

Western Australia

**Petroleum and Energy Legislation Amendment
Act 2010**

As at 28 Oct 2010

No. 42 of 2010

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Petroleum and Energy Legislation Amendment Act 2010

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Western Australia

Petroleum and Energy Legislation Amendment Act 2010

No. 42 of 2010

An Act to amend —

- **the *Petroleum and Geothermal Energy Resources Act 1967*; and**
 - **the *Petroleum (Submerged Lands) Act 1982*; and**
 - **the *Petroleum Pipelines Act 1969*,**
- and other Acts to reflect relevant legislation of the Parliament of the Commonwealth and for other purposes.**

[Assented to 28 October 2010]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Petroleum and Energy Legislation Amendment Act 2010*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 comes into operation on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act comes into operation on a day fixed by proclamation, and different days may be fixed for different provisions.

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

3. Act amended

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

4. Section 5 amended

- (1) In section 5(1) insert in alphabetical order:

Barrow Island lease has the meaning given in section 128;

- (2) In section 5(1) in the definition of ***listed OSH law*** after each of paragraphs (a), (b) and (c) insert:

or

- (3) In section 5(1) in the definition of ***operator***:

- (a) after paragraph (d)(i) insert:

or

- (b) in paragraph (e) delete “lease, as defined in section 128, means the lessee, as defined in that section;” and insert:

lease as renewed, substituted or varied, means the lessee as defined in section 128;

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(4) In section 5(1) in the definition of *petroleum*:

(a) after paragraph (a) insert:

or

(b) in paragraph (c) delete “hydrogen-sulphide,” and insert:

hydrogen sulphide,

(5) In section 5(1) in the definition of *petroleum operation* paragraph (d) delete “lease, as defined in section 128;” and insert:

lease as renewed, substituted or varied;

5. Section 6A inserted

At the end of Part 1 insert:

6A. Effect of alteration of inshore area

(1) In this section —

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

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

- (3) If —
- (a) a permit, lease or licence has been granted on the basis that an area (the *affected area*) is within the inshore area; and
 - (b) as a result of a change to boundary of the inshore area, the affected area ceases to be within the inshore area,

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

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

6. Section 31 amended

Delete section 31(1)(a) and “and” after it.

7. Section 32A inserted

After section 31 insert:

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

- (1) This section applies if —
- (a) 2 or more applications are made under section 30 for the grant of a petroleum exploration permit for the same block or blocks; or
 - (b) 2 or more applications are made under section 30 for the grant of a geothermal exploration permit for the same block or blocks.

s. 7

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

8. Section 32 amended

(1) Before section 32(1) insert:

(1A) In sections 32, 33A and 33B —

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

(2) In section 32(1) delete “an application has been made under section 30 or 105(3)(a)(ii),” and insert:

a permit application has been made,

9. Sections 33A, 33B and 33C inserted

After section 32 insert:

33A. Withdrawal of application

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

33B. Application continued after withdrawal of joint applicant

If —

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

the following paragraphs have effect —

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

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

If —

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

the following paragraphs have effect —

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

permit to the applicant concerned — the request is taken not to have been made;

- (f) if the Minister had refused to grant a permit to the remaining applicant or to any of the remaining applicants — the refusal or refusals are taken not to have occurred.

10. Section 33 amended

Delete section 33(4)(a).

11. Section 34 amended

In section 34(3) delete “shall not, unless the Minister otherwise determines,” and insert:

shall not

12. Section 35 amended

In section 35(5)(b)(ii) delete “applicant or enter into an agreement under section 103 in respect of that balance.” and insert:

applicant.

13. Section 36 amended

- (1) In section 36(1)(b) delete “him or enter into an agreement under section 103 in respect of that balance.” and insert:

the applicant.

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- (2) In section 36(2)(b) delete “him or entered into an agreement under section 103 in respect of that balance,” and insert:

the applicant,

14. Section 37 amended

In section 37(b) delete “him or has entered into an agreement under section 103 in respect of that balance,” and insert:

the applicant,

15. Section 39 amended

- (1) In section 39 delete “Subject” and insert:

(1) Subject

- (2) At the end of section 39 insert:

(2) If —

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

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

- (c) if the Minister tells the permittee that the Minister is prepared to grant to the permittee a

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

16. Section 40 amended

- (1) In section 40(1) delete “section 41,” and insert:

sections 41 and 42A,

- (2) Delete section 40(2)(a).

17. Section 41 amended

- (1) In section 41(1) delete “subsection (2a),” and insert:

subsections (3), (4) and (5),

- (2) Delete section 41(2a) to (6) and insert:

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

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- (4) If a permit is in force in respect of 5 or 6 blocks, an application may be made for the renewal of the permit in respect of one, 2, 3 or 4 of those blocks.
- (5) Subject to subsection (6) —
 - (a) if a permit is in force in respect of 4 blocks, an application may be made for the renewal of the permit in respect of one, 2, 3 or all of those blocks;
 - (b) if a permit is in force in respect of 3 blocks, an application may be made for the renewal of the permit in respect of one, 2 or all of those blocks;
 - (c) if a permit is in force in respect of 2 blocks, an application may be made for the renewal of the permit in respect of either or both of those blocks;
 - (d) an application may be made for the renewal of a permit that is in force in respect of one block.
- (6) Despite sections 40(1) and 42, if a permit has been renewed as a result of an application referred to in subsection (5) —
 - (a) the permittee is not entitled to apply for a further renewal of the permit; and
 - (b) the Minister cannot grant a further renewal of the permit.

18. Section 42A inserted

After section 41 insert:

42A. Certain permits cannot be renewed more than twice

- (1) This section applies to a permit if —
- (a) the permit was granted under section 32 —
 - (i) on or after the day of the coming into operation of the *Petroleum and Energy Legislation Amendment Act 2010* section 18 (the *commencement day*); and
 - (ii) as a result of an application made in response to an invitation in an instrument that was published under section 30(1) on or after the commencement day;
 - or
 - (b) the permit was granted under section 37 on or after the commencement day.
- (2) Despite sections 40(1) and 42, if a permit to which this section applies has been renewed twice —
- (a) the permittee is not entitled to apply for a further renewal of the permit; and
 - (b) the Minister cannot grant a further renewal of the permit.

19. Section 43B amended

Delete section 43B(1)(a) and “and” after it.

20. Section 43CA inserted

After section 43B insert:

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

- (1) This section applies if —
 - (a) 2 or more applications are made under section 43A for the grant of a petroleum drilling reservation for the same block or blocks; or
 - (b) 2 or more applications are made under section 43A for the grant of a geothermal drilling reservation for the same block or blocks.
- (2) The Minister may grant the drilling reservation to whichever applicant, in the Minister's opinion, is most deserving of the grant of the drilling reservation, having regard to criteria made publicly available by the Minister.
- (3) For the purposes of subsection (2), the Minister may rank the applicants in the order in which they are deserving of the grant, the most deserving applicant being ranked highest.
- (4) The Minister may exclude from the ranking any applicant that, in the Minister's opinion, is not deserving of the grant of the drilling reservation.
- (5) If the Minister is of the opinion that, after considering the information accompanying the applications, 2 or more of the applicants are equally deserving of the grant of the drilling reservation, the Minister may, by written notice served on each of those applicants, invite them to give to the Minister, within the period stated in

the notice, particulars of the applicant's proposals for additional work and expenditure in respect of the block or blocks specified in the application, being particulars that the Minister considers to be relevant in determining which of the applicants is most deserving of the grant of the drilling reservation.

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

21. Sections 43DA, 43DB and 43DC inserted

After section 43C insert:

43DA. Withdrawal of application

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

43DB. Application continued after withdrawal of joint applicant

If —

- (a) a drilling reservation application was a joint application; and

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

the following paragraphs have effect —

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

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

If —

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

the following paragraphs have effect —

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

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

22. Section 44 amended

- (1) Delete section 44(2), (2a) and (3).
- (2) In section 44 delete the Penalty and insert:

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

23. Section 45 deleted

Delete section 45.

24. Section 47 amended

After section 47(6) insert:

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

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25. Section 48A amended

Delete section 48A(2)(a).

26. Section 48B amended

(1) Delete section 48B(1) and insert:

(1) If —

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

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

(2A) If —

- (a) an application has been made under section 48A(1a); and
- (b) the applicant has furnished any further information as and when required by the Minister under section 48A(3); and

- (c) the Minister is satisfied that —
 - (i) the area comprised in the block, or any one or more of the blocks, specified in the application contains geothermal energy resources; and
 - (ii) the recovery of geothermal energy from that area is not, at the time of the application, commercially viable, but is likely to become commercially viable within the period of 15 years after that time,

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

- (2) In section 48B(2)(b) delete “(1)(c) in relation to the blocks” and insert:

(1)(c) or (2A)(c), whichever is applicable, in relation to the block, or all the blocks,

- (3) After section 48B(2) insert:

- (3A) If —
 - (a) an application has been made under section 48A specifying 2 or more blocks; and
 - (b) the Minister is not satisfied as mentioned in subsection (1)(c) or (2A)(c), whichever is

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applicable, in relation to one or more, but not all, of the blocks,

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

- (4) In section 48B(3), (4), (5) and (6) after “subsection (1)” insert:

or (2A)

27. Section 48BA amended

In section 48BA:

- (a) in paragraph (a) delete “48A(1)” and insert:

48A

- (b) in paragraph (b) delete “48B(1) or (2)” and insert:

48B(1), (2A), (2) or (3A)

28. Sections 48CA, 48CB and 48CC inserted

After section 48BA insert:

48CA. Application by licensee for lease

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

- (b) no operations for the recovery of petroleum are being carried on under the licence in respect of an area (the *unused area*) —
 - (i) that consists of, or consists of part of, the block or blocks; and
 - (ii) in which petroleum has been found to exist,

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

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

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

- (3) An application under this section —
 - (a) is to be made in an approved manner; and
 - (b) is to be accompanied by particulars of the proposals of the applicant for work and expenditure in respect of the unused area; and
 - (c) may set out any other matters that the applicant wishes to be considered; and
 - (d) is to be accompanied by the prescribed fee.

