14 Minister may —  
15 (a) grant to the permittee the permits in accordance with the  
16 application; or  
17 (b) refuse to grant to the permittee the permits requested.
- 18 (4) A permit granted on an application under this section —  
19 (a) remains in force, subject to this Part, for the remainder  
20 of the term of the original permit; and  
21 (b) shall be granted subject to conditions corresponding as  
22 nearly as may be to the conditions to which the original  
23 permit was subject, and any other conditions that the  
24 Minister thinks fit and specifies in the permit in respect  
25 of the information referred to in subsection (2)(f); and  
26 (c) shall be granted subject to any directions under this Act  
27 previously given to the holder of the original permit in  
28 respect of the permit area of the original permit; and  
29 (d) shall be granted subject to any instruments and  
30 agreements in respect of the original permit a memorial  
31 of which is entered in the Register under section 70,  
32 insofar as such instruments and agreements apply to the  
33 permit, (or any such instruments and agreements which  
34 are in effect at the time that an application is granted  
35 under this section but in respect of which a memorial is  
36 not yet entered under that section).

1 (5) Where permits are granted on an application under this  
2 section —

- 3 (a) the original permit is, by force of this subsection,  
4 determined; and  
5 (b) the determination has effect on and from the day on  
6 which those permits come into force.

7 *[Section 37A inserted: No. 28 of 1994 s. 13; amended: No. 35 of*  
8 *2007 s. 25.]*

9 **37B. Grant of boundary-change permit**

10 (1) In this section —

11 **section 27 block** means —

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

19 Note for this definition:

20 See also subsection (8).

21 (2) This section applies if —

- 22 (a) a Commonwealth permit has been granted on the basis  
23 that an area (the **relevant area**) is within the offshore  
24 area; and  
25 (b) as a result of a change to the boundary of the offshore  
26 area, the relevant area —  
27 (i) ceases to be within the offshore area; and  
28 (ii) falls within the inshore area;  
29 and  
30 (c) either —  
31 (i) the conditions set out in subsection (3) are  
32 satisfied; or  
33 (ii) the conditions set out in subsection (4) are  
34 satisfied.

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- 1 (3) The conditions mentioned in subsection (2)(c)(i) are —
- 2 (a) one or more, but not all, of the section 27 blocks that
- 3 were covered by the Commonwealth permit
- 4 immediately before the change are in the relevant area;
- 5 and
- 6 (b) the Commonwealth permit subsequently ceases to be in
- 7 force at the same time (the *relevant time*) —
- 8 (i) as to all of the section 27 blocks that were
- 9 covered by the Commonwealth permit
- 10 immediately before the change and that are in the
- 11 offshore area; and
- 12 (ii) otherwise than as the result of the cancellation or
- 13 surrender of the Commonwealth permit.
- 14 (4) The conditions mentioned in subsection (2)(c)(ii) are —
- 15 (a) all of the section 27 blocks that were covered by the
- 16 Commonwealth permit immediately before the change
- 17 are in the relevant area; and
- 18 (b) the Commonwealth permit subsequently ceases to be in
- 19 force at the same time (the *relevant time*) —
- 20 (i) as to all of the section 27 blocks that were
- 21 covered by the Commonwealth permit
- 22 immediately before the change; and
- 23 (ii) otherwise than as the result of the cancellation or
- 24 surrender of the Commonwealth permit.
- 25 (5) If —
- 26 (a) assuming that —
- 27 (i) the change to the boundary of the offshore area
- 28 had not occurred; and
- 29 (ii) the relevant area had remained in the offshore
- 30 area,
- 31 the holder of the Commonwealth permit would have
- 32 been entitled to apply under the Commonwealth Act for
- 33 the renewal of the Commonwealth permit in relation to
- 34 all of the section 27 blocks that are —
- 35 (iii) covered by the Commonwealth permit; and
- 36 (iv) in the relevant area;
- 37 and

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

8 the Minister is taken —

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

15 Note for this subsection:

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

18 (6) If —

- 19 (a) assuming that —  
20 (i) the change to the boundary of the offshore area  
21 had not occurred; and  
22 (ii) the relevant area had remained in the offshore  
23 area,

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

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

30 and

31 (b) there are one or more section 27 blocks (the *relevant*  
32 *section 27 blocks*) that —

- 33 (i) correspond to the section 27 blocks that were  
34 covered by the Commonwealth permit  
35 immediately before the change; and  
36 (ii) are in the inshore area; and

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1 (iii) are not the subject of a variation under  
2 section 97A,

3 the Minister is taken —

4 (c) to have granted the holder of the Commonwealth permit  
5 a petroleum exploration permit over those relevant  
6 section 27 blocks; and

7 (d) to have done so immediately after the relevant time  
8 mentioned in whichever of subsection (3) or (4) is  
9 applicable.

10 Note for this subsection:

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

13 (7) For the purposes of subsections (5) and (6), the following  
14 provisions of the Commonwealth Act are to be disregarded —

- 15 (a) the standard halving rules in section 123 of that Act;  
16 (b) the modified halving rules in section 124 of that Act;  
17 (c) a provision of a kind specified in the regulations.

18 (8) If, after the change to the boundary of the offshore area —

- 19 (a) a part of a section 27 block that was covered by the  
20 Commonwealth permit immediately before the change is  
21 in the offshore area; and  
22 (b) the remaining part of the section 27 block is in the  
23 inshore area,

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

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

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

30 **38. Rights conferred by permit**

31 (1) Except as provided in subsection (1A), a petroleum ~~A petroleum~~  
32 exploration permit, while it remains in force, authorises the  
33 permittee, subject to this Act and in accordance with the  
34 conditions to which the permit is subject, to explore for  
35 petroleum or a regulated substance ~~explore for petroleum~~, and to  
36 carry on such operations and execute such works as are  
37 necessary for that purpose, in the permit area.



- 1 (1A) A petroleum exploration permit does not authorise the permittee  
2 to explore for a regulated substance, and to carry on such  
3 operations and execute such works as are necessary for that  
4 purpose, in the permit area unless —
- 5 (a) the permittee applies to the Minister in writing for  
6 approval to carry out the exploration, carry on the  
7 operations and execute the works; and
- 8 (b) the Minister —
- 9 (i) by instrument in writing, grants the approval; and  
10 (ii) endorses the permit accordingly.
- 11 (2) A geothermal exploration permit, while it remains in force,  
12 authorises the permittee, subject to this Act and in accordance  
13 with the conditions to which the permit is subject —
- 14 (a) to explore for geothermal energy resources in the permit  
15 area; and
- 16 (b) to recover geothermal energy in the permit area for the  
17 purpose of establishing the nature and probable extent of  
18 a discovery of geothermal energy resources; and
- 19 (c) to carry on such operations and execute such works in  
20 the permit area as are necessary for those purposes.

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

### 23 **39. Term of permit**

- 24 (1) Subject to this Part, a permit remains in force —
- 25 (a) in the case of a permit granted otherwise than by way of  
26 the renewal of a permit — for a period of 6 years  
27 commencing on the day on which the permit is granted  
28 or, if a later day is specified in the permit as being the  
29 day on which the permit is to come into force, on that  
30 later day; and
- 31 (b) in the case of a permit granted by way of the renewal of  
32 a permit — for a period of 5 years commencing on the  
33 day on which the permit is granted or, if a later day is  
34 specified in the permit as being the day on which the  
35 permit is to come into force, on that later day.
- 36 (1A) Subject to this Part, a boundary-change permit granted under  
37 section 37B(5) remains in force for a period of 5 years  
38 commencing on the day on which the permit is granted.

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1 (1B) Subject to this Part, a boundary-change permit granted under  
2 section 37B(6) remains in force for a period of 12 months  
3 commencing on the day on which the permit is granted.

4 (2) If —

- 5 (a) a permit in respect of a block or blocks cannot be  
6 renewed or further renewed; and  
7 (b) before the time when the permit would, apart from this  
8 subsection, expire, the permittee has duly made an  
9 application to the Minister for the grant of a lease or  
10 licence in respect of the block, or one or more of the  
11 blocks, being a block or blocks that are included in a  
12 location,

13 the permit continues in force in respect of the block or blocks to  
14 which the application relates until —

- 15 (c) if the Minister tells the permittee that the Minister is  
16 prepared to grant to the permittee a lease or licence in  
17 respect of the block, or one or more of the blocks —  
18 such a lease or licence is granted, the permittee  
19 withdraws the application or the application lapses; or  
20 (d) if the Minister decides not to grant to the permittee such  
21 a lease — the end of the period of one year after the day  
22 of the service under section 48B(2) or (3A) of the  
23 instrument or notice refusing to grant the lease; or  
24 (e) if the Minister decides not to grant the permittee such a  
25 licence — notice of the decision is served on the  
26 permittee.

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

29 **40. Application for renewal of permit**

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

34 (2) An application for the renewal of the permit —

35 *[(a) deleted]*

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

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

2 (3) The Minister may, for reasons that he thinks sufficient, receive  
3 an application for the renewal of the permit less than 3 months  
4 before, but not in any case after, the date of expiration of the  
5 permit.

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

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

10 (1) Subject to subsections (3), (4) and (5), the number of blocks in  
11 respect of which an application for the renewal of a permit may  
12 be made shall not exceed the number calculated as follows —

13 (a) where the number of blocks in respect of which the  
14 permit is in force is a number that is divisible by  
15 2 without remainder, half of that number; or

16 (b) where the number of blocks in respect of which the  
17 permit is in force is a number that is one less or one  
18 more than a number that is divisible by 4 without  
19 remainder, half of that last-mentioned number.

20 (2) A block that is, or is included in, a location and in respect of  
21 which a permit is in force shall not be regarded as a block in  
22 respect of which the permit is in force for the purpose of making  
23 a calculation under subsection (1).

24 (3) An application for the renewal of a permit may include, in  
25 addition to the blocks referred to in subsection (1), a block that  
26 is, or is included in, a location and in respect of which the  
27 permit is in force, or 2 or more such blocks.

28 (4) If a permit is in force in respect of 5 or 6 blocks, an application  
29 may be made for the renewal of the permit in respect of one, 2,  
30 3 or 4 of those blocks.

31 (5) Subject to subsection (6) —

32 (a) if a permit is in force in respect of 4 blocks, an  
33 application may be made for the renewal of the permit in  
34 respect of one, 2, 3 or all of those blocks;

35 (b) if a permit is in force in respect of 3 blocks, an  
36 application may be made for the renewal of the permit in  
37 respect of one, 2 or all of those blocks;

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- 1 (c) if a permit is in force in respect of 2 blocks, an  
2 application may be made for the renewal of the permit in  
3 respect of either or both of those blocks;
- 4 (d) an application may be made for the renewal of a permit  
5 that is in force in respect of one block.
- 6 (6) Despite sections 40(1) and 42, if a permit has been renewed as a  
7 result of an application referred to in subsection (5) —
- 8 (a) the permittee is not entitled to apply for a further  
9 renewal of the permit; and
- 10 (b) the Minister cannot grant a further renewal of the  
11 permit.
- 12 (7) Subsections (1) to (5) do not apply to an application for the  
13 renewal of a permit if —
- 14 (a) the permit was granted on the basis that an area (the  
15 **relevant area**) was within the inshore area; and
- 16 (b) as a result of a change to the boundary of the offshore  
17 area, the relevant area —
- 18 (i) ceased to be within the inshore area; and  
19 (ii) fell within the offshore area;  
20 and
- 21 (c) immediately before the change, the relevant area was a  
22 part of the permit area.
- 23 (8) For the purposes of subsection (7) —
- 24 (a) section 6A is to be disregarded; and  
25 (b) it is immaterial whether the change occurred before, at  
26 or after the commencement day.
- 27 (9) In subsection (8)(b) —  
28 **commencement day** means the day on which the *Petroleum*  
29 *Legislation Amendment Act 2017* section 11 comes into  
30 operation.
- 31 [Section 41 amended: No. 12 of 1990 s. 28; No. 28 of 1994  
32 s. 15; No. 42 of 2010 s. 17; No. 7 of 2017 s. 11.]

1   **42A.    Certain permits cannot be renewed more than twice**

- 2       (1) This section applies to a permit if —
- 3           (a) the permit was granted under section 32 —
- 4               (i) on or after the day of the coming into operation
- 5               of the *Petroleum and Energy Legislation*
- 6               *Amendment Act 2010* section 18 (the
- 7               *commencement day*); and
- 8               (ii) as a result of an application made in response to
- 9               an invitation in an instrument that was published
- 10              under section 30(1) on or after the
- 11              commencement day;
- 12              or
- 13              (b) the permit was granted under section 37 on or after the
- 14              commencement day.

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

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

22   **42B.    Limits on renewal of boundary-change permits**

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

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1 (2) If —

2 (a) a boundary-change permit is granted under  
3 section 37B(5); and

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

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

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

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

12 **42. Grant or refusal of renewal of permit**

13 (1) Where an application has been made under section 40 for the  
14 renewal of a permit, the Minister —

15 (a) shall, if the conditions to which the permit is, or has  
16 from time to time been, subject and the provisions of  
17 this Part and of the regulations have been complied  
18 with; or

19 (b) may, if —

20 (i) any of the conditions to which the permit is, or  
21 has from time to time been, subject or any of the  
22 provisions of this Part and the regulations has not  
23 been complied with; and

24 (ii) the Minister is nevertheless satisfied that special  
25 circumstances exist that justify the granting of  
26 the renewal of the permit,

27 by instrument in writing served on the person who is then the  
28 permittee inform the person that the Minister is prepared to  
29 grant to the permittee the renewal of the permit.

30 (2) If any of the conditions to which the permit is, or has from time  
31 to time been, subject or any of the provisions of this Part and of  
32 the regulations has not been complied with and if the Minister is  
33 not satisfied that special circumstances exist that justify the  
34 granting of the renewal of the permit, the Minister shall, subject  
35 to subsection (3), by instrument in writing served on the person  
36 who is then the permittee, refuse to grant to that person the  
37 renewal of the permit.

- 1       (3) The Minister shall not refuse to grant the renewal of the permit  
2       unless —
- 3           (a) he has, by instrument in writing served on the permittee,  
4           given not less than one month's notice of his intention to  
5           refuse to grant the renewal of the permit; and
- 6           (b) he has served a copy of the instrument on such other  
7           persons, if any, as he thinks fit; and
- 8           (c) he has, in the instrument —
- 9               (i) given particulars of the reasons for the intention;  
10              and
- 11              (ii) specified a date on or before which the permittee  
12              or a person on whom a copy of the instrument is  
13              served may, by instrument in writing served on  
14              the Minister, submit any matters that he wishes  
15              the Minister to consider;
- 16           and
- 17           (d) he has taken into account any matters so submitted to  
18           him on or before the specified date by the permittee or  
19           by a person on whom a copy of the first-mentioned  
20           instrument has been served.
- 21       (4) An instrument referred to in subsection (1) shall contain —
- 22           (a) a summary of the conditions to which the permit, on the  
23           grant of the renewal, is to be subject; and
- 24           (b) a statement to the effect that the application will lapse if  
25           the permittee does not make a request under  
26           subsection (5).
- 27       (5) A permittee on whom there has been served an instrument under  
28       subsection (1) may, within a period of one month after the date  
29       of service of the instrument on him, by instrument in writing  
30       served on the Minister, request the Minister to grant to the  
31       permittee the renewal of the permit.
- 32       (6) Where a permittee on whom there has been served an  
33       instrument under subsection (1) has made a request under  
34       subsection (5) within the period referred to in subsection (5), the  
35       Minister shall grant to him the renewal of the permit.
- 36       (7) Where a permittee on whom there has been served an  
37       instrument under subsection (1) has not made a request under  
38       subsection (5) within the period referred to in subsection (5), the  
39       application lapses upon the expiration of that period.

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- 1 (8) Where —
- 2 (a) an application for the renewal of a permit has been
- 3 made; and
- 4 (b) the permit expires —
- 5 (i) before the Minister grants, or refuses to grant, the
- 6 renewal of the permit; or
- 7 (ii) before the application lapses as provided by
- 8 subsection (7),
- 9 the permit shall be deemed to continue in force in all respects —
- 10 (c) until the Minister grants, or refuses to grant, the renewal
- 11 of the permit; or
- 12 (d) until the application so lapses,
- 13 whichever first happens.

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

15 **43. Conditions of permit**

- 16 (1) A permit may be granted subject to such conditions as the
- 17 Minister thinks fit and specifies in the permit.
- 18 (1A) Subsection (1) does not apply to a boundary-change permit.
- 19 (2) The conditions referred to in subsection (1) may include
- 20 conditions with respect to work to be carried out by the
- 21 permittee in or in relation to the permit area during the term of
- 22 the permit, or amounts to be expended by the permittee in the
- 23 carrying out of such work, or conditions with respect to both of
- 24 those matters, including conditions requiring the permittee to
- 25 comply with directions given in accordance with the permit
- 26 concerning those matters.
- 27 (3) The Minister may, by written notice given to the permittee, vary
- 28 a boundary-change permit by imposing one or more conditions
- 29 to which the permit is subject.
- 30 (4) A notice under subsection (3) may only be given within 14 days
- 31 after the grant of the boundary-change permit.
- 32 (5) A variation under subsection (3) takes effect on the day on
- 33 which notice of the variation is given to the permittee.
- 34 (6) If, when a boundary-change permit is granted, the relevant
- 35 Commonwealth permit that ceases to be in force, as mentioned
- 36 in section 37B(3)(b) or (4)(b), is of a kind that corresponds to a



- 1 petroleum exploration permit granted under section 32(4) or 37,  
2 any or all of the conditions mentioned in subsection (7) may be  
3 specified in —
- 4 (a) the boundary-change permit; or  
5 (b) a permit granted by way of the renewal of the boundary-  
6 change permit.
- 7 (7) The following conditions are specified for the purposes of  
8 subsection (6) —
- 9 (a) conditions requiring the permittee to carry out work in,  
10 or in relation to, the permit area (including conditions  
11 requiring the permittee to carry out the work during a  
12 period of 12 months or longer, or during periods each of  
13 which is 12 months or longer);
- 14 (b) conditions relating to the amounts that the permittee  
15 must spend in carrying out such work;
- 16 (c) conditions requiring the permittee to comply with  
17 directions that —
- 18 (i) relate to the matters covered by paragraphs (a)  
19 and (b); and  
20 (ii) are given in accordance with the permit.
- 21 (8) Subsection (6) does not limit subsection (3).
- 22 (9) If —
- 23 (a) a boundary-change permit is granted; and  
24 (b) the relevant Commonwealth permit that ceases to be in  
25 force, as mentioned in section 37B(3)(b) or (4)(b), is a  
26 cash-bid petroleum exploration permit, as defined in the  
27 Commonwealth Act section 7,
- 28 the conditions mentioned in subsection (10) must not be  
29 specified in —
- 30 (c) the boundary-change permit; or  
31 (d) a permit granted by way of the renewal of the boundary-  
32 change permit.
- 33 (10) The following conditions are specified for the purposes of  
34 subsection (9) —
- 35 (a) conditions requiring the permittee to carry out work in,  
36 or in relation to, the permit area;

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

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

6 **43A. Advertisement of blocks for drilling reservations**

- 7 (1) The Minister may, by instrument published in the *Gazette* —  
8 (a) invite applications for the grant of a drilling reservation  
9 in respect of the block or blocks specified in the  
10 instrument; and  
11 (b) specify the period within which applications may be  
12 made.

13 (2) Applications for the grant of a petroleum drilling reservation  
14 shall not be invited under subsection (1) over any area that is  
15 included in an existing petroleum exploration permit or an  
16 application for a petroleum exploration permit, petroleum  
17 drilling reservation, petroleum lease or petroleum production  
18 licence.

19 (2a) Applications for the grant of a geothermal drilling reservation  
20 shall not be invited under subsection (1) over any area that is  
21 included in an existing geothermal exploration permit or an  
22 application for a geothermal exploration permit, geothermal  
23 drilling reservation, geothermal lease or geothermal production  
24 licence.

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

29 [Section 43A inserted: No. 78 of 1990 s. 6; amended: No. 28 of  
30 1994 s. 17; No. 35 of 2007 s. 27.]

31 **43B. Application for drilling reservation**

- 32 (1) An application under section 43A or 105(3)(a)(ii) —  
33 [(a) *deleted*]  
34 (b) must ~~shall~~ be made in an approved manner; and  
35 (c) must ~~shall~~ be in respect to a block or blocks containing  
36 potential sites of petroleum or regulated substance

- 1 ~~petroleum~~ deposits or geothermal energy resources, as  
2 the case requires; and
- 3 (d) ~~must shall~~ be accompanied by particulars of —
- 4 (i) the proposals of the applicant for the drilling of a  
5 well or wells and other work in respect of the  
6 block or blocks specified in the application; and
- 7 (ii) the technical qualifications of the applicant and  
8 of the employees of the applicant; and
- 9 (iii) the technical advice available to the applicant;  
10 and
- 11 (iv) a statement as to the size and configuration of the  
12 potential sites of petroleum or regulated  
13 substance deposits ~~potential petroleum deposit~~ or  
14 geothermal energy resources, as the case requires  
15 and a geological prognosis of the well; and
- 16 (v) a statement of the approximate time of the  
17 completion of the well; and
- 18 (vi) the financial resources available to the applicant;  
19 and
- 20 (e) may set out any other matters that the applicant wishes  
21 the Minister to consider; and
- 22 (f) subject to section 43A(3), ~~must shall~~ be accompanied by  
23 the prescribed fee.
- 24 (2) The number of blocks specified in the application ~~must shall~~ be  
25 not less than 1 one.
- 26 (3) If more than 1 one block is available the blocks specified in the  
27 application ~~must shall~~ be blocks that are constituted by  
28 graticular section that —
- 29 (a) constitute a single area; and
- 30 (b) are such that each graticular section in that area has a  
31 side in common with at least 1 one other graticular  
32 section in that area.
- 33 (4) The Minister may, at any time, by instrument in writing served  
34 on the applicant, require the applicant ~~him~~ to furnish, within the  
35 time specified in the instrument, further information in writing  
36 in connection with the his application.

37 *[Section 43B inserted: No. 78 of 1990 s. 6; amended: No. 28 of*  
38 *1994 s. 18; No. 35 of 2007 s. 28; No. 42 of 2010 s. 19.]*

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1 **43CA. More than one drilling reservation application for same**  
2 **block or blocks**

- 3 (1) This section applies if —
- 4 (a) 2 or more applications are made under section 43A for  
5 the grant of a petroleum drilling reservation for the same  
6 block or blocks; or
- 7 (b) 2 or more applications are made under section 43A for  
8 the grant of a geothermal drilling reservation for the  
9 same block or blocks.
- 10 (2) The Minister may grant the drilling reservation to whichever  
11 applicant, in the Minister's opinion, is most deserving of the  
12 grant of the drilling reservation, having regard to criteria made  
13 publicly available by the Minister.
- 14 (3) For the purposes of subsection (2), the Minister may rank the  
15 applicants in the order in which they are deserving of the grant,  
16 the most deserving applicant being ranked highest.
- 17 (4) The Minister may exclude from the ranking any applicant that,  
18 in the Minister's opinion, is not deserving of the grant of the  
19 drilling reservation.
- 20 (5) If the Minister is of the opinion that, after considering the  
21 information accompanying the applications, 2 or more of the  
22 applicants are equally deserving of the grant of the drilling  
23 reservation, the Minister may, by written notice served on each  
24 of those applicants, invite them to give to the Minister, within  
25 the period stated in the notice, particulars of the applicant's  
26 proposals for additional work and expenditure in respect of the  
27 block or blocks specified in the application, being particulars  
28 that the Minister considers to be relevant in determining which  
29 of the applicants is most deserving of the grant of the drilling  
30 reservation.
- 31 (6) If any particulars are given by applicants to the Minister in  
32 accordance with the invitations contained in the notices served  
33 under subsection (5), the Minister shall have regard to the  
34 particulars in determining which of the applicants is most  
35 deserving of the grant of the drilling reservation.

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

1 **43C. Grant or refusal in relation to applications for drilling**  
2 **reservations**

3 (1) Where an application has been made under section 43B or  
4 105(3)(a)(ii), the Minister may —

5 (a) by instrument in writing served on the applicant, inform  
6 the applicant that the Minister is prepared to grant to the  
7 applicant a drilling reservation in respect of the block or  
8 blocks specified in the instrument; or

9 (b) refuse to grant a drilling reservation to the applicant.

10 (2) An instrument under subsection (1) shall contain —

11 (a) a summary of the conditions subject to which the  
12 drilling reservation is granted; and

13 (b) a statement to the effect that the application will lapse if  
14 the applicant does not make a request under  
15 subsection (3) in respect of the grant of the drilling  
16 reservation.

17 (3) An applicant on whom there has been served an instrument  
18 under subsection (1) may, within a period of one month after the  
19 date of the service of the instrument on the applicant, or within  
20 such further period, not exceeding one month, as the Minister,  
21 on application in writing served on the Minister before the  
22 expiration of the first-mentioned period of one month, allows,  
23 by instrument in writing served on the Minister, request the  
24 Minister to grant to the applicant the drilling reservation  
25 referred to in the first-mentioned instrument.

26 (4) Where an applicant on whom there has been served an  
27 instrument under subsection (1) has made a request under  
28 subsection (3) within the period applicable under subsection (3),  
29 the Minister shall grant to the applicant a drilling reservation in  
30 respect of the block or blocks specified in the instrument.

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

35 *[Section 43C inserted: No. 78 of 1990 s. 6; amended: No. 28 of*  
36 *1994 s. 19.]*

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1 **43DA. Withdrawal of application**

2 (1) In this section and section 43DB —

3 *drilling reservation application* means an application for the  
4 grant of a drilling reservation made under section 43A or  
5 105(3)(a)(ii).

6 (2) The person who has made, or all the persons who have jointly  
7 made, a drilling reservation application may, by written notice  
8 served on the Minister, withdraw the application at any time  
9 before the drilling reservation is granted.

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

11 **43DB. Application continued after withdrawal of joint applicant**

12 If —

13 (a) a drilling reservation application was a joint application;  
14 and

15 (b) all of the joint applicants, by written notice served on  
16 the Minister, inform the Minister that one or more, but  
17 not all, of them, as specified in the notice, withdraw  
18 from the application,

19 the following paragraphs have effect —

20 (c) the application continues in force as if it had been made  
21 by the remaining applicant or applicants;

22 (d) if the Minister had informed the joint applicants to the  
23 effect that the Minister was prepared to grant to the  
24 applicants a drilling reservation in respect of the block  
25 or blocks to which the application relates, the Minister is  
26 taken not to have informed the applicants to that effect.

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

28 **43DC. Effect of withdrawal or lapse of s. 43A application**

29 If —

30 (a) 2 or more applications have been made under  
31 section 43A for the grant of a drilling reservation in  
32 respect of the same block or blocks; and

- 1 (b) one or more, but not all, of the applications are  
2 withdrawn or have lapsed,
- 3 the following paragraphs have effect —
- 4 (c) the withdrawn or lapsed applications are taken not to  
5 have been made;
- 6 (d) if the Minister had informed the applicant or one of the  
7 applicants whose application had been withdrawn or had  
8 lapsed to the effect that the Minister was prepared to  
9 grant to that applicant a drilling reservation in respect of  
10 the block or blocks to which the application related —  
11 the Minister is taken not to have informed the applicant  
12 or applicants to that effect;
- 13 (e) if the applicant or one of the applicants whose  
14 application had been withdrawn had requested the  
15 Minister under section 43C(3) to grant a drilling  
16 reservation to the applicant concerned — the request is  
17 taken not to have been made;
- 18 (f) if the Minister had refused to grant a drilling reservation  
19 to the remaining applicant or to any of the remaining  
20 applicants — the refusal or refusals are taken not to have  
21 occurred.

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

23 **43D. Rights conferred by drilling reservation**

- 24 (1) Except as provided in subsection (1A), a petroleum ~~A petroleum~~  
25 drilling reservation, while it remains in force, authorises the  
26 holder of the drilling reservation, subject to this Act and in  
27 accordance with the conditions to which the drilling reservation  
28 is subject, to drill for petroleum or a regulated substance ~~drill for~~  
29 ~~petroleum~~, and to carry on such operations and execute such  
30 works as are necessary for that purpose, in the drilling  
31 reservation area.

32 (1A) A petroleum drilling reservation does not authorise the  
33 reservation holder to drill for a regulated substance, and to carry  
34 on such operations and execute such works as are necessary for  
35 that purpose, in the drilling reservation area unless —

- 36 (a) the reservation holder applies to the Minister in writing  
37 for approval to carry out the exploration, carry on the  
38 operations and execute the works; and

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- 1                   (b) the Minister —  
2                                   (i) by instrument in writing, grants the approval; and  
3                                   (ii) endorses the reservation accordingly.

- 4 (2) A geothermal drilling reservation, while it remains in force,  
5 authorises the holder of the drilling reservation, subject to this  
6 Act and in accordance with the conditions to which the drilling  
7 reservation is subject —  
8 (a) to drill for geothermal energy resources in the drilling  
9 reservation area; and  
10 (b) to recover geothermal energy in the drilling reservation  
11 area for the purpose of establishing the nature and  
12 probable extent of a discovery of geothermal energy  
13 resources; and  
14 (c) to carry on such operations and execute such works in  
15 the drilling reservation area as are necessary for those  
16 purposes.

17 *[Section 43D inserted: No. 78 of 1990 s. 6; amended: No. 13 of*  
18 *2005 s. 16(2); No. 35 of 2007 s. 29.]*

19 **43E. Term of drilling reservation**

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

27 *[Section 43E inserted: No. 78 of 1990 s. 6; amended: No. 17 of*  
28 *1999 s. 25.]*

29 **43F. Extension of term of drilling reservation**

- 30 (1) The holder of a drilling reservation may, before the expiry of  
31 the drilling reservation, apply to the Minister for the extension  
32 of the period for which the drilling reservation is effective.  
33 (2) An extension of the period for which a drilling reservation is  
34 effective shall not be granted unless the holder of the drilling  
35 reservation has drilled or is in the course of drilling a well to the  
36 depth specified in the instrument issued under section 43C in



1 relation to the grant of the drilling reservation and has submitted  
2 a report to the Minister in relation to the well.

3 (2a) An extension of the period for which a drilling reservation is  
4 effective shall not be granted if that period has previously been  
5 extended under this section.

6 (3) An application under subsection (1) shall be accompanied by —

7 [(a) *deleted*]

8 (b) a statement of each type of work carried out on the  
9 drilling reservation; and

10 (c) a statement of the reasons for the extension of the  
11 drilling reservation; and

12 (d) the prescribed fee.

13 (4) For the purposes of this section no account shall be taken of any  
14 delay arising from any assignment of interests in the drilling  
15 reservation.

16 (5) Subject to subsections (2) and (2a), where —

17 (a) an application has been made under subsection (1); and

18 (b) the conditions to which the drilling reservation is, or has  
19 from time to time been, subject, and the provisions of  
20 this Part and the regulations, have been complied with,

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

24 (6) Where —

25 (a) under subsection (1) an application for an extension of  
26 the period for which a drilling reservation is effective  
27 has been made; and

28 (b) the period for which the drilling reservation is effective  
29 expires before the Minister grants, or refuses to grant,  
30 the extension referred to in paragraph (a),

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

34 [Section 43F inserted: No. 78 of 1990 s. 6; amended: No. 28 of  
35 1994 s. 20; No. 17 of 1999 s. 26(1)-(4).]

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1 **44. Discovery of petroleum, regulated substances or geothermal**  
2 **energy resources to be notified ~~Discovery of petroleum or~~**  
3 **~~geothermal energy resources to be notified etc.~~**

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

8 (a) must immediately ~~shall forthwith~~ inform the Minister of  
9 the discovery; and

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

13 (1a) If geothermal energy resources are discovered in a geothermal  
14 permit area or geothermal drilling reservation, the permittee or  
15 the holder of the drilling reservation, as the case requires —

16 (a) must immediately ~~shall forthwith~~ inform the Minister of  
17 the discovery; and

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

21 (1b) If —

22 (a) petroleum or a regulated substance is discovered  
23 ~~petroleum is discovered~~ in a geothermal permit area or  
24 geothermal drilling reservation; or

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

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

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

33 [(2) *deleted*]

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

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

1 **46. Nomination of blocks as location**

- 2 (1) Where a resources pool ~~petroleum pool~~ is identified in a  
3 petroleum permit area or petroleum drilling reservation, the  
4 permittee or the holder of the drilling reservation, as the case  
5 requires, may nominate the block in which the pool is situated,  
6 or the blocks (being blocks within the permit area or drilling  
7 reservation) to which the pool extends, for declaration as a  
8 location.
- 9 (1a) If a geothermal resources area is identified in a geothermal  
10 permit area or geothermal drilling reservation, the permittee or  
11 the holder of the drilling reservation, as the case requires, may  
12 nominate the block in which the geothermal resources area is  
13 situated, or the blocks (being blocks within the permit area or  
14 drilling reservation) to which the geothermal resources area  
15 extends, for declaration as a location.
- 16 (2) Where 2 or more resources pools ~~petroleum pools~~ are identified  
17 in a petroleum permit area or petroleum drilling reservation, the  
18 permittee or holder of the drilling reservation, as the case  
19 requires, may, instead of making a nomination under  
20 subsection (1) in relation to each pool, nominate all of the  
21 blocks to which the pools extend, or to which any 2 or more of  
22 the pools extend, for declaration as a single location.
- 23 (2a) If 2 or more geothermal resources areas are identified in a  
24 geothermal permit area or geothermal drilling reservation, the  
25 permittee or holder of the drilling reservation, as the case  
26 requires, may, instead of making a nomination under  
27 subsection (1a) in relation to each geothermal resources area,  
28 nominate all of the blocks to which the geothermal resources  
29 areas extend, or to which any 2 or more of the geothermal  
30 resources areas extend, for declaration as a single location.
- 31 (3) A nomination may not be made under subsection (2) or (2a)  
32 unless, in the case of each of the pools or geothermal resources  
33 areas to which the nomination relates, at least 1 ~~one~~ of the  
34 blocks to which the pool or geothermal resources area extends  
35 immediately adjoins a block to which the other, or another, of  
36 those pools or geothermal resources areas extends.
- 37 (4) A nomination by a permittee or holder of a drilling reservation  
38 must ~~shall~~ be in writing and served on the Minister.
- 39 (5) A nomination may not be made by a permittee or holder of a  
40 drilling reservation unless the permittee or holder of the drilling

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1 reservation, as the case requires, or another person has, whether  
2 within or outside the permit area or drilling reservation,  
3 ~~recovered petroleum or a regulated substance recovered~~  
4 ~~petroleum~~ from the ~~resources pool~~ ~~petroleum pool~~, or  
5 geothermal energy from the geothermal resources area, to which  
6 the nomination relates or, if the nomination relates to more than  
7 ~~1 one~~ pool or geothermal resources area, from each of those  
8 pools or geothermal resources areas.

9 (6) Where —

- 10 (a) the Minister is of the opinion that a permittee or a holder  
11 of a drilling reservation is entitled to nominate a block  
12 or blocks under subsection (1), (1a), (2) or (2a); and  
13 (b) the permittee or a holder of the drilling reservation, as  
14 the case requires, has not done so,

15 the Minister may require the permittee or the holder of the  
16 drilling reservation, as the case requires, to exercise ~~the~~  
17 ~~permittee's his or her~~ right to nominate the block or blocks  
18 within 3 months after the date of the making of the requirement.

19 (7) A requirement by the Minister under subsection (6) ~~must shall~~  
20 be by written notice served on the permittee or holder of the  
21 drilling reservation, as the case requires.

22 (8) On written request by a permittee or holder of a drilling  
23 reservation within the period fixed by subsection (6), the  
24 Minister may extend the time for compliance with a requirement  
25 under that subsection by not more than 3 months.

26 (9) If a permittee or the holder of a drilling reservation, as the case  
27 requires, fails to comply with a requirement under  
28 subsection (6), the Minister may, by written notice served on the  
29 permittee or the holder of the drilling reservation, nominate the  
30 block or blocks for declaration as a location.

31 *[Section 46 inserted: No. 12 of 1990 s. 32; amended: No. 78 of*  
32 *1990 s. 7; No. 35 of 2007 s. 32 (correction to reprint: Gazette*  
33 *23 Jun 2009 p. 2470).]*

34 **47. Declaration of location**

35 (1A) In this section —

36 **section 27 block** means —

- 37 (a) a block constituted as provided by section 27; or

- 1 (b) if a graticular section is wholly within the area that was  
2 covered by the Commonwealth permit concerned — the  
3 graticular section; or  
4 (c) if a part only of a graticular section is within the area  
5 that was covered by the Commonwealth permit  
6 concerned — that part of the graticular section.

7 (1) Where —

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

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

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

21 (2A) Subsection (2B) applies if —

- 22 (a) a boundary-change permit is granted over ~~1 one~~ or more  
23 section 27 blocks; and  
24 (b) immediately before the grant, those section 27 blocks  
25 were, or were part of, a location as defined in the  
26 Commonwealth Act section 7; and  
27 (c) apart from this subsection, those section 27 blocks are  
28 not, and are not part of, a location as defined in section 5  
29 of this Act.

30 (2B) The Minister is taken —

- 31 (a) to have declared those section 27 blocks to be a location;  
32 and  
33 (b) to have done so immediately after the grant.

34 (2C) Subsection (2D) applies if —

- 35 (a) a permit is varied under section 97A so as to include in  
36 the permit area ~~1 one~~ or more section 27 blocks; and

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- 1 (b) immediately before the variation, those section 27  
2 blocks were, or were part of, a location as defined in the  
3 Commonwealth Act section 7; and
- 4 (c) apart from this subsection, those section 27 blocks are  
5 not, and are not part of, a location as defined in section 5  
6 of this Act.
- 7 (2D) The Minister is taken —
- 8 (a) to have declared those section 27 blocks to be a location;  
9 and
- 10 (b) to have done so immediately after the variation.
- 11 (3) The Minister may, at the request of the permittee or the holder  
12 of the drilling reservation, as the case requires, revoke a  
13 declaration.
- 14 (4) The Minister may vary a declaration that relates to petroleum or  
15 a regulated substance ~~relates to petroleum~~ by —
- 16 (a) adding to the location a block in the permit area or  
17 drilling reservation, as the case requires, to which, in the  
18 opinion of the Minister, a resources pool ~~petroleum pool~~  
19 within the location extends; or
- 20 (b) deleting from the location a block to which, in the  
21 opinion of the Minister, no resources pool ~~petroleum~~  
22 ~~pool~~ within the location extends.
- 23 (4a) The Minister may vary a declaration that relates to geothermal  
24 energy resources by —
- 25 (a) adding to the location a block in the permit area or  
26 drilling reservation, as the case requires, to which, in the  
27 opinion of the Minister, a geothermal resources area  
28 within the location extends; or
- 29 (b) deleting from the location a block to which, in the  
30 opinion of the Minister, no geothermal resources area  
31 within the location extends.
- 32 (5) The Minister may not vary a declaration unless —
- 33 (a) the Minister has caused to be served on the permittee or  
34 the holder of the drilling reservation, as the case  
35 requires, notice in writing of the proposed variation,  
36 identifying the block to be added to, or deleted from, the  
37 location; and
- 38 (b) the period of 30 days after the date of service of the  
39 notice has expired; and

1 (c) the Minister has considered any matters submitted ~~to~~  
2 ~~him~~ by the permittee or the holder of the drilling  
3 reservation, as the case requires, in relation to the  
4 proposed variation.

5 (6) Subsection (5) does not apply where a variation is made at the  
6 request of the permittee or the holder of the drilling reservation,  
7 as the case requires.

8 (7) The Minister may form an opinion for the purposes of this  
9 section if the Minister considers that there are reasonable  
10 grounds for forming the opinion having regard to any  
11 information in the Minister's possession, whether provided by  
12 the permittee or otherwise.

13 *[Section 47 inserted: No. 12 of 1990 s. 32; amended: No. 78 of*  
14 *1990 s. 7; No. 35 of 2007 s. 33; No. 42 of 2010 s. 24; No. 7 of*  
15 *2017 s. 14.]*

16 **48. Immediately adjoining blocks**

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

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

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

24 **Division 2A — Retention leases**

25 *[Heading inserted: No. 12 of 1990 s. 34; amended: No. 35 of*  
26 *2007 s. 34.]*

27 **48A. Application by permittee or holder of drilling reservation**  
28 **for lease**

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

36 (1a) A permittee whose geothermal exploration permit is in force, or  
37 the holder of a drilling reservation whose geothermal drilling



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1 reservation is in force, in respect of a block that constitutes, or  
2 the blocks that constitute, a location may, within the application  
3 period, make an application to the Minister for the grant of a  
4 geothermal retention lease in respect of that block, or in respect  
5 of ~~1 one~~ or more of those blocks, as the case may be.

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

7 [(a) ~~deleted~~]

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

9 (c) ~~must shall~~ be accompanied by particulars of —

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

13 (ii) the commercial viability of the recovery of  
14 ~~petroleum, a regulated substance petroleum~~ or  
15 geothermal energy, as the case requires, from the  
16 area comprised in the blocks specified in the  
17 application at the time of the application, and  
18 particulars of the possible future commercial  
19 viability of the recovery of ~~petroleum, a~~  
20 ~~regulated substance petroleum~~ or geothermal  
21 energy from that area;

22 and

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

25 (e) ~~must shall~~ be accompanied by the prescribed fee.

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

30 (4) The application period in respect of an application under this  
31 section by a permittee or the holder of a drilling reservation  
32 is —

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

37 (b) such other period, not less than 2 years or more than  
38 4 years after that date, as the Minister, on application in  
39 writing by the permittee or the holder of the drilling



1 reservation, as the case requires, served on the Minister  
2 before the end of the first-mentioned period of 2 years,  
3 allows.

4 *[Section 48A inserted: No. 12 of 1990 s. 34; amended: No. 78 of*  
5 *1990 s. 7; No. 35 of 2007 s. 35; No. 42 of 2010 s. 25.]*

6 **48B. Grant or refusal of lease in relation to application**

7 (1) If —

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

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

27 (2A) If —

- 28 (a) an application has been made under section 48A(1a);  
29 and  
30 (b) the applicant has furnished any further information as  
31 and when required by the Minister under  
32 section 48A(3); and  
33 (c) the Minister is satisfied that —  
34 (i) the area comprised in the block, or any ~~1 one~~ or  
35 more of the blocks, specified in the application  
36 contains geothermal energy resources; and  
37 (ii) the recovery of geothermal energy from that area  
38 is not, at the time of the application,

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1 commercially viable, but is likely to become  
2 commercially viable within the period of  
3 15 years after that time,

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

- 9 (2) Where an application has been made under section 48A and —
- 10 (a) the applicant has not furnished any further information  
11 as and when required by the Minister under  
12 section 48A(3); or
- 13 (b) the Minister is not satisfied as to the matters referred to  
14 in subsection (1)(c) or (2A)(c), whichever is applicable,  
15 in relation to the block, or all the blocks, specified in the  
16 application,

17 the Minister ~~must~~**shall**, by instrument in writing served on the  
18 applicant, refuse to grant a lease to the applicant.

- 19 (3A) If —
- 20 (a) an application has been made under section 48A  
21 specifying 2 or more blocks; and
- 22 (b) the Minister is not satisfied as mentioned in  
23 subsection (1)(c) or (2A)(c), whichever is applicable, in  
24 relation to ~~1 or~~ one or more, but not all, of the blocks,

25 the Minister ~~must~~**shall**, by notice in writing served on the  
26 applicant, refuse to grant a lease to the applicant in respect of  
27 the block or blocks as to which the Minister is not satisfied as  
28 mentioned in subsection (1)(c) or (2A)(c).

- 29 (3) An instrument under subsection (1) or (2A) ~~must~~**shall**  
30 contain —
- 31 (a) a summary of the conditions subject to which the lease  
32 is to be granted; and
- 33 (b) a statement to the effect that the application will lapse if  
34 the applicant does not make a request under  
35 subsection (4) in respect of the grant of the lease.

- 36 (4) An applicant on whom there has been served an instrument  
37 under subsection (1) or (2A) may, within a period of ~~1 or~~ one  
38 month after the date of service of the instrument, or within such

1 further period, not exceeding ~~1~~<sup>one</sup> month, as the Minister, on  
2 application in writing served on the Minister before the end of  
3 the first-mentioned period of ~~1~~<sup>one</sup> month, allows, by  
4 instrument in writing served on the Minister, request the  
5 Minister to grant to the applicant the lease.

6 (5) Where an applicant on whom there has been served an  
7 instrument under subsection (1) or (2A) has made a request  
8 under subsection (4) within the period applicable under  
9 subsection (4), the Minister ~~shall~~<sup>must</sup> grant to the applicant a  
10 petroleum retention lease or geothermal retention lease, as the  
11 case requires, in respect of the block or blocks specified in the  
12 instrument.

13 (6) Where an applicant on whom there has been served an  
14 instrument under subsection (1) or (2A) has not made a request  
15 under subsection (4) within the period applicable under  
16 subsection (4), the application lapses upon the expiration of that  
17 period.

18 (7) On the day on which a lease granted under this section in  
19 respect of a block or blocks comes into force, the permit or  
20 drilling reservation, as the case requires, in respect of the block  
21 or blocks ceases to be in force in respect of those blocks.

22 *[Section 48B inserted: No. 12 of 1990 s. 34; amended: No. 78 of*  
23 *1990 s. 7; No. 28 of 1994 s. 21; No. 35 of 2007 s. 36; No. 42 of*  
24 *2010 s. 26.]*

25 **48BA. Application of s. 48A and 48B where permit is transferred**

26 Where —

27 (a) after an application has been made under section 48A in  
28 relation to a block or blocks in respect of which a permit  
29 is in force; and

30 (b) before a decision has been made by the Minister under  
31 section 48B(1), (2A), (2) or (3A) in relation to the  
32 application,

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

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

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**s. 48CA**

1 **48CA. Application by licensee for lease**

2 (1) If —

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

6 (b) no operations for the recovery of petroleum or a  
7 regulated substance ~~petroleum~~ are being carried on  
8 under the licence in respect of an area (the *unused*  
9 *area*) —

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

12 (ii) in which petroleum or a regulated substance  
13 ~~petroleum~~ has been found to exist,

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

17 (2) If —

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

21 (b) no operations for the recovery of geothermal energy are  
22 being carried on under the licence in respect of an area  
23 (the *unused area*) —

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

26 (ii) in which geothermal energy resources have been  
27 found to exist,

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

31 (3) An application under this section —

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

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

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

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

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- 1 (4) An application under subsection (1) ~~must also~~ ~~is also to be~~  
2 accompanied by particulars of the commercial viability of the  
3 recovery of petroleum or a regulated substance ~~petroleum~~ from  
4 the unused area at the time of the application, and particulars of  
5 the possible future commercial viability of the recovery of  
6 petroleum or a regulated substance ~~petroleum~~ from that area.
- 7 (5) An application under subsection (2) ~~must also~~ ~~is also to be~~  
8 accompanied by particulars of the commercial viability of the  
9 recovery of geothermal energy from the unused area at the time  
10 of the application, and particulars of the possible future  
11 commercial viability of the recovery of geothermal energy from  
12 that area.
- 13 (6) The Minister may, at any time, by written notice served on the  
14 applicant, require the applicant to give, within the period stated  
15 in the notice, further written information in connection with an  
16 application under this section.
- 17 (7) The application period in respect of an application under  
18 subsection (1) by a licensee is the period of 5 years that began  
19 on —  
20 (a) the day on which the licence was granted; or  
21 (b) if any operations for the recovery of petroleum or a  
22 regulated substance ~~petroleum~~ have been carried on  
23 under the licence in respect of the unused area — the  
24 last day on which any such operations were carried on.
- 25 (8) The application period in respect of an application under  
26 subsection (2) by a licensee is the period of 5 years that began  
27 on —  
28 (a) the day on which the licence was granted; or  
29 (b) if any operations for the recovery of geothermal energy  
30 have been carried on under the licence in respect of the  
31 unused area — the last day on which any such  
32 operations were carried on.

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

34 **48CB. Grant or refusal of lease in relation to application by**  
35 **licensee**

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

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- 1 (b) the applicant has given any further information as and  
2 when required by the Minister under section 48CA(6);  
3 and  
4 (c) the Minister is satisfied that recovery of petroleum or a  
5 regulated substance ~~petroleum~~ from the unused area —  
6 (i) is not, at the time of the application,  
7 commercially viable; and  
8 (ii) is likely to become commercially viable within  
9 the period of 15 years after that time,

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

14 (2) If —

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

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

30 (3) If an application has been made under section 48CA and —

- 31 (a) the applicant has not given further information as and  
32 when required by the Minister under section 48CA(6);  
33 or  
34 (b) the Minister is not satisfied as mentioned in  
35 subsection (1)(c) or (2)(c), as the case requires, in  
36 relation to the unused area,

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

- 1 (4) A notice under subsection (1) or (2) ~~must shall~~ contain —
- 2 (a) a summary of the conditions subject to which the lease
- 3 is to be granted; and
- 4 (b) a statement to the effect that the application will lapse if
- 5 the applicant does not make a request under
- 6 subsection (5) in respect of the grant of the lease.
- 7 (5) An applicant on whom a notice is served under subsection (1) or
- 8 (2) may request the Minister to grant the lease to the applicant.
- 9 (6) The request must be in writing and must be made —
- 10 (a) before the end of the period of ~~1 one~~ month after the
- 11 date of service of the notice on the applicant under
- 12 subsection (1) or (2); or
- 13 (b) if the Minister, on application in writing made to the
- 14 Minister before the end of that period, allows a further
- 15 period of not more than ~~1 one~~ month for the making of
- 16 the request — before the end of that further period.
- 17 (7) If the applicant makes the request within the period applicable
- 18 under subsection (6), the Minister ~~must shall~~ grant to the
- 19 applicant a petroleum retention lease or geothermal retention
- 20 lease, as the case requires, in respect of the unused area.
- 21 (8) If the applicant does not make the request within the period
- 22 applicable under subsection (6), the application lapses at the end
- 23 of that period.
- 24 (9) On the day on which a lease is granted under this section in
- 25 respect of an unused area comes into force, the licence in
- 26 respect of the block or blocks of which the area consists or in
- 27 which the area is included ceases to be in force in respect of the
- 28 area.

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

30 **48CC. Application of s. 48CA and 48CB if licence is transferred**

- 31 If —
- 32 (a) after an application has been made under section 48CA
- 33 in relation to an area consisting of or included in a block
- 34 or blocks in respect of which a licence is in force; and



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1 (b) before a decision has been made by the Minister under  
2 section 48CB(1), (2) or (3) in relation to the application,

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

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

8 **48CD. Grant of petroleum retention lease as result of change to**  
9 **boundary of offshore area**

10 (1) In this section —

11 **section 27 block** means —

- 12 (a) a block constituted as provided by section 27; or  
13 (b) if a graticular section is wholly within the area that was  
14 covered by the Commonwealth lease concerned — the  
15 graticular section; or  
16 (c) if a part only of a graticular section is within the area  
17 that was covered by the Commonwealth lease  
18 concerned — that part of the graticular section.

19 Note for this definition:

20 See also subsection (6).

21 (2) This section applies if —

- 22 (a) a Commonwealth lease has been granted on the basis  
23 that an area (the **relevant area**) is within the offshore  
24 area; and  
25 (b) as a result of a change to the boundary of the offshore  
26 area, the relevant area —  
27 (i) ceases to be within the offshore area; and  
28 (ii) falls within the inshore area;  
29 and  
30 (c) either —  
31 (i) the conditions set out in subsection (3) are  
32 satisfied; or  
33 (ii) the conditions set out in subsection (4) are  
34 satisfied;  
35 and



- 1 (d) there are one or more section 27 blocks (the *relevant*  
2 *section 27 blocks*) that —
- 3 (i) correspond to the section 27 blocks that were  
4 covered by the Commonwealth lease  
5 immediately before the change; and
- 6 (ii) are in the inshore area; and
- 7 (iii) are not the subject of a variation under  
8 section 97A.
- 9 (3) The conditions mentioned in subsection (2)(c)(i) are —
- 10 (a) one or more, but not all, of the section 27 blocks that  
11 were covered by the Commonwealth lease immediately  
12 before the change are in the relevant area; and
- 13 (b) the Commonwealth lease subsequently ceases to be in  
14 force at the same time (the *relevant time*) —
- 15 (i) as to all of the section 27 blocks that were  
16 covered by the Commonwealth lease  
17 immediately before the change and that are in the  
18 offshore area; and
- 19 (ii) otherwise than as the result of the cancellation or  
20 surrender of the Commonwealth lease.
- 21 (4) The conditions mentioned in subsection (2)(c)(ii) are —
- 22 (a) all of the section 27 blocks that were covered by the  
23 Commonwealth lease immediately before the change are  
24 in the relevant area; and
- 25 (b) the Commonwealth lease subsequently ceases to be in  
26 force at the same time (the *relevant time*) —
- 27 (i) as to all of the section 27 blocks that were  
28 covered by the Commonwealth lease  
29 immediately before the change; and
- 30 (ii) otherwise than as the result of the cancellation or  
31 surrender of the Commonwealth lease.
- 32 (5) The Minister is taken —
- 33 (a) to have granted the holder of the Commonwealth lease a  
34 petroleum retention lease over the relevant section 27  
35 blocks; and

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- 1 (b) to have done so immediately after the relevant time  
2 mentioned in whichever of subsection (3) or (4) is  
3 applicable.

4 Note for this subsection:

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

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

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

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

16 **48C. Rights conferred by lease**

- 17 (1) Except as provided in subsection (1A), a petroleum ~~A petroleum~~  
18 lease, while it remains in force, authorises the lessee, subject to  
19 this Act and in accordance with the conditions to which the  
20 lease is subject, to explore for petroleum or a regulated  
21 substance ~~explore for petroleum~~, and to carry on such operations  
22 and execute such works as are necessary for that purpose, in the  
23 lease area.

24 (1A) A petroleum lease does not authorise the lessee to explore for a  
25 regulated substance, and to carry on such operations, and  
26 execute such works as are necessary for that purpose, in the  
27 lease area unless —

28 (a) the lessee applies to the Minister in writing for approval  
29 to carry out the exploration, carry on the operations and  
30 execute the works; and

31 (b) the Minister —

32 (i) by instrument in writing, grants the approval; and

33 (ii) endorses the lease accordingly.

- 1 (2) A geothermal lease, while it remains in force, authorises the  
2 lessee, subject to this Act and in accordance with the conditions  
3 to which the lease is subject —  
4 (a) to explore for geothermal energy resources in the lease  
5 area; and  
6 (b) to recover geothermal energy in the lease area for the  
7 purpose of establishing the nature and probable extent of  
8 a discovery of geothermal energy resources; and  
9 (c) to carry on such operations and execute such works in  
10 the lease area as are necessary for those purposes.

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

13 **48D. Term of lease**

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

23 *[Section 48D inserted: No. 12 of 1990 s. 34; amended: No. 7 of*  
24 *2017 s. 16.]*

25 **48E. Notice of intention to cancel lease**

- 26 (1) Where —  
27 (a) a lessee has been given a notice of the kind referred to in  
28 section 48H(3) during the term of the lease and has  
29 carried out, and has informed the Minister of the results  
30 of, the re-evaluation required by the notice; and  
31 (b) the lessee has not made an application for the renewal of  
32 the lease; and  
33 (c) after consideration of the results of the re-evaluation  
34 referred to in paragraph (a) and such other matters as the  
35 Minister thinks fit, the Minister is of the opinion that  
36 ~~recovery of petroleum or a regulated substance~~ ~~recovery~~  
37 ~~of petroleum~~ from the petroleum lease area or

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1 geothermal energy from the geothermal lease area, as  
2 the case requires, is commercially viable,

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

- 5 (d) informing the lessee and the other persons that the  
6 Minister has formed that opinion and that the Minister  
7 intends to cancel the lease; and
- 8 (e) stating that the lessee or the other person may serve an  
9 instrument in writing on the Minister within the period  
10 specified in the first-mentioned instrument, not being a  
11 period ending earlier than ~~1 one~~ month after the date of  
12 service of the first-mentioned instrument, setting out any  
13 matters that the lessee or other person, as the case may  
14 be, wishes to be considered.

15 (2) Where —

- 16 (a) an instrument under subsection (1) is served on a lessee;  
17 and
- 18 (b) the lessee does not, within the period referred to in  
19 subsection (1)(e), serve on the Minister an instrument  
20 setting out matters that the lessee wishes to be  
21 considered or the Minister, after consideration of matters  
22 set out in an instrument served on the Minister by the  
23 lessee within that period, determines that the lease  
24 should be cancelled,

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

27 (3) The cancellation of a lease under subsection (2) has effect —

- 28 (a) in a case to which paragraph (b) does not apply, at the  
29 end of the period of 12 months commencing on the date  
30 of service of the instrument of cancellation; or
- 31 (b) in a case where the lessee makes an application for a  
32 licence in respect of ~~1 one~~ or more of the blocks  
33 comprised in the lease within the period referred to in  
34 paragraph (a), when the Minister grants, or refuses to  
35 grant, the licence or when the application lapses,  
36 whichever first happens.

- 1 (4) Where a lease is cancelled under subsection (2), the lease is  
2 taken ~~shall be deemed~~ to continue in force in all respects until  
3 the cancellation has effect in accordance with subsection (3).  
4 *[Section 48E inserted: No. 12 of 1990 s. 34; amended: No. 35 of*  
5 *2007 s. 38.]*

6 **48F. Application for renewal of lease**

- 7 (1) A lessee may, from time to time, make an application to the  
8 Minister for the renewal of the lease.
- 9 (2) An application for the renewal of a lease —  
10 *[(a) deleted]*  
11 (b) subject to subsection (3), must ~~shall~~ be made in an  
12 approved manner not less than 6 months or more than  
13 12 months before the day on which the lease ceases to  
14 be in force; and  
15 (c) must ~~shall~~ be accompanied by particulars of —  
16 (i) the proposals of the applicant for work and  
17 expenditure in respect of the lease area; and  
18 (ii) the commercial viability of recovery of  
19 petroleum or a regulated substance ~~recovery of~~  
20 ~~petroleum~~ from the petroleum lease area or  
21 geothermal energy from the geothermal lease  
22 area, as the case requires, at the time of the  
23 application and particulars of the possible future  
24 commercial viability of recovery of petroleum or  
25 a regulated substance ~~recovery of petroleum~~  
26 from the petroleum lease area or geothermal  
27 energy from the geothermal lease area;  
28 and  
29 (d) must ~~shall~~ be accompanied by the prescribed fee.
- 30 (3) The Minister may, for reasons that the Minister thinks  
31 sufficient, receive an application for the renewal of the lease  
32 less than 6 months before, but not in any case after, the day on  
33 which the lease ceases to be in force.
- 34 (4) Where an application has been made for the renewal of a lease,  
35 the Minister may, at any time, by instrument in writing served  
36 on the lessee, require the lessee to furnish, within the time

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1 specified in the instrument, further information in writing in  
2 connection with the application.

3 *[Section 48F inserted: No. 12 of 1990 s. 34; amended: No. 28 of*  
4 *1994 s. 23; No. 35 of 2007 s. 39; No. 42 of 2010 s. 29.]*

5 **48G. Grant or refusal of renewal of lease**

6 (1) Where —

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

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

12 (c) the Minister is satisfied that recovery of petroleum or a  
13 regulated substance ~~recovery of petroleum~~ from the  
14 petroleum lease area or geothermal energy from the  
15 geothermal lease area, as the case requires —

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

18 (ii) is likely to become commercially viable within  
19 the period of 15 years after that time,

20 the Minister —

21 (d) ~~must~~shall, if the conditions to which the lease is, or has  
22 from time to time been, subject and the provisions of  
23 this Part and of the regulations have been complied  
24 with; or

25 (e) may if —

26 (i) any of the conditions to which the lease is, or has  
27 from time to time been, subject or any of the  
28 provisions of this Part and of the regulations has  
29 not been complied with; and

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

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

- 1 (2) Subject to subsection (3), where an application for the renewal  
2 of a lease has been made under section 48F and —
- 3 (a) any further information required by the Minister under  
4 subsection (4) of section 48F has not been furnished in  
5 accordance with that subsection; or
- 6 (b) the Minister is not satisfied as to the matters referred to  
7 in subsection (1)(c); or
- 8 (c) any of the conditions to which the permit is, or has from  
9 time to time been, subject or any of the provisions of  
10 this Part and of the regulations has not been complied  
11 with and the Minister is not satisfied that special  
12 circumstances exist that justify the granting of the  
13 renewal of the lease,
- 14 the Minister ~~must~~shall, by instrument in writing served on the  
15 person who is then the lessee, refuse to grant the renewal of the  
16 lease.
- 17 (3) The Minister ~~must~~shall not refuse to grant the renewal of the  
18 lease ~~unless the Minister has~~unless —
- 19 (a) ~~he has~~, by instrument in writing served on the lessee,  
20 given not less than 1 ~~one~~ month's notice of the  
21 Minister's ~~his~~ intention to refuse to grant the renewal of  
22 the lease; and
- 23 (b) ~~he has~~ served a copy of the instrument on such other  
24 persons, if any, as the Minister ~~as he~~ thinks fit; and
- 25 (c) ~~he has~~, in the instrument —
- 26 (i) given particulars of the reasons for the intention;  
27 and
- 28 (ii) specified a date on or before which the lessee or  
29 a person on whom a copy of the instrument is  
30 served may, by instrument in writing served on  
31 the Minister, submit any matters that the lessee  
32 wishes to be considered;
- 33 and
- 34 (d) ~~he has~~ taken into account any matters ~~so~~ submitted on or  
35 before the specified date by the lessee or by a person on  
36 whom a copy of the first-mentioned instrument has been  
37 served.

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- 1 (4) An instrument referred to in subsection (1) ~~must~~ **shall**  
2 contain —
- 3 (a) a summary of the conditions to which the lease, on the  
4 grant of the renewal, is to be subject; and
- 5 (b) a statement to the effect that the application will lapse if  
6 the lessee does not make a request under subsection (6).
- 7 (5) An instrument under subsection (2) ~~must~~ **shall**, where the  
8 Minister refuses to grant the renewal of a lease by reason only  
9 that the Minister is not satisfied as to the matter referred to in  
10 subsection (1)(c)(i), contain a statement to the effect that the  
11 lessee may, within the period of 12 months after the date of  
12 service of the instrument, make an application for a licence in  
13 respect of ~~1 one~~ or more of the blocks comprised in the lease.
- 14 (6) A lessee on whom there has been served an instrument under  
15 subsection (1) may, within a period of ~~1 one~~ month after the  
16 date of service of the instrument on the lessee, by instrument in  
17 writing served on the Minister, request the Minister to grant the  
18 lessee the renewal of the lease.
- 19 (7) Where a lessee on whom there has been served an instrument  
20 under subsection (1) has made a request under subsection (6)  
21 within the period referred to in subsection (6), the Minister ~~must~~  
22 **shall** grant to the lessee the renewal of the lease.
- 23 (8) Where a lessee on whom there has been served an instrument  
24 under subsection (1) has not made a request under  
25 subsection (6) within the period referred to in subsection (6), the  
26 application lapses upon the expiration of that period.
- 27 (9) Where —
- 28 (a) an application for the renewal of a lease has been made;  
29 and
- 30 (b) the lease expires —
- 31 (i) before the Minister grants, or refuses to grant, the  
32 renewal of the lease; or
- 33 (ii) before the application lapses as provided by  
34 subsection (8),
- 35 the lease ~~is taken shall be deemed~~ to continue in force in all  
36 respects —
- 37 (c) until the Minister grants, or refuses to grant, the renewal  
38 of the lease; or



1 (d) until the application so lapses,  
2 whichever first happens.

3 (10) Where the Minister refuses to grant the renewal of a lease by  
4 reason only that the Minister is not satisfied as to the matter  
5 referred to in subsection (1)(c)(i), the lease is taken ~~shall be~~  
6 ~~deemed~~ to continue in force in all respects —

7 (a) in a case to which paragraph (b) does not apply, until  
8 12 months after the date of service of the instrument  
9 under subsection (2); or

10 (b) in a case where the lessee makes an application for a  
11 licence in respect of 1 ~~one~~ or more of the blocks  
12 comprised in the lease within the period of 12 months  
13 after the date referred to in paragraph (a), until the  
14 Minister grants, or refuses to grant, the licence or until  
15 the application lapses, whichever first happens.

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

18 **48H. Conditions of lease**

19 (1) A lease may be granted subject to such conditions as the  
20 Minister thinks fit and are specified in the lease.

21 (1A) Subsection (1) does not apply to a petroleum retention lease  
22 granted under section 48CD.

23 (2) The conditions referred to in subsection (1) may include  
24 conditions with respect to work to be carried out by the lessee in  
25 or in relation to the lease area during the term of the lease, or  
26 amounts to be expended by the lessee in the carrying out of such  
27 work, or conditions with respect to both of those matters,  
28 including conditions requiring the lessee to comply with  
29 directions given in accordance with the lease concerning those  
30 matters.

31 (3) A lease is taken ~~shall be deemed~~ to contain a condition that the  
32 lessee will, within the period of 3 months after the receipt of a  
33 written notice from the Minister requesting the lessee to do so or  
34 within such further period as the Minister, on application in  
35 writing served on the Minister before the end of the  
36 first-mentioned period, allows, re-evaluate the commercial  
37 viability of, as the case requires, the recovery of petroleum or a  
38 regulated substance ~~recovery of petroleum~~ from the petroleum  
39 lease area or geothermal energy from the geothermal lease area

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1 (otherwise than by drilling of wells) and inform the Minister in  
2 writing of the results of the re-evaluation.

3 (4) Where a lessee has complied with 2 notices of the kind referred  
4 to in subsection (3) during the term of the lease, the Minister  
5 ~~must shall~~ not give to the lessee during that term a further notice  
6 of that kind.

7 (5) The Minister may, by written notice given to the lessee, vary a  
8 petroleum retention lease granted under section 48CD by  
9 imposing ~~1 one~~ or more conditions to which the lease is subject.

10 (6) A notice under subsection (5) may only be given within 14 days  
11 after the grant of the petroleum retention lease.

12 (7) A variation under subsection (5) takes effect on the day on  
13 which notice of the variation is given to the lessee.

14 *[Section 48H inserted: No. 12 of 1990 s. 34; amended: No. 35*  
15 *of 2007 s. 41; No. 7 of 2017 s. 17.]*

16 **48J. Discovery of petroleum, regulated substances or geothermal**  
17 **energy resources to be notified ~~Discovery of petroleum or~~**  
18 **~~geothermal energy resources to be notified~~**

19 On the discovery of petroleum, regulated substances ~~petroleum~~  
20 or geothermal energy resources in a lease area, the lessee —

21 (a) ~~must immediately shall forthwith~~ inform the Minister of  
22 the discovery; and

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

26 Penalty: a fine of \$10 000.

27 *[Section 48J inserted: No. 42 of 2010 s. 30.]*

28 **48K. Directions by Minister on discovery of petroleum, regulated**  
29 **substances or geothermal energy resources ~~Directions by~~**  
30 **~~Minister on discovery of petroleum or geothermal energy~~**  
31 **~~resources~~**

32 (1) Where petroleum or a regulated substance is discovered  
33 ~~petroleum is discovered~~ in a petroleum lease area, the Minister  
34 may, by instrument in writing served on the lessee, direct the  
35 lessee to do, within the period specified in the instrument, such  
36 things as the Minister thinks necessary and specifies in the  
37 instrument to determine the chemical composition and physical

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1 properties of that petroleum or regulated substance that  
2 ~~petroleum~~ and to determine the quantity of petroleum or  
3 regulated substance quantity of petroleum in the resources pool  
4 ~~petroleum pool~~ to which the discovery relates or, if part only of  
5 that resources pool petroleum pool is within the lease area, in  
6 such part of that resources pool petroleum pool as is within the  
7 lease area.

8 (1a) If geothermal energy resources are discovered in a geothermal  
9 lease area, the Minister may, by instrument in writing served on  
10 the lessee, direct the lessee to do, within the period specified in  
11 the instrument, such things as the Minister thinks necessary and  
12 specifies in the instrument to determine the properties of the  
13 geothermal energy resources and to determine the quantity of  
14 geothermal energy resources in the geothermal resources area to  
15 which the discovery relates or, if part only of that geothermal  
16 resources area is within the lease area, in such part of that  
17 geothermal resources area as is within the lease area.

18 (2) A person to whom a direction is given under subsection (1) or  
19 (1a) must shall comply with the direction.

20 Penalty for an offence under subsection (2): a fine of \$10 000.

21 *[Section 48K inserted: No. 12 of 1990 s. 34; amended: No. 35*  
22 *of 2007 s. 43; No. 42 of 2010 s. 62(1).]*

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24 *[Heading amended: No. 35 of 2007 s. 44.]*

25 **49. Recovery of petroleum, regulated substances or geothermal**  
26 **energy resources in State ~~Recovery of petroleum or~~**  
27 **~~geothermal energy resources in State~~**

28 (1) Except as provided in subsection (1A), a person must ~~A person~~  
29 ~~shall~~ not carry on operations for the recovery of petroleum or a  
30 regulated substance recovery of petroleum in the State except —

31 (a) under and in accordance with a petroleum production  
32 licence; or

33 (b) as otherwise permitted by this Act.

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

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1 (1A) A petroleum production licence does not authorise the licensee  
2 to carry on operations for the recovery of a regulated substance  
3 in the licence area unless —

4 (a) the licensee applies to the Minister in writing for  
5 approval to carry on the operations; and

6 (b) the Minister —

7 (i) by instrument in writing, grants the approval; and

8 (ii) endorses the licence accordingly.

9 (2) A person ~~must~~ ~~shall~~ not carry on operations for the recovery of  
10 geothermal energy in the State except —

11 (a) under and in accordance with a geothermal production  
12 licence; or

13 (b) as otherwise permitted by this Act.

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

15 *[Section 49 inserted: No. 12 of 1990 s. 35; amended: No. 35 of*  
16 *2007 s. 45; No. 42 of 2010 s. 62(15).]*

17 **50. Application by permittee for licence**

18 (1) A permittee whose petroleum exploration permit is in force, or,  
19 the holder of a drilling reservation whose petroleum drilling  
20 reservation is in force, in respect of a block that constitutes, or  
21 the blocks that constitute, a location may, within the application  
22 period, make an application to the Minister for the grant of a  
23 petroleum production licence —

24 (a) where 9 or more blocks constitute the location  
25 concerned — in respect of 5 of those blocks; or

26 (b) where 8 or 7 blocks constitute the location concerned —  
27 in respect of 4 of those blocks; or

28 (c) where 6 or 5 blocks constitute the location concerned —  
29 in respect of 3 of those blocks; or

30 (d) where 4 or 3 blocks constitute the location concerned —  
31 in respect of 2 of those blocks; or

32 (e) where 2 blocks constitute the location concerned — in  
33 respect of one of those blocks; or

34 (f) where one block constitutes the location concerned — in  
35 respect of that block.

36 (1a) A permittee whose geothermal exploration permit is in force, or  
37 the holder of a drilling reservation whose geothermal drilling  
38 reservation is in force, in respect of a block that constitutes, or

1 the blocks that constitute, a location may, within the application  
2 period, make an application to the Minister for the grant of a  
3 geothermal production licence in respect of the block that  
4 constitutes, or the blocks that constitute, the location.

5 (2) A permittee whose permit is in force, or, the holder of a drilling  
6 reservation whose drilling reservation is in force, in respect of  
7 blocks that constitute a location —

8 (a) instead of making an application under subsection (1) or  
9 (1a) in respect of his primary entitlement, may, within  
10 the application period, make an application to the  
11 Minister for the grant of a licence in respect of a number  
12 of those blocks that is less than his primary entitlement;  
13 and

14 (b) being the holder of a licence referred to in paragraph (a),  
15 may, from time to time within that period, make an  
16 application to the Minister for the variation of that  
17 licence to include in the licence area a number of those  
18 blocks that does not exceed the number, if any, by which  
19 his primary entitlement exceeds the number of blocks in  
20 respect of which that licence was granted and the  
21 number of blocks, if any, included in that licence by  
22 reason of any previous variations of that licence.

23 (3) Where —

24 (a) a petroleum permittee or the holder of a petroleum  
25 drilling reservation makes an application under  
26 subsection (1) in respect of his primary entitlement; or

27 (b) a petroleum permittee or the holder of a petroleum  
28 drilling reservation who is the holder of a petroleum  
29 licence in respect of a number of blocks that is less than  
30 his primary entitlement makes an application under  
31 subsection (2) for a variation of that licence, and the  
32 number of blocks in respect of which that licence was  
33 granted, together with the number of blocks included,  
34 and sought to be included, in the licence area by reason  
35 of applications under that subsection, is his primary  
36 entitlement,

37 the permittee or the holder of the drilling reservation, as the case  
38 requires, may, within the application period, make an  
39 application to the Minister for the grant of a licence in respect of  
40 any of the other blocks forming part of the location concerned.

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1 (4) Subject to subsection (5), the application period in respect of an  
2 application under this section by a permittee or the holder of a  
3 drilling reservation is —

- 4 (a) the period of 2 years after the date on which the block  
5 that constitutes the location concerned was, or the  
6 blocks that constitute the location concerned were,  
7 declared to be a location; or  
8 (b) such other period, not less than 2 years or more than  
9 4 years after that date, as the Minister, on application by  
10 the permittee or the holder of the drilling reservation, as  
11 the case requires, in writing, served on the Minister  
12 before the expiration of the first-mentioned period of  
13 2 years, allows.

14 (5) Where —

- 15 (a) a permittee or the holder of a drilling reservation applies  
16 for the grant by the Minister of a licence in respect of a  
17 block or blocks in respect of which the permittee or the  
18 holder of the drilling reservation, as the case requires,  
19 has applied for a lease under section 48A; and  
20 (b) an instrument refusing to grant the lease is served on the  
21 permittee or the holder of the drilling reservation, as the  
22 case requires, under section 48B(2),

23 the application period is whichever of the following periods last  
24 expires —

- 25 (c) the period that is applicable under subsection (4);  
26 (d) the period of 12 months after the day of service of the  
27 instrument.

28 *[Section 50 amended: No. 12 of 1990 s. 36; No. 78 of 1990 s. 7;*  
29 *No. 28 of 1994 s. 25; No. 35 of 2007 s. 46.]*

30 **50A. Application by lessee for licence**

31 (1) A lessee whose petroleum lease is in force may make an  
32 application to the Minister for the grant of a petroleum  
33 production licence —

- 34 (a) where the lease is in respect of 9 or more blocks, in  
35 respect of 5 of those blocks; or  
36 (b) where the lease is in respect of 8 or 7 blocks, in respect  
37 of 4 of those blocks; or  
38 (c) where the lease is in respect of 6 or 5 blocks, in respect  
39 of 3 of those blocks; or

- 1 (d) where the lease is in respect of 4 or 3 blocks, in respect  
2 of 2 of those blocks; or  
3 (e) where the lease is in respect of 2 blocks, in respect of  
4 one of those blocks; or  
5 (f) where the lease is in respect of one block, in respect of  
6 that block.

7 (1a) A lessee whose geothermal lease is in force may make an  
8 application to the Minister for the grant of a geothermal  
9 production licence —

- 10 (a) where the lease is in respect of 2 or more blocks, in  
11 respect of all of those blocks; or  
12 (b) where the lease is in respect of one block, in respect of  
13 that block.

14 (2) At any time while a lease is in force, the lessee may, instead of  
15 making an application under subsection (1) or (1a) in respect of  
16 the lessee's primary entitlement, make an application to the  
17 Minister for the grant of a licence in respect of a number of  
18 blocks that is less than the lessee's primary entitlement.

19 (3) Where a petroleum lessee makes an application under  
20 subsection (1) in respect of the lessee's primary entitlement, the  
21 lessee may, at any time while the lease concerned is in force,  
22 make an application to the Minister for the grant of a licence in  
23 respect of any of the other blocks forming part of the lease.

24 *[Section 50A inserted: No. 12 of 1990 s. 37; amended: No. 35 of*  
25 *2007 s. 47.]*

26 **51. Application for licence under s. 50 or 50A, requirements for**

27 (1) An application under section 50 or 50A —

28 *[(a) deleted]*

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

30 (c) shall be accompanied by particulars of the proposals of  
31 the applicant for work and expenditure in respect of the  
32 area comprised in the blocks specified in the application;  
33 and

34 (d) may set out any other matters that the applicant wishes  
35 the Minister to consider; and

36 (e) shall, in the case of an application for the grant of a  
37 licence, be accompanied by the prescribed fee.

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

5 *[Section 51 amended: No. 69 of 1981 s. 34; No. 12 of 1990*  
6 *s. 38; No. 42 of 2010 s. 31.]*

7 **52. Determination of rate of royalty**

8 (1) Where an application is made for a primary licence, the Minister  
9 ~~must shall~~ determine a rate or rates at which royalty is to be  
10 payable in respect of petroleum or a regulated substance  
11 ~~recovered petroleum recovered~~ under the licence, being a rate  
12 that is, or rates each of which is, not less than 5% nor more than  
13 10% of the royalty value of that petroleum or regulated  
14 substance~~that petroleum~~.

15 (2) Where the Minister determines, pursuant to subsection (1), more  
16 than ~~1 one~~ rate at which royalty is to be payable in respect of  
17 petroleum or a regulated substance recovered petroleum  
18 ~~recovered~~ under a licence, ~~the Minister he must shall~~ also  
19 determine the period for which each rate so determined is to  
20 have effect.

21 (3) Where an application for a primary licence has been made and,  
22 before or after the grant of the primary licence, the applicant  
23 makes an application for a secondary licence, the Minister ~~must~~  
24 ~~shall~~ determine a rate at which royalty is to be payable in  
25 respect of petroleum or a regulated substance recovered  
26 ~~petroleum recovered~~ whether under the secondary licence, or,  
27 subject to section 142(6), under the primary licence, being a rate  
28 that —

29 (a) for tight gas is not less than 5% nor more than 12.5% of  
30 the royalty value of that petroleum or regulated  
31 substance~~that petroleum~~; and

32 (b) that petroleum or a regulated substance for petroleum  
33 other than tight gas is not less than 10% nor more than  
34 12.5% of the royalty value of that petroleum or  
35 regulated substance~~that petroleum~~.

36 (4A) In subsection (3) —

37 *tight gas* means petroleum in a gaseous state occurring in  
38 subsurface rock with a permeability of 0.1 millidarcy or less.



- 1 (4) The Minister ~~must shall~~ not make a determination under this  
2 section unless ~~the Minister he~~ has given to the applicant an  
3 opportunity to confer with ~~the Minister him~~ concerning the  
4 matter or matters to be the subject of the determination.

5 *[Section 52 amended: No. 11 of 1994 s. 5; No. 42 of 2010*  
6 *s. 32.]*

7 **53. Notification as to grant of licence**

8 (1) If —

- 9 (a) an application for the grant of a petroleum production  
10 licence has been made under section 50 or 50A; and  
11 (b) the applicant has given any further information as and  
12 when required by the Minister under section 51(2); and  
13 (c) the Minister is satisfied that the area comprised in the  
14 block, or any ~~1 one~~ or more of the blocks, specified in  
15 the application contains petroleum or a regulated  
16 substance~~petroleum~~,

17 the Minister ~~must shall~~, by written notice served on the  
18 applicant, inform the applicant that the Minister is prepared to  
19 grant to the applicant a petroleum production licence in respect  
20 of the block or blocks as to which the Minister is satisfied as  
21 mentioned in paragraph (c).

22 (2A) If —

- 23 (a) an application for the grant of a geothermal production  
24 licence has been made under section 50 or 50A; and  
25 (b) the applicant has given any further information as and  
26 when required by the Minister under section 51(2); and  
27 (c) the Minister is satisfied that the area comprised in the  
28 block, or any ~~1 one~~ or more of the blocks, specified in  
29 the application contains geothermal energy resources,

30 the Minister ~~must shall~~, by written notice served on the  
31 applicant, inform the applicant that the Minister is prepared to  
32 grant to the applicant a geothermal production licence in respect  
33 of the block or blocks as to which the Minister is satisfied as  
34 mentioned in paragraph (c).

35 (2) A notice under subsection (1) or (2A) ~~must shall~~—

- 36 (a) contain a summary of the conditions subject to which  
37 the licence is to be granted; and

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- 1 (b) in respect of an application for the grant of a petroleum  
2 production licence — specify the rate or rates, and the  
3 related periods~~periods related thereto~~, if any, of royalty  
4 determined by the Minister in pursuance of  
5 section 52(1), (2) or (3); and  
6 (c) contain a statement to the effect that the application will  
7 lapse if the applicant does not make a request under  
8 section 54(1) in respect of the grant of the licence.

9 (3) If the Minister decides not to grant to the applicant a licence in  
10 respect of a block specified in the application because —

- 11 (a) the applicant has failed to comply with a requirement  
12 made by the Minister under section 51(2); or  
13 (b) the Minister is not satisfied as mentioned in  
14 subsection (1)(c) or (2A)(c), whichever is applicable, in  
15 respect of the block,

16 the Minister must~~shall~~, by written notice served on the  
17 applicant, inform the applicant of the Minister's decision and  
18 the reasons for the decision.

19 *[Section 53 amended: No. 12 of 1990 s. 39; No. 28 of 1994*  
20 *s. 26; No. 35 of 2007 s. 48; No. 42 of 2010 s. 33.]*

21 **54. Grant of licence**

- 22 (1) An applicant on whom there has been served an instrument  
23 under section 53(1) may, within a period of 3 months after the  
24 date of service of the instrument on him, or within such further  
25 period, not exceeding 3 months, as the Minister, on application  
26 in writing served on him before the expiration of the  
27 first-mentioned period of 3 months, allows, by instrument in  
28 writing served on the Minister, request the Minister to grant to  
29 him the licence referred to in the first-mentioned instrument.  
30 (2) Where an applicant on whom there has been served an  
31 instrument under section 53(1) has made a request under  
32 subsection (1) within the period applicable under subsection (1),  
33 the Minister shall grant to the applicant a petroleum production  
34 licence or geothermal production licence, as the case requires, in  
35 respect of the block or blocks as to which the Minister is  
36 satisfied as mentioned in section 53(1)(c) or (2A)(c).

- 1 (3) A secondary licence shall not be granted to a permittee, the  
2 holder of the drilling reservation or lessee in respect of any one  
3 or more of the blocks that constitute a location unless —  
4 (a) a primary licence has been granted in respect of a block  
5 or blocks forming part of that location; and  
6 (b) the number of blocks in respect of which the primary  
7 licence was granted, together with the number of blocks  
8 included in that licence by reason of variations of the  
9 licence under section 55, is the primary entitlement of  
10 the permittee, holder of the drilling reservation or lessee,  
11 as the case requires.
- 12 (4) Where an applicant on whom there has been served an  
13 instrument under section 53(1) has not made a request under  
14 subsection (1) within the period applicable under subsection (1),  
15 the application lapses upon the expiration of that period.
- 16 (5) On the day on which a licence granted under this section comes  
17 into force, the permit, drilling reservation or lease in respect of  
18 the blocks in respect of which the licence was granted ceases to  
19 be in force in respect of those blocks.

20 *[Section 54 amended: No. 12 of 1990 s. 40; No. 78 of 1990 s. 7;*  
21 *No. 28 of 1994 s. 27; No. 35 of 2007 s. 49; No. 42 of 2010*  
22 *s. 34.]*

23 **54A. Application of s. 51 to 54 where permit etc. transferred**

24 Where —

- 25 (a) after an application has been made —  
26 (i) under section 50 for the grant of a licence in  
27 respect of a block or blocks in respect of which a  
28 permit or drilling reservation is in force; or  
29 (ii) under section 50A for the grant of a licence in  
30 respect of a block or blocks in respect of which a  
31 lease is in force;  
32 and  
33 (b) before a decision has been made by the Minister under  
34 section 53(1) in relation to the application,

35 a transfer of the permit, drilling reservation or lease, as the case  
36 may be, is registered under section 72, then, after the time of the  
37 transfer sections 51 to 54 have effect in relation to the

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1 application as if any reference in those sections to the applicant  
2 were a reference to the transferee.

3 *[Section 54A inserted: No. 28 of 1994 s. 28.]*

4 **55. Variation of licence area**

5 (1) Where an application is made under section 50(2) for a variation  
6 of a licence, the Minister shall, by instrument in writing served  
7 on the licensee, vary the licence to include in the licence area  
8 such of the blocks specified in the application as are blocks as to  
9 which the Minister is satisfied as mentioned in section 53(1)(c)  
10 or (2A)(c).

11 (2) On and from the day on and from which a variation of a licence  
12 under this section has effect —

13 (a) the blocks included in the licence area by reason of the  
14 variation are, subject to this Part, for the remainder of  
15 the term of the licence, blocks in respect of which the  
16 licence is in force; and

17 (b) the permit that is in force in respect of the blocks so  
18 included ceases to be in force in respect of those blocks.

19 *[Section 55 amended: No. 12 of 1990 s. 41; No. 42 of 2010*  
20 *s. 35.]*

21 **56. Determination of permit as to blocks not taken up by licensee**

22 (1) Subject to subsection (2), where —

23 (a) a permittee or the holder of a drilling reservation, as the  
24 case requires, who may make an application under  
25 section 50 in respect of a block does not, within the  
26 application period, make the application; or

27 (b) all applications made by a permittee or the holder of a  
28 drilling reservation, as the case requires, under that  
29 section in respect of a block have lapsed,

30 the permit or drilling reservation is determined as to that block  
31 and the determination has effect —

32 (c) in a case referred to in paragraph (a) — upon the  
33 expiration of the application period; and

34 (d) in a case referred to in paragraph (b) —

35 (i) upon the expiration of the application period; or

- 1 (ii) upon the lapsing of the last of the applications  
2 referred to in that paragraph,  
3 whichever is the later.
- 4 (1a) Subject to subsection (2), where all applications made by a  
5 lessee under section 50A in respect of a block have lapsed, the  
6 lease is determined as to that block and the determination has  
7 effect upon the lapsing of the last of those applications.
- 8 (2) Where a permittee, the holder of a drilling reservation or lessee  
9 makes an application for a secondary licence —  
10 (a) the permit, drilling reservation or lease is determined as  
11 to any blocks forming part of the location concerned that  
12 are not the subject of that application or of any  
13 application for a primary licence or for the variation of  
14 such a licence; and  
15 (b) the determination has effect upon the making of the  
16 application.
- 17 (3) Subject to subsection (4), where a block or blocks constituting  
18 or forming part of a location is or are no longer the subject of a  
19 permit, drilling reservation or lease, the Minister shall, by  
20 instrument published in the *Gazette* —  
21 (a) in a case where that block or those blocks constitutes or  
22 constitute that location, revoke the declaration made  
23 under section 47 in respect of that location; or  
24 (b) in a case where that block or those blocks forms or form  
25 part of that location, revoke the declaration made under  
26 section 47 in respect of that location to the extent that it  
27 relates to that block or those blocks.
- 28 (4) Subsection (3) does not apply in relation to a block —  
29 (a) in respect of which an application for the grant of a lease  
30 or licence has been made, being an application that has  
31 not lapsed and in relation to which a decision has not  
32 been made by the Minister; or  
33 (b) in respect of which a lease or licence is in force.
- 34 (5) Where a lease is granted in respect of a block or blocks forming  
35 part of a location, the Minister shall, by instrument published in  
36 the *Gazette*, revoke the declaration made under section 47 to the  
37 extent that it relates to the block or blocks that is or are not  
38 within the lease area.

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- 1 (6) Where —  
2 (a) the Minister refuses to grant a lease in respect of a block  
3 or blocks constituting or forming part of a location; and  
4 (b) the reason, or one of the reasons, for the refusal is that  
5 the Minister is not satisfied as to the matter referred to in  
6 section 48B(1)(c)(ii),  
7 the Minister shall, by instrument published in the *Gazette*,  
8 revoke the declaration made under section 47 in respect of that  
9 location.
- 10 (7) This section does not apply in relation to a permit if —  
11 (a) the permit has been granted on the basis that an area (the  
12 *relevant area*) is within the inshore area; and  
13 (b) as a result of a change to the boundary of the offshore  
14 area, the relevant area —  
15 (i) ceases to be within the inshore area; and  
16 (ii) falls within the offshore area;  
17 and  
18 (c) immediately before the change, the relevant area was a  
19 part of the permit area.
- 20 (8) For the purposes of subsection (7) —  
21 (a) section 6A is to be disregarded; and  
22 (b) it is immaterial whether the change occurred before, at  
23 or after the commencement day.

24 (9) In subsection (8)(b) —

25 *commencement day* means the day on which the *Petroleum*  
26 *Legislation Amendment Act 2017* section 18 comes into  
27 operation.

28 [Section 56 amended: No. 12 of 1990 s. 42; No. 78 of 1990 s. 7;  
29 No. 7 of 2017 s. 18.]

30 **57. Application for licence in respect of surrendered etc. blocks**

- 31 (1) Where —  
32 (a) a petroleum production licence is surrendered or  
33 cancelled as to a block; or

- 1 (b) a petroleum exploration permit, petroleum drilling  
2 reservation or petroleum retention lease is surrendered,  
3 cancelled or determined as to a block —  
4 (i) that, at the time of the surrender, cancellation or  
5 determination, was, or was included in, a  
6 location; and  
7 (ii) in which, in the opinion of the Minister, there is  
8 petroleum or a regulated substance~~petroleum~~;  
9 or  
10 (ba) a resources pool ~~petroleum pool~~ from which petroleum  
11 or a regulated substance ~~petrol~~ has been recovered is  
12 within or extends to a block which is not the subject of a  
13 petroleum exploration permit, petroleum drilling  
14 reservation, petroleum retention lease or petroleum  
15 production licence,  
16 the Minister may by instrument published in the *Gazette* —  
17 (c) invite applications for the grant of a petroleum  
18 production licence in respect of that block; and  
19 (d) specify a period within which applications may be  
20 made.  
21 (1a) If —  
22 (a) a geothermal production licence is surrendered or  
23 cancelled as to a block; or  
24 (b) a geothermal exploration permit, geothermal drilling  
25 reservation or geothermal retention lease is surrendered,  
26 cancelled or determined as to a block —  
27 (i) that, at the time of the surrender, cancellation or  
28 determination, was, or was included in, a  
29 location; and  
30 (ii) in which, in the opinion of the Minister, there are  
31 geothermal energy resources;  
32 or  
33 (c) a geothermal resources area from which geothermal  
34 energy has been recovered is within or extends to a  
35 block which is not the subject of a geothermal  
36 exploration permit, geothermal drilling reservation,

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1 geothermal retention lease or geothermal production  
2 licence,

3 the Minister may by instrument published in the *Gazette* —

4 (d) invite applications for the grant of a geothermal  
5 production licence in respect of that block; and

6 (e) specify a period within which applications may be  
7 made.