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- (4) An application under subsection (1) is also to be accompanied by particulars of the commercial viability of the recovery of petroleum from the unused area at the time of the application, and particulars of the possible future commercial viability of the recovery of petroleum from that area.
- (5) An application under subsection (2) is also to be accompanied by particulars of the commercial viability of the recovery of geothermal energy from the unused area at the time of the application, and particulars of the possible future commercial viability of the recovery of geothermal energy from that area.
- (6) The Minister may, at any time, by written notice served on the applicant, require the applicant to give, within the period stated in the notice, further written information in connection with an application under this section.
- (7) The application period in respect of an application under subsection (1) by a licensee is the period of 5 years that began on —
 - (a) the day on which the licence was granted; or
 - (b) if any operations for the recovery of petroleum have been carried on under the licence in respect of the unused area — the last day on which any such operations were carried on.
- (8) The application period in respect of an application under subsection (2) by a licensee is the period of 5 years that began on —
 - (a) the day on which the licence was granted; or
 - (b) if any operations for the recovery of geothermal energy have been carried on under the licence in respect of the unused area — the last day on which any such operations were carried on.

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

- (1) If —
- (a) an application has been made under section 48CA(1); and
 - (b) the applicant has given any further information as and when required by the Minister under section 48CA(6); and
 - (c) the Minister is satisfied that recovery of petroleum from the unused area —
 - (i) is not, at the time of the application, commercially viable; and
 - (ii) is likely to become commercially viable within the period of 15 years after that time,

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

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

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

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

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

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

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

- (b) if the Minister, on application in writing made to the Minister before the end of that period, allows a further period of not more than one month for the making of the request — before the end of that further period.
- (7) If the applicant makes the request within the period applicable under subsection (6), the Minister shall grant to the applicant a petroleum retention lease or geothermal retention lease, as the case requires, in respect of the unused area.
- (8) If the applicant does not make the request within the period applicable under subsection (6), the application lapses at the end of that period.
- (9) On the day on which a lease is granted under this section in respect of an unused area comes into force, the licence in respect of the block or blocks of which the area consists or in which the area is included ceases to be in force in respect of the area.

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

If —

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

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

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29. Section 48F amended

Delete section 48F(2)(a).

30. Section 48J replaced

Delete section 48J and insert:

48J. Discovery of petroleum or geothermal energy resources to be notified

On the discovery of petroleum or geothermal energy resources in a lease area, the lessee —

- (a) shall forthwith inform the Minister of the discovery; and
- (b) shall, within the period of 3 days after the date of the discovery, furnish to the Minister particulars in writing of the discovery.

Penalty: a fine of \$10 000.

31. Section 51 amended

Delete section 51(1)(a).

32. Section 52 amended

- (1) In section 52(3) delete the passage that begins with “licence, being” and continues to the end of the subsection and insert:

licence, being a rate that —

- (a) for tight gas is not less than 5% nor more than 12.5% of the royalty value of that petroleum; and
- (b) for petroleum other than tight gas is not less than 10% nor more than 12.5% of the royalty value of that petroleum.

(2) After section 52(3) insert:

(4A) In subsection (3) —

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

33. Section 53 amended

(1) Delete section 53(1) and insert:

(1) If —

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

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

(2A) If —

- (a) an application for the grant of a geothermal production licence has been made under section 50 or 50A; and
- (b) the applicant has given any further information as and when required by the Minister under section 51(2); and

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- (c) the Minister is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains geothermal energy resources,

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

- (2) In section 53(2) delete “An instrument under subsection (1)” and insert:

A notice under subsection (1) or (2A)

- (3) After section 53(2) insert:

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

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

the Minister shall, by written notice served on the applicant, inform the applicant of the Minister’s decision and the reasons for the decision.

34. Section 54 amended

In section 54(2) delete “blocks specified in the application.” and insert:

block or blocks as to which the Minister is satisfied as mentioned in section 53(1)(c) or (2A)(c).

35. Section 55 amended

In section 55(1) delete “the blocks specified in the application.” and insert:

such of the blocks specified in the application as are blocks as to which the Minister is satisfied as mentioned in section 53(1)(c) or (2A)(c).

36. Section 57 amended

Delete section 57(6)(a) and “and” after it.

37. Section 58 amended

In section 58(3) delete “shall not, unless the Minister otherwise determines,” and insert:

shall not

38. Section 59 amended

- (1) In section 59(5)(c)(ii) delete “statement or enter into an agreement under section 103 in respect of that balance.” and insert:

statement.

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- (2) In section 59(6)(b) delete “him — pay that balance or enter into an agreement under section 103 in respect of” and insert:

the applicant — pay

- (3) In section 59(7)(b) delete “him — has not paid the balance or entered into an agreement under section 103 in respect of” and insert:

the applicant — has not paid

39. Section 60 amended

In section 60(b) delete “him — has paid that balance or entered into an agreement under section 103 in respect of” and insert:

the applicant — has paid

40. Section 61 amended

Delete section 61(2)(a).

41. Section 63 amended

- (1) In section 63 delete “Subject to this Part, a licence” and insert:

(1) Subject to this Part, a licence granted before the commencement of the *Petroleum and Energy Legislation Amendment Act 2010* section 41(3)

- (2) Delete section 63(c) and insert:
- (c) in the case of a licence granted by way of the second renewal of a licence — indefinitely.
- (3) At the end of section 63 insert:
- (2) Subject to this Part, a licence granted after the commencement of the *Petroleum and Energy Legislation Amendment Act 2010* section 41(3) remains in force indefinitely.

42. Section 64A inserted

After section 63 insert:

64A. Termination of licence if no operations for 5 years

- (1) If —
- (a) a petroleum production licence is in force under section 63(1)(c) or (2) and the licensee has not carried on any operations for the recovery of petroleum under the licence at any time during a continuous period of at least 5 years; or
- (b) a geothermal production licence is in force under section 63(1)(c) or (2) and the licensee has not carried on any operations for the recovery of geothermal energy under the licence at any time during a continuous period of at least 5 years,

the Minister may, by written notice served on the licensee, inform the licensee that the Minister proposes to terminate the licence after the end of the period of one month after the notice is served.

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- (2) At any time after the end of the period of one month after the notice referred to in subsection (1) is served on the licensee, the Minister may, by written notice served on the licensee, terminate the licence.
- (3) In working out —
 - (a) for the purposes of subsection (1)(a) the duration of the period in which no operations for the recovery of petroleum were carried on under a petroleum production licence; or
 - (b) for the purposes of subsection (1)(b) the duration of the period in which no operations for the recovery of geothermal energy were carried on under a geothermal production licence,

any period in which no such operations were carried on because of circumstances beyond the licensee's control is to be disregarded.

43. Section 64 amended

- (1) In section 64(1) after “licensee” insert:

under a licence to which section 63(1)(a) or (b) applies

- (2) Delete section 64(2)(a).

44. Section 65 amended

Delete section 65(1)(c) and (d) and “or” after paragraph (c) and insert:

- (c) shall if —
 - (i) the application is in respect of the first renewal of the licence; or

- (ii) the application is in respect of a renewal of the licence other than the first renewal and operations for the recovery of petroleum have been carried on in the licence area within the period of 5 years before the application for the renewal was made;

or

- (d) may in any other case,

45. Section 70 amended

In section 70(3)(c) delete “67 or 103; and” and insert:

67; and

46. Section 94 deleted

Delete section 94.

47. Sections 103 and 104 deleted

Delete sections 103 and 104.

48. Section 105 amended

Delete section 105(2)(a).

49. Section 106 amended

- (1) Delete section 106(2)(a).
- (2) In section 106(4):
 - (a) delete “The” and insert:

Subject to subsection (5A), the

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- (b) in paragraph (aa) delete “lease or petroleum production licence” (each occurrence) and insert:

lease, petroleum production licence or
petroleum special prospecting authority

- (c) in paragraph (bb) delete “lease or geothermal production licence” (each occurrence) and insert:

lease, geothermal production licence or
geothermal special prospecting authority

- (3) After subsection 106(4) insert:

- (5A) Subsection (4) does not apply if the holder of the permit, drilling reservation, lease, licence or special prospecting authority has consented in writing to the grant of the access authority.

50. Section 109 amended

- (1) In section 109(2) delete the passage that begins with “penalty,” and continues to the end of the subsection and insert:

penalty.