8 (2) The Minister ~~must~~shall, in an instrument under subsection (1),  
9 state —

10 (a) that an applicant is required to specify an amount that  
11 the applicant ~~he~~ would be prepared to pay in respect of  
12 the grant of a petroleum production licence ~~to him~~ on  
13 the ~~his~~ application; or

14 (b) that an applicant is required to specify a rate of royalty  
15 that the applicant ~~he~~ would be prepared to pay, if a  
16 petroleum production licence were granted ~~to him~~ on the  
17 ~~his~~ application, in respect of petroleum or a regulated  
18 substance recovered ~~petroleum recovered~~ under the  
19 licence, being a rate that exceeds 10% of the royalty  
20 value of that petroleum or regulated substance ~~that~~  
21 ~~petroleum~~.

22 (3) Where the Minister, in an instrument under subsection (1),  
23 states that an applicant is required to specify a rate of royalty as  
24 mentioned in subsection (2)(b), the Minister may, in that  
25 instrument, state that an applicant on whose application the  
26 Minister ~~he~~ is prepared to grant a petroleum production licence  
27 will also be required to pay ~~to him~~, in respect of the grant of the  
28 licence to the applicant, the amount specified in that behalf in  
29 that instrument.

30 (4) The Minister ~~must~~shall, in an instrument under subsection (1a),  
31 state that an applicant is required to specify an amount that the  
32 applicant would be prepared to pay in respect of the grant of a  
33 geothermal production licence to the applicant on the  
34 application.

35 [(5) *deleted*]

36 (6) An application under this section —

37 [(a) *deleted*]

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



- 1 (c) ~~must shall~~ be accompanied by the particulars referred to  
2 in section 51(1)(c); and
- 3 (d) in the case of an application under subsection (1), ~~must~~  
4 ~~shall~~ specify, in accordance with the requirement in the  
5 instrument by which applications were invited, the  
6 amount, or the rate of royalty, that the applicant would  
7 be prepared to pay; and
- 8 (e) in the case of an application under subsection (1a), ~~must~~  
9 ~~shall~~ specify, in accordance with the requirement in the  
10 instrument by which applications were invited, the  
11 amount that the applicant would be prepared to pay; and
- 12 (f) may set out any other matters that the applicant wishes  
13 the Minister to consider.

- 14 (7) The Minister may, at any time, by instrument in writing served  
15 on the applicant, require ~~the applicant him~~ to furnish, within the  
16 period specified in the instrument, further information in  
17 connection with ~~the his~~ application.

18 *[Section 57 amended: No. 12 of 1990 s. 43; No. 78 of 1990 s. 7;*  
19 *No. 11 of 1994 s. 5; No. 28 of 1994 s. 29; No. 35 of 2007 s. 50;*  
20 *No. 42 of 2010 s. 36.]*

21 **58. Application fee etc. for s. 57 applications**

- 22 (1) An application under section 57 shall be accompanied by —
- 23 (a) the prescribed fee; and
- 24 (b) a deposit —
- 25 (i) if the applicant has specified an amount that he  
26 would be prepared to pay in respect of the grant  
27 of a licence to him on the application — of 10%  
28 of that amount; or
- 29 (ii) if the Minister has, in the instrument by which  
30 applications were invited, stated an amount that  
31 the applicant will be required to pay in respect of  
32 the grant of a licence — of 10% of that amount.
- 33 (2) Where a licence is not granted on the application, the amount of  
34 the deposit shall, subject to subsection (3), be refunded to the  
35 applicant.
- 36 (3) Where an applicant on whom there has been served an instrument  
37 under subsection (1) of section 59 does not request the Minister,  
38 under subsection (6) of that section, to grant to him the licence

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1 referred to in the instrument, the deposit shall not be refunded to  
2 the applicant.

3 *[Section 58 amended: No. 69 of 1981 s. 34; No. 12 of 1990*  
4 *s. 44; No. 42 of 2010 s. 37.]*

5 **59. Request by applicant for grant of licence**

6 (1) Where, at the expiration of the period specified in an instrument  
7 under subsection (1) or (1a) of section 57, only one application has  
8 been made under that subsection in respect of the block specified  
9 in the instrument, the Minister may reject the application or may,  
10 by instrument in writing served on the applicant, inform him that  
11 he is prepared to grant to him a licence in respect of that block.

12 (2) Where, at the expiration of the period specified in an instrument  
13 under subsection (1) or (1a) of section 57, 2 or more applications  
14 have been made under that subsection in respect of the block  
15 specified in the instrument, the Minister may reject any or all of  
16 the applications and, if he does not reject all of the applications,  
17 may —

- 18 (a) if only one application remains unrejected — by  
19 instrument in writing served on the applicant; or  
20 (b) if 2 or more applications remain unrejected — by  
21 instrument in writing served on the applicant, or on one  
22 of the applicants, whose application has not been  
23 rejected and who has specified in his application an  
24 amount, or, if applicable, a rate of royalty, that he would  
25 be prepared to pay that is not less than the amount, or, if  
26 applicable, the rate of royalty, specified in the  
27 application of any other applicant whose application has  
28 not been rejected,

29 inform him that he is prepared to grant to him a licence in  
30 respect of that block and that he will be required to pay the  
31 amount specified in the application, royalty at the rate specified  
32 in the application, or royalty at the rate specified in the  
33 application and the amount specified in the instrument under  
34 section 57(1), as the case requires.

35 *[(3), (4) deleted]*

36 (5) An instrument under any of the preceding provisions of this  
37 section shall contain —

- 38 (a) a summary of the conditions subject to which the licence  
39 is to be granted; and

- 1 (b) a statement of the balance of the amount, if any, that the  
2 applicant will be required to pay in respect of the grant  
3 of the licence to him; and
- 4 (c) a statement to the effect that the application will  
5 lapse —
- 6 (i) if the applicant does not make a request under  
7 subsection (6); or
- 8 (ii) in a case where the instrument contains a  
9 statement referred to in paragraph (b) — if the  
10 applicant does not pay the balance of the amount  
11 referred to in that statement.
- 12 (6) An applicant on whom there has been served an instrument  
13 under any of the preceding provisions of this section may,  
14 within a period of 3 months after the date of service of the  
15 instrument on him, or within such further period, not exceeding  
16 3 months, as the Minister, on application in writing served on  
17 him before the expiration of the first-mentioned period of  
18 3 months, allows —
- 19 (a) by instrument in writing served on the Minister, request  
20 the Minister to grant to him the licence; and
- 21 (b) if the first-mentioned instrument contains a statement of  
22 the balance of an amount that the applicant will be  
23 required to pay in respect of the grant of the licence to  
24 the applicant — pay that balance.
- 25 (7) Where an applicant on whom there has been served an  
26 instrument under subsection (1) or (2) —
- 27 (a) has not made a request under subsection (6); or
- 28 (b) if the instrument contains a statement of the balance of  
29 an amount that the applicant will be required to pay in  
30 respect of the grant of a licence to the applicant — has  
31 not paid that balance,
- 32 within the period applicable under subsection (6), the  
33 application lapses upon the expiration of that period.
- 34 (8) Where the application of an applicant on whom there has been  
35 served an instrument under subsection (2) lapses as provided by  
36 subsection (7), subsection (2) applies in respect of the  
37 application or applications, if any, then remaining unrejected.
- 38 *[Section 59 amended: No. 12 of 1990 s. 45; No. 28 of 1994*  
39 *s. 30; No. 35 of 2007 s. 51; No. 42 of 2010 s. 38.]*

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1 **60. Grant of licence on request**

2 Where an applicant on whom there has been served an  
3 instrument under section 59 —

- 4 (a) has made a request under subsection (6) of that section;  
5 and  
6 (b) if the instrument contains a statement of the balance of  
7 an amount that the applicant will be required to pay in  
8 respect of the grant of a licence to the applicant — has  
9 paid that balance,

10 within the period applicable under section 59(6), the Minister  
11 shall grant to him a petroleum production licence or geothermal  
12 production licence, as the case requires, in respect of the block  
13 specified in the instrument.

14 *[Section 60 amended: No. 28 of 1994 s. 31; No. 35 of 2007*  
15 *s. 52; No. 42 of 2010 s. 39.]*

16 **61. Licence for 2 or more blocks may be divided into 2 or more**  
17 **licences**

18 (1) Where a licence (in this section called the *original licence*) is in  
19 force in respect of 2 or more blocks (not being blocks that form  
20 or form part of a location), the licensee may make an  
21 application to the Minister for the grant to him of —

- 22 (a) if the original licence is a petroleum production  
23 licence — 2 or more petroleum production licences; or  
24 (b) if the original licence is a geothermal production  
25 licence — 2 or more geothermal production licences,

26 in respect of the blocks the subject of the original licence in  
27 exchange for the original licence.

28 (2) An application under subsection (1) —

29 *[(a) deleted]*

- 30 (b) shall be made in an approved manner; and  
31 (c) shall specify the number of licences required; and  
32 (d) shall specify the block or blocks the subject of the  
33 original licence in respect of which each licence is  
34 sought; and  
35 (e) shall be accompanied by the prescribed fee.

36 *[(3) deleted]*

- 1 (4) Where a licensee has made an application under this section the  
2 Minister shall grant to the licensee petroleum production  
3 licences or geothermal production licences, as the case requires,  
4 in accordance with the application.
- 5 (5) A licence granted on an application under this section —
- 6 (a) remains in force, subject to this Part, but  
7 notwithstanding section 63, for the remainder of the  
8 term of the original licence; and
- 9 (b) shall be granted subject to conditions corresponding as  
10 nearly as may be to the conditions to which the original  
11 licence was subject; and
- 12 (c) shall be granted subject to any directions under this Act  
13 previously given to the holder of the original licence in  
14 respect of the licence area of the original licence; and
- 15 (d) shall be granted subject to any instruments and  
16 agreements in respect of the original licence a memorial  
17 of which is entered in the Register under section 70,  
18 insofar as such instruments and agreements apply to the  
19 licence, (or any such instruments and agreements which  
20 are in effect at the time that an application is granted  
21 under this section but in respect of which a memorial is  
22 not yet entered under that section).
- 23 (6) Where licences are granted on an application under this  
24 section —
- 25 (a) the original licence is, by force of this subsection,  
26 determined; and
- 27 (b) the determination has effect on and from the day on  
28 which those licences come into force.

29 [Section 61 amended: No. 69 of 1981 s. 34; No. 12 of 1990  
30 s. 46; No. 28 of 1994 s. 32; No. 35 of 2007 s. 53; No. 42 of 2010  
31 s. 40.]

32 **61A. Grant of petroleum production licence as result of change to**  
33 **boundary of offshore area**

- 34 (1) In this section —
- 35 **section 27 block** means —
- 36 (a) a block constituted as provided by section 27; or
- 37 (b) if a graticular section is wholly within the area that was  
38 covered by the Commonwealth licence concerned — the  
39 graticular section; or

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

4 Note for this definition:

5 See also subsection (6).

6 (2) This section applies if —

7 (a) a Commonwealth licence has been granted on the basis  
8 that an area (the *relevant area*) is within the offshore  
9 area; and

10 (b) as a result of a change to the boundary of the offshore  
11 area, the relevant area —

12 (i) ceases to be within the offshore area; and

13 (ii) falls within the inshore area;

14 and

15 (c) either —

16 (i) the conditions set out in subsection (3) are  
17 satisfied; or

18 (ii) the conditions set out in subsection (4) are  
19 satisfied;

20 and

21 (d) there are one or more section 27 blocks (the *relevant*  
22 *section 27 blocks*) that —

23 (i) correspond to the section 27 blocks that were  
24 covered by the Commonwealth licence  
25 immediately before the change; and

26 (ii) are in the inshore area; and

27 (iii) are not the subject of a variation under  
28 section 97A.

29 (3) The conditions mentioned in subsection (2)(c)(i) are —

30 (a) one or more, but not all, of the section 27 blocks that  
31 were covered by the Commonwealth licence  
32 immediately before the change are in the relevant area;  
33 and

34 (b) the Commonwealth licence subsequently ceases to be in  
35 force at the same time (the *relevant time*) —

36 (i) as to all of the section 27 blocks that were  
37 covered by the Commonwealth licence

- 1 immediately before the change and that are in the  
2 offshore area; and
- 3 (ii) otherwise than as the result of the cancellation or  
4 surrender of the Commonwealth licence.
- 5 (4) The conditions mentioned in subsection (2)(c)(ii) are —
- 6 (a) all of the section 27 blocks that were covered by the  
7 Commonwealth licence immediately before the change  
8 are in the relevant area; and
- 9 (b) the Commonwealth licence subsequently ceases to be in  
10 force at the same time (the *relevant time*) —
- 11 (i) as to all of the section 27 blocks that were  
12 covered by the Commonwealth licence  
13 immediately before the change; and
- 14 (ii) otherwise than as the result of the cancellation or  
15 surrender of the Commonwealth licence.

- 16 (5) The Minister is taken —
- 17 (a) to have granted the holder of the Commonwealth licence  
18 a petroleum production licence over the relevant  
19 section 27 blocks; and
- 20 (b) to have done so immediately after the relevant time  
21 mentioned in whichever of subsection (3) or (4) is  
22 applicable.

23 Note for this subsection:

24 For the duration of the licence, see section 63(3).

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

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

34 [*Section 61A inserted: No. 7 of 2017 s. 19.*]

## 35 **62. Rights conferred by licence**

- 36 (1) Except as provided in subsection (1A), a petroleum ~~A petroleum~~  
37 production licence, while it remains in force, authorises the

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1 licensee, subject to this Act and in accordance with the  
2 conditions to which the licence is subject —

- 3 (a) to recover petroleum or a regulated substance ~~recover~~  
4 ~~petroleum~~ in the licence area and to recover petroleum  
5 or a regulated substance ~~recover petroleum~~ from the  
6 licence area in another area to which the licensee ~~he~~ has  
7 lawful access for that purpose; and  
8 (b) to explore for petroleum or a regulated substance  
9 ~~petroleum~~ in the licence area; and  
10 (c) to carry on such operations and execute such works in  
11 the licence area as are necessary for those purposes.

12 (1A) A petroleum production licence does not authorise the licensee  
13 to do any of the things referred to in subsection (1)(a) to (c) in  
14 relation to a regulated substance unless —

15 (a) the licensee applies to the Minister in writing for  
16 approval to do those things; and

17 (b) the Minister —

18 (i) by instrument in writing, grants the approval; and

19 (ii) endorses the licence accordingly.

20 (2) A geothermal production licence, while it remains in force,  
21 authorises the licensee, subject to this Act and in accordance  
22 with the conditions to which the licence is subject —

- 23 (a) to recover geothermal energy in the licence area and to  
24 recover geothermal energy from the licence area in  
25 another area to which the licensee has lawful access for  
26 that purpose; and  
27 (b) to explore for geothermal energy resources in the licence  
28 area; and  
29 (c) to carry on such operations and execute such works in  
30 the licence area as are necessary for those purposes.

31 *[Section 62 amended: No. 12 of 1990 s. 47; No. 13 of 2005*  
32 *s. 16(2); No. 35 of 2007 s. 54.]*

33 **62A. Geothermal energy recovery development plans**

34 (1) A geothermal licensee is to submit to the Minister for approval a  
35 geothermal energy recovery development plan, or a geothermal  
36 energy recovery development plan as varied under  
37 subsection (2), that sets out the information required by the



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1 regulations in relation to how geothermal energy is proposed to  
2 be recovered under the licence.

3 (2) Before approving a geothermal energy recovery development  
4 plan submitted under subsection (1), the Minister may, by  
5 instrument in writing served on the geothermal licensee, direct  
6 the licensee to vary the development plan, as specified in the  
7 instrument, for the purpose of securing the more effective  
8 recovery of geothermal energy under the licence.

9 (3) The Minister is not to give a direction under subsection (2)  
10 unless the Minister has given to the geothermal licensee an  
11 opportunity to confer with the Minister concerning the proposed  
12 direction.

13 (4) The Minister may approve a geothermal energy recovery  
14 development plan submitted under subsection (1).

15 *[Section 62A inserted: No. 35 of 2007 s. 55.]*

16 **62B. Variation of approved development plans**

17 (1) The Minister may, by instrument in writing served on a  
18 geothermal licensee, direct the licensee to vary the approved  
19 development plan that applies to the geothermal production  
20 licence, as specified in the instrument, for the purpose of  
21 securing the more effective recovery of geothermal energy  
22 under the licence.

23 (2) The Minister is not to give a direction under subsection (1)  
24 unless the Minister has given to the geothermal licensee an  
25 opportunity to confer with the Minister concerning the proposed  
26 direction.

27 (3) On the written application of the geothermal licensee, the  
28 Minister may approve a variation of the approved development  
29 plan.

30 (4) An approved development plan that is varied under this section  
31 has effect as so varied.

32 *[Section 62B inserted: No. 35 of 2007 s. 55.]*

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1 **63. Term of licence**

2 (1) Subject to this Part, a licence granted before the commencement  
3 of the *Petroleum and Energy Legislation Amendment Act 2010*  
4 section 41(3) remains in force —

5 (a) in the case of a licence granted otherwise than by way of  
6 renewal of a licence, for a period of 21 years  
7 commencing on the day on which the licence is granted  
8 or, if a later day is specified in the licence as being the  
9 day on which the licence is to come into force, on that  
10 later day; and

11 (b) in the case of a licence granted by way of the first  
12 renewal of a licence, for the period of 21 years  
13 commencing on the day on which the licence is granted  
14 or, if a later day is specified in the licence as being the  
15 day on which the licence is to come into force, on that  
16 later day; and

17 (c) in the case of a licence granted by way of the second  
18 renewal of a licence — indefinitely.

19 (2) Subject to this Part, a licence granted after the commencement  
20 of the *Petroleum and Energy Legislation Amendment Act 2010*  
21 section 41(3), other than a petroleum production licence granted  
22 under section 61A, remains in force indefinitely.

23 (3) Subject to this Part, a petroleum production licence granted  
24 under section 61A remains in force for the period of 21 years  
25 commencing on the day on which the licence is granted.

26 [Section 63 inserted: No. 12 of 1990 s. 48; amended: No. 42 of  
27 2010 s. 41; No. 7 of 2017 s. 20.]

28 **64A. Termination of licence if no operations for 5 years**

29 (1) If —

30 (a) a petroleum production licence is in force under  
31 section 63(1)(c) or (2) and the licensee has not carried  
32 on any operations for the [recovery of petroleum or a](#)  
33 [regulated substance](#) ~~recovery of petroleum~~ under the  
34 licence at any time during a continuous period of at least  
35 5 years; or

36 (b) a geothermal production licence is in force under  
37 section 63(1)(c) or (2) and the licensee has not carried  
38 on any operations for the recovery of geothermal energy

1 under the licence at any time during a continuous period  
2 of at least 5 years,

3 the Minister may, by written notice served on the licensee,  
4 inform the licensee that the Minister proposes to terminate the  
5 licence after the end of the period of ~~1 one~~-month after the  
6 notice is served.

7 (2) At any time after the end of the period of ~~1 one~~-month after the  
8 notice referred to in subsection (1) is served on the licensee, the  
9 Minister may, by written notice served on the licensee,  
10 terminate the licence.

11 (3) In working out —

12 (a) for the purposes of subsection (1)(a) the duration of the  
13 period in which no operations for the recovery of  
14 petroleum or a regulated substance ~~recovery of~~  
15 ~~petroleum~~ were carried on under a petroleum production  
16 licence; or

17 (b) for the purposes of subsection (1)(b) the duration of the  
18 period in which no operations for the recovery of  
19 geothermal energy were carried on under a geothermal  
20 production licence,

21 any period in which no such operations were carried on because  
22 of circumstances beyond the licensee's control is to be  
23 disregarded.

24 *[Section 64A inserted: No. 42 of 2010 s. 42.]*

25 **64. Application for renewal of licence**

26 (1) Subject to this section, a licensee under a licence to which  
27 section 63(1)(a) or (b) or (3) applies may, from time to time,  
28 make an application to the Minister for the renewal of the  
29 licence.

30 (2) An application for the renewal of the licence —

31 *[(a) deleted]*

32 (b) subject to subsection (3), shall be made in an approved  
33 manner not less than 6 months before the day on which  
34 the licence ceases to be in force; and

35 (c) shall be accompanied by particulars of the proposals of  
36 the licensee for work and expenditure in respect of the  
37 licence area; and

38 (d) shall be accompanied by the prescribed fee.

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

5 (4) If —

6 (a) a petroleum production licence is granted under  
7 section 61A; and

8 (b) the relevant Commonwealth licence that ceases to be in  
9 force, as mentioned in section 61A(3)(b) or (4)(b), was  
10 granted otherwise than by way of renewal,

11 an application must not be made for the renewal of the  
12 petroleum production licence if the Minister has previously  
13 granted a renewal of the licence.

14 (5) If —

15 (a) a petroleum production licence is granted under  
16 section 61A; and

17 (b) the relevant Commonwealth licence that ceases to be in  
18 force, as mentioned in section 61A(3)(b) or (4)(b), was  
19 granted by way of renewal,

20 an application must not be made for the renewal of the  
21 petroleum production licence.

22 *[Section 64 amended: No. 69 of 1981 s. 34; No. 12 of 1990*  
23 *s. 49; No. 42 of 2010 s. 43; No. 7 of 2017 s. 21.]*

24 **65. Grant or refusal of renewal of licence**

25 (1) Where —

26 (a) an application for the renewal of a licence has been  
27 made under section 64; and

28 (b) the conditions to which the licence is, or has from time  
29 to time been, subject and the provisions of this Part and  
30 of the regulations have been complied with,

31 the Minister —

32 (c) must ~~shall~~ if —

33 (i) the application is in respect of the first renewal  
34 of the licence; or

35 (ii) the application is in respect of a renewal of the  
36 licence other than the first renewal and  
37 operations for the recovery of petroleum or a  
38 regulated substance ~~petroleum~~ have been carried

- 1 on in the licence area within the period of 5 years  
2 before the application for the renewal was made;
- 3 or
- 4 (d) may in any other case,  
5 by instrument in writing served on the person who is then the  
6 licensee inform the person that the Minister is prepared to grant  
7 to the person the renewal of the licence.
- 8 (2) Where —
- 9 (a) an application for the renewal of a licence has been  
10 made under section 64; and
- 11 (b) any of the conditions to which the licence is, or has from  
12 time to time been, subject or any of the provisions of  
13 this Part and of the regulations has not been complied  
14 with, but the Minister is, nevertheless, satisfied that  
15 special circumstances exist that justify the granting of  
16 the renewal of the licence,  
17 the Minister may, by instrument in writing served on the person  
18 who is then the licensee, inform the person that the Minister is  
19 prepared to grant to the person the renewal of the licence.
- 20 (3) If any of the conditions to which the licence is, or has from time  
21 to time been, subject or any of the provisions of this Part and of  
22 the regulations has not been complied with, and if the Minister  
23 is not satisfied that special circumstances exist that justify the  
24 granting of the renewal of the licence, the Minister ~~must~~shall,  
25 subject to subsection (4), by instrument in writing served on the  
26 person who is then the licensee, refuse to grant the renewal of  
27 the licence.
- 28 (4) The Minister ~~must~~ shall not under subsection (3) refuse to grant  
29 the renewal of a licence ~~unless the Minister has~~ unless —
- 30 (a) ~~he has~~, by instrument in writing served on the licensee,  
31 given not less than ~~1~~ one-month's notice of ~~the~~  
32 Minister's ~~his~~ intention to refuse to grant the renewal of  
33 the licence; and
- 34 (b) ~~he has~~ served a copy of the instrument on such other  
35 persons, if any, as the Minister ~~as he~~ thinks fit; and
- 36 (c) ~~he has~~, in the instrument —
- 37 (i) given particulars of the reasons for the intention;  
38 and

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- 1 (ii) specified a date on or before which the licensee  
2 or a person on whom a copy of the instrument is  
3 served may, by instrument in writing served on  
4 the Minister, submit any matters that the licensee  
5 ~~he~~ wishes the Minister to consider;
- 6 and
- 7 (d) ~~he has~~ taken into account any matters ~~so~~ submitted to  
8 the Minister ~~him~~ on or before the specified date by the  
9 licensee or by a person on whom a copy of the  
10 first-mentioned instrument has been served.
- 11 (5) Where an application has been made under section 64 in respect  
12 of a renewal other than the first renewal of the licence, the  
13 Minister may, by instrument in writing served on the person  
14 who is then the licensee, refuse to grant the renewal of the  
15 licence.
- 16 [(6) *deleted*]
- 17 (7) An instrument under subsection (1) or (2) must ~~shall~~ contain —
- 18 (a) a summary of the conditions to which the licence, on the  
19 grant of the renewal, is to be subject; and
- 20 (b) a statement to the effect that the application will lapse if  
21 the licensee does not make a request under  
22 subsection (8).
- 23 (8) A licensee on whom there has been served an instrument under  
24 subsection (1) or (2) may, within a period of 1 ~~one~~ month after  
25 the date of service ~~of the instrument on him~~, by instrument in  
26 writing served on the Minister, request the Minister to grant to  
27 the licensee ~~to him~~ the renewal of the licence.
- 28 (9) Where a licensee on whom there has been served an instrument  
29 under subsection (1) or (2) has made a request under  
30 subsection (8) within the period referred to in subsection (8), the  
31 Minister must ~~shall~~ grant to the licensee ~~to him~~ the renewal of  
32 the licence.
- 33 (10) Where a licensee on whom there has been served an instrument  
34 under subsection (1) or (2) has not made a request under  
35 subsection (8) within the period referred to in subsection (8), the  
36 application lapses upon the expiration of that period.

- 1 (11) Where —  
2 (a) an application for the renewal of a licence is made under  
3 section 64; and  
4 (b) the licence expires —  
5 (i) before the Minister grants, or refuses to grant, the  
6 renewal of the licence; or  
7 (ii) before the application lapses as provided by  
8 subsection (10),  
9 the licence ~~is taken shall be deemed~~ to continue in force in all  
10 respects —  
11 (c) until the Minister grants, or refuses to grant, the renewal  
12 of the licence; or  
13 (d) until the application so lapses,  
14 whichever first happens.  
15 *[Section 65 amended: No. 28 of 1994 s. 33; No. 42 of 2010*  
16 *s. 44.]*

17 **66. Conditions of licence**

- 18 (1) A licence may be granted subject to such conditions as the  
19 Minister thinks fit and specifies in the licence.  
20 (2) Without limiting subsection (1), a geothermal production  
21 licence is subject to the condition that geothermal energy may  
22 be recovered under the licence only in accordance with the  
23 approved development plan.  
24 (3) Subsection (1) does not apply to a petroleum production licence  
25 granted under section 61A.  
26 (4) The Minister may, by written notice given to the licensee, vary a  
27 petroleum production licence granted under section 61A by  
28 imposing one or more conditions to which the licence is subject.  
29 (5) A notice under subsection (4) may only be given within 14 days  
30 after the grant of the petroleum production licence.  
31 (6) A variation under subsection (4) takes effect on the day on  
32 which notice of the variation is given to the licensee.

33 *[Section 66 amended: No. 35 of 2007 s. 56; No. 7 of 2017*  
34 *s. 22.]*



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**67. Storage of petroleum underground**

(1) A person ~~shall~~ must not inject petroleum into a natural underground reservoir —

(a) for the purpose of storage and subsequent recovery other than in accordance with an authorisation referred to in subsection (2); or an agreement made under this section;

~~or~~

(b) for a purpose other than storage and subsequent recovery without the approval of the Minister.

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

(2) The regulations may provide for the grant to a petroleum title holder of an authorisation to inject petroleum into a natural underground reservoir.

(3) In subsection (2) —

*petroleum title holder* means the holder of a petroleum title as defined in section 69A(1).

(4) A person must not inject a regulated substance into a natural underground reservoir.

Penalty for this subsection: 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~~



1 ~~respect of that petroleum by reason of the initial~~  
2 ~~recovery is to be paid; and~~  
3 ~~(ii) such conditions, restrictions and other matters as~~  
4 ~~the Minister thinks fit.~~

5 *[Section 67 inserted: No. 28 of 1994 s. 34; amended: No. 42 of*  
6 *2010 s. 62(15).]*

7 **68. Directions as to recovery of petroleum or regulated**  
8 **substance ~~Directions as to recovery of petroleum~~**

- 9 (1) Where petroleum or a regulated substance ~~Where petroleum~~ is  
10 not being recovered in a licence area and the Minister is  
11 satisfied that there is recoverable petroleum or a regulated  
12 substance ~~recoverable petroleum~~ in that area, the Minister ~~he~~  
13 may, by instrument in writing served on the licensee, direct the  
14 licensee to take all necessary and practicable steps to recover  
15 that petroleum or regulated substance ~~that petroleum~~.
- 16 (2) Where the Minister is not satisfied with the steps taken or being  
17 taken by a licensee to whom a direction has been given under  
18 subsection (1), the Minister may, by instrument in writing  
19 served on the licensee, give to the licensee such directions as the  
20 Minister thinks necessary for or in relation to the recovery of  
21 petroleum or a regulated substance ~~petroleum~~ in the licence  
22 area.
- 23 (3) Where petroleum or a regulated substance is being recovered  
24 ~~petroleum is being recovered~~ in a licence area, the Minister  
25 may, for reasons that the Minister ~~he~~ thinks sufficient, by  
26 instrument in writing served on the licensee, direct the licensee  
27 to take all necessary and practicable steps to increase or reduce  
28 the rate at which petroleum or a regulated substance is being  
29 recovered ~~petroleum is being recovered~~ in the licence area or  
30 from a resources pool ~~petroleum pool~~ in the licence area to such  
31 rate as the Minister specifies in the instrument.
- 32 (4) Where the Minister is not satisfied with the steps taken or being  
33 taken by a licensee to whom a direction has been given under  
34 subsection (3), the Minister may, by instrument in writing  
35 served on the licensee, give to the licensee such directions as the  
36 Minister thinks necessary for or in relation to the increase or  
37 reduction of the rate at which petroleum or a regulated  
38 substance is being recovered ~~petroleum is being recovered~~ in the  
39 licence area or from a resources pool ~~petroleum pool~~ in the  
40 licence area.

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1 (5) Without limiting the matters that may be taken into account by  
2 the Minister in determining whether to give a direction under  
3 subsection (3) or (4), the Minister may take into account matters  
4 relating to the effects on State revenue of the proposed  
5 direction, but the Minister ~~shall~~ must not give a direction under  
6 subsection (3) or (4) if the direction would require action to be  
7 taken that is contrary to good oil-field practice.

8 *[Section 68 amended: No. 12 of 1990 s. 51.]*

9 **69. Unit development**

10 (1A) In this section —

11 *Joint Authority* and *offshore area* have the respective meanings  
12 given in the Commonwealth Act section 7.

13 (1) In this section, the expression *unit development* —

14 (a) applies in relation to —

15 (i) a resources pool ~~petroleum pool~~ that is partly in a  
16 particular licence area of a petroleum licensee  
17 and partly in another area, whether in the State or  
18 not, in respect of which another person has  
19 authority, whether under this Act or another  
20 written law or under the law of another State, the  
21 Northern Territory or the Commonwealth, to  
22 carry on operations for the recovery of petroleum  
23 or a regulated substance ~~recovery of petroleum~~  
24 from the pool; or

25 (ii) a geothermal resources area that is partly in a  
26 particular licence area of a geothermal licensee  
27 and partly in another area, whether in the State or  
28 not, in respect of which another person has  
29 authority, whether under this Act or another  
30 written law or under the law of another State or  
31 of the Northern Territory, to carry on operations  
32 for the recovery of geothermal energy from the  
33 geothermal resources area;

34 and

35 (b) means the carrying on of operations for the recovery of  
36 petroleum or a regulated substance ~~recovery of~~  
37 ~~petroleum~~ from that pool or geothermal energy from that  
38 geothermal resources area, as the case requires, under  
39 cooperative arrangements between the persons entitled  
40 to carry on such operations in each of those areas.

- 1 (2) A licensee may from time to time enter into an agreement in  
2 writing for or in relation to the unit development of a resources  
3 pool ~~petroleum pool~~ or geothermal resources area, as the case  
4 requires, but nothing in this subsection derogates from the  
5 operation of section 75(2).
- 6 (3) The Minister, of the Minister's ~~his~~ own motion or on application  
7 ~~made to him~~ in writing by —
- 8 (a) a licensee in whose licence area there is a part of a  
9 particular resources pool ~~petroleum pool~~ or particular  
10 geothermal resources area; or
- 11 (b) a person who is lawfully entitled to carry on operations  
12 for the recovery of petroleum, a regulated substance or  
13 geothermal ~~petroleum or geothermal~~ energy in an area  
14 outside the State that includes part of a particular  
15 resources pool ~~petroleum pool~~ or particular geothermal  
16 resources area that extends into the State,
- 17 may, for the purpose of securing the more effective recovery of  
18 petroleum or a regulated substance from ~~petroleum from~~ the  
19 resources pool ~~petroleum pool~~ or geothermal energy from the  
20 geothermal resources area, direct any petroleum licensee whose  
21 licence area includes part of the resources pool ~~petroleum pool~~  
22 or any geothermal licensee whose licence area includes part of  
23 the geothermal resources area, by instrument in writing served  
24 on the licensee, to enter into an agreement in writing, within the  
25 period specified in the instrument, for or in relation to the unit  
26 development of the resources pool ~~petroleum pool~~ or  
27 geothermal resources area and to lodge an application in  
28 accordance with section 75 for approval of any dealing to which  
29 the agreement relates.
- 30 (4) Where —
- 31 (a) a licensee who is directed under subsection (3) to enter  
32 into an agreement for or in relation to the unit  
33 development of a resources pool ~~petroleum pool~~ or  
34 geothermal resources area does not enter into such an  
35 agreement within the specified period; or
- 36 (b) a licensee enters into such an agreement but an  
37 application for approval of a dealing to which the  
38 agreement relates is not lodged with the Minister or, if

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1 an application is so lodged, the dealing is not approved  
2 under section 75,

3 the Minister may, by instrument in writing served on that  
4 licensee, direct the licensee to submit to ~~the Minister~~<sup>him</sup>, within  
5 the period specified in the instrument, a scheme for or in  
6 relation to the unit development of the ~~resources pool~~<sup>petroleum</sup>  
7 ~~pool~~ or geothermal resources area.

8 (5) At any time after the expiration of the period within which a  
9 scheme for or in relation to the unit development of a ~~resources~~  
10 ~~pool~~<sup>petroleum pool</sup> or geothermal resources area is to be  
11 submitted by a licensee under subsection (4), the Minister may,  
12 by instrument in writing served on the licensee, give to that  
13 licensee such directions as the Minister thinks necessary for the  
14 purpose of securing the more effective ~~recovery of petroleum or~~  
15 ~~a regulated substance~~<sup>recovery of petroleum or</sup> ~~recovery of petroleum~~  
16 ~~from the resources~~  
17 ~~pool~~<sup>petroleum pool</sup> or geothermal energy from the geothermal  
resources area.

18 (6) Where a person is —  
19 (a) the petroleum licensee in respect of 2 or more licence  
20 areas in each of which there is part of a particular  
21 ~~resources pool~~<sup>petroleum pool</sup>; or  
22 (b) the geothermal licensee in respect of 2 or more licence  
23 areas in each of which there is part of a particular  
24 geothermal resources area,

25 the Minister may, by instrument in writing served on the  
26 licensee, give to the licensee such directions as the Minister  
27 thinks necessary for the purpose of securing the more effective  
28 ~~recovery of petroleum or a regulated substance~~<sup>recovery of</sup>  
29 ~~petroleum~~ from the ~~resources pool~~<sup>petroleum pool</sup> or  
30 geothermal energy from the geothermal resources area.

31 (7) Where an agreement under this section is in force or the  
32 Minister has given directions under subsection (5) or (6), the  
33 Minister may, having regard to additional information that has  
34 become available, by instrument in writing served on the  
35 licensee or licensees concerned, give to the licensee or licensees  
36 such directions, or further directions, as the case may be, as ~~the~~  
37 ~~Minister~~<sup>he</sup> thinks necessary for the purpose of securing the  
38 more effective ~~recovery of petroleum or a regulated substance~~  
39 ~~recovery of petroleum~~ from the ~~resources pool~~<sup>petroleum pool</sup>  
40 or geothermal energy from the geothermal resources area.

- 1 (8) The Minister ~~must shall~~ not give a direction under either  
2 subsection (6) or (7) unless the Minister ~~he~~ has given to the  
3 licensee or licensees concerned an opportunity to confer with  
4 the Minister ~~him~~ concerning the proposed direction.
- 5 (9) Directions under subsection (5), (6), or (7) may include  
6 directions as to the rate at which petroleum, a regulated  
7 substance ~~petroleum~~ or geothermal energy is to be recovered.
- 8 (10) In this section, *dealing* means a dealing to which section 75  
9 applies.
- 10 (11) If a resources pool ~~petroleum pool~~ extends, or is reasonably  
11 believed by the Minister to extend, from an area of the State  
12 into —
- 13 (a) lands to which other written laws or the laws of another  
14 State or of a Territory relating to the exploitation of  
15 petroleum or regulated substance ~~petroleum~~ resources  
16 apply; or
- 17 (b) the adjacent area of an adjoining State or Territory; or
- 18 (c) the offshore area,
- 19 each Minister concerned ~~must shall~~ consult concerning the  
20 exploitation of the resources pool ~~petroleum pool~~ with any other  
21 Minister concerned and with the appropriate authority of the  
22 other State or the Territory if paragraph (a) or (b) applies and  
23 with the Joint Authority if paragraph (c) applies.
- 24 (11a) If a geothermal resources area extends, or is reasonably believed  
25 by the Minister to extend, from an area of the State into —
- 26 (a) lands to which other written laws or the laws of another  
27 State or of a Territory relating to the exploitation of  
28 geothermal energy resources apply; or
- 29 (b) the adjacent area of an adjoining State or Territory,
- 30 each Minister concerned ~~must shall~~ consult concerning the  
31 exploitation of the geothermal resources area with any other  
32 Minister concerned and with the appropriate authority of the  
33 other State or the Territory.
- 34 (12) Where subsection (11) applies in relation to a resources pool  
35 ~~petroleum pool~~ or subsection (11a) applies in relation to a  
36 geothermal resources area, a Minister ~~must shall~~ not approve an  
37 agreement under this section, or give a direction under this  
38 section, in relation to that resources pool ~~petroleum pool~~ or  
39 geothermal resources area except with the approval of any other

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1 Minister concerned and any State or Territory authority  
2 concerned and with the approval of the Joint Authority if  
3 subsection (11)(c) applies.

4 *[Section 69 amended: No. 12 of 1990 s. 52; No. 35 of 2007*  
5 *s. 57; No. 7 of 2017 s. 23.]*

6 **Division 3A — Petroleum titles and geothermal titles may**  
7 **subsist in respect of same blocks**

8 *[Heading inserted: No. 35 of 2007 s. 58.]*

9 **69A. Petroleum titles and geothermal titles may subsist in respect**  
10 **of same blocks**

11 (1) In this section —

12 *geothermal title* means a geothermal exploration permit,  
13 geothermal drilling reservation, geothermal retention lease,  
14 geothermal production licence, geothermal special prospecting  
15 authority or geothermal access authority;

16 *petroleum title* means a petroleum exploration permit,  
17 petroleum drilling reservation, petroleum retention lease,  
18 petroleum production licence, petroleum special prospecting  
19 authority or petroleum access authority.

20 (2) The Minister is not to —

21 (a) grant a petroleum title on an application under this Act  
22 in respect of a block that is the subject of a geothermal  
23 title of which the registered holder is a person other than  
24 the applicant; or

25 (b) vary a petroleum production licence on an application  
26 under section 50(2) to include in the licence area a block  
27 that is the subject of a geothermal title of which the  
28 registered holder is a person other than the applicant,

29 unless the Minister has complied with subsection (3).

30 (3) The Minister has complied with this subsection if the  
31 Minister —

32 (a) has, by instrument in writing served on the registered  
33 holder of the geothermal title, given not less than one  
34 month's notice of the Minister's intention to grant the  
35 petroleum title or vary the petroleum production licence,  
36 as the case requires; and

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- 1 (b) has in the instrument —
- 2 (i) given particulars of the petroleum title proposed
- 3 to be granted or of the variation proposed to be
- 4 made to the petroleum production licence; and
- 5 (ii) specified a date on or before which the person on
- 6 whom the instrument is served may, by
- 7 instrument in writing served on the Minister,
- 8 submit any matters that the person wishes the
- 9 Minister to consider;
- 10 and
- 11 (c) has taken into account any matters submitted to the
- 12 Minister on or before the specified date by that person.
- 13 (4) The Minister is not to —
- 14 (a) grant a geothermal title on an application under this Act
- 15 in respect of a block that is the subject of a petroleum
- 16 title of which the registered holder is a person other than
- 17 the applicant; or
- 18 (b) vary a geothermal production licence on an application
- 19 under section 50(2) to include in the licence area a block
- 20 that is the subject of a petroleum title of which the
- 21 registered holder is a person other than the applicant,
- 22 unless the Minister has complied with subsection (5).
- 23 (5) The Minister has complied with this subsection if the
- 24 Minister —
- 25 (a) has, by instrument in writing served on the registered
- 26 holder of the petroleum title, given not less than one
- 27 month's notice of the Minister's intention to grant the
- 28 geothermal title or vary the geothermal production
- 29 licence, as the case requires; and
- 30 (b) has in the instrument —
- 31 (i) given particulars of the geothermal title proposed
- 32 to be granted or of the variation proposed to be
- 33 made to the geothermal production licence; and
- 34 (ii) specified a date on or before which the person on
- 35 whom the instrument is served may, by
- 36 instrument in writing served on the Minister,



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1 submit any matters that the person wishes the  
2 Minister to consider;

3 and

4 (c) has taken into account any matters submitted to the  
5 Minister on or before the specified date by that person.

6 (6) Nothing in this section limits the operation of any other  
7 provision of this Act relating to applying for, granting or  
8 varying a petroleum title or geothermal title.

9 *[Section 69A inserted: No. 35 of 2007 s. 58.]*

10 *[69B-69I. Deleted: No. 52 of 1995 s. 37.]*

11 **Division 4 — Registration of instruments**

12 **69J. Term used: title**

13 In this Division, *title* means a permit, drilling reservation, lease,  
14 licence or access authority.

15 *[Section 69J (formerly 69A) inserted: No. 12 of 1990 s. 53;*  
16 *amended: No. 78 of 1990 s. 7; renumbered: No. 21 of 1993*  
17 *s. 45.]*

18 **70. Register of certain instruments to be kept**

19 (1) For the purposes of this Part, the Minister ~~must shall~~ keep a  
20 Register of titles and special prospecting authorities granted by  
21 ~~the Minister~~ him.

22 (2) The Minister ~~must shall~~ enter in the Register a memorial in  
23 respect of each title or special prospecting authority —

24 (a) specifying the name of the holder of the title or special  
25 prospecting authority; and

26 (b) in the case of a permit, drilling reservation, lease or  
27 licence, setting out an accurate description (including,  
28 where convenient, a map) of the permit area, drilling  
29 reservation, lease area or licence area; and

30 (c) in the case of a special prospecting authority or an  
31 access authority, setting out an accurate description  
32 (including, where convenient, a map) of the area in  
33 respect of which the special prospecting authority or  
34 access authority is in force; and

35 (d) specifying the term of the title or special prospecting  
36 authority; and



- 1 (e) setting out such other matters and things as are required  
2 by this Part to be entered in the Register; and
- 3 (f) setting out such further matters relating to the registered  
4 holder or to the terms and conditions of the title or  
5 special prospecting authority as the Minister deems  
6 proper and expedient in the public interest.
- 7 (3) The Minister ~~must shall~~ enter in the Register a memorial of —
- 8 (a) any instrument varying, cancelling, surrendering or  
9 otherwise affecting a title or special prospecting  
10 authority; and
- 11 (b) any instrument under section 69(5), (6) or (7); and
- 12 (c) any agreement under section 67; and
- 13 (d) any instrument varying or revoking an instrument  
14 referred to in either paragraph (a) or (b).
- 15 (4) It is sufficient compliance with the requirements of  
16 subsection (2) or (3) if the Minister enters a copy of the title,  
17 special prospecting authority or instrument in the Register.
- 18 [(5) *deleted*]
- 19 (6) The Minister ~~must shall~~ endorse on the title, special prospecting  
20 authority or instrument a memorandum of the date upon which  
21 the memorial or copy was entered in the Register.
- 22 [Section 70 amended: No. 12 of 1990 s. 54; No. 78 of 1990 s. 7;  
23 No. 28 of 1994 s. 35; No. 42 of 2010 s. 45.]

24 **71. Memorials to be entered of permits determined etc.**

- 25 Where —
- 26 (a) a permit, drilling reservation or lease ceases to be in  
27 force in respect of a block in respect of which a licence  
28 is granted; or
- 29 (aa) a permit ceases to be in force in respect of a block in  
30 respect of which a lease is granted; or
- 31 (b) a permit, drilling reservation or lease has been wholly  
32 determined or partly determined; or
- 33 (c) a title or special prospecting authority has expired,  
34 the Minister shall enter in the Register a memorial of the fact.
- 35 [Section 71 amended: No. 12 of 1990 s. 55; No. 78 of 1990  
36 s. 7.]

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1 **72. Approval and registration of transfers**

2 (1) A transfer of a title is of no force until it has been approved by  
3 the Minister and an instrument of transfer is registered as  
4 provided by this section.

5 (2) Where it is desired that a title be transferred, one of the parties  
6 to the proposed transfer may make an application in writing to  
7 the Minister for approval of the transfer.

8 (3) An application for approval of a transfer of a title shall be  
9 accompanied by —

10 (a) an instrument of transfer in the prescribed form executed  
11 by the registered holder or, if there are 2 or more  
12 registered holders, by each registered holder and by the  
13 transferee or, if there are 2 or more transferees, by each  
14 transferee; and

15 (b) in a case where the transferee or one or more of the  
16 transferees is not a registered holder, or are not  
17 registered holders, of the title, an instrument setting  
18 out —

19 (i) the technical qualifications of that transferee or  
20 those transferees; and

21 (ii) details of the technical advice that is or will be  
22 available to that transferee or those transferees;  
23 and

24 (iii) details of the financial resources that are or will  
25 be available to that transferee or those  
26 transferees;

27 and

28 (c) one copy of the application and of the instrument  
29 referred to in paragraph (a).

30 (4) The Minister shall not approve the transfer of a title unless the  
31 application was lodged with the Minister within 3 months after  
32 the day on which the party who last executed the instrument of  
33 transfer so executed the instrument of transfer or within such  
34 longer period as the Minister, in special circumstances, allows.

35 (5) Where an application for approval of a transfer is made in  
36 accordance with this section, the Minister shall enter a  
37 memorandum in the Register of the date on which the  
38 application was lodged and may make such other notation in the  
39 Register as the Minister considers appropriate.

- 1 (6) The Minister shall consider each application for approval of the  
2 transfer of a title and determine whether to approve the transfer.
- 3 (7) Where an application for approval of the transfer of a title is  
4 made in accordance with this section, the Minister shall, by  
5 notice in writing served on the person who made the  
6 application, inform the person of the decision of the Minister.
- 7 [(8) *deleted*]
- 8 (9) Where the Minister approves the transfer of a title, the Minister  
9 shall forthwith endorse on the instrument of transfer and on one  
10 copy of the instrument a memorandum of approval and shall, on  
11 payment of the fee provided by the *Petroleum and Geothermal*  
12 *Energy Resources (Registration Fees) Act 1967*, enter in the  
13 Register a memorandum of the transfer and the name of the  
14 transferee or of each transferee.
- 15 (10) Upon the entry in the Register of a memorandum of the transfer  
16 of a title and of the name of the transferee or each transferee in  
17 accordance with subsection (9) —
- 18 (a) the transfer shall be deemed to be registered; and  
19 (b) the transferee becomes the registered holder, or the  
20 transferees become the registered holders, of the title.
- 21 (11) Where the Minister refuses to approve the transfer of a title, the  
22 Minister shall make a notation of the refusal in the Register.
- 23 (12) Where a transfer is registered —
- 24 (a) the copy of the instrument of transfer endorsed with the  
25 memorandum of approval shall be retained by the  
26 Minister and made available for inspection in  
27 accordance with this Division; and  
28 (b) the instrument of transfer endorsed with the  
29 memorandum of approval shall be returned to the person  
30 who lodged the application for approval of the transfer.
- 31 (13) The mere execution of an instrument of transfer of a title creates  
32 no interest in the title.

33 *[Section 72 inserted: No. 12 of 1990 s. 56; amended: No. 78 of*  
34 *1990 s. 7; No. 28 of 1994 s. 36; No. 35 of 2007 s. 59.]*

35 **73. Entries in Register on devolution of title**

- 36 (1) A person upon whom the rights of a registered holder of a  
37 particular title have devolved by operation of law may apply in

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1 writing to the Minister to have his name entered in the Register  
2 as the holder of the title.

3 (2) The Minister shall, if he is satisfied that the rights of the holder  
4 have devolved upon the applicant by operation of law and on  
5 payment of the prescribed fee, enter the name of the applicant in  
6 the Register as holder of the title and, upon that entry being so  
7 made, the applicant becomes the registered holder of the title.

8 (3) Where a company that is the registered holder of a particular  
9 title has changed its name, it may apply in writing to the  
10 Minister to have its new name substituted for its previous name  
11 in the Register in relation to that title and, if —

12 (a) the Minister is satisfied that the company has so  
13 changed its name; and

14 (b) the company has paid the prescribed fee,

15 the Minister shall make the necessary alterations in the Register.

16 *[Section 73 amended: No. 69 of 1981 s. 34; No. 12 of 1990*  
17 *s. 57.]*

18 *[74. Deleted: No. 12 of 1990 s. 58.]*

19 **75. Approval of dealings creating interests etc. in existing titles**

20 (1) This section applies to a dealing that would, but for  
21 subsection (2), have ~~1 one~~ or more of the following effects —

22 (a) the creation or assignment of an interest in an existing  
23 title;

24 (b) the creation or assignment of a right (conditional or  
25 otherwise) to the assignment of an interest in an existing  
26 title;

27 (c) the determining of the manner in which persons may  
28 exercise the rights conferred by, or comply with the  
29 obligations imposed by or the conditions of, an existing  
30 title (including the exercise of those rights or the  
31 compliance with those obligations or conditions under  
32 cooperative arrangements for the recovery of petroleum,  
33 a regulated substance ~~petroleum~~ or geothermal energy);

34 (d) the creation or assignment of —

35 (i) an interest in relation to an existing permit,  
36 drilling reservation, lease or licence, being an  
37 interest known as an overriding royalty interest, a

- 1 production payment, a net profits interest or a  
2 carried interest; or
- 3 (ii) any other interest that is similar to an interest  
4 referred to in subparagraph (i), being an interest  
5 relating to petroleum, a regulated substance  
6 ~~petroleum~~ or geothermal energy produced from  
7 operations authorised by an existing permit,  
8 drilling reservation, lease or licence or relating to  
9 revenue derived as a result of the carrying out of  
10 operations of that kind;
- 11 (e) the creation or assignment of an option (conditional or  
12 otherwise) to enter into a dealing, being a dealing that  
13 has 1 one or more of the effects referred to in  
14 paragraphs (a), (b), (c) and (d);
- 15 (f) the creation or assignment of a right (conditional or  
16 otherwise) to enter into a dealing, being a dealing that  
17 has 1 one or more of the effects referred to in  
18 paragraphs (a), (b), (c) and (d);
- 19 (g) the alteration or termination of a dealing, being a dealing  
20 that has 1 one or more of the effects referred to in  
21 paragraphs (a), (b), (c), (d), (e) and (f),
- 22 but this section does not apply to a transfer to which section 72  
23 applies.
- 24 (2) A dealing to which this section applies is of no force in so far as  
25 the dealing would, but for this subsection, have an effect of a  
26 kind referred to in subsection (1) in relation to a particular title  
27 until —
- 28 (a) the dealing, in so far as it relates to that title, has been  
29 approved by the Minister; and
- 30 (b) an entry has been made in the Register in relation to the  
31 dealing by the Minister in accordance with  
32 subsection (12).
- 33 (3) A party to a dealing to which this section applies may lodge  
34 with the Minister —
- 35 (a) in a case where the dealing relates to only 1 one title, an  
36 application in writing for approval by the Minister of the  
37 dealing; or
- 38 (b) in any other case, a separate application in writing for  
39 approval by the Minister of the dealing in relation to  
40 each title to which the dealing relates.

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- 1 (4) An application under subsection (3) for approval of a dealing —  
2 (a) ~~must shall~~ be accompanied by the instrument evidencing  
3 the dealing or, if that instrument has already been lodged  
4 with the Minister for the purposes of another  
5 application, a copy of that instrument; and  
6 (b) may be accompanied by an instrument setting out such  
7 particulars (if any) as are prescribed for the purposes of  
8 an application for approval of a dealing of that kind.
- 9 (4a) An application under subsection (3) for approval of a dealing  
10 ~~must shall~~ be accompanied by 2 copies of —  
11 (a) the application; and  
12 (b) the instrument referred to in subsection (4)(a); and  
13 (c) any instrument lodged for the purposes of  
14 subsection (4)(b).
- 15 (5) Subject to subsection (6), the Minister ~~must shall~~ not approve a  
16 dealing unless the application for approval of the dealing is  
17 lodged with the Minister within 3 months after the day on which  
18 the party who last executed the instrument evidencing the  
19 dealing so executed the instrument or such longer period as the  
20 Minister, in special circumstances, allows.
- 21 (6) Where a dealing relating to a title was, immediately before the  
22 title came into existence, a dealing referred to in section 75A(1),  
23 the Minister ~~must shall~~ not approve the dealing unless —  
24 (a) a provisional application for approval of the dealing was  
25 lodged in accordance with section 75A(1); or  
26 (b) an application for approval of the dealing is lodged with  
27 the Minister in accordance with this section within  
28 3 months after the day on which the title came into  
29 existence or such longer period as the Minister, in  
30 special circumstances, allows.
- 31 (7) Where a dealing to which this section applies forms a part of the  
32 issue of a series of debentures, all of the dealings constituting  
33 the issue of that series of debentures ~~are shall~~, for the purposes  
34 of this section, ~~taken be taken~~ to be 1 one dealing.
- 35 (8) Where a dealing to which this section applies (including a  
36 dealing referred to in subsection (7)) creates a charge over some  
37 or all of the assets of a body corporate, the person lodging the  
38 application for approval of the dealing ~~is taken shall be deemed~~  
39 to have complied with subsection (4)(a), and with

1 subsection (4a) in so far as that subsection requires 2 copies of  
2 the document referred to in subsection (4)(a) to accompany the  
3 application, if the person lodges with the application 3 copies of  
4 each document required to be lodged with the Australian  
5 Securities and Investments Commission relating to the creation  
6 of that charge pursuant to section 263 of the *Corporations*  
7 *Act 2001* of the Commonwealth.

8 (9) On receipt of an application made under this section, the  
9 Minister ~~must shall~~ enter a memorandum in the Register of the  
10 date on which the application was lodged and may make such  
11 other notation in the Register as the Minister considers  
12 appropriate.

13 (10) The Minister may approve or refuse to approve a dealing to  
14 which this section applies in so far as the dealing relates to a  
15 particular title.

16 (11) The Minister ~~must shall~~, by notice in writing served on the  
17 person who made an application for approval of a dealing,  
18 inform the person of the decision of the Minister.

19 (12) If the Minister approves a dealing, the Minister ~~must shall~~  
20 endorse on the original instrument evidencing the dealing and  
21 on ~~1 one~~ copy of that instrument or, if the original instrument  
22 was not lodged with the application, on 2 of the copies of that  
23 instrument a memorandum of approval and, on payment of the  
24 fee provided by the *Petroleum and Geothermal Energy*  
25 *Resources (Registration Fees) Act 1967*, make an entry of the  
26 approval of the dealing in the Register on the memorial relating  
27 to, or on the copy of, the title in respect of which the approval is  
28 sought.

29 (13) Where an entry is made in the Register in relation to a dealing in  
30 accordance with subsection (12) —

31 (a) if the dealing was approved before the commencement  
32 of section 58 of the *Acts Amendment (Petroleum)*  
33 *Act 1990*, or the application for approval of the dealing  
34 was not accompanied by an instrument for the purpose  
35 of subsection (4)(b), ~~1 one~~ copy of the instrument  
36 evidencing the dealing endorsed with a memorandum of  
37 approval ~~must shall~~ be retained by the Minister and  
38 made available for inspection in accordance with this  
39 Division; and



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- 1 (b) if the application for approval of the dealing was  
2 accompanied by an instrument for the purpose of  
3 subsection (4)(b), a copy of that instrument endorsed  
4 with a copy of the memorandum of approval of the  
5 dealing ~~must shall~~ be retained by the Minister and made  
6 available for inspection in accordance with this Division  
7 but a copy of the instrument evidencing the dealing ~~must~~  
8 ~~shall~~ not be ~~so~~ made available; and
- 9 (c) the original instrument evidencing the dealing, or a copy  
10 of the original instrument, as the case requires, endorsed  
11 with a memorandum of approval and the instrument (if  
12 any) lodged for the purpose of subsection (4)(b) ~~must~~  
13 ~~shall~~ be returned to the person who made the application  
14 for approval.

15 (13a) The approval of a dealing or the making of an entry in the  
16 Register in relation to a dealing is not rendered ineffective by  
17 any failure to comply, in relation to the application for approval  
18 of the dealing, with the requirements of this section.

19 (14) Where the Minister refuses to approve a dealing, the Minister  
20 ~~must shall~~ make a notation of the refusal in the Register.

21 (15) In this section, *charge* and *debenture* have the same respective  
22 meanings as they have for the purposes of the *Corporations*  
23 *Act 2001* of the Commonwealth.

24 [Section 75 inserted: No. 12 of 1990 s. 58; amended: No. 78 of  
25 1990 s. 7; No. 28 of 1994 s. 37; No. 20 of 2003 s. 35; No. 35 of  
26 2007 s. 60.]

27 **75A. Approval of dealings in future interests etc.**

28 (1) Where 2 or more persons enter into a dealing relating to a title  
29 that may come into existence in the future and that dealing  
30 would, if the title came into existence, become a dealing to  
31 which section 75 applies, a person who is a party to the dealing  
32 may, during the prescribed period in relation to the title, lodge  
33 with the Minister —

- 34 (a) in a case where the dealing relates to only one title that  
35 may come into existence in the future, a provisional  
36 application in writing for approval by the Minister of the  
37 dealing; or
- 38 (b) in any other case, a separate provisional application in  
39 writing for approval by the Minister of the dealing in



1 relation to each title that may come into existence in the  
2 future and to which the dealing relates.

3 (2) Section 75(4), (7) and (8) applies to a provisional application  
4 lodged under subsection (1) as if that provisional application  
5 were an application lodged under section 75(3).

6 (3) Where —

7 (a) the title to which a dealing referred to in subsection (1)  
8 relates comes into existence; and

9 (b) upon that title coming into existence, the dealing  
10 becomes a dealing to which section 75 applies,

11 the provisional application lodged under subsection (1) in  
12 relation to the dealing shall be treated as if it were an  
13 application lodged under section 75(3) on the day on which that  
14 title came into existence.

15 (4) A reference in subsection (1) to the prescribed period, in  
16 relation to a title, is a reference to the period —

17 (a) commencing —

18 (i) in the case of a permit, drilling reservation, lease  
19 or licence, on the day of service of an instrument  
20 informing the applicant for the permit, drilling  
21 reservation, lease or licence that the Minister is  
22 prepared to grant the permit, drilling reservation,  
23 lease or licence; or

24 (ii) in the case of an access authority, on the day on  
25 which the application for the grant of the access  
26 authority is made;

27 and

28 (b) ending on the day on which the title comes into  
29 existence.

30 *[Section 75A inserted: No. 12 of 1990 s. 58; amended: No. 78 of*  
31 *1990 s. 7.]*

32 **76. True consideration to be shown in transfer or dealing**

33 (1) A person who is a party to a transfer referred to in section 72, a  
34 dealing to which section 75 applies or a dealing referred to in  
35 section 75A(1) shall not lodge with the Minister —

36 (a) an instrument of transfer; or

37 (b) an instrument evidencing the dealing; or

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1 (c) an instrument of the kind referred to in section 75(4)(b),  
2 that contains a statement relating to the consideration for the  
3 transfer or dealing, or to any other fact or circumstance affecting  
4 the amount of the fee payable in respect of the transfer or  
5 dealing under the *Petroleum and Geothermal Energy Resources*  
6 *(Registration Fees) Act 1967*, being a statement that is, to the  
7 knowledge of the person, false or misleading in a material  
8 particular.

9 Penalty: a fine of \$10 000.

10 (2) Where a person is convicted of an offence against subsection (1)  
11 the Minister may make a fresh determination of the amount of  
12 the fee payable under the *Petroleum and Geothermal Energy*  
13 *Resources (Registration Fees) Act 1967* in respect of the  
14 memorandum relating to the transfer or dealing.

15 (3) Subsections (2) and (3) of section 85 apply in relation to a  
16 determination under subsection (2) as they apply in relation to a  
17 determination under subsection (1) of that section.

18 *[Section 76 amended: No. 12 of 1990 s. 59; No. 35 of 2007*  
19 *s. 61; No. 42 of 2010 s. 62(15).]*

20 **77. Minister not concerned with certain matters**

21 Neither the Minister nor a person acting under his direction or  
22 authority is concerned with the effect in law of any instrument  
23 lodged with him in pursuance of this Division nor does the  
24 approval of a transfer or dealing give to the transfer or dealing  
25 any force, effect or validity that the transfer or dealing would  
26 not have had if this Division had not been enacted.

27 *[Section 77 amended: No. 12 of 1990 s. 60.]*

28 **78. Power of Minister to require information as to transfers or**  
29 **dealings**

30 (1) The Minister may require the person lodging an application for  
31 approval of a transfer or dealing or a provisional application for  
32 approval of a dealing under this Division to furnish to him in  
33 writing such information concerning the transfer or dealing as  
34 the Minister considers necessary or advisable.

1 (1a) The Minister may require a person who is a party to a dealing  
2 approved by the Minister under section 75 to furnish to the  
3 Minister a statement in writing setting out such information  
4 concerning alterations in the interests or rights existing in  
5 relation to the title to which the approved dealing relates as the  
6 Minister considers necessary or advisable.

7 (1b) The Minister may require a person making an application under  
8 section 73(1) or (3) or 81A(2) to furnish to the Minister in  
9 writing such information concerning the matter to which the  
10 application relates as the Minister considers necessary or  
11 advisable.

12 (1c) A person shall not fail or refuse to comply with a requirement  
13 given to the person under subsection (1), (1a) or (1b).

14 (2) A person who is so required to furnish information shall not  
15 knowingly furnish information that is false or misleading in a  
16 material particular.

17 Penalty for an offence under subsection (1c) or (2): a fine of  
18 \$5 000.

19 *[Section 78 amended: No. 12 of 1990 s. 61; No. 28 of 1994*  
20 *s. 38; No. 42 of 2010 s. 62(2) and (3).]*

21 **79. Production and inspection of documents**

22 (1) The Minister may require any person to produce to him or to  
23 make available for inspection by him any documents in the  
24 possession or under the control of that person and relating to a  
25 transfer or dealing in relation to which approval is sought under  
26 this Division.

27 (1a) The Minister may require any person to produce to the Minister  
28 or to make available for inspection by the Minister any  
29 documents in the possession or under the control of that person  
30 and relating to an application made to the Minister under  
31 section 73(1) or (3) or 81A(2).

32 (2) A person shall not fail or refuse to comply with a requirement  
33 given to him under subsection (1) or (1a).

34 Penalty for an offence under subsection (2): a fine of \$5 000.

35 *[Section 79 amended: No. 12 of 1990 s. 62; No. 42 of 2010*  
36 *s. 62(4).]*

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1 **80. Inspection of Register and instruments**

2 (1) The Register and all instruments or copies of instruments  
3 registered, or subject to inspection, under this Division shall at  
4 all convenient times be open for inspection by any person upon  
5 payment of the prescribed fee.

6 [(2) *deleted*]

7 [*Section 80 amended: No. 69 of 1981 s. 34; No. 12 of 1990*  
8 *s. 63.*]

9 **81. Evidentiary provisions**

10 (1) The Register shall be received by all courts and tribunals as  
11 evidence of all matters required or authorised by this Division to  
12 be entered in the Register.

13 (2) The Minister may, on payment of a fee calculated at the  
14 prescribed rate, supply copies of or extracts from the Register or  
15 of or from any instrument lodged with him under this Division,  
16 certified by writing under his hand, and such a copy or extract  
17 so certified is admissible in evidence in all courts, tribunals and  
18 proceedings without further proof or production of the original.

19 (3) The Minister may, on payment of the prescribed fee, by  
20 instrument in writing under his hand, certify that an entry,  
21 matter or thing required or permitted by or under this Division  
22 to be made or done or not to be made or done has or has not, as  
23 the case may be, been made or done and such a certificate is  
24 evidence in all courts, tribunals and proceedings of the  
25 statements contained in the certificate.

26 [*Section 81 amended: No. 69 of 1981 s. 34; No. 12 of 1990*  
27 *s. 64; No. 55 of 2004 s. 917.*]

28 **81A. Minister may make corrections to, and entries in, Register**

29 (1) The Minister may alter the Register for the purposes of  
30 correcting a clerical error or an obvious defect in the Register.

31 (2) Subject to subsection (3), the Minister may, on application  
32 being made in writing to the Minister by a person or of the  
33 Minister's own motion, make such entries in the Register as the  
34 Minister considers appropriate for the purposes of ensuring that  
35 the Register accurately records the interests and rights existing  
36 in relation to a title.

- 1 (3) Where the Minister proposes to make an entry in the Register in  
2 accordance with subsection (2), the Minister shall cause to be  
3 published in the *Gazette* a notice —
- 4 (a) setting out the terms of the entry that the Minister  
5 proposes to make in the Register; and
- 6 (b) inviting interested persons to give to the Minister, by  
7 such day as is specified in the notice, being a day not  
8 earlier than 45 days after the publication of the notice,  
9 submissions in writing relating to the making of the  
10 entry.
- 11 (4) Where submissions are, in accordance with a notice under  
12 subsection (3), given to the Minister in relation to the proposed  
13 making of an entry in the Register, the Minister shall —
- 14 (a) take those submissions into account before making an  
15 entry in the Register; and
- 16 (b) after making an entry in the Register, cause to be  
17 published in the *Gazette* a notice setting out the terms of  
18 the entry.

19 *[Section 81A inserted: No. 12 of 1990 s. 65.]*

20 **82. Application to State Administrative Tribunal for orders**

- 21 (1) A person aggrieved by —
- 22 (a) the omission of an entry from the Register; or
- 23 (b) an entry made in the Register without sufficient cause;
- 24 or
- 25 (c) an entry wrongly existing in the Register; or
- 26 (d) an error or defect in an entry in the Register,
- 27 may apply to the State Administrative Tribunal in its original  
28 jurisdiction for such order as the Tribunal thinks fit directing the  
29 rectification of the Register.
- 30 (2) The Tribunal may, in proceedings under this section, decide any  
31 question that it is necessary or expedient to decide in connection  
32 with the rectification of the Register.
- 33 (3) Notice of an application under this section shall be given to the  
34 Minister, who may appear and be heard and shall appear if so  
35 directed by the Tribunal.

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- 1 (4) An office copy of an order made by the Tribunal may be served  
2 on the Minister, and the Minister shall, upon receipt of the  
3 order, rectify the Register accordingly.

4 *[Section 82 amended: No. 55 of 2004 s. 918.]*

5 *[83. Deleted: No. 13 of 2005 s. 6.]*

6 **84. Offences connected with Register and certain documents**

7 A person who wilfully —

- 8 (a) makes, causes to be made, or concurs in making a false  
9 entry in the Register; or  
10 (b) produces or tenders in evidence a document falsely  
11 purporting to be a copy of or extract from an entry in the  
12 Register or of or from an instrument lodged with the  
13 Minister under this Division,

14 commits an offence.

15 Penalty: a fine of \$5 000.

16 *[Section 84 amended: No. 12 of 1990 s. 66; No. 42 of 2010*  
17 *s. 62(5) and (6).]*

18 **85. Assessment of fee payable under *Petroleum and Geothermal***  
19 ***Energy Resources (Registration Fees) Act 1967***

- 20 (1) The Minister may determine the amount of the fee payable  
21 under the *Petroleum and Geothermal Energy Resources*  
22 *(Registration Fees) Act 1967* in respect of any memorandum.  
23 (2) A person dissatisfied with a determination of the Minister under  
24 subsection (1) may apply to the State Administrative Tribunal  
25 for a review of the determination.

26 *[Section 85 amended: No. 55 of 2004 s. 919; No. 35 of 2007*  
27 *s. 62.]*

28 **86. Exemption from duty**

29 Duty under the *Duties Act 2008* is not chargeable —

- 30 (a) on a permit, drilling reservation, lease, licence or access  
31 authority; or  
32 (b) on a transfer of a permit, drilling reservation, lease,  
33 licence or access authority to which section 72 applies;  
34 or

- 1 (c) on any other instrument in so far as it relates to a legal  
2 or equitable interest in or affecting a permit, drilling  
3 reservation, lease, licence or access authority.

4 [Section 86 amended: No. 12 of 1990 s. 67; No. 78 of 1990 s. 7;  
5 No. 31 of 2008 s. 34.]

6 **Division 4A — Polluter pays**

7 **86A. Escape of petroleum or regulated substance: titleholder's**  
8 **duty**

9 (1) In this section —

10 *interstate Act* means —

11 (a) the Commonwealth Act; or

12 (b) an Act of another State or a Territory relating to  
13 petroleum or geothermal operations;

14 *interstate land or waters* means land or waters to which an  
15 interstate Act applies;

16 *petroleum or geothermal operation* means any of the  
17 following —

18 (a) a petroleum operation;

19 (b) a geothermal energy operation;

20 (c) a geothermal energy resources exploration operation.

21 (2) This section applies in the event of an escape of petroleum or a  
22 regulated substance occurring as a result of, or in connection  
23 with, a petroleum or geothermal operation in relation to any of  
24 the following titles —

25 (a) a geothermal access authority;

26 (b) a geothermal drilling reservation;

27 (c) a geothermal exploration permit;

28 (d) a geothermal production licence;

29 (e) a geothermal retention lease;

30 (f) a geothermal special prospecting authority;

31 (g) any other authority or consent granted by instrument  
32 under this Act for the carrying out of geothermal energy  
33 operations;

34 (h) a petroleum access authority;

35 (i) a petroleum drilling reservation;

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- 1 (j) a petroleum exploration permit;  
2 (k) a petroleum production licence;  
3 (l) a petroleum retention lease;  
4 (m) a petroleum special prospecting authority;  
5 (n) a licence as defined in the *Petroleum Pipelines Act 1969*  
6 s. 4(1);  
7 (o) an authorisation referred to in section 67(2);  
8 (p) any other authority or consent granted by instrument  
9 under this Act for the carrying out of petroleum  
10 operations.
- 11 (3) The registered holder of the title must —  
12 (a) do all of the following —  
13 (i) as soon as possible after becoming aware of the  
14 escape of petroleum or a regulated substance,  
15 take all reasonably practicable steps to eliminate  
16 or control it;  
17 (ii) clean up the escaped petroleum or regulated  
18 substance and remediate any resulting damage to  
19 the environment;  
20 (iii) carry out environmental monitoring of the impact  
21 of the escape on the environment and anything  
22 done by the registered holder of the title under  
23 subparagraph (i) or (ii);  
24 and  
25 (b) if any of the escaped petroleum or regulated substance  
26 has migrated to interstate land or waters, on that land or  
27 in those waters, as the case may be —  
28 (i) clean up the escaped petroleum or regulated  
29 substance and remediate any resulting damage to  
30 the environment; and  
31 (ii) carry out environmental monitoring of the impact  
32 of the escape and clean up of the environment.
- 33 (4) The registered holder of the title must notify the Minister  
34 administering the interstate Act as soon as practicable after  
35 doing anything under subsection (3).



1 **86B. Escape of petroleum or regulated substance: reimbursement**  
2 **of State**

3 (1) This section applies if the Minister considers on reasonable  
4 grounds that the registered holder of a title has failed to comply  
5 with section 86A(3) in relation to an escape of petroleum or a  
6 regulated substance.

7 (2) The Minister may do any or all of the things that the Minister  
8 considers, on reasonable grounds, the registered holder of the  
9 title has failed to do to comply with section 86A(3).

10 (3) Costs or expenses incurred by the State in doing any thing under  
11 subsection (2) are —

12 (a) a debt due to the Crown by the registered holder of the  
13 title; and

14 (b) recoverable by the State in a court of competent  
15 jurisdiction.

16 **Division 5 — General**

17 *[87. Deleted: No. 12 of 1990 s. 68.]*

18 **88. Notice of grants of permits etc. to be published**

19 The Minister shall cause notice of, and such particulars as he  
20 thinks fit of —

21 (a) the grant, and the grant of the renewal, of a permit, lease  
22 or licence; and

23 (aa) the grant, and the extension of, a drilling reservation;  
24 and

25 (b) the variation of a licence; and

26 (c) the surrender or cancellation of a permit, drilling  
27 reservation, lease or licence as to all or some of the  
28 blocks in the permit area, drilling reservation, lease area  
29 or licence area; and

30 (d) the determination of a permit, drilling reservation or  
31 lease as to a block or blocks; and

32 (e) the expiry of a permit, drilling reservation, lease or  
33 licence,

34 under this Part to be published in the *Gazette*.

35 *[Section 88 amended: No. 12 of 1990 s. 69; No. 78 of 1990 s. 7;*  
36 *No. 28 of 1994 s. 39.]*

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1 **89. Date of effect of certain surrenders, cancellations and**  
2 **variations**

3 [(1) *deleted*]

4 (2) The surrender or cancellation of a permit, drilling reservation,  
5 lease or licence as to all or some of the blocks in the permit  
6 area, drilling reservation, lease area or licence area has effect on  
7 and from the day on which notice of the surrender or  
8 cancellation is published in the *Gazette*.

9 (3) A variation of a licence has effect on and from the day on which  
10 notice of the variation is published in the *Gazette*.

11 [*Section 89 amended: No. 12 of 1990 s. 70; No. 78 of 1990*  
12 *s. 7.*]

13 **90. Commencement of works**

14 (1) Where a permit, drilling reservation, lease or licence is granted  
15 subject to a condition that works or operations specified in the  
16 permit, drilling reservation, lease or licence are to be carried  
17 out, the permittee, holder of the drilling reservation, lessee or  
18 licensee, as the case may be, shall commence to carry out those  
19 works or operations within a period of 6 months after the day on  
20 which the permit, drilling reservation, lease or licence, as the  
21 case may be, comes into force.

22 (2) The Minister may, for reasons that he thinks sufficient, by  
23 instrument in writing served on a permittee, holder of a drilling  
24 reservation, lessee or licensee —

25 (a) exempt him from compliance with the requirements of  
26 subsection (1); and

27 (b) direct him to commence to carry out the works or  
28 operations specified in the permit, drilling reservation,  
29 lease or licence, as the case may be, within such period  
30 after the day on which the permit, drilling reservation,  
31 lease or licence, as the case may be, comes into force as  
32 is specified in the instrument.

33 (3) A person to whom a direction is given under subsection (2) shall  
34 comply with the direction.

35 Penalty for an offence under subsection (1) or (3): a fine of  
36 \$10 000.

37 [*Section 90 amended: No. 12 of 1990 s. 71; No. 78 of 1990 s. 7;*  
38 *No. 42 of 2010 s. 62(7).*]

1 **91. Work practices**

2 (1) A permittee, holder of a drilling reservation, lessee or licensee  
3 ~~must shall~~ carry out —

4 (a) all petroleum exploration operations and operations for  
5 the recovery of petroleum or a regulated  
6 substance~~recovery of petroleum~~; or

7 (b) all geothermal energy resources exploration operations  
8 and operations for the recovery of geothermal energy,

9 as the case requires, in the permit area, drilling reservation,  
10 lease area or licence area in a proper and workmanlike manner  
11 and in accordance with good oil-field practice.

12 (1a) Subsections (2) and (2a) have effect without limiting the  
13 generality of subsection (1) but subject to any authorisation,  
14 requirement or direction given or made by or under this Act.

15 (2) A petroleum permittee, holder of a petroleum drilling  
16 reservation, petroleum lessee or petroleum licensee must  
17 ~~shall~~ —

18 (a) control the flow and prevent the waste or escape in the  
19 permit area, drilling reservation, lease area or licence  
20 area of petroleum, a regulated substance ~~petroleum~~ or  
21 water; and

22 (b) prevent the escape in the permit area, drilling  
23 reservation, lease area or licence area of any mixture of  
24 water or drilling fluid with petroleum, a regulated  
25 substance ~~petroleum~~ or any other matter; and

26 (c) prevent damage to strata bearing petroleum or a  
27 regulated substance ~~petroleum-bearing strata~~ in an area,  
28 whether in the State or not, in respect of which the  
29 permit, drilling reservation, lease or licence is not in  
30 force; and

31 (d) keep separate —

32 (i) each resources pool ~~petroleum pool~~ discovered in  
33 the permit area, drilling reservation, lease area or  
34 licence area; and

35 (ii) such of the sources of water, if any, discovered  
36 in that area as the Minister, by instrument in  
37 writing served on that person, directs;

38 and

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- 1 (e) prevent water or any other matter entering any [resources](#)  
2 [pool](#) ~~petroleum pool~~ through wells in the permit area,  
3 drilling reservation, lease area or licence area except  
4 when required by, and in accordance with, good oil-field  
5 practice.
- 6 (2a) A geothermal permittee, holder of a geothermal drilling  
7 reservation, geothermal lessee or geothermal licensee [must](#)  
8 ~~shall~~ —
- 9 (a) control the flow and prevent the waste or escape in the  
10 permit area, drilling reservation, lease area or licence  
11 area of geothermal energy resources or water; and
- 12 (b) prevent the escape in the permit area, drilling  
13 reservation, lease area or licence area of any mixture of  
14 water or drilling fluid with geothermal energy resources  
15 or any other matter; and
- 16 (c) prevent damage to geothermal energy resources in an  
17 area, whether in the State or not, in respect of which the  
18 permit, drilling reservation, lease or licence is not in  
19 force; and
- 20 (d) keep separate —
- 21 (i) each geothermal resources area discovered in the  
22 permit area, drilling reservation, lease area or  
23 licence area; and
- 24 (ii) such of the sources of water, if any, discovered  
25 in that area as the Minister, by instrument in  
26 writing served on that person, directs;
- 27 and
- 28 (e) except for the purposes of the recovery of geothermal  
29 energy under this Act and when required by, and in  
30 accordance with, good oil-field practice — prevent  
31 water or any other matter entering any geothermal  
32 resources area through wells in the permit area, drilling  
33 reservation, lease area or licence area.
- 34 (3) A person who is the holder of a special prospecting authority or  
35 an access authority [must](#) ~~shall~~ carry out all petroleum  
36 exploration operations or geothermal energy resources  
37 exploration operations, as the case requires, in the area in  
38 respect of which the special prospecting authority or access  
39 authority is in force in a proper and workmanlike manner and in  
40 accordance with good oil-field practice.

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1 (4) It is a defence if a person charged with failing to comply with a  
2 provision of this section, or a defendant in an action arising out  
3 of a failure by the defendant to comply with a provision of this  
4 section, proves that [the person or defendant](#) ~~he~~-took all  
5 reasonable steps to comply with that provision.

6 Penalty for an offence under subsection (1), (2), (2a) or (3): a  
7 fine of \$10 000.

8 *[Section 91 amended: No. 12 of 1990 s. 72; No. 78 of 1990 s. 7;  
9 No. 28 of 1994 s. 40; No. 13 of 2005 s. 7; No. 35 of 2007 s. 63;  
10 No. 42 of 2010 s. 62(8).]*

11 **91A. Conditions relating to insurance**

12 (1) The registered holder of a permit, drilling reservation, lease or  
13 licence must maintain, as directed by the Minister from time to  
14 time, insurance against expenses or liabilities or specified things  
15 arising in connection with, or as a result of, the carrying out of  
16 work, or the doing of any other thing, under the permit, drilling  
17 reservation, lease or licence, including expenses of complying  
18 with directions with respect to the clean-up or other remedying  
19 of the effects of the escape of [petroleum, regulated substances](#)  
20 ~~petroleum~~-or geothermal energy resources, as the case requires.

21 (2) The conditions subject to which a special prospecting authority  
22 or access authority is granted may include a condition that the  
23 registered holder maintain, as directed by the Minister from  
24 time to time, insurance against expenses or liabilities or  
25 specified things arising in connection with, or as a result of, the  
26 carrying out of work, or the doing of any other thing, under the  
27 authority, including expenses of complying with directions with  
28 respect to the clean-up or other remedying of the effects of the  
29 escape of [petroleum, regulated substances](#) ~~petroleum~~-or  
30 geothermal energy resources, as the case requires.

31 (3) When —

- 32 (a) a permit, drilling reservation, lease or licence was in  
33 force immediately before the commencement of  
34 section 41 of the *Acts Amendment (Petroleum) Act 1994*;  
35 and  
36 (b) the Minister has required the registered holder to  
37 maintain insurance under subsection (1); and

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1 (c) the Minister is satisfied that the required insurance is in  
2 effect,

3 the Minister must ~~shall~~ issue a certificate to the effect that the  
4 Minister ~~he~~ is so satisfied.

5 (4) Where the Minister issues a certificate under subsection (3), any  
6 security in force in relation to the permit, drilling reservation,  
7 lease or licence, being a security that was required under this  
8 Act before the commencement of section 41 of the *Acts*  
9 *Amendment (Petroleum) Act 1994*, is discharged.

10 (5) The discharge of a security under subsection (4) has no effect on  
11 any liability arising under or in relation to the security before its  
12 discharge.

13 *[Section 91A inserted: No. 28 of 1994 s. 41; amended: No. 35 of*  
14 *2007 s. 64.]*

15 **91B. Conditions prohibiting entry on certain land**

16 (1) In this section —

17 ***holder*** means the holder of the permit, drilling reservation, lease  
18 or licence.

19 (2) The conditions subject to which a permit, drilling reservation,  
20 lease or licence is granted may include a condition prohibiting  
21 the holder from entering specified land within the permit area,  
22 drilling reservation, lease area or licence area.

23 (3) The Minister may, at any time, by instrument in writing served  
24 on the holder, vary or revoke a condition referred to in  
25 subsection (2).

26 *[Section 91B inserted: No. 17 of 1999 s. 27.]*

27 **91C. Conditions on petroleum titles for regulated substances**

28 (1) In this section —

29 ***petroleum title for a regulated substance*** means any of the  
30 following, authorised for a regulated substance —

31 (a) a permit;

32 (b) a drilling reservation;

33 (c) a lease;

34 (d) a licence;

35 (e) a special prospecting authority;

1 (f) an access authority.

2 (2) The power conferred by this Act to grant or vary a petroleum  
3 title for a regulated substance subject to conditions is to be read  
4 as a reference to conditions imposed in relation to the title at the  
5 time the title is authorised for the regulated substance.

6 **92. Maintenance etc. of property**

7 (1) In this section —

8 *operations area* —

9 (a) in relation to an operator who is a permittee, holder of a  
10 drilling reservation, lessee or licensee — means the  
11 permit area, drilling reservation, lease area or licence  
12 area, as the case may be; and

13 (b) in relation to an operator who is the holder of a special  
14 prospecting authority or access authority — means the  
15 area in respect of which that authority is in force;

16 *operator* means a permittee, holder of a drilling reservation,  
17 lessee, licensee or holder of a special prospecting authority or  
18 access authority.

19 (2) An operator shall maintain in good condition and repair all  
20 structures, equipment and other property in the operations area  
21 and used in connection with the operations in which he is  
22 engaged.

23 (3) An operator shall remove from the operations area all structures,  
24 equipment and other property that are not either used or to be  
25 used in connection with the operations in which he is engaged.

26 (4) Subsections (2) and (3) do not apply in relation to any structure,  
27 equipment or other property that was not brought into the  
28 operations area by or with the authority of the operator.

29 Penalty for an offence under subsection (2) or (3): a fine of  
30 \$10 000.

31 [Section 92 amended: No. 12 of 1990 s. 74; No. 78 of 1990 s. 7;  
32 No. 28 of 1994 s. 42; No. 42 of 2010 s. 62(9).]

33 **93. Operation of s. 91, 91A and 92 subject to this Act and other**  
34 **laws**

35 Sections 91, 91A and 92 have effect subject to —

36 (a) any other provision of this Act; and



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- 1 (b) the regulations; and  
2 (c) a direction under section 95; and  
3 (d) any other law.

4 *[Section 93 amended: No. 28 of 1994 s. 43.]*

5 *[94. Deleted: No. 42 of 2010 s. 46.]*

6 **95. Directions by Minister**

- 7 (1) The Minister may, by instrument in writing served on the  
8 registered holder of a permit, drilling reservation, lease, licence,  
9 special prospecting authority or access authority, give to the  
10 registered holder a direction as to any matter with respect to  
11 which regulations may be made.
- 12 (2) A direction given under this section to a registered holder  
13 applies to the registered holder and may also be expressed to  
14 apply to —
- 15 (a) a specified class of persons, being a class constituted by  
16 or included in ~~1 one~~ or both of the following classes of  
17 persons —
- 18 (i) servants or agents of, or persons acting on behalf  
19 of, the registered holder;
- 20 (ii) persons performing work or services, whether  
21 directly or indirectly, for the registered holder;
- 22 or
- 23 (b) any person (not being a person to whom the direction  
24 applies otherwise than in accordance with this  
25 paragraph) who is in the State for any reason touching,  
26 concerning, arising out of or connected with exploration  
27 for, or the exploitation of, petroleum, a regulated  
28 substance ~~petroleum~~ or geothermal energy resources in  
29 the State or is in, on, above, below or in the vicinity of a  
30 vessel, aircraft, structure or installation, or equipment or  
31 other property, that is in the State for a reason of that  
32 kind,
- 33 and, where a direction so expressed is given, the direction is  
34 taken ~~shall be deemed~~ to apply to each person included in that  
35 specified class or to each person who is in the State as  
36 mentioned in paragraph (b), as the case may be.
- 37 (2a) Where a direction under this section applies to a registered  
38 holder and to a person referred to in subsection (2)(a), the



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1 registered holder ~~must shall~~ cause a copy of the instrument by  
2 which the direction was given to be given to that other person or  
3 to be exhibited at a prominent position at a place in the State  
4 frequented by that other person.

5 Penalty: a fine of \$5 000.

6 (2b) Where a direction under this section applies to a registered  
7 holder and to a person referred to in subsection (2)(b), the  
8 registered holder ~~must shall~~ cause a copy of the instrument by  
9 which the direction was given to be exhibited at a prominent  
10 position at a place in the State.

11 Penalty: a fine of \$5 000.

12 (2c) Where a direction under this section applies to a registered  
13 holder and to a person referred to in subsection (2)(b), the  
14 Minister may, by notice in writing given to the registered  
15 holder, require the registered holder to cause to be displayed at  
16 such places in the State, and in such manner, as are specified in  
17 the notice, copies of the instrument by which the direction was  
18 given, and the registered holder ~~must shall~~ comply with that  
19 requirement.

20 Penalty: a fine of \$5 000.

21 (3) A direction under this section has effect and ~~must shall~~ be  
22 complied with ~~despite notwithstanding~~ any previous direction  
23 under this section.

24 (4) A direction under this section has effect and ~~must shall~~ be  
25 complied with ~~despite notwithstanding~~ anything in the  
26 regulations.

27 (5) Section 153(2a) and (2b) applies in relation to directions made  
28 under this section in like manner as that section applies to the  
29 regulations.

30 (6) A person who fails to comply with a direction in force under  
31 subsection (1) that applies to the person is guilty of an offence  
32 punishable, upon conviction, by a fine not exceeding \$10 000.

33 (7) Where —

34 (a) a direction given under this section applies to a  
35 registered holder and another person and that other  
36 person is prosecuted for an offence against  
37 subsection (6) in relation to the direction; and

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1 (b) the person adduces evidence that the person did not  
2 know, and could not reasonably be expected to have  
3 known, of the existence of the direction,

4 the person ~~cannot shall not~~ be convicted of the offence unless  
5 the prosecutor proves that the person knew, or could reasonably  
6 be expected to have known, of the existence of the direction.

7 *[Section 95 inserted: No. 12 of 1990 s. 76; amended: No. 78 of*  
8 *1990 s. 7; No. 35 of 2007 s. 65; No. 42 of 2010 s. 62(15).]*

9 **96. Compliance with directions**

10 (1) Where a person does not comply with a direction given or  
11 applicable to the person under this Part or under the regulations,  
12 the Minister may do all or any of the things required by the  
13 direction to be done.

14 (2) Costs and expenses incurred by the Minister under  
15 subsection (1) in relation to a direction are a debt due by the  
16 person to whom the direction was given or was applicable to the  
17 Crown and are recoverable in a court of competent jurisdiction.

18 (2a) Where —

19 (a) a direction given under section 95 applies to a permittee,  
20 lessee or licensee or the holder of a special prospecting  
21 authority or access authority and another person and an  
22 action under subsection (2) relating to the direction is  
23 brought against that other person; and

24 (b) the person adduces evidence that the person did not  
25 know, and could not reasonably be expected to have  
26 known, of the existence of the direction,

27 the person is not liable under subsection (2) unless the plaintiff  
28 proves that the person knew, or could reasonably be expected to  
29 have known, of the existence of the direction.

30 (3) It is a defence if a person charged with failing to comply with a  
31 direction given or applicable to the person under this Part or  
32 under the regulations or a defendant in an action under  
33 subsection (2) proves that he took all reasonable steps to comply  
34 with the direction.

35 *[Section 96 amended: No. 12 of 1990 s. 77.]*

1 **97. Variation and suspension of, and exemption from**  
2 **compliance with, conditions**

3 (1) Where —

- 4 (a) a permit, drilling reservation, lease or licence is, under  
5 this Part, to be deemed to continue in force until the  
6 Minister grants, or refuses to grant, the renewal of the  
7 permit, drilling reservation, lease or licence; or
- 8 (b) a licence is varied under section 55; or
- 9 (c) a licensee enters into an agreement under section 69, or  
10 a direction is given to a licensee under that section; or
- 11 (d) a permit, drilling reservation, lease or licence is partly  
12 cancelled, partly determined or surrendered as to one or  
13 more but not all of the blocks in respect of which it is in  
14 force; or
- 15 (e) a permittee, holder of a drilling reservation, lessee or  
16 licensee consents to the making of a determination under  
17 section 135; or
- 18 (f) an access authority is granted in respect of a block the  
19 subject of a permit, drilling reservation, lease or licence,  
20 or an access authority as in force in respect of such a  
21 block is varied; or
- 22 (g) a permittee, holder of a drilling reservation, lessee,  
23 licensee or the holder of a special prospecting authority  
24 or access authority applies, by instrument in writing  
25 served on the Minister —
- 26 (i) for a variation or suspension of; or  
27 (ii) for exemption from compliance with,  
28 any of the conditions to which the permit, drilling  
29 reservation, lease, licence, special prospecting authority  
30 or access authority is subject; or
- 31 (h) the Minister under this Part or the regulations gives a  
32 direction or consent to a permittee, holder of a drilling  
33 reservation, lessee, licensee or the holder of a special  
34 prospecting authority or access authority,
- 35 the Minister may, at any time, by instrument in writing served  
36 on the permittee, holder of the drilling reservation, lessee,  
37 licensee or the holder of the special prospecting authority or  
38 access authority —
- 39 (i) vary or suspend; or

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1 (j) exempt the permittee, holder of the drilling reservation,  
2 lessee, licensee or the holder of the special prospecting  
3 authority or access authority from compliance with,

4 any of the conditions to which the permit, drilling reservation,  
5 lease, licence, special prospecting authority or access authority  
6 is subject, upon such conditions, if any, as the Minister  
7 determines and specifies in the instrument.