- (2) After section 109(2) insert:

- (3) However, any information furnished, answer given or document produced pursuant to the requirement, and any information or thing (including any document) obtained as a direct or indirect consequence of the furnishing of the information, the answering of the

question or the production of the document, as the case may be, is not admissible in any civil proceedings or in any criminal proceedings other than proceedings for an offence against section 111.

51. Section 112 deleted

Delete section 112.

52. Section 114 deleted

Delete section 114.

53. Section 116A inserted

After section 115 insert:

116A. Data management: regulations

- (1) The regulations may make provision for and in relation to —
- (a) the keeping of accounts, records and other documents in connection with operations under —
 - (i) a permit; or
 - (ii) a drilling reservation; or
 - (iii) a lease; or
 - (iv) a licence; or
 - (v) a special prospecting authority; or
 - (vi) an access authority; or
 - (vii) a consent under section 116;and
 - (b) the collection and retention of cores, cuttings and samples in connection with those operations; and

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- (c) the giving to the Minister, or a specified person, of reports, returns, other documents, cores, cuttings and samples in connection with those operations.
- (2) A requirement under section 115 is in addition to a requirement under regulations made for the purposes of this section.

54. Section 117 amended

In section 117:

- (a) after paragraph (a) insert:

or

- (b) in paragraph (c) delete “pipeline,” and insert:

pipeline; or

- (c) after paragraph (c) insert:

(d) navigation; or

(e) fishing; or

(f) the conservation of the resources of the sea and the seabed,

55. Section 128 amended

In section 128 delete the definition of *Barrow Marine lease*.

56. Section 134A amended

- (1) In section 134A(a) in the definitions of *Minister* and *petroleum* after “*Petroleum*” insert:

and Geothermal Energy Resources

- (2) The remaining amendments in this section are to the section that, under section 134A(c), is to be read as the *Petroleum Act 1936* section 117.

- (3) In that section 117 delete “Where” and insert:

(1) Where

- (4) At the end of that section 117 insert:

(2) Regulations under the *Petroleum and Geothermal Energy Resources Act 1967* section 153(2)(1a) to (1c) may apply in relation to operations referred to in paragraphs (d) and (f) of the definition of *petroleum operation* in section 5(1) of that Act.

57. Part IVA inserted

Before Part IV insert:

Part IVA — Release of information

Division 1 — Preliminary

150A. Terms used

In this Part, unless the contrary intention appears —

applicable document means —

- (a) an application made after the commencement to the Minister under this Act; or
- (b) a document accompanying an application so made; or
- (c) a report, return or other document relating to a block given after the commencement to the Minister under —
 - (i) this Act; or
 - (ii) regulations made for the purposes of section 116A;

commencement means the commencement of the *Petroleum and Energy Legislation Amendment Act 2010* section 57;

documentary information means information contained in an applicable document;

Minister of another jurisdiction means a Minister of the Commonwealth, a Minister of another State or a Minister of the Northern Territory;

mining sample means —

- (a) a core or cutting from, or a sample of, the seabed or subsoil; or
- (b) a sample of petroleum recovered; or

- (c) a sample of fluid recovered (other than fluid petroleum),

that has been given at any time, whether before or after the commencement, to the Minister, and includes a portion of such a core, cutting or sample.

Division 2 — Protection of confidentiality of information and samples

Subdivision 1 — Information and samples obtained by the Minister

150B. Protection of confidentiality of information obtained by the Minister

- (1) This section restricts what the Minister may do with documentary information.
- (2) The Minister shall not —
 - (a) make the information publicly known; or
 - (b) make the information available to a person (other than another Minister or a Minister of another jurisdiction),

unless the Minister does so —

- (c) in accordance with regulations made for the purposes of this paragraph; or
- (d) for the purposes of the administration of this Act.

150C. Protection of confidentiality of samples obtained by the Minister

- (1) This section restricts what the Minister may do with a mining sample.

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- (2) The Minister shall not —
- (a) make publicly known any details of the sample;
or
 - (b) permit a person (other than another Minister or a Minister of another jurisdiction) to inspect the sample,

unless the Minister does so —

- (c) in accordance with regulations made for the purposes of this paragraph; or
- (d) for the purposes of the administration of this Act.

150D. Information or samples obtained by Minister can be made available to certain persons

The Minister may make documentary information or a mining sample available to another Minister or a Minister of another jurisdiction.

Subdivision 2 — Information and samples obtained by another Minister

150E. Protection of confidentiality of information obtained by another Minister

- (1) This section restricts what a Minister may do with documentary information made available to that Minister under section 150D or 150G.
- (2) The Minister shall not —
 - (a) make the information publicly known; or
 - (b) make the information available to a person (other than another Minister or a Minister of another jurisdiction),

unless the Minister does so —

- (c) in accordance with regulations made for the purposes of this paragraph; or
- (d) for the purposes of the administration of this Act.

150F. Protection of confidentiality of samples obtained by another Minister

- (1) This section restricts what a Minister may do with a mining sample made available to that Minister under section 150D or 150G.
- (2) The Minister shall not —
 - (a) make publicly known any details of the sample; or
 - (b) permit a person (other than another Minister or a Minister of another jurisdiction) to inspect the sample,

unless the Minister does so —

- (c) in accordance with regulations made for the purposes of this paragraph; or
- (d) for the purposes of the administration of this Act.

150G. Information or samples obtained by another Minister can be made available to certain persons

A Minister to whom documentary information or a mining sample is made available under section 150D or this section may make the information or sample available to another Minister or a Minister of another jurisdiction.

Subdivision 3 — Miscellaneous

150H. Fees

- (1) This section applies to regulations made for the purposes of any of the following —
 - (a) section 150B(2)(c);
 - (b) section 150C(2)(c);
 - (c) section 150E(2)(c);
 - (d) section 150F(2)(c).
- (2) The regulations may make provision for fees relating to —
 - (a) making information available to a person; or
 - (b) permitting a person to inspect a sample.

58. Section 153 amended

In section 153(2):

- (a) in paragraph (d) delete “installations or equipment;” and insert:

installations, equipment or facilities;
- (b) after paragraph (k) insert:
 - (la) the preparation, submission and approval of environment plans;
 - (lb) the prohibition of the doing of an act or thing otherwise than in accordance with an approved environment plan;
 - (lc) the responsibilities of a permittee, holder of a drilling reservation, lessee, licensee or holder of a special prospecting authority or access

authority as to authorising, or obtaining
authorisation for, the release of documentary
information as defined in section 150A;

59. Section 154 inserted

At the end of Part IV insert:

154. Further transitional provisions

(1) In this section —

Gazettal day means the day on which transitional regulations are published in the *Gazette*;

transitional matter means a matter of a transitional, savings or application nature;

transitional regulations means regulations under subsection (3).

- (2) Schedule 2 contains provisions relating to transitional matters.
- (3) Regulations may prescribe anything else required, necessary or convenient to be prescribed in relation to a transitional matter in connection with amendments made to this Act by another Act (the *amending Act*).
- (4) Transitional regulations can only be made before the end of the period of 12 months beginning on the day on which the amending Act commences.
- (5) If transitional regulations provide that a state of affairs is to be taken to have existed, or not to have existed, on and from a day (the *operative day*) that is earlier than Gazettal day, the regulations have effect according to their terms as long as the operative day is not earlier than the day on which the amending Act commences.

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- (6) If transitional regulations contain a provision referred to in subsection (5), the provision does not operate so as to —
- (a) affect in a manner prejudicial to any person (other than the State), the rights of that person existing before Gazettal day; or
 - (b) impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before Gazettal day.

60. Schedule 1 amended

- (1) In Schedule 1 clause 53 delete the Penalty and insert:

Penalty for an offence under subclause (3): a fine of \$3 300 or imprisonment for 6 months or both.

- (2) In Schedule 1 clause 54 delete the Penalty and insert:

Penalty for an offence under subclause (5): a fine of \$3 300 or imprisonment for 6 months or both.

- (3) In Schedule 1 clause 62 delete the Penalty and insert:

Penalty for an offence under subclause (1), (2) or (3): a fine of \$11 000.

- (4) In Schedule 1 clause 66 delete the Penalty and insert:

Penalty for an offence under subclause (3): a fine of \$5 000.

(5) In Schedule 1 clause 71(1) delete “67” and insert:

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(6) In the provisions listed in the Table after “Penalty:” (each occurrence) insert:

a fine of

Table

Sch. 1 cl. 4(1) and (2)	Sch. 1 cl. 7(1) and (2)
Sch. 1 cl. 8(1) and (2)	Sch. 1 cl. 9(1), (2), (4) and (5)
Sch. 1 cl. 10(1) and (2)	Sch. 1 cl. 11(1)
Sch. 1 cl. 12(1)	Sch. 1 cl. 13(1)
Sch. 1 cl. 52	Sch. 1 cl. 57(7)
Sch. 1 cl. 59(1)	Sch. 1 cl. 61
Sch. 1 cl. 64(5)	Sch. 1 cl. 70(1)
Sch. 1 cl. 74	Sch. 1 cl. 75
Sch. 1 cl. 76(1)	

61. Schedule 2 inserted

At the end of the Act insert:

Schedule 2 — Further transitional provisions

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Division 1 — Provisions for *Petroleum and Energy Legislation Amendment Act 2010*

1. Terms used

In this Division —

amending Act means the *Petroleum and Energy Legislation Amendment Act 2010*;

regulation 3 means the *Petroleum and Geothermal Energy Resources Regulations 1987* regulation 3.

2. Section 41(5) (permit renewals)

- (1) This clause has effect despite the deletion of section 41(5) by section 17(2) of the amending Act.
- (2) Section 41(5) as in force immediately before the commencement of section 17 of the amending Act continues to apply in respect of the first application after that commencement for the renewal of a permit that was granted before that commencement.

3. Section 112 (release of information)

- (1) This clause has effect despite the deletion of section 112 by section 51 of the amending Act.
- (2) Section 112 as in force immediately before it was deleted continues to apply in respect of information given to the Minister before the commencement of section 51 of the amending Act.

- (3) Regulation 3 as in force immediately before the deletion of section 112 —
 - (a) continues in force for the purposes of that section as it continues to apply under subclause (1); and
 - (b) also separately continues in force on and after the commencement of section 57 of the amending Act as if it had been made for the purposes of Part IVB.
- (4) Regulation 3 as continued in force under subclause (3)(a) or (b) may, for the purposes of its application under subclause (3)(a) or (b), be amended or deleted by regulations.

62. Various penalties amended

- (1) In section 48K delete the Penalty and insert:

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

- (2) In section 78(1c) delete the Penalty.

- (3) In section 78(2) delete the Penalty and insert:

Penalty for an offence under subsection (1c) or (2): a fine of \$5 000.

- (4) In section 79 delete the Penalty and insert:

Penalty for an offence under subsection (2): a fine of \$5 000.

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- (5) In section 84 delete “offence and is liable to a penalty of \$5 000.” and insert:

offence.

- (6) At the end of section 84 insert:

Penalty: a fine of \$5 000.

- (7) In section 90 delete the Penalty and insert:

Penalty for an offence under subsection (1) or (3): a fine of \$10 000.

- (8) In section 91 delete the Penalty and insert:

Penalty for an offence under subsection (1), (2), (2a) or (3): a fine of \$10 000.

- (9) In section 92 delete the Penalty and insert:

Penalty for an offence under subsection (2) or (3): a fine of \$10 000.

- (10) In section 101 delete the Penalty and insert:

Penalty for an offence under subsection (3): a fine of \$10 000.

(11) In section 112A delete the Penalty and insert:

Penalty for an offence under subsection (3): a fine of
\$100 000 or imprisonment for 10 years.

(12) In section 115 delete the Penalty and insert:

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

(13) In section 118 delete the Penalty and insert:

Penalty for an offence under subsection (3): a fine of
\$500.

(14) In section 119 delete the Penalty and insert:

Penalty for an offence under subsection (2) or (3): a
fine of \$5 000.

(15) In the provisions listed in the Table after “Penalty:” insert:

a fine of

Table

s. 13(2)	s. 29(1) and (2)
s. 49(1) and (2)	s. 67(1)
s. 76(1)	s. 95(2a), (2b) and (2c)
s. 105(9)	s. 106(10) and (11)

Petroleum and Energy Legislation Amendment Act 2010

Part 2 Petroleum and Geothermal Energy Resources Act 1967
amended

s. 62

s. 111	s. 113(1)
s. 117	s. 134A(b) (substituted s. 75(1) and (2))

**Part 3 — *Petroleum (Submerged Lands) Act 1982*
amended**

63. Act amended

This Part amends the *Petroleum (Submerged Lands) Act 1982*.

64. Section 3 amended

Delete section 3(2) to (5).

65. Section 4 amended

- (1) In section 4 delete the definitions of:

adjacent area

Commonwealth Act

Convention

Division

natural resources.

- (2) In section 4 insert in alphabetical order:

adjacent area, in relation to a pipeline or pipeline licence, has the meaning given in section 60K;

adjacent area, other than in relation to a pipeline or pipeline licence, has the meaning given in section 5;

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

good processing and transport practice means all those things that are generally accepted as good and safe in the processing and storage of petroleum and the preparation of petroleum for transport;

infrastructure facilities has the meaning given in section 6B;

infrastructure licence means an infrastructure licence under Part III;

infrastructure licence area, in relation to an infrastructure licence, means the place in respect of which the infrastructure licence is in force;

infrastructure licensee means the registered holder of an infrastructure licence;

natural resources has the same meaning as in paragraph 4 of Article 77 of the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982;

Note: Paragraph 4 of Article 77 is as follows:

The natural resources referred to in this Part consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

offshore area means the offshore area of Western Australia within the meaning of the Commonwealth Act section 7;

scheduled area means the scheduled area for Western Australia described in Schedule 2;

territorial sea means the territorial sea of Australia and includes the territorial sea adjacent to any island forming part of Western Australia;

(3) In section 4 in the definition of ***petroleum***:

(a) after paragraph (a) insert:

or

(b) in paragraph (c) delete “hydrogen-sulphide,” and insert:

hydrogen sulphide,

- (4) In section 4 in the definition of *pipeline*:
- (a) delete “59A” and insert:
- 60K
- (b) after each of paragraphs (a) and (b) insert:
- or
- (5) In section 4 in the definition of *registered holder* before “pipeline licence” (each occurrence) insert:
- infrastructure licence,
- (6) In section 4 in the definition of *relinquished area*:
- (a) after paragraph (ca) insert:
- (da) in relation to an infrastructure licence that has been surrendered, cancelled or terminated, the place that constituted the infrastructure licence area; and
- (b) after each of paragraphs (a), (b), (c), (ca) and (d) insert:
- and

66. Section 5 amended

- (1) Delete section 5(1) and insert:
- (1) For the purposes of subsection (2A), 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.

- (2A) In this Act, unless the contrary intention appears —
adjacent area means —
- (a) so much of the scheduled area as consists of the territorial sea; and
 - (b) subject to subsection (2), any area that —
 - (i) is within the scheduled area; and
 - (ii) is on the landward side of the territorial sea and not within the limits of Western Australia; and
 - (iii) was, immediately before 14 February 1983, the subject of an exploration permit for petroleum subsisting under the *Petroleum (Submerged Lands) Act 1967* (Commonwealth).

- (2) In section 5(2) delete “paragraphs (a), (b) and (c) of the definition of the “adjacent area” in section 4” and insert:

paragraph (b) of the definition of ***adjacent area*** in subsection (2A)

67. Sections 6A and 6B inserted

After section 5 insert:

6A. Effect of alteration of adjacent area

- (1) In this section —
Commonwealth instrument means an instrument under the Commonwealth Act that confers, in relation to the

offshore area, some or all of the rights that a petroleum mining instrument confers in relation to the adjacent area;

petroleum mining instrument means a permit, lease, licence, infrastructure licence or pipeline licence.

(2) This section applies to a change to the boundary of the adjacent area whether occurring before, on or after the day on which the *Petroleum and Energy Legislation Amendment Act 2010* section 67 comes into operation.

(3) If —

- (a) a petroleum mining instrument has been granted on the basis that an area (the ***first area***) is within the adjacent area; and
- (b) as a result of a change to the boundary of the adjacent waters the first area —
 - (i) ceases to be within the adjacent area; and
 - (ii) falls within the offshore area,

this Act applies in relation to the petroleum mining instrument as if the first area were still within the adjacent area.

(4) Subsection (3) continues to apply to the first area only while the petroleum mining instrument remains in force.

(5) If —

- (a) a Commonwealth instrument has been granted on the basis that an area (the ***second area***) is within the offshore area; and
- (b) as a result of a change to the boundary of the adjacent waters the first area —
 - (i) ceases to be within the offshore area; and

(ii) falls within the adjacent area,

then, so far as the Commonwealth instrument is concerned, this Act does not apply to the second area.

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

6B. Infrastructure facilities

(1) In this Act —

infrastructure facilities means facilities for engaging in any of the activities mentioned in subsection (2), being —

- (a) facilities that are resting on the seabed; or
- (b) facilities (including facilities that are floating) that are fixed or connected to the seabed; or
- (c) facilities that are attached or tethered to facilities referred to in paragraph (a) or (b).

(2) The activities referred to in subsection (1) are the following —

- (a) remote control of facilities used for the recovery of petroleum in a licence area;
- (b) processing petroleum recovered in any place, including —
 - (i) converting petroleum into another form by physical or chemical means or both (for example, converting it into liquefied natural gas or methanol); and
 - (ii) partial processing of petroleum (for example, by the removal of water);
- (c) storing petroleum before it is transported to another place;

(d) preparing petroleum (for example, by operations such as pumping or compressing) for transport to another place;

(e) activities related to any of the above,

but, except as mentioned in paragraph (a), do not include engaging in the exploration for, or recovery of, petroleum.

68. Section 6 amended

(1) In section 6(1):

(a) before “pipeline licence,” (first and second occurrences) insert:

infrastructure licence,

(b) delete “pipeline licence,” (third and fourth occurrences).

(2) In section 6(2) delete “licence or” (each occurrence) and insert:

licence, infrastructure licence or

(3) Delete section 6(5).