8 (2) Subsection (1) does not authorise the making of an instrument  
9 to the extent that it would affect —

10 (a) a condition of a permit, drilling reservation, lease or  
11 licence included in the permit, drilling reservation, lease  
12 or licence in compliance with Division 7; or

13 (b) the term of a permit, drilling reservation, lease or  
14 licence.

15 (3) Where, in pursuance of subsection (1), the Minister suspends, or  
16 exempts the permittee, the holder of a drilling reservation or a  
17 lessee from compliance with, any of the conditions to which a  
18 permit, drilling reservation or lease is subject, the Minister may,  
19 if he considers the circumstances make it reasonable to do so, in  
20 the instrument of suspension or exemption or by a later  
21 instrument in writing served on the permittee, the holder of a  
22 drilling reservation or lessee, extend the term of the permit,  
23 drilling reservation or lease by a period not exceeding the period  
24 of the suspension or exemption.

25 [*Section 97 amended: No. 12 of 1990 s. 78; No. 78 of 1990 s. 7;*  
26 *No. 28 of 1994 s. 44.*]

27 **97A. Variation of petroleum title by including area as result of**  
28 **change to boundary of offshore area**

29 (1) In this section —

30 ***Commonwealth title*** means —

31 (a) a Commonwealth permit; or

32 (b) a Commonwealth lease; or

33 (c) a Commonwealth licence;

34 ***fixed-term WA petroleum production licence*** means a  
35 petroleum production licence granted for a fixed period of  
36 years;

1            **petroleum title** means a petroleum exploration permit,  
2            petroleum retention lease or fixed-term WA petroleum  
3            production licence;

4            **section 27 block** means —

- 5            (a) a block constituted as provided by section 27; or  
6            (b) if a graticular section is wholly within the area that was  
7            covered by the Commonwealth title concerned — the  
8            graticular section; or  
9            (c) if a part only of a graticular section is within the area  
10           that was covered by the Commonwealth title  
11           concerned — that part of the graticular section.

12           Note for this definition:

13           See also subsection (14).

14           (2) This section applies if —

- 15           (a) a Commonwealth title has been granted on the basis that  
16           an area (the **relevant area**) is within the offshore area;  
17           and  
18           (b) as a result of a change to the boundary of the offshore  
19           area, the relevant area —  
20           (i) ceases to be within the offshore area; and  
21           (ii) falls within the inshore area;  
22           and  
23           (c) either —  
24           (i) the conditions set out in subsection (3) are  
25           satisfied; or  
26           (ii) the conditions set out in subsection (4) are  
27           satisfied;  
28           and  
29           (d) immediately before the relevant time mentioned in  
30           whichever of subsection (3) or (4) is applicable —  
31           (i) the Commonwealth title was held by the  
32           registered holder of a petroleum title that  
33           corresponds to the Commonwealth title; and  
34           (ii) at least one section 27 block covered by the  
35           petroleum title immediately adjoined at least one  
36           other section 27 block that was covered by the

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1 Commonwealth title and that is in the relevant  
2 area;

3 and

4 (e) before the relevant time mentioned in whichever of  
5 subsection (3) or (4) is applicable —

6 (i) the registered holder of the Commonwealth title;  
7 and

8 (ii) the registered holder of the petroleum title,  
9 gave the Minister a written notice electing to accept the  
10 variation under this section of the petroleum title.

11 Note for this subsection:

12 For when a petroleum title corresponds to a Commonwealth title, see  
13 subsection (13).

14 (3) The conditions mentioned in subsection (2)(c)(i) are —

15 (a) one or more, but not all, of the section 27 blocks that  
16 were covered by the Commonwealth title immediately  
17 before the change are in the relevant area; and

18 (b) the Commonwealth title subsequently ceases to be in  
19 force at the same time (the *relevant time*) —

20 (i) as to all of the section 27 blocks that were  
21 covered by the Commonwealth title immediately  
22 before the change and that are in the offshore  
23 area; and

24 (ii) otherwise than as the result of the cancellation or  
25 surrender of the Commonwealth title.

26 (4) The conditions mentioned in subsection (2)(c)(ii) are —

27 (a) all of the section 27 blocks that were covered by the  
28 Commonwealth title immediately before the change are  
29 in the relevant area; and

30 (b) the Commonwealth title subsequently ceases to be in  
31 force at the same time (the *relevant time*) —

32 (i) as to all of the section 27 blocks that were  
33 covered by the Commonwealth title immediately  
34 before the change; and

35 (ii) otherwise than as the result of the cancellation or  
36 surrender of the Commonwealth title.

- 1 (5) If the conditions set out in subsection (2)(d) and (e) are met in  
2 relation to only one petroleum title, that petroleum title is the  
3 ***relevant petroleum title*** for the purposes of this section.
- 4 (6) If the conditions set out in subsection (2)(d) and (e) would, apart  
5 from this subsection, be met in relation to 2 or more petroleum  
6 titles that have the same registered holder, the Minister must, by  
7 written notice given to the registered holder, declare that one of  
8 those petroleum titles is the ***relevant petroleum title*** for the  
9 purposes of this section.
- 10 (7) If the relevant petroleum title is a petroleum exploration  
11 permit —  
12 (a) the Minister must, by written notice given to the  
13 permittee, vary the permit to include in the permit area  
14 all of the section 27 blocks that —  
15 (i) correspond to the section 27 blocks that were  
16 covered by the Commonwealth title immediately  
17 before the change; and  
18 (ii) are in the inshore area;  
19 and  
20 (b) the section 27 blocks included in the permit area  
21 because of the variation are, for the remainder of the  
22 term of the permit, blocks in relation to which the permit  
23 is in force.
- 24 (8) If the relevant petroleum title is a petroleum retention lease —  
25 (a) the Minister must, by written notice given to the lessee,  
26 vary the lease to include in the lease area all of the  
27 section 27 blocks that —  
28 (i) correspond to the section 27 blocks that were  
29 covered by the Commonwealth title immediately  
30 before the change; and  
31 (ii) are in the inshore area;  
32 and  
33 (b) the section 27 blocks included in the lease area because  
34 of the variation are, for the remainder of the term of the  
35 lease, blocks in relation to which the lease is in force.

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- 1 (9) If the relevant petroleum title is a petroleum production  
2 licence —
- 3 (a) the Minister must, by written notice given to the  
4 licensee, vary the licence to include in the licence area  
5 all of the section 27 blocks that —
- 6 (i) correspond to the section 27 blocks that were  
7 covered by the Commonwealth title immediately  
8 before the change; and
- 9 (ii) are in the inshore area;  
10 and
- 11 (b) the section 27 blocks included in the licence area  
12 because of the variation are, for the remainder of the  
13 term of the licence, blocks in relation to which the  
14 licence is in force.
- 15 (10) Subsections (7)(b), (8)(b) and (9)(b) have effect subject to this  
16 Part.
- 17 (11) A variation mentioned in subsection (7)(a), (8)(a) or (9)(a) takes  
18 effect immediately after the relevant time mentioned in  
19 whichever of subsection (3) or (4) is applicable.
- 20 (12) For the purposes of this section, a section 27 block immediately  
21 adjoins another section 27 block if —
- 22 (a) the graticular section that constitutes or includes that  
23 section 27 block and the graticular section that  
24 constitutes or includes that other section 27 block —
- 25 (i) have a side in common; or  
26 (ii) are joined together at one point only;  
27 or
- 28 (b) that section 27 block and that other section 27 block are  
29 in the same graticular section.
- 30 (13) For the purposes of this section —
- 31 (a) a petroleum exploration permit granted otherwise than  
32 by way of renewal corresponds to a Commonwealth  
33 permit granted otherwise than by way of renewal; and
- 34 (b) a petroleum retention lease corresponds to a  
35 Commonwealth lease; and
- 36 (c) a fixed-term WA petroleum production licence granted  
37 otherwise than by way of renewal corresponds to a



- 1 Commonwealth licence granted otherwise than by way  
2 of renewal; and
- 3 (d) a petroleum exploration permit granted by way of first  
4 renewal corresponds to a Commonwealth permit granted  
5 by way of first renewal; and
- 6 (e) a fixed-term WA petroleum production licence granted  
7 by way of first renewal corresponds to a Commonwealth  
8 licence granted by way of first renewal; and
- 9 (f) a petroleum exploration permit granted by way of  
10 second renewal corresponds to a Commonwealth permit  
11 granted by way of second renewal; and
- 12 (g) a fixed-term WA petroleum production licence granted  
13 by way of second or subsequent renewal corresponds to  
14 a fixed-term petroleum production licence, as defined in  
15 the Commonwealth Act section 7, granted by way of  
16 second or subsequent renewal.
- 17 (14) If, after the change to the boundary of the offshore area —
- 18 (a) a part of a section 27 block that was covered by the  
19 Commonwealth title immediately before the change is in  
20 the offshore area; and
- 21 (b) the remaining part of the section 27 block is in the  
22 inshore area,

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

26 *[Section 97A inserted: No. 7 of 2017 s. 24.]*

27 **98. Surrender of permits etc.**

- 28 (1) The registered holder of an instrument, being a permit, drilling  
29 reservation, lease or licence, may, at any time, by application in  
30 writing served on the Minister, apply for consent to surrender  
31 the instrument as to all or some of the blocks in respect of which  
32 it is in force.
- 33 (2) Subject to subsection (3), the Minister shall not give his consent  
34 to a surrender of an instrument under subsection (1), unless the  
35 registered holder —
- 36 (a) has paid all fees and amounts payable by him under this  
37 Act, or has made arrangements that are satisfactory to

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1 the Minister for the payment of those fees and amounts;  
2 and

3 (b) has complied with the conditions to which the  
4 instrument is subject and with the provisions of this Part  
5 and of the regulations; and

6 (c) has, to the satisfaction of the Minister, removed or  
7 caused to be removed from the area to which the  
8 surrender relates all property brought into that area by  
9 any person engaged or concerned in the operations  
10 authorised by the instrument, or has made arrangements  
11 that are satisfactory to the Minister with respect to that  
12 property; and

13 (d) has, to the satisfaction of the Minister, plugged or closed  
14 off all wells made in that area by any person engaged or  
15 concerned in the operations authorised by the  
16 instrument; and

17 (e) subject to this Part and to the regulations, has made  
18 provision, to the satisfaction of the Minister, for the  
19 conservation and protection of the natural resources in  
20 that area; and

21 (f) has, to the satisfaction of the Minister, made good any  
22 damage to the Earth's crust in that area caused by any  
23 person engaged or concerned in the operations  
24 authorised by the instrument,

25 but, if the registered holder has complied with those  
26 requirements, the Minister shall not unreasonably refuse consent  
27 to the surrender.

28 (3) Where the registered holder of an instrument, being a permit,  
29 drilling reservation, lease or licence, has not complied with the  
30 conditions to which the instrument is subject and with the  
31 provisions of this Part and of the regulations, the Minister may  
32 give his consent to a surrender of the instrument under  
33 subsection (1) if he is satisfied that, although the registered  
34 holder has not so complied, special circumstances exist that  
35 justify the giving of consent to the surrender.

36 (4) Where the Minister consents to an application under  
37 subsection (1), the applicant may, by instrument in writing  
38 served on the Minister, surrender the instrument accordingly.

39 (5) In this section, the *area to which the surrender relates* means,  
40 in relation to a surrender of a permit, drilling reservation, lease  
41 or licence, the area constituted by the blocks as to which the

1 permit, drilling reservation, lease or licence is proposed to be  
2 surrendered.

3 *[Section 98 amended: No. 12 of 1990 s. 79; No. 78 of 1990*  
4 *s. 7.]*

5 **99. Cancellation of permits etc.**

6 (1) Where a permittee, holder of a drilling reservation, lessee or  
7 licensee —

- 8 (a) has not complied with a condition to which the permit,  
9 drilling reservation, lease or licence is subject; or  
10 (b) has not complied with a direction given to him under  
11 this Part by the Minister; or  
12 (c) has not complied with a provision of this Part or of the  
13 regulations; or  
14 (d) has not paid any amount payable by him under this Act,  
15 within a period of 3 months after the day on which the  
16 amount became payable,

17 the Minister may, on that ground, by instrument in writing  
18 served on the permittee, holder of the drilling reservation or  
19 lessee or licensee, as the case may be, cancel the permit, drilling  
20 reservation or licence, as the case requires, as to all or some of  
21 the blocks in respect of which it is in force, or cancel the lease  
22 as to all of the blocks in respect of which it is in force.

23 (2) The Minister shall not, under subsection (1), cancel a permit,  
24 drilling reservation or licence as to all or some of the blocks in  
25 respect of which it is in force, or cancel a lease as to all of the  
26 blocks in respect of which it is in force, on a ground referred to  
27 in that subsection unless —

- 28 (a) he has, by instrument in writing served on the permittee,  
29 holder of the drilling reservation, lessee or licensee, as  
30 the case may be, given not less than one month's notice  
31 of his intention so to cancel the permit, drilling  
32 reservation, lease or licence on that ground; and  
33 (b) he has served a copy of the instrument on such other  
34 persons, if any, as he thinks fit; and  
35 (c) he has, in the instrument, specified a date on or before  
36 which the permittee, holder of the drilling reservation,  
37 lessee or licensee or a person on whom a copy of the  
38 instrument is served may, by instrument in writing

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1 served on the Minister, submit any matters that he  
2 wishes the Minister to consider; and

3 (d) he has taken into account —

4 (i) any action taken by the permittee, holder of the  
5 drilling reservation, lessee or licensee, as the  
6 case may be, to remove that ground or to prevent  
7 the recurrence of similar grounds; and

8 (ii) any matters so submitted to him on or before the  
9 specified date by the permittee, holder of the  
10 drilling reservation, lessee or licensee or by a  
11 person on whom a copy of the first-mentioned  
12 instrument has been served.

13 *[Section 99 amended: No. 12 of 1990 s. 80; No. 78 of 1990*  
14 *s. 7.]*

15 **100. Cancellation of permit etc. not affected by other provisions**

16 (1) A permit, drilling reservation or licence may be wholly  
17 cancelled or partly cancelled, and a lease may be wholly  
18 cancelled, on the ground that the registered holder of the permit,  
19 drilling reservation, lease or licence has not complied with a  
20 provision of this Part or of the regulations notwithstanding that  
21 he has been convicted of an offence by reason of his failure to  
22 comply with the provision.

23 (2) A person who was the registered holder of a permit, drilling  
24 reservation, lease or licence that has been wholly cancelled, or  
25 is the registered holder of a permit, drilling reservation, or  
26 licence that has been partly cancelled, on the ground that he has  
27 not complied with a provision of this Part or of the regulations  
28 may be convicted of an offence by reason of his failure to  
29 comply with the provision; notwithstanding that the permit,  
30 drilling reservation, lease or licence has been so cancelled.

31 (3) A permit, drilling reservation or licence may be wholly  
32 cancelled or partly cancelled, and a lease may be wholly  
33 cancelled, on the ground that the registered holder of the permit,  
34 drilling reservation, lease or licence has not paid an amount  
35 payable by him under this Act, within a period of 3 months after  
36 the day on which the amount became payable; notwithstanding  
37 that judgment for the amount has been obtained or that the  
38 amount, or any part of the amount, has been paid or recovered.

39 (4) A person who was the registered holder of a permit, drilling  
40 reservation, lease or licence that has been wholly cancelled or is

1 the registered holder of a permit or licence that has been partly  
2 cancelled, on the ground that he has not paid an amount payable  
3 by him under this Act, within a period of 3 months after the day  
4 on which the amount became payable continues to be liable to  
5 pay that amount, together with any additional amount payable  
6 by reason of late payment of that amount; notwithstanding that  
7 the permit, drilling reservation, lease or licence has been so  
8 cancelled.

9 *[Section 100 amended: No. 12 of 1990 s. 81; No. 78 of 1990*  
10 *s. 7.]*

11 **101. Removal of property etc. by permittee etc.**

12 (1) Where a permit, drilling reservation or licence has been wholly  
13 determined, partly determined, wholly cancelled or partly  
14 cancelled, or has expired, or a lease has been wholly  
15 determined, partly determined or wholly cancelled or has  
16 expired, the Minister may, by instrument in writing served on  
17 the person who was, or is, as the case may be, the permittee,  
18 holder of the drilling reservation, lessee or licensee, direct that  
19 person to do any one or more of the following things —

20 (a) to remove or cause to be removed from the relinquished  
21 area all property brought into that area by any person  
22 engaged or concerned in the operations authorised by  
23 the permit, drilling reservation, lease or licence or to  
24 make arrangements that are satisfactory to the Minister  
25 with respect to that property; and

26 (b) to plug or close off, to the satisfaction of the Minister,  
27 all wells made in that area by any person engaged or  
28 concerned in those operations; and

29 (c) subject to this Part and to the regulations, to make  
30 provision, to the satisfaction of the Minister, for the  
31 conservation and protection of the natural resources in  
32 that area; and

33 (d) to make good to the satisfaction of the Minister any  
34 damage to the Earth's crust in that area caused by any  
35 person engaged or concerned in those operations.

36 (2) The Minister may, by instrument in writing served on a  
37 permittee, holder of a drilling reservation, lessee or licensee,  
38 direct him to do any one or more of the following things —

39 (a) to remove or cause to be removed from the permit area,  
40 drilling reservation, lease area or licence area, as the

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- 1 case may be, all property brought into that area or part  
2 by any person engaged or concerned in the operations  
3 authorised by the permit, drilling reservation, lease or  
4 licence or to make arrangements that are satisfactory to  
5 the Minister with respect to that property; and  
6 (b) to plug or close off, to the satisfaction of the Minister,  
7 all wells made in that area or part by any person  
8 engaged or concerned in those operations; and  
9 (c) subject to this Part and to the regulations, to make  
10 provision, to the satisfaction of the Minister, for the  
11 conservation and protection of the natural resources in  
12 that area or part; and  
13 (d) to make good to the satisfaction of the Minister any  
14 damage to the Earth's crust in that area or part caused by  
15 any person engaged or concerned in those operations.

- 16 (3) A person to whom a direction is given under either  
17 subsection (1) or (2) shall comply with the direction —  
18 (a) in the case of a direction given under subsection (1) —  
19 within the period specified in the instrument by which  
20 the direction was given; or  
21 (b) in the case of a direction given under subsection (2) —  
22 on or before the date of expiration of the permit, drilling  
23 reservation, lease or licence concerned.

24 Penalty for an offence under subsection (3): a fine of \$10 000.

25 *[Section 101 amended: No. 12 of 1990 s. 82; No. 78 of 1990*  
26 *s. 7; No. 42 of 2010 s. 62(10).]*

27 **102. Removal of property etc. by Minister**

28 Where a permit, drilling reservation or licence has been wholly  
29 determined, partly determined, wholly cancelled or partly  
30 cancelled, or has expired, or a lease has been wholly  
31 determined, partly determined or wholly cancelled or has  
32 expired, and a direction under section 101 has not been  
33 complied with, or an arrangement under that section has not  
34 been carried out, in relation to the relinquished area —

- 35 (a) the Minister may do all or any of the things required by  
36 the direction or arrangement to be done; and  
37 (b) if any property brought into that area by any person  
38 engaged or concerned in the operations authorised by  
39 the permit, drilling reservation, lease or licence has not  
40 been removed in accordance with the direction or

1 arrangement, the Minister may, by instrument published  
2 in the *Gazette*, direct that the owner or owners of that  
3 property shall remove it from that area, or dispose of it  
4 to the satisfaction of the Minister, within the period  
5 specified in the instrument and shall serve a copy of the  
6 instrument on each person whom he believes to be an  
7 owner of that property or any part of that property.

8 *[Section 102 amended: No. 12 of 1990 s. 83; No. 78 of 1990*  
9 *s. 7.]*

10 *[103, 104. Deleted: No. 42 of 2010 s. 47.]*

11 **105. Special prospecting authorities**

12 (1) A person may make an application to the Minister for the grant  
13 of a special prospecting authority in respect of a block or blocks  
14 in respect of which a permit, lease or licence is not in force.

15 (1a) A person making an application under subsection (1) may also  
16 request authority to apply for the grant of a permit in accordance  
17 with section 31 or a drilling reservation in accordance with  
18 section 43B in respect of that block or those blocks.

19 (2) An application under this section —

20 *[(a) deleted]*

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

22 (c) ~~must shall~~ specify the operations that the applicant  
23 proposes to carry on and the block or blocks in respect  
24 of which the applicant proposes to carry on those  
25 operations; and

26 (d) ~~must shall~~ be accompanied by the prescribed fee.

27 (3) The Minister —

28 (a) may —

29 (i) grant to the applicant a special prospecting  
30 authority subject to such conditions as the  
31 Minister thinks fit and specifies in the authority;  
32 and

33 (ii) if the Minister considers it appropriate to do so  
34 and so specifies in the special prospecting  
35 authority, authorise the applicant to apply for the

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1 grant of a permit or drilling reservation as  
2 requested under subsection (1a);

3 or

4 (b) may refuse to grant the application.

5 (4) Except as provided in subsection (4AA), a petroleum A  
6 ~~petroleum~~-special prospecting authority, while it remains in  
7 force, authorises the holder, subject to this Act and in  
8 accordance with the conditions to which the special prospecting  
9 authority is subject, to carry on in the blocks specified in the  
10 special prospecting authority the petroleum or regulated  
11 substance exploration ~~petroleum exploration~~ operations so  
12 specified.

13 (4AA) A petroleum special prosecuting authority does not authorise the  
14 holder to carry on exploration in relation to a regulated  
15 substance unless —

16 (a) the holder applies to the Minister in writing for approval  
17 to carry on the operations; and

18 (b) the Minister —

19 (i) by instrument in writing, grants the approval; and

20 (ii) endorses the special prospecting authority  
21 accordingly.

22 (4a) A geothermal special prospecting authority, while it remains in  
23 force, authorises the holder, subject to this Act and in  
24 accordance with the conditions to which the special prospecting  
25 authority is subject, to carry on in the blocks specified in the  
26 special prospecting authority the geothermal energy resources  
27 exploration operations so specified.

28 (5) Nothing in a special prospecting authority authorises the holder  
29 to make a well.

30 (6) A special prospecting authority comes into force on the day  
31 specified for the purpose in the authority and, unless  
32 surrendered or cancelled, remains in force for such period, not  
33 exceeding 6 months, as is so specified.

34 (6a) A special prospecting authority is not capable of being  
35 transferred.

36 (6b) Where —

37 (a) a person holds a petroleum special prospecting authority  
38 in respect of a block; and



- 1 (b) another petroleum special prospecting authority is  
2 granted to another person in respect of the block,  
3 the Minister ~~must~~**shall**, by notice in writing served on each of  
4 those persons, inform each of them of —  
5 (c) the petroleum exploration operations authorised by the  
6 special prospecting authority granted to the other  
7 person; and  
8 (d) the conditions to which the special prospecting authority  
9 granted to the other person is subject.
- 10 (6c) If —  
11 (a) a person holds a geothermal special prospecting  
12 authority in respect of a block; and  
13 (b) another geothermal special prospecting authority is  
14 granted to another person in respect of the block,  
15 the Minister ~~must~~**shall**, by notice in writing served on each of  
16 those persons, inform each of them of —  
17 (c) the geothermal energy resources exploration operations  
18 authorised by the special prospecting authority granted  
19 to the other person; and  
20 (d) the conditions to which the special prospecting authority  
21 granted to the other person is subject.
- 22 (7) A special prospecting authority —  
23 (a) may be surrendered by the holder at any time by  
24 instrument in writing served on the Minister; and  
25 (b) may, if the holder has not complied with a condition to  
26 which the authority is subject, be cancelled by the  
27 Minister by instrument in writing served on the holder.
- 28 (8) Where a special prospecting authority has been surrendered or  
29 cancelled, or has expired, the Minister may, by instrument in  
30 writing served on the person who was the holder of the special  
31 prospecting authority, direct that person to do any one or more  
32 of the following things —  
33 (a) to remove or cause to be removed from the relinquished  
34 area all property brought into that area by any person  
35 engaged or concerned in the operations authorised by  
36 the special prospecting authority or to make  
37 arrangements that are satisfactory to the Minister with  
38 respect to that property; and

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- 1 (b) subject to this Part and to the regulations, to make  
2 provision, to the satisfaction of the Minister, for the  
3 conservation or protection of the natural resources in  
4 that area; and  
5 (c) to make good, to the satisfaction of the Minister, any  
6 damage to the Earth's crust in that area caused by any  
7 person engaged or concerned in those operations.

8 (9) A person to whom a direction is given under subsection (8)  
9 ~~must shall~~ comply with the direction.

10 Penalty: a fine of \$10 000.

11 (10) Section 102 applies to and in relation to a special prospecting  
12 authority as if —

- 13 (a) a reference in that section to a permit were a reference to  
14 a special prospecting authority; and  
15 (b) a reference in that section to a direction or an  
16 arrangement under section 101 were a reference to a  
17 direction or an arrangement under subsection (8).

18 *[Section 105 amended: No. 12 of 1990 s. 85; No. 28 of 1994*  
19 *s. 45; No. 13 of 2005 s. 16(2); No. 35 of 2007 s. 66; No. 42 of*  
20 *2010 s. 48 and 62(15).]*

21 **106. Access authorities**

22 (1) A person who is a ~~A~~ petroleum permittee, holder of a petroleum  
23 drilling reservation, petroleum lessee, petroleum licensee or  
24 holder of a petroleum special prospecting authority may make  
25 an application to the Minister for the grant of a petroleum access  
26 authority to enable the person ~~him~~ to carry on, in an area being  
27 part of the State that is not part of the permit area, drilling  
28 reservation, lease area or licence area or area of the blocks  
29 specified in the special prospecting authority, petroleum  
30 exploration operations or operations related to the recovery of  
31 petroleum or a regulated substance ~~recovery of petroleum~~ in or  
32 from the permit area, drilling reservation, lease area or licence  
33 area or area of the blocks so specified.

34 (1a) A holder of a petroleum title outside the State may make an  
35 application to the Minister for the grant of a petroleum access  
36 authority to enable the holder to carry on, in a part of the State,  
37 petroleum exploration operations or operations related to the  
38 recovery of petroleum or a regulated substance ~~recovery of~~

- 1 ~~petroleum~~ in or from the area to which that petroleum title  
2 relates.
- 3 (1b) A person who is a geothermal permittee, holder of a geothermal  
4 drilling reservation, geothermal lessee, geothermal licensee or  
5 holder of a geothermal special prospecting authority may make  
6 an application to the Minister for the grant of a geothermal  
7 access authority to enable the person to carry on, in an area  
8 being part of the State that is not part of the permit area, drilling  
9 reservation, lease area or licence area or area of the blocks  
10 specified in the special prospecting authority, geothermal  
11 energy resources exploration operations or operations related to  
12 the recovery of geothermal energy in or from the permit area,  
13 drilling reservation, lease area or licence area or area of the  
14 blocks so specified.
- 15 (1c) A holder of a geothermal title outside the State may make an  
16 application to the Minister for the grant of a geothermal access  
17 authority to enable the holder to carry on, in a part of the State,  
18 geothermal energy resources exploration operations or  
19 operations related to the recovery of geothermal energy in or  
20 from the area to which that geothermal title relates.
- 21 (2) An application under this section —
- 22 [(a) *deleted*]
- 23 (b) ~~must shall~~ be made in an approved manner; and
- 24 (c) ~~must shall~~ specify the operations that the applicant  
25 proposes to carry on and the area in which the applicant  
26 proposes to carry on those operations; and
- 27 (d) may set out any other matters that the applicant wishes  
28 the Minister to consider.
- 29 (3) The Minister may —
- 30 (a) if the Minister ~~he~~ is satisfied that it is necessary or  
31 desirable to do so for the more effective exercise of the  
32 rights, or for the proper performance of the duties, of a  
33 permittee, holder of a drilling reservation, lessee,  
34 licensee or holder of a special prospecting authority,  
35 petroleum title or geothermal title who has made an  
36 application under this section, grant to the applicant ~~him~~  
37 an access authority subject to such conditions as the  
38 Minister thinks fit and specifies in the access authority;  
39 and

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1 (b) at any time, by instrument in writing served on the  
2 registered holder of an access authority so granted, vary  
3 the access authority.

4 (4) Subject to subsection (5A), the Minister ~~must shall~~ not —

5 (aa) grant a petroleum access authority on an application  
6 under this section in respect of a block that is the subject  
7 of a petroleum exploration permit, petroleum drilling  
8 reservation, petroleum retention lease, petroleum  
9 production licence or petroleum special prospecting  
10 authority of which the registered holder is a person other  
11 than the applicant, or vary a petroleum access authority  
12 as in force in respect of a block that is the subject of a  
13 petroleum exploration permit, petroleum drilling  
14 reservation, petroleum retention lease, petroleum  
15 production licence or petroleum special prospecting  
16 authority of which the registered holder is a person other  
17 than the registered holder of the access authority; or

18 (bb) grant a geothermal access authority on an application  
19 under this section in respect of a block that is the subject  
20 of a geothermal exploration permit, geothermal drilling  
21 reservation, geothermal retention lease, geothermal  
22 production licence or geothermal special prospecting  
23 authority of which the registered holder is a person other  
24 than the applicant, or vary a geothermal access authority  
25 as in force in respect of a block that is the subject of a  
26 geothermal exploration permit, geothermal drilling  
27 reservation, geothermal retention lease, geothermal  
28 production licence or geothermal special prospecting  
29 authority of which the registered holder is a person other  
30 than the registered holder of the access authority,

31 ~~unless the Minister has unless~~ —

32 (a) ~~he has~~, by instrument in writing served on that person,  
33 given not less than ~~1 one~~ month's notice of ~~the~~  
34 ~~Minister's his~~ intention to grant, or vary, as the case may  
35 be, the access authority; and

36 (b) ~~he has~~ served a copy of the instrument —

37 (i) on such other persons, if any, as ~~the Minister he~~  
38 thinks fit; and

- 1 (ii) in a case where the Minister ~~he~~ intends to vary an  
2 access authority — on the registered holder of  
3 the access authority;
- 4 and
- 5 (c) ~~he has~~, in the instrument —
- 6 (i) given particulars of the access authority proposed  
7 to be granted, or of the variation proposed to be  
8 made, as the case may be; and
- 9 (ii) specified a date on or before which a person on  
10 whom the instrument, or a copy of the  
11 instrument, is served may, by instrument in  
12 writing served on the Minister, submit any  
13 matters that the person ~~he~~ wishes the Minister to  
14 consider;
- 15 and
- 16 (d) ~~he has~~ taken into account any matters so submitted to  
17 the Minister ~~him~~ on or before the specified date by a  
18 person on whom the first-mentioned instrument, or a  
19 copy of that instrument, has been served.
- 20 (5A) Subsection (4) does not apply if the holder of the permit,  
21 drilling reservation, lease, licence or special prospecting  
22 authority has consented in writing to the grant of the access  
23 authority.
- 24 (5) Except as provided in subsection (5AA), an access ~~An access~~  
25 authority, while it remains in force, authorises the holder,  
26 subject to this Act and in accordance with the conditions to  
27 which the access authority is subject, to carry on, in the area  
28 specified in the access authority, the operations so specified.
- 29 (5AA) An access authority does not authorise the holder to carry on the  
30 operations in relation to a regulated substance unless —
- 31 (a) the holder applies to the Minister in writing for approval  
32 to carry on the operations; and
- 33 (b) the Minister —
- 34 (i) by instrument in writing, grants the approval; and  
35 (ii) endorses the access authority accordingly.
- 36 (6) Nothing in an access authority authorises the holder to make a  
37 well other than a deviation well into an adjacent permit area,  
38 drilling reservation, lease area or licence area held by the holder

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1 ~~him~~ under this Act or, in the case of a petroleum access  
2 authority, the *Petroleum (Submerged Lands) Act 1982*.

3 (7) An access authority comes into force on the day specified for  
4 the purpose in the access authority and, unless surrendered or  
5 cancelled, remains in force for such period as is so specified but  
6 may be extended by the Minister for a further specified period.

7 (8) An access authority —

8 (a) may be surrendered by the holder at any time by  
9 instrument in writing served on the Minister; and

10 (b) may be cancelled by the Minister at any time by  
11 instrument in writing served on the holder and on any  
12 person in whose permit area, drilling reservation, lease  
13 area or licence area operations may be carried on in  
14 pursuance of the access authority.

15 (9) Where an access authority has been surrendered or cancelled or  
16 has expired, the Minister may, by instrument in writing served  
17 on the person who was the holder of the access authority, direct  
18 that person to do any ~~1 one~~ or more of the following things —

19 (a) to remove or cause to be removed from the relinquished  
20 area all property brought into that area by any person  
21 engaged or concerned in the operations authorised by  
22 the access authority or to make arrangements that are  
23 satisfactory to the Minister with respect to that property;  
24 and

25 (b) subject to this Part and to the regulations, to make  
26 provision, to the satisfaction of the Minister, for the  
27 conservation and protection of the natural resources in  
28 that area; and

29 (c) to make good, to the satisfaction of the Minister, any  
30 damage to the Earth's crust in that area caused by any  
31 person engaged or concerned in those operations.

32 (10) A person to whom a direction is given under subsection (9)  
33 ~~must shall~~ comply with the direction.

34 Penalty: a fine of \$10 000.

35 (11) A person who is the ~~The~~ holder of an access authority  
36 ~~must shall~~, if the access authority is in force in respect of an area  
37 that consists of, or includes, a block that is the subject of a  
38 permit, drilling reservation, lease or licence of which the person  
39 ~~he~~ is not the registered holder, furnish to the registered holder of  
40 that permit, drilling reservation, lease or licence, within 28 days



1 after the end of each month during which the access authority is  
2 in force in respect of that block, a full report, in writing, of the  
3 operations (not being operations related to the recovery of  
4 [petroleum, a regulated substance](#) ~~petroleum~~ or geothermal  
5 energy by means of a deviation well referred to in  
6 subsection (6)) carried on in that block during that month and a  
7 summary of the facts ascertained from those operations.

8 Penalty: a fine of \$5 000.

9 (12) Section 102 applies to and in relation to an access authority as  
10 if —

11 (a) a reference in that section to a permit were a reference to  
12 an access authority; and

13 (b) a reference in that section to a direction or an  
14 arrangement under section 101 were a reference to a  
15 direction or an arrangement under subsection (9).

16 (13) In this section —

17 ***geothermal title*** means an authority, however described, under a  
18 law of the Commonwealth, of another State or of the Northern  
19 Territory to explore for geothermal energy resources or to  
20 recover geothermal energy;

21 ***petroleum title*** means an authority, however described, under  
22 the *Petroleum (Submerged Lands) Act 1982* or a law of the  
23 Commonwealth, of another State or of the Northern Territory to  
24 explore for, or to [recover, petroleum or a regulated](#)  
25 [substance](#) ~~recover, petroleum~~.

26 [*Section 106 amended: No. 12 of 1990 s. 86; No. 78 of 1990*  
27 *s. 7; No. 28 of 1994 s. 46; No. 13 of 2005 s. 16(2); No. 35 of*  
28 *2007 s. 67; No. 42 of 2010 s. 49 and 62(15).]*

29 **107. Removal, disposal or sale of property**

30 (1) Where a direction under section 102 has not been complied with  
31 in relation to any property, the Minister may do all or any of the  
32 following things —

33 (a) remove, in such manner as he thinks fit, all or any of  
34 that property from the relinquished area concerned; and

35 (b) dispose of, in such manner as he thinks fit, all or any of  
36 that property; and

37 (c) if he has served a copy of the instrument by which the  
38 direction was given on a person whom he believed to be  
39 an owner of that property or part of that property, sell,

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1 by public auction or otherwise, as he thinks fit, all or  
2 any part of that property that belongs, or that he believes  
3 to belong, to that person.

4 (2) The Minister may deduct from the proceeds of a sale under  
5 subsection (1) of property that belongs, or that he believes to  
6 belong, to a particular person —

7 (a) all or any part of any costs and expenses incurred by  
8 him under that subsection in relation to that property;  
9 and

10 (b) all or any part of any costs and expenses incurred by  
11 him in relation to the doing of any thing required by a  
12 direction under section 101, 105 or 106, as the case may  
13 be, to be done by that person; and

14 (c) all or any part of any fees or amounts due and payable  
15 under this Act by that person.

16 (3) Costs and expenses incurred by the Minister under  
17 subsection (1) —

18 (a) if incurred in relation to the removal, disposal or sale of  
19 property, are a debt due by the owner of the property to  
20 the Crown; or

21 (b) if incurred in relation to the doing of anything required  
22 by a direction under section 101, 105 or 106, as the case  
23 may be, to be done by a person who is or was a  
24 permittee, holder of a drilling reservation, lessee,  
25 licensee or holder of a special prospecting authority or  
26 access authority, are a debt due by that person to the  
27 Crown,

28 and, to the extent to which they are not recovered under  
29 subsection (2), are recoverable in a court of competent  
30 jurisdiction.

31 (4) Subject to subsection (3), no action lies in respect of the  
32 removal, disposal or sale of property under this section.

33 *[Section 107 amended: No. 12 of 1990 s. 87; No. 78 of 1990*  
34 *s. 7.]*

35 *[108. Deleted: No. 28 of 1994 s. 47.]*



1 **109.** Minister or inspector may require information to be  
2 furnished ~~Minister etc. may require information to be~~  
3 ~~furnished etc.~~

4 (1) Where the Minister or an inspector has reason to believe that a  
5 person is capable of giving information or producing documents  
6 relating to petroleum exploration operations or operations for  
7 the recovery of petroleum or a regulated substance ~~recovery of~~  
8 ~~petroleum~~ in the State, or to geothermal energy resources  
9 exploration operations or operations for the recovery of  
10 geothermal energy in the State, the Minister ~~he~~ may, by  
11 instrument in writing served on that person, require that  
12 person —

13 (a) to furnish to the Minister or inspector (as the case  
14 requires) ~~him~~, in writing, within the period and in the  
15 manner specified in the instrument, any such  
16 information; or

17 (b) to attend before the Minister or inspector (as the case  
18 requires) ~~him~~ or a person specified in the instrument, at  
19 such time and place as is so specified and there to  
20 answer questions relating to those operations and to  
21 produce such documents relating to those operations as  
22 are so specified.

23 (2) A person is not excused from furnishing information, answering  
24 a question or producing a document when required to do so  
25 under this section on the ground that the information so  
26 furnished, the answer to the question or the production of the  
27 document might tend to incriminate the person ~~him~~ or make the  
28 person ~~him~~ liable to a penalty.

29 (3) However, any information furnished, answer given or document  
30 produced pursuant to the requirement, and any information or  
31 thing (including any document) obtained as a direct or indirect  
32 consequence of the furnishing of the information, the answering  
33 of the question or the production of the document (as the case  
34 requires) ~~document, as the case may be,~~ is not admissible in any  
35 civil proceedings or in any criminal proceedings other than  
36 proceedings for an offence against section 111.

37 *[Section 109 amended: No. 35 of 2007 s. 68; No. 42 of 2010*  
38 *s. 50.]*

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1 **110. Power to examine on oath**

2 (1) The Minister or an inspector may administer an oath to a person  
3 required to attend before him in pursuance of section 109 and  
4 may examine that person on oath.

5 (2) Where a person attending before the Minister or an inspector in  
6 pursuance of section 109 conscientiously objects to take an  
7 oath, he may make an affirmation that he conscientiously  
8 objects to take an oath and that he will state the truth, the whole  
9 truth and nothing but the truth to all questions asked him.

10 (3) An affirmation made under subsection (2) is of the same force  
11 and effect, and entails the same penalties, as an oath.

12 **111. Failing to furnish information etc.**

13 A person shall not —

14 (a) refuse or fail to comply with a requirement in an  
15 instrument under section 109 to the extent to which he is  
16 capable of complying with it; or

17 (b) in purported compliance with such a requirement,  
18 knowingly furnish information that is false or  
19 misleading in a material particular; or

20 (c) when attending before the Minister or an inspector in  
21 pursuance of such a requirement knowingly make a  
22 statement or produce a document that is false or  
23 misleading in a material particular.

24 Penalty: a fine of \$10 000.

25 [Section 111 amended: No. 12 of 1990 s. 89; No. 42 of 2010  
26 s. 62(15).]

27 [112. Deleted: No. 42 of 2010 s. 51.]

28 **112A. Exclusion zones**

29 (1) For the purpose of protecting a well or structure, or any  
30 equipment, in an area of water in the State, the Minister may, by  
31 instrument in writing published in the *Gazette*, prohibit —

32 (a) all vessels; or

33 (b) all vessels other than specified vessels; or

34 (c) all vessels other than the vessels included in specified  
35 classes of vessels,

36 from entering or remaining in a specified area (in this section  
37 called an *exclusion zone*) surrounding the well, structure or  
38 equipment without the consent in writing of the Minister.

- 1 (2) An exclusion zone specified in an instrument under  
2 subsection (1) may extend to a distance of 500 m around the  
3 well, structure or equipment specified in the instrument  
4 measured from each point of the outer edge of the well,  
5 structure or equipment.
- 6 (3) The owner and the person in command or in charge of a vessel  
7 shall ensure that the vessel does not enter or remain in an  
8 exclusion zone specified in an instrument under subsection (1)  
9 in contravention of the instrument.
- 10 Penalty for an offence under subsection (3): a fine of \$100 000  
11 or imprisonment for 10 years.
- 12 *[Section 112A inserted: No. 28 of 1994 s. 49; amended: No. 42*  
13 *of 2010 s. 62(11); No. 36 of 2020 s. 302.]*

14 **113. Discovery of water to be notified**

- 15 (1) Where water is discovered in a permit area, a drilling  
16 reservation, a lease area or a licence area, the permittee, holder  
17 of the drilling reservation, lessee or licensee, as the case may be,  
18 shall, within a period of one month after the date of the  
19 discovery, furnish to the Minister, in writing, particulars of the  
20 discovery.
- 21 Penalty: a fine of \$10 000.
- 22 (2) In subsection (1) —  
23 **water** does not include water that constitutes geothermal energy  
24 resources.
- 25 *[Section 113 amended: No. 12 of 1990 s. 91; No. 78 of 1990*  
26 *s. 7; No. 28 of 1994 s. 50; No. 35 of 2007 s. 70; No. 42 of 2010*  
27 *s. 62(15).]*

28 *[114. Deleted: No. 42 of 2010 s. 52.]*

29 **115. Records etc. to be kept**

- 30 (1) The Minister may, by instrument in writing served on a person  
31 carrying on operations in the State under a permit, drilling  
32 reservation, lease, licence, special prospecting authority, access  
33 authority or instrument of consent under section 116, direct that  
34 person to do any one or more of the following things —
- 35 (a) to keep such accounts, records and other documents in  
36 connection with those operations as are specified in the  
37 instrument;

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- 1 (b) to collect and retain such cores, cuttings and samples in  
2 connection with those operations as are so specified;  
3 (c) to furnish to the Minister, or to such person as is so  
4 specified, in the manner so specified, such reports,  
5 returns, other documents, cores, cuttings and samples in  
6 connection with those operations as are so specified.

7 (2) A person to whom a direction is given under subsection (1) shall  
8 comply with the direction.

9 Penalty for an offence under subsection (2): a fine of \$10 000.

10 *[Section 115 amended: No. 12 of 1990 s. 93; No. 78 of 1990*  
11 *s. 7; No. 28 of 1994 s. 52; No. 42 of 2010 s. 62(12).]*

12 **116A. Data management: regulations**

- 13 (1) The regulations may make provision for and in relation to —  
14 (a) the keeping of accounts, records and other documents in  
15 connection with operations under —  
16 (i) a permit; or  
17 (ii) a drilling reservation; or  
18 (iii) a lease; or  
19 (iv) a licence; or  
20 (v) a special prospecting authority; or  
21 (vi) an access authority; or  
22 (vii) a consent under section 116;  
23 and  
24 (b) the collection and retention of cores, cuttings and  
25 samples in connection with those operations; and  
26 (c) the giving to the Minister, or a specified person, of  
27 reports, returns, other documents, cores, cuttings and  
28 samples in connection with those operations.

29 (2) A requirement under section 115 is in addition to a requirement  
30 under regulations made for the purposes of this section.

31 *[Section 116A inserted: No. 42 of 2010 s. 53.]*

32 **116. Scientific investigations**

- 33 (1) The Minister may, by instrument in writing, consent to the  
34 carrying on in the State by any person of petroleum exploration

1 operations or geothermal energy resources exploration  
2 operations in the course of a scientific investigation.

3 (2) An instrument of consent under subsection (1) may be made  
4 subject to such conditions, if any, as are specified in the  
5 instrument.

6 (3) An instrument of consent in force under subsection (1)  
7 authorises the person specified in the instrument, subject to  
8 section 117 and in accordance with the conditions, if any, to  
9 which the instrument is subject, to carry on in the State  
10 petroleum exploration operations or geothermal energy  
11 resources exploration operations so specified in the course of  
12 the scientific investigation so specified.

13 *[Section 116 amended: No. 35 of 2007 s. 71.]*

14 **117. Interference with other rights etc.**

15 A person carrying on operations in the State under a permit,  
16 drilling reservation, lease, licence, special prospecting authority,  
17 access authority or instrument of consent under section 116  
18 ~~must shall~~ carry on those operations in a manner that does not  
19 interfere with —

- 20 (a) the surface of any land or any improvements on the  
21 land~~thereon~~; or  
22 (b) the conservation of the resources of the soil or the  
23 Earth's crust; or  
24 (c) any operations of another person being lawfully carried  
25 on by way of exploration for, recovery of or conveyance  
26 of a mineral, whether petroleum or a regulated substance  
27 or neither~~petroleum or not~~, or geothermal energy  
28 resources or geothermal energy, or by way of  
29 construction or operation of a pipeline; or  
30 (d) navigation; or  
31 (e) fishing; or  
32 (f) the conservation of the resources of the sea and the  
33 seabed,

34 to a greater extent than is necessary for the reasonable exercise  
35 of the rights and performance of the duties of that  
36 first-mentioned person.

37 Penalty: a fine of \$10 000.

38 *[Section 117 amended: No. 12 of 1990 s. 94; No. 78 of 1990*  
39 *s. 7; No. 35 of 2007 s. 72; No. 42 of 2010 s. 54 and 62(15).]*

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1 **117A. Interfering with petroleum operation or geothermal energy**  
2 **operation**

3 A person must not intentionally or recklessly —

- 4 (a) cause damage to, or interfere with, a well or any  
5 structure or vessel in the State that is, or is to be, used in  
6 a petroleum operation or geothermal energy operation;  
7 or  
8 (b) interfere with any petroleum operation or geothermal  
9 energy operation.

10 Penalty: imprisonment for 10 years.

11 *[Section 117A inserted: No. 13 of 2005 s. 8; amended: No. 35 of*  
12 *2007 s. 86.]*

13 **118. Inspectors**

14 (1) The Minister may, by instrument in writing, appoint a person to  
15 be an inspector for such or all of the purposes of this Act as are  
16 specified in the instrument of appointment.

17 (2) The Minister may furnish to an inspector a certificate stating  
18 that the person is an inspector for the purposes specified in the  
19 certificate.

20 (3) Where the appointment of a person under this section expires or  
21 is revoked, that person shall forthwith surrender the certificate  
22 furnished to him under this section to the Minister or, if the  
23 Minister, by instrument in writing served on that person,  
24 specifies another person to whom the certificate is to be  
25 surrendered, to that other person.

26 Penalty for an offence under subsection (3): a fine of \$500.

27 *[Section 118 amended: No. 12 of 1990 s. 95; No. 13 of 2005*  
28 *s. 9; No. 42 of 2010 s. 62(13).]*

29 **119. Powers of inspectors**

30 (1) For the purposes of this Act, an inspector, at all reasonable  
31 times and on production of the certificate furnished to the  
32 inspector ~~him~~ under section 118 —

- 33 (a) must be given ~~shall have~~ access to any part of the State  
34 and to any structure, vehicle, aircraft or building in the  
35 State that, in the inspector's ~~his~~ opinion, has been, is  
36 being or is to be used in connection with petroleum  
37 exploration operations or operations for the recovery of  
38 petroleum, regulated substances ~~recovery of petroleum~~

- 1 or geothermal energy resources exploration operations  
2 or operations for the recovery of geothermal energy; and
- 3 (b) may inspect and test any equipment that, in the  
4 inspector's ~~his~~ opinion, has been, is being or is to be  
5 used in that area in connection with any of those  
6 operations, including a meter installed under the  
7 Petroleum Pipelines Act 1969 section 12(2A); and  
8 ~~operations; and~~
- 9 (c) may enter any structure, vehicle, aircraft, building or  
10 place in the State, in which, in the inspector's ~~his~~  
11 opinion, there are any documents relating to any of those  
12 operations and may inspect, take extracts from and make  
13 copies of any of those documents.

14 (2) A person who is the occupier or person in charge of any  
15 building, structure or place, or is the person in charge of any  
16 vehicle, aircraft or equipment referred to in subsection (1) must  
17 ~~shall~~ provide an inspector with all reasonable facilities and  
18 assistance for the effective exercise of the inspector's ~~his~~  
19 powers under this section.

20 (3) A person must shall not, without reasonable excuse, obstruct or  
21 hinder an inspector in the exercise of the inspector's ~~his~~ powers  
22 under this section.

23 Penalty for an offence under subsection (2) or (3): a fine of  
24 \$5 000.

25 *[Section 119 amended: No. 12 of 1990 s. 96; No. 13 of 2005*  
26 *s. 10; No. 35 of 2007 s. 73; No. 42 of 2010 s. 62(14); No. 36*  
27 *of 2020 s. 303.]*

28 **119A. Protection from liability for wrongdoing**

29 (1) An action in tort does not lie against a person for anything that  
30 the person has done, in good faith, in the performance or  
31 purported performance of a function under this Act.

32 (2) The protection given by subsection (1) applies even though the  
33 thing done as described in that subsection may have been  
34 capable of being done whether or not this Act had been enacted.

35 (3) Despite subsection (1), the State is not relieved of any liability  
36 that it might have for another person having done anything as  
37 described in that subsection.

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1 (4) In this section a reference to the doing of anything includes a  
2 reference to the omission to do anything.

3 *[Section 119A inserted: No. 13 of 2005 s. 11.]*

4 *[120. Deleted: No. 35 of 2007 s. 12(2).]*

5 **121. Continuing offences**

6 (1) Where an offence is committed by a person by reason of his  
7 failure to comply, within the period specified in a direction  
8 given to him under this Act, with the requirements specified in  
9 the direction, the offence, for purposes of subsection (3), shall  
10 be deemed to continue so long as any requirement specified in  
11 the direction remains undone, notwithstanding that the period  
12 has elapsed.

13 (2) Where an offence is committed by a person by reason of his  
14 failure to comply with a requirement made by this Act, the  
15 offence, for the purposes of subsection (3), shall be deemed to  
16 continue so long as that failure continues, notwithstanding that  
17 any period within which the requirement was to be complied  
18 with has elapsed.

19 (3) Where, under either subsection (1) or (2), an offence is to be  
20 deemed to continue, the person who committed the offence  
21 commits an additional offence against this Act on each day  
22 during which the offence is to be deemed to continue and is  
23 liable, upon conviction for such an additional offence, to a fine  
24 not exceeding \$10 000.

25 *[Section 121 amended: No. 12 of 1990 s. 98; No. 13 of 2005*  
26 *s. 16(1).]*

27 **122. Crimes and other offences**

28 (1) If the penalty provided for an offence under this Act is or  
29 includes imprisonment, the offence is a crime.

30 (2) The summary conviction penalty for an offence referred to in  
31 subsection (1) is imprisonment for 2 years or a fine of \$10 000  
32 or both.

33 (3) Unless the contrary intention appears, an offence under this Act,  
34 other than a crime, is punishable summarily.

35 *[Section 122 inserted: No. 4 of 2004 s. 58.]*



1     **123. Orders for forfeiture etc. in respect of certain offences**

2     (1) Where a person is convicted by the Supreme Court of an  
3     offence against section 29 or 49, the court may, in addition to  
4     imposing a fine, make ~~1 one~~ or more of the following orders —

- 5         (a) an order for the forfeiture of a specified vessel, aircraft  
6         or vehicle used in the commission of the offence; and  
7         (b) an order for the forfeiture of specified equipment used in  
8         the commission of the offence; and  
9         (c) an order —  
10             (i) for the forfeiture of specified petroleum or a  
11             regulated substance ~~petroleum~~ recovered in the  
12             course of the commission of the offence; or  
13             (ii) for the payment by that person to the Crown of  
14             an amount equal to the proceeds of the sale of  
15             specified petroleum, a regulated substance  
16             ~~petroleum~~ or geothermal energy so recovered; or  
17             (iii) for the payment by that person to the Crown of  
18             an amount equal to the value at the well-head,  
19             assessed by the court, of the quantity, so  
20             assessed, of petroleum, a regulated substance  
21             ~~petroleum~~ or geothermal energy so recovered or  
22             for the payment of such part of that amount as  
23             the court, having regard to all the circumstances,  
24             thinks fit.

25     (2) Where, in respect of petroleum or a regulated  
26     substance ~~petroleum~~, the court is satisfied that an order made  
27     under subparagraph (i) of paragraph (c) of subsection (1)  
28     cannot, for any reason, be enforced, the court may, upon the  
29     application of the person by whom the proceedings were  
30     brought, set aside the order and make either of the orders  
31     referred to in subparagraphs (ii) and (iii) of that paragraph.

32     (3) The court may, before making an order under this section,  
33     require notice to be given to, and hear, such persons as the court  
34     thinks fit.

35     *[Section 123 amended: No. 28 of 1994 s. 53; No. 35 of 2007*  
36     *s. 74.]*

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1 **124. Power of Attorney General to direct disposal of goods**

2 Goods in respect of which an order is made under section 123  
3 shall be dealt with as the Attorney General directs and, pending  
4 his direction, may be detained in such custody as the court  
5 directs.

6 **125. Time for bringing proceedings for offences**

7 Notwithstanding the provisions of any other Act, proceedings in  
8 respect of an offence against this Act may be brought at any  
9 time.

10 *[Section 125 amended: No. 13 of 2005 s. 12.]*

11 **126. Judicial notice**

12 (1) All courts shall take judicial notice of the signature of a person  
13 who is, or has been, the Minister or a delegate of the Minister  
14 and of the fact that that person is, or has been, the Minister or a  
15 delegate of the Minister.

16 (2) In this section, *court* includes all persons authorised by the law  
17 of the State or by consent of parties to receive evidence.

18 **126A. Evidentiary matters**

19 (1) In a proceeding for an offence against this Act an averment in  
20 the charge of the offence that at a particular time —

21 (a) a particular operation was a petroleum operation or  
22 geothermal energy operation; or

23 (b) a particular person was the operator of a petroleum  
24 operation or geothermal energy operation; or

25 (c) a particular person was in control of a particular part of  
26 a petroleum operation or geothermal energy operation;  
27 or

28 (d) a particular person was an employer who carried on a  
29 petroleum operation or geothermal energy operation; or

30 (e) a particular person was an employer of a particular  
31 person or particular persons engaged in a petroleum  
32 operation or geothermal energy operation; or

33 (f) a particular person was an employee or inspector,

34 is to be taken to have been proved in the absence of evidence to  
35 the contrary.

- 1 (2) In a proceeding for an offence against this Act, proof is not  
2 required as to any of the following matters, unless evidence is  
3 given to the contrary —  
4 (a) a delegation under section 25 by the Minister of a power  
5 or function;  
6 (b) the authority of any person to institute a proceeding for  
7 an offence against this Act.  
8 [(c) *deleted*]
- 9 (3) In a proceeding for an offence against this Act, production of a  
10 copy of —  
11 (a) a code of practice; or  
12 (b) an Australian Standard; or  
13 (c) an Australian/New Zealand Standard,

14 purporting to be certified by the CEO to be a true copy as at any  
15 date or during any period is, without proof of the signature of  
16 the CEO, sufficient evidence of the contents of the code of  
17 practice or Standard as at that date or during that period.

- 18 (4) In subsection (3) —

19 ***Australian Standard*** means a document having that title  
20 published by Standards Australia;

21 ***Australian/New Zealand Standard*** means a document having  
22 that title jointly published by Standards Australia and the  
23 Standards Council of New Zealand;

24 ***CEO*** means the chief executive officer of the department of the  
25 Public Service principally assisting in the administration of  
26 this Act.

27 [*Section 126A inserted: No. 13 of 2005 s. 13; amended: No. 35*  
28 *of 2007 s. 86; No. 17 of 2014 s. 8; No. 36 of 2020 s. 304.*]

29 **127. Service of documents**

- 30 (1) A document required or permitted by this Act to be served on a  
31 person other than the Minister or a corporation shall be  
32 served —  
33 (a) by delivering the document to that person personally; or  
34 (b) by prepaying and posting the document as a letter  
35 addressed to that person at his last known place of abode  
36 or business or, if he is carrying on business at 2 or more  
37 places, at one of those places; or

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- 1 (c) by leaving the document at the last known place of  
2 abode of that person with some person apparently an  
3 inmate of that place and apparently not less than  
4 16 years of age; or
- 5 (d) by leaving the document at the last known place of  
6 business of that person or, if he is carrying on business  
7 at 2 or more places, at one of those places with some  
8 person apparently in the service of that person and  
9 apparently not less than 16 years of age.
- 10 (2) A document required or permitted by this Act to be served on  
11 the Minister shall be served —
- 12 (a) by prepaying and posting the document as a letter  
13 addressed to the Minister at a place of business of the  
14 Minister; or
- 15 (b) by leaving it at a place of business of the Minister with  
16 some person apparently employed in connection with  
17 the business of the Minister and apparently not less than  
18 16 years of age.
- 19 (3) A document required by this Act to be served on a person, being  
20 a corporation, shall be served —
- 21 (a) by prepaying and posting the document as a letter  
22 addressed to the corporation at its last known place of  
23 business or, if it is carrying on business at 2 or more  
24 places, at one of those places; or
- 25 (b) by leaving it at that place, or at one of those places, with  
26 some person apparently in the service of the corporation  
27 and apparently not less than 16 years of age.
- 28 (4) Where a document required by this Act to be served is posted as  
29 a letter in accordance with this section, service shall, unless the  
30 contrary is proved, be deemed to have been effected at the time  
31 at which the letter would have been delivered in the ordinary  
32 course of post.

33 *[Section 127 amended: No. 12 of 1990 s. 100.]*

34 **127A. Service of documents on 2 or more permittees etc.**

- 35 (1) Where there are 2 or more registered holders of a title or special  
36 prospecting authority, those registered holders shall, by notice  
37 in writing signed by each of them and served on the Minister,  
38 nominate one of the registered holders as being the person on  
39 whom documents relating to the title or special prospecting

1 authority that are required or permitted by this Act to be served  
2 may be served.

3 (2) Subject to subsections (3) and (4), where —

- 4 (a) a document relating to a title or special prospecting  
5 authority is required or permitted by this Act to be  
6 served on the registered holder; and  
7 (b) there are 2 or more registered holders of the title or  
8 special prospecting authority; and  
9 (c) the document is served on a person in respect of whom a  
10 nomination under subsection (1) is in force in relation to  
11 the title or special prospecting authority,

12 the document shall be deemed to have been served on each of  
13 those registered holders.

14 (3) Where —

- 15 (a) a person has been nominated under subsection (1) in  
16 relation to a title or special prospecting authority; and  
17 (b) one of the registered holders of the title or special  
18 prospecting authority, by notice in writing served on the  
19 Minister, revokes that nomination,

20 that nomination ceases to be in force and the registered holders  
21 of the title or special prospecting authority shall forthwith make  
22 a fresh nomination under subsection (1) in relation to the title or  
23 special prospecting authority.

24 (4) Where —

- 25 (a) a person has been nominated under subsection (1) in  
26 relation to a title or special prospecting authority; and  
27 (b) the person so nominated ceases to be one of the  
28 registered holders of the title or special prospecting  
29 authority,

30 that nomination ceases to be in force and, if 2 or more registered  
31 holders of the title or special prospecting authority remain, those  
32 holders shall forthwith make a fresh nomination under  
33 subsection (1) in relation to the title or special prospecting  
34 authority.

35 (5) In this section, **title** means a permit, lease, licence or access  
36 authority.

37 *[Section 127A inserted: No. 12 of 1990 s. 101.]*

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**Division 6** Transitional provisions

**s. 128**

1 **Division 6 — Transitional provisions**

2 **128. Terms used**

3 In this Division, unless the contrary intention appears —

4 ***Barrow Island lease*** means the petroleum lease dated  
5 27 February 1967 granted under the former provisions and  
6 registered as Number 1H and named “Barrow Island” pursuant  
7 to those provisions;

8 ***commencing day*** means the day on which this Division  
9 commences;

10 ***former provisions*** means the provisions of the *Petroleum*  
11 *Act 1936*<sup>1</sup>;

12 ***lessee*** means the lessee for the time being under the Barrow  
13 Island lease;

14 ***operations to which this Division applies*** means any works or  
15 operations authorised or required to be done within the State  
16 under or pursuant to a prescribed instrument or under the former  
17 provisions;

18 ***prescribed instrument*** means a permit to explore or licence to  
19 prospect issued under the former provisions, authorising the  
20 holder thereof to prospect for, or explore for, petroleum in an  
21 area which is within the State;

22 ***variation agreement*** means the agreement a copy of which is  
23 set forth in the Schedule to the *Barrow Island Royalty Variation*  
24 *Agreement Act 1985*.

25 [*Section 128 amended: No. 113 of 1985 s. 6; No. 90 of 1987*  
26 *s. 5; No. 42 of 2010 s. 55.*]

27 **129. This Division prevails over other provisions**

28 Except in so far as a provision contained in this Division is  
29 inconsistent with another provision contained in this Part, this  
30 Part applies —

31 (a) to and in relation to an application for a permit made  
32 under this Division as if it were an application made  
33 under section 30; and

34 (b) to and in relation to an application for a licence made  
35 under this Division as if it were an application made  
36 under section 50,

37 and to and in relation to a permit or licence granted on such an  
38 application.

1 **130. Cessation of operation of former provisions**

2 (1) Subject to this Division, on the commencing day the former  
3 provisions shall cease to apply to or in relation to the carrying  
4 on within the State of any operations to which this Division  
5 applies.

6 (2) Section 16 of the *Interpretation Act 1918*<sup>2</sup>, has effect, subject to  
7 this Division, for the purposes of subsection (1) as if the former  
8 provisions were repealed on the commencing day, so far as  
9 those provisions relate to the carrying on of operations to which  
10 this Division applies.

11 **131. Prohibition on granting of instruments under former**  
12 **provisions after commencing day**

13 The Minister or the Governor shall not, on or after the  
14 commencing day, grant to a person who makes application  
15 therefor, whether the application is received before, on or after  
16 that day, a permit to explore, licence to prospect or petroleum  
17 lease under the former provisions in respect of an area within  
18 the State; or renew any such permit, licence or lease, other than  
19 the Barrow Island lease, in accordance with those provisions.

20 **132. Rights of holders of existing prescribed instruments**

21 (1) A prescribed instrument that is in force immediately prior to the  
22 commencing day continues, subject to subsection (2), to have  
23 the same force and effect on and after that day as it had  
24 immediately prior to that day, and, subject to that subsection,  
25 the former provisions remain in full force and effect and apply  
26 to and in relation to such an instrument and to and in relation to  
27 anything done or authorised or required to be done by, under, or  
28 in connection with such an instrument.

29 (2) Notwithstanding subsection (1), the holder of a prescribed  
30 instrument that is continued in force by that subsection is not  
31 entitled to be granted a petroleum lease under or pursuant to the  
32 former provisions but if that holder would have been entitled to  
33 apply for and to be granted a petroleum lease if this Act had not  
34 commenced, he may nominate a block under section 46 and  
35 may make an application or applications to the Minister for the  
36 grant of a licence and, for those purposes, this Act applies to  
37 and in relation to that person, as if he were the holder of a  
38 permit under this Act in respect of the area comprised in the  
39 prescribed instrument and had become entitled under the

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1 provisions of this Act to apply for and to be granted a licence  
2 under this Act.

3 **133. Holders of existing instruments may be granted permits**  
4 **under this Part**

5 (1) A person who —

6 (a) is the holder of a prescribed instrument on the  
7 commencing day; or

8 (b) was the holder of such an instrument that expired at any  
9 time within one month before that day,

10 may make one or more applications for the grant of a permit.

11 (2) An application under subsection (1) may be made only in  
12 respect of a single area that is constituted by —

13 (a) the whole or any part of the area (in this subsection  
14 referred to as the *former area*) to which the prescribed  
15 instrument relates or related; or

16 (b) the whole or any part of the former area and, in addition,  
17 so much of the area of any block, being a block that is  
18 constituted as provided by section 27 and is partly  
19 included in the former area, as is not included in the  
20 former area,

21 but excluding any area in which a person other than the  
22 applicant is entitled by reason of an instrument granted or issued  
23 under this Act or under the former provisions to prospect for or  
24 explore for petroleum as defined by this Act, or by the former  
25 provisions, as the case may be, or to carry on operations for the  
26 recovery of petroleum as so defined.

27 (3) The application —

28 (a) shall be made within 6 months after the commencing  
29 day, or within 3 months after the date of the expiration  
30 of the prescribed instrument, whichever is the earlier;  
31 and

32 (b) shall be accompanied by a fee of \$300.

33 (4) The Minister may grant to a person by whom an application  
34 under this section is made an exploration permit for petroleum  
35 in respect of a single area constituted by the whole or any part  
36 of the area in respect of which the application is made.



- 1 (5) Where a permit is not granted on an application under this  
2 section, the applicant is not entitled to the refund of the fee, or  
3 any part of the fee, accompanying the application.
- 4 (6) A permit shall not be granted under this section if the applicant  
5 does not, where so required by the Minister, lodge with the  
6 Minister a security for compliance with the conditions to which  
7 the permit shall be from time to time subject and with the  
8 provisions of this Part and of the regulations.
- 9 (7) Upon the grant of a permit on an application made under this  
10 section, the prescribed instrument held by the applicant shall be  
11 deemed to have been surrendered by the holder of the  
12 prescribed instrument.

13 *[Section 133 amended: No. 69 of 1981 s. 34.]*

14 **134. Transitional provisions relating to Barrow Island lease**

15 Notwithstanding the repeal effected by section 3, the former  
16 provisions shall, by force of this section, be deemed to subsist  
17 and enure in their application to or in relation to the Barrow  
18 Island lease and to any renewal thereof.

19 **134A. Application of former provisions after coming into**  
20 **operation of variation agreement**

21 For the purposes of their application under section 134 to or in  
22 relation to the Barrow Island lease as varied and affected by the  
23 variation agreement and to any renewal thereof the former  
24 provisions shall, after the coming into operation of clause 6 of  
25 the variation agreement, be deemed to be modified —

- 26 (a) in section 4, by substituting for the definitions of  
27 ***Minister*** and ***petroleum*** definitions as follows —

28  
29 ***Minister*** means the Minister of the Crown for the  
30 time being charged with the administration of the  
31 *Petroleum and Geothermal Energy Resources*  
32 *Act 1967*;

33  
34 ***petroleum*** has the same meaning as it has in and for  
35 the purposes of the *Petroleum and Geothermal*  
36 *Energy Resources Act 1967*;

37 ; and

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- 1 (b) by substituting for sections 71 to 75 sections as  
2 follows —

3 **71. Interpretation**

- 4 (1) In this section and in sections 72, 74 and 75 **Barrow**  
5 **Island lease** means the petroleum lease dated  
6 27 February 1967 granted under this Act and registered  
7 as Number 1H and named “Barrow Island” pursuant to  
8 this Act and includes that lease as renewed, substituted  
9 or varied.
- 10 (2) In sections 72 to 75 and 117 **royalty provisions** means  
11 the provisions of the Barrow Island lease relating to the  
12 imposition, calculation, assessment, collection and  
13 recovery of royalty.

14 **72. Statements, information and records**

15 The lessee of the Barrow Island lease shall furnish  
16 statements, supply information and keep books and  
17 records in accordance with the royalty provisions.

18 **73. Powers of officers**

19 An authorised officer appointed under the royalty  
20 provisions may exercise the powers conferred on an  
21 authorised officer under those provisions.

22 **74. Royalty a debt due to the State**

23 The amount of royalty due under the Barrow Island  
24 lease shall, until paid or recovered under the royalty  
25 provisions, be a debt due from the lessee of the lease to  
26 the State.

27 **75. Offences**

- 28 (1) Where the lessee of the Barrow Island lease is required  
29 under the royalty provisions to furnish a statement or  
30 supply information the lessee shall not wilfully make a  
31 false statement or supply false information.

32 Penalty: a fine of \$5 000.

- 33 (2) A person shall not impede or obstruct any authorised  
34 officer appointed under the royalty provisions in the  
35 exercise of his powers under those provisions.

36 Penalty: a fine of \$5 000.

1 ; and

2 (c) by adding after section 116 a section as follows —

3

4 **117. Application of regulations to Barrow Island lease**

5 (1) Where the royalty provisions are inconsistent with a  
6 regulation made under section 116 the royalty  
7 provisions shall prevail to the extent of the  
8 inconsistency.

9 (2) Regulations under the *Petroleum and Geothermal*  
10 *Energy Resources Act 1967* section 153(2)(1a) to (1c)  
11 may apply in relation to operations referred to in  
12 paragraphs (d) and (f) of the definition of **petroleum**  
13 **operation** in section 5(1) of that Act.

14 ; and

15 (d) without affecting the character and incidents of the  
16 Barrow Island lease as a petroleum lease under the  
17 *Petroleum Act 1936*<sup>1</sup> but notwithstanding anything in  
18 that Act the following provisions apply —

19 (i) before the expiration of the lease the lessee for  
20 the time being of the lease may make application  
21 for the renewal of the lease;

22 (ii) with respect to the term of any renewal of the  
23 lease section 63(b) and (c) applies;

24 (iii) section 64(1) and (2)(d) applies with respect to  
25 the application fee to be paid;

26 (iv) section 65 applies with respect to the renewal;

27 (v) section 91A applies to and in relation to the  
28 insurance to be maintained by the lessee;

29 (vi) section 138 applies as to the fee payable,

30 as though the lease were a licence and the form of any  
31 renewal of the Barrow Island lease granted in respect of  
32 an application made under this provision shall be in the  
33 form of Lease Form No. 1 of the regulations made under  
34 the former provisions with such variations and additions  
35 as the circumstances require for the purposes of  
36 complying with section 5(3) of the *Barrow Island*

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1 *Royalty Variation Agreement Act 1985* and this  
2 provision.

3 *[Section 134A inserted: No. 113 of 1985 s. 7; amended: No. 90*  
4 *of 1987 s. 6; No. 28 of 1994 s. 54; No. 42 of 2010 s. 56 and*  
5 *62(15).]*

6 *[134B. Deleted: No. 28 of 1994 s. 55.]*

7 **135. Certain portions of blocks to be blocks**

8 (1) Where the area in respect of which a permit, drilling  
9 reservation, lease, licence or prescribed instrument is in force  
10 includes one or more portions of a block constituted as provided  
11 by section 27, then, for the purposes of this Part —

- 12 (a) the area of that portion or those portions constitutes a  
13 block; and  
14 (b) the area of the remaining portion or portions of the  
15 first-mentioned block (but not including any part of that  
16 area in respect of which a permit, drilling reservation,  
17 lease, licence or prescribed instrument is in force)  
18 constitutes a block.

19 (2) Where a permit, drilling reservation, lease, licence or prescribed  
20 instrument ceases to be in force in respect of an area that  
21 constitutes a block as provided by subsection (1)(a), the  
22 Minister may, by instrument in writing, if he considers it  
23 desirable to do so, determine that that block shall be  
24 amalgamated with another block or blocks, being a block or  
25 blocks —

- 26 (a) constituted as provided by this section; and  
27 (b) forming part of the graticular section of which that  
28 first-mentioned block forms part; and  
29 (c) in respect of which a permit, drilling reservation, lease  
30 or licence is in force.

31 (3) Where such a determination is made, then, for the purposes of  
32 this Part —

- 33 (a) the blocks the subject of the determination cease to  
34 constitute blocks and the areas of those blocks together  
35 constitute a block;  
36 (b) the block constituted by reason of the determination is,  
37 subject to this Part, for the remainder of the term of the  
38 permit, drilling reservation, lease or licence concerned a

1                   block in respect of which the permit, drilling  
2                   reservation, lease or licence is in force.

3           (4)   The Minister shall not make a determination under  
4           subsection (2) except with the consent of the permittee, holder  
5           of the drilling reservation, lessee or licensee concerned.

6           *[Section 135 amended: No. 12 of 1990 s. 102; No. 78 of 1990*  
7           *s. 7.]*

8   **136.    Certain petroleum exploration or recovery activities not**  
9   **prohibited by s. 29 or 49**

10           It is not an offence against —

11           (a)   section 29 for the holder of a prescribed instrument to  
12           explore for petroleum in the State in accordance with the  
13           instrument and with the former provisions;

14           (b)   section 49 for the lessee to carry on operations for the  
15           recovery of petroleum in the State before the coming  
16           into operation of clause 6 of the variation agreement in  
17           accordance with the Barrow Island lease and with the  
18           former provisions;

19           (c)   section 49 for the lessee to carry on operations for the  
20           recovery of petroleum in the State after the coming into  
21           operation of clause 6 of the variation agreement in  
22           accordance with the Barrow Island lease as varied and  
23           affected by the variation agreement and with the former  
24           provisions as modified by section 134A.

25           *[Section 136 amended: No. 113 of 1985 s. 8.]*

26           **Division 7 — Fees and royalties**

27   **137.    Permit and drilling reservation fees**

28           There is payable to the Minister by a permittee or holder of a  
29           drilling reservation, in respect of each year of the term of the  
30           permit or drilling reservation, as the case requires —

31           (a)   the prescribed fee; or

32           (b)   a fee calculated at the prescribed rate for each of the  
33           blocks to which the permit or the drilling reservation  
34           relates, at the commencement of that year,

35           whichever is the greater.

36           *[Section 137 amended: No. 69 of 1981 s. 34; No. 12 of 1990*  
37           *s. 103; No. 78 of 1990 s. 7.]*

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1 **137A. Lease fees**

2 There is payable to the Minister by a lessee, in respect of each  
3 year of the term of the lease, a fee calculated at the prescribed  
4 rate for each of the blocks to which the lease relates at the  
5 commencement of that year.

6 *[Section 137A inserted: No. 12 of 1990 s. 104.]*

7 **138. Licence fees**

8 (1) There is payable to the Minister by a licensee, in respect of each  
9 year of the term of the licence, a fee calculated at the prescribed  
10 rate for each of the blocks to which the licence relates at the  
11 commencement of that year.

12 (2) The Minister may, on application made by a licensee, for  
13 reasons the Minister thinks sufficient, by notice in writing  
14 reduce or waive the fee payable under subsection (1).

15 (3) A reduction or waiver of a fee under subsection (2) may apply  
16 for an indefinite period of time or for a limited period specified  
17 in the notice and may apply subject to such conditions as the  
18 Minister specifies in the notice.

19 *[Section 138 amended: No. 69 of 1981 s. 34; No. 12 of 1990*  
20 *s. 105; No. 28 of 1994 s. 56.]*

21 **139. Time of payment of fees**

22 A fee referred to in section 137, 137A or 138 is payable within  
23 one month after —

24 (a) in the case of the first year of the term of a permit,  
25 drilling reservation, lease or licence, the day on which  
26 that term commenced; and

27 (b) in the case of a year of the term of a permit, drilling  
28 reservation, lease or licence other than the first, the  
29 anniversary of that day.

30 *[Section 139 amended: No. 12 of 1990 s. 106; No. 28 of 1994*  
31 *s. 57.]*

32 **140. Penalty for late payment of fees**

33 Where the liability of a permittee, holder of a drilling  
34 reservation, lessee or licensee to pay a fee referred to in  
35 section 137, 137A or 138 is not discharged at or before the time  
36 when the fee is payable, there is payable to the Minister by the  
37 permittee, holder of the drilling reservation, lessee or licensee  
38 an additional amount calculated at the rate of one third of one

1 per centum per day upon the amount of the fee from time to  
2 time remaining unpaid, to be computed from the time when the  
3 fee became payable until it is paid.

4 *[Section 140 amended: No. 12 of 1990 s. 107; No. 28 of 1994*  
5 *s. 58.]*

6 **141. Fees and penalties debts due to Crown**

7 A fee under section 137, 137A or 138, or an amount payable  
8 under section 140, is a debt due by the permittee, holder of a  
9 drilling reservation, lessee or licensee, as the case may be, to the  
10 Crown and is recoverable in a court of competent jurisdiction.

11 *[Section 141 amended: No. 12 of 1990 s. 108; No. 78 of 1990*  
12 *s. 7.]*

13 **142. Royalty**

14 (1) The conditions subject to which a permit, drilling reservation,  
15 lease or licence is granted ~~include shall include~~ a condition that  
16 the permittee, holder of the drilling reservation, lessee or must,  
17 ~~licensee shall,~~ subject to this section, pay to the Minister a  
18 royalty at the prescribed rate in respect of all petroleum,  
19 regulated substances or ~~petroleum or all~~ geothermal energy, as  
20 the case requires, recovered by the permittee, holder of the  
21 drilling reservation, lessee or licensee in the permit area, drilling  
22 reservation, lease area or licence area.

23 (2) The prescribed rate in respect of petroleum or regulated  
24 substances recovered ~~petroleum recovered~~ under a petroleum  
25 exploration permit, petroleum drilling reservation or petroleum  
26 retention lease is 10% of the royalty value of the petroleum or  
27 regulated substances ~~the petroleum.~~

28 (2a) Subject to section 143, the prescribed rate in respect of  
29 geothermal energy recovered under a geothermal exploration  
30 permit, geothermal drilling reservation, geothermal retention  
31 lease or geothermal production licence is 2.5% of the royalty  
32 value of the geothermal energy.

33 (3) Subject to ~~the succeeding provisions of~~ this section and ~~to the~~  
34 ~~provisions of~~ section 143, the prescribed rate in respect of  
35 petroleum or regulated substances recovered ~~petroleum~~  
36 ~~recovered~~ under a petroleum production licence is the  
37 percentage determined by the Minister under section 52(1) in  
38 ~~pursuance of subsection (1) of section 52~~ or, where more than 1  
39 ~~one~~ percentage was so determined, the percentage so

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1 determined that is, in accordance with subsection (2) of that  
2 section, for the time being applicable in respect of petroleum or  
3 regulated substances so recovered~~petroleum so recovered~~.

4 (4) Subject to section 143, the prescribed rate in respect of  
5 petroleum or regulated substances ~~petroleum~~ recovered under a  
6 secondary licence is the percentage determined by the Minister  
7 ~~under in pursuance of~~ section 52(3) in respect of petroleum or  
8 regulated substances ~~petroleum~~ so recovered.

9 (5) Subject to subsection (6) and to section 143, where a secondary  
10 licence is granted to the holder of a primary licence, the  
11 prescribed rate in respect of petroleum or regulated substances  
12 ~~petroleum~~ recovered under the primary licence is, as from the  
13 commencement of the next royalty period after the day from  
14 which the secondary licence has effect, the same percentage as  
15 is applicable in respect of petroleum or regulated substances  
16 ~~petroleum~~ recovered under the secondary licence.

17 (6) ~~Despite Notwithstanding the provisions of~~ section 52(3) and  
18 subsection (5), where a secondary licence is granted to the  
19 holder of a primary licence, the Minister may determine that the  
20 prescribed rate or rates in respect of petroleum or regulated  
21 substances ~~petroleum~~ recovered under the primary licence must  
22 ~~shall~~ continue, as from the commencement of the next royalty  
23 period after the day from which the secondary licence has  
24 effect, to be the same rate or rates as was or were determined by  
25 the Minister under section 52(1) in respect of the primary  
26 licence.

27 (7) Where —

28 (a) a petroleum production licence is granted on an  
29 application under section 57; and

30 (b) the instrument served on the applicant under section 59  
31 contains a statement that the applicant will be required  
32 to pay, in respect of petroleum or regulated substances  
33 recovered ~~petroleum recovered~~ under that licence,  
34 royalty at the rate specified in that statement,

35 the prescribed rate in respect of petroleum or regulated  
36 substances recovered ~~petroleum recovered~~ under that licence is  
37 the percentage specified in that statement.

38 (8) Where a petroleum production licence is granted on an  
39 application under section 61(1) ~~subsection (1) of section 61~~, the  
40 prescribed rate in respect of petroleum or regulated substances



1 recovered petroleum recovered under that licence is the same  
2 percentage as was applicable in respect of petroleum or  
3 regulated substances recovered petroleum recovered under the  
4 original licence as defined by ~~subsection (1) of~~ that section.

- 5 (9) Subject to section 143, the prescribed rate in respect of  
6 petroleum or regulated substances recovered petroleum  
7 ~~recovered~~ under a petroleum production licence granted by way  
8 of renewal of a licence is the percentage applicable under the  
9 licence before renewal (or, if another percentage is fixed by  
10 Parliament in respect of petroleum or regulated substances so  
11 recovered petroleum so recovered, that percentage) of the  
12 royalty value of the petroleum or regulated substances the  
13 ~~petroleum~~.

14 *[Section 142 amended: No. 12 of 1990 s. 109; No. 78 of 1990*  
15 *s. 7; No. 11 of 1994 s. 5; No. 35 of 2007 s. 75.]*

16 **143. Reduction of royalty in certain cases**

- 17 (1) Where the Minister is satisfied that the rate of recovery of  
18 petroleum or a regulated substance petroleum from a well has  
19 become so reduced that, having regard to the rate of royalty  
20 fixed by section 142, further recovery of petroleum or a  
21 regulated substance petroleum from that well would be  
22 uneconomic, the Minister may, by instrument in writing,  
23 determine that the royalty in respect of petroleum or a regulated  
24 substance petroleum recovered from that well ~~must shall~~ be at  
25 such rate (being a rate lower than that fixed by that section) as  
26 the Minister specifies in respect of such period as the Minister  
27 specifies.

- 28 (1a) If, because the rate of recovery of geothermal energy from a  
29 well has become so reduced or for any other reason, the  
30 Minister is satisfied that, having regard to the rate of royalty  
31 fixed by section 142(2a), further recovery of geothermal energy  
32 from that well would be uneconomic, the Minister may, by  
33 instrument in writing, determine that the royalty in respect of  
34 geothermal energy recovered from that well is ~~at a to be at such~~  
35 rate (being a rate lower than that fixed by that provision), ~~and in~~  
36 respect of a period, specified by the Minister provision) as the  
37 ~~Minister specifies in respect of such period as the Minister~~  
38 ~~specifies~~.

- 39 (2) The prescribed rate in respect of petroleum, a regulated  
40 substance petroleum or geothermal energy recovered, during the  
41 period specified in a determination under subsection (1) or (1a),

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1 as the case requires, from the well to which such a  
2 determination relates, is the rate so specified.

3 *[Section 143 amended: No. 35 of 2007 s. 76.]*

4 **144. Royalty not payable in certain cases**

5 (1) Royalty under this Act —

6 (a) is not payable in respect of petroleum, a regulated  
7 substance ~~respect of petroleum~~ or geothermal energy  
8 that the Minister is satisfied was unavoidably lost before  
9 the quantity of that petroleum, regulated substance ~~that~~  
10 ~~petroleum~~ or geothermal energy was ascertained; and

11 (b) is not payable in respect of petroleum or a regulated  
12 substance ~~respect of petroleum~~ that is used by the  
13 permittee, lessee, holder of the drilling reservation, or  
14 licensee as approved by the Minister for the purposes of  
15 petroleum exploration operations or operations for the  
16 recovery of petroleum or a regulated substance ~~recovery~~  
17 ~~of petroleum~~; and

18 (ba) is not payable in respect of geothermal energy that is  
19 used by the permittee, lessee, holder of the drilling  
20 reservation, or licensee as approved by the Minister for  
21 the purposes of geothermal energy resources exploration  
22 operations or operations for the recovery of geothermal  
23 energy; and

24 (c) is not payable in respect of —

25 (i) petroleum or a regulated substance ~~petroleum~~  
26 that, with the approval of the Minister, is flared  
27 or vented in connection with operations for the  
28 recovery of petroleum or a regulated  
29 substance ~~petroleum~~; or

30 (ii) geothermal energy that, with the approval of the  
31 Minister, is dissipated in connection with  
32 operations for the recovery of geothermal  
33 energy.

34 (2) Where petroleum or a regulated substance ~~Where petroleum~~ that  
35 has been recovered by a permittee, holder of a drilling  
36 reservation, lessee or licensee is, with the approval of the  
37 Minister, returned to a natural reservoir, royalty under this Act  
38 is not payable in respect of that petroleum or regulated  
39 substance ~~that petroleum~~ by reason of the recovery but this  
40 subsection does not affect the liability of that or any other

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1 permittee, holder of a drilling reservation, lessee or licensee to  
2 pay royalty in [respect of petroleum or a regulated substance](#)  
3 ~~respect of petroleum~~ that is recovered from that natural  
4 reservoir.

5 (3) Where petroleum that has been recovered by a permittee, holder  
6 of a drilling reservation, lessee or licensee is, [in accordance with](#)  
7 [regulations under section 67\(2\), pursuant to an agreement](#)  
8 ~~entered into under section 67(2)(a)~~, injected into a natural  
9 underground reservoir for the purpose of storage and subsequent  
10 recovery, royalty under this Act is not payable in respect of that  
11 petroleum by reason of the initial recovery except as provided  
12 under that agreement.

13 (4) [Except as provided in regulations under section 67\(2\), Subject](#)  
14 ~~to any agreement entered into under section 67(2)(a)~~, nothing in  
15 subsection (3) affects the liability of any permittee, holder of a  
16 drilling reservation, lessee or licensee to pay royalty in respect  
17 of petroleum that is recovered from the natural reservoir in  
18 which it is stored.

19 *[Section 144 amended: No. 12 of 1990 s. 110; No. 78 of 1990*  
20 *s. 7; No. 28 of 1994 s. 59; No. 35 of 2007 s. 77.]*

21 **144A. Royalty value**

22 (1) For the purposes of this Act (but subject to subsection (2)) the  
23 royalty value of any [petroleum, regulated substance](#) ~~petroleum~~  
24 or geothermal energy is its value at the well-head as agreed or  
25 determined under section 145.

26 (2) If the value at the well-head [of petroleum, a regulated substance](#)  
27 ~~of petroleum~~ or geothermal energy as agreed or determined  
28 under section 145 is calculated in a way that provides for a  
29 reduction, discount, deduction or allowance to be made for  
30 federal duty that has been paid, is payable or may become  
31 payable, the royalty value of [that petroleum, regulated substance](#)  
32 ~~that petroleum~~ or geothermal energy is the sum of —

- 33 (a) its value at the well-head as so calculated; and  
34 (b) the amount of that reduction, discount, deduction or  
35 allowance.

36 (3) In subsection (2) **federal duty** means excise duty, or any other  
37 tax, duty, fee, levy or charge (except a tax, duty, fee, levy or

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1 charge of a kind excluded from this definition by the  
2 regulations) imposed by or under a law of the Commonwealth.

3 *[Section 144A inserted: No. 11 of 1994 s. 6; amended: No. 35 of*  
4 *2007 s. 78.]*

5 **145. Ascertainment of value of petroleum, regulated substance or**  
6 **geothermal energy ~~Ascertainment of value of petroleum or~~**  
7 **~~geothermal energy~~**

8 For the purposes of this Act the value at the well-head of any  
9 petroleum, regulated substance ~~petroleum~~ or geothermal energy  
10 is such amount as is agreed between the permittee, holder of the  
11 drilling reservation, lessee or licensee and the Minister, or in  
12 default of agreement within such period as the Minister allows  
13 is such amount as is determined by the Minister as being that  
14 value.

15 *[Section 145 amended: No. 12 of 1990 s. 111; No. 78 of 1990*  
16 *s. 7; No. 35 of 2007 s. 79.]*

17 **146. Ascertainment of well-head**

18 For the purposes of this Act, the well-head, in relation to any  
19 petroleum, regulated substance ~~petroleum~~ or geothermal energy,  
20 is such valve station as is agreed between the permittee, holder  
21 of the drilling reservation, lessee or licensee and the Minister,  
22 or, in default of agreement within such period as the Minister  
23 allows, is such valve station as is determined by the Minister as  
24 being that well-head.

25 *[Section 146 amended: No. 12 of 1990 s. 112; No. 78 of 1990*  
26 *s. 7; No. 35 of 2007 s. 80.]*

27 **147. Ascertainment of quantity of petroleum, regulated**  
28 **substance or geothermal energy recovered ~~Ascertainment of~~**  
29 **~~quantity of petroleum or geothermal energy recovered~~**

30 For the purposes of this Act, the quantity of petroleum, a  
31 regulated substance ~~petroleum~~ or geothermal energy recovered  
32 by a permittee, holder of a drilling reservation, lessee or  
33 licensee during a period is ~~shall be~~ taken to be —

- 34 (a) the quantity measured during that period by a measuring  
35 device approved by the Minister and installed at the  
36 well-head or at such other place as the Minister  
37 approves; or

1 (b) where no such measuring device is so installed, or the  
2 Minister is not satisfied that the quantity of petroleum, a  
3 regulated substance ~~petroleum~~ or geothermal energy  
4 recovered by the permittee, holder of the drilling  
5 reservation, lessee or licensee has been properly or  
6 accurately measured by such a measuring device, the  
7 quantity determined by the Minister as being the  
8 quantity recovered by the permittee, holder of the  
9 drilling reservation, lessee or licensee during that period.

10 *[Section 147 amended: No. 12 of 1990 s. 113; No. 78 of 1990*  
11 *s. 7; No. 35 of 2007 s. 81.]*

12 **148. Payment of royalty and penalty for late payment**

13 (1) Royalty under this Act in respect of petroleum, a regulated  
14 substance ~~petroleum~~ or geothermal energy recovered during a  
15 royalty period is payable not later than the last day of the next  
16 succeeding royalty period.