(4) In section 6(7) before “pipeline licence” (each occurrence) insert:

infrastructure licence,

69. Part II heading amended

In the heading to Part II delete “**Commonwealth adjacent**” and insert:

offshore

70. Section 11 replaced

Delete section 11 and insert:

11. Terms used

In this Part —

Commonwealth Act means —

- (a) the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth); or
- (b) the *Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Act 2006* (Commonwealth); or
- (c) the *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2006* (Commonwealth); or
- (d) the *Offshore Petroleum (Royalty) Act 2006* (Commonwealth);

Designated Authority has the meaning given in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth) section 7.

71. Section 12 amended

In section 12(1) and (2) delete “which the” and insert:

which a

72. Section 13 amended

In section 13:

- (a) delete “which the” and insert:

which a

- (b) delete “Commonwealth adjacent” and insert:

offshore

73. Section 14 amended

In section 14:

- (a) delete “which the” and insert:

which a

- (b) delete “Commonwealth adjacent” and insert:

offshore

74. Section 15 amended

In section 15:

- (a) delete “Commonwealth adjacent” and insert:

offshore

- (b) delete “to the” and insert:

to a

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75. Section 18 amended

(1) Delete section 18(1) and insert:

(1) The Minister may, by instrument published in the *Gazette*, declare that a permit, lease, licence, infrastructure licence, special prospecting authority or access authority shall not be granted in respect of a block specified in the instrument and that a pipeline licence shall not be granted in respect of a pipeline over or in that block.

(2A) A declaration cannot be made under subsection (1) in respect of a block in respect of which a permit, lease, licence or infrastructure licence is in force or over or in which there is a pipeline.

(2) In section 18(2) before “special prospecting authority” insert:

infrastructure licence,

76. Section 21 amended

Delete section 21(1)(a).

77. Section 22A inserted

After section 21 insert:

22A. Competing applications for a block

(1) This section applies if 2 or more applications have been made under section 20 for the grant of a permit in respect of the same block or blocks.

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

78. Sections 23A, 23B and 23C inserted

After section 22 insert:

23A. Withdrawal of application

The person who has made, or all the persons who have jointly made, an application under section 20 for the grant of a permit may, by written notice served on the Minister, withdraw the application at any time before a permit is granted in respect of the application.

23B. Application continued after withdrawal of joint applicant

If —

- (a) an application made under section 20 for the grant of a permit was a joint application; and
- (b) all of the joint applicants, by written notice served on the Minister, inform the Minister that one or more, but not all, of them, as specified in the notice, withdraw from the application,

the following paragraphs have effect —

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

23C. Effect of withdrawal or lapse of application

If —

- (a) 2 or more applications have been made under section 20 for the grant of a permit in respect of the same block or blocks; and
- (b) one or more, but not all, of the applications are withdrawn or have lapsed,

the following paragraphs have effect —

- (c) the withdrawn or lapsed application or applications are taken not to have been made;
- (d) if the Minister had informed the applicant or one of the applicants whose application had been withdrawn or had lapsed that the Minister was prepared to grant to that applicant a permit in respect of the block or blocks — the Minister is taken not to have so informed the applicant concerned;
- (e) if the applicant or one of the applicants whose application had been withdrawn had requested the Minister under section 22(3) to grant a permit to the applicant concerned — the request is taken not to have been made;
- (f) if the Minister had refused to grant a permit to the remaining applicant or any of the remaining applicants — the refusal or refusals are taken not to have occurred.

79. Section 23 amended

Delete section 23(4)(a).

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80. Section 24 amended

In section 24(3) delete “shall not, unless the Minister otherwise determines,” and insert:

shall not

81. Section 25 amended

In section 25(5)(b)(ii) delete “him or enter into an agreement under section 109 in respect of that balance.” and insert:

the applicant.

82. Section 26 amended

- (1) In section 26(1)(b) delete “him or enter into an agreement under section 109 in respect of that balance.” and insert:

the applicant.

- (2) In section 26(2)(b) delete “him or entered into an agreement under section 109 in respect of that balance,” and insert:

the applicant,

83. Section 27 amended

In section 27(b) delete “him or has entered into an agreement under section 109 in respect of that balance,” and insert:

the applicant,

84. Section 29 amended

(1) In section 29 delete “Subject” and insert:

(1) Subject

(2) At the end of section 29 insert:

(2) If —

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

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

- (c) if the Minister tells the permittee that the Minister is prepared to grant to the permittee a lease or licence in respect of the block or one or more of the blocks — such a lease or licence is granted, the permittee withdraws the application or the application lapses; or
- (d) if the Minister decides not to grant to the permittee such a lease — the end of the period of one year after the day of the service under section 38B(2) or (3A) of the instrument or notice refusing to grant the lease; or
- (e) if the Minister decides not to grant to the permittee such a licence — notice of the decision is served on the permittee.

85. Section 30 amended

- (1) In section 30(1) delete “section 31,” and insert:

sections 31 and 32A,

- (2) Delete section 30(2)(a).

86. Section 31 amended

- (1) In section 31(1) delete “subsection (3),” and insert:

subsections (3), (4) and (5),

- (2) Delete section 31(3) to (7) and insert:

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

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

(5) Subject to subsection (6) —

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

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

- (c) if a permit is in force in respect of 2 blocks, an application may be made for the renewal of the permit in respect of either or both of those blocks;
 - (d) an application may be made for the renewal of a permit that is in force in respect of one block.
- (6) Despite sections 30(1) and 32, if a permit has been renewed as a result of an application referred to in subsection (5) —
- (a) the permittee is not entitled to apply for a further renewal of the permit; and
 - (b) the Minister cannot grant a further renewal of the permit.

87. Section 32A inserted

After section 31 insert:

32A. Certain permits cannot be renewed more than twice

- (1) This section applies to a permit if —
- (a) the permit was granted under section 22 —
 - (i) on or after the day of the coming into operation of the *Petroleum and Energy Legislation Amendment Act 2010* section 87 (the *commencement day*); and
 - (ii) as a result of an application made in response to an invitation in an instrument that was published under section 20(1) on or after the commencement day;

or

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- (b) the permit was granted under section 27 on or after the commencement day.
- (2) Despite sections 30(1) and 32, if a permit to which this section applies has been renewed twice —
 - (a) the permittee is not entitled to apply for a further renewal of the permit; and
 - (b) the Minister cannot grant a further renewal of the permit.

88. Section 34 replaced

Delete section 34 and insert:

34. Discovery of petroleum to be notified

Where petroleum is discovered in a permit area, the permittee —

- (a) shall forthwith inform the Minister of the discovery; and
- (b) shall, within the period of 3 days after the date of the discovery, furnish to the Minister particulars in writing of the discovery.

Penalty: a fine of \$10 000.

89. Section 35 deleted

Delete section 35.

90. Section 37 amended

After section 37(6) insert:

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

91. Section 38A amended

Delete section 38A(2)(a).

92. Section 38B amended

- (1) Delete section 38B(1) and insert:

- (1) If —
- (a) an application has been made under section 38A; and
 - (b) the applicant has furnished any further information as and when required by the Minister under section 38A(3); and
 - (c) the Minister is satisfied that —
 - (i) the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum; and
 - (ii) the recovery of petroleum from that area is not, at the time of the application, commercially viable but is likely to become commercially viable within the period of 15 years after that time,

the Minister shall, by written notice served on the applicant, inform the applicant that the Minister is

prepared to grant to the applicant a lease in respect of the block or blocks as to which the Minister is satisfied as mentioned in paragraph (c).

- (2) In section 38B(2)(b) delete “the blocks” and insert:

the block, or all the blocks,

- (3) After section 38B(2) insert:

- (3A) If —

- (a) an application has been made under section 38A specifying 2 or more blocks; and
- (b) the Minister is not satisfied as mentioned in subsection (1)(c) in relation to one or more, but not all, of the blocks,

the Minister shall, by notice in writing served on the applicant, refuse to grant a lease to the applicant in respect of the block or blocks as to which the Minister is not satisfied as mentioned in subsection (1)(c).

93. Sections 38CA, 38CB and 38CC inserted

After section 38BA insert:

38CA. Application by licensee for lease

- (1) If —

- (a) a licence is in force under section 53(1)(c) or (2) in respect of a block or blocks; and

- (b) no operations for the recovery of petroleum are being carried on under the licence in respect of an area (the *unused area*) —
 - (i) that consists of, or consists of part of, the block or blocks; and
 - (ii) in which petroleum has been found to exist,

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

- (2) An application under subsection (1) —
 - (a) is to be made in an approved manner; and
 - (b) is to be accompanied by particulars of —
 - (i) the proposals of the applicant for work and expenditure in respect of the unused area; and
 - (ii) the commercial viability of the recovery of petroleum from the unused area at the time of the application, and particulars of the possible future commercial viability of the recovery of petroleum from that area;and
 - (c) may set out any other matters that the applicant wishes to be considered; and
 - (d) is to be accompanied by the prescribed fee.
- (3) The Minister may, at any time by written notice served on the applicant, require the applicant to give, within the period stated in the notice, further written information in connection with the application.

- (4) The application period in respect of an application under this section by a licensee is the period of 5 years that began on —
- (a) the day on which the licence was granted; or
 - (b) if any operations for the recovery of petroleum have been carried on under the licence in respect of the unused area — the last day on which any such operations were carried on.