17 (2) Where the amount of royalty under this Act is not paid as  
18 provided by subsection (1), there is payable to the Minister by  
19 the permittee, the holder of the drilling reservation, the lessee or  
20 the licensee an additional amount calculated at the rate of  
21 one-third of 1% per day on ~~one third of one per centum per day~~  
22 ~~upon~~ the amount of royalty from time to time remaining unpaid,  
23 to be computed from the time when the royalty became payable  
24 until it is paid.

25 (3) An additional amount is not payable under subsection (2) in  
26 respect of any period before the expiration of 7 days after the  
27 value of the petroleum, regulated substance or geothermal  
28 energy ~~petroleum~~ was agreed or determined under section 145.

29 *[Section 148 amended: No. 12 of 1990 s. 114; No. 78 of 1990*  
30 *s. 7; No. 28 of 1994 s. 60; No. 35 of 2007 s. 82.]*

31 **149. Royalty or late payment amount is debt due to Crown**

32 Royalty payable under section 142 or an amount payable under  
33 section 148(2) is a debt due by the permittee, holder of the  
34 drilling reservation, lessee or licensee to the Crown and is  
35 recoverable in a court of competent jurisdiction.

36 *[Section 149 amended: No. 12 of 1990 s. 115; No. 78 of 1990*  
37 *s. 7.]*

38 *[Part IIIA (s. 149A-149C) deleted: No. 36 of 2020 s. 305.]*

1 **Part IVA — Release of information**

2 *[Heading inserted: No. 42 of 2010 s. 57.]*

3 **Division 1 — Preliminary**

4 *[Heading inserted: No. 42 of 2010 s. 57.]*

5 **150A. Terms used**

6 In this Part, unless the contrary intention appears —

7 ***applicable document*** means —

- 8 (a) an application made after the commencement to the  
9 Minister under this Act; or  
10 (b) a document accompanying an application so made; or  
11 (c) a report, return or other document relating to a block  
12 given after the commencement to the Minister under —  
13 (i) this Act; or  
14 (ii) regulations made for the purposes of  
15 section 116A;

16 ***commencement*** means the commencement of the *Petroleum*  
17 *and Energy Legislation Amendment Act 2010* section 57;

18 ***documentary information*** means information contained in an  
19 applicable document;

20 ***mining sample*** means —

- 21 (a) a core or cutting from, or a sample of, the seabed or  
22 subsoil; or  
23 (b) a sample of [petroleum or a regulated](#)  
24 [substance](#)~~petroleum~~-recovered; or  
25 (c) a sample of fluid recovered (other than fluid [petroleum](#)  
26 [or a regulated substance](#)~~petroleum~~),

27 that has been given at any time, whether before or after the  
28 commencement, to the Minister, and includes a portion of such  
29 a core, cutting or sample;

30 ***Minister of another jurisdiction*** means a Minister of the  
31 Commonwealth, a Minister of another State or a Minister of the  
32 Northern Territory.

33 *[Section 150A inserted: No. 42 of 2010 s. 57.]*

1     **Division 2 — Protection of confidentiality of information and**  
2   **samples**

3                         *[Heading inserted: No. 42 of 2010 s. 57.]*

4     **Subdivision 1 — Information and samples obtained by the Minister**

5                         *[Heading inserted: No. 42 of 2010 s. 57.]*

6     **150B. Protection of confidentiality of information obtained by**  
7   **Minister**

- 8             (1) This section restricts what the Minister may do with  
9                 documentary information.
- 10            (2) The Minister shall not —
- 11                 (a) make the information publicly known; or
- 12                 (b) make the information available to a person (other than  
13                         another Minister or a Minister of another jurisdiction),
- 14                 unless the Minister does so —
- 15                 (c) in accordance with regulations made for the purposes of  
16                         this paragraph; or
- 17                 (d) for the purposes of the administration of this Act.

18                         *[Section 150B inserted: No. 42 of 2010 s. 57.]*

19     **150C. Protection of confidentiality of samples obtained by Minister**

- 20             (1) This section restricts what the Minister may do with a mining  
21                 sample.
- 22             (2) The Minister shall not —
- 23                 (a) make publicly known any details of the sample; or
- 24                 (b) permit a person (other than another Minister or a  
25                         Minister of another jurisdiction) to inspect the sample,
- 26                 unless the Minister does so —
- 27                 (c) in accordance with regulations made for the purposes of  
28                         this paragraph; or
- 29                 (d) for the purposes of the administration of this Act.

30                         *[Section 150C inserted: No. 42 of 2010 s. 57.]*



1 **150D. Information or samples obtained by Minister can be made**  
2 **available to certain persons**

3 The Minister may make documentary information or a mining  
4 sample available to another Minister or a Minister of another  
5 jurisdiction.

6 *[Section 150D inserted: No. 42 of 2010 s. 57.]*

7 **Subdivision 2 — Information and samples obtained by another**  
8 **Minister**

9 *[Heading inserted: No. 42 of 2010 s. 57.]*

10 **150E. Protection of confidentiality of information obtained by**  
11 **another Minister**

12 (1) This section restricts what a Minister may do with documentary  
13 information made available to that Minister under section 150D  
14 or 150G.

15 (2) The Minister shall not —

16 (a) make the information publicly known; or

17 (b) make the information available to a person (other than  
18 another Minister or a Minister of another jurisdiction),

19 unless the Minister does so —

20 (c) in accordance with regulations made for the purposes of  
21 this paragraph; or

22 (d) for the purposes of the administration of this Act.

23 *[Section 150E inserted: No. 42 of 2010 s. 57.]*

24 **150F. Protection of confidentiality of samples obtained by another**  
25 **Minister**

26 (1) This section restricts what a Minister may do with a mining  
27 sample made available to that Minister under section 150D  
28 or 150G.

29 (2) The Minister shall not —

30 (a) make publicly known any details of the sample; or

31 (b) permit a person (other than another Minister or a  
32 Minister of another jurisdiction) to inspect the sample,

33 unless the Minister does so —

34 (c) in accordance with regulations made for the purposes of  
35 this paragraph; or



1 (d) for the purposes of the administration of this Act.

2 *[Section 150F inserted: No. 42 of 2010 s. 57.]*

3 **150G. Information or samples obtained by another Minister can be**  
4 **made available to certain persons**

5 A Minister to whom documentary information or a mining  
6 sample is made available under section 150D or this section  
7 may make the information or sample available to another  
8 Minister or a Minister of another jurisdiction.

9 *[Section 150G inserted: No. 42 of 2010 s. 57.]*

10 **Subdivision 3 — Miscellaneous**

11 *[Heading inserted: No. 42 of 2010 s. 57.]*

12 **150H. Fees**

13 (1) This section applies to regulations made for the purposes of any  
14 of the following —

15 (a) section 150B(2)(c);

16 (b) section 150C(2)(c);

17 (c) section 150E(2)(c);

18 (d) section 150F(2)(c).

19 (2) The regulations may make provision for fees relating to —

20 (a) making information available to a person; or

21 (b) permitting a person to inspect a sample.

22 *[Section 150H inserted: No. 42 of 2010 s. 57.]*

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1 **Part IV — Miscellaneous**

2 **150. Jurisdiction of Magistrates Court**

3 (1) In any action brought before the Magistrates Court under  
4 section 14, 17, 18, 19, 21 or 22, the court has jurisdiction  
5 irrespective of the amount claimed.

6 (2) The procedure of the Magistrates Court in relation to  
7 proceedings brought before it under Part II shall be as  
8 prescribed by the rules of court, or in the absence of those rules,  
9 as the court determines.

10 *[Section 150 amended: No. 59 of 2004 s. 141.]*

11 **151. Special case may be reserved for Supreme Court**

12 At any stage of any civil proceedings before it the Magistrates  
13 Court may reserve any question of law for the opinion of the  
14 Supreme Court, and, with respect to every question so reserved,  
15 the following provisions shall apply —

16 (a) the Magistrates Court shall prepare a special case,  
17 setting forth the question so reserved, and shall transmit  
18 such case to a master of the Supreme Court;

19 (b) the master shall set a special case down for argument  
20 before a judge of the Supreme Court, and the judge's  
21 opinion on the special case shall, when given, be drawn  
22 up and transmitted by the master to the Magistrates  
23 Court;

24 (c) the costs of the proceedings shall be in the discretion of  
25 the judge;

26 (d) upon receipt of such opinion the Magistrates Court shall  
27 act in accordance therewith, and in the meantime no  
28 judgment or order of the Magistrates Court shall affect  
29 the question so reserved;

30 (e) when reserving any such question, or at any time before  
31 acting on the judge's opinion thereon, the Magistrates  
32 Court, on the application of any party to the  
33 proceedings, and on such terms as it thinks fit, may  
34 make such order for an injunction or a receiver or for  
35 payment of money into court, or for giving security for  
36 damages and costs or otherwise, and on such terms, as it  
37 may think fit.

38 *[Section 151 amended: No. 12 of 1990 s. 116; No. 59 of 2004*  
39 *s. 141.]*

1 **152. Certain things are not personal property for purposes of**  
 2 ***Personal Property Securities Act 2009* (Commonwealth)**

3 In accordance with the *Personal Property Securities Act 2009*  
 4 (Commonwealth) section 10 the definition of *licence*  
 5 paragraph (d), the following rights, entitlements or authorities  
 6 are declared not to be personal property for the purposes of that  
 7 Act —

- 8 (a) a petroleum exploration permit or a geothermal  
 9 exploration permit granted under section 37;
- 10 (b) a drilling reservation granted under section 43C(4);
- 11 (c) a petroleum retention lease or geothermal retention lease  
 12 granted under section 48B(5);
- 13 (d) a petroleum production licence or geothermal  
 14 production licence granted under section 61(4).

15 *[Section 152 inserted: No. 42 of 2011 s. 87.]*

16 *[152A, 152B. Deleted: No. 28 of 1994 s. 61.]*

17 **153. Regulations**

- 18 (1) The Governor may make regulations, not inconsistent with this  
 19 Act, prescribing all matters that by this Act are required or  
 20 permitted to be prescribed or are necessary or convenient to be  
 21 prescribed for carrying out or giving effect to this Act.
- 22 (2) In particular, but without limiting the generality of  
 23 subsection (1), the regulations may make provision for securing,  
 24 regulating, controlling or restricting all or any of the following  
 25 matters —
  - 26 (a) the exploration for [petroleum, a regulated substance](#)  
 27 ~~petroleum~~ or geothermal energy resources and the  
 28 carrying on of operations, and the execution of works,  
 29 for that purpose;
  - 30 (b) the recovery of [petroleum, a regulated substance](#)  
 31 ~~petroleum~~ or geothermal energy and the carrying on of  
 32 operations, and the execution of works, for that purpose;
  - 33 (c) conserving, and preventing the waste of, natural  
 34 resources, whether [petroleum, a regulated substance](#)  
 35 ~~petroleum~~ or otherwise;
  - 36 (d) the construction, erection, maintenance, operation or use  
 37 of installations, equipment or facilities;
  - 38 (e) the control of the flow and the prevention of the escape  
 39 of [petroleum, a regulated substance](#) ~~petroleum~~ or water;

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- 1 (f) the control of the flow or discharge, and the prevention  
2 of the escape, of petroleum, a regulated substance  
3 ~~petroleum~~, water or drilling fluid, or a mixture of water  
4 or drilling fluid with petroleum, a regulated substance  
5 ~~petroleum~~ or any other matter;
- 6 (fa) the clean-up or other remedying of the effects of the  
7 escape of petroleum or a regulated substance~~petroleum~~;
- 8 (g) the prevention of damage to strata bearing petroleum or  
9 a regulated substance ~~petroleum-bearing strata~~ or  
10 geothermal energy resources in an area, whether in the  
11 State or not, in respect of which a permit, drilling  
12 reservation, lease or licence is not in force;
- 13 (h) the keeping separate of —
- 14 (i) each resources pool ~~petroleum pool~~ discovered in  
15 a permit area, drilling reservation, lease area or  
16 licence area; and
- 17 (ii) each source of water discovered in a permit area,  
18 drilling reservation, lease area or licence area;
- 19 (i) the prevention of water or other matter from entering a  
20 resources pool ~~petroleum pool~~ through wells;
- 21 (j) the maintaining in good condition and repair of all  
22 structures, equipment and other property used or  
23 intended to be used for or in connection with exploration  
24 for, or the exploitation of, petroleum, a regulated  
25 substance ~~petroleum~~ or geothermal energy resources in  
26 the State;
- 27 (k) the removal from the State of structures, equipment and  
28 other property brought into the State for or in connection  
29 with exploration for, or the exploitation of, petroleum, a  
30 regulated substance ~~petroleum~~ or geothermal energy  
31 resources that are not used or intended to be used in  
32 connection with exploration for, or the exploitation of,  
33 petroleum, a regulated substance ~~petroleum~~ or  
34 geothermal energy resources in the State;
- 35 (la) the preparation, submission and approval of  
36 environment plans;
- 37 (lb) the prohibition of the doing of an act or thing otherwise  
38 than in accordance with an approved environment plan;
- 39 (lc) the responsibilities of a permittee, holder of a drilling  
40 reservation, lessee, licensee or holder of a special  
41 prospecting authority or access authority as to

- 1 authorising, or obtaining authorisation for, the release of  
2 documentary information as defined in section 150A;
- 3 (l) fees in relation to petroleum operations or geothermal  
4 energy operations, audits or other services provided by  
5 the Minister;
- 6 (m) any transitional matter arising out of the amendments  
7 made to this Act by the *Petroleum Legislation*  
8 *Amendment and Repeal Act 2005*.
- 9 (2a) The regulations may make provision in relation to a matter by  
10 applying, adopting or incorporating, with or without  
11 modification, a code of practice or standard contained in an  
12 instrument (including an instrument issued or made outside  
13 Australia), as in force or existing at the time when the  
14 regulations take effect or as in force or existing from time to  
15 time, being a code of practice or standard that is relevant to that  
16 matter.
- 17 (2b) Regulations under this section may prohibit the doing of an act  
18 or thing either unconditionally or subject to conditions,  
19 including conditions requiring the grant, as prescribed by the  
20 regulations, of the consent or approval of a person specified in  
21 the regulations.
- 22 (2c) Regulations under this section may adopt or apply, with or  
23 without modification, any regulation made under the *Petroleum*  
24 *Pipelines Act 1969*, the *Petroleum (Submerged Lands) Act 1982*  
25 or the Commonwealth Act as defined in that Act, that is in force  
26 or existing at the time when the regulations under this section  
27 take effect or as in force or existing from time to time.
- 28 (3) The regulations may provide, in respect of an offence against  
29 the regulations, for the imposition of —
- 30 (a) a fine not exceeding \$10 000; or  
31 (b) a fine not exceeding that amount for each day on which  
32 the offence occurs.

33 [Section 153 amended: No. 12 of 1990 s. 118; No. 78 of 1990  
34 s. 7; No. 28 of 1994 s. 62; No. 13 of 2005 s. 15; No. 35 of 2007  
35 s. 83 and 87; No. 42 of 2010 s. 58; No. 36 of 2020 s. 306.]

36 **154. Further transitional provisions**

- 37 (1) In this section —
- 38 ***Gazettal day*** means the day on which transitional regulations  
39 are published in the *Gazette*;

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- 1            ***transitional matter*** means a matter of a transitional, savings or  
2            application nature;
- 3            ***transitional regulations*** means regulations under subsection (3).
- 4            (2) Schedule 2 contains provisions relating to transitional matters.
- 5            (3) Regulations may prescribe anything else required, necessary or  
6            convenient to be prescribed in relation to a transitional matter in  
7            connection with amendments made to this Act by another Act  
8            (the ***amending Act***).
- 9            (4) Transitional regulations can only be made before the end of the  
10           period of 12 months beginning on the day on which the  
11           amending Act commences.
- 12           (5) If transitional regulations provide that a state of affairs is to be  
13           taken to have existed, or not to have existed, on and from a day  
14           (the ***operative day***) that is earlier than Gazettal day, the  
15           regulations have effect according to their terms as long as the  
16           operative day is not earlier than the day on which the amending  
17           Act commences.
- 18           (6) If transitional regulations contain a provision referred to in  
19           subsection (5), the provision does not operate so as to —
- 20           (a) affect in a manner prejudicial to any person (other than  
21           the State), the rights of that person existing before  
22           Gazettal day; or
- 23           (b) impose liabilities on any person (other than the State or  
24           an authority of the State) in respect of anything done or  
25           omitted to be done before Gazettal day.

26           *[Section 154 inserted: No. 42 of 2010 s. 59.]*

**Part 3 — Petroleum Pipelines Act 1969 amended**

**4. Act amended**

This Part amends the *Petroleum Pipelines Act 1969*.

*[The following text is the Petroleum Pipelines Act 1969 showing proposed amendments in track changes.]*

**Petroleum Pipelines Act 1969**

**An Act relating to the construction, operation and maintenance of pipelines for the conveyance of petroleum and for purposes connected therewith.**

**Part I — Preliminary**

**1. Short title**

This Act may be cited as the *Petroleum Pipelines Act 1969*.

**2. Commencement**

This Act shall come into operation on a date to be fixed by proclamation.

*[3. Deleted: No. 12 of 1990 s. 120.]*

**4. Terms used**

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

*approved* means approved by the Minister;

*inspector* means a person appointed an inspector under this Act;

*licence* means a current licence granted under this Act authorising the construction and operation of a pipeline;

*licence area* in relation to a licence means the lands specified in the licence as being that area;

*licensee* means a person who is the registered holder of a licence;

*Minister for Lands* means the Minister as defined in the *Land Administration Act 1997* section 3(1);

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1 **owner** in relation to —

2 (a) land other than Crown land or land owned by or vested  
3 in the Crown or a public authority, includes every  
4 person who jointly or severally, whether at law or in  
5 equity —

6 (i) is entitled to the land for an estate of freehold in  
7 possession;

8 (ii) is a person to whom the Crown has lawfully  
9 contracted to transfer the land in fee simple  
10 under the *Land Administration Act 1997*, or any  
11 other Act;

12 (iii) is entitled to receive, or is in receipt of, or if the  
13 land were let would be entitled to receive the  
14 rents and profits thereof, whether as beneficial  
15 owner, trustee, mortgagee in possession, or  
16 otherwise;

17 (b) Crown land and land owned by or vested in the Crown,  
18 means the Crown;

19 (c) land owned by or vested in a public authority, means  
20 that public authority,

21 and **owned** and like expressions have a corresponding meaning;

22 **partly cancelled** in relation to a licence means cancelled as to  
23 part of the pipeline the subject of the licence;

24 **petroleum** —

25 (a) means the following —

26 (i) any naturally occurring hydrocarbon, whether in  
27 a gaseous, liquid or solid state;

28 (ii) any naturally occurring mixture of hydrocarbons,  
29 whether in a gaseous, liquid or solid state;

30 (iii) any naturally occurring mixture of 1 or more  
31 hydrocarbons, whether in a gaseous, liquid or  
32 solid state, and 1 or more of hydrogen sulphide,  
33 nitrogen, helium and carbon dioxide;

34 and

35 (b) includes the following —

36 (i) any petroleum as defined by paragraph (a) that  
37 has been returned to a natural reservoir, except  
38 oil shale;



1 (ii) any petroleum as defined by paragraph (a)  
 2 or (b)(i) to which 1 or more things prescribed by  
 3 the regulations for the purposes of this definition  
 4 have been added;

5 ~~petroleum means~~

6 ~~(a) any naturally occurring hydrocarbon, whether in a~~  
 7 ~~gaseous, liquid or solid state; or~~

8 ~~(b) any naturally occurring mixture of hydrocarbons,~~  
 9 ~~whether in a gaseous, liquid or solid state; or~~

10 ~~(c) any naturally occurring mixture of one or more~~  
 11 ~~hydrocarbons, whether in a gaseous, liquid or solid state,~~  
 12 ~~and any one or more of the following, that is to say,~~  
 13 ~~hydrogen sulphide, nitrogen, helium and carbon dioxide,~~

14 ~~and includes any petroleum as defined by paragraph (a), (b) or~~  
 15 ~~(c) of this definition that has been returned to a natural~~  
 16 ~~reservoir;~~

17 *pipeline* means a pipe or system of pipes used or intended to be  
 18 used for the conveyance of petroleum, ~~conveyance of~~  
 19 ~~petroleum~~; and includes all structures for protecting or  
 20 supporting a pipeline and all loading terminals, works and  
 21 buildings and all fittings, pumps, tanks, storage tanks, meters  
 22 and other appurtenances and appliances and any facility, or any  
 23 facility of a class, which is declared for the time being under  
 24 section 5 to be a pipeline facility for the purposes of this Act  
 25 used in connection with a pipeline, but does not include —

26 (a) a pipeline as defined in the *Petroleum (Submerged*  
 27 *Lands) Act 1982*;

28 (b) a pipeline that is used —

29 (i) for the conveyance of petroleum from the well  
 30 head to a tank or separator or for the collection of  
 31 petroleum within the area in which it is produced  
 32 or recovered;

33 (ii) for returning petroleum to a natural reservoir;

34 (iii) for the conveyance of petroleum for use for the  
 35 purpose of petroleum exploration operations or  
 36 operations for the recovery of petroleum;

37 (iv) for the conveyance of petroleum that is to be  
 38 flared or vented;

39 (c) a pipeline constructed or to be constructed under the  
 40 authority of any Act, other than this Act;

41 [(d) deleted]

**s. 4**

- 1 (da) a pipeline that is part of a distribution system as defined  
2 in the *Energy Coordination Act 1994*;
- 3 (e) a pipeline constructed or to be constructed on land used  
4 for residential, business, agricultural, commercial or  
5 industrial purposes, designed for use solely for the  
6 residential, business, agricultural, commercial or  
7 industrial purposes carried on on that land and situated  
8 wholly within the boundaries of that land;
- 9 (f) a pipeline or a pipeline of a class declared for the time  
10 being under section 5 not to be a pipeline for the  
11 purposes of this Act;

12 **pipeline operation** means any of the following —

- 13 (a) an operation in connection with the construction,  
14 operation, inspection (by a person other than an  
15 inspector), maintenance or repair of a pipeline;
- 16 (b) an operation carried out on land that is specified in any  
17 licence as licence area;
- 18 (c) the care and maintenance of land, waters or  
19 infrastructure affected by an operation referred to in  
20 paragraph (a) or (b);
- 21 (d) the decommissioning of an operation referred to in  
22 paragraph (a) or (b);
- 23 (e) the rehabilitation of the land or waters affected by an  
24 operation referred to in paragraph (a) or (b);

25 ~~**pipeline operation** means an operation —~~

- 26 ~~(a) in connection with the construction, operation,~~  
27 ~~inspection (by a person other than an inspector),~~  
28 ~~maintenance or repair of a pipeline; and~~
- 29 ~~(b) carried out on land that is specified in any licence as~~  
30 ~~licence area;~~

31 **public authority** means —

- 32 (a) a Minister of the Crown acting in an his-official capacity  
33 under an Act; or
- 34 (b) a State instrumentality; or
- 35 (c) any body —
- 36 (i) which is established under an Act; and
- 37 (ii) which administers or carries out any social  
38 service or public utility for the benefit of the  
39 State; and

- 1 (iii) which is declared for the time being under  
2 section 5 to be a public authority for the purposes  
3 of this Act;

4 **register** means the register referred to in section 43;

5 **registered holder** in relation to a licence means the person  
6 whose name is for the time being shown in the register as being  
7 the holder of the licence;

8 **relinquished area** means in relation to a licence that —

- 9 (a) has expired or been wholly cancelled — the licence  
10 area; and  
11 (b) has been partly cancelled — that part of the licence area  
12 on which is situated the part of the pipeline as to which  
13 the licence was partly cancelled;

14 **wholly cancelled** in relation to a licence means cancelled as to  
15 the whole of the pipeline the subject of the licence.

16 (2) In this Act, a reference —

- 17 (a) to a pipeline on any land, includes a reference to a  
18 pipeline in, under, through, across or above the surface  
19 of the land;  
20 (b) to a pipeline, includes a reference to part of a pipeline;  
21 (c) to a licence, includes a reference to a licence as varied  
22 under this Act.

23 [Section 4 amended: No. 12 of 1990 s. 121; No. 28 of 1994  
24 s. 64; No. 73 of 1994 s. 4; No. 31 of 1997 s. 77(1) and 141;  
25 No. 20 of 1999 s. 10(5); No. 13 of 2005 s. 19; No. 8 of 2010  
26 s. 22; No. 42 of 2010 s. 173; No. 36 of 2020 s. 325.]

27 **5. Power of Minister to make certain declarations for**  
28 **interpretation purposes**

29 (1) The Minister may by order —

- 30 (a) declare —  
31 (i) a facility, or a facility of a class, specified in the  
32 order to be a pipeline facility; or  
33 (ii) a pipeline, or a pipeline of a class, specified in  
34 the order not to be a pipeline; or  
35 (iii) a body which is referred to in paragraph (c) of  
36 the definition of **public authority** in section 4(1)

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1 and which is specified in the order to be a public  
2 authority,

3 for the purposes of this Act; or

4 (b) repeal an order made under this subsection.

5 (2) An order made under subsection (1) has legislative effect for the  
6 purposes of the definition of *subsidiary legislation* in section 5  
7 of the *Interpretation Act 1984*.

8 (3) A declaration of the kind referred to in subsection (1)(a)(i) may  
9 be made so as to have retrospective effect.

10 [*Section 5 inserted: No. 12 of 1990<sup>2</sup> s. 122.*]

11 [*5AA. Deleted: No. 36 of 2020 s. 326.*]

1 **Part II — Licences and acquisition of land and rights**  
2 **over land**

3 [5A. Deleted: No. 16 of 2009 s. 72.]

4 **6. Construction etc. of pipelines**

5 (1) A person shall not —

6 (a) commence, or continue the construction of a pipeline; or

7 (b) alter or reconstruct a pipeline,

8 except under and in pursuance of a licence.

9 (2) A person shall not operate a pipeline —

10 (a) except under and in pursuance of a licence; and

11 (b) unless he has obtained the consent of the Minister under  
12 section 36 to the commencement or resumption, as the  
13 case may be, of operations and commences or resumes  
14 operations in accordance with the conditions, if any,  
15 specified in the instrument of consent.

16 (3) It is not an offence against this section —

17 (a) if, in an emergency in which there is a likelihood of loss  
18 or injury, or for the purpose of maintaining a pipeline in  
19 good order and repair, a person does an act to avoid the  
20 loss or injury or to maintain the pipeline in good order  
21 and repair and —

22 (i) as soon as practicable notifies the Minister of the  
23 act done; and

24 (ii) complies with any directions given to him by the  
25 Minister;

26 or

27 (b) if a person does an act in compliance with a direction  
28 under this Act.

29 Penalty for an offence under subsection (1) or (2): a fine of  
30 \$50 000 or imprisonment for 5 years, or both.

31 [Section 6 amended: No. 12 of 1990 s. 123; No. 13 of 2005  
32 s. 31; No. 42 of 2010 s. 182(1).]

**s. 7**

1 **7. Power of Minister to authorise entry**

2 (1) The Minister may, on an application being made to him in that  
3 behalf by a person who proposes to apply for a licence,  
4 authorise in writing either specially or generally —

5 (a) that person to enter, from time to time, during the day  
6 time, upon any land within an area specified in the  
7 authority; and

8 (b) that person to so enter with such assistants and such  
9 equipment and materials as he thinks fit,

10 for the purpose of making surveys and preliminary  
11 investigations in respect of the construction of the pipeline to  
12 which the licence for which he proposes to apply will relate.

13 (2) Any person so authorised may do all things that he considers  
14 necessary for the purpose of the survey and investigation,  
15 including the drilling or digging of holes and the affixing and  
16 setting up of such pegs, marks or poles as may be required.

17 (3) Before entry on any land is made for the purposes of this section  
18 any person authorised in that behalf under this section, shall, if  
19 practicable, give reasonable notice to the owner or occupier of  
20 the land of his intention to enter thereon and shall, if required by  
21 the owner or occupier, produce the authority under which he  
22 claims to enter or has entered on the land.

23 (4) Any damage to the land caused by any such person shall be  
24 repaired as soon as practicable and the land restored, so far as  
25 possible, to its former condition.

26 (5) A person who —

27 (a) without lawful authority removes, destroys or alters any  
28 peg, mark, pole, or other thing used for the purpose of  
29 any survey or investigation made or in the course of  
30 being made under this section; or

31 (b) wilfully damages or destroys or otherwise interferes  
32 with any such peg, mark, pole or other thing; or

33 (c) wilfully obstructs or interferes with any person lawfully  
34 engaged in connection with any such survey or  
35 investigation,

36 commits an offence against this Act.

37 Penalty: a fine of \$1 000.

38 (6) Every person having any estate or interest in land entered upon  
39 under the authority of this section and injuriously affected or

1 suffering any damage thereby, is entitled to full compensation,  
2 the amount thereof to be as agreed between the person making  
3 the entry and the person claiming compensation, or, failing  
4 agreement, to be determined by a court of competent  
5 jurisdiction.

6 *[Section 7 amended: No. 12 of 1990 s. 124; No. 42 of 2010*  
7 *s. 182(13).]*

## 8. Application for licence

9 (1) An application for a licence —

10 *[(a) deleted]*

11 (b) shall be made in the approved manner; and

12 (c) shall be accompanied by particulars of —

13 (i) the design and construction of the proposed  
14 pipeline;

15 (ii) the provisions for cathodic protection of the  
16 proposed pipeline;

17 (iii) the size and capacity of the proposed pipeline;

18 (iv) the proposals of the applicant for work and  
19 expenditure in respect of the construction of the  
20 proposed pipeline;

21 (v) the technical qualifications of the applicant and  
22 of his employees;

23 (vi) the technical advice available to the applicant;

24 (vii) the financial resources available to the applicant;

25 and

26 (d) shall be accompanied by a plan, drawn to an approved  
27 scale —

28 (i) showing the route of the proposed pipeline; and

29 (ii) showing the situation of any proposed pumping  
30 and compression stations, terminal facilities and  
31 other permanent appurtenances of a substantial  
32 nature intended to be used in connection with the  
33 operation of the proposed pipeline; and

34 (iii) showing the lands, if any proposed to be used for  
35 the purposes of gaining access to the proposed  
36 pipeline; and

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- 1 (iv) on which shall be identified the lands or  
2 easements over lands referred to in paragraph (f);  
3 and  
4 (e) shall be accompanied by particulars of any agreements  
5 entered into or proposed to be entered into, by the  
6 applicant for the acquisition by him of, or of easements  
7 over, the lands shown in the plan, referred to in  
8 paragraph (d); and  
9 (f) shall specify, in relation to each part of the proposed  
10 pipeline, particulars of the lands, or the easements over  
11 lands, acquired or agreed to be acquired, or in respect of  
12 which the applicant will need to acquire for the purpose  
13 of constructing and operating the proposed pipeline or  
14 gaining access thereto; and  
15 (g) shall be accompanied by any agreements entered into, or  
16 proposed to be entered into, by the applicant for or in  
17 relation to the supply or conveyance of petroleum by  
18 means of the proposed pipeline; and  
19 (h) shall be accompanied by copies of the notifications  
20 caused to be served in accordance with the provisions of  
21 subsection (3); and  
22 (i) may set out any other matter that the applicant wishes  
23 the Minister to consider; and  
24 (j) shall be accompanied by the prescribed application fee.
- 25 (2) The Minister may, at any time, by instrument in writing served  
26 on the applicant, require him to furnish to the Minister, within  
27 the time specified in the instrument, further information in  
28 writing in connection with his application.
- 29 (3) At the time of making the application the applicant —  
30 (a) shall notify the local government of each district in  
31 which any part of the proposed pipeline is intended to be  
32 situated, that an application has been made; and  
33 (b) shall notify each owner and each occupier, if any, of any  
34 land over which any part of the pipeline referred to in  
35 the application is to be constructed, that an application  
36 has been made.
- 37 (4) The Minister, at the expense of the applicant, shall, as soon as  
38 practicable, publish —  
39 (a) in the *Government Gazette*; and



- 1 (b) in a daily newspaper circulating generally in the State;  
 2 and  
 3 (c) in such other newspapers as the Minister considers  
 4 necessary which circulate in the districts in which the  
 5 proposed pipeline is intended to be situated,

6 a notice that he has received the application and that a map  
 7 showing the proposed route of the pipeline may be examined at  
 8 the place or places and at the times specified in the notice.

9 (5) The Minister may direct the applicant to inform such other  
 10 persons as the Minister considers necessary that the application  
 11 has been made.

12 (6) An application and each of the documents accompanying it shall  
 13 be submitted in quadruplicate.

14 *[Section 8 amended: No. 12 of 1990 s. 125; No. 28 of 1994*  
 15 *s. 77; No. 14 of 1996 s. 4; No. 42 of 2010 s. 174.]*

16 **9. Refusal of licence**

17 (1) The Minister may refuse an application made under  
 18 section 8(1), but such an application shall not be refused  
 19 unless —

- 20 (a) the Minister has, by instrument in writing served on the  
 21 applicant, given not less than 90 days' notice of his  
 22 intention to refuse the application; and  
 23 (b) the Minister has served a copy of the instrument on such  
 24 other persons, if any, as he thinks fit; and  
 25 (c) the Minister has, in the instrument —  
 26 (i) given particulars of the reason for the intention;  
 27 and  
 28 (ii) specified a date on or before which the applicant  
 29 or a person on whom a copy of the instrument is  
 30 served may, by instrument in writing served on  
 31 the Minister, submit any matters that he wishes  
 32 the Minister to consider;

33 and

34 (d) the Minister has taken into account particulars of any  
 35 matters so submitted on or before the specified date.

36 *[(2) deleted]*

37 *[Section 9 amended: No. 28 of 1994 s. 65.]*

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1 **10. Grant of licence**

2 (1) Where —

3 (a) a person makes an application in accordance with  
4 section 8 and the Minister is satisfied that the applicant  
5 has made provision or given security to the satisfaction  
6 of the Minister for the payment —

7 (i) of all compensation payable in respect of any  
8 land or easement over any land to be taken by  
9 compulsory acquisition;

10 (ii) of all charges and expenses necessary for or  
11 incidental to the compulsory acquisition of that  
12 land or easement;

13 and

14 (b) a period of 28 days has elapsed since the date on which  
15 the last of the notifications required to be given by  
16 section 8(3) was given,

17 the Minister may, after taking into consideration any  
18 representations made to him with respect to the proposed  
19 pipeline, and in particular the matters referred to in  
20 subsection (2), grant to the applicant a licence in respect of the  
21 proposed pipeline and cause to be published in the *Government*  
22 *Gazette* a notice that the licence has been granted.

23 (2) In considering any such application the Minister shall generally  
24 have regard to —

25 (a) the public interest; and

26 (b) the financial ability of the applicant to construct, operate  
27 and maintain the proposed pipeline; and

28 (c) whether the construction of the proposed pipeline on the  
29 lands specified in the application would contravene any  
30 planning scheme under the *Planning and Development*  
31 *Act 2005*; and

32 (d) whether the construction and operation of the proposed  
33 pipeline on the lands specified in the application would  
34 be unsuitable by reason of the proposed pipeline being  
35 likely to interfere unnecessarily with improvements,  
36 improved land, flora, fauna or scenic attractions or for  
37 any other reason that the Minister thinks sufficient.

38 [Section 10 amended: No. 28 of 1994 s. 66; No. 38 of 2005  
39 s. 15.]

1 [10A. Deleted: No. 52 of 1995 s. 43.]

2 [11. Deleted: No. 42 of 2010 s. 175.]

3 **12. Conditions of licence**

4 (1) A licence may be granted subject to such conditions as the  
5 Minister thinks fit and specifies in the licence.

6 (2) The conditions referred to in subsection (1) may include a  
7 condition that the licensee ~~must shall~~ complete the construction  
8 of, and commence to operate, the pipeline within the period  
9 specified in the licence.

10 (2A) The conditions referred to in subsection (1) may include a  
11 condition that the licensee must install 1 or more meters on the  
12 pipeline, of an approved kind and at approved locations, for the  
13 purposes of calculating royalties under the *Petroleum and*  
14 *Geothermal Energy Resources Act 1967* and the *Petroleum*  
15 *(Submerged Lands) Act 1982.*

16 (2B) A condition referred to in subsection (2A) may require the  
17 installation of a meter for the purposes of royalty calculation  
18 regardless of whether the royalty relates to —

19 (a) the permit, drilling reservation, lease, licence or access  
20 authority in relation to which the meter was installed; or

21 (b) another permit, drilling reservation, lease, licence,  
22 special prospecting authority or access authority.

23 (2C) A condition referred to in subsection (2A) may be imposed in  
24 relation to the permit, drilling reservation, lease, licence or  
25 access authority —

26 (a) at the time it is granted; or

27 (b) at any subsequent time, by written notice to the holder  
28 of the permit, drilling reservation, lease, licence or  
29 access authority.

30 (3) Subject to subsection (4), the licence is subject to a condition  
31 that the licensee ~~must shall~~ not commence or cause to be  
32 commenced the construction of the proposed pipeline specified  
33 therein over any part of the licence area unless ~~the licensee he~~  
34 has first acquired all the lands in that part of the licence area or  
35 a lease, licence or other authority over the lands and acquired  
36 and registered all such easements over those lands as are  
37 necessary for ~~the licensee him~~ to lawfully construct that pipeline  
38 over those lands or part thereof and to have the right of access  
39 thereto.

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1 (4) Where the Minister is satisfied that the licensee has acquired  
2 any such easement and is unable to register it, through  
3 circumstances beyond [the licensee's](#) ~~his~~ control, the licensee,  
4 with the prior consent in writing of the Minister, may, pending  
5 the registration of the easement, commence or cause to be  
6 commenced the construction of the proposed pipeline over the  
7 land to which the easement relates, on such terms and  
8 conditions relating to the registration of the easement as the  
9 Minister thinks fit and specifies in the instrument of consent.

10 *[Section 12 amended: No. 42 of 1970 s. 2; No. 10 of 1983 s. 3;*  
11 *No. 12 of 1990 s. 126; No. 28 of 1994 s. 68.]*

12 **13. Security**

13 (1) A security referred to in section 10 —

14 (a) shall be given in such manner and form as are approved  
15 by the Minister; and

16 (b) may, subject to that approval, be by cash deposit or  
17 other such method as the Minister allows or partly by  
18 cash deposit and partly by such other method as the  
19 Minister allows.

20 (2) A security given in accordance with a form approved by the  
21 Minister, although it is not sealed, binds the person subscribing  
22 to it as if it were sealed.

23 (3) Whenever a security referred to in section 10 is put in suit, the  
24 production of the security without further proof entitles the  
25 Minister to judgment against the person appearing to have  
26 executed the security, for the amount of his stated liability or for  
27 such lesser amount as is claimed, unless that person proves  
28 compliance with the conditions of the security or that the  
29 security was not executed by him or release or satisfaction.

30 (4) If it appears to the court that a noncompliance with a condition  
31 of a security under this Act has occurred, the security shall not  
32 be deemed to have been discharged or invalidated and the  
33 subscriber shall not be deemed to have been released or  
34 discharged from liability, by reason of —

35 (a) any extension of time or other concession; or

36 (b) any consent to, or acquiescence in, a previous  
37 noncompliance with a condition; or

38 (c) any failure to bring suit against the subscriber upon the  
39 occurrence of a previous noncompliance with the  
40 condition.

1 (5) If there are several subscribers to the security, they are bound,  
2 unless the security otherwise provides, jointly and severally and  
3 for the full amount.

4 (6) A security referred to in section 10 may be sued on if the  
5 subscriber fails to make any payment referred to in  
6 section 10(1).

7 *[Section 13 amended: No. 28 of 1994 s. 69.]*

8 **14. Term of licence**

9 (1) Subject to this Part, a licence remains in force indefinitely.

10 (2) Subsection (1) applies to pipeline licences in force immediately  
11 before the commencement of section 176 of the amending Act  
12 as well as to pipeline licences granted on or after the  
13 commencement of that section.

14 (3) In subsection (2), a reference to a pipeline licence in force is to  
15 be read as including a reference to —

16 (a) a pipeline licence in force as a result of being renewed  
17 under section 11 as in force before its deletion by  
18 section 175 of the amending Act; and

19 (b) a pipeline licence deemed to be in force under  
20 section 11(7) as in force before that deletion.

21 (4) In subsections (2) and (3) —

22 ***amending Act*** means the *Petroleum and Energy Legislation*  
23 *Amendment Act 2010*.

24 *[Section 14 inserted: No. 42 of 2010 s. 176.]*

25 **15A. Termination of pipeline licence if no operations for 5 years**

26 (1) If a licensee —

27 (a) has not carried out any construction work under the  
28 licence at any time during a continuous period of  
29 5 years; and

30 (b) has not used the pipeline, or has not used a particular  
31 part of it, at any time during a continuous period of  
32 5 years,

33 the Minister may, by written notice served on the licensee,  
34 inform the licensee that the Minister proposes to terminate the  
35 licence, or to terminate the licence in respect of the unused part  
36 of the pipeline, as the case may be, after the end of the period of  
37 one month after the notice is served.

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1 (2) At any time after the end of the period of one month after the  
2 notice referred to in subsection (1) is served on the licensee, the  
3 Minister may, by written notice served on the licensee,  
4 terminate the licence, or terminate the licence in respect of the  
5 part of the pipeline, as the case may be.

6 (3) In working out, for the purposes of subsection (1), the duration  
7 of the period in which a licensee did not carry out any  
8 construction work under the licence or did not use the pipeline  
9 or a part of the pipeline, any period in which construction work  
10 was not carried out, or the pipeline or the part of it was not used,  
11 because of circumstances beyond the licensee's control is to be  
12 disregarded.

13 *[Section 15A inserted: No. 42 of 2010 s. 176.]*

14 **15. Variation of licence on application by licensee**

15 (1) A licensee may, at any time, by instrument in writing served on  
16 the Minister, apply for the variation of a licence other than a  
17 variation with respect to the licence area.

18 (2) An application under this section —

19 *[(a) deleted]*

20 (b) shall be accompanied by particulars of the proposed  
21 variation; and

22 (c) shall specify the reasons for the proposed variation; and

23 (d) shall be accompanied by the prescribed fee.

24 (3) The Minister may, at any time, by notice in writing served on a  
25 person who has made an application under this section, require  
26 him to furnish within a time specified in the notice further  
27 information in connection with his application.

28 (4) The Minister may —

29 (a) give notice of an application under this section to such  
30 persons, if any, as he thinks fit; and

31 (b) specify a period within which each person to whom  
32 notice is so given may submit to the Minister in writing  
33 any matters that he wishes to be considered in  
34 connection with the application.

- 1 (5) After considering particulars of any matters submitted to him  
 2 under subsection (4), the Minister may vary the licence to such  
 3 extent as he thinks necessary or may refuse to vary the licence.

4 *[Section 15 amended: No. 28 of 1994 s. 77; No. 42 of 2010*  
 5 *s. 177.]*

6 **16. Power of Minister to grant instruments ~~Power of Minister to~~  
 7 ~~grant easements etc. over Crown land~~**

- 8 (1) Notwithstanding ~~Notwithstanding~~ anything to the  
 9 contrary contained in any Act or in any licence, proclamation,  
 10 reservation, declaration or dedication of or with respect to any  
 11 Crown land, the Minister for Lands, or a public service officer  
 12 of the Department, as defined in the *Land Administration*  
 13 *Act 1997* section 3(1), who is authorised in writing by the  
 14 Minister for Lands to do so in that Minister's name, may, ~~upon~~  
 15 ~~such terms and conditions, and~~ subject to the payment of such  
 16 fee as the grantor thinks fit, grant to a licensee any lease,  
 17 easement, licence or other authority (the instrument) necessary  
 18 or expedient to enable the licensee —

- 19 (a) to construct the pipeline specified in the licensee's  
 20 licence over any such Crown land; and  
 21 (b) to operate, inspect, maintain and repair that pipeline.

- 22 (2) The instrument may be subject to conditions specified in the  
 23 instrument.

24 *[Section 16 amended: No. 8 of 2010 s. 23.]*

25 **17. Power of authority to grant instruments ~~Power of public~~  
 26 ~~authority to grant easements etc.~~**

- 27 (1) Notwithstanding ~~Notwithstanding~~ anything contained  
 28 to the contrary in any Act or rule of law or its constitution, any  
 29 public authority may, upon such terms and conditions as are  
 30 agreed upon by such authority and a licensee, and if the  
 31 Governor so determines may grant to the licensee an instrument  
 32 ~~shall, upon such terms and conditions as the Governor may~~  
 33 ~~impose, grant to the licensee a lease, easement, licence or other~~  
 34 ~~authority~~ of the kind referred to in section 16 of or over —

- 35 (a) any land vested in or owned by the public authority; or

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- 1 (b) any land under the care and management of the public  
2 authority,  
3 necessary or expedient to enable the licensee —  
4 (c) to construct the pipeline specified in the licensee's  
5 licence; and  
6 (d) to operate, inspect, maintain and repair that pipeline.

7 (2) The instrument may be subject to conditions specified in the  
8 instrument.

9 **18. Authority to make arrangements and agreements for**  
10 **easements**

- 11 (1) For the purposes of exercising the authority conferred on him by  
12 a licence, the licensee may —  
13 (a) make such arrangements and enter into such contracts  
14 not inconsistent with this Act or with the licence as he  
15 considers necessary;  
16 (b) agree with the owner of an estate or interest in land for  
17 the purchase or other acquisition of any right, interest or  
18 easement in or upon the land, and the terms upon which  
19 any such right or interest may be used or exercised or  
20 any such easement enjoyed.  
21 (2) Notwithstanding any Act or rule of law to the contrary, any  
22 company, body or authority has power to enter into and carry  
23 out any arrangement, contract or agreement referred to in  
24 subsection (1).

25 **19. Taking of land or easement over land for the purposes of or**  
26 **incidental to construction or operation of pipeline**

- 27 (1) Subject to subsection (2), for the purpose of carrying out any  
28 function authorised by a licence or any other function necessary  
29 for the efficient operation of the pipeline in respect of which the  
30 licence is granted or necessarily incidental to the operation of  
31 the pipeline, the Minister may, on the application of the licensee  
32 and at his expense in all things, take under Part 9 of the *Land*  
33 *Administration Act 1997*, as if for a public work within the  
34 meaning of the *Public Works Act 1902*, any land or any  
35 easement over any land whether for the time being subsisting or  
36 not.  
37 (2) Subsection (1) does not apply unless the Minister is satisfied  
38 that the licensee, after making reasonable attempts to do so, has



1           been unable to acquire the land or easement over the land by  
2           agreement with the owner thereof.

3           (3) For the purposes of giving effect to this section —

- 4                   (a) the word **land** in Part 9 of the *Land Administration*  
5                   *Act 1997* shall be construed as including an easement  
6                   over land;
- 7                   (b) on the taking of the land or easement over the land  
8                   under this section, the land or easement, as the case may  
9                   be, shall vest in the licensee and all proceedings  
10                  subsequent thereto in respect of compensation, or  
11                  otherwise for the purpose of complying with Parts 9 and  
12                  10 of the *Land Administration Act 1997*, shall be taken  
13                  against the licensee, who shall be deemed to be the  
14                  respondent and shall be liable in respect of the taking to  
15                  the same extent as the Minister administering that Act  
16                  would have been liable if the taking had been for the  
17                  purpose of a public work.

18           (4) Where an easement is acquired or taken over any land pursuant  
19           to this Act a description of the easement and a notification that  
20           it has been so taken, together with a plan showing the location  
21           of the easement over that land, shall, if the easement is over  
22           land —

- 23                   (a) that is under the operation of the *Transfer of Land*  
24                   *Act 1893* or *Land Administration Act 1997*, be sent by  
25                   the licensee to the Registrar of Titles, who shall duly  
26                   record on the document of title relating to the land a  
27                   statement or entry thereof; or
- 28                   (b) that is not under the operation of that Act, be sent by the  
29                   licensee to the Registrar of Deeds and Transfers, who  
30                   shall, by memorial in the Register of Deeds, duly record  
31                   the notification of the easement.

32           [Section 19 amended: No. 31 of 1997 s. 77(2)-(4) and 142;  
33           No. 47 of 2011 s. 16.]

34           **20. Application of *Land Administration Act 1997* s. 195 to**  
35           **easements for pipelines etc.**

36           (1) The provisions of section 195 of the *Land Administration*  
37           *Act 1997* apply to and in respect of easements in favour of a  
38           licensee acquired under any of the provisions of this Act for the  
39           purpose of the construction, maintenance and use of pipelines,  
40           for any purpose incidental to any such purpose, and for the

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1 purpose of access to pipelines in the same manner as they apply  
2 to easements in favour of the Crown.

3 (2) For the purposes of subsection (1), an instrument does not create  
4 an easement in favour of, or operate to transfer an easement to,  
5 a licensee unless —

- 6 (a) it is expressed to create the easement in favour of, or to  
7 transfer the easement to, a licensee; and  
8 (b) it bears a certificate by the Minister to that effect.

9 (3) Where a licence —

- 10 (a) expires;  
11 (b) is surrendered as to the whole or a part of the pipeline in  
12 respect of which it is in force;  
13 (c) is cancelled as to the whole or a part of the pipeline in  
14 respect of which it is in force,

15 the Minister shall notify in writing forthwith the Registrar of  
16 Titles or the Registrar of Deeds and Transfers of the fact,  
17 according to whether the licence area or the part thereof on  
18 which is situated the whole or part of the pipeline as to which  
19 the licence has expired or was wholly or partly surrendered or  
20 cancelled —

- 21 (d) is under the operation of the *Transfer of Land Act 1893*  
22 or the *Land Administration Act 1997*; or  
23 (e) is alienated from the Crown but is not under the  
24 operation of the *Transfer of Land Act 1893*.

25 (4) On receipt of the notification pursuant to subsection (3), the  
26 Registrar of Titles or Registrar of Deeds and Transfers, as the  
27 case may be, shall duly record the notification or cause it to be  
28 recorded; and thereupon any easement that has been recorded  
29 under section 19(4) over the licence area or the part thereof to  
30 which the notification relates, is, by force of this Act,  
31 extinguished and no compensation is payable in respect thereof.

32 (5)(a) Where a transfer of a licence is registered under section 44, the  
33 Minister shall notify forthwith in writing the Registrar of Titles  
34 or Registrar of Deeds and Transfers.

35 (b) Upon receipt of such notification the Registrar of Titles or  
36 Registrar of Deeds and Transfers shall duly record on the  
37 document of title, in the Register of Deeds or in the appropriate  
38 register, as the case requires, that any easement that has been  
39 recorded under section 19(4) thereon or therein over the licence

1 area or part thereof, has been transferred to the registered holder  
2 and thereupon, by force of this Act, the easement vests in the  
3 registered holder.

4 (6)(a) Any person in possession of any deed, certificate or other  
5 instrument evidencing the title to any land over which any such  
6 easement as is referred to in subsection (4) is registered shall,  
7 upon receiving notice from the Registrar of Titles or Registrar  
8 of Deeds and Transfers, deliver up to him such deed, certificate  
9 or instrument for the purpose of recording the extinguishment of  
10 the easement or the vesting of it in the registered holder,  
11 pursuant to this section, as the case may require.

12 (b) A person who fails to so deliver up any such deed, certificate or  
13 instrument after receiving a notice to do so is guilty of an  
14 offence against this Act.

15 Penalty for an offence under subsection (6)(b): a fine of \$500.

16 *[Section 20 amended: No. 12 of 1990 s. 127; No. 31 of 1997*  
17 *s. 77(5)-(8); No. 42 of 2010 s. 182(2); No. 47 of 2011 s. 16.]*

## 18 **21. Directions as to conveyance of petroleum**

19 (1) Where —

20 (a) a person, by instrument in writing served on a licensee,  
21 requests the licensee to enter into an agreement for the  
22 conveyance of petroleum through the pipeline specified  
23 in that licensee's licence; and

24 (b) that person and the licensee do not, within a period of  
25 3 months after the instrument is served on the licensee,  
26 enter into such an agreement,

27 that person may apply to the Minister for a direction under this  
28 section.

29 (2) An application under this section —

30 (a) shall be in the approved form; and

31 (b) shall be made in the approved manner; and

32 (c) shall set out the matters that the applicant wishes the  
33 Minister to consider in relation to the application.

34 (3) The Minister —

35 (a) shall serve notice of the application on the licensee; and

36 (b) may serve notice of the application on such other  
37 persons, if any, as he thinks fit; and

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- 1 (c) shall specify in any such notice a date on or before  
2 which the licensee or any other person on whom a notice  
3 is served may submit to the Minister in writing any  
4 matters that he wishes the Minister to consider in  
5 connection with the application.
- 6 (4) After considering any matters submitted to him under  
7 subsection (3) on or before the specified date and such matters  
8 as he thinks relevant, the Minister, by an instrument in writing  
9 served on the licensee and the applicant —
- 10 (a) may give to the licensee, to the applicant and to any  
11 other person lawfully entitled to use the pipeline, such  
12 directions as he thinks appropriate for or in relation to  
13 the use of the pipeline by the licensee, the applicant and  
14 any such other person; or
- 15 (b) may refuse the application.
- 16 (5) Without limiting the generality of subsection (4), directions  
17 under paragraph (a) of that subsection may include directions as  
18 to the amounts to be paid to the licensee by the applicant and  
19 any other person lawfully entitled to use the pipeline but any  
20 such direction shall be subject to the licensee's right to convey  
21 its own petroleum through the pipeline in priority to any other  
22 petroleum to be so conveyed.
- 23 (6) A person to whom a direction is given under subsection (4) shall  
24 comply with the direction.  
25 Penalty: a fine of \$10 000.
- 26 (7) This section does not apply to a Code pipeline within the  
27 meaning of the Gas Pipelines Access (Western Australia) Law<sup>3</sup>  
28 for which there is an approved Access Arrangement under that  
29 Law.  
30 *[Section 21 amended: No. 12 of 1990 s. 128; No. 28 of 1994*  
31 *s. 77; No. 65 of 1998 s. 89; No. 42 of 2010 s. 182(13).]*

32 **22. Exemptions**

- 33 (1) Where —
- 34 (a) a licence is, under this Act, to be deemed to continue in  
35 force until the Minister grants, or refuses to grant, the  
36 renewal of the licence; or
- 37 (b) a licence is varied under section 15; or
- 38 (c) a licensee enters into an agreement referred to in  
39 section 21; or

- 1 (d) a licence is cancelled as to part of the pipeline in respect
- 2 of which it is in force; or
- 3 (e) a licensee applies by instrument in writing served on the
- 4 Minister, for a variation or suspension of, or exemption
- 5 from compliance with, any of the conditions to which
- 6 the licence is subject; or
- 7 (f) the Minister, under this Act, gives a direction or consent
- 8 to a licensee,

9 the Minister may, at any time, by instrument in writing served  
 10 on the licensee, vary or suspend, or exempt the licensee from  
 11 compliance with, any of the conditions to which the licence is  
 12 subject, upon such conditions, if any, as the Minister determines  
 13 and specifies in the instrument.

14 (1a) Subsection (1)(c) does not apply to the licensee under a licence  
 15 in respect of a Code pipeline within the meaning of the Gas  
 16 Pipelines Access (Western Australia) Law<sup>3</sup> for which there is an  
 17 approved Access Arrangement under that Law.

18 (2) Nothing in subsection (1) empowers the Minister to alter the  
 19 term of a licence.

20 *[Section 22 amended: No. 65 of 1998 s. 89; No. 13 of 2005*  
 21 *s. 31.]*

22 **23. Surrender of licence**

23 (1) A licensee may, at any time, by instrument in writing served on  
 24 the Minister, apply for consent to surrender his licence as to the  
 25 whole or a part of the pipeline in respect of which it is in force.

26 (2) Subject to subsection (3), a consent, under subsection (1), to the  
 27 surrender of a licence shall not be given unless the licensee —

- 28 (a) has paid all amounts payable by him under this Act or
- 29 has made arrangements which are satisfactory to the
- 30 Minister for the payment of those amounts; and
- 31 (b) has complied with the conditions to which the licence is
- 32 subject and with the provisions of this Act and of the
- 33 regulations; and
- 34 (c) has, where the Minister, by an instrument in writing
- 35 served on the licensee, has required him to do so, caused
- 36 to be published in such newspapers as may be specified
- 37 in the instrument, notice of the licensee's intention to
- 38 apply for consent to surrender the licence as to the
- 39 whole or a part of the pipeline in respect of which it is in
- 40 force and has in that notice specified a date not being

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1 earlier than one month after publication of the notice on  
2 or before which any person having an interest in any  
3 land in the licence area may, by instrument in writing  
4 served on the Minister, submit any matters that he  
5 wishes to be considered in connection with the  
6 application for the consent; and

7 (d) has, to the extent that he is required to do so by the  
8 Minister and to the satisfaction of the Minister, removed  
9 or caused to be removed from the area to which the  
10 surrender relates, property brought into that area by any  
11 person engaged or concerned in the operations  
12 authorised by the licence, or has made arrangements that  
13 are satisfactory to the Minister for the removal or  
14 disposal of that property.

15 (3) Where a licensee has not complied with the conditions to which  
16 the licence is subject and with the provisions of this Act and of  
17 the regulations, the Minister may give his consent to the  
18 surrender of a licence under subsection (1) if he is satisfied that,  
19 although the licensee has not so complied, special circumstances  
20 exist that justify the giving of consent to the surrender.

21 (4) Where the Minister consents to an application under  
22 subsection (1), the applicant may, by instrument in writing  
23 served on the Minister, surrender the licence accordingly.

24 **24. Cancellation of licences for breach of conditions, the Act or**  
25 **regulations or non-payment of amounts due**

26 (1) Where a licensee —

27 (a) has not complied with a condition to which the licence is  
28 subject; or

29 (b) has not complied with a provision of this Act or of the  
30 regulations; or

31 (c) has not paid any amount payable by him under this Act  
32 within a period of 3 months after the day on which the  
33 amount became payable,

34 the Minister may, on that ground, by instrument in writing  
35 served on the licensee, cancel the licence as to the whole or a  
36 part of the pipeline in respect of which it is in force.

- 1 (2) A licence shall not, under subsection (1), be cancelled as  
 2 mentioned in that subsection on a ground referred to in that  
 3 subsection unless —
- 4 (a) the Minister has, by instrument in writing served on the  
 5 licensee, given not less than one month's notice of his  
 6 intention so to cancel the licence on that ground; and
  - 7 (b) the Minister has served a copy of the instrument on such  
 8 other persons, if any, as he thinks fit; and
  - 9 (c) the Minister has, in the instrument, specified a date on or  
 10 before which the licensee or any person on whom a copy  
 11 of the instrument is served may, by instrument in writing  
 12 served on the Minister, submit any matters that he  
 13 wishes to be considered in connection with the  
 14 cancellation of the licence; and
  - 15 (d) the Minister has caused to be published in such  
 16 newspapers as he thinks fit, notice of his intention so to  
 17 cancel the licence on that ground and has, in that notice,  
 18 specified a date on or before which any person having  
 19 an interest in any land in the licence area may submit  
 20 any matters that he wishes to be considered in  
 21 connection with the cancellation of the licence; and
  - 22 (e) the Minister has taken into account —
    - 23 (i) any action taken by the licensee to remove that  
 24 ground or to prevent the recurrence of similar  
 25 grounds; and
    - 26 (ii) particulars of any matters submitted under  
 27 paragraph (c) on or before the date specified  
 28 under that paragraph or under paragraph (d) on  
 29 or before the date specified under that paragraph.

30 **25. Change in position or route of pipeline**

- 31 (1) The Minister may —
- 32 (a) at the request of —
    - 33 (i) a Minister or a Minister of State of the  
 34 Commonwealth; or
    - 35 (ii) a body established by a law of the State or of the  
 36 Commonwealth;
  - 37 and
  - 38 (b) if, in his opinion, it is in the public interest so to do and  
 39 the Minister or body making the request has given  
 40 security, to the satisfaction of the Minister, for the

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1 payment of any amount payable to a licensee under  
2 subsection (5),

3 by instrument in writing served on the licensee, direct the  
4 licensee to make such changes in the route or position of the  
5 licensee's pipeline as are specified in the instrument.

6 (2) A person to whom a direction is given under subsection (1) shall  
7 comply with the direction.

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

9 (3) Where the Minister gives a direction under subsection (1) and  
10 the licensee to whom the direction is given complies with the  
11 direction, the licensee may bring an action in the Supreme Court  
12 against the Minister or body making the request.

13 (4) The Supreme Court shall hear the action and shall determine  
14 whether it is just that the whole or a portion of the reasonable  
15 cost of complying with the direction ought to be paid to the  
16 plaintiff by the defendant.

17 (5) If the Supreme Court determines that it is just that such a  
18 payment ought to be made, the Supreme Court shall determine  
19 the amount of the payment and give judgment accordingly.

20 *[Section 25 amended: No. 12 of 1990 s. 129; No. 42 of 2010*  
21 *s. 182(13).]*

22 **26. Cancellation of licences not affected by other provisions**

23 (1) A licence may be wholly cancelled or partly cancelled on the  
24 ground that the licensee has not complied with a provision of  
25 this Act or of the regulations notwithstanding that he has been  
26 convicted of an offence by reason of his failure to comply with  
27 the provision.

28 (2) A person who was the registered holder of a licence that has  
29 been wholly cancelled, or is the registered holder of a licence  
30 that has been partly cancelled, on the ground that he has not  
31 complied with a provision of this Act or of the regulations, may  
32 be convicted of an offence by reason of his failure to comply  
33 with the provision, notwithstanding that the licence has been so  
34 cancelled.

35 (3) A licence may be wholly cancelled or partly cancelled on the  
36 ground that the licensee has not paid an amount payable by him  
37 under this Act within a period of 3 months after the day on  
38 which the amount became payable, notwithstanding that



1 judgment for the amount has been obtained or that the amount,  
2 or any part of the amount, has been paid or recovered.

3 (4) A person who was the registered holder of a licence that has  
4 been wholly cancelled, or is the registered holder of a licence  
5 that has been partly cancelled on the ground that he has not paid  
6 an amount payable by him under this Act within a period of  
7 3 months after the day on which the amount became payable,  
8 continues to be liable to pay that amount together with any  
9 additional amount payable by reason of late payment of that  
10 amount, notwithstanding that the licence has been so cancelled.

11 **27. Removal of property etc. by licensee**

12 (1) Where a licence has been wholly cancelled or partly cancelled,  
13 or has expired, the Minister may, by instrument in writing  
14 served on the person who was, or is, as the case may be, the  
15 licensee, direct that person to do either or both of the following  
16 things —

17 (a) remove or cause to be removed from the relinquished  
18 area all property, or any property specified in the  
19 instrument, that was brought into that area by any person  
20 engaged or concerned in the operations authorised by  
21 the licence or make arrangements that are satisfactory to  
22 the Minister for the removal or disposal of that property  
23 and to make good, to the satisfaction of the Minister,  
24 any damage to the relinquished area caused by the  
25 removal of the property; and

26 (b) make good, to the satisfaction of the Minister, any  
27 damage to the relinquished area caused by any person  
28 engaged or concerned in those operations or caused by  
29 the removal of any property, pursuant to a direction  
30 referred to in paragraph (a), otherwise than in the  
31 manner specified in the direction.

32 (2) The Minister may, by instrument in writing served on a  
33 licensee, direct him to do either or both of the following  
34 things —

35 (a) remove or cause to be removed from the licence area all  
36 property or any property specified in the instrument, that  
37 was brought into that area by any person engaged or  
38 concerned in the operations authorised by the licence or  
39 make arrangements that are satisfactory to the Minister  
40 for the removal or disposal of that property and to make  
41 good, to the satisfaction of the Minister, any damage to

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1 the licence area caused by the removal of the property;  
2 and

3 (b) make good, to the satisfaction of the Minister, any  
4 damage to the licence area caused by any person  
5 engaged or concerned in those operations or caused by  
6 the removal of any property, pursuant to a direction  
7 referred to in paragraph (a), otherwise than in the  
8 manner specified in the direction.

9 (3) A direction under subsection (1)(a) or (2)(a) may specify the  
10 manner in which the property, or any of the property specified  
11 in the direction, shall be removed.

12 (4) A person to whom a direction is given under either  
13 subsection (1) or (2) shall comply with the direction —

14 (a) in the case of a direction given under subsection (1) —  
15 within the period specified in the instrument by which  
16 the direction was given; or

17 (b) in the case of a direction given under subsection (2) —  
18 on or before the date of expiration of the licence.

19 Penalty for an offence under subsection (4): a fine of \$10 000.

20 *[Section 27 amended: No. 12 of 1990 s. 130; No. 42 of 2010*  
21 *s. 182(3).]*

22 **28. Powers of Minister where direction not complied with**

23 (1) Where a licence has been wholly cancelled or partly cancelled,  
24 or has expired, and —

25 (a) a direction referred to in section 27(1)(a) or (2)(a) for  
26 the removal of property from the relinquished area has  
27 not been complied with, the Minister may, by instrument  
28 published in the *Government Gazette*, direct that the  
29 owner or owners of the property shall remove it from  
30 that area within the period specified in the instrument  
31 and shall serve a copy of the instrument on each person  
32 whom he believes to be an owner of that property or part  
33 of that property; or

34 (b) a direction referred to in section 27(1)(a) or (2)(a) for  
35 the removal of property from the relinquished area has  
36 been complied with, but any damage to the relinquished  
37 area or to the licence area, as the case may be, caused by  
38 the removal of the property has not been made good to  
39 the satisfaction of the Minister, the Minister may make  
40 good the damage in such manner as he thinks fit; or

- 1 (c) a direction referred to in section 27(1)(b) or (2)(b) has  
2 not been complied with, the Minister may do all or any  
3 of the things required by the direction to be done.
- 4 (2) Where any property has not been removed from the relinquished  
5 area in accordance with a direction under subsection (1)(a), the  
6 Minister may do all or any of the following things —
- 7 (a) remove, in such manner as he thinks fit, all or any of  
8 that property from the relinquished area concerned; and
- 9 (b) dispose of, in such a manner as he thinks fit, all or any  
10 of that property; and
- 11 (c) if he has served a copy of the instrument by which the  
12 direction was given on a person whom he believed to be  
13 the owner of that property or part of that property, sell,  
14 by public auction or otherwise, as he thinks fit, all or  
15 any part of that property that belongs, or that he believes  
16 to belong, to that person.
- 17 (3) The Minister may deduct from the proceeds of a sale under  
18 subsection (2) of property that belongs, or that he believes to  
19 belong, to a particular person —
- 20 (a) all or any part of any costs and expenses incurred by  
21 him under that subsection in relation to that property;
- 22 (b) all or any part of any costs and expenses incurred by  
23 him in relation to the doing of any thing required by a  
24 direction under section 27(1)(b) or (2)(b) to be done by  
25 that person;
- 26 (c) all or any part of any fees or amounts due and payable  
27 under this Act by that person.
- 28 (4) Costs and expenses incurred by the Minister under  
29 subsection (2) —
- 30 (a) if incurred in relation to the removal, disposal or sale of  
31 property or the making good of damage caused by the  
32 removal of property, are a debt due by the owner of the  
33 property to the Crown; or
- 34 (b) if incurred in relation to the doing of any thing required  
35 by a direction under section 27(1)(b) or (2)(b), are a debt  
36 due by the person to whom the direction was given to  
37 the Crown,
- 38 and, to the extent to which they are not recovered under  
39 subsection (3), are recoverable in a court of competent  
40 jurisdiction.

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- 1 (5) Subject to subsection (4), no action lies in respect of the  
2 removal, disposal or sale of property under this section.

3 **29. Licence fees**

4 (1) There is payable to the Minister by a licensee, in respect of each  
5 year of the term of a licence, a licence fee of the prescribed  
6 amount in respect of each kilometre or portion of a kilometre of  
7 the length of the pipeline on the first day of that year.

8 (2) A fee referred to in subsection (1) is payable within one month  
9 after —

10 (a) in the case of the first year of the term of the licence the  
11 day on which that term commenced; and

12 (b) in the case of a year of the term of a licence other than  
13 the first — the anniversary of that day.

14 *[Section 29 amended: No. 94 of 1972 s. 4 (as amended: No. 42*  
15 *of 1975); No. 10 of 1983 s. 4; No. 12 of 1990 s. 131.]*

16 **30. Penalty for late payment**

17 Where the liability of a licensee to pay a fee referred to in  
18 section 29 is not discharged at or before the time when the fee is  
19 payable, there is payable to the Minister by the licensee an  
20 additional amount calculated at the rate of one-third of 1% per  
21 day upon the amount of the fee from time to time when the fee  
22 became payable until it is paid.

23 **31. Fees and penalties debts due to the Crown**

24 A fee under section 29, or an amount payable under section 30,  
25 is a debt due by the licensee to the Crown and is recoverable in  
26 a court of competent jurisdiction.

27 **32. Certain local laws not to apply to licensed pipelines**

28 The provisions of local laws made under the *Local Government*  
29 *Act 1995* in relation to the following matters do not apply to or  
30 in respect of a pipeline the construction or operation of which is  
31 authorised by a licence —

32 (a) the keeping, carrying, handling and storage of dangerous  
33 things;

34 (b) the use, management and maintenance of thoroughfares.

35 *[Section 32 inserted: No. 36 of 2020 s. 327.]*

36 *[Part IIA (s. 32A-32H) deleted: No. 52 of 1995 s. 44.]*

## Part III — Construction and operation of pipeline

### 33. Construction to be along authorised route

A pipeline shall be constructed along the route authorised in the licence in respect of that pipeline, subject to deviation from that route within the limits of lateral deviation authorised by the Minister.

### 34. Construction to be in accordance with prescribed standards etc.

- (1) Notwithstanding any other requirements in this Part, a pipeline shall be constructed in accordance with such standards, specifications and conditions as are prescribed and such further standards, specifications and conditions as are stated or included in the licence in respect of that pipeline.
- (2) Where there is conflict between any standard or specification as prescribed and a standard or specification stated or included in the licence in respect of a pipeline, the latter prevails.

### 35. Pipelines to be operated continuously

- (1) Except with the consent in writing of the Minister and subject to compliance with such conditions, if any, as are specified in the instrument of consent, a licensee shall operate continuously the pipeline specified in his licence.

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

- (2) It is not an offence against subsection (1) if the failure of the licensee to operate the pipeline continuously —

- (a) was in the ordinary course of operating the pipeline; or
- (b) was for the purpose of repairing or maintaining the pipeline; or
- (c) was in an emergency in which there was a likelihood of loss or injury.

*[Section 35 amended: No. 12 of 1990 s. 133; No. 42 of 2010 s. 182(13).]*

### 36. Consent to commencement or resumption of pipeline operations

- (1) The Minister, on application in writing served on him —
  - (a) by a licensee whose pipeline has not previously been in operation; or

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- 1 (b) by a licensee who has ceased to operate the pipeline  
2 specified in his licence,  
3 may, if he is of the opinion that the pipeline is fit to be operated,  
4 by instrument in writing served on the licensee, consent to the  
5 commencement or resumption, as the case may be, of  
6 operations.  
7 (2) A consent under subsection (1) may be given subject to such  
8 conditions, if any, as the Minister thinks fit and specifies in the  
9 instrument of consent.  
10 *[Section 36 amended: No. 36 of 2020 s. 328.]*

11 **36A. Manner of operating pipelines**

12 A licensee shall operate the pipeline specified in the licence of  
13 which he is the registered holder in a proper and workmanlike  
14 manner.

15 Penalty: a fine of \$10 000.

16 *[Section 36A inserted: No. 28 of 1994 s. 70; amended: No. 13 of*  
17 *2005 s. 21; No. 42 of 2010 s. 182(13).]*

18 **37. Waste or escape of substances from pipeline**

19 A licensee shall not permit or suffer the waste or escape of any  
20 substance from the pipeline specified in the licence of which he  
21 is the registered holder.

22 Penalty: a fine of \$10 000.

23 *[Section 37 amended: No. 12 of 1990 s. 134; No. 42 of 2010*  
24 *s. 182(13).]*

25 **37A. Insurance requirements**

26 (1) A licensee must maintain, as directed by the Minister from time  
27 to time, insurance against expenses or liabilities or specified  
28 things arising in connection with, or as a result of, the carrying  
29 out of work, or the doing of any other thing, under the licence,  
30 including expenses of complying with directions with respect to  
31 the clean-up or other remedying of the effects of the escape of  
32 petroleum.

33 (2) Where —

34 (a) a licence was in force immediately before the  
35 commencement of section 71 of the *Acts Amendment*  
36 *(Petroleum) Act 1994*; and

- 1 (b) the Minister has required the registered holder to  
2 maintain insurance under subsection (1); and  
3 (c) the Minister is satisfied that the required insurance is in  
4 effect,

5 the Minister shall issue a certificate to the effect that he is so  
6 satisfied.

7 (3) Where the Minister issues a certificate under subsection (2), any  
8 security in force in relation to the licence, being a security that  
9 was required under this Act before the commencement of  
10 section 71 of the *Acts Amendment (Petroleum) Act 1994*, is  
11 discharged.

12 (4) The discharge of a security under subsection (3) has no effect on  
13 any liability arising under or in relation to the security before its  
14 discharge.

15 *[Section 37A inserted: No. 28 of 1994 s. 71.]*

16 **38. Marking route of pipeline and maintenance etc. of property**

17 A licensee —

- 18 (a) shall mark and keep marked in such manner as may be  
19 approved, the route of the pipeline specified in the  
20 licence of which he is the registered holder; and  
21 (b) shall maintain the pipeline in good condition and repair;  
22 and  
23 (c) shall remove from the licence area all structures,  
24 equipment and other property that are neither being used  
25 nor will be used in connection with the operation of the  
26 pipeline.

27 Penalty: a fine of \$10 000.

28 *[Section 38 amended: No. 12 of 1990 s. 135; No. 28 of 1994*  
29 *s. 77; No. 42 of 2010 s. 182(13).]*

30 **39. Pipelines on agricultural land, licensee's duties**

31 (1) Where a pipeline enters or crosses agricultural land the licensee  
32 shall, at his expense, forthwith after the completion of the  
33 construction of that part of the pipeline that so enters or crosses,  
34 restore the land to enable it to be used as far as practicable for  
35 the purposes for which it was used immediately before that  
36 construction.

37 (2) Where the licensee fails to restore the land, as required by  
38 subsection (1), a person entitled to an interest in the land may

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1 restore the land and recover from the licensee in any court of  
2 competent jurisdiction the expenses reasonably incurred in  
3 carrying out that restoration.

4 (3) Any expenses so recovered do not affect any right to  
5 compensation that such person as is referred to in subsection (2)  
6 or any other person may have under this Act, in respect of that  
7 land.

8 (4) The Minister may, at any time on the request of a person  
9 entitled to an interest in the land, include among the conditions  
10 of the licence such conditions as he considers necessary to  
11 ensure that the land is maintained in a suitable condition and  
12 that noxious weeds and vermin are controlled.

13 **40. Pipelines crossing any water**

14 Where the route of a pipeline is such that the pipeline passes  
15 over or under any waters, the pipeline shall be constructed over  
16 or under those waters in such a manner —

17 (a) that the construction will not affect or impede anything  
18 or anyone reasonably using those waters; and

19 (b) that all reasonable steps are taken to avoid pollution of  
20 those waters.

21 Penalty: a fine of \$10 000.

22 *[Section 40 amended: No. 12 of 1990 s. 136; No. 42 of 2010*  
23 *s. 182(13).]*

24 **41. Directions**

25 (1) The Minister may, by instrument in writing served on a  
26 licensee, give to the licensee direction as to any matter with  
27 respect to which regulations may be made under this Act.

28 (2) A direction given under this section to a licensee applies to the  
29 licensee and may also be expressed to apply to —

30 (a) a class of persons specified in the direction, being a  
31 class constituted by or included in one or both of the  
32 following classes of persons —

33 (i) servants or agents of, or persons acting on behalf  
34 of, the licensee;

35 (ii) persons performing work or services, whether  
36 directly or indirectly, for the licensee;

37 or



1 (b) any person (not being a person to whom the direction  
2 applies otherwise than in accordance with this  
3 paragraph) who is in the State for any reason touching,  
4 concerning, arising out of or connected with the  
5 construction, operation or maintenance of a pipeline, or  
6 is in, on, above, below or in the vicinity of a vessel,  
7 aircraft, structure or installation, or equipment or other  
8 property, that is in the State for a reason of that kind,

9 and, where a direction so expressed is given, the direction shall  
10 be deemed to apply to each person included in that specified  
11 class or to each person who is in the State as mentioned in  
12 paragraph (b), as the case may be.

13 (3) Where a direction under this section applies to a licensee and to  
14 a person referred in subsection (2)(a), the licensee shall cause a  
15 copy of the instrument by which the direction was given to be  
16 given to that other person or to be exhibited at a prominent  
17 position at a place in the State frequented by that other person.  
18 Penalty: a fine of \$5 000.

19 (4) Where a direction under this section applies to a licensee and to  
20 a person referred to in subsection (2)(b), the licensee shall cause  
21 a copy of the instrument by which the direction was given to be  
22 exhibited at a prominent position at a place in the State.  
23 Penalty: a fine of \$5 000.

24 (5) Where a direction under this section applies to a licensee and to  
25 a person referred to in subsection (2)(b), the Minister may, by  
26 notice in writing given to the licensee, require the licensee to  
27 cause to be displayed at such places in the State, and in such  
28 manner, as are specified in the notice, copies of the instrument  
29 by which the direction was given, and the licensee shall comply  
30 with that requirement.  
31 Penalty: a fine of \$5 000.

32 (6) A direction under this section has effect and shall be complied  
33 with notwithstanding any previous direction under this section.

34 (7) Section 67(1a) and (1b) applies in relation to directions made  
35 under this section in like manner as that section applies to the  
36 regulations.

37 (8) A direction under this section has effect and shall be complied  
38 with notwithstanding anything in the regulations.

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1 (9) A person to whom a direction is given, or to whom a direction is  
2 expressed to apply, shall comply with the direction.

3 Penalty: a fine of \$10 000.

4 (10) Where —

5 (a) a direction given under this section applies to a licensee  
6 and another person and that other person is prosecuted  
7 for an offence against subsection (9) in relation to that  
8 direction; and

9 (b) the person adduces evidence that the person did not  
10 know, and could not reasonably be expected to have  
11 known, of the existence of the direction,

12 the person shall not be convicted of the offence unless the  
13 prosecutor proves that the person knew, or could reasonably be  
14 expected to have known, of the existence of the direction.

15 *[Section 41 amended: No. 12 of 1990 s. 137; No. 28 of 1994*  
16 *s. 72; No. 42 of 2010 s. 182(13).]*

17 **42. Non-compliance with directions**

18 (1) Where a person does not comply with a direction given or  
19 applicable to the person under this Act the Minister may do all  
20 or any of the things required by the direction to be done.

21 (2) Costs and expenses incurred by the Minister under  
22 subsection (1) in relation to a direction are a debt due by the  
23 person to whom the direction was given or was applicable to the  
24 State and are recoverable in a court of competent jurisdiction.

25 (3) Where —

26 (a) a direction given under section 41 applies to a licensee  
27 and another person and an action under subsection (2)  
28 relating to the direction is brought against that other  
29 person; and

30 (b) the person adduces evidence that the person did not  
31 know, and could not reasonably be expected to have  
32 known, of the existence of the direction,

33 the person is not liable under subsection (2) unless the plaintiff  
34 proves that the person knew, or could reasonably be expected to  
35 have known, of the existence of the direction.

- 1       (4) It is a defence if a person charged with failing to comply with a  
2       direction given or applicable to the person under this Act or  
3       under the regulations, or a defendant in an action under  
4       subsection (2), proves that that person took all reasonable steps  
5       to comply with the direction.

6       *[Section 42 inserted: No. 28 of 1994 s. 73; amended: No. 13 of*  
7       *2005 s. 31.]*

Consultation Draft

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**Part IV — Registration of licences and related instruments**

**43. Register of licences to be kept**

- (1) For the purposes of this Part, the Minister shall keep a register of licences.
- (2) The Minister shall enter or cause to be entered in the register a memorial in respect of each licence —
- (a) specifying the name of the holder of the licence; and
  - (b) setting out an accurate description (including a map) of the licence area, the route of the pipeline authorised by the licence and the situation of any fittings, pumps, tanks, storage tanks, appurtenances and appliances and facilities referred to in the definition of *pipeline* in section 4(1) used or to be used in connection with the pipeline; and
  - (c) specifying the term of the licence; and
  - (d) setting out such other matters as are required by this Part to be entered in the register; and
  - (e) setting out such further matters relating to the licensee or to the terms and conditions of the licence as the Minister thinks proper and expedient in the public interest.
- (3) The Minister shall cause to be entered in the register a memorial —
- (a) of any instrument varying, cancelling, surrendering or otherwise affecting a licence; and
  - (b) of any instrument varying or revoking an instrument referred to in paragraph (a); and
  - (c) of the expiration of a licence.
- (4) It is a sufficient compliance with the requirements of subsection (2) or (3) if the Minister causes a copy of the licence or instrument to be entered in the register.

*[(5) deleted]*

- (6) The Minister shall endorse on the memorial or copy of the licence or instrument a memorandum of the date upon which the memorial or copy was entered in the register.

*[Section 43 amended: No. 12 of 1990 s. 138.]*

- 1     **44.     Approval and registration of transfers**
- 2     (1)    A transfer of a licence is of no force until it has been approved  
3            by the Minister and an instrument of transfer is registered as  
4            provided by this section.
- 5     (2)    Where it is desired that a licence be transferred, one of the  
6            parties to the proposed transfer may make an application in  
7            writing to the Minister for approval of the transfer.
- 8     (3)    An application for approval of a transfer of a licence shall be  
9            accompanied by —
- 10           (a)    an instrument of transfer in the prescribed form executed  
11                  by the registered holder or, if there are 2 or more  
12                  registered holders, by each registered holder and by the  
13                  transferee or, if there are 2 or more transferees, by each  
14                  transferee;
- 15           (b)    in a case where the transferee or one or more of the  
16                  transferees is not a registered holder or are not registered  
17                  holders of the licence, an instrument setting out —
- 18                  (i)    the technical qualifications of that transferee or  
19                          those transferees; and
- 20                  (ii)   details of the technical advice that is or will be  
21                          available to that transferee or those transferees;  
22                          and
- 23                  (iii)   details of the financial resources that are or will  
24                          be available to that transferee or those  
25                          transferees;
- 26                  and
- 27           (c)    one copy of the application and of the instrument  
28                  referred to in paragraph (a).
- 29     (4)    The Minister shall not approve the transfer of a licence unless  
30            the application was lodged with the Minister within 3 months  
31            after the day on which the party who last executed the  
32            instrument of transfer so executed the instrument of transfer or  
33            within such longer period as the Minister, in special  
34            circumstances, allows.
- 35     (5)    Where an application for approval of a transfer is made in  
36            accordance with this section, the Minister shall enter a  
37            memorandum in the register of the date on which the  
38            application was lodged and may make such other notation in the  
39            register as the Minister considers appropriate.

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1 (6) The Minister shall consider each application for approval of the  
2 transfer of a licence and determine whether to approve the  
3 transfer.

4 (7) Where an application for approval of the transfer of a licence is  
5 made in accordance with this section, the Minister shall, by  
6 notice in writing served on the person who made the  
7 application, inform the person of the decision of the Minister.

8 [(8) *deleted*]

9 (9) Where the Minister approves the transfer of a licence, the  
10 Minister shall forthwith endorse on the instrument of transfer  
11 and on one copy of the instrument a memorandum of approval  
12 and shall, on payment of the prescribed fee, enter in the register  
13 a memorandum of the transfer and the name of the transferee or  
14 of each transferee.

15 (10) Upon the entry in the register of a memorandum of the transfer  
16 of a licence and of the name of the transferee or each transferee  
17 in accordance with subsection (9) —

- 18 (a) the transfer shall be deemed to be registered; and  
19 (b) the transferee becomes the registered holder, or the  
20 transferees become the registered holders, of the licence.

21 (11) Where the Minister refuses to approve the transfer of a title, the  
22 Minister shall make a notation of the refusal in the register.

23 (12) Where a transfer is registered —

- 24 (a) the copy of the instrument of transfer endorsed with the  
25 memorandum of approval shall be retained by the  
26 Minister and made available for inspection in  
27 accordance with this Division; and  
28 (b) the instrument of transfer endorsed with the  
29 memorandum of approval shall be returned to the person  
30 who lodged the application for approval of the transfer.

31 (13) The mere execution of an instrument of transfer of a licence  
32 creates no interest in the licence.

33 [*Section 44 inserted: No. 12 of 1990<sup>4</sup> s. 139; amended: No. 28*  
34 *of 1994 s. 74.*]

35 **45. Entries in register on devolution of rights of registered**  
36 **holder**

37 (1) A person upon whom the rights of a registered holder of a  
38 licence have devolved by operation of law may apply in writing

1 to the Minister to have his name entered in the register as the  
2 holder of the licence.

3 (2) Where the Minister is satisfied that the interests of the holder  
4 have devolved upon the applicant by operation of law, the  
5 Minister may, on payment of the prescribed fee, cause the name  
6 of the applicant to be entered in the register as the holder of the  
7 licence.

8 (3) Where a company that is the registered holder of a particular  
9 licence has changed its name, it may apply in writing to the  
10 Minister to have its new name substituted for its previous name  
11 in the register in relation to that licence and, if —

12 (a) the Minister is satisfied that the company has so  
13 changed its name; and

14 (b) the company has paid the prescribed fee,

15 the Minister shall make the necessary alterations in the register.

16 *[Section 45 amended: No. 10 of 1983 s. 6; No. 12 of 1990*  
17 *s. 140.]*

18 *[46. Deleted: No. 12 of 1990 s. 141.]*

19 **47. Approval of dealings creating etc. interests etc. in existing**  
20 **licences**

21 (1) This section applies to a dealing that would, but for  
22 subsection (2), have one or more of the following effects —

23 (a) the creation or assignment of an interest in an existing  
24 licence;

25 (b) the creation or assignment of a right (conditional or  
26 otherwise) to the assignment of an interest in an existing  
27 licence;

28 (c) the determining of the manner in which persons may  
29 exercise the rights conferred by, or comply with the  
30 obligations imposed by or the conditions of, an existing  
31 licence (including the exercise of those rights or the  
32 compliance with those obligations or conditions under  
33 cooperative arrangements for the recovery of  
34 petroleum);

35 (d) the creation or assignment of —

36 (i) an interest in relation to an existing licence,  
37 being an interest known as an overriding royalty  
38 interest, a production payment, a net profits  
39 interest or a carried interest; or

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- 1 (ii) any other interest that is similar to an interest  
2 referred to in subparagraph (i), being an interest  
3 relating to petroleum produced from operations  
4 authorised by an existing licence or relating to  
5 revenue derived as a result of the carrying out of  
6 operations of that kind;
- 7 (e) the creation or assignment of an option (conditional or  
8 otherwise) to enter into a dealing, being a dealing that  
9 has one or more of the effects referred to in  
10 paragraphs (a), (b), (c) and (d);
- 11 (f) the creation or assignment of a right (conditional or  
12 otherwise) to enter into a dealing, being a dealing that  
13 has one or more of the effects referred to in  
14 paragraphs (a), (b), (c) and (d);
- 15 (g) the alteration or termination of a dealing, being a dealing  
16 that has one or more of the effects referred to in  
17 paragraphs (a), (b), (c), (d), (e) and (f),
- 18 but this section does not apply to a transfer to which section 44  
19 applies.
- 20 (2) A dealing to which this section applies is of no force in so far as  
21 the dealing would, but for this subsection, have an effect of a  
22 kind referred to in subsection (1) in relation to a particular  
23 licence until —
- 24 (a) the dealing, in so far as it relates to that licence, has been  
25 approved by the Minister; and
- 26 (b) an entry has been made in the register in relation to the  
27 dealing by the Minister in accordance with  
28 subsection (12).
- 29 (3) A party to a dealing to which this section applies may lodge  
30 with the Minister —
- 31 (a) in a case where the dealing relates to only ~~1~~ one licence,  
32 an application in writing for approval by the Minister of  
33 the dealing; or
- 34 (b) in any other case, a separate application in writing for  
35 approval by the Minister of the dealing in relation to  
36 each licence to which the dealing relates.
- 37 (4) An application under subsection (3) for approval of a dealing —
- 38 (a) shall be accompanied by the instrument evidencing the  
39 dealing or, if that instrument has already been lodged



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- 1 with the Minister for the purposes of another  
2 application, a copy of that instrument; and
- 3 (b) may be accompanied by an instrument setting out such  
4 particulars (if any) as are prescribed for the purposes of  
5 an application for approval of a dealing of that kind.
- 6 (4a) An application under subsection (3) for approval of a dealing  
7 shall be accompanied by 2 copies of —
- 8 (a) the application; and  
9 (b) the instrument referred to in subsection (4)(a); and  
10 (c) any instrument lodged for the purposes of  
11 subsection (4)(b).
- 12 (5) Subject to subsection (6), the Minister shall not approve a  
13 dealing unless the application for approval of the dealing is  
14 lodged with the Minister within 3 months after the day on which  
15 the party who last executed the instrument evidencing the  
16 dealing so executed the instrument or such longer period as the  
17 Minister, in special circumstances, allows.
- 18 (6) Where a dealing relating to a licence was, immediately before  
19 the licence came into existence, a dealing referred to in  
20 section 47A(1), the Minister shall not approve the dealing  
21 unless —
- 22 (a) a provisional application for approval of the dealing was  
23 lodged in accordance with section 47A(1); or  
24 (b) an application for approval of the dealing is lodged with  
25 the Minister in accordance with this section within  
26 3 months after the day on which the licence came into  
27 existence or such longer period as the Minister, in  
28 special circumstances, allows.
- 29 (7) Where a dealing to which this section applies forms a part of the  
30 issue of a series of debentures, all of the dealings constituting  
31 the issue of that series of debentures shall, for the purposes of  
32 this section, be taken to be one dealing.
- 33 (8) Where a dealing to which this section applies (including a  
34 dealing referred to in subsection (7)) creates a charge over some  
35 or all of the assets of a body corporate, the person lodging the  
36 application for approval of the dealing shall be deemed to have  
37 complied with subsection (4)(a), and with subsection (4a) in so  
38 far as that subsection requires 2 copies of the document referred  
39 to in paragraph (4)(a) to accompany the application, if the  
40 person lodges with the application 3 copies of each document

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- 1 required to be lodged with the Australian Securities and  
2 Investments Commission relating to the creation of that charge  
3 pursuant to section 263 of the *Corporations Act 2001* of the  
4 Commonwealth.
- 5 (9) On receipt of an application made under this section, the  
6 Minister shall enter a memorandum in the register of the date on  
7 which the application was lodged and may make such other  
8 notation in the register as the Minister considers appropriate.
- 9 (10) The Minister may approve or refuse to approve a dealing to  
10 which this section applies in so far as the dealing relates to a  
11 particular licence.
- 12 (11) The Minister shall, by notice in writing served on the person  
13 who made an application for approval of a dealing, inform the  
14 person of the decision of the Minister.
- 15 (12) If the Minister approves a dealing, the Minister shall endorse on  
16 the original instrument evidencing the dealing and on ~~1 one~~  
17 copy of that instrument or, if the original instrument was not  
18 lodged with the application, on 2 of the copies of that  
19 instrument a memorandum of approval and, on payment of the  
20 prescribed fee, make an entry of the approval of the dealing in  
21 the register on the memorial relating to, or on the copy of, the  
22 licence in respect of which the approval is sought.
- 23 (13) Where an entry is made in the register in relation to a dealing in  
24 accordance with subsection (12) —
- 25 (a) if the dealing was approved before the commencement  
26 of section 141 of the *Acts Amendment (Petroleum)*  
27 *Act 1990* or the application for approval of the dealing  
28 was not accompanied by an instrument for the purpose  
29 of subsection (4)(b), one copy of the instrument  
30 evidencing the dealing endorsed with a memorandum of  
31 approval shall be retained by the Minister and made  
32 available for inspection in accordance with this Part; and
- 33 (b) if the application for approval of the dealing was  
34 accompanied by an instrument for the purpose of  
35 subsection (4)(b), a copy of that instrument endorsed  
36 with a copy of the memorandum of approval of the  
37 dealing shall be retained by the Minister and made  
38 available for inspection in accordance with this Part but  
39 a copy of the instrument evidencing the dealing shall not  
40 be so made available; and

1 (c) the original instrument evidencing the dealing, or a copy  
 2 of the original instrument, as the case requires, endorsed  
 3 with a memorandum of approval and the instrument (if  
 4 any) lodged for the purpose of subsection (4)(b) shall be  
 5 returned to the person who made the application for  
 6 approval.

7 (13a) The approval of a dealing or the making of an entry in the  
 8 register in relation to a dealing is not rendered ineffective by  
 9 any failure to comply, in relation to the application for approval  
 10 of the dealing, with the requirements of this section.

11 (14) Where the Minister refuses to approve a dealing, the Minister  
 12 shall make a notation of the refusal in the register.

13 (15) In this section, *charge* and *debenture* have the same respective  
 14 meanings as they have for the purposes of the *Corporations*  
 15 *Act 2001* of the Commonwealth.

16 [Section 47 inserted: No. 12 of 1990<sup>5</sup> s. 141; amended: No. 20  
 17 of 2003 s. 36.]

18 [47A. Deleted: No. 42 of 2010 s. 178.]

19 **48. True consideration to be shown**

20 A person who is a party to a transfer referred to in section 44, a  
 21 dealing to which section 47 applies or a dealing referred to in  
 22 section 47A(1) shall not lodge with the Minister —

- 23 (a) an instrument of transfer; or
- 24 (b) an instrument evidencing the dealing; or
- 25 (c) an instrument of the kind referred to in section 47(4)(b),

26 that contains a statement relating to the consideration for the  
 27 transfer or dealing, or to any other fact or circumstance affecting  
 28 the amount of the fee payable in respect of the transfer or dealing  
 29 under this Act, being a statement that is, to the knowledge of the  
 30 person, false or misleading in a material particular.

31 Penalty: a fine of \$10 000.

32 [Section 48 inserted: No. 12 of 1990 s. 142; amended: No. 42 of  
 33 2010 s. 182(13).]

34 **49. Minister not concerned with certain matters**

35 Neither the Minister nor a person acting under the direction or  
 36 authority of the Minister is concerned with the effect in law of  
 37 any instrument lodged with the Minister in pursuance of this  
 38 Part, nor does the approval of a transfer or dealing give to the

**s. 50**

1 transfer or dealing any force, effect or validity that the transfer  
2 or dealing would not have had if this Part had not been enacted.

3 *[Section 49 amended: No. 12 of 1990 s. 143.]*

4 **50. Power of Minister to require information as to proposed**  
5 **dealings**

6 (1) The Minister may require the person lodging an application for  
7 approval of a transfer or dealing or a provisional application for  
8 approval of a dealing under this Part to furnish to him in writing  
9 such information concerning the transfer or dealing as the  
10 Minister considers necessary or advisable.

11 (1a) The Minister may require a person who is a party to a dealing  
12 approved by the Minister under section 47 to furnish to the  
13 Minister a statement in writing setting out such information  
14 concerning alterations in the interests or rights existing in  
15 relation to the licence to which the approved dealing relates as  
16 the Minister considers necessary or advisable.

17 (1b) The Minister may require a person making an application under  
18 section 45(1) or (3) or 53A(2) to furnish to the Minister in  
19 writing such information concerning the matter to which the  
20 application relates as the Minister considers necessary or  
21 advisable.

22 (1c) A person shall not fail or refuse to comply with a requirement  
23 given to the person under subsection (1), (1a) or (1b).

24 (2) A person who is so required to furnish information shall not  
25 furnish information that is false or misleading in a material  
26 particular.

27 Penalty for an offence under subsection (1c) or (2): a fine of  
28 \$5 000.

29 *[Section 50 amended: No. 12 of 1990 s. 144; No. 42 of 2010*  
30 *s. 182(4) and (5).]*

31 **51. Production and inspection of books, records and documents**

32 (1) The Minister may require any person to produce to him or make  
33 available for inspection by him or any person specified by him  
34 any books, records, documents, maps or plans in the possession  
35 or under the control of the first-mentioned person and relating to  
36 a transfer or dealing in relation to which approval is sought  
37 under this Part.

1 (1a) The Minister may require any person to produce to the Minister  
2 or to make available for inspection by the Minister any  
3 documents in the possession or under the control of that person  
4 and relating to an application made to the Minister under  
5 section 45(1) or (3) or 53A(2).

6 (2) A person shall not fail or refuse to comply with any requirement  
7 given to him under subsection (1) or (1a).

8 Penalty for an offence under subsection (2): a fine of \$5 000.

9 *[Section 51 amended: No. 12 of 1990 s. 145; No. 42 of 2010*  
10 *s. 182(6).]*

11 **52. Inspection of register and documents**

12 (1) The register and all instruments or copies of instruments subject  
13 to inspection under this Part shall at all convenient times be  
14 open for inspection by any person upon payment of the  
15 prescribed fee.

16 *[(2) deleted]*

17 *[Section 52 amended: No. 12 of 1990 s. 146.]*

18 **53. Evidentiary provisions**

19 (1) The register shall be received by all courts and tribunals as  
20 evidence of all matters required or authorised by this Part to be  
21 entered in the register.

22 (2) The Minister may, on payment of the prescribed fee, supply  
23 copies of or extracts from the register or of or from any  
24 instrument lodged with him under this Part certified by writing  
25 under his hand, and a copy or extract so certified is admissible  
26 in writing in all courts and proceedings without further proof or  
27 production of the original.

28 (3) The Minister may, on payment of the prescribed fee by  
29 instrument in writing under his hand, certify that an entry,  
30 matter or thing required or permitted by or under this Part to be  
31 made or done has or has not, as the case may be, been made or  
32 done and such a certificate is evidence in all courts and  
33 proceedings of the statements contained in the certificate.

34 **53A. Minister may make corrections to register**

35 (1) The Minister may alter the register for the purposes of  
36 correcting a clerical error or an obvious defect in the register.

**s. 54**

- 1 (2) Subject to subsection (3), the Minister may, on application  
2 being made in writing to the Minister by a person or of the  
3 Minister's own motion, make such entries in the register as the  
4 Minister considers appropriate for the purposes of ensuring that  
5 the register accurately records the interests and rights existing in  
6 relation to a licence.
- 7 (3) Where the Minister proposes to make an entry in the register in  
8 accordance with subsection (2), the Minister shall cause to be  
9 published in the *Gazette* a notice —
- 10 (a) setting out the terms of the entry that the Minister  
11 proposes to make in the register; and
- 12 (b) inviting interested persons to give to the Minister, by  
13 such day as is specified in the notice, being a day not  
14 earlier than 45 days after the publication of the notice,  
15 submissions in writing relating to the making of the  
16 entry.
- 17 (4) Where submissions are, in accordance with a notice under  
18 subsection (3), given to the Minister in relation to the proposed  
19 making of an entry in the register, the Minister shall —
- 20 (a) take those submissions into account before making an  
21 entry in the register; and
- 22 (b) after making an entry in the register, cause to be  
23 published in the *Gazette* a notice setting out the terms of  
24 the entry.

25 *[Section 53A inserted: No. 12 of 1990 s. 147.]*

26 **54. Reviews**

- 27 (1) A person aggrieved by —
- 28 (a) the omission of an entry from the register; or
- 29 (b) an entry made in the register without sufficient cause; or
- 30 (c) an entry wrongly existing in the register; or
- 31 (d) an error or defect in an entry in the register,
- 32 may apply to the State Administrative Tribunal in its original  
33 jurisdiction for such order as the Tribunal thinks fit directing the  
34 rectification of the register.
- 35 (2) The Tribunal may, in proceedings under this section, decide any  
36 question that it is necessary or expedient to decide in connection  
37 with the rectification of the register.

1 (3) Notice of an application under this section shall be given to the  
2 Minister, who may appear and be heard and who shall appear, if  
3 so directed by the Tribunal.

4 (4) An office copy of an order made by the Tribunal may be served  
5 on the Minister, and the Minister shall, upon receipt of the  
6 order, rectify the register accordingly.

7 *[Section 54 amended: No. 55 of 2004 s. 921.]*

8 *[55. Deleted: No. 13 of 2005 s. 22.]*

9 **56. Offences**

10 A person who wilfully —

- 11 (a) makes, causes to be made or concurs in making a false  
12 entry in the register; or  
13 (b) produces or tenders in evidence a document falsely  
14 purporting to be a copy of or extract from an entry in the  
15 register or of or from an instrument lodged with the  
16 Minister under this Part,

17 commits an offence.

18 Penalty: a fine of \$5 000.

19 *[Section 56 amended: No. 12 of 1990 s. 149; No. 42 of 2010*  
20 *s. 182(7) and (8).]*

s. 56A

**Part 4A — Polluter pays**

**56A. Escape of petroleum: titleholder's duty**

(1) In this section —

interstate Act means —

(a) the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Commonwealth); or

(b) an Act of another State or a Territory relating to pipeline operations;

interstate land or waters means land or waters to which an interstate Act applies.

(2) This section applies in the event of an escape of petroleum occurring as a result of, or in connection with, a pipeline operation in relation to any of the following titles —

(a) a licence;

(b) any other authority or consent granted by instrument under this Act for the carrying out of a pipeline operation.

(3) The registered holder of the title must —

(a) do all of the following —

(i) as soon as possible after becoming aware of the escape of petroleum, take all reasonably practicable steps to eliminate or control it;

(ii) clean up the escaped petroleum and remediate any resulting damage to the environment;

(iii) carry out environmental monitoring of the impact of the escape on the environment and anything done by the registered holder of the title under subparagraph (i) or (ii);

and

(b) if any of the escaped petroleum has migrated to interstate land or waters, on that land or in those waters, as the case may be —

(i) clean up the escaped petroleum and remediate any resulting damage to the environment; and

(ii) carry out environmental monitoring of the impact of the escape and clean up of the environment.



1 (4) The registered holder of the title must notify the Minister  
2 administering the interstate Act as soon as practicable after  
3 doing anything under subsection (3).

4 **56B. Escape of petroleum: reimbursement of State**

5 (1) This section applies if the Minister considers on reasonable  
6 grounds that the registered holder of a title has failed to comply  
7 with section 56A(3) in relation to an escape of petroleum.

8 (2) The Minister may do any or all of the things that the Minister  
9 considers, on reasonable grounds, the registered holder of the  
10 title has failed to do to comply with section 56A(3).

11 (3) Costs or expenses incurred by the State in doing any thing under  
12 subsection (2) are —

13 (a) a debt due to the Crown by the registered holder of the  
14 title; and

15 (b) recoverable by the State in a court of competent  
16 jurisdiction.

17 ~~*[Part IVA (s. 56A–56C) deleted: No. 36 of 2020 s. 329.]*~~

**s. 57**

1 **Part V — Miscellaneous**

2 **57. Pipelines to remain property of owner**

3 (1) Notwithstanding any Act or rule of law to the contrary, any  
4 pipeline constructed under the authority of this Act shall remain  
5 the property of the licensee whether or not the pipeline is  
6 affixed to any land and whether or not the licence granted in  
7 respect of the pipeline has been wholly or partly cancelled.

8 (2) The licensee, in maintaining or operating any pipeline in respect  
9 of which a licence is issued under this Act, shall do as little  
10 damage as is possible and shall make full compensation to the  
11 owner of, and any party having an interest in, land for any  
12 damage sustained by them in consequence of the exercise of any  
13 power by the licensee in maintaining or operating the pipeline,  
14 and the compensation shall in default of agreement between the  
15 licensee, the owner or other party, be determined by a court of  
16 competent jurisdiction.

17 **58. Notices of grants etc. of licences to be published**

18 The Minister shall cause to be published in the *Government*  
19 *Gazette* such particulars as he thinks fit of the grant, grant of the  
20 renewal, variation, surrender or expiration of a licence.

21 **59. Judicial notice**

22 (1) All courts, tribunals and persons acting judicially shall take  
23 judicial notice of the signature of a person —

24 (a) who is, or has been, the Minister or a delegate of the  
25 Minister; or

26 (b) who has been the Under Secretary or the Principal  
27 Registrar,

28 and of the fact that that person is, or has been, the Minister, a  
29 delegate of the Minister, the Under Secretary or the Principal  
30 Registrar, as the case requires.

31 (2) In subsection (1) —

32 *Principal Registrar*<sup>6</sup> and *Under Secretary*<sup>6</sup> have the same  
33 respective meanings as they had before the commencement of  
34 section 150 of the *Acts Amendment (Petroleum) Act 1990*.

35 [*Section 59 inserted: No. 12 of 1990 s. 150; amended: No. 28 of*  
36 *1994 s. 75.*]

1 **60. Address for service**

2 Every licensee shall forward to the Minister an address for  
3 service of any notice, order or direction under this Act.

4 **60A. Service of documents on 2 or more licensees**

5 (1) Where there are 2 or more registered holders of a licence, those  
6 registered holders shall, by notice in writing signed by each of  
7 them and served on the Minister, nominate one of the registered  
8 holders as being the person on whom documents relating to the  
9 licence that are required or permitted by this Act to be served  
10 may be served.

11 (2) Subject to subsections (3) and (4), where —

- 12 (a) a document relating to a licence is required or permitted
- 13 by this Act to be served on the registered holder; and
- 14 (b) there are 2 or more registered holders of the licence; and
- 15 (c) the document is served on a person in respect of whom a
- 16 nomination under subsection (1) is in force in relation to
- 17 the licence,

18 the document shall be deemed to have been served on each of  
19 those registered holders.

20 (3) Where —

- 21 (a) a person has been nominated under subsection (1) in
- 22 relation to a licence; and
- 23 (b) one of the registered holders of the licence, by notice in
- 24 writing served on the Minister, revokes that nomination,

25 that nomination ceases to be in force and the registered holders  
26 of the licence shall forthwith make a fresh nomination under  
27 subsection (1) in relation to the licence.

28 (4) Where —

- 29 (a) a person has been nominated under subsection (1) in
- 30 relation to a licence; and
- 31 (b) the person so nominated ceases to be one of the
- 32 registered holders of the licence,

33 that nomination ceases to be in force and, if 2 or more registered  
34 holders of the licence remain, those holders shall forthwith  
35 make a fresh nomination under subsection (1) in relation to the  
36 licence.

37 *[Section 60A inserted: No. 12 of 1990 s. 151.]*

**s. 61**

1 **61. Power of Minister to delegate**

2 (1) The Minister may delegate to a person any power or duty of the  
3 Minister under another provision of this Act.

4 (2) The delegation is to be in writing signed by the Minister.

5 (3) A person to whom a power or duty is delegated under this  
6 section cannot delegate that power or duty.

7 (4) A person exercising or performing a power or duty that has been  
8 delegated to the person under this section is to be taken to do so  
9 in accordance with the terms of the delegation unless the  
10 contrary is shown.

11 (5) Nothing in this section limits the ability of the Minister to  
12 perform a function through an officer or agent.

13 (6) A copy of each instrument making, amending or revoking a  
14 delegation under this section shall be published in the *Gazette*.

15 *[Section 61 inserted: No. 42 of 2010 s. 179.]*

16 **62. Inspectors**

17 (1) The Minister may, by instrument in writing, appoint a person to  
18 be an inspector for such or all of the purposes of this Act as are  
19 specified in the instrument of appointment.

20 (2) The Minister may furnish to an inspector a certificate stating  
21 that the person is an inspector for the purposes specified in the  
22 certificate.

23 (3) Where the appointment of a person under this section expires or  
24 is revoked, that person shall forthwith surrender the certificate  
25 furnished to him under this section to the Minister or, if the  
26 Minister, by instrument in writing served on that person,  
27 specifies another person to whom the certificate is to be  
28 surrendered, to that other person.

29 Penalty for an offence under subsection (3): a fine of \$500.

30 *[Section 62 amended: No. 12 of 1990 s. 153; No. 13 of 2005*  
31 *s. 25; No. 42 of 2010 s. 182(9).]*

32 **63. Powers of inspectors**

33 (1) For the purposes of this Act, an inspector, at all reasonable  
34 times and on production of the certificate furnished to him  
35 under section 62 —

36 (a) may enter any licence area; and

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- 1 (b) may inspect and test any pipeline; and  
2 (c) may take samples of any substance being conveyed by a  
3 pipeline; and  
4 (d) may require a licensee, or any other person who has the  
5 custody of any books, records, documents, maps or  
6 plans relating to a pipeline or proposed pipeline to  
7 produce to him those books, records, documents, maps  
8 or plans and may inspect, take extracts from and make  
9 copies of any of those books, records, documents, maps  
10 or plans.

11 (2) A person who is the occupier or person in charge of any  
12 building, structure or place shall provide an inspector with all  
13 reasonable facilities and assistance for the effective exercise of  
14 his powers under this section.

15 (3) A person shall not, without reasonable excuse, obstruct or  
16 hinder an inspector in the exercise of his powers under this  
17 section.

18 Penalty for an offence under subsection (2) or (3): a fine of  
19 \$5 000.

20 *[Section 63 amended: No. 12 of 1990 s. 154; No. 13 of 2005*  
21 *s. 26; No. 42 of 2010 s. 182(10); No. 36 of 2020 s. 330.]*

22 **63A. Protection from liability for wrongdoing**

23 (1) An action in tort does not lie against a person for anything that  
24 the person has done, in good faith, in the performance or  
25 purported performance of a function under this Act.

26 (2) The protection given by subsection (1) applies even though the  
27 thing done as described in that subsection may have been  
28 capable of being done whether or not this Act had been enacted.

29 (3) Despite subsection (1), the State is not relieved of any liability  
30 that it might have for another person having done anything as  
31 described in that subsection.

32 (4) In this section a reference to the doing of anything includes a  
33 reference to the omission to do anything.

34 *[Section 63A inserted: No. 13 of 2005 s. 27.]*

35 **64. Theft of petroleum from pipeline**

36 A person who maliciously or fraudulently —

- 37 (a) abstracts; or

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- 1 (b) causes to be wasted or diverted; or  
2 (c) consumes or uses,

3 any petroleum being conveyed by means of a pipeline, is guilty  
4 of stealing and punishable accordingly.

5 **65. Interfering with pipeline operation**

6 A person must not intentionally or recklessly —

- 7 (a) cause damage to, or interfere with, any pipeline; or  
8 (b) interfere with any pipeline operation.

9 Penalty: imprisonment for 10 years.

10 *[Section 65 inserted: No. 13 of 2005 s. 28.]*

11 **66. Continuing offences**

12 (1) Where an offence is committed by a person by reason of his  
13 failure to comply, within the period specified in a direction  
14 given to him under this Act, with the requirements specified in  
15 the direction, the offence, for the purposes of subsection (3),  
16 shall be deemed to continue so long as any requirement  
17 specified in the direction remains undone, notwithstanding that  
18 the period has elapsed.

19 (2) Where an offence is committed by a person by reason of his  
20 failure to comply with a provision of this Act, the offence, for  
21 the purposes of subsection (3), shall be deemed to continue so  
22 long as that failure continues, notwithstanding that any period  
23 within which the act was required to be done has elapsed.

24 (3) Where, under either subsection (1) or (2), an offence is deemed  
25 to continue, the person who committed the offence commits an  
26 additional offence against this Act on each day during which the  
27 offence is deemed to continue and is liable, upon conviction for  
28 such an additional offence, to a fine not exceeding \$10 000.

29 *[Section 66 amended: No. 12 of 1990 s. 156; No. 13 of 2005*  
30 *s. 31.]*

31 **66A. Persons concerned in commission of offences**

32 Without limiting section 7 of *The Criminal Code*, a person who  
33 by act or omission is in any way directly or indirectly  
34 knowingly concerned in the commission of any offence under

s. 66B

1 this Act shall be deemed to have committed that offence and  
2 shall be punishable accordingly.

3 *[Section 66A inserted: No. 12 of 1990 s. 157; amended: No. 13*  
4 *of 2005 s. 31.]*

5 **66B. Crimes and other offences**

- 6 (1) If the penalty provided for an offence under this Act is or  
7 includes imprisonment, the offence is a crime.
- 8 (2) Summary conviction penalty: for an offence referred to in  
9 subsection (1) — imprisonment for 2 years or a fine of \$10 000  
10 or both.
- 11 (3) Unless the contrary intention appears, an offence under this Act,  
12 other than a crime, is punishable summarily.

13 *[Section 66B inserted: No. 4 of 2004 s. 58.]*

14 **66BA. Time for bringing proceedings for offences against this Act**  
15 **(including the regulations)**

16 A proceeding for an offence against this Act may be brought at  
17 any time.

18 *[Section 66BA inserted: No. 13 of 2005 s. 29(1).]*

19 **66BB. Evidentiary matters**

- 20 (1) In a proceeding for an offence against this Act an averment in  
21 the charge of the offence that at a particular time —
- 22 (a) a particular operation was a pipeline operation;
- 23 (b) a particular person was the licensee for a pipeline  
24 operation;
- 25 (c) a particular person was in control of a particular part of  
26 a pipeline operation;
- 27 (d) a particular person was an employer who carried on a  
28 pipeline operation;
- 29 (e) a particular person was an employer of a particular  
30 person or particular persons engaged in a pipeline  
31 operation;
- 32 (f) a particular person was an employee or inspector,

33 is to be taken to have been proved in the absence of evidence to  
34 the contrary.

**s. 66C**

- 1 (2) In a proceeding for an offence against this Act, proof is not  
2 required as to any of the following matters, unless evidence is  
3 given to the contrary —
- 4 (a) a delegation under section 61 by the Minister of a power  
5 or function;
- 6 (b) the authority of any person to institute a proceeding for  
7 an offence against this Act.
- 8 [(c) *deleted*]
- 9 (3) In a proceeding for an offence against this Act, production of a  
10 copy of —
- 11 (a) a code of practice; or  
12 (b) an Australian Standard; or  
13 (c) an Australian/New Zealand Standard,
- 14 purporting to be certified by the CEO to be a true copy as at any  
15 date or during any period is, without proof of the signature of  
16 the CEO, sufficient evidence of the contents of the code of  
17 practice or Standard as at that date or during that period.

- 18 (4) In subsection (3) —
- 19 ***Australian Standard*** means a document having that title  
20 published by Standards Australia;
- 21 ***Australian/New Zealand Standard*** means a document having  
22 that title jointly published by Standards Australia and the  
23 Standards Council of New Zealand;
- 24 ***CEO*** means the chief executive officer of the department of the  
25 Public Service principally assisting in the administration of  
26 this Act.

27 [Section 66BB inserted: No. 13 of 2005 s. 29(1); amended:  
28 No. 17 of 2014 s. 9; No. 36 of 2020 s. 331.]

29 **66C. Orders for forfeiture in respect of certain offences**

- 30 (1) Where a person is convicted by the Supreme Court of an  
31 offence against section 6 the Court may, in addition to imposing  
32 a penalty, make one or more of the following orders —
- 33 (a) an order for the forfeiture of specified equipment used in  
34 the commission of the offence; and
- 35 (b) an order —
- 36 (i) for the forfeiture of specified petroleum  
37 conveyed through a pipeline in the course of the  
38 commission of the offence; or



s. 66D

- 1 (ii) for the payment by that person to the State of an  
2 amount equal to the proceeds of the sale of  
3 specified petroleum so conveyed; or
- 4 (iii) for the payment by that person to the State of an  
5 amount equal to the value at the well-head,  
6 assessed by the Court, of the quantity, so  
7 assessed, of petroleum so conveyed or for the  
8 payment of such part of that amount as the Court,  
9 having regard to all the circumstances, thinks fit.
- 10 (2) Where the Court is satisfied that an order made under  
11 subsection (1)(b)(i) cannot, for any reason, be enforced, the  
12 Court may, upon the application of the person by whom the  
13 proceedings were brought, set aside the order and make either of  
14 the orders referred to in subsection (1)(b)(ii) or (iii).
- 15 (3) The Court may, before making an order under this section,  
16 require notice to be given to, and hear, such persons as the  
17 Court thinks fit.

18 *[Section 66C inserted: No. 12 of 1990 s. 157.]*

19 **66D. Disposal of forfeited goods**

20 Goods in respect of which an order is made under section 66C  
21 shall be dealt with as the Attorney General directs and, pending  
22 his direction, may be detained in such custody as the Supreme  
23 Court directs.

24 *[Section 66D inserted: No. 12 of 1990 s. 157.]*

25 **66E. Licences under section 10 are not personal property for the**  
26 **purposes of the *Personal Property Securities Act 2009***  
27 **(Commonwealth)**

28 In accordance with the *Personal Property Securities Act 2009*  
29 (Commonwealth) section 10 the definition of *licence*  
30 paragraph (d), a licence granted under section 10 is declared not  
31 to be personal property for the purposes of that Act.

32 *[Section 66E inserted: No. 42 of 2011 s. 89.]*

33 **67. Regulations**

- 34 (1) The Governor may make regulations for or with respect to —
- 35 (a) the construction, maintenance and operation of  
36 pipelines;

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- 1 (b) the inspection of pipelines and the cost of any such  
2 inspection;
- 3 (c) the keeping of registers under this Act;
- 4 (d) the escape of substances from a pipeline;
- 5 (ea) the preparation, submission and approval of  
6 environment plans;
- 7 (eb) the prohibition of the doing of an act or thing otherwise  
8 than in accordance with an approved environment plan;
- 9 (e) providing for the marking of the location of pipelines;
- 10 (f) the prevention of damage to any land used for the  
11 construction or operation of pipelines;
- 12 (fa) fees in relation to pipeline safety audits or other services  
13 provided by the Minister;
- 14 (fb) any transitional matter arising out of the amendments  
15 made to this Act by the *Petroleum Legislation*  
16 *Amendment and Repeal Act 2005*;
- 17 (g) all matters that by this Act are required or permitted to  
18 be prescribed or are necessary or convenient to be  
19 prescribed for carrying out or giving effect to this Act  
20 and for the due administration thereof.
- 21 (1a) The regulations may make provision in relation to a matter by  
22 applying, adopting or incorporating, with or without  
23 modification, a code of practice or standard contained in an  
24 instrument (including an instrument issued or made outside  
25 Australia), as in force or existing at the time when the  
26 regulations take effect or as in force or existing from time to  
27 time, being a code of practice or standard that is relevant to that  
28 matter.
- 29 (1b) The regulations may prohibit the doing of an act or thing either  
30 unconditionally or subject to conditions, including conditions  
31 requiring the grant, as prescribed by the regulations, of the  
32 consent or approval of a person specified in the regulations.
- 33 (1c) The regulations under this section may adopt or apply, with or  
34 without modification, any regulation made under the *Petroleum*  
35 *and Geothermal Energy Resources Act 1967*, the *Petroleum*  
36 *(Submerged Lands) Act 1982* or the Commonwealth Act as  
37 defined in that Act, that is in force or existing at the time when  
38 the regulations under this section take effect or as in force or  
39 existing from time to time.

1 (2) The regulations may provide, in respect of an offence against  
2 the regulations, for the imposition of —

3 (a) a fine not exceeding \$10 000; or

4 (b) a fine not exceeding that amount for each day on which  
5 the offence occurs.

6 *[Section 67 amended: No. 12 of 1990 s. 158; No. 28 of 1994*  
7 *s. 76; No. 13 of 2005 s. 30; No. 35 of 2007 s. 102<sup>1</sup>; No. 42 of*  
8 *2010 s. 180; No. 36 of 2020 s. 332.]*

9 *[Schedule 1 (Div. 1-6) deleted: No. 36 of 2020 s. 333.]*  
10

**s. 5**

1 **Part 4 — *Petroleum (Submerged Lands) Act 1982***  
2 **amended**

3 **5. Act amended**

4 This Part amends the *Petroleum (Submerged Lands) Act 1982*.

5 *[The following text is the Petroleum (Submerged Lands) Act 1982 (except*  
6 *for the Schedules, which are not being amended) showing proposed*  
7 *amendments in track changes..]*

8 **Petroleum (Submerged Lands) Act 1982**

9 **An Act to make provision with respect to the exploration for and the**  
10 **exploitation of the petroleum resources, and certain other resources,**  
11 **of certain submerged lands adjacent to the coast of Western**  
12 **Australia, to repeal the *Petroleum (Submerged Lands) Act 1967*, and**  
13 **for incidental and other purposes.**

14 **Preamble**

15 Whereas in accordance with international law Australia as a coastal State  
16 has sovereign rights over the continental shelf beyond the limits of  
17 Australian territorial waters for the purpose of exploring it and exploiting  
18 its natural resources:

19 And whereas Australia is a party to the Convention on the continental  
20 shelf signed at Geneva on 29 April 1958 in which those rights are  
21 defined:

22 And whereas by the *Seas and Submerged Lands Act 1973* of the  
23 Commonwealth it is declared and enacted that the sovereignty in respect  
24 of the territorial sea of Australia and in respect of the airspace over it and  
25 in respect of its seabed and subsoil, and the sovereignty in respect of  
26 certain internal waters of Australia and in respect of the airspace over  
27 those waters and in respect of the seabed and subsoil beneath those  
28 waters, is vested in and exercisable by the Crown in right of the  
29 Commonwealth:

30 And whereas the Parliaments of the States and the Legislative Assembly  
31 of the Northern Territory have certain legislative powers in respect of the  
32 seabed and subsoil referred to in the last preceding recital and the  
33 Parliament of the Commonwealth has vested in the Crown in right of  
34 each of the States and the Crown in right of the Northern Territory  
35 certain proprietary rights in respect of that seabed and subsoil:

**s. 1**

1 And whereas it has been agreed between the Commonwealth, the States  
2 and the Northern Territory that, in place of the scheme provided for by an  
3 Agreement between the Commonwealth and the States dated  
4 16 October 1967 —

- 5 (a) legislation of the Parliament of the Commonwealth in respect of  
6 the exploration for and the exploitation of the petroleum  
7 resources of submerged lands should be limited to the resources  
8 of lands beneath waters that are beyond the outer limits of the  
9 territorial sea adjacent to the States and the Northern Territory  
10 (being outer limits based, unless and until otherwise agreed, on  
11 the breadth of that sea being 3 nautical miles), and that the  
12 States and the Northern Territory should share in the  
13 administration of that legislation; and
- 14 (b) legislation of the Parliament of each State should apply in  
15 respect of the exploration for and the exploitation of the  
16 petroleum resources of such part of the submerged lands in an  
17 area adjacent to the State as is on the landward side of the  
18 waters referred to in paragraph (a); and
- 19 (c) legislation of the Legislative Assembly of the Northern  
20 Territory should apply in respect of the exploration for and the  
21 exploitation of the petroleum resources of such part of the  
22 submerged lands in an area adjacent to the Northern Territory as  
23 is on the landward side of the waters referred to in  
24 paragraph (a); and
- 25 (d) the Commonwealth, the States and the Northern Territory should  
26 endeavour to maintain, as far as practicable, common principles,  
27 rules and practices in the regulation and control of the exploration  
28 for and the exploitation of the petroleum resources of all the  
29 submerged lands referred to above that are on the seaward side of  
30 the inner limits of the territorial sea of Australia:

31 *[Preamble amended: No. 19 of 2010 s. 50.]*

32 Be it therefore enacted by the Queen's Most Excellent Majesty, by and  
33 with the advice and consent of the Legislative Council and the  
34 Legislative Assembly of Western Australia, in this present Parliament  
35 assembled, and by the authority of the same, as follows: —

**Part I — Preliminary**

**1. Short title**

38 This Act may be cited as the *Petroleum (Submerged Lands)*  
39 *Act 1982.*

**s. 2**

1 **2. Commencement**

2 (1) This Act shall come into operation on the first day on which the  
3 following Acts of the Commonwealth, with or without  
4 amendments, are in operation, namely, the *Seas and Submerged*  
5 *Lands Amendment Act 1980*, the *Coastal Waters (State Powers)*  
6 *Act 1980*, the *Coastal Waters (State Title) Act 1980* and the  
7 *Petroleum (Submerged Lands) Amendment Act 1980*.

8 (2) The Minister shall as soon as is practicable after the  
9 commencement of this Act cause notice of the commencement  
10 to be published in the *Gazette*.

11 **3. *Petroleum (Submerged Lands) Act 1967* repealed**

12 (1) The *Petroleum (Submerged Lands) Act 1967* is repealed.

13 [(2) *deleted*]

14 [*Section 3 amended: No. 42 of 2010 s. 64.*]

15 **4. Terms used**

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

17 ***access authority*** means an access authority under [Part 3](#); ~~Part III~~;

18 ***adjacent area***, in relation to a pipeline or pipeline licence, has  
19 the meaning given in section 60K;

20 ***adjacent area***, other than in relation to a pipeline or pipeline  
21 licence, has the meaning given in section 5;

22 ***application for a primary licence*** means an application under  
23 section 40(1) or (2) or 40A(1) or (2);

24 ***application for a secondary licence*** means an application under  
25 section 40(3) or 40A(3);

26 ***approved*** means approved by the Minister;

27 ***block*** means a block constituted as provided by section 17;

28 ***boundary-change permit*** means a permit granted under  
29 section 27A;

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

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

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

1 **Commonwealth Minister** means the Minister of the Crown in  
2 right of the Commonwealth for the time being administering the  
3 Commonwealth Act, and includes another Minister for the time  
4 being acting for and on behalf of that Minister;

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

7 **construct** includes *place* and *construction* has a corresponding  
8 meaning;

9 **corresponding law** means an Act of another State or a law in  
10 force in a Territory of the Commonwealth giving effect to the  
11 agreement between the Commonwealth, the States and the  
12 Northern Territory referred to in the preamble to this Act;

13 **document** includes any map, book, record or writing;

14 **facility** has the meaning given in section 4A;

15 **good oil-field practice** means all those things that are generally  
16 accepted as good and safe in the carrying on of exploration for  
17 [petroleum or a regulated substance](#)~~petroleum~~, or in operations  
18 for the recovery of [petroleum or a regulated](#)  
19 [substance](#)~~petroleum~~, as the case may be;

20 **good processing and transport practice** means all those things  
21 that are generally accepted as good and safe in the processing  
22 and storage of [petroleum or a regulated substance](#) ~~petroleum~~ and  
23 the preparation of [petroleum or a regulated substance](#) ~~petroleum~~  
24 for transport;

25 **granted**, in relation to a boundary-change permit, a lease under  
26 section 38CD or a licence under section 51A, means taken to  
27 have been granted;

28 **graticular section** means a section referred to in section 17;

29 **infrastructure facilities** has the meaning given in section 6B;

30 **infrastructure licence** means an infrastructure licence under  
31 [Part 3](#); ~~Part III~~;

32 **infrastructure licence area**, in relation to an infrastructure  
33 licence, means the place in respect of which the infrastructure  
34 licence is in force;

35 **infrastructure licensee** means the registered holder of an  
36 infrastructure licence;

37 **inspector** means a person appointed under section 125;

38 **Joint Authority** means the Commonwealth-Western Australia  
39 Offshore Petroleum Joint Authority established by the  
40 Commonwealth Act;

**s. 4**

- 1 *lease* means a retention lease under [Part 3;Part III;](#)
- 2 *lease area* means the area constituted by the blocks that are the
- 3 subject of a lease;
- 4 *lessee* means the registered holder of a lease;
- 5 *licence* means a production licence for [petroleum or a regulated](#)
- 6 [substance petroleum](#) under [Part 3;Part III;](#)
- 7 *licence area* means the area constituted by the blocks that are
- 8 the subject of a licence;
- 9 *licensee* means the registered holder of a licence;
- 10 *location* means a block or blocks in respect of which a
- 11 declaration under section 37 is in force;
- 12 *natural resources* has the same meaning as in paragraph 4 of
- 13 Article 77 of the United Nations Convention on the Law of the
- 14 Sea done at Montego Bay on 10 December 1982;
- 15 Note for this definition
- 16 Paragraph 4 of Article 77 is as follows:
- 17 The natural resources referred to in this Part consist of the mineral and
- 18 other non-living resources of the seabed and subsoil together with
- 19 living organisms belonging to sedentary species, that is to say,
- 20 organisms which, at the harvestable stage, either are immobile on or
- 21 under the seabed or are unable to move except in constant physical
- 22 contact with the seabed or the subsoil.
- 23 *offshore area* means the offshore area of Western Australia
- 24 within the meaning of the Commonwealth Act section 7;
- 25 ~~*offshore petroleum operation* has the meaning given in~~
- 26 ~~section 4A;~~
- 27 [offshore resource operation](#) has the meaning given in
- 28 [section 4A;](#)
- 29 *partly cancelled* means —
- 30 (a) in relation to a permit or lease or licence, cancelled as to
- 31 ~~1 one~~ or more but not all of the blocks the subject of the
- 32 permit or lease or licence; and
- 33 (b) in relation to a pipeline licence, cancelled as to a part of
- 34 the pipeline the subject of the licence;
- 35 *partly determined*, in relation to a permit or lease, means
- 36 determined as to ~~1 one~~ or more but not all of the blocks the
- 37 subject of the permit or lease;
- 38 *permit* means an exploration permit for [petroleum or a regulated](#)
- 39 [substance petroleum](#) under [Part 3, Part III;](#) including a
- 40 boundary-change permit;



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

3 *permittee* means the registered holder of a permit;

4 *petroleum* —

5 (a) means the following —

6 (i) any naturally occurring hydrocarbon, whether in  
7 a gaseous, liquid or solid state;

8 (ii) any naturally occurring mixture of hydrocarbons,  
9 whether in a gaseous, liquid or solid state;

10 (iii) any naturally occurring mixture of 1 or more  
11 hydrocarbons, whether in a gaseous, liquid or  
12 solid state, and 1 or more of hydrogen sulphide,  
13 nitrogen, helium and carbon dioxide;

14 and

15 (b) includes the following —

16 (i) any petroleum as defined by paragraph (a) that  
17 has been returned to a natural reservoir, except  
18 oil shale;

19 (ii) any petroleum as defined by paragraph (a)  
20 or (b)(i) to which 1 or more things prescribed by  
21 the regulations for the purposes of this definition  
22 have been added;

23 ~~*petroleum* means —~~

24 ~~(a) any naturally occurring hydrocarbon, whether in a~~  
25 ~~gaseous, liquid or solid state; or~~

26 ~~(b) any naturally occurring mixture of hydrocarbons,~~  
27 ~~whether in a gaseous, liquid or solid state; or~~

28 ~~(c) any naturally occurring mixture of one or more~~  
29 ~~hydrocarbons, whether in a gaseous, liquid or solid state,~~  
30 ~~and one or more of the following, that is to say,~~  
31 ~~hydrogen sulphide, nitrogen, helium and carbon dioxide,~~

32 ~~and includes any petroleum as defined by paragraph (a), (b) or~~  
33 ~~(c) that has been returned to a natural reservoir in the adjacent~~  
34 ~~area;~~

35 ~~*petroleum pool* means a naturally occurring discrete~~  
36 ~~accumulation of petroleum;~~

37 *pipeline* —

38 (a) means a pipe or system of pipes in the adjacent area  
39 within the meaning of section 60K for conveying  
40 petroleum; and

s. 4

- 1 (b) includes protective or supporting structures, loading  
2 terminals, works, buildings, fittings, pumps, tanks,  
3 storage tanks, meters and any other related  
4 infrastructure; but
- 5 (c) does not include a pipe or system of pipes —
- 6 (i) for returning petroleum to a natural reservoir; or  
7 (ii) for conveying petroleum for use for the purposes  
8 of petroleum exploration operations or  
9 operations for the recovery of petroleum; or  
10 (iii) for conveying petroleum that is to be flared or  
11 vented; or  
12 (iv) for conveying petroleum from a well to a  
13 terminal station without passing through another  
14 terminal station, whether the terminal station to  
15 which the petroleum is conveyed is in that  
16 adjacent area or not;
- 17 ~~— **pipeline** means a pipe or system of pipes in the adjacent area~~  
18 ~~within the meaning of section 60K for conveying petroleum but~~  
19 ~~does not include a pipe or system of pipes —~~
- 20 ~~— (a) for returning petroleum to a natural reservoir; or~~  
21 ~~— (b) for conveying petroleum for use for the purposes of~~  
22 ~~petroleum exploration operations or operations for the~~  
23 ~~recovery of petroleum; or~~  
24 ~~— (c) for conveying petroleum that is to be flared or vented; or~~  
25 ~~— (d) for conveying petroleum from a well to a terminal~~  
26 ~~station without passing through another terminal station;~~  
27 ~~whether the terminal station to which the petroleum is~~  
28 ~~conveyed is in that adjacent area or not;~~
- 29 **pipeline licence** means a licence under Part 3 ~~Part III~~ to  
30 construct and operate a pipeline;
- 31 **pipeline licensee** means the registered holder of a pipeline  
32 licence;
- 33 **primary entitlement** means —
- 34 (a) in relation to a permittee, the number of blocks forming  
35 part of a location in the permit area in respect of which  
36 that permittee may make an application under  
37 section 40(1); and
- 38 (b) in relation to a lessee, the number of blocks in the lease  
39 area in respect of which that lessee may make an  
40 application under section 40A(1);

1 **primary licence** means a licence granted on an application  
2 under section 40(1) or (2) or 40A(1) or (2);

3 **pumping station** means equipment for pumping petroleum, a  
4 regulated substance ~~petroleum~~ or water and includes any  
5 structure associated with that equipment;

6 **register** means the register kept in pursuance of Division 5 of  
7 Part 3; Part III;

8 **registered holder**, in relation to a permit, lease, licence,  
9 infrastructure licence, pipeline licence, special prospecting  
10 authority or access authority, means the person whose name is  
11 for the time being shown in the register as being the holder of  
12 the permit, lease, licence, infrastructure licence, pipeline  
13 licence, special prospecting authority or access authority;

14 **Registration Fees Act** means the *Petroleum (Submerged Lands)*  
15 *Registration Fees Act 1982*;

16 **regulated substance** means a naturally occurring substance  
17 that —

18 (a) occurs in a natural geological formation; and

19 (b) is prescribed by the regulations for the purposes of this  
20 definition;

21 **regulations** means regulations made under section 152;

22 **relinquished area** means —

23 (a) in relation to a permit, lease or licence that has expired,  
24 the area constituted by the blocks in respect of which the  
25 permit, lease or licence was in force but has not been  
26 renewed; and

27 (b) in relation to a permit or lease that has been wholly  
28 determined or partly determined, the area constituted by  
29 the blocks as to which the permit or lease was so  
30 determined; and

31 (c) in relation to a permit or licence that has been wholly  
32 cancelled or partly cancelled, the area constituted by the  
33 blocks as to which the permit or licence was so  
34 cancelled; and

35 (ca) in relation to a lease that has been wholly cancelled, the  
36 area constituted by the blocks in respect of which the  
37 lease was in force; and

38 (da) in relation to an infrastructure licence that has been  
39 surrendered, cancelled or terminated, the place that  
40 constituted the infrastructure licence area; and

**s. 4**

- 1 (d) in relation to a pipeline licence that is no longer in force,  
2 the part of the adjacent area in which the pipeline was  
3 constructed; and
- 4 (e) in relation to a pipeline licence that has been wholly  
5 cancelled or partly cancelled, the part of the adjacent  
6 area in which the pipeline or the part of the pipeline, as  
7 the case may be, was constructed; and
- 8 (f) in relation to a special prospecting authority or access  
9 authority that has been surrendered or cancelled, or has  
10 expired, the area constituted by the blocks in respect of  
11 which that authority was in force;

12 [resources pool](#) means a naturally occurring discrete  
13 [accumulation of petroleum or a regulated substance;](#)

14 **royalty period**, in relation to a permit or licence, means —

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

19 **royalty value** has the meaning applicable under section 145A(1)  
20 or (2);

21 **scheduled area** means the scheduled area for Western Australia  
22 described in Schedule 2;

23 **secondary licence** means a licence granted on an application  
24 under section 40(3) or 40A(3);

25 **secondary line** means a pipe or system of pipes for any purpose  
26 referred to in paragraphs (a), (b), (c) and (d) of the definition of  
27 **pipeline**;

28 **special prospecting authority** means a special prospecting  
29 authority under [Part 3;Part III;](#)

30 **tank station** means a tank or system of tanks for holding or  
31 storing [petroleum or a regulated substance](#) ~~petroleum~~ and  
32 includes any structure associated with that tank or system of  
33 tanks;

34 **terminal station** means a pumping station, a tank station or a  
35 valve station declared to be a terminal station under section 63  
36 or under the Commonwealth Act or a corresponding law;

37 **territorial sea** means the territorial sea of Australia and includes  
38 the territorial sea adjacent to any island forming part of Western  
39 Australia;

1 **valve station** means equipment for regulating the flow of  
2 [petroleum or a regulated substance](#) ~~petroleum~~ and includes any  
3 structure associated with that equipment;

4 **vessel** means a vessel used in navigation, other than air  
5 navigation, and includes a barge, lighter or other floating vessel;

6 **water line** means a pipe or system of pipes for conveying water  
7 in connection with [offshore resource](#) ~~petroleum exploration~~  
8 operations or operations for the [recovery of petroleum or a](#)  
9 [regulated substance](#) ~~recovery of petroleum~~;

10 **well** means a hole in the seabed or subsoil made by drilling,  
11 boring or any other means in connection with exploration for  
12 [petroleum or a regulated substance](#) ~~petroleum~~ or operations for  
13 the recovery of [petroleum or a regulated substance](#) ~~petroleum~~,  
14 but does not include a seismic shot hole;

15 **wholly cancelled**, in relation to a permit, lease, licence or  
16 pipeline licence, means cancelled as to all the blocks, or as to  
17 the whole of the pipeline, the subject of the permit, lease,  
18 licence or pipeline licence;

19 **wholly determined**, in relation to a permit or lease, means  
20 determined as to all the blocks the subject of the permit or lease.

21 (2) Notes in this Act are provided to assist understanding and do not  
22 form part of the Act.

23 *[Section 4 amended: No. 12 of 1990 s. 160; No. 11 of 1994 s. 8;*  
24 *No. 13 of 2005 s. 34; No. 42 of 2010 s. 65; No. 57 of 2011 s. 4;*  
25 *No. 7 of 2017 s. 26; No. 36 of 2020 s. 335.]*

26 **4A. [Meaning of facility and offshore resource operation](#)**  
27 ~~**Meaning of facility and offshore petroleum operation**~~

28 (1) In this section —

29 **accommodation premises** —

30 (a) means residential premises the occupation of which is  
31 necessary for the purposes of workers' engagement at an  
32 offshore [resource](#) ~~petroleum~~ site; and

33 (b) includes buildings and recreational facilities used in  
34 connection with the occupation of those premises;

35 **offshore [resource](#) ~~petroleum~~ site** —

36 (a) means a place at which an activity referred to in  
37 subsection (3) is, or is to be, carried out; and

38 (b) includes any fixture, fitting, plant or structure at the  
39 place;

**s. 4A**

1 *place* has the meaning given in the *Work Health and Safety*  
2 *Act 2020* section 8(2);

3 *plant* has the meaning given in the *Work Health and Safety*  
4 *Act 2020* section 4;

5 *structure* has the meaning given in the *Work Health and Safety*  
6 *Act 2020* section 4;

7 *worker* has the meaning given in the *Work Health and Safety*  
8 *Act 2020* section 7.

9 (2) For the purposes of this Act, a *facility* is a place at which  
10 offshore ~~resource petroleum~~ operations are carried out and it  
11 includes any fixture, fitting, plant or structure at the place.

12 (3) For the purposes of this Act, an *offshore resource petroleum*  
13 *operation* is an activity carried out in the adjacent area for the  
14 purpose of any of the following —

- 15 (a) exploring for petroleum or a regulated substance;  
16 ~~petroleum;~~
- 17 (b) drilling or servicing a well for petroleum or a regulated  
18 substance; ~~petroleum;~~
- 19 (c) extracting or recovering petroleum or a regulated  
20 substance; ~~petroleum;~~
- 21 (d) injecting petroleum or a regulated substance ~~petroleum~~  
22 into a natural underground reservoir;
- 23 (e) processing petroleum or a regulated substance;  
24 ~~petroleum;~~
- 25 (f) handling or storing petroleum or a regulated substance;  
26 ~~petroleum;~~
- 27 (g) the piped conveyance or offloading of petroleum;  
28 ~~petroleum;~~
- 29 (h) the care and maintenance of land, waters or  
30 infrastructure affected by an operation referred to in  
31 paragraphs (a) to (g);
- 32 (i) the decommissioning of an operation referred to in  
33 paragraphs (a) to (g);
- 34 (j) the rehabilitation of the land or waters affected by an  
35 operation referred to in paragraphs (a) to (g).

36 (4) Without limiting subsection (3), an *offshore resource*  
37 *petroleum-operation* includes the following activities —

- 38 (a) planning, designing, preparing or constructing an  
39 offshore ~~resource petroleum~~ site if the activity is carried

- 1 out at or in the vicinity of the offshore resource  
2 ~~petroleum~~-site;
- 3 (b) commissioning, operating or maintaining an offshore  
4 resource ~~petroleum~~-site;
- 5 (c) decommissioning or abandoning an offshore resource  
6 ~~petroleum~~-site or removing any fixture, fitting, plant or  
7 structure from an offshore resource ~~petroleum~~-site;
- 8 (d) constructing, commissioning, operating or maintaining  
9 administrative or other support facilities at or in the  
10 vicinity of an offshore resource ~~petroleum~~-site;
- 11 (e) an activity relating to the care, security or maintenance  
12 of an offshore resource ~~petroleum~~-site carried out at or  
13 in the vicinity of the offshore resource ~~petroleum~~-site;
- 14 (f) constructing, commissioning, operating or maintaining  
15 accommodation premises at or in the vicinity of an  
16 offshore resource ~~petroleum~~-site;
- 17 (g) a prescribed activity carried out in the adjacent area.
- 18 (5) However, an *offshore* resource ~~petroleum~~-*operation* does not  
19 include the following activities —
- 20 (a) using an offtake tanker;
- 21 (b) using a tug or an anchor handler;
- 22 (c) providing supplies to a vessel or structure or otherwise  
23 travelling between a vessel or structure and the shore;
- 24 (d) a prescribed activity.

25 *[Section 4A inserted: No. 36 of 2020 s. 336.]*

## 26 5. Further provisions as to adjacent area

- 27 (1) For the purposes of subsection (2A), assume that the breadth of  
28 the territorial sea had never been determined or declared to be  
29 greater than 3 nautical miles, but had continued to be 3 nautical  
30 miles.
- 31 (2A) In this Act, unless the contrary intention appears —
- 32 *adjacent area* means —
- 33 (a) so much of the scheduled area as consists of the  
34 territorial sea; and
- 35 (b) subject to subsection (2), any area that —
- 36 (i) is within the scheduled area; and



**s. 6A**

- 1 (ii) is on the landward side of the territorial sea and  
2 not within the limits of Western Australia; and  
3 (iii) was, immediately before 14 February 1983, the  
4 subject of an exploration permit for petroleum  
5 subsisting under the *Petroleum (Submerged*  
6 *Lands) Act 1967* (Commonwealth).

- 7 (2) Upon an area described in paragraph (b) of the definition of  
8 ***adjacent area*** in subsection (2A) becoming an area which is —  
9 (a) not the subject of a permit; and  
10 (aa) not the subject of a lease; and  
11 (b) not the subject of a licence; and  
12 (c) not the subject of an application for a lease or licence,

13 the area ceases to be part of the adjacent area.

14 [*Section 5 amended: No. 12 of 1990 s. 161; No. 42 of 2010 s. 66.*]

15 **6A. Effect of alteration of adjacent area**

- 16 (1) In this section —

17 ***Commonwealth instrument*** means an instrument under the  
18 Commonwealth Act that confers, in relation to the offshore area,  
19 some or all of the rights that a petroleum mining instrument  
20 confers in relation to the adjacent area;

21 ***petroleum mining instrument*** means a permit, lease, licence,  
22 infrastructure licence or pipeline licence.

- 23 (2) This section applies to a change to the boundary of the adjacent  
24 area whether occurring before, on or after the day on which the  
25 *Petroleum and Energy Legislation Amendment Act 2010*  
26 section 67 comes into operation.

- 27 (3) If —

28 (a) a petroleum mining instrument has been granted on the  
29 basis that an area (the ***first area***) is within the adjacent  
30 area; and

31 (b) as a result of a change to the boundary of the adjacent  
32 area the first area —

33 (i) ceases to be within the adjacent area; and

34 (ii) falls within the offshore area,

35 this Act applies in relation to the petroleum mining instrument  
36 as if the first area were still within the adjacent area.



1 (4) Subsection (3) continues to apply to the first area only while the  
2 petroleum mining instrument remains in force.

3 (5) If —

4 (a) a Commonwealth instrument has been granted on the  
5 basis that an area (the *second area*) is within the  
6 offshore area; and

7 (b) as a result of a change to the boundary of the adjacent  
8 area the second area —

9 (i) ceases to be within the offshore area; and

10 (ii) falls within the adjacent area,

11 then, so far as the Commonwealth instrument is concerned, this  
12 Act does not apply to the second area.

13 (6) Subsection (5) continues to apply to the second area only while  
14 the Commonwealth instrument remains in force.

15 *[Section 6A inserted No. 42 of 2010 s. 67; amended: No. 7 of*  
16 *2017 s. 27.]*

17 **6B. Infrastructure facilities**

18 (1) In this Act —

19 *infrastructure facilities* means facilities for engaging in any of  
20 the activities mentioned in subsection (2), being —

21 (a) facilities that are resting on the seabed; or

22 (b) facilities (including facilities that are floating) that are  
23 fixed or connected to the seabed; or

24 (c) facilities that are attached or tethered to facilities  
25 referred to in paragraph (a) or (b).

26 (2) The activities referred to in subsection (1) are the following —

27 (a) remote control of facilities used for the recovery of  
28 petroleum in a licence area;

29 (b) processing petroleum recovered in any place,  
30 including —

31 (i) converting petroleum into another form by  
32 physical or chemical means or both (for example,  
33 converting it into liquefied natural gas or  
34 methanol); and

35 (ii) partial processing of petroleum (for example, by  
36 the removal of water);

**s. 6**

- 1 (c) storing petroleum before it is transported to another  
2 place;
- 3 (d) preparing petroleum (for example, by operations such as  
4 pumping or compressing) for transport to another place;
- 5 (e) activities related to any of the above,

6 but, except as mentioned in paragraph (a), do not include  
7 engaging in the exploration for, or recovery of, petroleum.

8 *[Section 6B inserted No. 42 of 2010 s. 67.]*

9 **6. Meaning of certain references in Act**

10 (1) In this Act, a reference to the term of a permit, lease, licence,  
11 infrastructure licence, pipeline licence, special prospecting  
12 authority or access authority is a reference to the period during  
13 which the permit, lease, licence, infrastructure licence, pipeline  
14 licence, special prospecting authority or access authority  
15 remains in force and a reference to the date of expiration of a  
16 permit, lease, licence, special prospecting authority or access  
17 authority is a reference to the day on which the permit, lease,  
18 licence, special prospecting authority or access authority ceases  
19 to be in force.

20 (2) In this Act, a reference to a year of the term of a permit, lease,  
21 licence, infrastructure licence or pipeline licence is a reference  
22 to a period of one year commencing on the day on which the  
23 permit, lease, licence, infrastructure licence or pipeline licence,  
24 as the case may be, comes into force or on any anniversary of  
25 that day.

26 (3) In this Act, a reference to the renewal, or to the grant of a  
27 renewal, of a permit is a reference to the grant of a permit in  
28 respect of all or some of the blocks specified in the  
29 first-mentioned permit to commence on the day after the date of  
30 expiration of the first-mentioned permit or on the day after the  
31 date of expiration of the permit granted upon a previous renewal  
32 of the first-mentioned permit.

33 (3a) In this Act, a reference to the renewal, or to the grant of a  
34 renewal, of a lease is a reference to the grant of a lease in  
35 respect of the blocks in respect of which the first-mentioned  
36 lease was in force to commence on the day after the date of  
37 expiration of the first-mentioned lease or on the day after the  
38 date of expiration of the lease granted upon a previous renewal  
39 of the first-mentioned lease.

1 (4) In this Act, a reference to the renewal, or to the grant of a  
2 renewal, of a licence in respect of the blocks specified in the  
3 licence is a reference to the grant of a licence in respect of those  
4 blocks to commence on the day after the date of expiration of  
5 the first-mentioned licence or on the day after the date of  
6 expiration of the licence granted upon a previous renewal of the  
7 first-mentioned licence.

8 [(5) *deleted*]

9 (6) In this Act, a reference to a pipeline includes a reference to a  
10 part of a pipeline.

11 (7) In this Act, a reference to a permit, lease, licence, infrastructure  
12 licence, pipeline licence or access authority is a reference to the  
13 permit, lease, licence, infrastructure licence, pipeline licence or  
14 access authority as varied for the time being under this Act.

15 (8) The power conferred by this Act to make grant or issue any  
16 instrument shall, unless the contrary intention appears, be  
17 construed as including a power exercisable in the like manner  
18 and subject to the like conditions, if any, to repeal, rescind,  
19 revoke, amend or vary any such instrument.

20 *[Section 6 amended: No. 12 of 1990 s. 162; No. 42 of 2010*  
21 *s. 68.]*

## 22 **7. Space above and below adjacent area**

23 For the purposes of this Act —

24 (a) the space above or below the adjacent area shall be  
25 deemed to be in that area; and

26 (b) the space above or below an area that is part of the  
27 adjacent area shall be deemed to be in that part.

28 *[Section 7 amended: No. 13 of 2005 s. 46(1).]*

## 29 **8. Application of Act**

30 This Act applies to all natural persons, whether Australian  
31 citizens or not and whether resident in Western Australia or not,  
32 and to all corporations, whether incorporated or carrying on  
33 business in Western Australia or not.

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9. Resources pool extending into 2 licence areas or other areas  
~~Petroleum pool extending into 2 licence areas or other areas~~

(1A) In this section —

*Joint Authority* has the meaning given in the Commonwealth Act section 7.

(1) Where a well-head is situated in a licence area or in an area in respect of which an 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 resources pool~~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 access authority, any petroleum or regulated substance recovered~~petroleum recovered~~ through that well is taken~~shall be deemed~~ to have been recovered in that adjoining licence area under the licence in respect of that area.

(2) Where a resources pool~~petroleum pool~~ is partly in 1~~one~~ licence area and partly in an adjoining licence area of the same licensee and petroleum or a regulated substance is recovered~~petroleum is recovered~~ from that pool through a well or wells in 1~~one~~ or both of the licence areas, there is taken~~shall be deemed~~ to have been recovered in each of the licence areas, under the licence in respect of that area, such proportion of all petroleum or regulated substances so recovered~~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 must~~proportions shall~~ be determined in accordance with subsection (3).

(3) The proportions to be determined for the purposes of subsection (2) 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.

(4) Where a resources pool~~petroleum pool~~ is partly in a licence area and partly in an area (in this subsection referred to as the *Commonwealth licence area*) in which the licensee has authority under the Commonwealth Act to explore for, or recover, petroleum or a regulated substance, and petroleum or a regulated substance~~petroleum, and petroleum~~ is recovered from that pool through a well or wells in the licence area, the Commonwealth licence area or both, there is taken~~shall be deemed~~ to have been recovered in the licence area such

- 1 proportion of all petroleum or regulated substances so recovered  
2 ~~petroleum so recovered~~ as may reasonably be treated as being  
3 derived from that area, having regard to the nature and probable  
4 extent of the pool, and that proportion must ~~proportion shall~~ be  
5 determined in accordance with subsection (5).
- 6 (5) The proportion to be determined for the purposes of  
7 subsection (4) may be determined by agreement between the  
8 licensee, the Joint Authority and the Minister or, in the absence  
9 of agreement, may be determined by the Supreme Court on the  
10 application of the licensee, the Joint Authority or the Minister.
- 11 (6) Where a resources pool ~~petroleum pool~~ is partly in a licence  
12 area and partly in an area (in this subsection called the *other*  
13 *licence area*) in which the licensee has authority, under a  
14 corresponding law, to explore for or recover petroleum or a  
15 regulated substance, and petroleum or a regulated substance  
16 ~~petroleum, and petroleum~~ is recovered from that pool through a  
17 well or wells in the licence area, the other licence area or both,  
18 there is taken ~~shall be deemed~~ to have been recovered in the  
19 licence area such proportion of all petroleum or regulated  
20 substances so recovered ~~petroleum so recovered~~ as may  
21 reasonably be treated as being derived from that area, having  
22 regard to the nature and probable extent of the pool, and that  
23 proportion must ~~proportion shall~~ be determined in accordance  
24 with subsection (7).
- 25 (7) The proportion to be determined for the purposes of  
26 subsection (6) may be determined by agreement between the  
27 licensee, the Minister and the Minister administering the  
28 corresponding law or, in the absence of agreement, may be  
29 determined by the Supreme Court on the application of any of  
30 those persons.
- 31 (7A) If a resources pool ~~petroleum pool~~ is partly in a licence area and  
32 partly in another area (in this subsection called the *other area*)  
33 in which the licensee has authority, under another written law,  
34 to explore for or recover petroleum or a regulated substance,  
35 and petroleum or a regulated substance ~~petroleum, and~~  
36 ~~petroleum~~ is recovered from that pool through a well or wells in  
37 the licence area, the other area or both, there is taken to have  
38 been recovered in the licence area such proportion of all  
39 petroleum or regulated substances so recovered ~~petroleum so~~  
40 ~~recovered~~ as may reasonably be treated as being derived from  
41 that area, having regard to the nature and probable extent of the

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1 pool, and that proportion is to be determined in accordance with  
2 subsection (7B).

3 (7B) The proportion to be determined for the purposes of  
4 subsection (7A) may be determined by agreement between the  
5 licensee, the Minister and, if the other written law is  
6 administered by a Minister of the Crown other than the  
7 Minister, that Minister of the Crown or, in the absence of  
8 agreement, may be determined by the Supreme Court on the  
9 application of any of those persons.

10 (8) Where —

- 11 (a) a resources pool ~~petroleum pool~~ is partly in a licence  
12 area and partly in another area, being an area which is  
13 outside the adjacent area and in which the licensee has,  
14 under the Commonwealth Act or a corresponding law,  
15 authority to explore for, or recover, petroleum or a  
16 regulated substance ~~recover, petroleum~~; and
- 17 (b) petroleum or a regulated substance ~~petroleum~~ is  
18 recovered from that pool; and
- 19 (c) the Supreme Court of another State or of the Northern  
20 Territory makes a determination, under the  
21 Commonwealth Act or a corresponding law, of the  
22 proportion of the petroleum or regulated substance  
23 recovered ~~petroleum recovered~~ from that pool that is, for  
24 the purposes of the Commonwealth Act or the  
25 corresponding law, to be deemed to have been recovered  
26 from the other area,

27 the Supreme Court must ~~shall~~ not make a determination under  
28 this section that is inconsistent with the determination of the  
29 Supreme Court of the other State or of the Northern Territory.

30 (8A) If —

- 31 (a) an agreement is in force to explore for, or recover,  
32 petroleum or a regulated substance ~~recover, petroleum~~  
33 between —
- 34 (i) a licensee, the Joint Authority and the Minister in  
35 relation to a resources pool ~~petroleum pool~~ that is  
36 partly in the licence area and partly in another  
37 area (the *other area*) in which the licensee has  
38 authority under the Commonwealth Act; or
- 39 (ii) a licensee, the Minister and the Minister  
40 administering a corresponding law in relation to  
41 a resources pool ~~petroleum pool~~ that is partly in

- 1 the licence area and partly in another area (the  
 2 *other area*) in which the licensee has authority  
 3 under the corresponding law; or
- 4 (iii) a licensee, the Minister and, if the other written  
 5 law mentioned in this subparagraph is  
 6 administered by a Minister of the Crown other  
 7 than the Minister, that Minister of the Crown in  
 8 relation to a resources pool ~~petroleum pool~~ that is  
 9 partly in the licence area and partly in another  
 10 area (the *other area*) in which the licensee has  
 11 authority under another written law;
- 12 and
- 13 (b) the agreement contains a provision (the *apportionment*  
 14 *provision*) that provides that, for the purposes of this  
 15 section, there is taken to be recovered in the licence area  
 16 a specified proportion of all of the petroleum or  
 17 regulated substances recovered ~~petroleum recovered~~  
 18 from the resources pool ~~petroleum pool~~; and
- 19 (c) assuming that petroleum or regulated substances  
 20 ~~petroleum~~ were recovered from the part of the seabed  
 21 that is within the areal and vertical extents specified in  
 22 the agreement, the specified proportion would be  
 23 consistent with such proportion of all petroleum or  
 24 regulated substances ~~petroleum~~ so recovered as may  
 25 reasonably be treated as being derived from the licence  
 26 area, having regard to the nature and probable extent of  
 27 the petroleum or regulated substances ~~petroleum~~ in that  
 28 part of the seabed; and
- 29 (d) the agreement contains a provision to the effect that if it  
 30 becomes apparent that the areal and vertical extents of  
 31 the resources pool ~~petroleum pool~~, as specified in the  
 32 agreement, comprise or are likely to comprise more than  
 33 1 ~~one~~ resources pool ~~petroleum pool~~, the apportionment  
 34 set out in the apportionment provision will apply to the  
 35 petroleum or regulated substances recovered ~~petroleum~~  
 36 ~~recovered~~ from any or all of those resources  
 37 pools ~~petroleum pools~~, regardless of their location but  
 38 within those areal and vertical extents; and
- 39 (e) after the time of the making of the agreement, it  
 40 becomes apparent that the areal and vertical extents of  
 41 the resources pool ~~petroleum pool~~, as specified in the  
 42 agreement, comprise, or are likely to comprise, 2 or  
 43 more resources pools ~~petroleum pools~~; and

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1 (f) petroleum or a regulated substance is recovered  
2 ~~petroleum is recovered~~ from any of those resources  
3 pools ~~petroleum pools~~ through a well or wells in the  
4 licence area, the other area or both,

5 then —

6 (g) for the purposes of this Act, there is taken to have been  
7 recovered in the licence area such proportion of all  
8 petroleum or regulated substances so recovered  
9 ~~petroleum so recovered~~ as is specified in the  
10 apportionment provision; and

11 (h) subsection (4), (6) or (7A), as the case requires, does not  
12 apply to any of those resources pools ~~petroleum pools~~.

13 (8B) The question of whether there is or was a resources pool  
14 ~~petroleum pool~~ covered by subsection (8A)(a) is to be  
15 determined on the basis of information known at the time of the  
16 making of the relevant agreement referred to in that provision.

17 (8C) The question of whether subsection (8A)(c) applies is to be  
18 determined on the basis of information known at the time of the  
19 commencement of the apportionment provision.

20 (8D) The location of any of the 2 or more resources pools ~~petroleum~~  
21 ~~pools~~ mentioned in subsection (8A)(e) is immaterial.

22 (8E) If —

23 (a) at a particular time after the commencement day, a  
24 resources pool ~~petroleum pool~~ is partly in a licence area  
25 and partly in another area (the *other area*) in which the  
26 licensee has authority under the Commonwealth Act, a  
27 corresponding law or another written law to explore for,  
28 or recover, petroleum or a regulated substance ~~recover,~~  
29 ~~petroleum~~; and

30 (b) at that time, an agreement is made between —

31 (i) if the licensee has authority under the  
32 Commonwealth Act — the licensee, the Joint  
33 Authority and the Minister; or

34 (ii) if the licensee has authority under a  
35 corresponding law — the licensee, the Minister  
36 and the Minister administering the corresponding  
37 law; or

38 (iii) if the licensee has authority under another  
39 written law — the licensee, the Minister and, if  
40 the other written law is administered by a



- 1 Minister of the Crown other than the Minister,  
2 that Minister of the Crown;
- 3 and
- 4 (c) the agreement specifies a part of the seabed by reference  
5 to its areal and vertical extents; and
- 6 (d) the areal and vertical extents of the specified part consist  
7 of —
- 8 (i) the whole or a part of the licence area; and  
9 (ii) the whole or a part of the other area;
- 10 and
- 11 (e) the areal and vertical extents of the specified part  
12 include the ~~resources pool~~~~petroleum pool~~; and
- 13 (f) the agreement contains a provision (the *apportionment*  
14 *provision*) that provides that, for the purposes of this  
15 section, there is taken to be recovered in the licence area  
16 a specified proportion of all of the ~~petroleum or~~  
17 ~~regulated substances~~~~petroleum~~ recovered from the  
18 specified part; and
- 19 (g) assuming that ~~petroleum or regulated substances~~  
20 ~~petroleum~~ were recovered from the specified part, the  
21 specified proportion would be consistent with such  
22 proportion of all ~~petroleum or regulated substances~~  
23 ~~petroleum~~ so recovered as may reasonably be treated as  
24 being derived from the licence area, having regard to the  
25 nature and probable extent of the ~~petroleum or regulated~~  
26 ~~substances~~~~petroleum~~ in the specified part; and
- 27 (h) ~~petroleum or a regulated substance~~~~petroleum~~ is  
28 recovered from the specified part through a well or wells  
29 in the licence area, the other area or both,
- 30 then —
- 31 (i) for the purposes of this Act, there is taken to have been  
32 recovered in the licence area such proportion of all  
33 ~~petroleum or regulated substances~~~~petroleum~~ so  
34 recovered as is specified in the apportionment provision;  
35 and
- 36 (j) subsection (4), (6) or (7A), as the case requires, does not  
37 apply to a ~~resources pool~~~~petroleum pool~~ located in the  
38 specified part.

**s. 10**

1 (8F) The question of whether there is or was a resources pool  
2 ~~petroleum pool~~ covered by subsection (8E)(a) at a particular  
3 time is to be determined on the basis of information known at  
4 that time.

5 (8G) The question of whether subsection (8E)(g) applies is to be  
6 determined on the basis of information known at the time of the  
7 commencement of the apportionment provision.

8 (8H) In subsection (8E)(a) —  
9 *commencement day* means the day on which the *Petroleum*  
10 *Legislation Amendment Act 2017* section 28 comes into  
11 operation.

12 (9) Where —

13 (a) a resources pool ~~petroleum pool~~ is partly in a licence  
14 area and partly in another area, whether in the adjacent  
15 area or not, in respect of which another person has  
16 authority, whether under this Act, another written law,  
17 the Commonwealth Act or a corresponding law, to  
18 explore for or recover petroleum or a regulated  
19 substance ~~recover petroleum~~; and

20 (b) a unit development agreement in accordance with  
21 section 59 is in force between the licensee and that other  
22 person; and

23 (c) petroleum or a regulated substance ~~petroleum~~ is  
24 recovered from that pool through a well or wells in the  
25 licence area, the other area or both,

26 there is taken ~~shall be deemed~~ to have been recovered in the  
27 licence area such proportion of all petroleum or regulated  
28 substances so recovered ~~petroleum so recovered~~ as is specified  
29 in, or determined in accordance with, the agreement.

30 (10) In this section a reference to a licence, a licensee or a licence  
31 area must ~~shall~~ be read as including a reference to a permit and  
32 a lease, a permittee and a lessee or a permit area and a lease  
33 area.

34 [Section 9 amended: No. 12 of 1990 s. 163; No. 7 of 2017  
35 s. 28.]

36 **10. Position on Earth's surface**

37 (1) Where, for the purposes of this Act, or for the purposes of an  
38 instrument under this Act, it is necessary to determine the  
39 position on the surface of the Earth of a point, line or area, that

1 position is to be determined by reference to the prescribed  
2 Australian datum.

3 (2) A datum may be prescribed for all or some of the purposes  
4 referred to in subsection (1), and different datums may be  
5 prescribed for different purposes.

6 (3) Regulations that prescribe a datum for a purpose referred to in  
7 subsection (1), or amend that datum or prescribe another datum  
8 to replace that datum, may make any transitional or savings  
9 provisions that are necessary or convenient to be made —

10 (a) in relation to permits, leases, licences, pipeline licences,  
11 special prospecting authorities or access authorities  
12 granted before the regulations take effect; or

13 (b) in relation to applications for permits, leases, licences,  
14 pipeline licences, special prospecting authorities or  
15 access authorities pending when the regulations take  
16 effect; or

17 (c) for any other purpose.

18 (4) Regulations referred to in subsection (3) may modify or  
19 otherwise affect the operation of this Act.

20 (5) Without limiting subsection (2), a datum is to be prescribed by  
21 regulations referred to in this section for the purposes of the  
22 determination of the position on the surface of the Earth of the  
23 boundary of the area described in Schedule 2.

24 *[Section 10 inserted: No. 54 of 2000 s. 8(2); amended: No. 13*  
25 *of 2005 s. 46(2).]*

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1 **Part II — Administration of the offshore area**

2 *[Heading amended: No. 42 of 2010 s. 69.]*

3 **11. Term used: Commonwealth Act**

4 In this Part —

5 **Commonwealth Act** means —

- 6 (a) the *Offshore Petroleum and Greenhouse Gas Storage*  
7 *Act 2006* (Commonwealth); or  
8 (b) the *Offshore Petroleum and Greenhouse Gas Storage*  
9 *(Registration Fees) Act 2006*<sup>2</sup> (Commonwealth); or  
10 (c) the *Offshore Petroleum and Greenhouse Gas Storage*  
11 *(Safety Levies) Act 2006*<sup>3</sup> (Commonwealth); or  
12 (d) the *Offshore Petroleum (Royalty) Act 2006*  
13 (Commonwealth).

14 *[Section 11 inserted: No. 42 of 2010 s. 70; amended: No. 7 of*  
15 *2017 s. 29.]*

16 **12. Minister as member of Joint Authority**

- 17 (1) The Minister may exercise any power which a Commonwealth  
18 Act is expressed to authorise him to exercise as a member of the  
19 Joint Authority.  
20 (2) The Minister shall perform any function or duty which a  
21 Commonwealth Act is expressed to require him to perform as a  
22 member of the Joint Authority.

23 *[Section 12 amended: No. 42 of 2010 s. 71.]*

24 *[13, 14. Deleted: No. 7 of 2017 s. 30.]*

25 **15. Public service officers performing functions under**  
26 **Commonwealth Act**

27 (1) In this section —

28 **officer** means a public service officer employed in the  
29 department of the Public Service principally assisting the  
30 Minister in the administration of this Act.

- 31 (2) An officer is to perform any function or duty that the Minister,  
32 as a member of the Joint Authority, requires the officer to  
33 perform in relation to a Commonwealth Act.

34 *[Section 15 inserted: No. 7 of 2017 s. 31.]*

<sup>1</sup> *[Part IIA (s. 15A) deleted: No. 36 of 2020 s. 337.]*

Consultation Draft

1 **Part 3 — Mining for petroleum or regulated**  
2 **substances**

3 **~~Part III — Mining for petroleum~~**

4 **Division 1 — Preliminary**

5 **16. Delegation**

6 (1) The Minister may, either generally or as otherwise provided by  
7 the instrument of delegation, by writing signed by him delegate  
8 to a person any of his powers, functions or duties under this Act,  
9 other than this power of delegation.

10 (2) A power, function or duty so delegated, when exercised or  
11 performed by the delegate, shall, for the purposes of this Act, be  
12 deemed to have been exercised or performed by the Minister.

13 (3) A delegation under this section may be expressed as a  
14 delegation to the person for the time being holding, or  
15 performing the duties of, a specified office under the  
16 Commonwealth, a State or a Territory.

17 (4) A delegation under this section made at any time by a person  
18 who is at that time the Minister continues in force  
19 notwithstanding that at some subsequent time a different person  
20 is the Minister or there is no person who is the Minister, but  
21 such a delegation may be revoked or varied by any person who  
22 is for the time being the Minister.

23 (5) A delegation under this section of a power, function or duty  
24 does not prevent the exercise of the power or performance of the  
25 function or duty by the Minister.

26 (6) A copy of each instrument making, varying or revoking a  
27 delegation shall be published in the *Gazette*.

28 *[Section 16 amended: No. 13 of 2005 s. 46(2).]*

29 **17. Graticulation of Earth's surface**

30 (1) For the purposes of this Act, the surface of the earth shall be  
31 deemed to be divided —

32 (a) by the meridian of Greenwich and by meridians that are  
33 at a distance from that meridian of 5 minutes, or a  
34 multiple of 5 minutes, of longitude; and

1 (b) by the equator and by parallels of latitude that are at a  
2 distance from the equator of 5 minutes, or a multiple of  
3 5 minutes, of latitude,

4 into sections, each of which is bounded —

5 (c) by portions of 2 of those meridians that are at a distance  
6 from each other of 5 minutes of longitude; and

7 (d) by portions of 2 of those parallels of latitude that are at a  
8 distance from each other of 5 minutes of latitude.

9 (2) For the purposes of this Act —

10 (a) a graticular section that is wholly within the adjacent  
11 area constitutes a block; and

12 (b) if a part only of a graticular section is, or parts only of a  
13 graticular section are, within the adjacent area, the area  
14 of that part, or of those parts, constitutes a block.

15 (3) In this Act —

16 (a) a reference to a block that is constituted by a graticular  
17 section includes a reference to a block that is constituted  
18 by the area of a part only, or by the areas of parts only,  
19 of a graticular section; and

20 (b) a reference to a graticular section that constitutes a block  
21 includes a reference to a graticular section part only of  
22 which constitutes, or parts only of which constitute, a  
23 block.

24 (4) Without limiting subsection (2) of section 10, a datum is to be  
25 prescribed by regulations referred to in that section for the  
26 purposes of the determination of the position on the surface of  
27 the Earth of a graticular section or a block.

28 *[Section 17 amended: No. 54 of 2000 s. 8(3).]*

29 **18. Reservation of blocks**

30 (1) The Minister may, by instrument published in the *Gazette*,  
31 declare that a permit, lease, licence, infrastructure licence,  
32 special prospecting authority or access authority shall not be  
33 granted in respect of a block specified in the instrument and that  
34 a pipeline licence shall not be granted in respect of a pipeline  
35 over or in that block.

36 (2A) A declaration cannot be made under subsection (1) in respect of  
37 a block in respect of which a permit, lease, licence or

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1 infrastructure licence is in force or over or in which there is a  
2 pipeline.

3 (2) While a declaration under subsection (1) remains in force in  
4 respect of a block, a permit, lease, licence, infrastructure  
5 licence, special prospecting authority or access authority shall  
6 not be granted in respect of that block and a pipeline licence  
7 shall not be granted in respect of a pipeline over or in that block.

8 *[Section 18 amended: No. 12 of 1990 s. 164; No. 42 of 2010*  
9 *s. 75.]*

10 **18A. Issue of permits etc. in marine reserves**

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

16 (2) In this section —

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

20 *[Section 18A inserted: No. 5 of 1997 s. 44.]*

21 **Division 2 — Exploration permits for petroleum or a regulated**  
22 **substance petroleum**

23 **19. Exploration for petroleum or regulated substances**  
24 **Exploration for petroleum**

25 (1) A person ~~must shall~~ not explore for petroleum or a regulated  
26 substance petroleum in the adjacent area except —

27 (a) under and in accordance with a permit and  
28 subsection (3); or permit; or

29 (b) as otherwise permitted by this Part.

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

32 (2) In subsection (1) to *explore for petroleum or a regulated*  
33 *substance petroleum* includes to conduct any geophysical  
34 survey, the data from which is intended for use in the search for  
35 petroleum or a regulated substance petroleum.



- 1 (3) A permit does not authorise the permittee to explore for a  
2 regulated substance, and to carry on such operations and  
3 execute such works as are necessary for that purpose, unless —  
4 (a) the permittee applies to the Minister in writing for  
5 approval to carry out the exploration, carry on the  
6 operations and execute the works; and  
7 (b) the Minister —  
8 (i) by instrument in writing, grants the approval; and  
9 (ii) endorses the permit accordingly.

10 [Section 19 amended: No. 28 of 1994 s. 80; No. 42 of 2010  
11 s. 171.]

12 **20. Advertisement of blocks**

- 13 (1) The Minister may, by instrument published in the *Gazette* —  
14 (a) invite applications for the grant of a permit in respect of  
15 the block or blocks specified in the instrument; and  
16 (b) specify a period within which applications may be  
17 made.  
18 (2) The Minister may, for reasons that he thinks sufficient, in an  
19 instrument under subsection (1), direct that section 21(2) or (3)  
20 does not apply, or that both of those subsections do not apply, to  
21 or in relation to the applications.

22 [Section 20 amended: No. 12 of 1990 s. 165.]

23 **21. Application for permits**

- 24 (1) An application under section 20 —  
25 [(a) *deleted*]  
26 (b) shall be made in an approved manner; and  
27 (c) shall be in respect of not more than 400 blocks; and  
28 (d) shall be accompanied by particulars of —  
29 (i) the proposals of the applicant for work and  
30 expenditure in respect of the blocks specified in  
31 the application; and  
32 (ii) the technical qualifications of the applicant and  
33 of his employees; and  
34 (iii) the technical advice available to the applicant;  
35 and

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- 1 (iv) the financial resources available to the applicant;  
2 and  
3 (e) may set out other matters that the applicant wishes the  
4 Minister to consider; and  
5 (f) shall be accompanied by the prescribed fee.
- 6 (2) The number of blocks specified in the application —  
7 (a) if 16 blocks or more are available, shall not be less than  
8 16; or  
9 (b) if less than 16 blocks are available, shall be the number  
10 available.
- 11 (3) The blocks specified in the application shall be blocks that are  
12 constituted by graticular sections that —  
13 (a) constitute a single area; and  
14 (b) are such that each graticular section in that area has a  
15 side in common with at least one other graticular section  
16 in that area.
- 17 (4) The Minister may, at any time, by instrument in writing served  
18 on the applicant, require him to furnish, within the time  
19 specified in the instrument, further information in writing in  
20 connection with his application.

21 *[Section 21 amended: No. 12 of 1990 s. 166; No. 42 of 2010*  
22 *s. 76.]*

23 **22A. Competing applications for same block**

- 24 (1) This section applies if 2 or more applications have been made  
25 under section 20 for the grant of a permit in respect of the same  
26 block or blocks.
- 27 (2) The Minister may grant the permit to whichever applicant, in  
28 the Minister's opinion, is most deserving of the grant of the  
29 permit having regard to criteria made publicly available by the  
30 Minister.
- 31 (3) For the purposes of subsection (2), the Minister may rank the  
32 applicants in the order in which they are deserving of the grant,  
33 the most deserving applicant being ranked highest.
- 34 (4) The Minister may exclude from the ranking any applicant that,  
35 in the Minister's opinion, is not deserving of the grant of the  
36 permit.

- 1 (5) If the Minister is of the opinion that, after considering the  
2 information accompanying the applications, 2 or more of the  
3 applicants are equally deserving of the grant of the permit, the  
4 Minister may, by written notice served on each of those  
5 applicants, invite them to give to the Minister, within a period  
6 stated in the notice, particulars of the applicant's proposals for  
7 additional work and expenditure in respect of the block or  
8 blocks specified in the application, being particulars that the  
9 Minister considers to be relevant in determining which of the  
10 applicants is most deserving of the grant of the permit.
- 11 (6) If any particulars are given by applicants to the Minister in  
12 accordance with the invitations contained in the notices served  
13 under subsection (5), the Minister shall have regard to the  
14 particulars in determining whichever of the applicants is most  
15 deserving of the grant of the permit.

16 *[Section 22A inserted: No. 42 of 2010 s. 77.]*

17 **22. Grant or refusal of permit in relation to application**

- 18 (1) Where an application has been made under section 20, the  
19 Minister may —
- 20 (a) by instrument in writing served on the applicant inform  
21 the applicant that the Minister is prepared to grant to the  
22 applicant a permit in respect of the block or blocks  
23 specified in the instrument; or
- 24 (b) refuse to grant a permit to the applicant.
- 25 (2) An instrument under subsection (1) ~~must shall~~ contain —
- 26 (a) a summary of the conditions subject to which the permit  
27 is to be granted; and
- 28 (b) a statement to the effect that the application will lapse if  
29 the applicant does not make a request under  
30 subsection (3) in respect of the grant of the permit.
- 31 (3) An applicant on whom there has been served an instrument under  
32 subsection (1) may, within a period of ~~1 one~~ month after the date  
33 of service of the ~~instrument~~~~instrument on him~~, or within such  
34 further period, not exceeding ~~1 one~~ month, as the Minister, on  
35 application in writing ~~served on the Minister~~ ~~served on him~~  
36 before the expiration of the first-mentioned period of ~~1 one~~  
37 month, allows, by instrument in writing served on the Minister,  
38 request the Minister to grant to the applicant the permit referred  
39 to in the first-mentioned instrument.

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1 (4) Where an applicant on whom there has been served an  
2 instrument under subsection (1) has made a request under  
3 subsection (3) within the period applicable under subsection (3),  
4 the Minister ~~must shall~~ grant to ~~the applicant him~~ an exploration  
5 permit for ~~petroleum or a regulated substance~~ ~~petroleum~~ in  
6 respect of the block or blocks specified in the instrument.

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

11 *[Section 22 amended: No. 28 of 1994 s. 81.]*

12 **23A. Withdrawal of application**

13 The person who has made, or all the persons who have jointly  
14 made, an application under section 20 for the grant of a permit  
15 may, by written notice served on the Minister, withdraw the  
16 application at any time before a permit is granted in respect of  
17 the application.

18 *[Section 23A inserted: No. 42 of 2010 s. 78.]*

19 **23B. Application continued after withdrawal of joint applicant**

20 If —

21 (a) an application made under section 20 for the grant of a  
22 permit was a joint application; and

23 (b) all of the joint applicants, by written notice served on  
24 the Minister, inform the Minister that one or more, but  
25 not all, of them, as specified in the notice, withdraw  
26 from the application,

27 the following paragraphs have effect —

28 (c) the application continues in force as if it had been made  
29 by the remaining applicant or applicants;

30 (d) if the Minister had informed the joint applicants that the  
31 Minister was prepared to grant to the applicants a permit  
32 in respect of the block or blocks to which the application  
33 relates — the Minister is taken not to have so informed  
34 the applicants.

35 *[Section 23B inserted: No. 42 of 2010 s. 78.]*

1 **23C. Effect of withdrawal or lapse of application**

2 If —

3 (a) 2 or more applications have been made under section 20  
4 for the grant of a permit in respect of the same block or  
5 blocks; and

6 (b) one or more, but not all, of the applications are  
7 withdrawn or have lapsed,

8 the following paragraphs have effect —

9 (c) the withdrawn or lapsed application or applications are  
10 taken not to have been made;

11 (d) if the Minister had informed the applicant or one of the  
12 applicants whose application had been withdrawn or had  
13 lapsed that the Minister was prepared to grant to that  
14 applicant a permit in respect of the block or blocks —  
15 the Minister is taken not to have so informed the  
16 applicant concerned;

17 (e) if the applicant or one of the applicants whose  
18 application had been withdrawn had requested the  
19 Minister under section 22(3) to grant a permit to the  
20 applicant concerned — the request is taken not to have  
21 been made;

22 (f) if the Minister had refused to grant a permit to the  
23 remaining applicant or any of the remaining  
24 applicants — the refusal or refusals are taken not to have  
25 occurred.

26 *[Section 23C inserted: No. 42 of 2010 s. 78.]*

27 **23. Application for permit in respect of surrendered etc. blocks**

28 (1) Where —

29 (a) a lease is surrendered, cancelled or determined as to a  
30 block or blocks; or

31 (aa) a licence is surrendered or cancelled as to a block or  
32 blocks; or

33 (b) a permit is surrendered, cancelled or determined as to a  
34 block or blocks and, at the time of the surrender,  
35 cancellation or determination, the block was, or was  
36 included in, or the blocks were, or were included in, a  
37 location; or

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1 (c) a resources pool ~~petroleum pool~~ from which petroleum  
2 or a regulated substance has been recovered ~~petroleum~~  
3 ~~has been recovered~~ is within or extends to a block or  
4 blocks in respect of which no permit, lease or licence is  
5 in force,

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

11 [(2), (3) deleted]

12 (4) An application under this section —

13 [(a) deleted]

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

15 (c) must ~~shall~~ be accompanied by the particulars referred to  
16 in section 21(1)(d); and

17 (d) must ~~shall~~ specify an amount that the applicant is  
18 prepared to pay to the Minister, in addition to the fee  
19 referred to in section 24(1)(a), in respect of the grant of  
20 a permit ~~to him~~ on the application; and

21 (e) may set out any other matters that the applicant wishes  
22 the Minister to consider.

23 (5) The Minister may, at any time, by instrument in writing served  
24 on the applicant, require the applicant ~~him~~ to furnish, within the  
25 time specified in the instrument, further information in writing  
26 in connection with the application ~~his application~~.

27 [Section 23 amended: No. 12 of 1990 s. 167; No. 28 of 1994  
28 s. 82; No. 42 of 2010 s. 79.]

29 **24. Application fee etc.**

30 (1) An application under section 23 shall be accompanied by —

31 (a) the prescribed fee; and

32 (b) a deposit of 10% of the amount specified in the  
33 application under section 23(4)(d).

34 (2) Where a permit is not granted on the application, the amount of  
35 the deposit shall, subject to subsection (3), be refunded to the  
36 applicant.

37 (3) Where an applicant on whom there has been served an  
38 instrument under section 25 does not request the Minister in  
39 accordance with section 26 to grant to him the permit referred to

1 in the instrument, the deposit shall not be refunded to the  
2 applicant.

3 *[Section 24 amended: No. 12 of 1990 s. 168; No. 42 of 2010*  
4 *s. 80.]*

5 **25. Consideration of applications**

6 (1) Where, at the expiration of the period specified in an instrument  
7 under section 23(1), only one application has been made under  
8 that subsection in respect of the block or blocks specified in the  
9 instrument, the Minister may reject the application or may, by  
10 instrument in writing served on the applicant, inform the  
11 applicant that he is prepared to grant to him a permit in respect  
12 of that block or those blocks.