38CB. Grant or refusal of lease in relation to application by licensee

- (1) If —
- (a) an application has been made under section 38CA; and
 - (b) the applicant has given any further information as and when required by the Minister under section 38CA(3); and
 - (c) the Minister is satisfied that recovery of petroleum from the unused area —
 - (i) is not, at the time of the application, commercially viable; and
 - (ii) is likely to become commercially viable within the period of 15 years after that time,

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

- (2) If an application has been made under section 38CA and —
- (a) the applicant has not given further information as and when required by the Minister under section 38CA(3); or

- (b) the Minister is not satisfied as mentioned in subsection (1)(c) in relation to the unused area, the Minister shall, by written notice served on the applicant, refuse to grant a lease to the applicant.
- (3) A notice under subsection (1) shall contain —
- (a) a summary of the conditions subject to which the lease is to be granted; and
 - (b) a statement to the effect that the application will lapse if the applicant does not make a request under subsection (4) in respect of the grant of the lease.
- (4) An applicant on whom a notice is served under subsection (1) may request the Minister to grant the lease to the applicant.
- (5) The request must be in writing and must be made —
- (a) before the end of the period of one month after the date of service of the notice on the applicant under subsection (1); or
 - (b) if the Minister, on application in writing made to the Minister before the end of that period, allows a further period of not more than one month for the making of the request — before the end of that further period.
- (6) If the applicant makes the request within the period applicable under subsection (5), the Minister shall grant to the applicant a retention lease in respect of the unused area.
- (7) If the applicant does not make the request within the period applicable under subsection (5), the application lapses at the end of that period.

- (8) On the day on which a lease granted under this section in respect of an unused area comes into force, the licence in respect of the block or blocks of which the area consists or in which the area is included ceases to be in force in respect of the area.

38CC. Application of sections 38CA and 38CB if licence is transferred

If —

- (a) after an application has been made under section 38CA(1) in relation to an area consisting of or included in a block or blocks in respect of which a licence is in force; and
- (b) before a decision has been made by the Minister under section 38CB(1) or (2) in relation to the application,

a transfer of the licence is registered under section 78, sections 38CA and 38CB have effect, after the time of the transfer, as if any reference in those sections to the applicant were a reference to the transferee.

94. Section 38F amended

Delete section 38F(2)(a).

95. Section 38J replaced

Delete section 38J and insert:

38J. Discovery of petroleum to be notified

Where petroleum is discovered in a lease area, the lessee —

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

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

Penalty: a fine of \$10 000.

96. Section 38K deleted

Delete section 38K.

97. Section 41 amended

Delete section 41(1)(a).

98. Section 43 amended

- (1) Delete section 43(1) and insert:

- (1) This section applies if an application for the grant of a licence has been made under section 40 or 40A.

- (2A) If —

- (a) the applicant has given any further information as and when required by the Minister under section 41(2); and
- (b) the Minister is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum,

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

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- (2) In section 43(2):
- (a) delete “An instrument under subsection (1)” and insert:

A notice under subsection (2A)
 - (b) in paragraph (b) delete “instrument” and insert:

notice
- (3) After section 43(2) insert:
- (3) If the Minister decides not to grant to the applicant a licence in respect of the block, or any of the blocks, specified in the application because —
- (a) the applicant has failed to comply with a requirement made by the Minister under section 41(2); or
 - (b) the Minister is not satisfied that the area comprised in the block, or any of the blocks, contains petroleum,
- the Minister shall, by written notice served on the applicant, inform the applicant of the Minister’s decision and the reasons for the decision.

99. Section 44 amended

- (1) In section 44(1):
- (a) delete “an instrument under section 43(1)” and insert:

a notice under section 43(2A)

- (b) delete “of the instrument” and insert:

of the notice
- (c) delete “first-mentioned instrument.” and insert:

notice.
- (2) In section 44(2):
 - (a) delete “an instrument under section 43(1)” and insert:

a notice under section 43(2A)
 - (b) delete “blocks specified in the application.” and insert:

block or blocks as to which the Minister is satisfied as mentioned in section 43(2A)(b).
- (3) In section 44(4) delete “an instrument under section 43(1)” and insert:

a notice under section 43(2A)

100. Section 44A amended

- In section 44A(b) delete “section 43(1)” and insert:

section 43(2A)

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101. Section 45 amended

In section 45(1) delete “the blocks specified in the application.” and insert:

such of the blocks specified in the application as are blocks as to which the Minister is satisfied as mentioned in section 43(2A)(b).

102. Section 47 amended

Delete section 47(6)(a).

103. Section 48 amended

In section 48(3) delete “shall not, unless the Minister otherwise determines,” and insert:

shall not

104. Section 49 amended

- (1) In section 49(5)(c)(ii) delete “statement or enter into an agreement under section 109 in respect of that balance.” and insert:

statement.

- (2) In section 49(6)(b) delete “him, pay that balance or enter into an agreement under section 109 in respect of” and insert:

the applicant, pay

- (3) In section 49(7)(b) delete “him, has not paid that balance or entered into an agreement under section 109 in respect of” and insert:

the applicant, has not paid

105. Section 50 amended

In section 50(b) delete “him, has paid that balance or entered into an agreement under section 109 in respect of” and insert:

the applicant, has paid

106. Section 51 amended

Delete section 51(2)(a).

107. Section 53 amended

- (1) In section 53 delete “Subject to this Part, a licence” and insert:

(1) Subject to this Part, a licence granted before the commencement of the *Petroleum and Energy Legislation Amendment Act 2010* section 107(3)

- (2) Delete section 53(c) and insert:

(c) in the case of a licence granted by way of the second renewal of a licence — indefinitely.

- (3) At the end of section 53 insert:
- (2) Subject to this Part, a licence granted after the commencement of the *Petroleum and Energy Legislation Amendment Act 2010* section 107(3) remains in force indefinitely.

108. Section 54A inserted

After section 53 insert:

54A. Termination of licence if no operations for 5 years

- (1) If a licence is in force under section 53(1)(c) or (2) and the licensee has not carried on any operations for the recovery of petroleum under the licence at any time during a continuous period of at least 5 years, the Minister may, by written notice served on the licensee, inform the licensee that the Minister proposes to terminate the licence after the end of the period of one month after the notice is served.
- (2) At any time after the end of the period of one month after the notice referred to in subsection (1) is served on the licensee, the Minister may, by written notice served on the licensee, terminate the licence.
- (3) In working out for the purposes of subsection (1) the duration of the period in which no operations for the recovery of petroleum were carried on under a licence, any period in which no such operations were carried on because of circumstances beyond the licensee's control is to be disregarded.

109. Section 54 amended

- (1) In section 54(1) after “licensee” insert:

under a licence to which section 53(1)(a) or (b) applies

- (2) Delete section 54(2)(a).

110. Section 55 amended

Delete section 55(1)(c) and (d) and “or” after paragraph (c) and insert:

(c) shall if —

- (i) the application is in respect of the first renewal of the licence; or
- (ii) the application is in respect of a renewal of the licence other than the first renewal and operations for the recovery of petroleum have been carried on in the licence area before the end of the period of 5 years before the application for the renewal was made;

or

(d) may in any other case,

111. Section 59 amended

In section 59(11)(b) delete “adjacent area in respect” (each occurrence) and insert:

offshore area

112. Part III Division 4A inserted

After Part III Division 3 insert:

Division 4A — Infrastructure licences

60A. Construction etc. of infrastructure facilities

A person shall not, in the adjacent area —

- (a) begin or continue the construction, or the alteration or reconstruction, of any infrastructure facilities; or
- (b) operate any infrastructure facilities,

except —

- (c) under and in accordance with an infrastructure licence; or
- (d) as otherwise permitted by this Part.

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

60B. Application for infrastructure licence

- (1) A person may apply to the Minister for the grant of an infrastructure licence.
- (2) The application —
 - (a) shall be made in an approved manner; and
 - (b) shall be accompanied by particulars of the proposals of the applicant for the construction and operation of facilities at a place in the adjacent area, being a place described in the application; and
 - (c) may set out any other matters that the applicant wishes to be considered; and
 - (d) shall be accompanied by the prescribed fee.

- (3) The Minister may, at any time, by written notice served on the applicant, require the applicant to give, within the period stated in the notice, further written information in connection with the application.

60C. Notification as to grant of infrastructure licence

- (1) If an application for the grant of an infrastructure licence has been made under section 60B and the applicant has given any further information as and when required by the Minister under section 60B(3), then, subject to section 60D, the Minister, by written notice served on the applicant, may inform the applicant that the Minister is prepared to grant to the applicant an infrastructure licence in respect of the place described in the application.
- (2) A notice under subsection (1) shall —
 - (a) contain a summary of the conditions subject to which the infrastructure licence is to be granted; and
 - (b) contain a statement to the effect that the application will lapse if the applicant does not make a request under section 60E(1) in respect of the infrastructure licence.

60D. Notices to be given by Minister

- (1) This section applies if the Minister is prepared to grant an infrastructure licence (the *proposed infrastructure licence*) in respect of a place in a block that —
 - (a) is the subject of a permit, lease, licence, infrastructure licence, special prospecting authority or access authority; or

- (b) is, or is proposed to be, transected by a pipeline in accordance with the provisions of a pipeline licence,

of which the registered holder is a person other than the applicant.

- (2) The Minister shall not inform the applicant under section 60C that the Minister is prepared to grant the proposed infrastructure licence unless the Minister —
 - (a) has, by written notice served on the registered holder referred to in subsection (1), given not less than one month's notice that the Minister is prepared to grant the proposed infrastructure licence; and
 - (b) has served a copy of the notice on such other persons (if any) as the Minister thinks fit; and
 - (c) has, in the notice —
 - (i) given particulars of the proposed infrastructure licence; and
 - (ii) specified a date, on or before which a person on whom the notice, or a copy of the notice, is served may, by writing served on the Minister, submit any matters that the person wishes the Minister to consider;

and

 - (d) has taken into account any matters so submitted on or before the specified date by a person on whom the first-mentioned notice, or a copy of it, has been served.
- (3) Subsection (2) does not apply —
 - (a) in respect of the registered holder of a permit, lease, licence, infrastructure licence or pipeline licence if the registered holder has consented in

- writing to the grant of the proposed infrastructure licence; or
- (b) in respect of the registered holder of a special prospecting authority or an access authority if —
- (i) the registered holder has consented in writing to the grant of the proposed infrastructure licence; or
 - (ii) the special prospecting authority or access authority will expire before any construction or operation of facilities under the proposed infrastructure licence would occur.

60E. Grant of infrastructure licence

- (1) An applicant on whom a notice has been served under section 60C(1) may, by written notice served on the Minister, request the Minister to grant to the applicant the infrastructure licence referred to in the first-mentioned notice.
- (2) The request must be made —
 - (a) before the end of the period of 3 months after the date of service of the notice on the applicant under section 60C(1); or
 - (b) if the Minister, on application in writing made to the Minister before the end of that period, allows a further period of not more than 3 months for the making of the request — before the end of that further period.
- (3) If the applicant makes the request within the period applicable under subsection (2), the Minister shall grant to the applicant an infrastructure licence in respect of the place described in the application.

- (4) If the applicant does not make the request within the period applicable under subsection (2), the application lapses at the end of that period.

60F. Rights conferred by infrastructure licence

- (1) An infrastructure licence, while it remains in force, authorises the infrastructure licensee, subject to this Act and in accordance with the conditions to which the infrastructure licence is subject, to construct and operate infrastructure facilities in the infrastructure area.
- (2) To avoid doubt, the grant of an infrastructure licence is not a prerequisite to doing any thing that could be authorised to be done by a permit, lease, licence or pipeline licence.

60G. Term of infrastructure licence

Subject to this Part, an infrastructure licence remains in force indefinitely.

60H. Termination of infrastructure licence if no operations for 5 years

- (1) If an infrastructure licensee —
- (a) has not carried out any construction work under the infrastructure licence at any time during a continuous period of 5 years; and
 - (b) has not used the infrastructure facilities constructed under the infrastructure licence at any time during a continuous period of 5 years,

the Minister may, by written notice served on the infrastructure licensee, inform the infrastructure licensee that the Minister proposes to terminate the infrastructure licence after the end of the period of one month after the notice is served.

- (2) At any time after the end of the period of one month after the notice referred to in subsection (1) is served on the infrastructure licensee, the Minister may, by written notice served on the infrastructure licensee, terminate the infrastructure licence.
- (3) In working out, for the purposes of subsection (1), the duration of the period in which an infrastructure licensee did not carry out any construction work under the infrastructure licence or did not use the infrastructure facilities constructed under the infrastructure licence, any period in which construction work was not carried out, or the infrastructure facilities were not used, because of circumstances beyond the infrastructure licensee's control is to be disregarded.

60I. Conditions of infrastructure licence

An infrastructure licence may be granted subject to such conditions as the Minister thinks fit and are specified in the infrastructure licence.

60J. Variation of infrastructure licence

- (1) An infrastructure licensee may, at any time, make an application to the Minister for the variation of the infrastructure licence.
- (2) An application under this section —
 - (a) shall be made in the approved manner; and
 - (b) shall be accompanied by particulars of the proposed variation; and
 - (c) shall set out the reasons for the proposed variation; and
 - (d) shall be accompanied by the prescribed fee.

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- (3) The Minister may, at any time, by written notice served on the applicant, require the applicant to give, within the period stated in the notice, further written information in connection with the application.
- (4) If the infrastructure licence was granted in respect of a place in a block that —
 - (a) is the subject of a permit, lease, licence, infrastructure licence, special prospecting authority or access authority; or
 - (b) is, or is proposed to be, transected by a pipeline in accordance with the provisions of a pipeline licence,

of which the registered holder is a person other than the applicant, the Minister shall not vary the infrastructure licence pursuant to the application unless the Minister —

- (c) has, by written notice served on the registered holder, given not less than one month's notice that the Minister is considering the application; and
- (d) has served a copy of the notice on such other persons (if any) as the Minister thinks fit; and
- (e) has, in the notice —
 - (i) given particulars of the proposed variation; and
 - (ii) specified a date on or before which a person on whom the notice or a copy of the notice, is served may, by writing served on the Minister, submit any matters that the person wishes the Minister to consider.

- (5) Subsection (4) does not apply —
- (a) in respect of the registered holder of a permit, lease, licence, infrastructure licence or pipeline licence if the registered holder has consented in writing to the variation of the infrastructure licence; or
 - (b) in respect of the registered holder of a special prospecting authority or an access authority if —
 - (i) the registered holder has consented in writing to the variation of the infrastructure licence; or
 - (ii) the special prospecting authority or access authority will expire before any construction or operation of facilities under the infrastructure licence as proposed to be varied would occur.
- (6) After considering any matters submitted to the Minister under subsection (4) on or before the date specified in the notice served under that subsection by a person to whom the notice, or a copy of the notice, has been served, the Minister may —
- (a) by written notice served on the applicant, vary the infrastructure licence to such extent as the Minister thinks necessary; or
 - (b) refuse to vary the infrastructure licence.

113. Sections 59A and 59B replaced

Delete sections 59A and 59B and insert:

60K. Term used: adjacent area

- (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.
- (2) In this Division —
adjacent area means so much of the scheduled area as consists of —
 - (a) the territorial sea; and
 - (b) any area that is —
 - (i) on the landward side of the territorial sea; and
 - (ii) not within the limits of Western Australia.

114. Section 60 amended

- (1) Delete section 60(2), (3) and (4) and insert:
 - (4) A person shall not, in the adjacent area, commence to operate a pipeline unless —
 - (a) it has been constructed and tested in accordance with a pipeline licence; and
 - (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.
- (2) In section 60(5) delete “a secondary line or a water line,”.

- (3) In section 60 delete the Penalty and insert:

Penalty for an offence under subsection (1), (4) or (5):
a fine of \$50 000 or imprisonment for 5 years, or
both.

115. Section 61 amended

In section 61(a) delete “pipeline, water line, pumping station, tank station, valve station or secondary line” (each occurrence) and insert:

pipeline

116. Section 62 amended

- (1) In section 62(1) delete “pipeline, water line, pumping station, tank station, valve station or secondary line” (each occurrence) and insert:

pipeline

- (2) In section 62(2) delete “pipeline, water line, pumping station, tank station, valve station or secondary line” (each occurrence) and insert:

pipeline

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117. Section 64 amended

(1) In section 64(1):

(a) delete “pipeline licence — ” and insert:

pipeline licence whether or not that licence is for the conveyance of petroleum recovered from an area within the adjacent area —

(b) delete paragraph (a).

(2) In section 64(2)(b) delete “a licence area under” and insert:

the licence area of a production licence under

118. Section 65 amended

In section 65(5) delete “a licence area under” and insert:

the licence area of a production licence under

119. Section 67 amended

Delete section 67(1) and insert:

(1) Subject to this Part, a pipeline licence remains in force indefinitely.

120. Section 68 replaced

Delete section 68 and insert:

68. Termination of pipeline licence if no operations for 5 years

- (1) If a pipeline licensee —
- (a) has not carried out any construction work under the pipeline licence at any time during a continuous period of 5 years; and
 - (b) has not used the pipeline, or has not used a particular part of it, at any time during a continuous period of 5 years,

the Minister may, by written notice served on the pipeline licensee, inform the pipeline licensee that the Minister proposes to terminate the pipeline licence, or to terminate the pipeline licence in respect of the unused part of the pipeline, as the case may be, after the end of the period of one month after the notice is served.

- (2) At any time after the end of the period of one month after the notice referred to in subsection (1) is served on the pipeline licensee, the Minister may, by written notice served on the pipeline licensee, terminate the pipeline licence or terminate the pipeline licence in respect of the unused part of the pipeline, as the case may be.
- (3) In working out, for the purposes of subsection (1), the duration of the period in which a pipeline licensee did not carry out any construction work under the pipeline licence or did not use the pipeline or a part of the pipeline, any period in which construction work was not carried out, or the pipeline or the part of it was not

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used, because of circumstances beyond the pipeline licensee's control is to be disregarded.

121. Section 69 deleted

Delete section 69.