13 (2) Where, at the expiration of the period specified in an instrument  
14 under section 23(1), 2 or more applications have been made under  
15 that subsection in respect of the block or blocks specified in the  
16 instrument, the Minister may reject any or all of the applications  
17 and, if he does not reject all of the applications, may —

- 18 (a) if only one application remains unrejected, by  
19 instrument in writing served on the applicant; or  
20 (b) if 2 or more applications remain unrejected, by  
21 instrument in writing served on the applicant, or on one  
22 of the applicants, whose application has not been rejected  
23 and who has specified as the amount that he is prepared  
24 to pay in respect of the grant of a permit to him an  
25 amount that is not less than the amount specified by any  
26 other applicant whose application has not been rejected,

27 inform him that he is prepared to grant to him a permit in  
28 respect of that block or those blocks.

29 *[(3), (4) deleted]*

30 (5) An instrument under this section shall contain —

- 31 (a) a summary of the conditions subject to which the permit  
32 is to be granted; and  
33 (b) a statement to the effect that the application will lapse if  
34 the applicant does not —  
35 (i) make a request under section 26(1); and  
36 (ii) pay the balance of the amount to be paid in  
37 respect of the grant of the permit to the applicant.

38 *[Section 25 amended: No. 12 of 1990 s. 169; No. 28 of 1994*  
39 *s. 83; No. 42 of 2010 s. 81.]*

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1 **26. Request by applicant for grant of permit in respect of**  
2 **advertised blocks**

3 (1) An applicant on whom there has been served an instrument  
4 under section 25 may, within a period of 3 months after the date  
5 of service of the instrument on him, or within such further  
6 period, not exceeding 3 months, as the Minister, on application  
7 in writing served on him before the expiration of the  
8 first-mentioned period of 3 months, allows —

9 (a) by instrument in writing served on the Minister, request  
10 the Minister to grant to him the permit referred to in the  
11 first-mentioned instrument; and

12 (b) pay the balance of the amount to be paid in respect of  
13 the grant of the permit to the applicant.

14 (2) Where an applicant on whom there has been served an  
15 instrument under section 25 —

16 (a) has not made a request under subsection (1); or

17 (b) has not paid the balance of the amount to be paid in  
18 respect of the grant of the permit to the applicant,

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

21 (3) Where the application of an applicant on whom there has been  
22 served an instrument under section 25(2) lapses as provided by  
23 subsection (2), section 25(2) applies in respect of the application  
24 or applications, if any, then remaining unrejected.

25 *[Section 26 amended: No. 28 of 1994 s. 84; No. 42 of 2010*  
26 *s. 82.]*

27 **27. Grant of permit on request**

28 Where a person on whom there has been served an instrument  
29 under section 25 —

30 (a) has made a request under section 26(1); and

31 (b) has paid the balance of the amount to be paid in respect  
32 of the grant of a permit to the applicant,

33 within the period applicable under section 25(1), the Minister  
34 must ~~shall~~ grant to that person an exploration permit for  
35 petroleum or a regulated substance ~~petroleum~~ in respect of the  
36 block or blocks specified in the instrument.

37 *[Section 27 amended: No. 28 of 1994 s. 85; No. 42 of 2010*  
38 *s. 83.]*



1 **27A. Grant of boundary-change permit**

2 (1) In this section —

3 **section 17 block** means —

- 4 (a) a block constituted as provided by section 17; or
- 5 (b) if a graticular section is wholly within the area that was
- 6 covered by the Commonwealth permit concerned — the
- 7 graticular section; or
- 8 (c) if a part only of a graticular section is within the area
- 9 that was covered by the Commonwealth permit
- 10 concerned — that part of the graticular section.

11 Note for this definition:

12 See also subsection (8).

13 (2) This section applies if —

- 14 (a) a Commonwealth permit has been granted on the basis
- 15 that an area (the **relevant area**) is within the offshore
- 16 area; and
- 17 (b) as a result of a change to the boundary of the offshore
- 18 area, the relevant area —
- 19 (i) ceases to be within the offshore area; and
- 20 (ii) falls within the adjacent area;
- 21 and
- 22 (c) either —
- 23 (i) the conditions set out in subsection (3) are
- 24 satisfied; or
- 25 (ii) the conditions set out in subsection (4) are
- 26 satisfied.

27 (3) The conditions mentioned in subsection (2)(c)(i) are —

- 28 (a) one or more, but not all, of the section 17 blocks that
- 29 were covered by the Commonwealth permit
- 30 immediately before the change are in the relevant area;
- 31 and
- 32 (b) the Commonwealth permit subsequently ceases to be in
- 33 force at the same time (the **relevant time**) —
- 34 (i) as to all of the section 17 blocks that were
- 35 covered by the Commonwealth permit
- 36 immediately before the change and that are in the
- 37 offshore area; and

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- 1 (ii) otherwise than as the result of the cancellation or  
2 surrender of the Commonwealth permit.
- 3 (4) The conditions mentioned in subsection (2)(c)(ii) are —
- 4 (a) all of the section 17 blocks that were covered by the  
5 Commonwealth permit immediately before the change  
6 are in the relevant area; and
- 7 (b) the Commonwealth permit subsequently ceases to be in  
8 force at the same time (the *relevant time*) —
- 9 (i) as to all of the section 17 blocks that were  
10 covered by the Commonwealth permit  
11 immediately before the change; and
- 12 (ii) otherwise than as the result of the cancellation or  
13 surrender of the Commonwealth permit.
- 14 (5) If —
- 15 (a) assuming that —
- 16 (i) the change to the boundary of the offshore area  
17 had not occurred; and
- 18 (ii) the relevant area had remained in the offshore  
19 area,  
20 the holder of the Commonwealth permit would have  
21 been entitled to apply under the Commonwealth Act for  
22 the renewal of the Commonwealth permit in relation to  
23 all of the section 17 blocks that are —
- 24 (iii) covered by the Commonwealth permit; and  
25 (iv) in the relevant area;  
26 and
- 27 (b) there are one or more section 17 blocks (the *relevant*  
28 *section 17 blocks*) that —
- 29 (i) correspond to the section 17 blocks covered by  
30 paragraph (a); and
- 31 (ii) are in the adjacent area; and  
32 (iii) are not the subject of a variation under  
33 section 103A,
- 34 the Minister is taken —
- 35 (c) to have granted the holder of the Commonwealth permit  
36 a permit over those relevant section 17 blocks; and

- 1 (d) to have done so immediately after the relevant time  
2 mentioned in whichever of subsection (3) or (4) is  
3 applicable.

4 Note for this subsection:

5 For the duration of the permit, see section 29(1A).

6 (6) If —

7 (a) assuming that —

8 (i) the change to the boundary of the offshore area  
9 had not occurred; and

10 (ii) the relevant area had remained in the offshore  
11 area,

12 the holder of the Commonwealth permit would not have  
13 been entitled to apply under the Commonwealth Act for  
14 the renewal of the Commonwealth permit in relation to  
15 all of the section 17 blocks that are —

16 (iii) covered by the Commonwealth permit; and

17 (iv) in the relevant area;

18 and

19 (b) there are one or more section 17 blocks (the *relevant*  
20 *section 17 blocks*) that —

21 (i) correspond to the section 17 blocks that were  
22 covered by the Commonwealth permit  
23 immediately before the change; and

24 (ii) are in the adjacent area; and

25 (iii) are not the subject of a variation under  
26 section 103A,

27 the Minister is taken —

28 (c) to have granted the holder of the Commonwealth permit  
29 a permit over those relevant section 17 blocks; and

30 (d) to have done so immediately after the relevant time  
31 mentioned in whichever of subsection (3) or (4) is  
32 applicable.

33 Note for this subsection:

34 For the duration of the permit, see section 29(1B).

35 (7) For the purposes of subsections (5) and (6), the following  
36 provisions of the Commonwealth Act are to be disregarded —

37 (a) the standard halving rules in section 123 of that Act;

38 (b) the modified halving rules in section 124 of that Act;

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- 1 (c) a provision of a kind specified in the regulations.
- 2 (8) If, after the change to the boundary of the offshore area —
- 3 (a) a part of a section 17 block that was covered by the
- 4 Commonwealth permit immediately before the change is
- 5 in the offshore area; and
- 6 (b) the remaining part of the section 17 block is in the
- 7 adjacent area,
- 8 then, for the purposes of this section (other than this
- 9 subsection), each of those parts is taken to constitute, and to
- 10 have always constituted, a section 17 block.
- 11 (9) An assumption in subsection (5)(a) or (6)(a) does not affect
- 12 subsection (8).

13 *[Section 27A inserted: No. 7 of 2017 s. 32.]*

14 **28. Rights conferred by permit**

15 (1) Except as provided in subsection (2), a permit, — ~~A permit,~~  
16 while it remains in force, authorises the permittee, subject to  
17 this Act and in accordance with the conditions to which the  
18 permit is subject, to explore for petroleum or a regulated  
19 substance, and to carry on such operations and execute such  
20 works as are necessary for that purpose, ~~purpose~~ in the permit  
21 area.

22 (2) A permit does not authorise the permittee to explore for a  
23 regulated substance, and to carry on such operations and  
24 execute such works as are necessary for that purpose, unless —

25 (a) the permittee applies to the Minister in writing for  
26 approval to carry out the exploration, carry on the  
27 operations and execute the works; and

28 (b) the Minister —

29 (i) by instrument in writing, grants the approval; and

30 (ii) endorses the permit accordingly.

31 *[Section 28 amended: No. 13 of 2005 s. 46(1).]*

32 **29. Term of permit**

- 33 (1) Subject to this Part, a permit remains in force —
- 34 (a) in the case of a permit granted otherwise than by way of
- 35 the renewal of a permit, for a period of 6 years
- 36 commencing on the day on which the permit is granted
- 37 or, if a later day is specified in the permit as being the

- 1 day on which the permit is to come into force, on that  
2 later day; and
- 3 (b) in the case of a permit granted by way of the renewal of  
4 a permit, for a period of 5 years commencing on the day  
5 on which the permit is granted or, if a later day is  
6 specified in the permit as being the day on which the  
7 permit is to come into force, on that later day.
- 8 (1A) Subject to this Part, a boundary-change permit granted under  
9 section 27A(5) remains in force for a period of 5 years  
10 commencing on the day on which the permit is granted.
- 11 (1B) Subject to this Part, a boundary-change permit granted under  
12 section 27A(6) remains in force for a period of 12 months  
13 commencing on the day on which the permit is granted.
- 14 (2) If —
- 15 (a) a permit in respect of a block or blocks cannot be  
16 renewed or further renewed; and
- 17 (b) before the time when the permit would, apart from this  
18 subsection, expire, the permittee has duly made an  
19 application to the Minister for the grant of a lease or  
20 licence in respect of the block, or one or more of the  
21 blocks, being a block or blocks that are included in a  
22 location,
- 23 the permit continues in force in respect of the block or blocks to  
24 which the application relates until —
- 25 (c) if the Minister tells the permittee that the Minister is  
26 prepared to grant to the permittee a lease or licence in  
27 respect of the block or one or more of the blocks — such  
28 a lease or licence is granted, the permittee withdraws the  
29 application or the application lapses; or
- 30 (d) if the Minister decides not to grant to the permittee such  
31 a lease — the end of the period of one year after the day  
32 of the service under section 38B(2) or (3A) of the  
33 instrument or notice refusing to grant the lease; or
- 34 (e) if the Minister decides not to grant to the permittee such  
35 a licence — notice of the decision is served on the  
36 permittee.

37 *[Section 29 amended: No. 12 of 1990 s. 170; No. 42 of 2010*  
38 *s. 84; No. 7 of 2017 s. 33.]*

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1 **30. Application for renewal of permit**

2 (1) Subject to sections 31, 32A and 32B, a permittee may, from  
3 time to time, make an application to the Minister for the renewal  
4 of the permit in respect of such of the blocks the subject of the  
5 permit as are specified in the application.

6 (2) An application for the renewal of the permit —

7 [(a) *deleted*]

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

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

12 (3) The Minister may, for reasons that he thinks sufficient, receive an  
13 application for the renewal of the permit less than 3 months before,  
14 but not in any case after, the date of expiration of the permit.

15 [*Section 30 amended: No. 12 of 1990 s. 171; No. 42 of 2010 s.*  
16 *85; No. 7 of 2017 s. 34.*]

17 **31. Application for renewal of permit to be in respect of**  
18 **reduced area**

19 (1) Subject to subsections (3), (4) and (5), the number of blocks in  
20 respect of which an application for the renewal of a permit may  
21 be made shall not exceed the number calculated as follows —

22 (a) where the number of blocks in respect of which the  
23 permit is in force is a number that is divisible by  
24 2 without remainder, one-half of that number; or

25 (b) where the number of blocks in respect of which the  
26 permit is in force is a number that is one less or one  
27 more than a number that is divisible by 4 without  
28 remainder, one-half of that last-mentioned number.

29 (2) A block that is, or is included in, a location and in respect of  
30 which the permit is in force shall not be regarded as a block in  
31 respect of which the permit is in force for the purpose of making  
32 a calculation under subsection (1).

33 (3) An application for the renewal of a permit may include, in  
34 addition to the blocks referred to in subsection (1), a block that  
35 is, or is included in, a location and in respect of which the  
36 permit is in force, or 2 or more such blocks.

- 1 (4) If a permit is in force in respect of 5 or 6 blocks, an application  
2 may be made for the renewal of the permit in respect of one, 2,  
3 3 or 4 of those blocks.
- 4 (5) Subject to subsection (6) —
- 5 (a) if a permit is in force in respect of 4 blocks, an  
6 application may be made for the renewal of the permit in  
7 respect of one, 2, 3 or all of those blocks;
- 8 (b) if a permit is in force in respect of 3 blocks, an  
9 application may be made for the renewal of the permit in  
10 respect of one, 2 or all of those blocks;
- 11 (c) if a permit is in force in respect of 2 blocks, an  
12 application may be made for the renewal of the permit in  
13 respect of either or both of those blocks;
- 14 (d) an application may be made for the renewal of a permit  
15 that is in force in respect of one block.
- 16 (6) Despite sections 30(1) and 32, if a permit has been renewed as a  
17 result of an application referred to in subsection (5) —
- 18 (a) the permittee is not entitled to apply for a further  
19 renewal of the permit; and
- 20 (b) the Minister cannot grant a further renewal of the  
21 permit.
- 22 (7) Subsections (1) to (5) do not apply to an application for the  
23 renewal of a permit if —
- 24 (a) the permit was granted on the basis that an area (the  
25 **relevant area**) was within the adjacent area; and
- 26 (b) as a result of a change to the boundary of the offshore  
27 area, the relevant area —
- 28 (i) ceased to be within the adjacent area; and  
29 (ii) fell within the offshore area;
- 30 and
- 31 (c) immediately before the change, the relevant area was a  
32 part of the permit area.
- 33 (8) For the purposes of subsection (7) —
- 34 (a) section 6A is to be disregarded; and  
35 (b) it is immaterial whether the change occurred before, at  
36 or after the commencement day.

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1 (9) In subsection (8)(b) —

2 **commencement day** means the day on which the *Petroleum*  
3 *Legislation Amendment Act 2017* section 35 comes into  
4 operation.

5 *[Section 31 amended: No. 42 of 2010 s. 86; No. 7 of 2017*  
6 *s. 35.]*

7 **32A. Certain permits cannot be renewed more than twice**

8 (1) This section applies to a permit if —

9 (a) the permit was granted under section 22 —

10 (i) on or after the day of the coming into operation  
11 of the *Petroleum and Energy Legislation*  
12 *Amendment Act 2010* section 87 (the  
13 **commencement day**); and

14 (ii) as a result of an application made in response to  
15 an invitation in an instrument that was published  
16 under section 20(1) on or after the  
17 commencement day;

18 or

19 (b) the permit was granted under section 27 on or after the  
20 commencement day.

21 (2) Despite sections 30(1) and 32, if a permit to which this section  
22 applies has been renewed twice —

23 (a) the permittee is not entitled to apply for a further  
24 renewal of the permit; and

25 (b) the Minister cannot grant a further renewal of the  
26 permit.

27 *[Section 32A inserted: No. 42 of 2010 s. 87.]*

28 **32B. Limits on renewal of boundary-change permits**

29 (1) If —

30 (a) a boundary-change permit is granted under  
31 section 27A(5); and

32 (b) the relevant Commonwealth permit that ceases to be in  
33 force, as mentioned in section 27A(3)(b) or (4)(b), was  
34 granted otherwise than by way of renewal,

35 then —

36 (c) section 31 applies to an application for the renewal of  
37 the boundary-change permit; and



1 (d) an application must not be made for the renewal of the  
2 boundary-change permit if the Minister has previously  
3 granted a renewal of the permit.

4 (2) If —

5 (a) a boundary-change permit is granted under  
6 section 27A(5); and

7 (b) the relevant Commonwealth permit that ceases to be in  
8 force, as mentioned in section 27A(3)(b) or (4)(b), was  
9 granted by way of renewal,

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

12 (3) If a boundary-change permit is granted under section 27A(6), an  
13 application must not be made for the renewal of the permit.

14 *[Section 32B inserted: No. 7 of 2017 s. 36.]*

15 **32. Grant or refusal of renewal of permit**

16 (1) Where an application has been made under section 30 for the  
17 renewal of a permit, the Minister —

18 (a) shall, if the conditions to which the permit is, or has  
19 from time to time been, subject and the provisions of  
20 this Part and of the regulations have been complied  
21 with; or

22 (b) may, if —

23 (i) any of the conditions to which the permit is, or  
24 has from time to time been, subject or any of the  
25 provisions of this Part and of the regulations has  
26 not been complied with; and

27 (ii) the Minister is, nevertheless, satisfied that special  
28 circumstances exist that justify the granting of  
29 the renewal of the permit,

30 by instrument in writing served on the person who is then the  
31 permittee inform the person that the Minister is prepared to  
32 grant to that person the renewal of the permit.

33 (2) If any of the conditions to which the permit is, or has from time  
34 to time been, subject or any of the provisions of this Part and of  
35 the regulations has not been complied with, and if the Minister  
36 is not satisfied that special circumstances exist that justify the  
37 granting of the renewal of the permit, the Minister shall, subject  
38 to subsection (3), by instrument in writing served on the person

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- 1 who is then the permittee, refuse to grant the renewal of the  
2 permit.
- 3 (3) The Minister shall not refuse to grant the renewal of the permit  
4 unless —
- 5 (a) he has, by instrument in writing served on the permittee,  
6 given not less than one month's notice of his intention to  
7 refuse to grant the renewal of the permit; and
- 8 (b) he has served a copy of the instrument on such other  
9 persons, if any, as he thinks fit; and
- 10 (c) he has, in the instrument —
- 11 (i) given particulars of the reasons for the intention;  
12 and
- 13 (ii) specified a date on or before which the permittee  
14 or a person on whom a copy of the instrument is  
15 served may, by instrument in writing served on  
16 the Minister, submit any matters that he wishes  
17 the Minister to consider;
- 18 and
- 19 (d) he has taken into account any matters so submitted to  
20 him on or before the specified date by the permittee or  
21 by a person on whom a copy of the first-mentioned  
22 instrument has been served.
- 23 (4) An instrument referred to in subsection (1) shall contain —
- 24 (a) a summary of the conditions to which the permit, on the  
25 grant of the renewal, is to be subject; and
- 26 (b) a statement to the effect that the application will lapse if  
27 the permittee does not make a request under  
28 subsection (5).
- 29 (5) A permittee on whom there has been served an instrument under  
30 subsection (1) may, within a period of one month after the date  
31 of service of the instrument on him, by instrument in writing  
32 served on the Minister, request the Minister to grant to him the  
33 renewal of the permit.
- 34 (6) Where a permittee on whom there has been served an  
35 instrument under subsection (1) has made a request under  
36 subsection 5 within the period referred to in subsection (5), the  
37 Minister shall grant to him the renewal of the permit.
- 38 (7) Where a permittee on whom there has been served an  
39 instrument under subsection (1) has not made a request under

1 subsection (5) within the period referred to in subsection (5), the  
2 application lapses upon the expiration of that period.

3 (8) Where —

4 (a) an application for the renewal of a permit has been  
5 made; and

6 (b) the permit expires —

7 (i) before the Minister grants, or refuses to grant, the  
8 renewal of the permit; or

9 (ii) before the application lapses as provided by  
10 subsection (7),

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

12 (c) until the Minister grants, or refuses to grant, the renewal  
13 of the permit; or

14 (d) until the application so lapses,

15 whichever first happens.

16 *[Section 32 amended: No. 28 of 1994 s. 86.]*

17 **33. Conditions of permit**

18 (1) A permit may be granted subject to such conditions as the  
19 Minister thinks fit and specifies in the permit.

20 (1A) Subsection (1) does not apply to a boundary-change permit.

21 (2) The conditions referred to in subsection (1) may include  
22 conditions with respect to —

23 (a) work to be carried out by the permittee in or in relation  
24 to the permit area during the term of the permit; or

25 (b) amounts to be expended by the permittee in the carrying  
26 out of such work; or

27 (c) both those matters,

28 and the conditions may require the permittee to comply with  
29 directions given in accordance with the permit concerning the  
30 matters referred to in paragraphs (a) and (b).

31 (3) The Minister may, by written notice given to the permittee, vary  
32 a boundary-change permit by imposing one or more conditions  
33 to which the permit is subject.

34 (4) A notice under subsection (3) may only be given within 14 days  
35 after the grant of the boundary-change permit.

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- 1 (5) A variation under subsection (3) takes effect on the day on  
2 which notice of the variation is given to the permittee.
- 3 (6) If —
- 4 (a) a boundary-change permit is granted; and
- 5 (b) the relevant Commonwealth permit that ceases to be in  
6 force, as mentioned in section 27A(3)(b) or (4)(b), is of  
7 a kind that corresponds to a permit granted under  
8 section 22(4) or 27,
- 9 any or all of the conditions mentioned in subsection (7) may be  
10 specified in —
- 11 (c) the boundary-change permit; or
- 12 (d) a permit granted by way of the renewal of the  
13 boundary-change permit.
- 14 (7) The following conditions are specified for the purposes of  
15 subsection (6) —
- 16 (a) conditions requiring the permittee to carry out work in,  
17 or in relation to, the permit area (including conditions  
18 requiring the permittee to carry out the work during a  
19 period of 12 months or longer, or during periods each of  
20 which is 12 months or longer);
- 21 (b) conditions relating to the amounts that the permittee  
22 must spend in carrying out such work;
- 23 (c) conditions requiring the permittee to comply with  
24 directions that —
- 25 (i) relate to the matters covered by paragraphs (a)  
26 and (b); and
- 27 (ii) are given in accordance with the permit.
- 28 (8) Subsection (6) does not limit subsection (3).
- 29 (9) If —
- 30 (a) a boundary-change permit is granted; and
- 31 (b) the relevant Commonwealth permit that ceases to be in  
32 force, as mentioned in section 27A(3)(b) or (4)(b), is a  
33 cash-bid petroleum exploration permit, as defined in the  
34 Commonwealth Act section 7,
- 35 the conditions mentioned in subsection (10) must not be  
36 specified in —
- 37 (c) the boundary-change permit; or

1 (d) a permit granted by way of the renewal of the  
2 boundary-change permit.

3 (10) The following conditions are specified for the purposes of  
4 subsection (9) —

5 (a) conditions requiring the permittee to carry out work in,  
6 or in relation to, the permit area;

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

10 *[Section 33 amended: No. 7 of 2017 s. 37.]*

11 **34. Discovery of petroleum or regulated substance must be**  
12 **notified ~~Discovery of petroleum to be notified~~**

13 Where petroleum or a regulated substance ~~petroleum~~ is  
14 discovered in a permit area, the permittee —

15 (a) must, as soon as practicable, ~~shall forthwith~~ inform the  
16 Minister of the discovery; and

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

20 Penalty: a fine of \$10 000.

21 *[Section 34 inserted: No. 42 of 2010 s. 88.]*

22 *[35. Deleted: No. 42 of 2010 s. 89.]*

23 **36. Nomination of blocks as location**

24 (1) Where a resources pool ~~petroleum pool~~ is identified in a permit  
25 area, the permittee may nominate the block in which the pool is  
26 situated, or the blocks (being blocks within the permit area) to  
27 which the pool extends, for declaration as a location.

28 (2) Where 2 or more resources pools ~~petroleum pools~~ are identified  
29 in a permit area, the permittee may, instead of making a  
30 nomination under subsection (1) in relation to each pool,  
31 nominate all of the blocks to which the pools extend, or to  
32 which any 2 or more of the pools extend, for declaration as a  
33 single location.

34 (3) A nomination may not be made under subsection (2) unless, in  
35 the case of each of the pools to which the nomination relates, at  
36 least 1 ~~one~~ of the blocks to which the pool extends immediately

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1 adjoins a block to which the other, or another, of those pools  
2 extends.

3 (4) A nomination by a permittee ~~must shall~~ be in writing and served  
4 on the Minister.

5 (5) A nomination may not be made by a permittee unless the  
6 permittee or another person has, whether within or outside the  
7 permit area, recovered petroleum or a regulated substance  
8 ~~recovered petroleum~~ from the resources pool petroleum pool to  
9 which the nomination relates or, if the nomination relates to  
10 more than ~~1 one~~ pool, from each of those pools.

11 (6) Where —

12 (a) the Minister is of the opinion that a permittee is entitled  
13 to nominate a block or blocks under subsection (1)  
14 or (2); and

15 (b) the permittee has not done so,

16 the Minister may require the permittee to exercise the  
17 permittee's right to nominate the block or blocks within  
18 3 months after the date of the making of the requirement.

19 (7) A requirement by the Minister under subsection (6) ~~must shall~~  
20 be by written notice served on the permittee.

21 (8) On written request by a permittee within the period fixed by  
22 subsection (6), the Minister may extend the time for compliance  
23 with a requirement under that subsection by not more than  
24 3 months.

25 (9) If a permittee fails to comply with a requirement under  
26 subsection (6), the Minister may, by written notice served on the  
27 permittee, nominate the block or blocks for declaration as a  
28 location.

29 *[Section 36 inserted: No. 12 of 1990 s. 172.]*

30 **37. Declaration of location**

31 (1A) In this section —

32 **declaration** includes a declaration that is taken to have been  
33 made under subsection (2A) or (2B);

34 **section 17 block** means —

35 (a) a block constituted as provided by section 17; or

- 1 (b) if a graticular section is wholly within the area that was  
2 covered by the Commonwealth permit concerned — the  
3 graticular section; or  
4 (c) if a part only of a graticular section is within the area  
5 that was covered by the Commonwealth permit  
6 concerned — that part of the graticular section.

7 (1) Where —

- 8 (a) a permittee has made a nomination under section 36;  
9 and  
10 (b) the Minister is of the opinion that the permittee is  
11 entitled under that section to nominate the block or  
12 blocks specified in the nomination,

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

16 (2) Where the Minister has made a nomination under section 36(9),  
17 the Minister ~~must~~shall, by notice published in the *Gazette*,  
18 declare the block or blocks to which the nomination relates to be  
19 a location.

20 (2A) If —

- 21 (a) a boundary-change permit is granted over ~~1 one~~ or more  
22 section 17 blocks; and  
23 (b) immediately before the grant, those section 17 blocks  
24 were, or were part of, a location as defined in the  
25 Commonwealth Act section 7; and  
26 (c) apart from this subsection, those section 17 blocks are  
27 not, and are not part of, a location as defined in section 4  
28 of this Act,

29 the Minister is taken —

- 30 (d) to have declared those section 17 blocks to be a location;  
31 and  
32 (e) to have done so immediately after the grant.

33 (2B) If —

- 34 (a) a permit is varied under section 103A so as to include in  
35 the permit area ~~1 one~~ or more section 17 blocks; and  
36 (b) immediately before the variation, those section 17  
37 blocks were, or were part of, a location as defined in the  
38 Commonwealth Act section 7; and

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1 (c) apart from this subsection, those section 17 blocks are  
2 not, and are not part of, a location as defined in section 4  
3 of this Act,

4 the Minister is taken —

5 (d) to have declared those section 17 blocks to be a location;  
6 and

7 (e) to have done so immediately after the variation.

8 (3) The Minister may, at the request of the permittee, revoke a  
9 declaration.

10 (4) The Minister may vary a declaration by —

11 (a) adding to the location a block in the permit area to  
12 which, in the opinion of the Minister, a [resources pool](#)  
13 ~~petroleum pool~~ within the location extends; or

14 (b) deleting from the location a block to which, in the  
15 opinion of the Minister, no [resources pool](#) ~~petroleum~~  
16 ~~pool~~ within the location extends.

17 (5) The Minister may not vary a declaration unless —

18 (a) the Minister has caused to be served on the permittee  
19 notice in writing of the proposed variation, identifying  
20 the block to be added to, or deleted from, the location;  
21 and

22 (b) the period of 30 days after the date of service of the  
23 notice has expired; and

24 (c) the Minister has considered any matters submitted ~~to~~  
25 ~~him~~ by the permittee in relation to the proposed  
26 variation.

27 (6) Subsection (5) does not apply where a variation is made at the  
28 request of the permittee.

29 (7) The Minister may form an opinion for the purposes of this  
30 section if the Minister considers that there are reasonable  
31 grounds for forming the opinion having regard to any  
32 information in the Minister's possession, whether provided by  
33 the permittee or otherwise.

34 *[Section 37 inserted: No. 12 of 1990 s. 172; amended: No. 42 of*  
35 *2010 s. 90; No. 7 of 2017 s. 38.]*

36 **38. Immediately adjoining blocks**

37 For the purposes of section 36, a block immediately adjoins  
38 another block if the graticular section that constitutes or



1 includes that block and the graticular section that constitutes or  
2 includes that other block —

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

5 *[Section 38 amended: No. 12 of 1990 s. 173.]*

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7 **substances ~~petroleum~~**

8 *[Heading inserted: No. 12 of 1990 s. 174.]*

9 **38A. Application by permittee for lease**

- 10 (1) A permittee whose permit is in force in respect of a block that  
11 constitutes, or the blocks that constitute, a location may, within  
12 the application period, make an application to the Minister for  
13 the grant of a lease in respect of that block, or in respect of 1  
14 ~~one~~ or more of those blocks, as the case may be.
- 15 (2) An application under subsection (1) —
- 16 *[(a) deleted]*
- 17 (b) must ~~shall~~ be made in an approved manner; and
- 18 (c) must ~~shall~~ be accompanied by particulars of —
- 19 (i) the proposals of the applicant for work and  
20 expenditure in respect of the area comprised in  
21 the blocks specified in the application; and
- 22 (ii) the commercial viability of the recovery of  
23 petroleum or a regulated substance ~~petroleum~~  
24 from the area comprised in the blocks specified  
25 in the application at the time of the application,  
26 and particulars of the possible future commercial  
27 viability of the recovery of petroleum or a  
28 regulated substance ~~petroleum~~ from that area;
- 29 and
- 30 (d) may set out any other matters that the applicant wishes  
31 to be considered; and
- 32 (e) must ~~shall~~ be accompanied by the prescribed fee.
- 33 (3) The Minister may, at any time, by instrument in writing served  
34 on the applicant, require the applicant to furnish, within the time  
35 specified in the instrument, further information in writing in  
36 connection with the application.

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- 1 (4) The application period in respect of an application under this  
2 section by a permittee is —
- 3 (a) the period of 2 years after the date on which the block  
4 that constitutes the location concerned was, or the  
5 blocks that constitute the location concerned were,  
6 declared to be a location; or
- 7 (b) such other period, not less than 2 years or more than  
8 4 years after that date, as the Minister, on application in  
9 writing by the permittee, served on the Minister before  
10 the end of the first-mentioned period of 2 years, allows.

11 *[Section 38A inserted: No. 12 of 1990 s. 174; amended: No. 42*  
12 *of 2010 s. 91.]*

13 **38B. Grant or refusal of lease in relation to application**

- 14 (1) If —
- 15 (a) an application has been made under section 38A; and
- 16 (b) the applicant has furnished any further information as  
17 and when required by the Minister under  
18 section 38A(3); and
- 19 (c) the Minister is satisfied that —
- 20 (i) the area comprised in the block, or any ~~1 one~~ or  
21 more of the blocks, specified in the application  
22 contains petroleum or a regulated  
23 substance~~petroleum~~; and
- 24 (ii) the recovery of petroleum or a regulated  
25 substance~~petroleum~~ from that area is not, at the  
26 time of the application, commercially viable but  
27 is likely to become commercially viable within  
28 the period of 15 years after that time,
- 29 the Minister ~~must~~shall, by written notice served on the  
30 applicant, inform the applicant that the Minister is prepared to  
31 grant to the applicant a lease in respect of the block or blocks as  
32 to which the Minister is satisfied as mentioned in paragraph (c).
- 33 (2) Where an application has been made under section 38A and —
- 34 (a) the applicant has not furnished any further information  
35 as and when required by the Minister under  
36 section 38A(3); or

1 (b) the Minister is not satisfied as to the matters referred to  
2 in subsection (1)(c) in relation to the block, or all the  
3 blocks, specified in the application,

4 the Minister ~~must~~**shall**, by instrument in writing served on the  
5 applicant, refuse to grant a lease to the applicant.

6 (3A) If —

7 (a) an application has been made under section 38A  
8 specifying 2 or more blocks; and

9 (b) the Minister is not satisfied as mentioned in  
10 subsection (1)(c) in relation to ~~1 one~~ or more, but not all,  
11 of the blocks,

12 the Minister ~~must~~**shall**, by notice in writing served on the  
13 applicant, refuse to grant a lease to the applicant in respect of  
14 the block or blocks as to which the Minister is not satisfied as  
15 mentioned in subsection (1)(c).

16 (3) An instrument under subsection (1) ~~must~~**shall** contain —

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

19 (b) a statement to the effect that the application will lapse if  
20 the applicant does not make a request under  
21 subsection (4) in respect of the grant of the lease.

22 (4) An applicant on whom there has been served an instrument under  
23 subsection (1) may, within a period of ~~1 one~~ month after the date  
24 of service of the instrument, or within such further period, not  
25 exceeding ~~1 one~~ month, as the Minister, on application in writing  
26 served on the Minister before the end of the first-mentioned  
27 period of ~~1 one~~ month, allows, by instrument in writing served on  
28 the Minister, request the Minister to grant to the applicant the  
29 lease.

30 (5) Where an applicant on whom there has been served an  
31 instrument under subsection (1) has made a request under  
32 subsection (4) within the period applicable under subsection (4),  
33 the Minister ~~must~~**shall** grant to the applicant a retention lease in  
34 respect of the block or blocks specified in the instrument.

35 (6) Where an applicant on whom there has been served an  
36 instrument under subsection (1) has not made a request under  
37 subsection (4) within the period applicable under subsection (4),  
38 the application lapses upon the expiration of that period.

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1 (7) On the day on which a lease granted under this section in respect  
2 of a block or blocks comes into force, the permit in respect of the  
3 block or blocks ceases to be in force in respect of those blocks.

4 *[Section 38B inserted: No. 12 of 1990 s. 174; amended: No. 28*  
5 *of 1994 s. 87; No. 42 of 2010 s. 92.]*

6 **38BA. Application of s. 38A and 38B where permit is transferred**

7 Where —

- 8 (a) after an application has been made under section 38A(1)  
9 in relation to a block or blocks in respect of which a  
10 permit is in force; and  
11 (b) before a decision has been made by the Minister under  
12 section 38B(1) or (2) in relation to the application,

13 a transfer of the permit is registered under section 78,  
14 sections 38A and 38B have effect, after the time of the transfer,  
15 as if any reference in those sections to the applicant were a  
16 reference to the transferee.

17 *[Section 38BA inserted: No. 28 of 1994 s. 88.]*

18 **38CA. Application by licensee for lease**

19 (1) If —

- 20 (a) a licence is in force under section 53(1)(c) or (2) in  
21 respect of a block or blocks; and  
22 (b) no operations for the recovery of [petroleum or a](#)  
23 [regulated substance](#) ~~petroleum~~ are being carried on  
24 under the licence in respect of an area (the *unused*  
25 *area*) —  
26 (i) that consists of, or consists of part of, the block  
27 or blocks; and  
28 (ii) in which [petroleum or a regulated substance](#)  
29 ~~petroleum~~ has been found to exist,

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

32 (2) An application under subsection (1) —

- 33 (a) is to be made in an approved manner; and  
34 (b) is to be accompanied by particulars of —  
35 (i) the proposals of the applicant for work and  
36 expenditure in respect of the unused area; and

- 1 (ii) the commercial viability of the recovery of  
2 [petroleum or a regulated substance](#) ~~petroleum~~  
3 from the unused area at the time of the  
4 application, and particulars of the possible future  
5 commercial viability of the recovery of  
6 [petroleum or a regulated substance](#) ~~petroleum~~  
7 from that area;
- 8 and
- 9 (c) may set out any other matters that the applicant wishes  
10 to be considered; and
- 11 (d) is to be accompanied by the prescribed fee.
- 12 (3) The Minister may, at any time by written notice served on the  
13 applicant, require the applicant to give, within the period stated  
14 in the notice, further written information in connection with the  
15 application.
- 16 (4) The application period in respect of an application under this  
17 section by a licensee is the period of 5 years that began on —
- 18 (a) the day on which the licence was granted; or
- 19 (b) if any operations for the recovery of [petroleum or a](#)  
20 [regulated substance](#) ~~petroleum~~ have been carried on  
21 under the licence in respect of the unused area — the  
22 last day on which any such operations were carried on.

23 *[Section 38CA inserted: No. 42 of 2010 s. 93.]*

24 **38CB. Grant or refusal of lease in relation to application by**  
25 **licensee**

- 26 (1) If —
- 27 (a) an application has been made under section 38CA; and
- 28 (b) the applicant has given any further information as and  
29 when required by the Minister under section 38CA(3);  
30 and
- 31 (c) the Minister is satisfied that recovery of [petroleum or a](#)  
32 [regulated substance](#) ~~petroleum~~ from the unused area —
- 33 (i) is not, at the time of the application,  
34 commercially viable; and
- 35 (ii) is likely to become commercially viable within  
36 the period of 15 years after that time,
- 37 the Minister ~~must~~**shall**, by written notice served on the  
38 applicant, inform the applicant that the Minister is prepared to  
39 grant to the applicant a lease in respect of the unused area.

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- 1 (2) If an application has been made under section 38CA and —  
2 (a) the applicant has not given further information as and  
3 when required by the Minister under section 38CA(3);  
4 or  
5 (b) the Minister is not satisfied as mentioned in  
6 subsection (1)(c) in relation to the unused area,  
7 the Minister ~~must~~ **shall**, by written notice served on the  
8 applicant, refuse to grant a lease to the applicant.
- 9 (3) A notice under subsection (1) ~~must~~ **shall** contain —  
10 (a) a summary of the conditions subject to which the lease  
11 is to be granted; and  
12 (b) a statement to the effect that the application will lapse if  
13 the applicant does not make a request under  
14 subsection (4) in respect of the grant of the lease.
- 15 (4) An applicant on whom a notice is served under subsection (1)  
16 may request the Minister to grant the lease to the applicant.
- 17 (5) The request must be in writing and must be made —  
18 (a) before the end of the period of ~~1 one~~ month after the  
19 date of service of the notice on the applicant under  
20 subsection (1); or  
21 (b) if the Minister, on application in writing made to the  
22 Minister before the end of that period, allows a further  
23 period of not more than ~~1 one~~ month for the making of  
24 the request — before the end of that further period.
- 25 (6) If the applicant makes the request within the period applicable  
26 under subsection (5), the Minister ~~must~~ **shall** grant to the  
27 applicant a retention lease in respect of the unused area.
- 28 (7) If the applicant does not make the request within the period  
29 applicable under subsection (5), the application lapses at the end  
30 of that period.
- 31 (8) On the day on which a lease granted under this section in  
32 respect of an unused area comes into force, the licence in  
33 respect of the block or blocks of which the area consists or in  
34 which the area is included ceases to be in force in respect of the  
35 area.

36 *[Section 38CB inserted: No. 42 of 2010 s. 93.]*

1 **38CC. Application of s. 38CA and 38CB if licence is transferred**

2 If —

- 3 (a) after an application has been made under  
4 section 38CA(1) in relation to an area consisting of or  
5 included in a block or blocks in respect of which a  
6 licence is in force; and
- 7 (b) before a decision has been made by the Minister under  
8 section 38CB(1) or (2) in relation to the application,

9 a transfer of the licence is registered under section 78,  
10 sections 38CA and 38CB have effect, after the time of the  
11 transfer, as if any reference in those sections to the applicant  
12 were a reference to the transferee.

13 *[Section 38CC inserted: No. 42 of 2010 s. 93.]*

14 **38CD. Grant of lease as result of change to boundary of offshore**  
15 **area**

16 (1) In this section —

17 *section 17 block* means —

- 18 (a) a block constituted as provided by section 17; or  
19 (b) if a graticular section is wholly within the area that was  
20 covered by the Commonwealth lease concerned — the  
21 graticular section; or  
22 (c) if a part only of a graticular section is within the area  
23 that was covered by the Commonwealth lease  
24 concerned — that part of the graticular section.

25 Note for this definition:

26 See also subsection (6).

27 (2) This section applies if —

- 28 (a) a Commonwealth lease has been granted on the basis  
29 that an area (the *relevant area*) is within the offshore  
30 area; and  
31 (b) as a result of a change to the boundary of the offshore  
32 area, the relevant area —  
33 (i) ceases to be within the offshore area; and  
34 (ii) falls within the adjacent area;  
35 and  
36 (c) either —  
37 (i) the conditions set out in subsection (3) are  
38 satisfied; or

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- 1 (ii) the conditions set out in subsection (4) are  
2 satisfied;
- 3 and
- 4 (d) there are one or more section 17 blocks (the *relevant*  
5 *section 17 blocks*) that —
- 6 (i) correspond to the section 17 blocks that were  
7 covered by the Commonwealth lease  
8 immediately before the change; and
- 9 (ii) are in the adjacent area; and
- 10 (iii) are not the subject of a variation under  
11 section 103A.
- 12 (3) The conditions mentioned in subsection (2)(c)(i) are —
- 13 (a) one or more, but not all, of the section 17 blocks that  
14 were covered by the Commonwealth lease immediately  
15 before the change are in the relevant area; and
- 16 (b) the Commonwealth lease subsequently ceases to be in  
17 force at the same time (the *relevant time*) —
- 18 (i) as to all of the section 17 blocks that were  
19 covered by the Commonwealth lease  
20 immediately before the change and that are in the  
21 offshore area; and
- 22 (ii) otherwise than as the result of the cancellation or  
23 surrender of the Commonwealth lease.
- 24 (4) The conditions mentioned in subsection (2)(c)(ii) are —
- 25 (a) all of the section 17 blocks that were covered by the  
26 Commonwealth lease immediately before the change are  
27 in the relevant area; and
- 28 (b) the Commonwealth lease subsequently ceases to be in  
29 force at the same time (the *relevant time*) —
- 30 (i) as to all of the section 17 blocks that were  
31 covered by the Commonwealth lease  
32 immediately before the change; and
- 33 (ii) otherwise than as the result of the cancellation or  
34 surrender of the Commonwealth lease.
- 35 (5) The Minister is taken —
- 36 (a) to have granted the holder of the Commonwealth lease a  
37 lease over the relevant section 17 blocks; and



- 1 (b) to have done so immediately after the relevant time  
2 mentioned in whichever of subsection (3) or (4) is  
3 applicable.

4 Note for this subsection:

5 For the duration of the lease, see section 38D(2).

- 6 (6) If, after the change to the boundary of the offshore area —  
7 (a) a part of a section 17 block that was covered by the  
8 Commonwealth lease immediately before the change is  
9 in the offshore area; and  
10 (b) the remaining part of the section 17 block is in the  
11 adjacent area,

12 then, for the purposes of this section (other than this  
13 subsection), each of those parts is taken to constitute, and to  
14 have always constituted, a section 17 block.

15 *[Section 38CD inserted: No. 7 of 2017 s. 39.]*

16 **38C. Rights conferred by lease**

17 (1) Except as provided in subsection (2), a lease, — ~~A lease,~~ while  
18 it remains in force, authorises the lessee, subject to this Act and  
19 in accordance with the conditions to which the lease is subject,  
20 to explore for petroleum or a regulated substance ~~petroleum~~, and  
21 to carry on such operations and execute such works as are  
22 necessary for that purpose, in the lease area.

23 (2) A lease does not authorise the lessee to explore for a regulated  
24 substance, and to carry on such operations and execute such  
25 works as are necessary for that purpose, unless —

26 (a) the lessee applies to the Minister in writing for approval  
27 to carry out the exploration, carry on the operations and  
28 execute the works; and

29 (b) the Minister —

30 (i) by instrument in writing, grants the approval; and

31 (ii) endorses the lease accordingly.

32 *[Section 38C inserted: No. 12 of 1990 s. 174; amended: No. 13*  
33 *of 2005 s. 46(1).]*

34 **38D. Term of lease**

35 (1) Subject to this Part, a lease (whether granted by way of renewal  
36 of a lease or otherwise and other than a lease granted under  
37 section 38CD) remains in force for a period of 5 years

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1 commencing on the day on which the lease was granted or, if a  
2 later day is specified in the lease as being the day on which the  
3 lease is to come into force, on that later day.

4 (2) Subject to this Part, a lease granted under section 38CD remains  
5 in force for a period of 5 years commencing on the day on  
6 which the lease is granted.

7 *[Section 38D inserted: No. 12 of 1990 s. 174; amended: No. 7*  
8 *of 2017 s. 40.]*

9 **38E. Notice of intention to cancel lease**

10 (1) Where —

11 (a) a lessee has been given a notice of the kind referred to in  
12 section 38H(3) during the term of the lease and has  
13 carried out, and has informed the Minister of the results  
14 of, the re-evaluation required by the notice; and

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

17 (c) after consideration of the results of the re-evaluation  
18 referred to in paragraph (a) and such other matters as the  
19 Minister thinks fit, the Minister is of the opinion that  
20 recovery of [petroleum or a regulated substance](#)  
21 ~~petroleum~~ from the lease area is commercially viable,

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

24 (d) informing the lessee or the other person that the Minister  
25 has formed that opinion and that the Minister intends to  
26 cancel the lease; and

27 (e) stating that the lessee or the other person may serve an  
28 instrument in writing on the Minister within the period  
29 specified in the first-mentioned instrument, not being a  
30 period ending earlier than ~~1~~ one-month after the date of  
31 service of the first-mentioned instrument, setting out any  
32 matters that the lessee or the other person, as the case  
33 may be, wishes to be considered.

34 (2) Where —

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

37 (b) the lessee does not, within the period referred to in  
38 subsection (1)(e), serve on the Minister an instrument  
39 setting out matters that the lessee wishes to be

1 considered or the Minister, after consideration of matters  
2 set out in an instrument served on the Minister by the  
3 lessee within that period, determines that the lease  
4 should be cancelled,

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

- 7 (3) The cancellation of a lease under subsection (2) has effect —
- 8 (a) in a case to which paragraph (b) does not apply, at the  
9 end of the period of 12 months commencing on the date  
10 of service of the instrument of cancellation; or
- 11 (b) in a case where the lessee makes an application for a  
12 licence in respect of ~~1~~one or more of the blocks  
13 comprised in the lease within the period referred to in  
14 paragraph (a), when the Minister grants, or refuses to  
15 grant, the licence or when the application lapses,  
16 whichever first happens.

- 17 (4) Where a lease is cancelled under subsection (2), the lease is  
18 ~~taken shall be deemed~~ to continue in force in all respects until  
19 the cancellation has effect in accordance with subsection (3).

20 *[Section 38E inserted: No. 12 of 1990 s. 174.]*

21 **38F. Application for renewal of lease**

- 22 (1) A lessee may, from time to time, make an application to the  
23 Minister for the renewal of the lease.
- 24 (2) An application for the renewal of a lease —
- 25 *[(a) deleted]*
- 26 (b) subject to subsection (3), ~~must~~shall be made in an  
27 approved manner not less than 6 months or more than  
28 12 months before the day on which the lease ceases to  
29 be in force; and
- 30 (c) ~~must~~shall be accompanied by particulars of —
- 31 (i) the proposals of the applicant for work and  
32 expenditure in respect of the lease area; and
- 33 (ii) the commercial viability of recovery of  
34 petroleum or a regulated substance ~~petroleum~~  
35 from the lease area at the time of the application  
36 and particulars of the possible future commercial

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1 viability of recovery of petroleum or a regulated  
2 substance ~~petroleum~~ from the lease area;

3 and

4 (d) ~~must~~ shall be accompanied by the prescribed fee.

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

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

14 *[Section 38F inserted: No. 12 of 1990 s. 174; amended: No. 28*  
15 *of 1994 s. 89; No. 42 of 2010 s. 94.]*

16 **38G. Grant or refusal of renewal of lease**

17 (1) Where —

18 (a) an application for the renewal of a lease has been made  
19 under section 38F; and

20 (b) any further information required by the Minister under  
21 subsection (4) of section 38F has been furnished in  
22 accordance with that subsection; and

23 (c) the Minister is satisfied that recovery of petroleum or a  
24 regulated substance ~~petroleum~~ from the lease area —

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

27 (ii) is likely to become commercially viable within  
28 the period of 15 years after that time,

29 the Minister —

30 (d) ~~must~~ shall, if the conditions to which the lease is, or has  
31 from time to time been, subject and the provisions of  
32 this Part and of the regulations have been complied  
33 with; or

34 (e) may, if —

35 (i) any of the conditions to which the lease is, or has  
36 from time to time been, subject or any of the  
37 provisions of this Part and of the regulations has  
38 not been complied with; and

- 1 (ii) the Minister is, nevertheless, satisfied that special  
2 circumstances exist that justify the granting of  
3 the renewal of the lease,
- 4 by instrument in writing served on the person who is then the  
5 lessee, inform that person that the Minister is prepared to grant  
6 to the person the renewal of the lease.
- 7 (2) Subject to subsection (3), where an application for the renewal  
8 of a lease has been made under section 38F and —
- 9 (a) any further information required by the Minister under  
10 subsection (4) of section 38F has not been furnished in  
11 accordance with that subsection; or
- 12 (b) the Minister is not satisfied as to the matters referred to  
13 in subsection (1)(c); or
- 14 (c) any of the conditions to which the permit is, or has from  
15 time to time been, subject or any of the provisions of  
16 this Part and of the regulations has not been complied  
17 with and the Minister is not satisfied that special  
18 circumstances exist that justify the granting of the  
19 renewal of the lease,
- 20 the Minister ~~must~~shall, by instrument in writing served on the  
21 person who is then the lessee, refuse to grant the renewal of the  
22 lease.
- 23 (3) The Minister ~~must~~shall not refuse to grant the renewal of the  
24 lease ~~unless the Minister~~unless —
- 25 (a) ~~has~~he has, by instrument in writing served on the lessee,  
26 given not less than ~~1~~one-month's notice of ~~the~~  
27 Minister's ~~his~~ intention to refuse to grant the renewal of  
28 the lease; and
- 29 (b) ~~has~~he has served a copy of the instrument on such other  
30 persons, if any, as ~~the Minister thinks~~he thinks fit; and
- 31 (c) ~~has~~he has, in the instrument —
- 32 (i) given particulars of the reasons for the intention;  
33 and
- 34 (ii) specified a date on or before which the lessee or  
35 a person on whom a copy of the instrument is  
36 served may, by instrument in writing served on  
37 the Minister, submit any matters that the lessee  
38 wishes to be considered;
- 39 and

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- 1 (d) ~~has he has~~ taken into account any matters so submitted  
2 on or before the specified date by the lessee or by a  
3 person on whom a copy of the first-mentioned  
4 instrument has been served.
- 5 (4) An instrument referred to in subsection (1) ~~must shall~~  
6 contain —
- 7 (a) a summary of the conditions to which the lease, on the  
8 grant of the renewal, is to be subject; and
- 9 (b) a statement to the effect that the application will lapse if  
10 the lessee does not make a request under subsection (6).
- 11 (5) An instrument under subsection (2) ~~must shall~~, where the  
12 Minister refuses to grant the renewal of a lease by reason only  
13 that the Minister is not satisfied as to the matter referred to in  
14 subsection (1)(c)(i), contain a statement to the effect that the  
15 lessee may, within the period of 12 months after the date of  
16 service of the instrument, make an application for a licence in  
17 respect of ~~1 one~~ or more of the blocks comprised in the lease.
- 18 (6) A lessee on whom there has been served an instrument under  
19 subsection (1) may, within a period of ~~1 one~~ month after the  
20 date of service of the instrument on the lessee, by instrument in  
21 writing served on the Minister, request the Minister to grant the  
22 lessee the renewal of the lease.
- 23 (7) Where a lessee on whom there has been served an instrument  
24 under subsection (1) has made a request under subsection (6)  
25 within the period referred to in subsection (6), the Minister ~~must~~  
26 ~~shall~~ grant to the lessee the renewal of the lease.
- 27 (8) Where a lessee on whom there has been served an instrument  
28 under subsection (1) has not made a request under  
29 subsection (6) within the period referred to in subsection (6), the  
30 application lapses upon the expiration of that period.
- 31 (9) Where —
- 32 (a) an application for the renewal of a lease has been made;  
33 and
- 34 (b) the lease expires —
- 35 (i) before the Minister grants, or refuses to grant, the  
36 renewal of the lease; or

1 (ii) before the application lapses as provided by  
2 subsection (8),

3 the lease is taken ~~shall be deemed~~ to continue in force in all  
4 respects —

5 (c) until the Minister grants, or refuses to grant, the renewal  
6 of the lease; or

7 (d) until the application so lapses,

8 whichever first happens.

9 (10) Where the Minister refuses to grant the renewal of a lease by  
10 reason only that the Minister is not satisfied as to the matter  
11 referred to in subsection (1)(c)(i), the lease is taken ~~shall be~~  
12 ~~deemed~~ to continue in force in all respects —

13 (a) in a case to which paragraph (b) does not apply, until  
14 12 months after the date of service of the instrument  
15 under subsection (2); or

16 (b) in a case where the lessee makes an application for a  
17 licence in respect of 1 ~~one~~ or more of the blocks  
18 comprised in the lease within the period of 12 months  
19 after the date referred to in paragraph (a), until the  
20 Minister grants, or refuses to grant, the licence or until  
21 the application lapses, whichever first happens.

22 *[Section 38G inserted: No. 12 of 1990 s. 174; amended: No. 28*  
23 *of 1994 s. 90.]*

24 **38H. Conditions of lease**

25 (1) A lease may be granted subject to such conditions as the  
26 Minister thinks fit and are specified in the lease.

27 (1A) Subsection (1) does not apply to a lease granted under  
28 section 38CD.

29 (2) The conditions referred to in subsection (1) may include  
30 conditions with respect to work to be carried out by the lessee in  
31 or in relation to the lease area during the term of the lease, or  
32 amounts to be expended by the lessee in the carrying out of such  
33 work, or conditions with respect to both of those matters,  
34 including conditions requiring the lessee to comply with  
35 directions given in accordance with the lease concerning those  
36 matters.

37 (3) A lease is taken ~~shall be deemed~~ to contain a condition that the  
38 lessee will, within the period of 3 months after the receipt of a  
39 written notice from the Minister requesting the lessee to do so or



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1 within such further period as the Minister, on application in  
2 writing served on the Minister before the end of the  
3 first-mentioned period, allows, re-evaluate the commercial  
4 viability of petroleum or regulated substance ~~petroleum~~  
5 production in the lease area (otherwise than by the drilling of  
6 wells) and inform the Minister in writing of the results of the  
7 re-evaluation.

8 (4) Where a lessee has complied with 2 notices of the kind referred  
9 to in subsection (3) during the term of the lease, the Minister  
10 ~~must~~ ~~shall~~ not give to the lessee during that term a further notice  
11 of that kind.

12 (5) The Minister may, by written notice given to the lessee, vary a  
13 lease granted under section 38CD by imposing 1 ~~one~~ or more  
14 conditions to which the lease is subject.

15 (6) A notice under subsection (5) may only be given within 14 days  
16 after the grant of the lease.

17 (7) A variation under subsection (5) takes effect on the day on  
18 which notice of the variation is given to the lessee.

19 *[Section 38H inserted: No. 12 of 1990 s. 174; amended: No. 7*  
20 *of 2017 s. 41.]*

21 **38J. Discovery of petroleum or regulated substance must be**  
22 **notified ~~Discovery of petroleum to be notified~~**

23 Where petroleum or a regulated substance ~~petroleum~~ is  
24 discovered in a lease area, the lessee —

25 (a) must, as soon as practicable, ~~shall forthwith~~ inform the  
26 Minister of the discovery; and

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

30 Penalty: a fine of \$10 000.

31 *[Section 38J inserted: No. 42 of 2010 s. 95.]*

32 **[38K. Deleted: No. 42 of 2010 s. 96.]**



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2 **substances ~~petroleum~~**

3 **39. Recovery of petroleum or regulated substance in adjacent**  
4 **area ~~Recovery of petroleum in adjacent area~~**

5 A person ~~must~~ ~~shall~~ not carry on operations for the recovery of  
6 petroleum or a regulated substance ~~petroleum~~ in the adjacent  
7 area except —

- 8 (a) under and in accordance with a licence; or  
9 (b) as otherwise permitted by this Part.

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

11 *[Section 39 amended: No. 42 of 2010 s. 171.]*

12 **40. Application by permittee for licence**

13 (1) A permittee whose permit is in force in respect of a block that  
14 constitutes, or the blocks that constitute, a location may, within  
15 the application period, make an application to the Minister for  
16 the grant of a licence —

- 17 (a) where 9 or more blocks constitute the location  
18 concerned, in respect of 5 of those blocks; or  
19 (b) where 8 or 7 blocks constitute the location concerned, in  
20 respect of 4 of those blocks; or  
21 (c) where 6 or 5 blocks constitute the location concerned, in  
22 respect of 3 of those blocks; or  
23 (d) where 4 or 3 blocks constitute the location concerned, in  
24 respect of 2 of those blocks; or  
25 (e) where 2 blocks constitute the location concerned, in  
26 respect of one of those blocks; or  
27 (f) where one block constitutes the location concerned, in  
28 respect of that block.

29 (2) A permittee whose permit is in force in respect of blocks that  
30 constitute a location —

- 31 (a) instead of making an application under subsection (1) in  
32 respect of his primary entitlement, may, within the  
33 application period, make an application to the Minister  
34 for the grant of a licence in respect of a number of those  
35 blocks that is less than his primary entitlement; and  
36 (b) being the holder of a licence referred to in paragraph (a),  
37 may, from time to time within that period, make an  
38 application to the Minister for the variation of that  
39 licence to include in the licence area a number of those

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1 blocks that does not exceed the number, if any, by which  
2 his primary entitlement exceeds the number of blocks in  
3 respect of which that licence was granted and the  
4 number of blocks, if any, included in that licence by  
5 reason of any previous variations of that licence.

6 (3) Where —

7 (a) a permittee makes an application under subsection (1) in  
8 respect of his primary entitlement; or

9 (b) a permittee who is the holder of a licence in respect of a  
10 number of blocks that is less than his primary  
11 entitlement makes an application under subsection (2)  
12 for a variation of that licence, and the number of blocks  
13 in respect of which that licence was granted, together  
14 with the number of blocks included, and sought to be  
15 included, in the licence area by reason of applications  
16 under that subsection, is his primary entitlement,

17 the permittee may, within the application period, make an  
18 application to the Minister for the grant of a licence in respect of  
19 any of the other blocks forming part of the location concerned.

20 (4) Subject to subsection (5), the application period in respect of an  
21 application under this section by a permittee is —

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

26 (b) such other period, not less than 2 years or more than  
27 4 years after that date, as the Minister, on application by  
28 the permittee, in writing, served on the Minister before  
29 the expiration of the period of 2 years referred to in  
30 paragraph (a), allows.

31 (5) Where —

32 (a) a permittee applies for the grant by the Minister of a  
33 licence in respect of a block or blocks in respect of  
34 which the permittee has applied for a lease under  
35 section 38A; and

36 (b) an instrument refusing to grant the lease is served on the  
37 permittee under section 38B(2),

38 the application period is whichever of the following periods last  
39 expires —

40 (c) the period that is applicable under subsection (4);

- 1 (d) the period of 12 months after the day of service of the  
2 instrument.

3 *[Section 40 amended: No. 12 of 1990 s. 175; No. 28 of 1994*  
4 *s. 91.]*

5 **40A. Application for licence by holder of lease**

- 6 (1) A lessee whose lease is in force may make an application to the  
7 Minister for the grant of a licence —  
8 (a) where the lease is in respect of 9 or more blocks, in  
9 respect of 5 of those blocks; or  
10 (b) where the lease is in respect of 8 or 7 blocks, in respect  
11 of 4 of those blocks; or  
12 (c) where the lease is in respect of 6 or 5 blocks, in respect  
13 of 3 of those blocks; or  
14 (d) where the lease is in respect of 4 or 3 blocks, in respect  
15 of 2 of those blocks; or  
16 (e) where the lease is in respect of 2 blocks, in respect of  
17 one of those blocks; or  
18 (f) where the lease is in respect of one block, in respect of  
19 that block.  
20 (2) At any time while a lease is in force, the lessee may, instead of  
21 making an application under subsection (1) in respect of the  
22 lessee's primary entitlement, make an application to the  
23 Minister for the grant of a licence in respect of a number of  
24 blocks that is less than the lessee's primary entitlement.  
25 (3) Where a lessee makes an application under subsection (1) in  
26 respect of the lessee's primary entitlement, the lessee may, at  
27 any time while the lease concerned is in force, make an  
28 application to the Minister for the grant of a licence in respect of  
29 any of the other blocks forming part of the lease.

30 *[Section 40A inserted: No. 12 of 1990 s. 176.]*

31 **41. Application for licence**

- 32 (1) An application under section 40 or 40A —  
33 *[(a) deleted]*  
34 (b) shall be made in an approved manner; and

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- 1 (c) shall be accompanied by particulars of the proposals of  
2 the applicant for work and expenditure in respect of the  
3 area comprised in the blocks specified in the application;  
4 and  
5 (d) may set out any other matters that the applicant wishes  
6 the Minister to consider; and  
7 (e) shall in the case of an application for the grant of a  
8 licence be accompanied by the prescribed fee.

9 (2) The Minister may, at any time, by instrument in writing served  
10 on the applicant, require him to furnish, within the period  
11 specified in the instrument, further information in writing in  
12 connection with his application.

13 *[Section 41 amended: No. 12 of 1990 s. 177; No. 42 of 2010*  
14 *s. 97.]*

15 **42. Determination of rate of royalty**

16 (1) Where an application for a primary licence has been made and,  
17 before or after the grant of the primary licence, the applicant  
18 makes an application for a secondary licence, the Minister must  
19 ~~shall~~ determine a rate at which royalty is to be payable in  
20 respect of petroleum or a regulated substance  
21 ~~recovered petroleum recovered~~, whether under the primary  
22 licence or under the secondary licence, being a rate that is not  
23 less than 11% or more than 12½ % of the royalty value of that  
24 petroleum or regulated substance ~~that petroleum~~.

25 (2) The Minister must ~~shall~~ not, under subsection (1), determine the  
26 rate at which royalty is to be payable unless the Minister ~~he~~ has  
27 given to the applicant an opportunity to confer with the Minister  
28 ~~him~~ concerning that rate.

29 *[Section 42 amended: No. 11 of 1994 s. 9.]*

30 **43. Notification as to grant of licence**

31 (1) This section applies if an application for the grant of a licence  
32 has been made under section 40 or 40A.

33 (2A) If —

34 (a) the applicant has given any further information as and  
35 when required by the Minister under section 41(2); and

1 (b) the Minister is satisfied that the area comprised in the  
2 block, or any ~~1 one~~ or more of the blocks, specified in  
3 the application contains petroleum or a regulated  
4 substance~~petroleum~~,

5 the Minister ~~must~~shall, by written notice served on the  
6 applicant, inform the applicant that the Minister is prepared to  
7 grant to the applicant a licence in respect of the block or blocks  
8 as to which the Minister is satisfied as mentioned in  
9 paragraph (b).

10 (2) A notice under subsection (2A) ~~must~~ shall —

11 (a) contain a summary of the conditions subject to which  
12 the licence is to be granted; and

13 (b) if the notice relates to an application for a secondary  
14 licence, specify the rate of royalty determined by the  
15 Minister in pursuance of section 42(1); and

16 (c) contain a statement to the effect that the application will  
17 lapse if the applicant does not make a request under  
18 section 44(1) in respect of the grant of the licence.

19 (3) If the Minister decides not to grant to the applicant a licence in  
20 respect of the block, or any of the blocks, specified in the  
21 application because —

22 (a) the applicant has failed to comply with a requirement  
23 made by the Minister under section 41(2); or

24 (b) the Minister is not satisfied that the area comprised in  
25 the block, or any of the blocks, contains petroleum or a  
26 regulated substance~~petroleum~~,

27 the Minister ~~must~~shall, by written notice served on the  
28 applicant, inform the applicant of the Minister's decision and  
29 the reasons for the decision.

30 *[Section 43 amended: No. 12 of 1990 s. 178; No. 28 of 1994*  
31 *s. 92; No. 42 of 2010 s. 98.]*

32 **44. Grant of licence**

33 (1) An applicant on whom there has been served a notice under  
34 section 43(2A) may, within a period of 3 months after the date  
35 of service of the notice on the applicant~~notice on him~~, or within  
36 such further period, not exceeding 3 months, as the Minister, on  
37 application in writing served on the Minister ~~served on him~~  
38 before the expiration of the first-mentioned period of 3 months,

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1 allows, by instrument in writing served on the Minister, request  
2 the Minister to grant ~~to him~~ the licence referred to in the notice.

3 (2) Where an applicant on whom there has been served a notice  
4 under section 43(2A) has made a request under subsection (1)  
5 within the period applicable under subsection (1), the Minister  
6 ~~must shall~~ grant to the applicant a production licence for  
7 ~~petroleum or a regulated substance~~ ~~petroleum~~ in respect of the  
8 block or blocks as to which the Minister is satisfied as  
9 mentioned in section 43(2A)(b).

10 (3) A secondary licence ~~must shall~~ not be granted to a permittee or  
11 lessee in respect of any ~~1 one~~ or more of the blocks that  
12 constitute a location unless —

13 (a) a primary licence has been granted in respect of a block  
14 or blocks forming part of that location; and

15 (b) the number of blocks in respect of which the primary  
16 licence was granted, together with the number of blocks  
17 included in that licence by reason of variations of the  
18 licence under section 45, is the permittee's or lessee's  
19 primary entitlement.

20 (4) Where an applicant on whom there has been served a notice  
21 under section 43(2A) has not made a request under  
22 subsection (1) within the period applicable under subsection (1),  
23 the application lapses upon the expiration of that period.

24 (5) On the day on which a licence granted under this section comes  
25 into force, the permit or lease in respect of the blocks in respect  
26 of which the licence was granted ceases to be in force in respect  
27 of those blocks.

28 *[Section 44 amended: No. 12 of 1990 s. 179; No. 28 of 1994*  
29 *s. 93; No. 42 of 2010 s. 99.]*

30 **44A. Application of s. 41 to 44 where permit etc. transferred**

31 Where —

32 (a) after an application has been made —

33 (i) under section 40 for the grant of a licence in  
34 respect of a block or blocks in respect of which a  
35 permit is in force; or

36 (ii) under section 40A for the grant of a licence in  
37 respect of a block or blocks in respect of which a  
38 lease is in force;

39 and

1 (b) before a decision has been made by the Minister under  
2 section 43(2A) in relation to the application,

3 a transfer of the permit or lease, as the case may be, is registered  
4 under section 78, then, after the time of the transfer sections 41  
5 to 44 have effect in relation to the application as if any reference  
6 in those sections to the applicant were a reference to the  
7 transferee.

8 *[Section 44A inserted: No. 28 of 1994 s. 94; amended: No. 42 of*  
9 *2010 s. 100.]*

10 **45. Variation of licence area**

11 (1) Where an application is made under section 40(2) for a variation  
12 of a licence, the Minister shall, by instrument in writing served  
13 on the licensee, vary the licence to include in the licence area  
14 such of the blocks specified in the application as are blocks as to  
15 which the Minister is satisfied as mentioned in  
16 section 43(2A)(b).

17 (2) On and from the day on and from which a variation of a licence  
18 under this section has effect —

19 (a) the blocks included in the licence area by reason of the  
20 variation are, subject to this Part, for the remainder of  
21 the term of the licence, blocks in respect of which the  
22 licence is in force; and

23 (b) the permit that is in force in respect of the blocks so  
24 included ceases to be in force in respect of those blocks.

25 *[Section 45 amended: No. 12 of 1990 s. 180; No. 42 of 2010*  
26 *s. 101.]*

27 **46. Determination of permit as to block not taken up by licensee**

28 (1) Subject to subsection (2), where —

29 (a) a permittee who may make an application under  
30 section 40 in respect of a block does not, within the  
31 application period, make the application; or

32 (b) all applications made by a permittee under that section  
33 in respect of a block have lapsed,

34 the permit is determined as to that block and the determination  
35 has effect —

36 (c) in a case referred to in paragraph (a), upon the expiration  
37 of the application period; and

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- 1 (d) in a case referred to in paragraph (b) —
- 2 (i) upon the expiration of the application period; or
- 3 (ii) upon the lapsing of the last of the applications
- 4 referred to in that paragraph,
- 5 whichever is the later.
- 6 (1a) Subject to subsection (2), where all applications made by a
- 7 lessee under section 40A in respect of a block have lapsed, the
- 8 lease is determined as to that block and the determination has
- 9 effect upon the lapsing of the last of those applications.
- 10 (2) Where a permittee or lessee makes an application for a
- 11 secondary licence —
- 12 (a) the permit or lease is determined as to any blocks
- 13 forming part of the location concerned that are not the
- 14 subject of that application or of any application for a
- 15 primary licence or for the variation of such a licence;
- 16 and
- 17 (b) the determination has effect upon the making of the
- 18 application.
- 19 (3) Subject to subsection (4), where a block or blocks constituting
- 20 or forming part of a location is or are no longer the subject of a
- 21 permit or lease, the Minister shall, by instrument published in
- 22 the *Gazette* —
- 23 (a) in a case where that block or those blocks constitutes or
- 24 constitute that location, revoke the declaration made
- 25 under section 37 in respect of that location; or
- 26 (b) in a case where that block or those blocks forms or form
- 27 part of that location, revoke the declaration made under
- 28 section 37 in respect of that location to the extent that it
- 29 relates to that block or those blocks.
- 30 (4) Subsection (3) does not apply in relation to a block —
- 31 (a) in respect of which an application for the grant of a lease
- 32 or licence has been made, being an application that has
- 33 not lapsed and in relation to which a decision has not
- 34 been made by the Minister; or
- 35 (b) in respect of which a lease or licence is in force.
- 36 (5) Where a lease is granted in respect of a block or blocks forming
- 37 part of a location, the Minister shall, by instrument published in
- 38 the *Gazette*, revoke the declaration made under section 37 to the
- 39 extent that it relates to the block or blocks that is or are not
- 40 within the lease area.



- 1 (6) Where —  
2 (a) the Minister refuses to grant a lease in respect of a block  
3 or blocks constituting or forming part of a location; and  
4 (b) the reason, or one of the reasons, for the refusal is that  
5 the Minister is not satisfied as to the matter referred to in  
6 section 38B(1)(c)(ii),  
7 the Minister shall, by instrument published in the *Gazette*,  
8 revoke the declaration made under section 37 in respect of that  
9 location.
- 10 (7) This section does not apply in relation to a permit if —  
11 (a) the permit has been granted on the basis that an area (the  
12 **relevant area**) is within the adjacent area; and  
13 (b) as a result of a change to the boundary of the offshore  
14 area, the relevant area —  
15 (i) ceases to be within the adjacent area; and  
16 (ii) falls within the offshore area;  
17 and  
18 (c) immediately before the change, the relevant area was a  
19 part of the permit area.
- 20 (8) For the purposes of subsection (7) —  
21 (a) section 6A is to be disregarded; and  
22 (b) it is immaterial whether the change occurred before, at  
23 or after the commencement day.
- 24 (9) In subsection (8)(b) —  
25 **commencement day** means the day on which the *Petroleum*  
26 *Legislation Amendment Act 2017* section 42 comes into  
27 operation.

28 [*Section 46 amended: No. 12 of 1990 s. 181; No. 7 of 2017 s. 42.*]

29 **47. Application for licence in respect of surrendered etc. blocks**

- 30 (1) Where —  
31 (a) a licence is surrendered or cancelled as to a block; or  
32 (b) a permit or lease is surrendered, cancelled or determined  
33 as to a block —  
34 (i) that, at the time of the surrender, cancellation or  
35 determination, was, or was included in, a  
36 location; and

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1 (ii) in which, in the opinion of the Minister, there is  
2 petroleum or a regulated substance~~petroleum~~;

3 or

4 (ba) a resources pool ~~petroleum pool~~ from which the  
5 petroleum or regulated substance has been recovered  
6 ~~petroleum has been recovered~~ is within or extends to a  
7 block or blocks in respect of which no permit, lease or  
8 licence is in force,

9 the Minister may, at any subsequent time, by instrument  
10 published in the *Gazette* —

11 (c) invite applications for the grant of a licence in respect of  
12 that block; and

13 (d) specify a period within which applications may be  
14 made.

15 (2) The Minister ~~must~~shall, in an instrument under subsection (1),  
16 state —

17 (a) that an applicant is required to specify an amount that  
18 the applicant ~~he~~ would be prepared to pay in respect of  
19 the grant of a licence to the applicant ~~him~~ on the  
20 application ~~his application~~; or

21 (b) that an applicant is required to specify a rate of royalty  
22 that the applicant ~~he~~ would be prepared to pay, if a  
23 licence were granted to the applicant ~~him~~ on the  
24 application ~~his application~~, in respect of petroleum or a  
25 regulated substance recovered ~~petroleum recovered~~  
26 under the licence, being a rate that exceeds 10% of the  
27 royalty value of that petroleum or regulated  
28 substance ~~that petroleum~~.

29 (3) Where the Minister, in an instrument under subsection (1),  
30 states that an applicant is required to specify a rate of royalty as  
31 mentioned in subsection (2)(b), the Minister may, in that  
32 instrument, state that an applicant on whose application the  
33 Minister ~~he~~ is prepared to grant a licence will also be required to  
34 pay ~~to him~~, in respect of the grant of the licence to the applicant,  
35 the amount specified in that behalf in that instrument.

36 [(4), (5) deleted]

37 (6) An application under this section —

38 [(a) deleted]

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

- 1 (c) ~~must shall~~ be accompanied by the particulars referred to  
2 in section 41(1)(c); and  
3 (d) in the case of an application under subsection (1), ~~must~~  
4 ~~shall~~ specify, in accordance with the requirement in the  
5 instrument by which applications were invited, the  
6 amount or the rate of royalty that the applicant would be  
7 prepared to pay; and  
8 [(e) *deleted*]  
9 (f) may set out any other matters that the applicant wishes  
10 the Minister to consider.

- 11 (7) The Minister may, at any time, by instrument in writing served  
12 on the applicant, require ~~the applicant him~~ to furnish, within the  
13 period specified in the instrument, further information in  
14 connection with ~~the application his application~~.

15 [Section 47 amended: No. 12 of 1990 s. 182; No. 11 of 1994  
16 s. 9; No. 28 of 1994 s. 95; No. 42 of 2010 s. 102.]

17 **48. Application fee etc.**

- 18 (1) An application under section 47 shall be accompanied by —  
19 (a) the prescribed fee; and  
20 (b) a deposit —  
21 (i) if the applicant has specified an amount that he  
22 would be prepared to pay in respect of the grant  
23 of a licence to him on the application, of 10% of  
24 that amount; or  
25 (ii) if the Minister has in the instrument by which  
26 applications were invited stated an amount that  
27 the applicant will be required to pay in respect of  
28 the grant of a licence, of 10% of that amount.  
29 (2) Where a licence is not granted on the application, the amount of  
30 the deposit shall, subject to subsection (3), be refunded to the  
31 applicant.  
32 (3) Where an applicant on whom there has been served an  
33 instrument under section 49(1) does not request the Minister,  
34 under section 49(6), to grant to him the licence referred to in the  
35 instrument, the deposit shall not be refunded to the applicant.

36 [Section 48 amended: No. 12 of 1990 s. 183; No. 42 of 2010  
37 s. 103.]

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1 **49. Request by applicant for grant of licence**

2 (1) Where, at the expiration of the period specified in an instrument  
3 under section 47(1), only one application has been made under  
4 that subsection in respect of the block specified in the  
5 instrument, the Minister may reject the application or may, by  
6 instrument in writing served on the applicant, inform him that  
7 he is prepared to grant him a licence in respect of that block.

8 (2) Where, at the expiration of the period specified in an instrument  
9 under section 47(1), 2 or more applications have been made  
10 under that subsection in respect of the block specified in the  
11 instrument, the Minister may reject any or all of the applications  
12 and, if he does not reject all of the applications, may —

13 (a) if only one application remains unrejected, by  
14 instrument in writing served on the applicant; or

15 (b) if 2 or more applications remain unrejected, by  
16 instrument in writing served on the applicant, or on one  
17 of the applicants, whose application has not been  
18 rejected and who has specified in his application an  
19 amount, or a rate of royalty, that he would be prepared  
20 to pay that is not less than the amount, or the rate of  
21 royalty, specified in the application of any other  
22 applicant whose application has not been rejected,

23 inform the applicant —

24 (c) that the Minister is prepared to grant to the applicant a  
25 licence in respect of that block; and

26 (d) that the applicant will be required to pay —

27 (i) the amount specified in the application; or

28 (ii) royalty at the rate specified in the application; or

29 (iii) royalty at the rate specified in the application and  
30 the amount specified in the instrument under  
31 section 47(1),

32 as the case may be.

33 *[(3), (4) deleted]*

34 (5) An instrument under any of the preceding provisions of this  
35 section shall contain —

36 (a) a summary of the conditions subject to which the licence  
37 is to be granted; and

- 1 (b) a statement of the balance of the amount, if any, that the  
2 applicant will be required to pay in respect of the grant  
3 of the licence to him; and
- 4 (c) a statement to the effect that the application will  
5 lapse —
- 6 (i) if the applicant does not make a request under  
7 subsection (6); or
- 8 (ii) in a case where the instrument contains a  
9 statement referred to in paragraph (b), if the  
10 applicant does not pay the balance of the amount  
11 referred to in that statement.
- 12 (6) An applicant on whom there has been served an instrument  
13 under any of the preceding provisions of this section may,  
14 within a period of 3 months after the date of service of the  
15 instrument on him, or within such further period, not exceeding  
16 3 months, as the Minister, on application in writing served on  
17 him before the expiration of the first-mentioned period of  
18 3 months, allows —
- 19 (a) by instrument in writing served on the Minister, request  
20 the Minister to grant to him the licence; and
- 21 (b) if the first-mentioned instrument contains a statement of  
22 the balance of an amount that the applicant will be  
23 required to pay in respect of the grant of the licence to  
24 the applicant, pay that balance.
- 25 (7) Where an applicant on whom there has been served an  
26 instrument under subsection (1) or (2) —
- 27 (a) has not made a request under subsection (6); or
- 28 (b) if the instrument contains a statement of the balance of  
29 an amount that the applicant will be required to pay in  
30 respect of the grant of a licence to the applicant, has not  
31 paid that balance,
- 32 within the period applicable under subsection (6), the  
33 application lapses upon the expiration of that period.
- 34 (8) Where the application of an applicant on whom there has been  
35 served an instrument under subsection (2) lapses as provided by  
36 subsection (7), subsection (2) applies in respect of the  
37 application or applications, if any, then remaining unrejected.
- 38 *[Section 49 amended: No. 12 of 1990 s. 184; No. 28 of 1994*  
39 *s. 96; No. 42 of 2010 s. 104.]*

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1 **50. Grant of licence on request**

2 Where an applicant on whom there has been served an  
3 instrument under section 49 —

- 4 (a) has made a request under section 49(6); and  
5 (b) if the instrument contains a statement of the balance of  
6 an amount that the applicant will be required to pay in  
7 respect of the grant of a licence to the applicant, has paid  
8 that balance,

9 within the period applicable under section 49(6), the Minister  
10 ~~must shall~~ grant to ~~the applicant him~~ a production licence for  
11 ~~petroleum or a regulated substance petroleum~~ in respect of the  
12 block specified in the instrument.

13 *[Section 50 amended: No. 28 of 1994 s. 97; No. 42 of 2010*  
14 *s. 105.]*

15 **51. Grant of licences in respect of individual blocks**

16 (1) Where a licence (in this section called the *original licence*) is in  
17 force in respect of 2 or more blocks (not being blocks that form,  
18 or form part of, a location), the licensee may make an  
19 application to the Minister for the grant to ~~the licensee him~~ of 2  
20 or more licences in respect of the blocks the subject of the  
21 original licence in exchange for the original licence.

22 (2) An application under subsection (1) —

23 *[(a) deleted]*

- 24 (b) ~~must shall~~ be made in an approved manner; and  
25 (c) ~~must shall~~ specify the number of licences required; and  
26 (d) ~~must shall~~ specify the block or blocks the subject of the  
27 original licence in respect of which each licence is  
28 sought; and  
29 (e) ~~must shall~~ be accompanied by the prescribed fee.

30 *[(3) deleted]*

31 (4) Where a licensee has made an application under this section, the  
32 Minister ~~must shall~~ grant to the licensee production licences for  
33 ~~petroleum or a regulated substance petroleum~~ in accordance  
34 with the application.

- 1 (5) A licence granted on an application under this section —  
2 (a) remains in force, subject to this Part, but  
3 notwithstanding section 53, for the remainder of the  
4 term of the original licence; and  
5 (b) ~~must shall~~ be granted subject to conditions  
6 corresponding as nearly as may be to the conditions to  
7 which the original licence was subject.

- 8 (6) Where licences are granted on an application under this  
9 section —  
10 (a) the original licence is, by force of this subsection,  
11 determined; and  
12 (b) the determination has effect on and from the day on  
13 which those licences come into force.

14 [Section 51 amended: No. 12 of 1990 s. 185; No. 28 of 1994  
15 s. 98; No. 42 of 2010 s. 106.]

16 **51A. Grant of licence as result of change to boundary of offshore**  
17 **area**

- 18 (1) In this section —  
19 **section 17 block** means —  
20 (a) a block constituted as provided by section 17; or  
21 (b) if a graticular section is wholly within the area that was  
22 covered by the Commonwealth licence concerned — the  
23 graticular section; or  
24 (c) if a part only of a graticular section is within the area  
25 that was covered by the Commonwealth licence  
26 concerned — that part of the graticular section.

27 Note for this definition:

28 See also subsection (6).

- 29 (2) This section applies if —  
30 (a) a Commonwealth licence has been granted on the basis  
31 that an area (the **relevant area**) is within the offshore  
32 area; and  
33 (b) as a result of a change to the boundary of the offshore  
34 area, the relevant area —  
35 (i) ceases to be within the offshore area; and  
36 (ii) falls within the adjacent area;  
37 and

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- 1 (c) either —
- 2 (i) the conditions set out in subsection (3) are
- 3 satisfied; or
- 4 (ii) the conditions set out in subsection (4) are
- 5 satisfied;
- 6 and
- 7 (d) there are one or more section 17 blocks (the *relevant*
- 8 *section 17 blocks*) that —
- 9 (i) correspond to the section 17 blocks that were
- 10 covered by the Commonwealth licence
- 11 immediately before the change; and
- 12 (ii) are in the adjacent area; and
- 13 (iii) are not the subject of a variation under
- 14 section 103A.
- 15 (3) The conditions mentioned in subsection (2)(c)(i) are —
- 16 (a) one or more, but not all, of the section 17 blocks that
- 17 were covered by the Commonwealth licence
- 18 immediately before the change are in the relevant area;
- 19 and
- 20 (b) the Commonwealth licence subsequently ceases to be in
- 21 force at the same time (the *relevant time*) —
- 22 (i) as to all of the section 17 blocks that were
- 23 covered by the Commonwealth licence
- 24 immediately before the change and that are in the
- 25 offshore area; and
- 26 (ii) otherwise than as the result of the cancellation or
- 27 surrender of the Commonwealth licence.
- 28 (4) The conditions mentioned in subsection (2)(c)(ii) are —
- 29 (a) all of the section 17 blocks that were covered by the
- 30 Commonwealth licence immediately before the change
- 31 are in the relevant area; and
- 32 (b) the Commonwealth licence subsequently ceases to be in
- 33 force at the same time (the *relevant time*) —
- 34 (i) as to all of the section 17 blocks that were
- 35 covered by the Commonwealth licence
- 36 immediately before the change; and
- 37 (ii) otherwise than as the result of the cancellation or
- 38 surrender of the Commonwealth licence.



- 1 (5) The Minister is taken —  
2 (a) to have granted the holder of the Commonwealth licence  
3 a licence over the relevant section 17 blocks; and  
4 (b) to have done so immediately after the relevant time  
5 mentioned in whichever of subsection (3) or (4) is  
6 applicable.

7 Note for this subsection:

8 For the duration of the licence, see section 53(3).

- 9 (6) If, after the change to the boundary of the offshore area —  
10 (a) a part of a section 17 block that was covered by the  
11 Commonwealth licence immediately before the change  
12 is in the offshore area; and  
13 (b) the remaining part of the section 17 block is in the  
14 adjacent area,

15 then, for the purposes of this section (other than this  
16 subsection), each of those parts is taken to constitute, and to  
17 have always constituted, a section 17 block.

18 *[Section 51A inserted: No. 7 of 2017 s. 43.]*

19 **52. Rights conferred by licence**

20 (1) Except as provided in subsection (2), a licence. — ~~A licence,~~  
21 while it remains in force, authorises the licensee, subject to this  
22 Act and in accordance with the conditions to which the licence  
23 is subject —

- 24 (a) to recover petroleum or a regulated substance ~~petroleum~~  
25 in the licence area and to recover petroleum or a  
26 regulated substance ~~petroleum~~ from the licence area in  
27 another area to which the licensee ~~he~~ has lawful access  
28 for that purpose; and  
29 (b) to explore for petroleum or a regulated substance  
30 ~~petroleum~~ in the licence area; and  
31 (c) to carry on such operations and execute such works in  
32 the licence area as are necessary for those purposes.

33 (2) A licence does not authorise the licensee to do any of the things  
34 referred to in subsection (1)(a) to (c) in relation to a regulated  
35 substance unless —

- 36 (a) the licensee applies to the Minister in writing for  
37 approval to do the things; and

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- 1 (b) the Minister —  
2 (i) by instrument in writing, grants the approval; and  
3 (ii) endorses the licence accordingly.

4 [Section 52 amended: No. 13 of 2005 s. 46(1).]

5 [52A. Deleted: No. 52 of 1995 s. 39.]

6 **53. Term of licence**

7 (1) Subject to this Part, a licence granted before the commencement  
8 of the *Petroleum and Energy Legislation Amendment Act 2010*  
9 section 107(3) remains in force —

10 (a) in the case of a licence granted otherwise than by way of  
11 renewal of a licence, for the period of 21 years  
12 commencing on the day on which the licence is granted  
13 or, if a later day is specified in the licence as being the  
14 day on which the licence is to come into force, on the  
15 later day; and

16 (b) in the case of a licence granted by way of the first  
17 renewal of a licence, for the period of 21 years  
18 commencing on the day on which the licence is granted  
19 or, if a later date is specified in the licence as being the  
20 day on which the licence is to come into force, on that  
21 later day; and

22 (c) in the case of a licence granted by way of the second  
23 renewal of a licence — indefinitely.

24 (2) Subject to this Part, a licence granted after the commencement  
25 of the *Petroleum and Energy Legislation Amendment Act 2010*  
26 section 107(3), other than a licence granted under section 51A,  
27 remains in force indefinitely.

28 (3) Subject to this Part, a licence granted under section 51A remains  
29 in force for the period of 21 years commencing on the day on  
30 which the licence is granted.

31 [Section 53 amended: No. 12 of 1990 s. 186; No. 42 of 2010  
32 s. 107; No. 7 of 2017 s. 44.]

33 **54A. Termination of licence if no operations for 5 years**

34 (1) If a licence is in force under section 53(1)(c) or (2) and the  
35 licensee has not carried on any operations for the recovery of  
36 petroleum or a regulated substance ~~petroleum~~ under the licence  
37 at any time during a continuous period of at least 5 years, the  
38 Minister may, by written notice served on the licensee, inform

1 the licensee that the Minister proposes to terminate the licence  
2 after the end of the period of ~~1 one~~-month after the notice is  
3 served.

4 (2) At any time after the end of the period of ~~1 one~~-month after the  
5 notice referred to in subsection (1) is served on the licensee, the  
6 Minister may, by written notice served on the licensee,  
7 terminate the licence.

8 (3) In working out for the purposes of subsection (1) the duration of  
9 the period in which no operations for the recovery of petroleum  
10 or a regulated substance ~~petroleum~~ were carried on under a  
11 licence, any period in which no such operations were carried on  
12 because of circumstances beyond the licensee's control is to be  
13 disregarded.

14 *[Section 54A inserted: No. 42 of 2010 s. 108.]*

15 **54. Application for renewal of licence**

16 (1) Subject to this section, a licensee under a licence to which  
17 section 53(1)(a) or (b) or (3) applies may, from time to time,  
18 make an application to the Minister for the renewal of the  
19 licence.

20 (2) An application for the renewal of the licence —

21 *[(a) deleted]*

22 (b) subject to subsection (3), shall be made in an approved  
23 manner not less than 6 months before the day on which  
24 the licence ceases to be in force; and

25 (c) shall be accompanied by particulars of the proposals of  
26 the licensee for work and expenditure in respect of the  
27 licence area; and

28 (d) shall be accompanied by the prescribed fee.

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

33 (4) If —

34 (a) a licence under section 51A (the *relevant licence*) is  
35 granted; and

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1 (b) the Commonwealth licence that ceases to be in force, as  
2 mentioned in section 51A(3)(b) or (4)(b), was granted  
3 otherwise than by way of renewal,

4 an application must not be made for the renewal of the relevant  
5 licence if the Minister has previously granted a renewal of the  
6 licence.

7 (5) If —

8 (a) a licence under section 51A (the *relevant licence*) is  
9 granted; and

10 (b) the Commonwealth licence that ceases to be in force, as  
11 mentioned in section 51A(3)(b) or (4)(b), was granted  
12 by way of renewal,

13 an application must not be made for the renewal of the relevant  
14 licence.

15 *[Section 54 amended: No. 12 of 1990 s. 187; No. 42 of 2010*  
16 *s. 109; No. 7 of 2017 s. 45.]*

17 **55. Grant or refusal of renewal of licence**

18 (1) Where —

19 (a) an application for the renewal of a licence has been  
20 made under section 54; and

21 (b) the conditions to which the licence is, or has from time  
22 to time been, subject and the provisions of this Part and  
23 of the regulations have been complied with,

24 the Minister —

25 (c) ~~must~~ shall if —

26 (i) the application is in respect of the first renewal  
27 of the licence; or

28 (ii) the application is in respect of a renewal of the  
29 licence other than the first renewal and  
30 operations for the recovery of petroleum or a  
31 regulated substance ~~petroleum~~ have been carried  
32 on in the licence area before the end of the period  
33 of 5 years before the application for the renewal  
34 was made;

35 or

- 1 (d) may in any other case,  
2 by instrument in writing served on the person who is then the  
3 licensee, inform that person that the Minister is prepared to  
4 grant to that person the renewal of the licence.
- 5 (2) Where —  
6 (a) an application for the renewal of a licence has been  
7 made under section 54; and  
8 (b) any of the conditions to which the licence is, or has from  
9 time to time been, subject or any of the provisions of  
10 this Part and of the regulations has not been complied  
11 with, but the Minister is, nevertheless, satisfied that  
12 special circumstances exist that justify the granting of  
13 the renewal of the licence,  
14 the Minister may, by instrument in writing served on the person  
15 who is then the licensee, inform the person that the Minister is  
16 prepared to grant to that person the renewal of the licence.
- 17 (3) If any of the conditions to which the licence is, or has from time  
18 to time been, subject or any of the provisions of this Part and of  
19 the regulations has not been complied with, and if the Minister  
20 is not satisfied that special circumstances exist that justify the  
21 granting of the renewal of the licence, the Minister ~~must~~shall,  
22 subject to subsection (4), by instrument in writing served on the  
23 person who is then the licensee, refuse to grant the renewal of  
24 the licence.
- 25 (4) The Minister ~~must~~shall not, under subsection (3), refuse to  
26 grant the renewal of a licence ~~unless the Minister~~ unless —  
27 (a) ~~has~~he has, by instrument in writing served on the  
28 licensee, given not less than 1 ~~one~~ month's notice of the  
29 Minister's ~~his~~ intention to refuse to grant the renewal of  
30 the licence; and  
31 (b) ~~has~~ he has served a copy of the instrument on such other  
32 persons, if any, as the Minister thinks ~~he thinks~~ fit; and  
33 (c) ~~has~~he has, in the instrument —  
34 (i) given particulars of the reasons for the intention;  
35 and  
36 (ii) specified a date on or before which the licensee  
37 or a person on whom a copy of the instrument is  
38 served may, by instrument in writing served on  
39 the Minister, submit any matters that the licensee

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1 or person wishes ~~he wishes~~ the Minister to  
2 consider;

3 and

4 (d) has ~~he has~~ taken into account any matters so submitted  
5 to the Minister ~~him~~ on or before the specified date by  
6 the licensee or by a person on whom a copy of the  
7 first-mentioned instrument has been served.

8 (5) Where an application has been made under section 54 in respect  
9 of a renewal other than the first renewal of the licence, the  
10 Minister may, by instrument in writing served on the person  
11 who is then the licensee, refuse to grant the renewal of the  
12 licence.

13 [(6) *deleted*]

14 (7) An instrument under subsection (1) or (2) must ~~shall~~ contain —

15 (a) a summary of the conditions to which the licence, on the  
16 grant of the renewal, is to be subject; and

17 (b) a statement to the effect that the application will lapse if  
18 the licensee does not make a request under  
19 subsection (8).

20 (8) A licensee on whom there has been served an instrument under  
21 subsection (1) or (2) may, within a period of 1 ~~one~~ month after  
22 the date of service of the instrument on the licensee ~~on him~~, by  
23 instrument in writing served on the Minister, request the  
24 Minister to grant ~~to him~~ the renewal of the licence.

25 (9) Where a licensee on whom there has been served an instrument  
26 under subsection (1) or (2) has made a request under  
27 subsection (8) within the period referred to in subsection (8), the  
28 Minister must ~~shall~~ grant ~~to him~~ the renewal of the licence.

29 (10) Where a licensee on whom there has been served an instrument  
30 under subsection (1) or (2) has not made a request under  
31 subsection (8) within the period referred to in subsection (8), the  
32 application lapses upon the expiration of that period.

33 (11) Where —

34 (a) an application for the renewal of a licence is made under  
35 section 54; and

36 (b) the licence expires —

37 (i) before the Minister grants, or refuses to grant, the  
38 renewal of the licence; or

- 1 (ii) before the application lapses as provided by  
2 subsection (10),  
3 the licence is taken ~~shall be deemed~~ to continue in force in all  
4 respects —  
5 (c) until the Minister grants, or refuses to grant, the renewal  
6 of the licence; or  
7 (d) until the application so lapses,  
8 whichever first happens.

9 *[Section 55 amended: No. 28 of 1994 s. 99; No. 42 of 2010*  
10 *s. 110.]*

11 **56. Conditions of licence**

- 12 (1) A licence may be granted subject to such conditions as the  
13 Minister thinks fit and specifies in the licence.  
14 (2) Subsection (1) does not apply to a licence granted under  
15 section 51A.  
16 (3) The Minister may, by written notice given to the licensee, vary a  
17 licence granted under section 51A by imposing 1 ~~one~~ or more  
18 conditions to which the licence is subject.  
19 (4) A notice under subsection (3) may only be given within 14 days  
20 after the grant of the licence.  
21 (5) A variation under subsection (3) takes effect on the day on  
22 which notice of the variation is given to the licensee.

23 *[Section 56 amended: No. 7 of 2017 s. 46.]*

24 *[57. Deleted: No. 12 of 1990 s. 188(1).]*

25 **58. Directions as to recovery of petroleum or regulated**  
26 **substance ~~Directions as to recovery of petroleum~~**

- 27 (1) Where petroleum or a regulated substance ~~Where petroleum~~ is  
28 not being recovered in a licence area and the Minister is  
29 satisfied that there is recoverable petroleum or a regulated  
30 substance ~~recoverable petroleum~~ in that area, the Minister ~~he~~  
31 may, by instrument in writing served on the licensee, direct the  
32 licensee to take all necessary and practicable steps to recover  
33 that petroleum or regulated substance ~~that petroleum~~.  
34 (2) Where the Minister is not satisfied with the steps taken or being  
35 taken by a licensee to whom a direction has been given under  
36 subsection (1), the Minister may, by instrument in writing



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1 served on the licensee, give to the licensee such directions as the  
2 Minister thinks necessary for or in relation to the recovery of  
3 petroleum or a regulated substance ~~petroleum~~ in the licence  
4 area.

5 (3) Where petroleum is being recovered in a licence area, the  
6 Minister may, for reasons that the Minister ~~he~~ thinks sufficient,  
7 by instrument in writing served on the licensee, direct the  
8 licensee to take all necessary and practicable steps to increase or  
9 reduce the rate at which petroleum or a regulated substance is  
10 being recovered ~~petroleum is being recovered~~ in the licence area  
11 or from a resources pool ~~petroleum pool~~ in the licence area to  
12 such rate as the Minister specifies in the instrument.

13 (4) Where the Minister is not satisfied with the steps taken or  
14 being taken by a licensee to whom a direction has been given  
15 under subsection (3), the Minister may, by instrument in  
16 writing served on the licensee, give to the licensee such  
17 directions as the Minister thinks necessary for or in relation to  
18 the increase or reduction of the rate at which petroleum or a  
19 regulated substance is being recovered ~~petroleum is being~~  
20 ~~recovered~~ in the licence area or from a resources pool  
21 ~~petroleum pool~~ in the licence area.

22 (5) Without limiting the matters that may be taken into account by  
23 the Minister in determining whether to give a direction under  
24 subsection (3) or (4), the Minister may take into account matters  
25 relating to the effects on State revenue of the proposed  
26 direction, but the Minister must ~~shall~~ not give a direction under  
27 subsection (3) or (4) if the direction would require action to be  
28 taken that is contrary to good oil-field practice.

29 *[Section 58 amended: No. 12 of 1990 s. 189.]*

30 **59. Unit development**

31 (1) In this section, the expression *unit development* —

32 (a) applies in relation to a resources pool ~~petroleum pool~~  
33 that is partly in a particular licence area of a licensee and  
34 partly in a licence area of another licensee or in an area  
35 that is not within the adjacent area but in which a person  
36 other than the first-mentioned licensee is lawfully  
37 entitled to carry on operations for the recovery of  
38 petroleum or a regulated substance ~~recovery of~~  
39 ~~petroleum~~ from the pool; and

40 (b) means the carrying on of operations for the recovery of  
41 petroleum or a regulated substance ~~recovery of~~



- 1 ~~petroleum~~ from that pool under cooperative  
2 arrangements between the persons entitled to carry on  
3 such operations in each of those areas.
- 4 (2) A licensee may from time to time enter into an agreement in  
5 writing for or in relation to the unit development of a resources  
6 pool~~petroleum pool~~, but nothing in this subsection derogates  
7 from the operation of section 81(2).
- 8 (3) The Minister of the Minister's ~~his~~ own motion or on application  
9 ~~made to him~~ in writing by —
- 10 (a) a licensee in whose licence area there is a part of a  
11 particular resources pool~~petroleum pool~~; or
- 12 (b) a person who is lawfully entitled to carry on operations  
13 for the recovery of petroleum or a regulated substance  
14 ~~recovery of petroleum~~ in an area outside the adjacent  
15 area that includes part of a particular resources pool  
16 ~~petroleum pool~~ that extends into the adjacent area,
- 17 may, for the purpose of securing the more effective recovery of  
18 petroleum or a regulated substance~~recovery of petroleum~~, from  
19 the resources pool~~petroleum pool~~, direct any licensee whose  
20 licence area includes part of the resources pool~~petroleum pool~~,  
21 by instrument in writing served on the licensee, to enter into an  
22 agreement in writing, within the period specified in the  
23 instrument, for or in relation to the unit development of the  
24 resources pool ~~petroleum pool~~ and to lodge an application in  
25 accordance with section 81 for approval of any dealing to which  
26 the agreement relates.
- 27 (4) Where —
- 28 (a) a licensee who is directed, under subsection (3), to enter  
29 into an agreement for or in relation to the unit  
30 development of a resources pool ~~petroleum pool~~ does  
31 not enter into such an agreement within the specified  
32 period; or
- 33 (b) a licensee enters into such an agreement but an  
34 application for approval of a dealing to which the  
35 agreement relates is not lodged with the Minister or, if  
36 an application is so lodged, the dealing is not approved  
37 under section 81,
- 38 the Minister may, by instrument in writing served on the  
39 licensee, direct the licensee to submit to the Minister~~him~~, within  
40 the period specified in the instrument, a scheme for or in

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1 relation to the unit development of the resources pool~~petroleum~~  
2 ~~pool~~.

3 (5) At any time after the expiration of the period within which a  
4 scheme for or in relation to the unit development of a resources  
5 pool ~~petroleum pool~~ is to be submitted by a licensee under  
6 subsection (4), the Minister may, by instrument in writing  
7 served on the licensee, give to the licensee such directions as the  
8 Minister thinks necessary for the purpose of securing the more  
9 effective recovery of petroleum or a regulated substance  
10 ~~recovery of petroleum~~ from the resources pool~~petroleum pool~~.

11 (6) Where a person is the licensee in respect of 2 or more licence  
12 areas in each of which there is part of a particular resources  
13 pool~~petroleum pool~~, the Minister may, by instrument in writing  
14 served on the licensee, give to the licensee such directions as the  
15 Minister thinks necessary for the purpose of securing the more  
16 effective recovery of petroleum or a regulated substance  
17 ~~recovery of petroleum~~ from the resources pool~~petroleum pool~~.

18 (7) Where an agreement under this section is in force or the  
19 Minister has given directions under subsection (5) or (6), the  
20 Minister may, having regard to additional information that has  
21 become available, by instrument in writing served on the  
22 licensee or licensees concerned, give to the licensee or licensees  
23 such directions, or further directions, as the case may be, as the  
24 Minister ~~he~~ thinks necessary for the purpose of securing the  
25 more effective recovery of petroleum or a regulated substance  
26 ~~recovery of petroleum~~ from the resources pool~~petroleum pool~~.

27 (8) The Minister must ~~shall~~ not give a direction under  
28 subsection (6) or (7) unless the Minister ~~he~~ has given to the  
29 licensee or licensees concerned an opportunity to confer with  
30 the Minister ~~him~~ concerning the proposed direction.

31 (9) Directions under subsection (5), (6) or (7) may include  
32 directions as to the rate at which petroleum or a regulated  
33 substance ~~petroleum~~ is to be recovered.

34 (10) In this section, *dealing* means a dealing to which section 81  
35 applies.

36 (11) The Minister must ~~shall~~—

37 (aa) if a resources pool ~~petroleum pool~~ extends, or is  
38 reasonably believed by the Minister to extend, from the  
39 adjacent area into an area to which another written law  
40 relating to the exploitation of petroleum or regulated

- 1 ~~substance resources~~ ~~petroleum resources~~ applies, consult  
2 with any other Minister concerned; or
- 3 (a) if a ~~resources pool~~ ~~petroleum pool~~ extends, or is  
4 reasonably believed by ~~the Minister~~ ~~him~~ to extend, from  
5 the adjacent area into lands to which the laws of another  
6 State or the Northern Territory relating to the  
7 exploitation of ~~petroleum or regulated substance~~  
8 ~~resources~~ ~~petroleum resources~~ apply, or into the adjacent  
9 area of an adjoining State or the Northern Territory,  
10 consult with the appropriate authority of that State or the  
11 Northern Territory concerning the exploitation of the  
12 ~~resources pool~~ ~~petroleum pool~~; or
- 13 (b) if a ~~resources pool~~ ~~petroleum pool~~ extends, or is  
14 reasonably believed by the Minister to extend, from the  
15 adjacent area into the offshore area of a State (other than  
16 Western Australia) within the meaning of the  
17 Commonwealth Act, or the offshore area of the  
18 Northern Territory, within the meaning of that Act,  
19 consult with the Joint Authority, as defined in the  
20 Commonwealth Act section 7, in respect of that State or  
21 the Northern Territory concerning the exploitation of the  
22 ~~resources pool~~ ~~petroleum pool~~; or
- 23 (c) if a ~~resources pool~~ ~~petroleum pool~~ extends, or is  
24 reasonably believed by the Minister to extend, from the  
25 adjacent area into the offshore area of Western  
26 Australia, consult with the Joint Authority concerning  
27 the exploitation of the ~~resources pool~~ ~~petroleum pool~~; or
- 28 (d) if 2 or more of paragraphs (aa), (a), (b) and (c) apply,  
29 comply with each of those applicable paragraphs.

30 (12) Where subsection (11) applies in relation to a ~~resources~~  
31 ~~pool~~ ~~petroleum pool~~, the Minister ~~must~~ ~~shall~~ not approve an  
32 agreement under this section, or give a direction under this  
33 section, in relation to that ~~resources pool~~ ~~petroleum pool~~ except  
34 with the approval of any other Minister, authority or Joint  
35 Authority required by that subsection to be consulted.

36 *[Section 59 amended: No. 12 of 1990 s. 190; No. 42 of 2010*  
37 *s. 111; No. 7 of 2017 s. 47.]*

38 *[59A, 59B. Deleted: No. 42 of 2010 s. 113.]*

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**s. 60A**

1 **Division 4A — Infrastructure licences**

2 *[Heading inserted: No. 42 of 2010 s. 112.]*

3 **60A. Construction etc. of infrastructure facilities**

4 A person shall not, in the adjacent area —

5 (a) begin or continue the construction, or the alteration or  
6 reconstruction, of any infrastructure facilities; or

7 (b) operate any infrastructure facilities,

8 except —

9 (c) under and in accordance with an infrastructure licence;  
10 or

11 (d) as otherwise permitted by this Part.

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

13 *[Section 60A inserted: No. 42 of 2010 s. 112.]*

14 **60B. Application for infrastructure licence**

15 (1) A person may apply to the Minister for the grant of an  
16 infrastructure licence.

17 (2) The application —

18 (a) shall be made in an approved manner; and

19 (b) shall be accompanied by particulars of the proposals of  
20 the applicant for the construction and operation of  
21 facilities at a place in the adjacent area, being a place  
22 described in the application; and

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

25 (d) shall be accompanied by the prescribed fee.

26 (3) The Minister may, at any time, by written notice served on the  
27 applicant, require the applicant to give, within the period stated  
28 in the notice, further written information in connection with the  
29 application.

30 *[Section 60B inserted: No. 42 of 2010 s. 112.]*

31 **60C. Notification as to grant of infrastructure licence**

32 (1) If an application for the grant of an infrastructure licence has  
33 been made under section 60B and the applicant has given any  
34 further information as and when required by the Minister under  
35 section 60B(3), then, subject to section 60D, the Minister, by

1 written notice served on the applicant, may inform the applicant  
2 that the Minister is prepared to grant to the applicant an  
3 infrastructure licence in respect of the place described in the  
4 application.

- 5 (2) A notice under subsection (1) shall —
- 6 (a) contain a summary of the conditions subject to which  
7 the infrastructure licence is to be granted; and
  - 8 (b) contain a statement to the effect that the application will  
9 lapse if the applicant does not make a request under  
10 section 60E(1) in respect of the infrastructure licence.

11 *[Section 60C inserted: No. 42 of 2010 s. 112.]*

12 **60D. Notices to be given by Minister**

13 (1) This section applies if the Minister is prepared to grant an  
14 infrastructure licence (the *proposed infrastructure licence*) in  
15 respect of a place in a block that —

- 16 (a) is the subject of a permit, lease, licence, infrastructure  
17 licence, special prospecting authority or access  
18 authority; or
- 19 (b) is, or is proposed to be, transected by a pipeline in  
20 accordance with the provisions of a pipeline licence,

21 of which the registered holder is a person other than the  
22 applicant.

23 (2) The Minister shall not inform the applicant under section 60C  
24 that the Minister is prepared to grant the proposed infrastructure  
25 licence unless the Minister —

- 26 (a) has, by written notice served on the registered holder  
27 referred to in subsection (1), given not less than one  
28 month's notice that the Minister is prepared to grant the  
29 proposed infrastructure licence; and
- 30 (b) has served a copy of the notice on such other persons (if  
31 any) as the Minister thinks fit; and
- 32 (c) has, in the notice —
  - 33 (i) given particulars of the proposed infrastructure  
34 licence; and

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- 1 (ii) specified a date, on or before which a person on  
2 whom the notice, or a copy of the notice, is  
3 served may, by writing served on the Minister,  
4 submit any matters that the person wishes the  
5 Minister to consider;
- 6 and
- 7 (d) has taken into account any matters so submitted on or  
8 before the specified date by a person on whom the  
9 first-mentioned notice, or a copy of it, has been served.
- 10 (3) Subsection (2) does not apply —
- 11 (a) in respect of the registered holder of a permit, lease,  
12 licence, infrastructure licence or pipeline licence if the  
13 registered holder has consented in writing to the grant of  
14 the proposed infrastructure licence; or
- 15 (b) in respect of the registered holder of a special  
16 prospecting authority or an access authority if —
- 17 (i) the registered holder has consented in writing to  
18 the grant of the proposed infrastructure licence;  
19 or
- 20 (ii) the special prospecting authority or access  
21 authority will expire before any construction or  
22 operation of facilities under the proposed  
23 infrastructure licence would occur.

24 *[Section 60D inserted: No. 42 of 2010 s. 112.]*

25 **60E. Grant of infrastructure licence**

- 26 (1) An applicant on whom a notice has been served under  
27 section 60C(1) may, by written notice served on the Minister,  
28 request the Minister to grant to the applicant the infrastructure  
29 licence referred to in the first-mentioned notice.
- 30 (2) The request must be made —
- 31 (a) before the end of the period of 3 months after the date of  
32 service of the notice on the applicant under  
33 section 60C(1); or
- 34 (b) if the Minister, on application in writing made to the  
35 Minister before the end of that period, allows a further  
36 period of not more than 3 months for the making of the  
37 request — before the end of that further period.

1 (3) If the applicant makes the request within the period applicable  
2 under subsection (2), the Minister shall grant to the applicant an  
3 infrastructure licence in respect of the place described in the  
4 application.

5 (4) If the applicant does not make the request within the period  
6 applicable under subsection (2), the application lapses at the end  
7 of that period.

8 *[Section 60E inserted: No. 42 of 2010 s. 112.]*

9 **60F. Rights conferred by infrastructure licence**

10 (1) An infrastructure licence, while it remains in force, authorises  
11 the infrastructure licensee, subject to this Act and in accordance  
12 with the conditions to which the infrastructure licence is subject,  
13 to construct and operate infrastructure facilities in the  
14 infrastructure area.

15 (2) To avoid doubt, the grant of an infrastructure licence is not a  
16 prerequisite to doing any thing that could be authorised to be  
17 done by a permit, lease, licence or pipeline licence.

18 *[Section 60F inserted: No. 42 of 2010 s. 112.]*

19 **60G. Term of infrastructure licence**

20 Subject to this Part, an infrastructure licence remains in force  
21 indefinitely.

22 *[Section 60G inserted: No. 42 of 2010 s. 112.]*

23 **60H. Termination of infrastructure licence if no operations for**  
24 **5 years**

25 (1) If an infrastructure licensee —

26 (a) has not carried out any construction work under the  
27 infrastructure licence at any time during a continuous  
28 period of 5 years; and

29 (b) has not used the infrastructure facilities constructed  
30 under the infrastructure licence at any time during a  
31 continuous period of 5 years,

32 the Minister may, by written notice served on the infrastructure  
33 licensee, inform the infrastructure licensee that the Minister  
34 proposes to terminate the infrastructure licence after the end of  
35 the period of one month after the notice is served.

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1 (2) At any time after the end of the period of one month after the  
2 notice referred to in subsection (1) is served on the  
3 infrastructure licensee, the Minister may, by written notice  
4 served on the infrastructure licensee, terminate the infrastructure  
5 licence.

6 (3) In working out, for the purposes of subsection (1), the duration  
7 of the period in which an infrastructure licensee did not carry  
8 out any construction work under the infrastructure licence or did  
9 not use the infrastructure facilities constructed under the  
10 infrastructure licence, any period in which construction work  
11 was not carried out, or the infrastructure facilities were not used,  
12 because of circumstances beyond the infrastructure licensee's  
13 control is to be disregarded.

14 *[Section 60H inserted: No. 42 of 2010 s. 112.]*

15 **60I. Conditions of infrastructure licence**

16 An infrastructure licence may be granted subject to such  
17 conditions as the Minister thinks fit and are specified in the  
18 infrastructure licence.

19 *[Section 60I inserted: No. 42 of 2010 s. 112.]*

20 **60J. Variation of infrastructure licence**

21 (1) An infrastructure licensee may, at any time, make an application  
22 to the Minister for the variation of the infrastructure licence.

23 (2) An application under this section —

24 (a) shall be made in the approved manner; and

25 (b) shall be accompanied by particulars of the proposed  
26 variation; and

27 (c) shall set out the reasons for the proposed variation; and

28 (d) shall be accompanied by the prescribed fee.

29 (3) The Minister may, at any time, by written notice served on the  
30 applicant, require the applicant to give, within the period stated  
31 in the notice, further written information in connection with the  
32 application.

33 (4) If the infrastructure licence was granted in respect of a place in  
34 a block that —

35 (a) is the subject of a permit, lease, licence, infrastructure  
36 licence, special prospecting authority or access  
37 authority; or



- 1 (b) is, or is proposed to be, transected by a pipeline in  
2 accordance with the provisions of a pipeline licence,  
3 of which the registered holder is a person other than the  
4 applicant, the Minister shall not vary the infrastructure licence  
5 pursuant to the application unless the Minister —  
6 (c) has, by written notice served on the registered holder,  
7 given not less than one month's notice that the Minister  
8 is considering the application; and  
9 (d) has served a copy of the notice on such other persons (if  
10 any) as the Minister thinks fit; and  
11 (e) has, in the notice —  
12 (i) given particulars of the proposed variation; and  
13 (ii) specified a date on or before which a person on  
14 whom the notice or a copy of the notice, is  
15 served may, by writing served on the Minister,  
16 submit any matters that the person wishes the  
17 Minister to consider.
- 18 (5) Subsection (4) does not apply —  
19 (a) in respect of the registered holder of a permit, lease,  
20 licence, infrastructure licence or pipeline licence if the  
21 registered holder has consented in writing to the  
22 variation of the infrastructure licence; or  
23 (b) in respect of the registered holder of a special  
24 prospecting authority or an access authority if —  
25 (i) the registered holder has consented in writing to  
26 the variation of the infrastructure licence; or  
27 (ii) the special prospecting authority or access  
28 authority will expire before any construction or  
29 operation of facilities under the infrastructure  
30 licence as proposed to be varied would occur.
- 31 (6) After considering any matters submitted to the Minister under  
32 subsection (4) on or before the date specified in the notice  
33 served under that subsection by a person to whom the notice, or  
34 a copy of the notice, has been served, the Minister may —  
35 (a) by written notice served on the applicant, vary the  
36 infrastructure licence to such extent as the Minister  
37 thinks necessary; or  
38 (b) refuse to vary the infrastructure licence.

39 *[Section 60J inserted: No. 42 of 2010 s. 112.]*

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**Part 3** Mining for petroleum or regulated substances

**Division 4** Pipeline licences

**s. 60K**

1

**Division 4 — Pipeline licences**

2

**60K. Term used: adjacent area**

3

- (1) For the purposes of subsection (2), assume that the breadth of the territorial sea had never been determined or declared to be greater than 3 nautical miles, but had continued to be 3 nautical miles.

4

- (2) In this Division —

5

*adjacent area* means so much of the scheduled area as consists of —

6

7

- (a) the territorial sea; and

8

- (b) any area that is —

9

- (i) on the landward side of the territorial sea; and

10

- (ii) not within the limits of Western Australia.

11

*[Section 60K inserted: No. 42 of 2010 s. 113.]*

12

**60. Construction etc. of pipeline etc.**

13

- (1) A person shall not, in the adjacent area —

14

- (a) commence or continue the construction, or the alteration or reconstruction, of a pipeline; or

15

- (b) operate a pipeline,

16

except under and in accordance with a pipeline licence.

17

*[(2), (3) deleted]*

18

- (4) A person shall not, in the adjacent area, commence to operate a pipeline unless —

19

- (a) it has been constructed and tested in accordance with a pipeline licence; and

20

- (b) the Minister has certified in writing that he or she is satisfied that the pipeline has been so constructed and tested and is fit to be operated.

21

22

23

24

25

26

27

28

- (5) A person shall not, in the adjacent area, recommence to operate a pipeline, the previous operation of which was discontinued, except with, and in accordance with, a consent in writing of the Minister.

29

30

31

32

- 1 (6) The Minister may, for reasons that he thinks sufficient, refuse to  
2 give a consent or certificate for the purposes of this section and,  
3 where he gives a consent, may attach conditions to it.

4 Penalty for an offence under subsection (1), (4) or (5): a fine of  
5 \$50 000 or imprisonment for 5 years, or both.

6 *[Section 60 amended: No. 42 of 2010 s. 114.]*

7 **61. Acts done in an emergency etc.**

8 It is not an offence against section 60 —

- 9 (a) if, in an emergency in which there is a likelihood of loss  
10 or injury, or for the purpose of maintaining a pipeline in  
11 good order or repair, a person does an act to avoid the  
12 loss or injury or to maintain the pipeline in good order  
13 and repair and —

14 (i) as soon as practicable notifies the Minister of the  
15 act done; and

16 (ii) complies with any directions given to him by the  
17 Minister;

18 or

- 19 (b) if a person does an act in compliance with a direction  
20 under this Act.

21 *[Section 61 amended: No. 13 of 2005 s. 46(2); No. 42 of 2010*  
22 *s. 115.]*

23 **62. Removal of pipeline etc. constructed in contravention of Act**

24 (1) Where —

25 (a) the construction of a pipeline is commenced, continued  
26 or completed in contravention of this Act; or

27 (b) a pipeline is altered or reconstructed in contravention of  
28 this Act,

29 the Minister may, by instrument in writing served on the  
30 appropriate person, direct him —

31 (c) to make such alterations to the pipeline as are specified  
32 in the instrument; or

33 (d) to move the pipeline to a specified place in, or to remove  
34 it from, the adjacent area,

35 within the period specified in the instrument.

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**Part 3** Mining for petroleum or regulated substances

**Division 4** Pipeline licences

**s. 63**

- 1 (2) For the purpose of subsection (1), the appropriate person is —
- 2 (a) if the construction of the pipeline has been completed,
- 3 the owner of the pipeline; or
- 4 (b) if the construction of the pipeline has not been
- 5 completed, the person for whom the pipeline is being
- 6 constructed.
- 7 (3) Where a person on whom there has been served an instrument
- 8 under subsection (1) does not, within the period specified in the
- 9 instrument or within such further period, if any, as the Minister,
- 10 on application in writing served on him before the expiration of
- 11 the first-mentioned period, allows, comply with the direction,
- 12 the Minister may do all or any of the things required by the
- 13 direction to be done.
- 14 (4) Costs and expenses incurred by the Minister under subsection (3)
- 15 are a debt due by the person referred to in that subsection to the
- 16 State and are recoverable in a court of competent jurisdiction.

17 *[Section 62 amended: No. 42 of 2010 s. 116.]*

18 **63. Terminal station**

19 The Minister may, by instrument published in the *Gazette*,

20 declare a pumping station, a tank station or a valve station in the

21 adjacent area to be a terminal station.

22 **64. Applications for pipeline licence**

- 23 (1) An application for a pipeline licence whether or not that licence
- 24 is for the conveyance of petroleum recovered from an area
- 25 within the adjacent area —

26 *[(a) deleted]*

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

28 (c) ~~must shall~~ be accompanied by particulars of —

29 (i) the proposed design and construction of the

30 pipeline; and

31 (ii) the proposed size and capacity of the pipeline;

32 and

33 (iii) the proposals of the applicant for work and

34 expenditure in respect of the construction of the

35 pipeline; and

36 (iv) the technical qualifications of the applicant and

37 of ~~the employees of the applicant~~ ~~his employees~~;

38 and

- 1 (v) the technical advice available to the applicant;  
2 and
- 3 (vi) the financial resources available to the applicant;  
4 and
- 5 (vii) any agreements entered into, or proposed to be  
6 entered into, by the applicant for or in relation to  
7 the supply or conveyance of petroleum by means  
8 of the pipeline;
- 9 and
- 10 (d) ~~must shall~~ be accompanied by a plan, drawn to an  
11 approved scale, showing —
- 12 (i) the route to be followed by the pipeline; and  
13 (ii) the sites of pumping stations, tank stations and  
14 valve stations to be used in connection with the  
15 pipeline; and  
16 (iii) the site of any pumping station, tank station or  
17 valve station that the applicant desires to be  
18 declared under section 63 to be a terminal station  
19 in connection with the pipeline;
- 20 and
- 21 (e) may set out any other matters that the applicant wishes  
22 the Minister to consider; and
- 23 (f) ~~must shall~~ be accompanied by the prescribed fee.
- 24 (2) Where a notice is published in the *Gazette* —
- 25 (a) of an application by a person other than the licensee for  
26 a pipeline licence in respect of the construction of a  
27 pipeline for the conveyance of petroleum recovered in a  
28 licence area; or
- 29 (b) of an application by a person other than the pipeline  
30 operator under the Commonwealth Act or a  
31 corresponding law for a pipeline licence in respect of the  
32 construction of a pipeline for the conveyance of  
33 petroleum recovered in the licence area of a production  
34 licence under the Commonwealth Act or a  
35 corresponding law,
- 36 the licensee or, as the case may be, the pipeline operator under  
37 the Commonwealth Act or a corresponding law may, within a  
38 period of 3 months after the date of publication of the notice, or  
39 within such further period, not exceeding 3 months, as the

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**s. 65**

1 Minister, on application in writing served on ~~the licensee~~ ~~him~~  
2 before the expiration of the first-mentioned period of 3 months,  
3 allows, make an application for a pipeline licence referred to in  
4 paragraph (a) or (b), as the case requires, and in the application  
5 request that the application referred to in the notice be rejected.

6 (3) Where —

7 (a) a notice referred to in subsection (2) is published in the  
8 *Gazette*; and

9 (b) a pipeline licence is granted to the licensee or to the  
10 pipeline operator under the Commonwealth Act or a  
11 corresponding law on an application under  
12 subsection (2),

13 the Minister ~~must~~ ~~shall~~, by instrument in writing served on the  
14 applicant, reject the application referred to in the notice.

15 (4) The Minister may, at any time, by instrument in writing served  
16 on a person who has made an application under this section,  
17 require ~~the person~~ ~~him~~ to furnish, within the time specified in  
18 the instrument, further information in writing in connection with  
19 ~~the application~~ ~~his application~~.

20 (5) In this section, *pipeline operator under the Commonwealth Act*  
21 *or a corresponding law* has the same meaning as in section 65.

22 [*Section 64 amended: No. 12 of 1990 s. 192; No. 42 of 2010*  
23 *s. 117.*]

24 **65. Grant or refusal of pipeline licence**

25 (1) Where a person makes an application in accordance with  
26 section 64, the Minister —

27 (a) may, if that person is not the licensee and the application  
28 has not been rejected under section 64(3); or

29 (b) shall, if the application is by a pipeline operator under  
30 the Commonwealth Act or a corresponding law,

31 inform the applicant, by instrument in writing served on the  
32 applicant, that the Minister is prepared to grant a pipeline  
33 licence to the applicant.

34 (2) Where an application for a pipeline licence in respect of the  
35 construction in the adjacent area of a pipeline for the  
36 conveyance of petroleum recovered in a licence area in respect

1 of which the applicant is the licensee is made in accordance  
2 with section 64 by the licensee, the Minister —

- 3 (a) shall, if the conditions to which the licence is, or has from  
4 time to time been, subject and the provisions of this Part  
5 and of the regulations have been complied with; or  
6 (b) may, if —  
7 (i) any of the conditions to which the licence is, or  
8 has from time to time been, subject of any of the  
9 provisions of this Part and of the regulations has  
10 not been complied with; and  
11 (ii) the Minister is, nevertheless, satisfied that special  
12 circumstances exist that justify the granting of a  
13 pipeline licence,

14 by instrument in writing served on the person who is then the  
15 licensee inform the person that the Minister is prepared to grant  
16 to the person a pipeline licence.

- 17 (3) Where an application for a pipeline licence in respect of the  
18 construction in the adjacent area of a pipeline for the  
19 conveyance of petroleum recovered in a licence area in respect  
20 of which the applicant is the licensee is made in accordance  
21 with section 64 by the licensee, the Minister shall, if —

- 22 (a) any of the conditions to which the pipeline licence is, or  
23 has from time to time been, subject or any of the  
24 provisions of this Part and the regulations has not been  
25 complied with; and  
26 (b) the Minister is not satisfied that special circumstances  
27 exist that justify the granting of the pipeline licence,

28 by instrument in writing served on the person who is then the  
29 licensee, refuse to grant the pipeline licence.

- 30 (4) The Minister shall not, under subsection (3), refuse to grant a  
31 pipeline licence to a licensee unless —

- 32 (a) he has, by instrument in writing served on the licensee,  
33 given not less than one month's notice of his intention to  
34 refuse to grant the pipeline licence; and  
35 (b) he has served a copy of the instrument on such other  
36 persons, if any, as he thinks fit; and  
37 (c) he has, in the instrument —  
38 (i) given particulars of the reasons for the intention;  
39 and

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- 1 (ii) specified a date on or before which the licensee  
2 or a person on whom a copy of the instrument is  
3 served may, by instrument in writing served on  
4 the Minister, submit any matters that he wishes  
5 the Minister to consider;
- 6 and
- 7 (d) he has taken into account any matters so submitted to  
8 him on or before the specified date by the licensee or by  
9 a person on whom a copy of the first-mentioned  
10 instrument has been served.
- 11 (5) Where a person other than the licensee or the pipeline operator  
12 under the Commonwealth Act or a corresponding law makes an  
13 application in accordance with section 64 for a pipeline licence  
14 in respect of the construction of a pipeline for the conveyance of  
15 petroleum recovered in a licence area or, as the case may be, the  
16 licence area of a production licence under the Commonwealth  
17 Act or a corresponding law, the Minister may, by instrument in  
18 writing served on the applicant, refuse to grant a pipeline  
19 licence.
- 20 [(6) *deleted*]
- 21 (7) An instrument under subsection (1) or (2) —
- 22 (a) shall specify the route to be followed by the pipeline;  
23 and
- 24 (b) shall contain a summary of the conditions subject to  
25 which the pipeline licence is to be granted; and
- 26 (c) shall contain a statement to the effect that the  
27 application will lapse if the applicant does not make a  
28 request under subsection (9).
- 29 (8) The route to be specified in an instrument under subsection (1)  
30 or (2) shall be —
- 31 (a) the route shown in the plan accompanying the  
32 application; or
- 33 (b) if the Minister is of the opinion that, for any reason, that  
34 route is not appropriate, a route that, in the opinion of  
35 the Minister, is appropriate.
- 36 (9) A person on whom there has been served an instrument under  
37 subsection (1) or (2) may, within a period of 3 months after the  
38 date of service of the instrument on him, or within such further  
39 period, not exceeding 3 months, as the Minister, on application  
40 in writing served on him before the expiration of the



1 first-mentioned period of 3 months, allows, by instrument in  
2 writing served on the Minister, request the Minister to grant to  
3 him the pipeline licence.

4 (10) Where a person on whom there has been served an instrument  
5 under subsection (1) or (2) has made a request under  
6 subsection (9) within the period applicable under subsection (9),  
7 the Minister shall grant to that person a licence to construct and  
8 operate a pipeline in respect of the pipeline specified in the  
9 instrument.

10 (11) Where a person on whom there has been served an instrument  
11 under subsection (1) or (2) has not made a request under  
12 subsection (9) within the period applicable under subsection (9),  
13 the application lapses upon the expiration of that period.

14 [(12) *deleted*]

15 (13) In this section, **pipeline operator under the Commonwealth Act**  
16 **or a corresponding law** means a person who is entitled under  
17 the Commonwealth Act or a corresponding law to carry on  
18 operations for the recovery of petroleum in an area outside the  
19 adjacent area and who the Minister is satisfied is or will be  
20 entitled to construct a pipeline from the first-mentioned area to  
21 the boundary of the adjacent area.

22 [*Section 65 amended: No. 12 of 1990 s. 193; No. 28 of 1994*  
23 *s. 100; No. 42 of 2010 s. 118.*]

24 **66. Rights conferred by pipeline licence**

25 A pipeline licence, while it remains in force, authorises the  
26 pipeline licensee, subject to this Act and in accordance with the  
27 conditions to which the pipeline licence is subject —

28 (a) to construct in the adjacent area —

29 (i) a pipeline of the design, construction, size and  
30 capacity specified in the pipeline licence along  
31 the route, and in the position in relation to the  
32 seabed in the adjacent area, so specified; and

33 (ii) the pumping stations, tank stations and valve  
34 stations so specified in the positions so specified;

35 and

36 (b) to operate that pipeline and those pumping stations, tank  
37 stations and valve stations; and

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- 1 (c) to carry on such operations, to execute such works and  
2 to do all such other things in the adjacent area as are  
3 necessary for or incidental to the construction and  
4 operation of that pipeline and of those pumping stations,  
5 tank stations and valve stations.

6 *[Section 66 amended: No. 13 of 2005 s. 46(1).]*

7 *[66A. Deleted: No. 52 of 1995 s. 40.]*

8 **67. Term of pipeline licence**

- 9 (1) Subject to this Part, a pipeline licence remains in force  
10 indefinitely.
- 11 (2) A pipeline licence comes into force on the day on which the  
12 pipeline licence is granted or, if a later day is specified in the  
13 pipeline licence as being the day on which the pipeline licence  
14 is to come into force, on that later day.

15 *[Section 67 amended: No. 12 of 1990 s. 194; No. 42 of 2010*  
16 *s. 119.]*

17 **68. Termination of pipeline licence if no operations for 5 years**

- 18 (1) If a pipeline licensee —  
19 (a) has not carried out any construction work under the  
20 pipeline licence at any time during a continuous period  
21 of 5 years; and  
22 (b) has not used the pipeline, or has not used a particular  
23 part of it, at any time during a continuous period of  
24 5 years,

25 the Minister may, by written notice served on the pipeline  
26 licensee, inform the pipeline licensee that the Minister proposes  
27 to terminate the pipeline licence, or to terminate the pipeline  
28 licence in respect of the unused part of the pipeline, as the case  
29 may be, after the end of the period of one month after the notice  
30 is served.

- 31 (2) At any time after the end of the period of one month after the  
32 notice referred to in subsection (1) is served on the pipeline  
33 licensee, the Minister may, by written notice served on the  
34 pipeline licensee, terminate the pipeline licence or terminate the  
35 pipeline licence in respect of the unused part of the pipeline, as  
36 the case may be.

- 37 (3) In working out, for the purposes of subsection (1), the duration  
38 of the period in which a pipeline licensee did not carry out any

1 construction work under the pipeline licence or did not use the  
2 pipeline or a part of the pipeline, any period in which  
3 construction work was not carried out, or the pipeline or the part  
4 of it was not used, because of circumstances beyond the pipeline  
5 licensee's control is to be disregarded.

6 *[Section 68 inserted: No. 42 of 2010 s. 120.]*

7 **[69.** Deleted: No. 42 of 2010 s. 121.]

8 **70. Conditions of pipeline licence**

9 (1) A pipeline licence may be granted subject to such conditions as  
10 the Minister thinks fit and specifies in the pipeline licence.

11 (2) The conditions referred to in subsection (1) may include a  
12 condition that the pipeline licensee shall complete the  
13 construction of the pipeline within the period specified in the  
14 pipeline licence.

15 *[Section 70 amended: No. 42 of 2010 s. 122.]*

16 **71. Variation of pipeline licence on application by pipeline**  
17 **licensee**

18 (1) A pipeline licensee may, at any time, make an application to the  
19 Minister for the variation of the pipeline licence.

20 (2) An application under this section —

21 *[(a) deleted]*

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

23 (c) shall be accompanied by particulars of the proposed  
24 variation; and

25 (d) shall specify the reasons for the proposed variation; and

26 (e) shall be accompanied by the prescribed fee.

27 (3) The Minister may, at any time, by instrument in writing served  
28 on a person who has made an application under this section  
29 require him to furnish, within the period specified in the  
30 instrument, further information in writing in connection with his  
31 application.

32 (4) The Minister shall, in a notice published in the *Gazette* of an  
33 application under this section, specify a period within which a  
34 person may submit to the Minister, in writing, any matters that  
35 he wishes the Minister to consider in connection with the  
36 application.

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**s. 72**

1 (5) After considering any matters submitted to him under  
2 subsection (4) the Minister may, by instrument in writing, vary  
3 the pipeline licence to such extent as he thinks necessary or may  
4 refuse to vary the pipeline licence.

5 *[Section 71 amended: No. 12 of 1990 s. 196; No. 42 of 2010*  
6 *s. 123.]*

7 **72. Variation of pipeline licence by Minister**

8 (1) The Minister may —

9 (a) at the request of —

10 (i) a Minister of the Crown of the State or a Minister  
11 of State of the Commonwealth; or

12 (ii) a body established by a law of the  
13 Commonwealth or of the State;

14 and

15 (b) if, in his opinion, it is in the public interest so to do,

16 by instrument in writing served on a person who is a pipeline  
17 licensee or the holder of an instrument of consent under  
18 section 60, direct that person to make such changes in the  
19 design, construction, route or position of the pipeline to which  
20 the pipeline licence or instrument of consent relates, as are  
21 specified in the first-mentioned instrument, within the period  
22 specified in the first-mentioned instrument, and, if the person so  
23 directed is a pipeline licensee, shall vary the pipeline licence  
24 accordingly.

25 (2) A person to whom a direction is given under subsection (1) shall  
26 comply with the direction.

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

28 (3) Where the Minister gives a direction under subsection (1), and  
29 the person to whom the direction was given has complied with  
30 the direction, that person may bring an action in the Supreme  
31 Court against the Minister, Minister of State of the  
32 Commonwealth or body making the request.

33 (4) The Supreme Court shall hear the action, without a jury, and  
34 shall determine whether it is just that the whole or a portion of  
35 the reasonable cost of complying with the direction ought to be  
36 paid to the plaintiff by the defendant.

- 1 (5) If the Supreme Court determines that it is just that such a  
2 payment ought to be made, the Supreme Court shall determine  
3 the amount of the payment and give judgment accordingly.

4 *[Section 72 amended: No. 42 of 2010 s. 124 and 171.]*

5 **73. Common carrier**

- 6 (1) The Minister may, by instrument in writing served on a pipeline  
7 licensee, direct the pipeline licensee to be a common carrier of  
8 petroleum in respect of the pipeline and thereupon the pipeline  
9 licensee is a common carrier of petroleum in respect of the  
10 pipeline.

- 11 (2) The Minister cannot give a direction under subsection (1) in  
12 respect of a pipeline if it is a Code pipeline as defined in the Gas  
13 Pipelines Access (Western Australia) Law<sup>4</sup>.

- 14 (3) While a direction is in force under subsection (1) in respect of a  
15 pipeline it cannot become a Code pipeline for the purposes of  
16 the Gas Pipelines Access (Western Australia) Law<sup>4</sup>.

17 *[Section 73 amended: No. 65 of 1998 Sch. 3 cl. 37.]*

18 **74. Ceasing to operate pipeline**

- 19 (1) Except with the consent in writing of the Minister and subject to  
20 compliance with such conditions, if any, as are specified in the  
21 instrument of consent, a pipeline licensee shall not cease to  
22 operate the pipeline.

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

- 24 (2) It is not an offence against subsection (1) if the failure of the  
25 pipeline licensee to operate the pipeline —

26 (a) was in the ordinary course of operating the pipeline; or

27 (b) was for the purpose of repairing or maintaining the  
28 pipeline; or

29 (c) was in an emergency in which there was a likelihood of  
30 loss or injury.

31 *[Section 74 amended: No. 42 of 2010 s. 171.]*

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**Part 3** Mining for petroleum or regulated substances

**Division 4AA** Polluter pays

**s. 74A**

**Division 4AA — Polluter pays**

**74A. Escape of petroleum or regulated substance: titleholder's duty**

(1) In this section —

interstate Act means —

(a) the Commonwealth Act; or

(b) an Act of another State or a Territory relating to offshore resource operations;

interstate land or waters means land or waters to which an interstate Act applies.

(2) This section applies in the event of an escape of petroleum or a regulated substance occurring as a result of, or in connection with, an offshore resource operation in relation to any of the following titles —

(a) an access authority;

(b) a permit;

(c) a licence;

(d) a lease;

(e) a special prospecting authority;

(f) a pipeline licence;

(g) an infrastructure licence;

(h) any other authority or consent granted by instrument under this Act for the carrying out of an offshore resource operation.

(3) The registered holder of the title must —

(a) do all of the following —

(i) as soon as possible after becoming aware of the escape of petroleum or a regulated substance, take all reasonably practicable steps to eliminate or control it;

(ii) clean up the escaped petroleum or regulated substance and remediate any resulting damage to the environment;

(iii) carry out environmental monitoring of the impact of the escape on the environment and anything

- 1 done by the registered holder of the title under  
2 subparagraph (i) or (ii);  
3 \_\_\_\_\_ and  
4 (b) if any of the escaped petroleum or regulated substance  
5 has migrated to interstate land or waters, on that land or  
6 in those waters, as the case may be —  
7 (i) clean up the escaped petroleum or regulated  
8 substance and remediate any resulting damage to  
9 the environment; and  
10 (ii) carry out environmental monitoring of the impact  
11 of the escape and clean up of the environment.  
12 (4) The registered holder of the title must notify the Minister  
13 administering the interstate Act as soon as practicable after  
14 doing anything under subsection (3).

15 **74B. Escape of petroleum or regulated substance: reimbursement**  
16 **of State**

- 17 (1) This section applies if the Minister considers on reasonable  
18 grounds that the registered holder of a title has failed to comply  
19 with section 74A(3) in relation to an escape of petroleum or a  
20 regulated substance.  
21 (2) The Minister may do any or all of the things that the Minister  
22 considers, on reasonable grounds, the registered holder of the  
23 title has failed to do to comply with section 74A(3).  
24 (3) Costs or expenses incurred by the State in doing any thing under  
25 subsection (2) are —  
26 (a) a debt due to the Crown by the registered holder of the  
27 title; and  
28 (b) recoverable by the State in a court of competent  
29 jurisdiction.

30 *[Division 4A (s. ~~74C74A~~-74I) deleted: No. 52 of 1995 s. 41.]*

31 **Division 5 — Registration of instruments**

32 **74J. Term used: title**

33 In this Division, *title* means a permit, lease, licence,  
34 infrastructure licence, pipeline licence or access authority.

35 *[Section 74J inserted as 74A: No. 12 of 1990 s. 197;*  
36 *renumbered as section 74J: No. 21 of 1993 s. 45; amended:*  
37 *No. 42 of 2010 s. 125.]*

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**Part 3** Mining for petroleum or regulated substances

**Division 5** Registration of instruments

**s. 75**

1 **75. Register of certain instruments to be kept**

2 For the purposes of this Part, the Minister shall keep a register  
3 of titles and special prospecting authorities granted by him.

4 *[Section 75 amended: No. 12 of 1990 s. 198.]*

5 **76. Particulars to be entered in register**

6 (1) The Minister shall enter in the register a memorial in respect of  
7 each title or special prospecting authority —

- 8 (a) specifying the name of the holder of the title or special  
9 prospecting authority; and  
10 (b) in the case of a permit, lease or licence, setting out an  
11 accurate description (including, where convenient, a  
12 map) of the permit area, lease area or licence area; and  
13 (ca) in the case of an infrastructure licence, setting out the  
14 particulars of the infrastructure licence area; and  
15 (c) in the case of a special prospecting authority or an  
16 access authority, setting out an accurate description  
17 (including, where convenient, a map) of the area in  
18 respect of which the special prospecting authority or  
19 access authority is in force; and  
20 (d) in the case of a pipeline licence, setting out a description  
21 of the route of the pipeline; and  
22 (e) specifying the term of the title or special prospecting  
23 authority; and  
24 (f) setting out such other matters and things as are required  
25 by this Part to be entered in the register; and  
26 (g) setting out such further matters relating to the registered  
27 holder or to the terms and conditions of the title or  
28 special prospecting authority as the Minister deems  
29 proper and expedient in the public interest.

30 (2) The Minister shall enter in the register a memorial of —

- 31 (a) any instrument varying, cancelling, surrendering or  
32 otherwise affecting a title or special prospecting  
33 authority; and  
34 (b) any instrument under section 59(5), (6) or (7); and  
35 *[(c) deleted]*  
36 (d) any instrument varying or revoking an instrument  
37 referred to in paragraph (a) or (b).



1 (3) It is a sufficient compliance with the requirements of  
2 subsection (1) or (2) if the Minister enters a copy of the title,  
3 special prospecting authority or instrument in the register.

4 [(4) *deleted*]

5 (5) The Minister shall endorse on the memorial or copy of the title,  
6 special prospecting authority or instrument a memorandum of  
7 the date upon which the memorial or copy was entered in the  
8 register.

9 *[Section 76 amended: No. 12 of 1990 s. 199; No. 42 of 2010*  
10 *s. 126.]*

11 **77. Memorials to be entered of permits etc. determined etc.**

12 Where —

- 13 (a) a permit or lease ceases to be in force in respect of a  
14 block in respect of which a licence is granted; or  
15 (aa) a permit ceases to be in force in respect of a block in  
16 respect of which a lease is granted; or  
17 (b) a permit or lease has been wholly determined or partly  
18 determined; or  
19 (c) a title or special prospecting authority has expired,

20 the Minister shall enter in the register a memorial of the fact.

21 *[Section 77 amended: No. 12 of 1990 s. 200.]*

22 **78. Approval and registration of transfers**

23 (1) A transfer of a title is of no force until it has been approved by  
24 the Minister and an instrument of transfer is registered as  
25 provided by this section.

26 (2) Where it is desired that a title be transferred, one of the parties  
27 to the proposed transfer may make an application in writing to  
28 the Minister for approval of the transfer.

29 (3) An application for approval of a transfer of a title shall be  
30 accompanied by —

- 31 (a) an instrument of transfer in the prescribed form executed  
32 by the registered holder or, if there are 2 or more  
33 registered holders, by each registered holder and by the  
34 transferee or, if there are 2 or more transferees, by each  
35 transferee; and

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- 1 (b) in a case where the transferee or one or more of the  
2 transferees is not a registered holder or are not registered  
3 holders of the title, an instrument setting out —
- 4 (i) the technical qualifications of that transferee or  
5 those transferees; and
- 6 (ii) details of the technical advice that is or will be  
7 available to that transferee or those transferees;  
8 and
- 9 (iii) details of the financial resources that are or will  
10 be available to that transferee or those  
11 transferees;
- 12 and
- 13 (c) one copy of the application and of the instrument  
14 referred to in paragraph (a).
- 15 (4) The Minister shall not approve the transfer of a title unless the  
16 application was lodged with the Minister within 3 months after  
17 the day on which the party who last executed the instrument of  
18 transfer so executed the instrument of transfer or within such  
19 longer period as the Minister, in special circumstances, allows.
- 20 (5) Where an application for approval of a transfer is made in  
21 accordance with this section, the Minister shall enter a  
22 memorandum in the register of the date on which the  
23 application was lodged and may make such other notation in the  
24 register as the Minister considers appropriate.
- 25 (6) The Minister shall consider each application for approval of the  
26 transfer of a title and determine whether to approve the transfer.
- 27 (7) Where an application for approval of the transfer of a title is  
28 made in accordance with this section, the Minister shall, by  
29 notice in writing served on the person who made the  
30 application, inform the person of the decision of the Minister.
- 31 [(8) *deleted*]
- 32 (9) Where the Minister approves the transfer of a title, the Minister  
33 shall forthwith endorse on the instrument of transfer and on one  
34 copy of the instrument a memorandum of approval and shall, on  
35 payment of the fee provided by the Registration Fees Act, enter  
36 in the register a memorandum of the transfer and the name of  
37 the transferee or of each transferee.

- 1 (10) Upon the entry in the register of a memorandum of the transfer  
2 of a title and of the name of the transferee or each transferee in  
3 accordance with subsection (9) —  
4 (a) the transfer shall be deemed to be registered; and  
5 (b) the transferee becomes the registered holder, or the  
6 transferees become the registered holders, of the title.
- 7 (11) Where the Minister refuses to approve the transfer of a title, the  
8 Minister shall make a notation of the refusal in the register.
- 9 (12) Where a transfer is registered —  
10 (a) the copy of the instrument of transfer endorsed with the  
11 memorandum of approval shall be retained by the  
12 Minister and made available for inspection in  
13 accordance with this Division; and  
14 (b) the instrument of transfer endorsed with the  
15 memorandum of approval shall be returned to the person  
16 who lodged the application for approval of the transfer.
- 17 (13) The mere execution of an instrument of transfer of a title creates  
18 no interest in the title.  
19 *[Section 78 inserted: No. 12 of 1990 s. 201; amended: No. 28 of*  
20 *1994 s. 102.]*

21 **79. Entries in register on devolution of title**

- 22 (1) A person upon whom the rights of a registered holder of a  
23 particular title have devolved by operation of law may apply in  
24 writing to the Minister to have his name entered in the register  
25 as the holder of the title.
- 26 (2) The Minister shall, if he is satisfied that the rights of the holder  
27 have devolved upon the applicant by operation of law and on  
28 payment of the prescribed fee enter the name of the applicant in  
29 the register as the holder of the title and, upon that entry being  
30 so made, the applicant becomes the registered holder of the title.
- 31 (3) Where a company that is the registered holder of a particular  
32 title has changed its name, it may apply in writing to the  
33 Minister to have its new name substituted for its previous name  
34 in the register in relation to that title and, if —  
35 (a) the Minister is satisfied that the company has so  
36 changed its name; and

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1 (b) the company has paid the prescribed fee,  
2 the Minister shall make the necessary alterations in the register.

3 *[Section 79 amended: No. 12 of 1990 s. 202.]*

4 *[80. Deleted: No. 12 of 1990 s. 203.]*

5 **81. Approval of dealings creating etc. interests etc. in existing**  
6 **titles**

7 (1) This section applies to a dealing that would, but for  
8 subsection (2), have ~~1 one~~ or more of the following effects —

- 9 (a) the creation or assignment of an interest in an existing  
10 title;
- 11 (b) the creation or assignment of a right (conditional or  
12 otherwise) to the assignment of an interest in an existing  
13 title;
- 14 (c) the determining of the manner in which persons may  
15 exercise the rights conferred by, or comply with the  
16 obligations imposed by or the conditions of, an existing  
17 title (including the exercise of those rights or the  
18 compliance with those obligations or conditions under  
19 cooperative arrangements for the recovery of [petroleum or](#)  
20 [a regulated substance](#)~~petroleum~~);
- 21 (d) the creation or assignment of —
- 22 (i) an interest in relation to an existing permit, lease  
23 or licence, being an interest known as an  
24 overriding royalty interest, a production  
25 payment, a net profits interest or a carried  
26 interest; or
- 27 (ii) any other interest that is similar to an interest  
28 referred to in subparagraph (i), being an interest  
29 relating to [petroleum or a regulated substance](#)  
30 ~~petroleum~~ produced from operations authorised  
31 by an existing permit, lease or licence or relating  
32 to revenue derived as a result of the carrying out  
33 of operations of that kind;
- 34 (e) the creation or assignment of an option (conditional or  
35 otherwise) to enter into a dealing, being a dealing that  
36 has ~~1 one~~ or more of the effects referred to in  
37 paragraphs (a), (b), (c) and (d);
- 38 (f) the creation or assignment of a right (conditional or  
39 otherwise) to enter into a dealing, being a dealing that

- 1 has ~~1 one~~ or more of the effects referred to in  
2 paragraphs (a), (b), (c) and (d);
- 3 (g) the alteration or termination of a dealing, being a dealing  
4 that has ~~1 one~~ or more of the effects referred to in  
5 paragraphs (a), (b), (c), (d), (e) and (f),
- 6 but this section does not apply to a transfer to which section 78  
7 applies.
- 8 (2) A dealing to which this section applies is of no force in so far as  
9 the dealing would, but for this subsection, have an effect of a  
10 kind referred to in subsection (1) in relation to a particular title  
11 until —
- 12 (a) the dealing, in so far as it relates to that title, has been  
13 approved by the Minister; and
- 14 (b) an entry has been made in the register in relation to the  
15 dealing by the Minister in accordance with  
16 subsection (12).
- 17 (3) A party to a dealing to which this section applies may lodge  
18 with the Minister —
- 19 (a) in a case where the dealing relates to only ~~1 one~~ title, an  
20 application in writing for approval by the Minister of the  
21 dealing; or
- 22 (b) in any other case, a separate application in writing for  
23 approval by the Minister of the dealing in relation to  
24 each title to which the dealing relates.
- 25 (4) An application under subsection (3) for approval of a dealing —
- 26 (a) ~~must shall~~ be accompanied by the instrument evidencing  
27 the dealing or, if that instrument has already been lodged  
28 with the Minister for the purposes of another  
29 application, a copy of that instrument; and
- 30 (b) may be accompanied by an instrument setting out such  
31 particulars (if any) as are prescribed for the purposes of  
32 an application for approval of a dealing of that kind.
- 33 (4a) An application under subsection (3) for approval of a dealing  
34 ~~must shall~~ be accompanied by 2 copies of —
- 35 (a) the application; and
- 36 (b) the instrument referred to in subsection (4)(a); and
- 37 (c) any instrument lodged for the purposes of  
38 subsection (4)(b).

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- 1 (5) Subject to subsection (6), the Minister ~~must shall~~ not approve a  
2 dealing unless the application for approval of the dealing is  
3 lodged with the Minister within 3 months after the day on which  
4 the party who last executed the instrument evidencing the  
5 dealing so executed the instrument or such longer period as the  
6 Minister, in special circumstances, allows.
- 7 (6) Where a dealing relating to a title was, immediately before the  
8 title came into existence, a dealing referred to in section 81A(1),  
9 the Minister ~~must shall~~ not approve the dealing unless —
- 10 (a) a provisional application for approval of the dealing was  
11 lodged in accordance with section 81A(1); or
- 12 (b) an application for approval of the dealing is lodged with  
13 the Minister in accordance with this section within  
14 3 months after the day on which the title came into  
15 existence or such longer period as the Minister, in  
16 special circumstances, allows.
- 17 (7) Where a dealing to which this section applies forms a part of the  
18 issue of a series of debentures, all of the dealings constituting  
19 the issue of that series of debentures ~~is, for the purposes of this~~  
20 ~~section, shall, for the purposes of this section, be~~ taken to be 1  
21 ~~one~~ dealing.
- 22 (8) Where a dealing to which this section applies (including a  
23 dealing referred to in subsection (7)) creates a charge over some  
24 or all of the assets of a body corporate, the person lodging the  
25 application for approval of the dealing ~~must shall~~ be deemed to  
26 have complied with subsection (4)(a), and with subsection (4a)  
27 in so far as that subsection requires 2 copies of the document  
28 referred to in subsection (4)(a) to accompany the application, if  
29 the person lodges with the application 3 copies of each  
30 document required to be lodged with the Australian Securities  
31 and Investments Commission relating to the creation of that  
32 charge pursuant to section 263 of the *Corporations Act 2001* of  
33 the Commonwealth.
- 34 (9) On receipt of an application made under this section, the  
35 Minister ~~must shall~~ enter a memorandum in the register of the  
36 date on which the application was lodged and may make such  
37 other notation in the register as the Minister considers  
38 appropriate.
- 39 (10) The Minister may approve or refuse to approve a dealing to  
40 which this section applies in so far as the dealing relates to a  
41 particular title.

- 1 (11) The Minister ~~must~~**shall**, by notice in writing served on the  
2 person who made an application for approval of a dealing,  
3 inform the person of the decision of the Minister.
- 4 (12) If the Minister approves a dealing, the Minister ~~must~~ **shall**  
5 endorse on the original instrument evidencing the dealing and  
6 on ~~1 one~~ copy of that instrument or, if the original instrument  
7 was not lodged with the application, on 2 of the copies of that  
8 instrument a memorandum of approval and, on payment of the  
9 fee provided by the Registration Fees Act, make an entry of the  
10 approval of the dealing in the register on the memorial relating  
11 to, or on the copy of, the title in respect of which the approval is  
12 sought.
- 13 (13) Where an entry is made in the register in relation to a dealing in  
14 accordance with subsection (12) —
- 15 (a) if the dealing was approved before the commencement of  
16 [the Acts Amendment \(Petroleum\) Act 1990 section 203](#)  
17 ~~section 203 of the Acts Amendment (Petroleum) Act 1990~~  
18 or the application for approval of the dealing was not  
19 accompanied by an instrument for the purpose of  
20 subsection (4)(b), ~~1 one~~ copy of the instrument  
21 evidencing the dealing endorsed with a memorandum of  
22 approval ~~must~~ **shall** be retained by the Minister and made  
23 available for inspection in accordance with this Division;  
24 and
- 25 (b) if the application for approval of the dealing was  
26 accompanied by an instrument for the purpose of  
27 subsection (4)(b), a copy of that instrument endorsed  
28 with a copy of the memorandum of approval of the  
29 dealing ~~must~~ **shall** be retained by the Minister and made  
30 available for inspection in accordance with this Division  
31 but a copy of the instrument evidencing the dealing ~~must~~  
32 **shall** not be so made available; and
- 33 (c) the original instrument evidencing the dealing, or a copy  
34 of the original instrument, as the case requires, endorsed  
35 with a memorandum of approval and the instrument (if  
36 any) lodged for the purpose of subsection (4)(b) ~~must~~  
37 **shall** be returned to the person who made the application  
38 for approval.

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1 (14) The approval of a dealing or the making of an entry in the  
2 register in relation to a dealing is not rendered ineffective by  
3 any failure to comply, in relation to the application for approval  
4 of the dealing, with the requirements of this section.

5 (15) Where the Minister refuses to approve a dealing, the Minister  
6 must ~~shall~~ make a notation of the refusal in the register.

7 (16) In this section, *charge* and *debenture* have the same respective  
8 meanings as they have for the purposes of the *Corporations*  
9 *Act 2001* of the Commonwealth.

10 *[Section 81 inserted: No. 12 of 1990 s. 203; amended: No. 73 of*  
11 *1994 s. 4; No. 20 of 2003 s. 38.]*

12 **81A. Approval of dealings in future interests etc.**

13 (1) Where 2 or more persons enter into a dealing relating to a title  
14 that may come into existence in the future and that dealing  
15 would, if the title came into existence, become a dealing to  
16 which section 81 applies, a person who is a party to the dealing  
17 may, during the prescribed period in relation to the title, lodge  
18 with the Minister —

19 (a) in a case where the dealing relates to only one title that  
20 may come into existence in the future, a provisional  
21 application in writing for approval by the Minister of the  
22 dealing; or

23 (b) in any other case, a separate provisional application in  
24 writing for approval by the Minister of the dealing in  
25 relation to each title that may come into existence in the  
26 future and to which the dealing relates.

27 (2) Section 81(4), (7) and (8) applies to a provisional application  
28 lodged under subsection (1) as if that provisional application  
29 were an application lodged under section 81(3).

30 (3) Where —

31 (a) the title to which a dealing referred to in subsection (1)  
32 relates comes into existence; and

33 (b) upon that title coming into existence, the dealing  
34 becomes a dealing to which section 81 applies,

35 the provisional application lodged under subsection (1) in  
36 relation to the dealing shall be treated as if it were an  
37 application lodged under section 81(3) on the day on which that  
38 title came into existence.



- 1 (4) A reference in subsection (1) to the prescribed period, in  
2 relation to a title, is a reference to the period —  
3 (a) commencing —  
4 (i) in the case of a permit, lease, licence,  
5 infrastructure licence or pipeline licence, on the  
6 day of service of an instrument informing the  
7 applicant for the permit, lease, licence,  
8 infrastructure licence or pipeline licence that the  
9 Minister is prepared to grant the permit, lease,  
10 licence, infrastructure licence or pipeline licence;  
11 or  
12 (ii) in the case of an access authority, on the day on  
13 which the application for the grant of the access  
14 authority is made;  
15 and  
16 (b) ending on the day on which the title comes into  
17 existence.

18 *[Section 81A inserted: No. 12 of 1990 s. 203; amended: No. 42*  
19 *of 2010 s. 127.]*

20 **82. True consideration to be shown**

- 21 (1) A person who is a party to a transfer referred to in section 78, a  
22 dealing to which section 81 applies or a dealing referred to in  
23 section 81A(1) shall not lodge with the Minister —  
24 (a) an instrument of transfer; or  
25 (b) an instrument evidencing the dealing; or  
26 (c) an instrument of the kind referred to in section 81(4)(b),  
27 that contains a statement relating to the consideration for the  
28 transfer or dealing, or to any other fact or circumstance affecting  
29 the amount of the fee payable in respect of the transfer or  
30 dealing under the Registration Fees Act, being a statement that  
31 is, to the knowledge of the person, false or misleading in a  
32 material particular.  
33 Penalty: a fine of \$10 000.
- 34 (2) Where a person is convicted of an offence against  
35 subsection (1), the Minister may make a fresh determination of

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1 the amount of the fee payable under the Registration Fees Act in  
2 respect of the memorandum relating to the transfer or dealing.

3 (3) Section 92 applies in relation to a determination under  
4 subsection (2) as it applies in relation to a determination under  
5 section 91.

6 *[Section 82 amended: No. 12 of 1990 s. 204; No. 42 of 2010*  
7 *s. 171.]*

8 **83. Minister not concerned with certain matters**

9 Neither the Minister nor a person acting under his direction or  
10 authority is concerned with the effect in law of any instrument  
11 lodged with him in pursuance of this Division nor does the  
12 approval of a transfer or dealing give to the transfer or dealing  
13 any force, effect or validity that the transfer or dealing would  
14 not have had if this Division had not been enacted.

15 *[Section 83 amended: No. 12 of 1990 s. 205.]*

16 **84. Power of Minister to require information as to proposed**  
17 **dealings**

18 (1) The Minister may require the person lodging an application for  
19 approval of a transfer or dealing or a provisional application for  
20 approval of a dealing under this Division to furnish to him in  
21 writing such information concerning the transfer or dealing as  
22 the Minister considers necessary or advisable.

23 (1a) The Minister may require a person who is a party to a dealing  
24 approved by the Minister under section 81 to furnish to the  
25 Minister a statement in writing setting out such information  
26 concerning alterations in the interests or rights existing in  
27 relation to the title to which the approved dealing relates as the  
28 Minister considers necessary or advisable.

29 (1b) The Minister may require a person making an application under  
30 section 79(1) or (3) or 87A(2) to furnish to the Minister in writing  
31 such information concerning the matter to which the application  
32 relates as the Minister considers necessary or advisable.

33 (1c) A person shall not fail or refuse to comply with a requirement  
34 given to the person under subsection (1), (1a) or (1b).

35 Penalty: a fine of \$5 000.

1 (2) A person who is so required to furnish information shall not  
2 knowingly furnish information that is false or misleading in a  
3 material particular.

4 Penalty: a fine of \$5 000.

5 *[Section 84 amended: No. 12 of 1990 s. 206; No. 28 of 1994*  
6 *s. 103; No. 42 of 2010 s. 171.]*

7 **85. Production and inspection of documents**

8 (1) The Minister may require any person to produce to him or to  
9 make available for inspection by him any documents in the  
10 possession or under the control of that person and relating to a  
11 transfer or dealing in relation to which approval is sought under  
12 this Division.

13 (1a) The Minister may require any person to produce to the Minister  
14 or to make available for inspection by the Minister any  
15 documents in the possession or under the control of that person  
16 and relating to an application made to the Minister under  
17 section 79(1) or (3) or 87A(2).

18 (2) A person shall not fail or refuse to comply with a requirement  
19 given to him under subsection (1) or (1a).

20 Penalty: a fine of \$5 000.

21 *[Section 85 amended: No. 12 of 1990 s. 207; No. 42 of 2010*  
22 *s. 171.]*

23 **86. Inspection of register and documents**

24 (1) The register and all instruments or copies of instruments subject  
25 to inspection under this Division shall at all convenient times be  
26 open for inspection by any person upon payment of the  
27 prescribed fee.

28 [(2) *deleted*]

29 *[Section 86 amended: No. 12 of 1990 s. 208.]*

30 **87. Evidentiary provisions**

31 (1) The register shall be received by all courts and tribunals as  
32 evidence of all matters required or authorised by this Division to  
33 be entered in the register.

34 (2) The Minister may, on payment of the prescribed fee, supply  
35 copies of or extracts from the register or of or from any  
36 instrument lodged with him under this Division certified by

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1 writing under his hand, and such a copy or extract so certified is  
2 admissible in evidence in all courts, tribunals and proceedings  
3 without further proof or production of the original.

4 (3) The Minister may, on payment of the prescribed fee, by  
5 instrument in writing under his hand certify that an entry, matter  
6 or thing required or permitted by or under this Division to be  
7 made or done or not to be made or done has or has not, as the  
8 case may be, been made or done and such a certificate is  
9 evidence in all courts, tribunals and proceedings of the  
10 statements contained in the certificate.

11 *[Section 87 amended: No. 12 of 1990 s. 209; No. 55 of 2004*  
12 *s. 912.]*

13 **87A. Minister may make corrections to register**

14 (1) The Minister may alter the register for the purposes of  
15 correcting a clerical error or an obvious defect in the register.

16 (2) Subject to subsection (3), the Minister may, on application  
17 being made in writing to the Minister by a person or of the  
18 Minister's own motion, make such entries in the register as the  
19 Minister considers appropriate for the purposes of ensuring that  
20 the register accurately records the interests and rights existing in  
21 relation to a title.

22 (3) Where the Minister proposes to make an entry in the register in  
23 accordance with subsection (2), the Minister shall cause to be  
24 published in the *Gazette* a notice —

25 (a) setting out the terms of the entry that the Minister  
26 proposes to make in the register; and

27 (b) inviting interested persons to give to the Minister, by  
28 such day as is specified in the notice, being a day not  
29 earlier than 45 days after the publication of the notice,  
30 submissions in writing relating to the making of the  
31 entry.

32 (4) Where submissions are, in accordance with a notice under  
33 subsection (3), given to the Minister in relation to the proposed  
34 making of an entry in the register, the Minister shall —

35 (a) take those submissions into account before making an  
36 entry in the register; and

- 1 (b) after making an entry in the register, cause to be  
2 published in the *Gazette* a notice setting out the terms of  
3 the entry.

4 *[Section 87A inserted: No. 12 of 1990 s. 210.]*

5 **88. Application to State Administrative Tribunal for order**

- 6 (1) A person aggrieved by —  
7 (a) the omission of an entry from the register; or  
8 (b) an entry made in the register without sufficient cause; or  
9 (c) an entry wrongly existing in the register; or  
10 (d) an error or defect in an entry in the register,

11 may apply to the State Administrative Tribunal in its original  
12 jurisdiction for such order as the Tribunal thinks fit directing the  
13 rectification of the register.

- 14 (2) The Tribunal may, in proceedings under this section, decide any  
15 question that it is necessary or expedient to decide in connection  
16 with the rectification of the register.

- 17 (3) Notice of an application under this section shall be given to the  
18 Minister, who may appear and be heard and shall appear if so  
19 directed by the Tribunal.

- 20 (4) An office copy of an order made by the Tribunal may be served  
21 on the Minister and the Minister shall, upon receipt of the order,  
22 rectify the register accordingly.

23 *[Section 88 amended: No. 55 of 2004 s. 913.]*

24 *[89. Deleted: No. 13 of 2005 s. 37.]*

25 **90. Offences**

- 26 A person who wilfully —  
27 (a) makes, causes to be made or concurs in making a false  
28 entry in the register; or  
29 (b) produces or tenders in evidence a document falsely  
30 purporting to be a copy of or extract from an entry in the  
31 register or of or from an instrument lodged with the  
32 Minister under this Division,

33 is guilty of an offence.

34 Penalty: a fine of \$5 000.

35 *[Section 90 amended: No. 42 of 2010 s. 171.]*

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**s. 91**

1 **91. Assessment of registration fee**

2 The Minister may determine the amount of the fee payable  
3 under the Registration Fees Act in respect of any  
4 memorandum.

5 **92. Review of Minister's determination**

6 (1) A person dissatisfied with a determination of the Minister under  
7 section 91 may apply to the State Administrative Tribunal for a  
8 review of the determination.

9 [(2) *deleted*]

10 [*Section 92 amended: No. 55 of 2004 s. 914.*]

11 **93. Exemption from duty**

12 Duty under the *Duties Act 2008* shall not be chargeable —

- 13 (a) on a permit, lease, licence, infrastructure licence,  
14 pipeline licence or access authority; or
- 15 (b) on a transfer of a permit, lease, licence, infrastructure  
16 licence, pipeline licence or access authority to which  
17 section 78 applies; or
- 18 (c) on any other instrument in so far as it relates to a legal  
19 or equitable interest in or affecting a permit, lease,  
20 licence, infrastructure licence, pipeline licence or access  
21 authority.

22 [*Section 93 amended: No. 12 of 1990 s. 211; No. 12 of 2008*  
23 *Sch. 1 cl. 30; No. 42 of 2010 s. 128.*]

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25 **94. Notice of grants of permits etc. to be published**

26 The Minister shall cause notice of, and such particulars as the  
27 Minister thinks fit of —

- 28 (a) the grant, and the grant of the renewal, of a permit,  
29 lease, licence, infrastructure licence or pipeline licence;  
30 and
- 31 (b) the variation of a licence, infrastructure licence or  
32 pipeline licence; and
- 33 (c) the surrender or cancellation of a permit, lease or licence  
34 as to all or some of the blocks in the permit area, lease  
35 area or licence area; and
- 36 (d) the surrender or cancellation of an infrastructure licence;  
37 and

- 1 (e) the determination of a permit or lease as to a block or  
2 blocks; and  
3 (f) an application for a pipeline licence or for a variation of  
4 a pipeline licence; and  
5 (g) the surrender or cancellation of a pipeline licence as to  
6 the whole or a part of the pipeline; and  
7 (h) the expiry of a permit, lease or licence, or the  
8 termination of a licence, infrastructure licence or  
9 pipeline licence,

10 under this Part to be published in the *Gazette*.

11 *[Section 94 inserted: No. 42 of 2010 s. 129.]*

12 **95. Date of effect of permits etc.**

13 *[(1) deleted]*

14 (2) The surrender or cancellation of a permit, lease or licence as to  
15 all or some of the blocks in the permit area, lease area or licence  
16 area has effect on and from the day on which notice of the  
17 surrender or cancellation is published in the *Gazette*.

18 (3A) The surrender or cancellation of an infrastructure licence has  
19 effect on and from the day on which notice of the surrender or  
20 cancellation is published in the *Gazette*.

21 (3) The surrender or cancellation of a pipeline licence as to the  
22 whole or a part of the pipeline has effect on and from the day on  
23 which notice of the surrender or cancellation is published in the  
24 *Gazette*.

25 (4) A variation of a licence, infrastructure licence or pipeline  
26 licence has effect on and from the day on which notice of the  
27 variation is published in the *Gazette*.

28 *[Section 95 amended: No. 12 of 1990 s. 213; No. 42 of 2010*  
29 *s. 130.]*

30 **96. Commencement of works**

31 (1) Where a permit, lease, licence, infrastructure licence or pipeline  
32 licence is granted subject to a condition that works or operations  
33 specified in the permit, lease, licence, infrastructure licence or  
34 pipeline licence are to be carried out, the permittee, lessee,  
35 licensee, infrastructure licensee or pipeline licensee, as the case  
36 may be, shall commence to carry out those works or operations  
37 within a period of 6 months after the day on which the permit,

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1 lease, licence, infrastructure licence or pipeline licence, as the  
2 case may be, comes into force.

3 (2) The Minister may, for reasons that he thinks sufficient, by  
4 instrument in writing served on a permittee, lessee, licensee,  
5 infrastructure licensee or pipeline licensee —

6 (a) exempt him from compliance with the requirements of  
7 subsection (1); and

8 (b) direct him to commence to carry out the works or  
9 operations specified in the permit, lease, licence,  
10 infrastructure licence or pipeline licence, as the case  
11 may be, within such period after the day on which the  
12 permit, lease, licence, infrastructure licence or pipeline  
13 licence, as the case may be, comes into force as is  
14 specified in the instrument.

15 (3) A person to whom a direction is given under subsection (2) shall  
16 comply with the direction.

17 Penalty for an offence under subsection (1) or (3): a fine of  
18 \$10 000.

19 *[Section 96 amended: No. 12 of 1990 s. 214; No. 42 of 2010*  
20 *s. 131.]*

21 **97. Work practices**

22 (1) A permittee, lessee or licensee ~~must shall~~ carry out all offshore  
23 resource petroleum exploration operations and operations for  
24 the recovery of petroleum or a regulated substance ~~recovery of~~  
25 ~~petroleum~~ in the permit area, lease area or licence area in a  
26 proper and workmanlike manner and in accordance with good  
27 oil-field practice.

28 (2) In particular, and without limiting the generality of  
29 subsection (1), but subject to any authorisation or requirement  
30 given or made by or under this Act or regulations or directions  
31 under this Act, a permittee, lessee or licensee ~~must shall~~—

32 (a) control the flow and prevent the waste or escape in the  
33 permit area, lease area or licence area of petroleum, a  
34 regulated substance ~~petroleum~~ or water; and

35 (b) prevent the escape in the permit area, lease area or  
36 licence area of any mixture of water or drilling fluid  
37 with petroleum, a regulated substance ~~petroleum~~ or any  
38 other matter; and

39 (c) prevent damage to strata bearing petroleum or a  
40 regulated substance ~~petroleum-bearing strata~~ in an area,



- 1 whether in the adjacent area or not, in respect of which  
2 the permit, lease or licence is not in force; and  
3 (d) keep separate —  
4 (i) each resources pool ~~petroleum pool~~ discovered in  
5 the permit area, lease area or licence area; and  
6 (ii) such of the sources of water, if any, discovered  
7 in that area as the Minister, by instrument in  
8 writing served on that person, directs;  
9 and  
10 (e) prevent water or any other matter entering any resources  
11 pool ~~petroleum pool~~ through wells in the permit area,  
12 lease area or licence area except when required by, and  
13 in accordance with, good oil-field practice.  
14 (3A) An infrastructure licensee must ~~shall~~ carry out operations  
15 authorised by the infrastructure licence in a proper and  
16 workmanlike manner and in accordance with good oil-field  
17 practice and good processing and transport practice.  
18 (3B) In particular and without limiting the generality of  
19 subsection (3A), but subject to any authorisation or requirement  
20 given or made by or under this Act or regulations or directions  
21 under this Act, an infrastructure licensee must ~~shall~~ control the  
22 flow, and prevent the waste or escape, from a facility  
23 constructed under the infrastructure licence, of water, petroleum  
24 or any product derived by processing petroleum.  
25 (3) A pipeline licensee must ~~shall~~ operate the pipeline in a proper  
26 and workmanlike manner.  
27 (4) In particular and without limiting the generality of  
28 subsection (3), a pipeline licensee must ~~shall~~ prevent the waste  
29 or escape of petroleum or water from the pipeline or from any  
30 secondary line, pumping station, tank station, valve station or  
31 water line.  
32 (5) A person who is the holder of a special prospecting authority or  
33 an access authority must ~~shall~~ carry out all offshore resource  
34 ~~petroleum exploration~~ operations in the area in respect of which  
35 the special prospecting authority or access authority is in force  
36 in a proper and workmanlike manner and in accordance with  
37 good oil-field practice.  
38 [(6) *deleted*]

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1 (7) It is a defence if a person charged with failing to comply with a  
2 provision of this section, ~~or who is a defendant or a defendant~~ in  
3 an action arising out of a failure by ~~the person the defendant~~ to  
4 comply with a provision of this section, proves that ~~the person~~  
5 ~~he~~ took all reasonable steps to comply with that provision.

6 Penalty for an offence under subsection (1), (2), (3A), (3B), (3),  
7 (4) or (5): a fine of \$10 000.

8 *[Section 97 amended: No. 12 of 1990 s. 215; No. 28 of 1994*  
9 *s. 104; No. 13 of 2005 s. 38; No. 42 of 2010 s. 132; No. 36*  
10 *of 2020 s. 338.]*

11 **97A. Conditions relating to insurance**

12 (1) The registered holder of a permit, lease, licence, infrastructure  
13 licence or pipeline licence must maintain, as directed by the  
14 Minister from time to time, insurance against expenses or  
15 liabilities or specified things arising in connection with, or as a  
16 result of, the carrying out of work, or the doing of any other  
17 thing, under the permit, lease, licence, infrastructure licence or  
18 pipeline licence, including expenses of complying with  
19 directions with respect to the clean-up or other remedying of the  
20 effects of the escape of ~~petroleum or a regulated~~  
21 ~~substance~~ ~~petroleum~~.

22 (2) The conditions subject to which a special prospecting authority  
23 or access authority is granted may include a condition that the  
24 registered holder maintain, as directed by the Minister from  
25 time to time, insurance against expenses or liabilities or  
26 specified things arising in connection with, or as a result of, the  
27 carrying out of work, or the doing of any other thing, under the  
28 authority, including expenses of complying with directions with  
29 respect to the clean-up or other remedying of the effects of the  
30 escape of ~~petroleum or a regulated substance~~ ~~petroleum~~.

31 (3) When —  
32 (a) a permit, lease, licence, infrastructure licence or pipeline  
33 licence was in force immediately before the  
34 commencement of section 105 of the *Acts Amendment*  
35 *(Petroleum) Act 1994*; and  
36 (b) the Minister has required the registered holder to  
37 maintain insurance under subsection (1); and  
38 (c) the Minister is satisfied that the required insurance is in  
39 effect,

40 the Minister ~~must shall~~ issue a certificate to the effect that ~~the~~  
41 ~~Minister~~ ~~he~~ is so satisfied.

1 (4) Where the Minister issues a certificate under subsection (3), any  
2 security in force in relation to the permit, lease, licence,  
3 infrastructure licence or pipeline licence, being a security that  
4 was required under this Act or under the *Acts Amendment*  
5 *(Petroleum) Act 1990* before the commencement of section 105  
6 of the *Acts Amendment (Petroleum) Act 1994*, is discharged.

7 (5) The discharge of a security under subsection (4) has no effect on  
8 any liability arising under or in relation to the security before its  
9 discharge.

10 *[Section 97A inserted: No. 28 of 1994 s. 105; amended: No. 42*  
11 *of 2010 s. 133.]*

12 **97B. Conditions on petroleum titles for regulated substances**

13 (1) In this section —

14 *petroleum title for a regulated substance* means any of the  
15 following, authorised for a regulated substance —

16 (a) a permit;

17 (b) a lease;

18 (c) a licence.

19 (2) The power conferred by this Act to grant or vary a petroleum  
20 title for a regulated substance subject to conditions is to be read  
21 as a reference to conditions imposed in relation to the title at the  
22 time the title is authorised for the regulated substance.

23 **97C. Conditions relating to meters**

24 (1) The conditions imposed in relation to a permit, lease, licence,  
25 infrastructure licence or pipeline licence (a *title*) may include a  
26 condition that the holder of the title must install 1 or more  
27 meters on a pipeline to which the title relates for the purposes of  
28 calculating royalties under this Act.

29 (2) A meter referred to in subsection (1) must be —

30 (a) of a kind approved by the Minister; and

31 (b) installed at a location approved by the Minister.

32 (3) A condition referred to in subsection (1) may require the  
33 installation of a meter for the purposes of royalty calculation  
34 regardless of whether the royalty relates to —

35 (a) the title in relation to which the meter was installed; or

36 (b) another title.

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- 1 (4) A condition referred to in subsection (1) may be imposed in  
2 relation to the title —  
3 (a) at the time it is granted; or  
4 (b) at any subsequent time, by written notice to the holder  
5 of the title.

6 **98. Maintenance etc. of property**

7 (1) In this section —

8 *operations area* —

- 9 (a) in relation to an operator who is a permittee, lessee or  
10 licensee, means the permit area, lease area or licence  
11 area as the case may be; and  
12 (ba) in relation to an operator who is an infrastructure  
13 licensee, means the infrastructure licence area; and  
14 (b) in relation to an operator who is a pipeline licensee,  
15 means the part of the adjacent area in which the pipeline  
16 is constructed; and  
17 (c) in relation to an operator who is the holder of a special  
18 prospecting authority or access authority, means the area  
19 in respect of which that authority is in force;

20 *operator* means a permittee, lessee, licensee, infrastructure  
21 licensee, pipeline licensee or holder of a special prospecting  
22 authority or access authority.

23 (2) An operator shall maintain in good condition and repair all  
24 structures, equipment and other property in the operations area  
25 and used in connection with the operations in which he is  
26 engaged.

27 (3) An operator shall remove from the operations area all structures,  
28 equipment and other property that are not either used or to be  
29 used in connection with the operations in which he is engaged.

30 (4) Subsections (2) and (3) do not apply in relation to any structure,  
31 equipment or other property that was not brought into the  
32 operations area by or with the authority of the operator.

33 Penalty for an offence under subsection (2) or (3): a fine of  
34 \$10 000.

35 [Section 98 amended: No. 12 of 1990 s. 216; No. 28 of 1994  
36 s. 106; No. 42 of 2010 s. 134.]

1 **99. Sections 97, 97A and 98 to have effect subject to this Act etc.**

2 Sections 97, 97A and 98 have effect subject to —

- 3 (a) any other provisions of this Act; and  
4 (b) the regulations; and  
5 (c) a direction under section 101; and  
6 (d) any other law.

7 *[Section 99 amended: No. 28 of 1994 s. 107.]*

8 *[100. Deleted: No. 42 of 2010 s. 135.]*

9 **101. Directions**

10 (1) The Minister may, by instrument in writing served on the  
11 registered holder of a permit, lease, licence, infrastructure  
12 licence, pipeline licence, special prospecting authority or access  
13 authority, give to the registered holder a direction as to any  
14 matter with respect to which regulations may be made.

15 (2) A direction given under this section to a registered holder applies  
16 to the registered holder and may also be expressed to apply to —

17 (a) a specified class of persons, being a class constituted by  
18 or included in ~~1 one~~ or both of the following classes of  
19 persons —

20 (i) servants or agents of, or persons acting on behalf  
21 of, the registered holder;

22 (ii) persons performing work or services, whether  
23 directly or indirectly, for the registered holder;

24 or

25 (b) any person (not being a person to whom the direction  
26 applies in accordance with paragraph (a)) who is —

27 (i) in the adjacent area for any reason touching,  
28 concerning, arising out of or connected with  
29 exploring the seabed or subsoil of the adjacent  
30 area for petroleum or a regulated substance,  
31 exploiting the petroleum or regulated substance  
32 ~~petroleum, exploiting the petroleum~~ that occurs  
33 as a natural resource of that seabed or subsoil,  
34 processing or storing petroleum or a regulated  
35 substance or preparing petroleum or a regulated  
36 substance ~~petroleum or preparing petroleum~~ for  
37 transport; or

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1 (ii) in, on, above, below or in the vicinity of a vessel,  
2 aircraft, structure or installation, or equipment or  
3 other property, that is in the adjacent area for a  
4 reason of that kind,

5 and where a direction so expressed is given, the direction is  
6 taken ~~shall be deemed~~ to apply to each person included in that  
7 specified class or to each person who is in the adjacent area as  
8 mentioned in paragraph (b), as the case may be.

9 (2a) Where a direction under this section applies to a registered  
10 holder and to a person referred to in subsection (2)(a), the  
11 registered holder must ~~shall~~ cause a copy of the instrument by  
12 which the direction was given to be given to that other person or  
13 to be exhibited at a prominent position at a place in the adjacent  
14 area frequented by that other person.

15 Penalty: a fine of \$5 000.

16 (2b) Where a direction under this section applies to a registered  
17 holder and to a person referred to in subsection (2)(b), the  
18 registered holder must ~~shall~~ cause a copy of the instrument by  
19 which the direction was given to be exhibited at a prominent  
20 position at a place in the adjacent area.

21 Penalty: a fine of \$5 000.

22 (2c) Where a direction under this section applies to a registered holder  
23 and to a person referred to in subsection (2)(b), the Minister may,  
24 by notice in writing given to the registered holder, require the  
25 registered holder to cause to be displayed at such places in the  
26 adjacent area, and in such manner, as are specified in the notice,  
27 copies of the instrument by which the direction was given, and  
28 the registered holder must ~~shall~~ comply with that requirement.

29 Penalty: a fine of \$5 000.

30 (3) The Minister must ~~shall~~ not give a direction under  
31 subsection (1) of a standing or permanent nature except after  
32 consultation with the Minister of State for the time being  
33 administering the Commonwealth Act, but the validity of a  
34 direction of the Minister must ~~shall~~ not be called in question by  
35 reason only of a failure to comply with this subsection.

36 (4) A direction under this section has effect and must ~~shall~~ be  
37 complied with notwithstanding any previous direction under this  
38 section.

1 (5) A direction under this section has effect and ~~must~~ ~~shall~~ be  
2 complied with notwithstanding anything in the regulations or  
3 the *Off-shore (Application of Laws) Act 1977*<sup>5</sup>.

4 (6) Section 152(2a) and (2b) applies in relation to directions made  
5 under this section in like manner as that section applies to the  
6 regulations.

7 (7) A person who fails to comply with a direction in force under  
8 subsection (1) that applies to the person is guilty of an offence  
9 punishable, upon conviction, by a fine not exceeding \$10 000.

10 (8) Where —

11 (a) a direction given under this section applies to a  
12 registered holder and another person and that other  
13 person is prosecuted for an offence against  
14 subsection (7) in relation to the direction; and

15 (b) the person adduces evidence that the person did not  
16 know, and could not reasonably be expected to have  
17 known, of the existence of the direction,

18 the person ~~must~~ ~~shall~~ not be convicted of the offence unless the  
19 prosecutor proves that the person knew, or could reasonably be  
20 expected to have known, of the existence of the direction.

21 *[Section 101 amended: No. 12 of 1990 s. 218; No. 42 of 2010*  
22 *s. 136 and 171.]*

## 23 **102. Compliance with directions**

24 (1) Where a person does not comply with a direction given or  
25 applicable to the person under this Part or the regulations the  
26 Minister may do all or any of the things required by the  
27 direction to be done.

28 (2) Costs and expenses incurred by the Minister under  
29 subsection (1) in relation to a direction are a debt due by the  
30 person to whom the direction was given or was applicable to the  
31 State and are recoverable in a court of competent jurisdiction.

32 (2a) Where —

33 (a) a direction given under section 101 applies to a  
34 permittee, lessee, licensee, infrastructure licensee,  
35 pipeline licensee or the holder of a special prospecting  
36 authority or access authority and another person and an



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1 action under subsection (2) relating to the direction is  
2 brought against that other person; and

3 (b) the person adduces evidence that the person did not  
4 know, and could not reasonably be expected to have  
5 known, of the existence of the direction,

6 the person is not liable under subsection (2) unless the plaintiff  
7 proves that the person knew, or could reasonably be expected to  
8 have known, of the existence of the direction.

9 (3) It is a defence if a person charged with failing to comply with a  
10 direction given or applicable to the person under this Part or  
11 under the regulations, or a defendant in an action under  
12 subsection (2), proves that the person or defendant ~~he~~ took all  
13 reasonable steps to comply with the direction.

14 *[Section 102 amended: No. 12 of 1990 s. 219; No. 42 of 2010*  
15 *s. 137.]*

16 **103. Exemption from conditions**

17 (1) Where —

18 (a) a permit, lease, licence, infrastructure licence or pipeline  
19 licence is, under this Part, to be deemed to continue in  
20 force until the Minister grants, or refuses to grant, the  
21 renewal of the permit, lease or licence; or

22 (b) a licence is varied under section 45; or

23 (c) a licensee enters into an agreement under section 59 or a  
24 direction is given to a licensee under that section; or

25 (d) a permit, lease or licence is partly cancelled, partly  
26 determined or surrendered as to one or more but not all  
27 of the blocks in respect of which it is in force; or

28 (e) a pipeline licence is varied under section 71 or 72; or

29 (f) a direction is given to a pipeline licensee under  
30 section 73; or

31 (g) a pipeline licence is partly cancelled; or

32 (h) an access authority is granted in respect of a block the  
33 subject of a permit, lease or licence, or an access  
34 authority as in force in respect of such a block is varied;  
35 or

36 (i) a permittee, lessee, licensee, infrastructure licensee,  
37 pipeline licensee or the holder of a special prospecting



1 authority or access authority applies, by instrument in  
2 writing served on the Minister —

- 3 (i) for a variation or suspension of; or  
4 (ii) for exemption from compliance with,  
5 any of the conditions to which the permit, lease, licence,  
6 infrastructure licence, pipeline licence, special  
7 prospecting authority or access authority is subject; or  
8 (j) the Minister under this Part or the regulations gives a  
9 direction or consent to a permittee, lessee, licensee,  
10 infrastructure licensee, pipeline licensee or the holder of  
11 a special prospecting authority or access authority,

12 the Minister may, at any time, by instrument in writing served  
13 on the permittee, lessee, licensee, infrastructure licensee,  
14 pipeline licensee or the holder of the special prospecting  
15 authority or access authority —

- 16 (k) vary or suspend; or  
17 (l) exempt the permittee, lessee, licensee, infrastructure  
18 licensee, pipeline licensee or the holder of the special  
19 prospecting authority or access authority from  
20 compliance with,

21 any of the conditions to which the permit, lease, licence,  
22 infrastructure licence, pipeline licence, special prospecting  
23 authority or access authority is subject, upon such conditions, if  
24 any, as the Minister determines and specifies in the instrument.

25 (2) Subsection (1) does not authorise the making of an instrument  
26 to the extent that it would affect the term of a permit, lease,  
27 licence, infrastructure licence or pipeline licence.

28 (3) Notwithstanding subsection (2), where in pursuance of  
29 subsection (1) the Minister suspends, or exempts the permittee  
30 or lessee from compliance with, any of the conditions to which  
31 a permit or lease is subject, the Minister may, if he considers  
32 that circumstances make it reasonable to do so, in the instrument  
33 of suspension or exemption or by a later instrument in writing  
34 served on the permittee or lessee, extend the term of the permit  
35 or lease by a period not exceeding the period of suspension or  
36 exemption.

37 *[Section 103 amended: No. 12 of 1990 s. 220; No. 42 of 2010*  
38 *s. 138.]*

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1 **103A. Variation of petroleum title by including area as result of**  
2 **change to boundary of offshore area**

3 (1) In this section —

4 **Commonwealth title** means —

- 5 (a) a Commonwealth permit; or  
6 (b) a Commonwealth lease; or  
7 (c) a Commonwealth licence;

8 **fixed-term WA licence** means a licence granted for a fixed  
9 period of years;

10 **petroleum title** means a permit, lease or licence;

11 **section 17 block** means —

- 12 (a) a block constituted as provided by section 17; or  
13 (b) if a graticular section is wholly within the area that was  
14 covered by the Commonwealth title concerned — the  
15 graticular section; or  
16 (c) if a part only of a graticular section is within the area  
17 that was covered by the Commonwealth title  
18 concerned — that part of the graticular section.

19 Note for this definition:

20 See also subsection (14).

21 (2) This section applies if —

- 22 (a) a Commonwealth title has been granted on the basis that  
23 an area (the **relevant area**) is within the offshore area;  
24 and  
25 (b) as a result of a change to the boundary of the offshore  
26 area, the relevant area —  
27 (i) ceases to be within the offshore area; and  
28 (ii) falls within the adjacent area;  
29 and  
30 (c) either —  
31 (i) the conditions set out in subsection (3) are  
32 satisfied; or  
33 (ii) the conditions set out in subsection (4) are  
34 satisfied;  
35 and

- 1 (d) immediately before the relevant time mentioned in  
2 whichever of subsection (3) or (4) is applicable —  
3 (i) the Commonwealth title was held by the  
4 registered holder of a petroleum title that  
5 corresponds to the Commonwealth title; and  
6 (ii) at least one section 17 block covered by the  
7 petroleum title immediately adjoined at least one  
8 other section 17 block that was covered by the  
9 Commonwealth title and that is in the relevant  
10 area;  
11 and  
12 (e) before the relevant time mentioned in whichever of  
13 subsection (3) or (4) is applicable —  
14 (i) the registered holder of the Commonwealth title;  
15 and  
16 (ii) the registered holder of the petroleum title,  
17 gave the Minister a written notice electing to accept the  
18 variation under this section of the petroleum title.
- 19 Note for this subsection:  
20 For when a petroleum title corresponds to a Commonwealth title, see  
21 subsection (13).
- 22 (3) The conditions mentioned in subsection (2)(c)(i) are —  
23 (a) one or more, but not all, of the section 17 blocks that  
24 were covered by the Commonwealth title immediately  
25 before the change are in the relevant area; and  
26 (b) the Commonwealth title subsequently ceases to be in  
27 force at the same time (the *relevant time*) —  
28 (i) as to all of the section 17 blocks that were  
29 covered by the Commonwealth title immediately  
30 before the change and that are in the offshore  
31 area; and  
32 (ii) otherwise than as the result of the cancellation or  
33 surrender of the Commonwealth title.
- 34 (4) The conditions mentioned in subsection (2)(c)(ii) are —  
35 (a) all of the section 17 blocks that were covered by the  
36 Commonwealth title immediately before the change are  
37 in the relevant area; and

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- 1 (b) the Commonwealth title subsequently ceases to be in  
2 force at the same time (the *relevant time*) —
- 3 (i) as to all of the section 17 blocks that were  
4 covered by the Commonwealth title immediately  
5 before the change; and
- 6 (ii) otherwise than as the result of the cancellation or  
7 surrender of the Commonwealth title.
- 8 (5) If the conditions set out in subsection (2)(d) and (e) are met in  
9 relation to only one petroleum title, that petroleum title is the  
10 *relevant petroleum title* for the purposes of this section.
- 11 (6) If the conditions set out in subsection (2)(d) and (e) would, apart  
12 from this subsection, be met in relation to 2 or more petroleum  
13 titles that have the same registered holder, the Minister must, by  
14 written notice given to the registered holder, declare that one of  
15 those petroleum titles is the *relevant petroleum title* for the  
16 purposes of this section.
- 17 (7) If the relevant petroleum title is a permit —
- 18 (a) the Minister must, by written notice given to the  
19 permittee, vary the permit to include in the permit area  
20 all of the section 17 blocks that —
- 21 (i) correspond to the section 17 blocks that were  
22 covered by the Commonwealth title immediately  
23 before the change; and
- 24 (ii) are in the adjacent area;
- 25 and
- 26 (b) the section 17 blocks included in the permit area  
27 because of the variation are, for the remainder of the  
28 term of the permit, blocks in relation to which the permit  
29 is in force.
- 30 (8) If the relevant petroleum title is a lease —
- 31 (a) the Minister must, by written notice given to the lessee,  
32 vary the lease to include in the lease area all of the  
33 section 17 blocks that —
- 34 (i) correspond to the section 17 blocks that were  
35 covered by the Commonwealth title immediately  
36 before the change; and
- 37 (ii) are in the adjacent area;
- 38 and

- 1 (b) the section 17 blocks included in the lease area because  
2 of the variation are, for the remainder of the term of the  
3 lease, blocks in relation to which the lease is in force.
- 4 (9) If the relevant petroleum title is a licence —
- 5 (a) the Minister must, by written notice given to the  
6 licensee, vary the licence to include in the licence area  
7 all of the section 17 blocks that —
- 8 (i) correspond to the section 17 blocks that were  
9 covered by the Commonwealth title immediately  
10 before the change; and
- 11 (ii) are in the adjacent area;
- 12 and
- 13 (b) the section 17 blocks included in the licence area  
14 because of the variation are, for the remainder of the  
15 term of the licence, blocks in relation to which the  
16 licence is in force.
- 17 (10) Subsections (7)(b), (8)(b) and (9)(b) have effect subject to this  
18 Part.
- 19 (11) A variation mentioned in subsection (7)(a), (8)(a) or (9)(a) takes  
20 effect immediately after the relevant time mentioned in  
21 whichever of subsection (3) or (4) is applicable.
- 22 (12) For the purposes of this section, a section 17 block immediately  
23 adjoins another section 17 block if —
- 24 (a) the graticular section that constitutes or includes that  
25 section 17 block and the graticular section that  
26 constitutes or includes that other section 17 block —
- 27 (i) have a side in common; or
- 28 (ii) are joined together at one point only;
- 29 or
- 30 (b) that section 17 block and that other section 17 block are  
31 in the same graticular section.
- 32 (13) For the purposes of this section —
- 33 (a) a permit granted otherwise than by way of renewal  
34 corresponds to a Commonwealth permit granted  
35 otherwise than by way of renewal; and
- 36 (b) a lease corresponds to a Commonwealth lease; and

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- 1 (c) a fixed-term WA licence granted otherwise than by way  
2 of renewal corresponds to a Commonwealth licence  
3 granted otherwise than by way of renewal; and
- 4 (d) a permit granted by way of first renewal corresponds to  
5 a Commonwealth permit granted by way of first  
6 renewal; and
- 7 (e) a fixed-term WA licence granted by way of first renewal  
8 corresponds to a Commonwealth licence granted by way  
9 of first renewal; and
- 10 (f) a permit granted by way of second renewal corresponds  
11 to a Commonwealth permit granted by way of second  
12 renewal; and
- 13 (g) a fixed-term WA licence granted by way of second or  
14 subsequent renewal corresponds to a Commonwealth  
15 licence granted by way of second or subsequent  
16 renewal.

17 (14) If, after the change to the boundary of the offshore area —

- 18 (a) a part of a section 17 block that was covered by the  
19 Commonwealth title immediately before the change is in  
20 the offshore area; and
- 21 (b) the remaining part of the section 17 block is in the  
22 adjacent area,

23 then, for the purposes of this section (other than this  
24 subsection), each of those parts is taken to constitute, and to  
25 have always constituted, a section 17 block.

26 *[Section 103A inserted: No. 7 of 2017 s. 48.]*

27 **104. Surrender of permits etc.**

- 28 (1) The registered holder of an instrument, being a permit, lease,  
29 licence, infrastructure licence or pipeline licence, may, at any  
30 time, by application in writing served on the Minister, apply for  
31 consent to surrender the instrument —
- 32 (a) in the case of a permit or licence, as to all or some of the  
33 blocks in respect of which it is in force; or
- 34 (aaa) in the case of an infrastructure licence, as to the  
35 infrastructure licence area; or
- 36 (aa) in the case of a lease, as to all of the blocks in respect of  
37 which it is in force; or
- 38 (b) in the case of a pipeline licence, as to the whole or a part  
39 of the pipeline in respect of which it is in force.

- 1 (2) Subject to subsection (3), the Minister shall not give his consent  
2 to a surrender of an instrument under subsection (1) unless the  
3 registered holder —
- 4 (a) has paid all fees and amounts payable by him under this  
5 Act or the Registration Fees Act, or has made  
6 arrangements that are satisfactory to the Minister for the  
7 payment of those fees and amounts; and
- 8 (b) has complied with the conditions to which the  
9 instrument is subject and with the provisions of this Part  
10 and of the regulations; and
- 11 (c) has, to the satisfaction of the Minister, removed or  
12 caused to be removed from the area to which the  
13 surrender relates all property brought into that area by  
14 any person engaged or concerned in the operations  
15 authorised by the instrument, or has made arrangements  
16 that are satisfactory to the Minister with respect to that  
17 property; and
- 18 (d) has, to the satisfaction of the Minister, plugged or closed  
19 off all wells made in that area by any person engaged or  
20 concerned in the operations authorised by the  
21 instrument; and
- 22 (e) subject to this Part and to the regulations, has made  
23 provision, to the satisfaction of the Minister, for the  
24 conservation and protection of the natural resources in  
25 that area; and
- 26 (f) has, to the satisfaction of the Minister, made good any  
27 damage to the seabed or subsoil in that area caused by  
28 any person engaged or concerned in the operations  
29 authorised by the instrument,
- 30 but if the registered holder has complied with those  
31 requirements the Minister shall not unreasonably refuse to  
32 consent to the surrender.
- 33 (3) Where the registered holder of an instrument, being a permit,  
34 lease, licence, infrastructure licence or pipeline licence, has not  
35 complied with the conditions to which the instrument is subject  
36 and with the provisions of this Part and of the regulations, the  
37 Minister may give his consent to a surrender of the instrument  
38 under subsection (1) if he is satisfied that, although the  
39 registered holder has not so complied, special circumstances  
40 exist that justify the giving of consent to the surrender.

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1 (4) Where the Minister consents to an application under  
2 subsection (1), the applicant may, by instrument in writing  
3 served on the Minister, surrender the instrument accordingly.

4 (5) In this section, the *area to which the surrender relates*  
5 means —

6 (a) in relation to a surrender of a permit, lease or licence,  
7 the area constituted by the blocks as to which the permit,  
8 lease or licence is proposed to be surrendered; and

9 (ba) in relation to an infrastructure licence, the infrastructure  
10 area; and

11 (b) in relation to a surrender of a pipeline licence, the part of  
12 the adjacent area in which the pipeline, or the part of the  
13 pipeline, as to which the pipeline licence is proposed to  
14 be surrendered, is constructed.

15 [Section 104 amended: No. 12 of 1990 s. 221; No. 42 of 2010  
16 s. 139.]

17 **105. Cancellation of permits etc.**

18 (1) Where a permittee, lessee, licensee, infrastructure licensee or  
19 pipeline licensee —

20 (a) has not complied with a condition to which the permit,  
21 lease, licence, infrastructure licence or pipeline licence  
22 is subject; or

23 (b) has not complied with a direction given to him under  
24 this Part by the Minister; or

25 (c) has not complied with a provision of this Part or of the  
26 regulations; or

27 (d) has not paid any amount payable by him under this Act  
28 or the Registration Fees Act, within a period of  
29 3 months after the day on which the amount became  
30 payable,

31 the Minister may, on that ground, by instrument in writing  
32 served on the permittee, lessee, licensee, infrastructure licensee  
33 or pipeline licensee, as the case may be —

34 (e) in the case of a permit or licence, cancel the permit or  
35 licence as to all or some of the blocks in respect of  
36 which it is in force; or

37 (ea) in the case of a lease, cancel the lease as to all of the  
38 blocks in respect of which it is in force; or



- 1 (fa) in the case of an infrastructure licence, cancel the  
2 infrastructure licence; or
- 3 (f) in the case of a pipeline licence, cancel the pipeline  
4 licence as to the whole or a part of the pipeline in  
5 respect of which it is in force.
- 6 (2) The Minister shall not, under subsection (1), cancel a permit,  
7 licence or pipeline licence as to all or some of the blocks, or as  
8 to the whole or a part of the pipeline in respect of which it is in  
9 force, cancel an infrastructure licence, or cancel a lease as to all  
10 of the block in respect of which it is in force, on a ground  
11 referred to in that subsection unless —
- 12 (a) he has, by instrument in writing served on the permittee,  
13 lessee, licensee, infrastructure licensee or pipeline  
14 licensee, as the case may be, given not less than one  
15 month's notice of his intention so to cancel the permit,  
16 lease, licence, infrastructure licence or pipeline licence  
17 on that ground; and
- 18 (b) he has served a copy of the instrument on such other  
19 persons, if any, as he thinks fit; and
- 20 (c) he has, in the instrument, specified a date on or before  
21 which the permittee, lessee, licensee, infrastructure  
22 licensee or pipeline licensee or a person on whom a  
23 copy of the instrument is served may, by instrument in  
24 writing served on the Minister, submit any matters that  
25 he wishes the Minister to consider; and
- 26 (d) he has taken into account —
- 27 (i) any action taken by the permittee, lessee,  
28 licensee, infrastructure licensee or pipeline  
29 licensee, as the case may be, to remove that  
30 ground or to prevent the recurrence of similar  
31 grounds; and
- 32 (ii) any matters so submitted to him on or before the  
33 specified date by the permittee, lessee, licensee,  
34 infrastructure licensee or pipeline licensee or by a  
35 person on whom a copy of the first-mentioned  
36 instrument has been served.

37 *[Section 105 amended: No. 12 of 1990 s. 222; No. 42 of 2010*  
38 *s. 140.]*

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1 **106. Cancellation of permit etc. not affected by other provisions**

2 (1) In this section —

3 *cancelled* —

4 (a) in the case of a permit or licence — includes cancelled  
5 as to some of the blocks in respect of which it is in  
6 force;

7 (b) in the case of a pipeline licence — includes cancelled as  
8 to part of the pipeline in respect of which it is in force;

9 *this Act* includes the Registration Fees Act;

10 *this Part* includes the regulations.

11 (2) A permit, licence, pipeline licence, lease or infrastructure  
12 licence may be cancelled on the ground that the registered  
13 holder has not complied with a provision of this Part or of the  
14 regulations even though the holder has been convicted of an  
15 offence because of the holder's failure to comply with the  
16 provision.

17 (3) If a permit, licence, pipeline licence, lease or infrastructure  
18 licence has been cancelled on the ground that the registered  
19 holder has not complied with a provision of this Part or of the  
20 regulations, the person who was or is the registered holder may  
21 be convicted of an offence because of the person's failure to  
22 comply with the provision despite the cancellation.

23 (4) A permit, licence, pipeline licence, lease or infrastructure  
24 licence may be cancelled on the ground that the registered  
25 holder has not paid an amount payable by the holder under this  
26 Act or the Registration Fees Act within the period of 3 months  
27 after the day on which the amount became payable, even though  
28 judgment for the amount has been obtained or the amount, or  
29 any part of the amount, has been paid or recovered.

30 (5) If a permit, licence, pipeline licence, lease or infrastructure  
31 licence has been cancelled on the ground that the registered  
32 holder has not paid an amount payable by the holder under this  
33 Act or the Registration Fees Act within the period of 3 months  
34 after the day on which the amount became payable, the person  
35 who was or is the registered holder continues to be liable to pay  
36 that amount, together with any additional amount payable  
37 because of late payment of that amount, despite the cancellation.

38 *[Section 106 inserted: No. 42 of 2010 s. 141.]*

1 **107. Removal of property etc. by permittee etc.**

2 (1) If —

- 3 (a) a permit has been wholly or partly determined or wholly  
4 or partly cancelled, or has expired; or
- 5 (b) a lease has been wholly or partly determined or wholly  
6 cancelled, or has expired; or
- 7 (c) a licence has been wholly or partly determined or  
8 wholly or partly cancelled, has been terminated or has  
9 expired; or
- 10 (d) an infrastructure licence has been cancelled or  
11 terminated; or
- 12 (e) a pipeline licence has been wholly or partly determined  
13 or wholly or partly cancelled, or has been terminated,

14 the Minister may, by written notice served on the person who  
15 was or is, as the case may be, the permittee, licensee, lessee,  
16 infrastructure licensee or pipeline licensee, direct the person to  
17 do any one or more of the following —

- 18 (f) to remove or cause to be removed from the relinquished  
19 area all property brought into the area by any person  
20 engaged or concerned in the operations authorised by  
21 the permit, lease, licence, infrastructure licence or  
22 pipeline licence or to make arrangements that are  
23 satisfactory to the Minister with respect to the property;
- 24 (g) to plug or close off, to the satisfaction of the Minister,  
25 all wells made in that area by any person engaged or  
26 concerned in those operations;
- 27 (h) subject to this Part and to the regulations, to make  
28 provision, to the satisfaction of the Minister, for the  
29 conservation and protection of the natural resources in  
30 that area;
- 31 (i) to make good, to the satisfaction of the Minister, any  
32 damage to the seabed or subsoil in that area caused by  
33 any person engaged or concerned in those operations.

34 (2) The Minister may, by written notice served on a person who is a  
35 permittee, lessee, licensee, infrastructure licensee or pipeline  
36 licensee, direct the person to do any one or more of the  
37 following —

- 38 (a) to remove or cause to be removed from the permit area,  
39 lease area, licence area, infrastructure licence area or  
40 part of the adjacent area in which the pipeline is

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- 1 constructed, as the case may be, all property brought  
2 into the area or part by any person engaged or concerned  
3 in the operations authorised by the permit, lease, licence,  
4 infrastructure licence or pipeline licence or to make  
5 arrangements that are satisfactory to the Minister with  
6 respect to the property;
- 7 (b) to plug or close off, to the satisfaction of the Minister,  
8 all wells made in that area or part by any person  
9 engaged or concerned in those operations;
- 10 (c) subject to this Part and to the regulations, to make  
11 provision, to the satisfaction of the Minister, for the  
12 conservation and protection of the natural resources in  
13 that area or part;
- 14 (d) to make good, to the satisfaction of the Minister, any  
15 damage to the seabed or subsoil in that area or part  
16 caused by any person engaged or concerned in those  
17 operations.

- 18 (3) A person to whom a direction is given under subsection (1)  
19 or (2) shall comply with the direction —
- 20 (a) in the case of a direction given under subsection (1),  
21 within the period specified in the instrument by which  
22 the direction was given; or
- 23 (b) in the case of a direction given under subsection (2), on  
24 or before the date of expiration of the permit, lease,  
25 licence or pipeline licence concerned.

26 Penalty for an offence under subsection (3): a fine of \$10 000.

27 *[Section 107 amended: No. 12 of 1990 s. 224; No. 42 of 2010*  
28 *s. 142.]*

29 **108. Removal of property etc. by Minister**

- 30 (1) This section applies if —
- 31 (a) a permit has been wholly or partly determined or wholly  
32 or partly cancelled, or has expired; or
- 33 (b) a lease has been wholly or partly determined or wholly  
34 cancelled, or has expired; or
- 35 (c) a licence has been wholly or partly determined or  
36 wholly or partly cancelled, has been terminated or has  
37 expired; or
- 38 (d) an infrastructure licence has been cancelled or  
39 terminated; or

- 1 (e) a pipeline licence has been wholly or partly determined  
2 or wholly or partly cancelled, or has been terminated.
- 3 (2) If a direction under section 107 has not been complied with, or  
4 an arrangement under that section has not been carried out, in  
5 relation to the relinquished area —
- 6 (a) the Minister may do all or any of the things required by  
7 the direction or arrangement to be done; and
- 8 (b) if any property brought into that area by any person  
9 engaged or concerned in the operations authorised by  
10 the permit, lease, licence, infrastructure licence or  
11 pipeline licence has not been removed in accordance  
12 with the direction or arrangement, the Minister may, by  
13 instrument published in the *Gazette*, direct that the  
14 owner or owners of that property shall remove it from  
15 that area, or dispose of it to the satisfaction of the  
16 Minister, within the period specified in the instrument  
17 and shall serve a copy of the instrument on each person  
18 whom the Minister believes to be an owner of that  
19 property or any part of that property.

20 [Section 108 inserted: No. 42 of 2010 s. 143.]

21 [109, 110. Deleted: No. 42 of 2010 s. 144.]

22 **111. Special prospecting authorities**

- 23 (1) A person may make an application to the Minister for the grant  
24 of a special prospecting authority in respect of a block or blocks  
25 in respect of which a permit, lease or licence is not in force.
- 26 (2) An application under this section —
- 27 [(a) *deleted*]
- 28 (b) must ~~shall~~ be made in an approved manner; and
- 29 (c) must ~~shall~~ specify the operations that the applicant  
30 proposes to carry on and the block or blocks in respect  
31 of which the applicant proposes to carry on those  
32 operations; and
- 33 (d) must ~~shall~~ be accompanied by the prescribed fee.
- 34 (3) The Minister —
- 35 (a) may grant to the applicant a special prospecting  
36 authority subject to such conditions as the Minister  
37 thinks fit and specifies in the authority; or

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1 (b) may refuse to grant the application.

2 (4) Except as provided in subsection (4A), a special ~~A special~~  
3 prospecting authority, while it remains in force, authorises the  
4 holder, subject to this Act and in accordance with the conditions  
5 to which the special prospecting authority is subject, to carry on  
6 in the blocks specified in the special prospecting authority the  
7 offshore resource ~~petroleum exploration~~ operations so specified.

8 (4A) A special prospecting authority does not authorise the holder to  
9 carry on the offshore resource operations in relation to a  
10 regulated substance unless —

11 (a) the holder applies to the Minister in writing for approval  
12 to carry on the operations; and

13 (b) the Minister —

14 (i) by instrument in writing, grants the approval; and

15 (ii) endorses the special prospecting authority  
16 accordingly.

17 (5) Nothing in a special prospecting authority authorises the holder  
18 to make a well.

19 (6) A special prospecting authority comes into force on the day  
20 specified for the purpose in the authority and, unless  
21 surrendered or cancelled, remains in force for such period, not  
22 exceeding 6 months, as is so specified.

23 (6a) A special prospecting authority is not capable of being  
24 transferred.

25 (6b) Where —

26 (a) a person holds a special prospecting authority in respect  
27 of a block; and

28 (b) another special prospecting authority is granted to  
29 another person in respect of the block,

30 the Minister ~~must~~shall, by notice in writing served on each of  
31 those persons, inform each of them of —

32 (c) the offshore resource ~~petroleum exploration~~ operations  
33 authorised by the special prospecting authority granted  
34 to the other person; and

35 (d) the conditions to which the special prospecting authority  
36 granted to the other person is subject.

- 1 (7) A special prospecting authority —  
2 (a) may be surrendered by the holder at any time by  
3 instrument in writing served on the Minister; and  
4 (b) may, if the holder has not complied with a condition to  
5 which the authority is subject, be cancelled by the  
6 Minister by instrument in writing served on the holder.
- 7 (8) Where a special prospecting authority has been surrendered or  
8 cancelled, or has expired, the Minister may, by instrument in  
9 writing served on the person who was the holder of the special  
10 prospecting authority, direct that person to do any ~~1~~ or more  
11 of the following things —  
12 (a) to remove or cause to be removed from the relinquished  
13 area all property brought into that area by any person  
14 engaged or concerned in the operations authorised by  
15 the special prospecting authority or to make  
16 arrangements that are satisfactory to the Minister with  
17 respect to that property; and  
18 (b) subject to this Part and to the regulations, to make  
19 provision, to the satisfaction of the Minister, for the  
20 conservation and protection of the natural resources in  
21 that area; and  
22 (c) to make good, to the satisfaction of the Minister, any  
23 damage to the seabed or subsoil in that area caused by  
24 any person engaged or concerned in those operations.
- 25 (9) A person to whom a direction is given under subsection (8)  
26 ~~must shall~~ comply with the direction. |  
27 Penalty: a fine of \$10 000.
- 28 (10) Section 108 applies to and in relation to a special prospecting  
29 authority as if —  
30 (a) a reference in that section to a permit were a reference to  
31 a special prospecting authority; and  
32 (b) a reference in that section to a direction or an  
33 arrangement under section 107 were a reference to a  
34 direction or an arrangement under subsection (8).

35 *[Section 111 amended: No. 12 of 1990 s. 226; No. 13 of 2005*  
36 *s. 46(1); No. 42 of 2010 s. 145 and 171.]*

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1 **112. Access authorities**

2 (1) A permittee, lessee, licensee or holder of a special prospecting  
3 authority may make an application to the Minister for the grant  
4 of an access authority to enable the permittee, lessee, licensee or  
5 holder ~~him~~ to carry on in an area, being part of the adjacent area  
6 that is not part of the permit area, lease area or licence area or  
7 area of the blocks specified in the special prospecting authority,  
8 offshore resource ~~petroleum exploration~~ operations or  
9 operations related to the recovery of petroleum or a regulated  
10 substance ~~recovery of petroleum~~ in or from the permit area,  
11 lease area or licence area or area of the blocks so specified.

12 (1a) A holder of a petroleum title outside the adjacent area may  
13 make an application to the Minister for the grant of an access  
14 authority to enable the holder to carry on, in a part of the  
15 adjacent area, offshore resource ~~petroleum exploration~~  
16 operations or operations related to the recovery of petroleum or  
17 a regulated substance ~~recovery of petroleum~~ in or from the area  
18 to which that petroleum title relates.

19 (2) An application under this section —

20 [(a) *deleted*]

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

22 (c) must ~~shall~~ specify the operations that the applicant  
23 proposes to carry on and the area in which the applicant  
24 proposes to carry on those operations; and

25 (d) may set out any other matters that the applicant wishes  
26 the Minister to consider.

27 (3) The Minister may —

28 (a) if ~~he is~~ satisfied that it is necessary or desirable to do so  
29 for the more effective exercise of the rights, or for the  
30 proper performance of the duties, of a permittee, lessee,  
31 licensee or holder of a special prospecting authority or a  
32 petroleum title who has made an application under this  
33 section, grant to the applicant ~~him~~ an access authority  
34 subject to such conditions as the Minister thinks fit and  
35 specifies in the access authority; and

36 (b) at any time, by instrument in writing served on the  
37 registered holder of an access authority so granted, vary  
38 the access authority.

39 (4) Subject to subsection (5A), the Minister must ~~shall~~ not grant an  
40 access authority on an application under this section in respect



1 of a block that is the subject of a permit, lease, licence or special  
2 prospecting authority of which the registered holder is a person  
3 other than the applicant, or vary an access authority as in force  
4 in respect of a block that is the subject of a permit, lease, licence  
5 or special prospecting authority of which the registered holder is  
6 a person other than the registered holder of the access authority,  
7 unless the Minister ~~unless~~—

8 (a) has~~he has~~, by instrument in writing served on that  
9 person, given not less than 1~~one~~ month's notice of the  
10 Minister's ~~his~~ intention to grant or vary, as the case may  
11 be, the access authority; and

12 (b) has~~he has~~ served a copy of the instrument—

13 (i) on such other persons, if any, as the Minister ~~he~~  
14 thinks fit; and

15 (ii) in a case where the Minister ~~he~~ intends to vary an  
16 access authority, on the registered holder of the  
17 access authority;

18 and

19 (c) has~~he has~~, in the instrument—

20 (i) given particulars of the access authority proposed  
21 to be granted, or of the variation proposed to be  
22 made, as the case may be; and

23 (ii) specified a date on or before which a person on  
24 whom the instrument, or a copy of the  
25 instrument, is served may, by instrument in  
26 writing served on the Minister submit any  
27 matters that the person ~~he~~ wishes the Minister to  
28 consider;

29 and

30 (d) has~~he has~~ taken into account any matters so submitted  
31 to the Minister ~~him~~ on or before the specified date by a  
32 person on whom the first-mentioned instrument, or a  
33 copy of that instrument, has been served.

34 (5A) Subsection (4) does not apply if the holder of the permit, lease,  
35 licence or special prospecting authority has consented in writing  
36 to the grant of the access authority.

37 (5) Except as provided in subsection (5AA), an access ~~An access~~  
38 authority, while it remains in force, authorises the holder,  
39 subject to this Act and in accordance with the conditions to  
40 which the access authority is subject, to carry on, in the area  
41 specified in the access authority, the operations so specified.

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1 (5AA) An access authority does not authorise the holder to carry on the  
2 operations in relation to a regulated substance unless —

3 (a) the holder applies to the Minister in writing for approval  
4 to carry on the operations; and

5 (b) the Minister —

6 (i) by instrument in writing, grants the approval; and

7 (ii) endorses the access authority accordingly.

8 (6) Nothing in an access authority authorises the holder to make a  
9 well other than a deviation well into an adjacent permit area,  
10 lease area or licence area held ~~by him~~ under this Act or the  
11 *Petroleum and Geothermal Energy Resources Act 1967*.

12 (7) An access authority comes into force on the day specified for  
13 the purpose in the access authority and, unless surrendered or  
14 cancelled, remains in force for such period as is so specified but  
15 may be extended by the Minister for a further period.

16 (8) An access authority —

17 (a) may be surrendered by the holder at any time by  
18 instrument in writing served on the Minister; and

19 (b) may be cancelled by the Minister at any time by  
20 instrument in writing served on the holder and on any  
21 person in whose permit area, lease area or licence area  
22 operations may be carried on in pursuance of the access  
23 authority.

24 (9) Where an access authority has been surrendered or cancelled or  
25 has expired, the Minister may, by instrument in writing served  
26 on the person who was the holder of the access authority, direct  
27 that person to do any ~~1~~ or more of the following things —

28 (a) to remove or cause to be removed from the relinquished  
29 area all property brought into that area by any person  
30 engaged or concerned in the operations authorised by  
31 the access authority or to make arrangements that are  
32 satisfactory to the Minister with respect to that property;  
33 and

34 (b) subject to this Part and to the regulations, to make  
35 provision, to the satisfaction of the Minister, for the  
36 conservation and protection of the natural resources in  
37 that area; and

38 (c) to make good, to the satisfaction of the Minister, any  
39 damage to the seabed or subsoil in that area caused by  
40 any person engaged or concerned in those operations.

- 1 (10) A person to whom a direction is given under subsection (9)  
2 must ~~shall~~ comply with the direction.  
3 Penalty: a fine of \$10 000.
- 4 (11) The holder of an access authority must~~shall~~, if the access  
5 authority is in force in respect of an area that consists of, or  
6 includes, a block that is the subject of a permit, lease or licence  
7 of which the holder ~~he~~ is not the registered holder, furnish to the  
8 registered holder of that permit, lease or licence, within 28 days  
9 after the end of each month during which the access authority is  
10 in force in respect of that block, a full report, in writing, of the  
11 operations (not being operations related to the recovery of  
12 petroleum or a regulated substance ~~petroleum~~ by means of a  
13 deviation well referred to in subsection (6)) carried on in that  
14 block during that month and a summary of the facts ascertained  
15 from those operations.  
16 Penalty: a fine of \$5 000.
- 17 (12) Section 108 applies to and in relation to an access authority as  
18 if —  
19 (a) a reference in that section to a permit were a reference to  
20 an access authority; and  
21 (b) a reference in that section to a direction or an  
22 arrangement under section 107 were a reference to a  
23 direction or an arrangement under subsection (9).
- 24 (13) In this section, ***petroleum title*** means an authority, however  
25 described, under the *Petroleum and Geothermal Energy*  
26 *Resources Act 1967* or a law of the Commonwealth, of another  
27 State or of the Northern Territory, to explore for, or to recover,  
28 petroleum or a regulated substance~~recover, petroleum~~.
- 29 [Section 112 amended: No. 12 of 1990 s. 227; No. 28 of 1994  
30 s. 108; No. 13 of 2005 s. 46(1); No. 35 of 2007 s. 104(2); No. 42  
31 of 2010 s. 146 and 171.]

32 **113. Sale of property**

- 33 (1) Where a direction under section 108 has not been complied with  
34 in relation to any property, the Minister may do all or any of the  
35 following things —  
36 (a) remove, in such manner as he thinks fit, all or any of  
37 that property from the relinquished area concerned; and  
38 (b) dispose of, in such manner as he thinks fit, all or any of  
39 that property; and

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**s. 113**

1 (c) if he has served a copy of the instrument by which the  
2 direction was given on a person whom he believed to be  
3 an owner of that property or part of that property, sell,  
4 by public auction or otherwise, as he thinks fit, all or  
5 any of that property that belongs, or that he believes to  
6 belong, to that person.

7 (2) The Minister may deduct from the proceeds of a sale under  
8 subsection (1) of property that belongs, or that he believes to  
9 belong, to a particular person —

10 (a) all or any part of any costs and expenses incurred by  
11 him under that subsection in relation to that property;  
12 and

13 (b) all or any part of any costs and expenses incurred by  
14 him in relation to the doing of any thing required by a  
15 direction under section 107, 111 or 112, as the case may  
16 be, to be done by that person; and

17 (c) all or any part of any fees or amounts due and payable  
18 under this Act or the Registration Fees Act by that  
19 person.

20 (3) Costs and expenses incurred by the Minister under  
21 subsection (1) —

22 (a) if incurred in relation to the removal, disposal or sale of  
23 property, are a debt due by the owner of the property to  
24 the State; or

25 (b) if incurred in relation to the doing of any thing required  
26 by a direction under section 107, 111 or 112, as the case  
27 may be, to be done by a person who is or was a  
28 permittee, lessee, licensee, infrastructure licensee,  
29 pipeline licensee or holder of a special prospecting  
30 authority or access authority, are a debt due by that  
31 person to the State,

32 and, to the extent to which they are not recovered under  
33 subsection (2), are recoverable in a court of competent  
34 jurisdiction.

35 (4) Subject to subsection (3), no action lies in respect of the  
36 removal, disposal or sale of property under this section.

37 *[Section 113 amended: No. 12 of 1990 s. 228; No. 42 of 2010*  
38 *s. 147.]*

39 *[114. Deleted: No. 28 of 1994 s. 109.]*

1 **115. Minister etc. may require information to be furnished etc.**

2 (1) Where the Minister or an inspector has reason to believe that a  
3 person is capable of giving information or producing documents  
4 relating to petroleum or regulated substance exploration  
5 operations, operations for the recovery of petroleum or a  
6 regulated substance, operations relating to the processing or  
7 storage of petroleum or a regulated substance or the preparation  
8 of petroleum or a regulated substance ~~petroleum exploration~~  
9 ~~operations, operations for the recovery of petroleum, operations~~  
10 ~~relating to the processing or storage of petroleum or the~~  
11 ~~preparation of petroleum~~ for transport or operations connected  
12 with the construction or operation of a pipeline in the adjacent  
13 area, the Minister or inspector ~~he~~ may, by instrument in writing  
14 served on that person, require that person —

15 (a) to furnish to the Minister or inspector ~~him~~ in writing,  
16 within the period and in the manner specified in the  
17 instrument, any such information; or

18 (b) to attend before the Minister or inspector ~~him~~, or a  
19 person specified in the instrument, at such time and  
20 place as is so specified and there to answer questions  
21 relating to those operations and to produce such  
22 documents relating to those operations as are so  
23 specified.

24 (2) A person is not excused from furnishing information, answering  
25 a question or producing a document when required to do so  
26 under this section on the ground that the information so  
27 furnished, the answer to the question or the production of the  
28 document might tend to incriminate the person ~~him~~ or make the  
29 person ~~him~~ liable to a penalty.

30 (3) However, any information furnished, answer given or document  
31 produced pursuant to the requirement, and any information or  
32 thing (including any document) obtained as a direct or indirect  
33 consequence of the furnishing of the information, the answering  
34 of the question or the production of the document, as the case  
35 may be, is not admissible in evidence against the person in any  
36 civil proceedings or in any criminal proceedings other than  
37 proceedings for an offence against section 117.

38 *[Section 115 amended: No. 42 of 2010 s. 148.]*

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**s. 116**

1 **116. Power to examine on oath**

2 (1) The Minister or an inspector may administer an oath to a person  
3 required to attend before him in pursuance of section 115 and  
4 may examine that person on oath.

5 (2) Where a person attending before the Minister or an inspector in  
6 pursuance of section 115 conscientiously objects to take an  
7 oath, he may make an affirmation that he conscientiously  
8 objects to take an oath and that he will state the truth, the whole  
9 truth and nothing but the truth to all questions asked him.

10 (3) An affirmation made under subsection (2) is of the same force  
11 and effect, and entails the same penalties, as an oath.

12 **117. Failing to furnish information etc.**

13 A person shall not —

14 (a) refuse or fail to comply with a requirement in an  
15 instrument under section 115 to the extent to which he is  
16 capable of complying with it; or

17 (b) in purported compliance with such a requirement,  
18 furnish information that is to his knowledge false or  
19 misleading in a material particular; or

20 (c) when attending before the Minister or an inspector in  
21 pursuance of such a requirement, make a statement or  
22 produce a document that is to his knowledge false or  
23 misleading in a material particular.

24 Penalty: a fine of \$10 000.

25 [*Section 117 amended: No. 42 of 2010 s. 171.*]

26 [**118.** Deleted: No. 42 of 2010 s. 149.]

27 **119. Exclusion zones**

28 (1) For the purpose of protecting a well or structure, or any  
29 equipment, in the adjacent area, the Minister may, by instrument  
30 published in the *Gazette*, prohibit —

31 (a) all vessels; or

32 (b) all vessels other than specified vessels; or

33 (c) all vessels other than the vessels included in specified  
34 classes of vessels,

35 from entering or remaining in a specified area (in this section  
36 called an *exclusion zone*) surrounding the well, structure or  
37 equipment without the consent in writing of the Minister.

- 1 (2) An exclusion zone specified in an instrument under  
2 subsection (1) may extend to a distance of 500 m around the  
3 well, structure or equipment specified in the instrument  
4 measured from each point of the outer edge of the well,  
5 structure or equipment.
- 6 (3) Where a vessel enters or remains in an exclusion zone specified  
7 in an instrument under subsection (1) in contravention of the  
8 instrument, the owner and the person in command or in charge  
9 of the vessel are each guilty of an offence against this section  
10 and are punishable, upon conviction, by a fine not exceeding  
11 \$100 000 or imprisonment for a term not exceeding 10 years, or  
12 both.

13 *[Section 119 amended: No. 36 of 2020 s. 339.]*

14 **120. Discovery of water**

15 Where water is discovered in a permit area, a lease area or a  
16 licence area, the permittee, lessee or licensee, as the case may  
17 be, shall, within a period of one month after the date of the  
18 discovery, furnish to the Minister in writing particulars of the  
19 discovery.

20 Penalty: a fine of \$10 000.

21 *[Section 120 amended: No. 12 of 1990 s. 231; No. 42 of 2010*  
22 *s. 171.]*

23 *[121. Deleted: No. 42 of 2010 s. 150.]*

24 **122. Records etc. to be kept**

25 (1) The Minister may, by instrument in writing served on a person  
26 carrying on operations in the adjacent area under a permit, lease,  
27 licence, infrastructure licence, pipeline licence, special  
28 prospecting authority, access authority or instrument of consent  
29 under section 123, direct that person to do any one or more of  
30 the following things —

- 31 (a) to keep such accounts, records and other documents in  
32 connection with those operations as are specified in the  
33 instrument; and
- 34 (b) to collect and retain such cores, cuttings and samples in  
35 connection with those operations as are so specified; and
- 36 (c) to furnish to the Minister, or to such person as is so  
37 specified, in the manner so specified, such reports,  
38 returns, other documents, cores, cuttings and samples in  
39 connection with those operations as are so specified.

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**s. 123A**

1 (2) A person to whom a direction is given under subsection (1) shall  
2 comply with the direction.

3 Penalty for an offence under subsection (2): a fine of \$10 000.

4 *[Section 122 amended: No. 12 of 1990 s. 233; No. 42 of 2010*  
5 *s. 151.]*

6 **123A. Data management: regulations**

7 (1) The regulations may make provision for and in relation to —

8 (a) the keeping of accounts, records and other documents in  
9 connection with operations in the adjacent area under —

10 (i) a permit; or

11 (ii) a lease; or

12 (iii) a licence; or

13 (iv) an infrastructure licence; or

14 (v) a pipeline licence; or

15 (vi) a special prospecting authority; or

16 (vii) an access authority; or

17 (viii) a consent under section 123;

18 and

19 (b) the collection and retention of cores, cuttings and  
20 samples in connection with those operations; and

21 (c) the giving to the Minister, or a specified person, of  
22 reports, returns, other documents, cores, cuttings and  
23 samples in connection with those operations.

24 (2) A requirement under section 122 is in addition to a requirement  
25 under regulations made for the purposes of this section.

26 *[Section 123A inserted: No. 42 of 2010 s. 152.]*

27 **123. Scientific investigation**

28 (1) The Minister may, by instrument in writing, consent to the  
29 carrying on in the adjacent area by any person of [offshore](#)  
30 [resource petroleum exploration](#) operations in the course of a  
31 scientific investigation.

32 (2) An instrument of consent under subsection (1) may be made  
33 subject to such conditions, if any, as are specified in the  
34 instrument.

35 (3) An instrument of consent in force under subsection (1)  
36 authorises the person specified in the instrument, subject to



1 section 124 and in accordance with the conditions, if any, to  
2 which the instrument is subject, to carry on, in the adjacent area,  
3 offshore resource petroleum exploration operations so specified  
4 in the course of the scientific investigation so specified.

5 **124. Interference with other rights**

6 A person carrying on operations in the adjacent area under a  
7 permit, lease, licence, infrastructure licence, pipeline licence,  
8 special prospecting authority, access authority or instrument of  
9 consent under section 123 must ~~shall~~ carry on those operations  
10 in a manner that does not interfere with —

- 11 (a) navigation; or  
12 (b) fishing; or  
13 (c) the conservation of the resources of the sea and seabed;  
14 or  
15 (d) any operations of another person being lawfully carried  
16 on by way of exploration for, recovery of or conveyance  
17 of a mineral, whether petroleum or a regulated substance  
18 ~~petroleum~~ or not, or by way of construction or operation  
19 of a pipeline; or  
20 (e) the enjoyment of native title rights and interests (within  
21 the meaning of the *Native Title Act 1993* of the  
22 Commonwealth),

23 to a greater extent than is necessary for the reasonable exercise of  
24 the rights and performance of the duties of that first-mentioned  
25 person.

26 Penalty: a fine of \$10 000.

27 [*Section 124 amended: No. 12 of 1990 s. 234; No. 17 of 1999*  
28 *s. 29; No. 42 of 2010 s. 153 and 171.*]

29 **124A. Liability for payment of compensation to native title holders**

- 30 (1) If compensation is payable to native title holders for or in  
31 respect of the grant of an authorisation, the person liable to pay  
32 the compensation is —  
33 (a) if an amount is to be paid and held in trust, the applicant  
34 for the grant of, or the holder of, the authorisation at the  
35 time the amount is required to be paid; or  
36 (b) otherwise, the applicant for the grant of, or the holder of,  
37 the authorisation at the time a determination of  
38 compensation is made.

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**s. 124B**

1 (2) If, at the relevant time, there is no holder of the authorisation  
2 because the authorisation has been surrendered or cancelled or  
3 has expired, a reference in subsection (1) to the holder of the  
4 authorisation is a reference to the holder of the authorisation  
5 immediately before its surrender, cancellation or expiry.

6 (3) In this section —

7 **authorisation** means a permit, lease, licence, infrastructure  
8 licence, pipeline licence, special prospecting authority or access  
9 authority;

10 **native title holders** has the same meaning as in the *Native Title*  
11 *Act 1993* of the Commonwealth.

12 *[Section 124A inserted: No. 61 of 1998 s. 18; amended: No. 42*  
13 *of 2010 s. 154.]*

14 **124B. Interfering with offshore resource installation or operation**  
15 ~~**Interfering with offshore petroleum installation or operation**~~

16 (1) A person must not intentionally or recklessly —

- 17 (a) cause damage to, or interfere with, any structure or  
18 vessel in the adjacent area that is, or is to be, used in an  
19 offshore ~~resource petroleum~~ operation; or  
20 (b) interfere with any offshore ~~resource petroleum~~  
21 operation.

22 Penalty: imprisonment for 10 years.

23 (2) In this section —

24 **structure** means any fixed, moveable or floating structure or  
25 installation and includes a pipeline, pumping station, tank  
26 station and valve station.

27 *[Section 124B inserted: No. 13 of 2005 s. 39.]*

28 **125. Inspectors**

29 (1) The Minister may, by instrument in writing, appoint a person to  
30 be an inspector for such or all of the purposes of this Act as are  
31 specified in the instrument of appointment.

32 (2) The Minister may furnish to an inspector a certificate stating  
33 that the person is an inspector for the purposes specified in the  
34 certificate.

35 (3) Where the appointment of a person under this section expires or  
36 is revoked, that person shall forthwith surrender the certificate  
37 furnished to him under this section to the Minister or if the

1 Minister, by instrument in writing served on that person,  
2 specifies another person to whom the certificate is to be  
3 surrendered, to that other person.

4 Penalty for an offence under subsection (3): a fine of \$500.

5 *[Section 125 amended: No. 32 of 1994 s. 19; No. 13 of 2005*  
6 *s. 40; No. 42 of 2010 s. 155; No. 57 of 2011 s. 5.]*

7 **126. Powers of inspectors**

8 (1) For the purposes of this Act, an inspector, at all reasonable  
9 times and on production of the certificate furnished to the  
10 inspector ~~him~~ under section 125 —

11 (a) ~~must shall~~ have access to any part of the adjacent area  
12 and to any structure, ship, aircraft or building in that  
13 area that, in the inspector's ~~his~~ opinion, has been, is  
14 being or is to be used in connection with any of the  
15 following operations in that area —

16 (i) petroleum or regulated substance exploration  
17 operations;

18 (ii) petroleum or regulated substance recovery  
19 operations;

20 (iii) operations relating to the processing or storage of  
21 petroleum or a regulated substance; ~~petroleum;~~

22 (iv) operations relating to the preparation of  
23 petroleum or a regulated substance for transport;

24 (v) operations connected with the construction or  
25 operation of a pipeline;

26 and

27 (b) may inspect and test any equipment that, in the  
28 inspector's ~~his~~ opinion, has been, is being or is to be  
29 used in that area in connection with any of those  
30 operations, including a meter installed under  
31 section 97C(1); and ~~operations; and~~

32 (c) may enter any structure, ship, aircraft, building or place  
33 in that area or in the State, in which, in the inspector's  
34 ~~his~~ opinion, there are any documents relating to any of  
35 those operations and may inspect, take extracts from and  
36 make copies of any of those documents.

37 (2) A person who is the occupier or person in charge of any  
38 building, structure or place, or is the person in charge of any  
39 ship, aircraft or equipment referred to in subsection (1), must

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**s. 126A**

1 ~~shall~~ provide an inspector with all reasonable facilities and  
2 assistance for the effective exercise of the inspector's his  
3 powers under this section.

4 (3) A person ~~must shall~~ not, without reasonable excuse, obstruct or  
5 hinder an inspector in the exercise of the inspector's his powers  
6 under this section.

7 Penalty: a fine of \$5 000.

8 (4) In this section and in section 125 *this Act* includes the  
9 Registration Fees Act.

10 *[Section 126 amended: No. 13 of 2005 s. 41; No. 42 of 2010*  
11 *s. 156 and 171; No. 57 of 2011 s. 6.]*

12 **126A. Protection from liability for wrongdoing**

13 (1) An action in tort does not lie against a person for anything that  
14 the person has done, in good faith, in the performance or  
15 purported performance of a function under this Act.

16 (2) The protection given by subsection (1) applies even though the  
17 thing done as described in that subsection may have been  
18 capable of being done whether or not this Act had been enacted.

19 (3) Despite subsection (1), the State is not relieved of any liability  
20 that it might have for another person having done anything as  
21 described in that subsection.

22 (4) In this section a reference to the doing of anything includes a  
23 reference to the omission to do anything.

24 *[Section 126A inserted: No. 13 of 2005 s. 42.]*

25 **127. Property in petroleum or regulated substance ~~Property in~~**  
26 **~~petroleum~~**

27 Subject to this Act, if petroleum or a regulated substance is  
28 recovered ~~petroleum is recovered~~ by a permittee, lessee or  
29 licensee in the permit area, lease area or licence area —

30 (a) the petroleum or regulated substance ~~petroleum~~ becomes  
31 the property of the permittee, lessee or licensee; and

32 (b) it is not subject to any rights of other persons (other than  
33 any person to whom the permittee, lessee or licensee  
34 transfers, assigns or otherwise disposes of the petroleum  
35 or regulated substance ~~petroleum~~ or an interest in the  
36 petroleum or regulated substance ~~petroleum~~).

37 *[Section 127 inserted: No. 17 of 1999 s. 30.]*

1 **128. Suspension of rights conferred by permit**

- 2 (1) Where the Minister is satisfied that it is necessary to do so in the  
3 public interest, he shall, by instrument in writing served on the  
4 permittee, suspend, either for a specified period or indefinitely,  
5 all or any of the rights conferred by the permit.
- 6 (2) Where any rights are suspended in accordance with  
7 subsection (1), any conditions required to be complied with in  
8 the exercise of those rights are also suspended.
- 9 (3) The Minister may, by instrument in writing served on the  
10 permittee, terminate a suspension of rights under subsection (1).
- 11 (4) Where rights conferred by a permit are suspended in accordance  
12 with subsection (1), the Minister may, by the instrument of  
13 suspension or by a later instrument in writing served on the  
14 permittee, extend the term of the permit by a period not  
15 exceeding the period of the suspension.

16 **129. Certain payments to be made by State to Commonwealth**

17 The Treasurer of the State ~~must~~shall, not later than the last day  
18 of each month of the year, pay to the Commonwealth amounts  
19 ascertained in accordance with the formula —

20 
$$\frac{4 A}{B}$$

21 where —

22 A is the amount of royalty payable under this Act, together  
23 with the amount, if any, payable under this Act by  
24 reason of late payment of that royalty, by a permittee,  
25 lessee or licensee in respect of petroleum or a regulated  
26 substance ~~petroleum~~ recovered in the adjacent area  
27 under the permit, lease or licence and received by the  
28 Minister during the preceding month;

29 and

30 B is the percentage rate at which royalty is payable under  
31 this Act by the permittee, lessee or licensee in respect of  
32 that petroleum or regulated substance~~petroleum~~,

33 and the Consolidated Account is hereby, to the necessary extent,  
34 appropriated accordingly.

35 *[Section 129 amended: No. 12 of 1990 s. 236; No. 6 of 1993*  
36 *s. 11; No. 77 of 2006 s. 4.]*

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**s. 130**

1 **130. Determination to be disregarded in certain cases**

2 Where a determination has been made by the Minister under  
3 section 144 in relation to a well, that determination shall be  
4 disregarded in ascertaining the value of B for the purposes of  
5 section 129.

6 **131. Continuing offences**

- 7 (1) Where an offence is committed by a person by reason of his  
8 failure to comply, within the period specified in a direction  
9 given to him under this Act, with the requirements specified in  
10 the direction, the offence, for the purposes of subsection (3),  
11 shall be deemed to continue so long as any requirement  
12 specified in the direction remains undone, notwithstanding that  
13 the period has elapsed.
- 14 (2) Where an offence is committed by a person by reason of his  
15 failure to comply with a requirement made by this Act, the  
16 offence, for the purposes of subsection (3), shall be deemed to  
17 continue so long as that failure continues, notwithstanding that  
18 any period within which the requirement was to be complied  
19 with has elapsed.
- 20 (3) Where, under subsection (1) or (2), an offence is to be deemed  
21 to continue, the person who committed the offence commits an  
22 additional offence against this Act on each day during which the  
23 offence is to be deemed to continue and is liable, upon  
24 conviction for such an additional offence, to a fine not  
25 exceeding \$10 000.

26 *[Section 131 amended: No. 13 of 2005 s. 46(2).]*

27 **132. Persons concerned in commission of offences**

28 Without limiting section 7 of *The Criminal Code*, a person who  
29 by act or omission is in any way directly or indirectly  
30 knowingly concerned in the commission of any offence against  
31 this Act shall be deemed to have committed that offence and  
32 shall be punishable accordingly.

33 *[Section 132 amended: No. 13 of 2005 s. 46(2).]*

34 **133. Crimes and other offences**

- 35 (1) If the penalty provided for an offence under this Act is or  
36 includes imprisonment, the offence is a crime.
- 37 (2) Summary conviction penalty: for an offence referred to in  
38 subsection (1) — imprisonment for 2 years or a fine of \$10 000  
39 or both.

1 (3) Unless the contrary intention appears, an offence under this Act,  
2 other than a crime, is punishable summarily.

3 *[Section 133 inserted: No. 4 of 2004 s. 58.]*

4 **134. Orders for forfeiture in respect of certain offences**

5 (1) Where a person is convicted by the Supreme Court of an  
6 offence against section 19, 39, 60A or 60 the Court may, in  
7 addition to imposing a penalty, make ~~1 one~~ or more of the  
8 following orders —

9 (a) an order for the forfeiture of a specified aircraft or vessel  
10 used in the commission of the offence; and

11 (b) an order for the forfeiture of specified equipment used in  
12 the commission of the offence; and

13 (c) an order —

14 (i) for the forfeiture of specified petroleum or  
15 regulated substances ~~petroleum~~ recovered, or  
16 conveyed through a pipeline, as the case may be,  
17 in the course of the commission of the offence;  
18 or

19 (ii) for the payment by that person to the State of an  
20 amount equal to the proceeds of the sale of  
21 specified petroleum or regulated substances  
22 ~~petroleum~~ so recovered or conveyed; or

23 (iii) for the payment by that person to the State of an  
24 amount equal to the value at the well-head,  
25 assessed by the Court, of the quantity, so  
26 assessed, of petroleum or a regulated substance  
27 ~~petroleum~~ so recovered or conveyed or for the  
28 payment of such part of that amount as the Court,  
29 having regard to all the circumstances, thinks fit.

30 (2) Where the Court is satisfied that an order made under  
31 subsection (1)(c)(i) cannot, for any reason, be enforced, the  
32 Court may, upon the application of the person by whom the  
33 proceedings were brought, set aside the order and make either of  
34 the orders referred to in subsection (1)(c)(ii) or (iii).

35 (3) The Court may, before making an order under this section,  
36 require notice to be given to, and hear, such persons as the  
37 Court thinks fit.

38 *[Section 134 amended: No. 42 of 2010 s. 157.]*



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**s. 135**

1 **135. Disposal of goods**

2 Goods in respect of which an order is made under section 134  
3 shall be dealt with as the Attorney General directs and, pending  
4 his direction, may be detained in such custody as the Supreme  
5 Court directs.

6 *[Section 135 amended: No. 57 of 1997 s. 94.]*

7 **136. Time for bringing proceedings for offences**

8 Proceedings in respect of an offence against this Act may be  
9 brought at any time.

10 *[Section 136 amended: No. 13 of 2005 s. 46(2).]*

11 **137. Judicial notice**

12 (1) All courts shall take judicial notice of the signature of a person  
13 who is, or has been, the Minister or a delegate of the Minister  
14 and of the fact that that person is, or has been, the Minister or a  
15 delegate of the Minister.

16 (2) In this section, *court* includes all persons authorised by the law  
17 of the State or by consent of parties to receive evidence.

18 **137A. Evidentiary matters**

19 (1) In a proceeding for an offence against this Act an averment in  
20 the charge of the offence that at a particular time —

- 21 (a) a particular operation was an offshore [resource](#)  
22 ~~petroleum~~ operation;
- 23 (b) a particular vessel or structure was a facility;
- 24 (c) a particular person was the operator of a facility;
- 25 (d) a particular person was in control of a particular part of  
26 a facility, or of any particular work carried out at a  
27 facility;
- 28 (e) a particular person was an employer who carried on an  
29 activity at a facility;
- 30 (f) a particular person was an employer of a particular  
31 person or particular persons who worked at a facility;
- 32 (g) a particular person was an employee or inspector,

33 is to be taken to have been proved in the absence of evidence to  
34 the contrary.



1 (2) In a proceeding for an offence against this Act, proof is not  
2 required as to any of the following matters, unless evidence is  
3 given to the contrary —

- 4 (a) a delegation under section 16 by the Minister of a  
5 power, function or duty;  
6 (b) the authority of any person to institute a proceeding for  
7 an offence against this Act.

8 [(c) *deleted*]

9 (3) In a proceeding for an offence against this Act, production of a  
10 copy of —

- 11 (a) a code of practice; or  
12 (b) an Australian Standard; or  
13 (c) an Australian/New Zealand Standard,

14 purporting to be certified by the CEO to be a true copy as at any  
15 date or during any period is, without proof of the signature of  
16 the CEO, sufficient evidence of the contents of the code of  
17 practice or Standard as at that date or during that period.

18 (4) In subsection (3) —

19 ***Australian Standard*** means a document having that title  
20 published by Standards Australia;

21 ***Australian/New Zealand Standard*** means a document having  
22 that title jointly published by Standards Australia and the  
23 Standards Council of New Zealand;

24 ***CEO*** means the chief executive officer of the department of the  
25 Public Service principally assisting in the administration of this  
26 Act.

27 [*Section 137A inserted: No. 13 of 2005 s. 43; amended: No. 57*  
28 *of 2011 s. 7; No. 17 of 2014 s. 7; No. 36 of 2020 s. 340.*]

29 **138. Service**

30 (1) A document required or permitted by this Act to be served on a  
31 person other than the Minister or a corporation shall be  
32 served —

- 33 (a) by delivering the document to that person personally; or  
34 (b) by prepaying and posting the document as a letter  
35 addressed to that person at his last known place of  
36 residence or business or, if he is carrying on business at  
37 2 or more places, at one of those places; or

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**s. 138A**

- 1 (c) by leaving the document at the last known place of  
2 residence of that person with some person apparently a  
3 resident of that place and apparently not less than  
4 16 years of age; or
- 5 (d) by leaving the document at the last known place of  
6 business of that person, or if he is carrying on business  
7 at 2 or more places, at one of those places, with some  
8 person apparently in the service of that person and  
9 apparently not less than 16 years of age.
- 10 (2) A document required or permitted by this Act to be served on  
11 the Minister shall be served —
- 12 (a) by prepaying and posting the document as a letter  
13 addressed to the Minister at a place of business of the  
14 Minister; or
- 15 (b) by leaving it at a place of business of the Minister with  
16 some person apparently employed in connection with  
17 the business of the Minister and apparently not less than  
18 16 years of age.
- 19 (3) A document required by this Act to be served upon a person,  
20 being a corporation, shall be served —
- 21 (a) by prepaying and posting the document as a letter  
22 addressed to the corporation at its last known place of  
23 business or, if it is carrying on business at 2 or more  
24 places, at one of those places; or
- 25 (b) by leaving it at that place, or at one of those places, with  
26 some person apparently in the service of the corporation  
27 and apparently not less than 16 years of age.

28 **138A. Service of documents on 2 or more permittees etc.**

- 29 (1) Where there are 2 or more registered holders of a title or special  
30 prospecting authority, those registered holders shall, by notice  
31 in writing signed by each of them and served on the Minister,  
32 nominate one of the registered holders as being the person on  
33 whom documents relating to the title or special prospecting  
34 authority that are required or permitted by this Act to be served  
35 may be served.
- 36 (2) Subject to subsections (3) and (4), where —
- 37 (a) a document relating to a title or special prospecting  
38 authority is required or permitted by this Act to be  
39 served on the registered holder; and

- 1 (b) there are 2 or more registered holders of the title or  
2 special prospecting authority; and  
3 (c) the document is served on a person in respect of whom a  
4 nomination under subsection (1) is in force in relation to  
5 the title or special prospecting authority,

6 the document shall be deemed to have been served on each of  
7 those registered holders.

8 (3) Where —

- 9 (a) a person has been nominated under subsection (1) in  
10 relation to a title or special prospecting authority; and  
11 (b) one of the registered holders of the title or special  
12 prospecting authority, by notice in writing served on the  
13 Minister, revokes that nomination,

14 that nomination ceases to be in force and the registered holders  
15 of the title or special prospecting authority shall forthwith make  
16 a fresh nomination under subsection (1) in relation to the title or  
17 special prospecting authority.

18 (4) Where —

- 19 (a) a person has been nominated under subsection (1) in  
20 relation to a title or special prospecting authority; and  
21 (b) the person so nominated ceases to be one of the  
22 registered holders of the title or special prospecting  
23 authority,

24 that nomination ceases to be in force and, if 2 or more registered  
25 holders of the title or special prospecting authority remain, those  
26 holders shall forthwith make a fresh nomination under  
27 subsection (1) in relation to the title or special prospecting  
28 authority.

29 (5) In this section, *title* means a permit, lease, licence, infrastructure  
30 licence, pipeline licence or access authority.

31 *[Section 138A inserted: No. 12 of 1990 s. 237; amended: No. 42*  
32 *of 2010 s. 158.]*

33 **Division 7 — Fees and royalties**

34 **139. Permit fees**

35 There is payable to the Minister by a permittee in respect of  
36 each year of the term of the permit —

- 37 (a) the prescribed minimum fee; or

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1 (b) a fee calculated at the prescribed rate for each of the  
2 blocks to which the permit relates at the commencement  
3 of that year,

4 whichever is the greater.

5 *[Section 139 amended: No. 12 of 1990 s. 238.]*

6 **139A. Lease fees**

7 There is payable to the Minister by a lessee, in respect of each  
8 year of the term of the lease, a fee calculated at the prescribed  
9 rate for each of the blocks to which the lease relates at the  
10 commencement of that year.

11 *[Section 139A inserted: No. 12 of 1990 s. 239.]*

12 **140. Licence fees**

13 There is payable to the Minister by a licensee, in respect of each  
14 year of the term of the licence, a fee calculated at the prescribed  
15 rate for each of the blocks to which the licence relates at the  
16 commencement of that year.

17 *[Section 140 amended: No. 12 of 1990 s. 240.]*

18 **141A. Infrastructure licence fees**

19 There is payable to the Minister by an infrastructure licensee, in  
20 respect of each year of the term of the infrastructure licence, a  
21 fee specified in, or calculated in accordance with, the  
22 regulations.

23 *[Section 141A inserted: No. 42 of 2010 s. 159.]*

24 **141. Pipeline licence fees**

25 There is payable to the Minister by a pipeline licensee, in  
26 respect of each year of the term of the pipeline licence, a  
27 prescribed fee in respect of each kilometre or portion of a  
28 kilometre of the length of the pipeline at the commencement of  
29 that year.

30 *[Section 141 amended: No. 12 of 1990 s. 241.]*

31 **142. Time of payment of fees**

32 A fee under section 139, 139A, [140](#), [141A](#) ~~140~~ or 141 is payable  
33 within 1 ~~one~~-month after —

34 (a) in the case of the first year of the term of the permit,  
35 lease, licence, infrastructure licence or pipeline licence,  
36 the day on which that term commenced; and

- 1 (b) in the case of a year of the term of the permit, lease,  
2 licence, infrastructure licence or pipeline licence other  
3 than the first, the anniversary of that day.

4 [Section 142 amended: No. 12 of 1990 s. 242; No. 42 of 2010  
5 s. 160.]

6 **143. Royalty**

- 7 (1) A permittee, lessee or licensee ~~must~~shall, subject to this  
8 Division, pay to the Minister royalty at the prescribed rate in  
9 respect of all petroleum or regulated substances ~~petroleum~~  
10 recovered by the permittee, lessee or licensee in the permit area,  
11 lease area or licence area.
- 12 (2) Subject to the succeeding provisions of this section and the  
13 provisions of section 144, the prescribed rate in respect of  
14 petroleum or a regulated substance recovered ~~petroleum~~  
15 ~~recovered~~ under a permit, lease or licence is 10% of the royalty  
16 value of the petroleum or regulated substance ~~the petroleum~~.
- 17 (3) The prescribed rate in respect of petroleum or a regulated  
18 substance ~~petroleum~~ recovered under a secondary licence is the  
19 percentage determined by the Minister in pursuance of  
20 section 42(1) in respect of petroleum or a regulated substance  
21 ~~petroleum~~ so recovered.
- 22 (4) Where a secondary licence is granted to the holder of a primary  
23 licence, the prescribed rate in respect of petroleum or a  
24 regulated substance ~~petroleum~~ recovered under the primary  
25 licence is, as from the commencement of the next royalty period  
26 after the day from which the secondary licence has effect, the  
27 same percentage as is applicable in respect of petroleum or a  
28 regulated substance ~~petroleum~~ recovered under the secondary  
29 licence.
- 30 (5) Where —  
31 (a) a licence is granted on an application under section 47;  
32 and  
33 (b) the instrument served on the applicant under section 49  
34 contains a statement that the applicant will be required  
35 to pay, in respect of petroleum or a regulated substance  
36 ~~petroleum~~ recovered under that licence, royalty at the  
37 rate specified in that statement,  
38 the prescribed rate in respect of petroleum or a regulated  
39 substance ~~petroleum~~ recovered under that licence is the  
40 percentage specified in that statement.

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- 1 (6) Where a licence is granted on an application under  
2 section 51(1), the prescribed rate in respect of petroleum or a  
3 regulated substance ~~petroleum~~ recovered under that licence is  
4 the same percentage as was applicable in respect of petroleum  
5 or a regulated substance ~~petroleum~~ recovered under the original  
6 licence as defined by that subsection.
- 7 (7) The prescribed rate in respect of petroleum or a regulated  
8 substance ~~petroleum~~ recovered in the licence area referred to in  
9 a licence granted by way of renewal of a licence is the  
10 percentage that would be the prescribed rate if the licence so  
11 granted were the continuation in force of the previous licence.
- 12 (8) A reference in this section or in a permit, lease or licence to  
13 royalty at the prescribed rate or royalty at the rate that is for the  
14 time being the prescribed rate ~~must shall~~ be read as a reference  
15 to royalty at the rate that is or was the prescribed rate applicable  
16 in accordance with the provisions of this Act as in force from  
17 time to time.

18 *[Section 143 amended: No. 12 of 1990 s. 243; No. 11 of 1994*  
19 *s. 9.]*

20 **144. Reduction of royalty in certain cases**

- 21 (1) Where the Minister is satisfied that the rate of recovery of  
22 petroleum or a regulated substance from ~~petroleum from~~ a well  
23 has become so reduced that, having regard to the rate or rates of  
24 royalty applicable under section 143, further recovery of  
25 petroleum or a regulated substance from ~~petroleum from~~ that  
26 well would be uneconomic, the Minister may, by instrument in  
27 writing determine that the royalty in respect of all or any of the  
28 petroleum or regulated substance recovered ~~petroleum~~  
29 ~~recovered~~ from that well on or after a date specified in the  
30 determination ~~must shall~~ be at such rate (being a rate lower than  
31 the rate that would be applicable under section 143) as the  
32 Minister specifies.
- 33 (2) The prescribed rate in respect of petroleum or a regulated  
34 substance ~~petroleum~~ to which a determination under  
35 subsection (1) is applicable is the rate specified in the  
36 determination.
- 37 (3) The Minister may, by instrument in writing, revoke or vary a  
38 determination under subsection (1) and the revocation or  
39 variation applies to petroleum or a regulated substance  
40 ~~petroleum~~ recovered on or after such date as is specified in the  
41 instrument.

145. Royalty not payable in certain cases

(1) Royalty under this Act —

- (a) is not payable in respect of petroleum or a regulated substance ~~that petroleum that~~ the Minister is satisfied was unavoidably lost before the quantity of that petroleum or regulated substance ~~that petroleum~~ was ascertained; and
- (b) is not payable in respect of petroleum or a regulated substance ~~that petroleum that~~ is used by the permittee, lessee or licensee, as approved by the Minister, for the purposes of offshore resource operations ~~petroleum exploration operations or operations for the recovery of petroleum~~; and
- (c) is not payable in respect of petroleum or a regulated substance ~~petroleum~~ that, with the approval of the Minister, is flared or vented in connection with operations for the recovery of petroleum or a regulated substance ~~petroleum~~.

(2) Where petroleum that has been recovered by a permittee, 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 that recovery but this subsection does not affect the liability of that or any other permittee, 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, lessee or licensee is, in accordance with regulations under section 67(2), ~~pursuant to an agreement under section 67(2)(a) of the Petroleum and Geothermal Energy Resources Act 1967,~~ injected into a natural 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.

[Section 145 amended: No. 12 of 1990 s. 244; No. 28 of 1994 s. 111; No. 35 of 2007 s. 104(3).]

145A. Royalty value

(1) For the purposes of this Act (but subject to subsection (2)) the royalty value of any petroleum or regulated substance ~~petroleum~~ is its value at the well-head as agreed or determined under section 147.

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- 1 (2) If, in relation to petroleum or a regulated substance recovered  
2 ~~petroleum recovered~~ on or after 1 March 1994, the value at the  
3 well-head of that petroleum or regulated substance ~~that~~  
4 ~~petroleum~~ as agreed or determined under section 147 is  
5 calculated in a way that provides for a reduction, discount,  
6 deduction or allowance to be made for federal duty that has  
7 been paid, is payable or may become payable, the royalty value  
8 of that petroleum or regulated substance ~~that petroleum~~ is the  
9 sum of —
- 10 (a) its value at the well-head as so calculated; and  
11 (b) the amount of that reduction, discount, deduction or  
12 allowance.
- 13 (3) In subsection (2) *federal duty* means excise duty, or any other  
14 tax, duty, fee, levy or charge (except a tax, duty, fee, levy or  
15 charge of a kind excluded from this definition by the  
16 regulations) imposed by or under a law of the Commonwealth.

17 *[Section 145A inserted: No. 11 of 1994 s. 10.]*

18 **146. Ascertainment of well-head**

19 For the purposes of this Act, the well-head, in relation to any  
20 petroleum or regulated substance ~~petroleum~~, is such valve  
21 station as is agreed between the permittee, lessee or licensee and  
22 the Minister or, in default of agreement within such period as  
23 the Minister allows, is such valve station as is determined by the  
24 Minister as being that well-head.

25 *[Section 146 amended: No. 12 of 1990 s. 245.]*

26 **147. Ascertainment of value**

27 For the purposes of this Act, the value at the well-head of any  
28 petroleum or regulated substance ~~petroleum~~ is such amount as is  
29 agreed between the permittee, lessee or licensee and the  
30 Minister or, in default of agreement within such period as the  
31 Minister allows, is such amount as is determined by the Minister  
32 as being that value.

33 *[Section 147 amended: No. 12 of 1990 s. 246.]*



1 **148.** Ascertainment of quantity of petroleum or regulated  
2 substance recovered ~~Ascertainment of quantity of petroleum~~  
3 ~~recovered~~

4 For the purposes of this Act, the quantity of petroleum or a  
5 regulated substance ~~petroleum~~ recovered by a permittee, lessee  
6 or licensee from a well during a period ~~is shall be~~ taken to be —

- 7 (a) the quantity measured during that period by a measuring  
8 device approved by the Minister and installed at the  
9 well-head or at such other place as the Minister  
10 approves; or  
11 (b) where no such measuring device is so installed, or the  
12 Minister is not satisfied that the quantity of petroleum or  
13 a regulated substance ~~petroleum~~ recovered by the  
14 permittee, lessee or licensee from that well has been  
15 properly or accurately measured by such a measuring  
16 device, the quantity determined by the Minister as being  
17 the quantity recovered by the permittee, lessee or licensee  
18 from that well during that period.

19 *[Section 148 amended: No. 12 of 1990 s. 247.]*

20 **149. Payment of royalty**

21 Royalty under this Act in respect of petroleum or a regulated  
22 substance ~~petroleum~~ recovered during a royalty period is  
23 payable not later than the last day of the next succeeding royalty  
24 period.

25 **150. Penalty for late payment**

- 26 (1) Where a fee or an amount of royalty under this Act is not paid  
27 under this Division at or before the time when the fee or the  
28 amount of royalty is payable there is payable to the Minister by  
29 the permittee, lessee, licensee, infrastructure licensee or pipeline  
30 licensee an additional amount calculated at the rate of one-third  
31 of 1% per day upon the amount of the fee or royalty from time  
32 to time remaining unpaid to be computed from the time when  
33 the amount became payable until it is paid.  
34 (2) An additional amount in respect of royalty is not payable under  
35 subsection (1) in respect of any period before the expiration of  
36 7 days after the value of the petroleum or regulated substance  
37 ~~petroleum~~ was agreed or determined under section 147.

38 *[Section 150 amended: No. 12 of 1990 s. 248; No. 42 of 2010*  
39 *s. 161.]*

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1 **151. Fees, royalties and penalties debts due to the State**

2 A fee, royalty or other amount payable under this Division is a  
3 debt due by the permittee, lessee, licensee, infrastructure  
4 licensee or pipeline licensee to the State and is recoverable in a  
5 court of competent jurisdiction.

6 *[Section 151 amended: No. 12 of 1990 s. 249; No. 42 of 2010*  
7 *s. 162.]*

8 *[Part IIIA: Division 1 heading deleted: No. 57 of 2011 s. 8;*  
9 *s. 151A deleted: No. 57 of 2011 s. 9;*  
10 *s. 151B, 151D and 151E deleted: No. 36 of 2020 s. 341;*  
11 *s. 151C deleted: No. 57 of 2011 s. 10;*  
12 *Division 2 heading deleted: No. 57 of 2011 s. 11;*  
13 *s. 151F, 151G deleted: No. 57 of 2011 s. 13;*  
14 *Divisions 3-5 (s. 151H-151Q) deleted: No. 57 of 2011*  
15 *s. 14.]*

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**Part IVA — Release of information**

[Heading inserted: No. 42 of 2010 s. 163.]

**Division 1 — Preliminary**

[Heading inserted: No. 42 of 2010 s. 163.]

**152A. 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 123A;

**commencement** means the commencement of the *Petroleum and Energy Legislation Amendment Act 2010* section 163;

**documentary information** means information contained in an applicable document;

**Minister of another jurisdiction** means a Minister of the Commonwealth, a Minister of another State or a Minister of the Northern Territory;

**petroleum mining sample** means —

- (a) a core or cutting from, or a sample of, the seabed or subsoil; or
- (b) a sample of [petroleum or a regulated substance](#) ~~petroleum~~ recovered; or
- (c) a sample of fluid recovered (other than fluid [petroleum or a regulated substance](#) ~~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.

[Section 152A inserted: No. 42 of 2010 s. 163.]

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**Part IVA** Release of information

**Division 2** Protection of confidentiality of information and samples

**s. 152B**

1 **Division 2 — Protection of confidentiality of information and**  
2 **samples**

3 *[Heading inserted: No. 42 of 2010 s. 163.]*

4 **Subdivision 1 — Information and samples obtained by the Minister**

5 *[Heading inserted: No. 42 of 2010 s. 163.]*

6 **152B. Protection of confidentiality of information obtained by the**  
7 **Minister**

8 (1) This section restricts what the Minister may do with  
9 documentary information.

10 (2) The Minister shall not —

11 (a) make the information publicly known; or

12 (b) make the information available to a person (other than  
13 another Minister or a Minister of another jurisdiction),

14 unless the Minister does so —

15 (c) in accordance with regulations made for the purposes of  
16 this paragraph; or

17 (d) for the purposes of the administration of this Act.

18 *[Section 152B inserted: No. 42 of 2010 s. 163.]*

19 **152C. Protection of confidentiality of samples obtained by the**  
20 **Minister**

21 (1) This section restricts what the Minister may do with a [petroleum](#)  
22 [or regulated substance](#) ~~petroleum~~-mining sample.

23 (2) The Minister ~~shall~~ [must](#) not —

24 (a) make publicly known any details of the sample; or

25 (b) permit a person (other than another Minister or a  
26 Minister of another jurisdiction) to inspect the sample,

27 unless the Minister does so —

28 (c) in accordance with regulations made for the purposes of  
29 this paragraph; or

30 (d) for the purposes of the administration of this Act.

31 *[Section 152C inserted: No. 42 of 2010 s. 163.]*

1 **152D. Information or samples obtained by Minister can be made**  
2 **available to certain persons**

3 The Minister may make documentary information or a  
4 [petroleum or regulated substance](#) ~~petroleum~~-mining sample  
5 available to another Minister or a Minister of another  
6 jurisdiction.

7 *[Section 152D inserted: No. 42 of 2010 s. 163.]*

8 **Subdivision 2 — Information and samples obtained by another**  
9 **Minister**

10 *[Heading inserted: No. 42 of 2010 s. 163.]*

11 **152E. Protection of confidentiality of information obtained by**  
12 **another Minister**

13 (1) This section restricts what a Minister may do with documentary  
14 information made available to that Minister under section 152D  
15 or 152G.

16 (2) The Minister shall not —

17 (a) make the information publicly known; or

18 (b) make the information available to a person (other than  
19 another Minister or a Minister of another jurisdiction),

20 unless the Minister does so —

21 (c) in accordance with regulations made for the purposes of  
22 this paragraph; or

23 (d) for the purposes of the administration of this Act.

24 *[Section 152E inserted: No. 42 of 2010 s. 163.]*

25 **152F. Protection of confidentiality of samples obtained by another**  
26 **Minister**

27 (1) This section restricts what a Minister may do with a [petroleum](#)  
28 [or regulated substance](#) ~~petroleum~~-mining sample made available  
29 to that Minister under section 152D or 152G.

30 (2) The Minister ~~shall~~ **must** not —

31 (a) make publicly known any details of the sample; or

32 (b) permit a person (other than another Minister or a  
33 Minister of another jurisdiction) to inspect the sample,

34 unless the Minister does so —

35 (c) in accordance with regulations made for the purposes of  
36 this paragraph; or

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**s. 152G**

1 (d) for the purposes of the administration of this Act.

2 *[Section 152F inserted: No. 42 of 2010 s. 163.]*

3 **152G. Information or samples obtained by another Minister can be**  
4 **made available to certain persons**

5 A Minister to whom documentary information or a [petroleum or](#)  
6 [regulated substance](#) ~~petroleum~~-mining sample is made available  
7 under section 152D or this section may make the information or  
8 sample available to another Minister or a Minister of another  
9 jurisdiction.

10 *[Section 152G inserted: No. 42 of 2010 s. 163.]*

11 **Subdivision 3 — Miscellaneous**

12 *[Heading inserted: No. 42 of 2010 s. 163.]*

13 **152H. Fees**

14 (1) This section applies to regulations made for the purposes of any  
15 of the following —

16 (a) section 152B(2)(c);

17 (b) section 152C(2)(c);

18 (c) section 152E(2)(c);

19 (d) section 152F(2)(c).

20 (2) The regulations may make provision for fees relating to —

21 (a) making information available to a person; or

22 (b) permitting a person to inspect a sample.

23 *[Section 152H inserted: No. 42 of 2010 s. 163.]*

## Part IV — General

[Heading amended: No. 42 of 2010 s. 164.]

### 152I. Certain things are not personal property for the purposes of the *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) an exploration permit for [petroleum or a regulated substance](#) ~~petroleum~~ granted under section 27;
- (b) a retention lease granted under section 38B(5);
- (c) a production licence for [petroleum or a regulated substance](#) ~~petroleum~~ granted under section 44(2);
- (d) a licence to construct and operate a pipeline granted under section 65(10).

[Section 152I inserted: No. 42 of 2011 s. 91.]

### 152. 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), regulations may make provision for securing, regulating, controlling or restricting all or any of the following matters —
  - (a) the exploration for [petroleum or a regulated substance](#) ~~petroleum~~ and the carrying on of operations and the execution of works for that purpose;
  - (b) the recovery of [petroleum or a regulated substance](#) ~~petroleum~~ and the carrying on of operations and the execution of works for that purpose;
  - (c) conserving and preventing the waste of the natural resources, whether petr [petroleum or a regulated substance](#) oleum or otherwise, of the adjacent area;
  - (d) the construction and operation of pipelines, water lines, secondary lines, pumping stations, tank stations or valve

**s. 152**

- 1                      stations and the carrying on of operations, and the  
2                      execution of works, for any of those purposes;
- 3                      (e) the construction, erection, maintenance, operation or use  
4                      of installations, equipment or facilities;
- 5                      (f) the control of the flow or discharge, and the prevention  
6                      of the escape, of petroleum, a regulated substance~~of~~  
7                      ~~petroleum~~, water or drilling fluid, or a mixture of water  
8                      or drilling fluid with petroleum or a regulated substance  
9                      ~~with petroleum~~ or any other matter;
- 10                     (g) the clean-up or other remedying of the effects of the  
11                     escape of petroleum or a regulated substance~~petroleum~~;
- 12                     (h) the prevention of damage to strata bearing petroleum or  
13                     a regulated substance ~~petroleum bearing strata~~ in an  
14                     area, whether in the adjacent area or not, in respect of  
15                     which a permit, lease or licence is not in force;
- 16                     (i) the keeping separate of —
- 17                             (i) each resources pool ~~petroleum pool~~ discovered in a  
18                             permit area, lease area or licence area; and
- 19                             (ii) each source of water discovered in a permit area,  
20                             lease area or licence area;
- 21                     (j) the prevention of water or other matter from entering a  
22                     resources pool ~~petroleum pool~~ through wells;
- 23                     (k) the prevention of the waste or escape of petroleum, a  
24                     regulated substance ~~petroleum~~ or water from a pipeline,  
25                     water line, secondary line, pumping station, tank station  
26                     or valve station;
- 27                     (la) the preparation, submission and approval of  
28                     environment plans;
- 29                     (lb) the prohibition of the doing of an act or thing otherwise  
30                     than in accordance with an approved environment plan;
- 31                     (lc) the responsibilities of a permittee, lessee, licensee or  
32                     holder of a special prospecting authority or access  
33                     authority as to authorising, or obtaining authorisation  
34                     for, the release of documentary information as defined  
35                     in section 152A;
- 36                     (l) the maintaining in good condition and repair of all  
37                     structures, equipment and other property in the adjacent  
38                     area used or intended to be used for or in connection  
39                     with any of the following operations in that area —
- 40                             (i) petroleum or regulated substance ~~petroleum~~  
41                             exploration operations;



- 1 (ii) petroleum or regulated substance ~~petroleum~~  
 2 recovery operations;
- 3 (iii) operations relating to the processing or storage of  
 4 petroleum or a regulated substance ~~petroleum~~;
- 5 (iv) operations relating to the preparation of  
 6 petroleum or a regulated substance ~~petroleum~~ for  
 7 transport;
- 8 (v) operations connected with the construction or  
 9 operation of a pipeline;
- 10 (m) the removal from the adjacent area of structures,  
 11 equipment and other property brought into that area for  
 12 use in connection with an operation in that area of a kind  
 13 mentioned in paragraph (l) that are not so used or  
 14 intended to be so used;
- 15 (n) fees in relation to offshore resource ~~petroleum~~  
 16 operations, audits or other services provided by the  
 17 Minister;
- 18 (o) any transitional matter arising out of the amendments  
 19 made to this Act by the *Petroleum Legislation*  
 20 *Amendment and Repeal Act 2005*.
- 21 (2a) The regulations may make provision in relation to a matter by  
 22 applying, adopting or incorporating, with or without  
 23 modification, a code of practice or standard contained in an  
 24 instrument (including an instrument issued or made outside  
 25 Australia), as in force or existing at the time when the  
 26 regulations take effect or as in force or existing from time to  
 27 time, being a code of practice or standard that is relevant to that  
 28 matter.
- 29 (2b) Regulations under this section may prohibit the doing of an act  
 30 or thing either unconditionally or subject to conditions,  
 31 including conditions requiring the grant, as prescribed by the  
 32 regulations, of the consent or approval of a person specified in  
 33 the regulations.
- 34 (2c) Regulations under this section may adopt or apply, with or  
 35 without modification, any regulation made under the  
 36 Commonwealth Act, the *Petroleum and Geothermal Energy*  
 37 *Resources Act 1967* or the *Petroleum Pipelines Act 1969*, that is  
 38 in force or existing at the time when the regulations under this  
 39 section take effect or as in force or existing from time to time.
- 40 [(3) *deleted*]

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- 1 (4) The regulations may provide that a contravention or failure to  
2 comply with a regulation constitutes an offence, and for the  
3 imposition of —  
4 (a) a fine not exceeding \$10 000; or  
5 (b) a fine not exceeding that amount for each day on which  
6 the offence occurs,

7 for offences against the regulations.

8 *[Section 152 amended: No. 12 of 1990 s. 250; No. 13 of 2005*  
9 *s. 45; No. 35 of 2007 s. 104(4); No. 42 of 2010 s. 165; No. 36*  
10 *of 2020 s. 342.]*

11 **153. Transitional provisions (Sch. 3)**

- 12 (1) In this section —

13 ***Gazettal day*** means the day on which transitional regulations  
14 are published in the *Gazette*;

15 ***transitional matter*** means a matter of a transitional, savings or  
16 application nature;

17 ***transitional regulations*** means regulations under subsection (3).

- 18 (2) Schedule 3 contains provisions relating to transitional matters.

19 (3) Regulations may prescribe anything else required, necessary or  
20 convenient to be prescribed in relation to a transitional matter in  
21 connection with amendments made to this Act by another Act  
22 (the ***amending Act***).

23 (4) Transitional regulations can only be made before the end of the  
24 period of 12 months beginning on the day on which the  
25 amending Act commences.

26 (5) If transitional regulations provide that a state of affairs is to be  
27 taken to have existed, or not to have existed, on and from a day  
28 (the ***operative day***) that is earlier than *Gazettal day*, the  
29 regulations have effect according to their terms as long as the  
30 operative day is not earlier than the day on which the amending  
31 Act commences.

32 (6) If transitional regulations contain a provision referred to in  
33 subsection (5), the provision does not operate so as to —

- 34 (a) affect in a manner prejudicial to any person (other than  
35 the State), the rights of that person existing before  
36 *Gazettal day*; or

- 1 (b) impose liabilities on any person (other than the State or  
2 an authority of the State) in respect of anything done or  
3 omitted to be done before Gazettal day.

4 *[Section 153 inserted: No. 42 of 2010 s. 166.]*

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Consultation Draft