122. Section 70 amended

Delete section 70(3).

123. Section 71 amended

Delete section 71(2)(a).

124. Section 72 amended

In section 72(1) delete "pipeline, or of a water line, pumping station, tank station, valve station or secondary line" and insert:

pipeline

125. Section 74J amended

In section 74J after "licence," insert:

infrastructure licence,

126. Section 76 amended

(1) In section 76(1):

(a) after paragraph (b) insert:

and

(ca) in the case of an infrastructure licence, setting out the particulars of the infrastructure licence area; and

(b) after each of paragraphs (a), (c), (d) and (e) insert:

and

(2) In section 76(2):

(a) delete paragraph (c) and “and” after it;

(b) after each of paragraphs (a) and (b) insert:

and

127. Section 81A amended

In section 81A(4)(a)(i) delete “lease, licence” (each occurrence) and insert:

lease, licence, infrastructure licence

128. Section 93 amended

In section 93(a), (b) and (c) before “pipeline licence” insert:

infrastructure licence,

129. Section 94 replaced

Delete section 94 and insert:

94. Notice of grants of permits etc. to be published

The Minister shall cause notice of, and such particulars as the Minister thinks fit of —

- (a) the grant, and the grant of the renewal, of a permit, lease, licence, infrastructure licence or pipeline licence; and

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- (b) the variation of a licence, infrastructure licence or pipeline licence; and
- (c) the surrender or cancellation of a permit, lease or licence as to all or some of the blocks in the permit area, lease area or licence area; and
- (d) the surrender or cancellation of an infrastructure licence; and
- (e) the determination of a permit or lease as to a block or blocks; and
- (f) an application for a pipeline licence or for a variation of a pipeline licence; and
- (g) the surrender or cancellation of a pipeline licence as to the whole or a part of the pipeline; and
- (h) the expiry of a permit, lease or licence, or the termination of a licence, infrastructure licence or pipeline licence,

under this Part to be published in the *Gazette*.

130. Section 95 amended

(1) After section 95(2) insert:

(3A) The surrender or cancellation of an infrastructure licence has effect on and from the day on which notice of the surrender or cancellation is published in the *Gazette*.

(2) In section 95(4) delete “licence or” and insert:

licence, infrastructure licence or

131. Section 96 amended

- (1) In section 96(1):
- (a) delete “licence or” (each occurrence) and insert:

licence, infrastructure licence or
 - (b) delete “licensee or” and insert:

licensee, infrastructure licensee or
- (2) In section 96(2):
- (a) delete “licensee or” and insert:

licensee, infrastructure licensee or
 - (b) in paragraph (b) delete “licence or” (each occurrence) and insert:

licence, infrastructure licence or
- (3) In section 96 delete the Penalty and insert:
- Penalty for an offence under subsection (1) or (3): a
fine of \$10 000.

132. Section 97 amended

- (1) After section 97(2) insert:
- (3A) An infrastructure licensee shall carry out operations
authorised by the infrastructure licence in a safe

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manner and in accordance with good oil-field practice and good processing and transport practice.

- (3B) In particular and without limiting the generality of subsection (3A), but subject to any authorisation or requirement given or made by or under this Act or regulations or directions under this Act, an infrastructure licensee shall control the flow, and prevent the waste or escape, from a facility constructed under the infrastructure licence, of water, petroleum or any product derived by processing petroleum.

- (2) In section 97 delete the Penalty and insert:

Penalty for an offence under subsection (1), (2), (3A), (3B), (3), (4) or (5): a fine of \$10 000.

133. Section 97A amended

- (1) In section 97A(1) before “or pipeline licence” (each occurrence) insert:

infrastructure licence

- (2) In section 97A(3) before “or pipeline licence” insert:

infrastructure licence

- (3) In section 97A(4) before “or pipeline licence” insert:

infrastructure licence

134. Section 98 amended

- (1) In section 98(1):
- (a) in the definition of *operator* before “pipeline licensee” insert:

infrastructure licensee,
 - (b) in the definition of *the operations area* paragraph (a) delete “be;” and insert:

be; and
 - (c) in the definition of *the operations area* after paragraph (a) insert:
 - (ba) in relation to an operator who is an infrastructure licensee, means the infrastructure licence area; and
- (2) In section 98 delete the Penalty and insert:

Penalty for an offence under subsection (2) or (3): a fine of \$10 000.

135. Section 100 deleted

Delete section 100.

136. Section 101 amended

- (1) In section 101(1) before “pipeline licence” insert:

infrastructure licence,

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(2) Delete section 101(2)(b) and insert:

- (b) any person (not being a person to whom the direction applies in accordance with paragraph (a)) who is —
 - (i) in the adjacent area for any reason touching, concerning, arising out of or connected with exploring the seabed or subsoil of the adjacent area for petroleum, exploiting the petroleum that occurs as a natural resource of that seabed or subsoil, processing or storing petroleum or preparing petroleum for transport; or
 - (ii) in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for a reason of that kind,

137. Section 102 amended

In section 102(2a)(a) before “pipeline licensee” insert:

infrastructure licensee,

138. Section 103 amended

(1) In section 103(1):

- (a) in paragraph (a) delete “licence or” (first occurrence) and insert:

licence, infrastructure licence or

- (b) in paragraph (a) delete “lease, licence or pipeline licence;” and insert:

lease or licence;

- (c) in paragraph (i) before “pipeline licensee” insert:

infrastructure licensee,

- (d) in paragraph (i) before “pipeline licence,” insert:

infrastructure licence,

- (e) in paragraph (j) before “pipeline licensee” insert:

infrastructure licensee,

- (f) before “pipeline licensee” (fourth occurrence) insert:

infrastructure licensee,

- (g) in paragraph (l) before “pipeline licensee” insert:

infrastructure licensee,

- (h) before “pipeline licence,” (last occurrence) insert:

infrastructure licence,

- (2) In section 103(2) delete “licence or” and insert:

licence, infrastructure licence or

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139. Section 104 amended

(1) In section 104(1):

(a) delete “licence or” and insert:

licence, infrastructure licence or

(b) after paragraph (a) insert:

or

(aaa) in the case of an infrastructure licence, as to the infrastructure licence area; or

(2) In section 104(2) after each of paragraphs (a) to (d) insert:

and

(3) In section 104(3) delete “licence or” and insert:

licence, infrastructure licence or

(4) After section 104(5)(a) insert:

(ba) in relation to an infrastructure licence, the infrastructure area; and

140. Section 105 amended

(1) In section 105(1):

(a) delete “licensee or” (each occurrence) and insert:

licensee, infrastructure licensee or

- (b) in paragraph (a) delete “licence or” and insert:

licence, infrastructure licence or
 - (c) after paragraph (ea) insert:
 - (fa) in the case of an infrastructure licence, cancel the infrastructure licence; or
 - (d) after each of paragraphs (a), (b) and (e) insert:

or
- (2) In section 105(2):
- (a) before “or cancel” insert:

cancel an infrastructure licence,
 - (b) in paragraphs (a), (c) and (d) delete “lessee, licensee” (each occurrence) and insert:

lessee, licensee, infrastructure licensee
 - (c) in paragraph (a) delete “licence or” and insert:

licence, infrastructure licence or

141. Section 106 replaced

Delete section 106 and insert:

106. Cancellation of permit etc. not affected by other provisions

(1) In this section —

cancelled —

- (a) in the case of a permit or licence — includes cancelled as to some of the blocks in respect of which it is in force;
- (b) in the case of a pipeline licence — includes cancelled as to part of the pipeline in respect of which it is in force;

this Act includes the Registration Fees Act;

this Part includes the regulations.

- (2) A permit, licence, pipeline licence, lease or infrastructure licence may be cancelled on the ground that the registered holder has not complied with a provision of this Part or of the regulations even though the holder has been convicted of an offence because of the holder's failure to comply with the provision.
- (3) If a permit, licence, pipeline licence, lease or infrastructure licence has been cancelled on the ground that the registered holder has not complied with a provision of this Part or of the regulations, the person who was or is the registered holder may be convicted of an offence because of the person's failure to comply with the provision despite the cancellation.

- (4) A permit, licence, pipeline licence, lease or infrastructure licence may be cancelled on the ground that the registered holder has not paid an amount payable by the holder under this Act or the Registration Fees Act within the period of 3 months after the day on which the amount became payable, even though judgment for the amount has been obtained or the amount, or any part of the amount, has been paid or recovered.
- (5) If a permit, licence, pipeline licence, lease or infrastructure licence has been cancelled on the ground that the registered holder has not paid an amount payable by the holder under this Act or the Registration Fees Act within the period of 3 months after the day on which the amount became payable, the person who was or is the registered holder continues to be liable to pay that amount, together with any additional amount payable because of late payment of that amount, despite the cancellation.

142. Section 107 amended

- (1) Delete section 107(1) and (2) and insert:

- (1) If —
 - (a) a permit has been wholly or partly determined or wholly or partly cancelled, or has expired; or
 - (b) a lease has been wholly or partly determined or wholly cancelled, or has expired; or
 - (c) a licence has been wholly or partly determined or wholly or partly cancelled, has been terminated or has expired; or
 - (d) an infrastructure licence has been cancelled or terminated; or

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- (e) a pipeline licence has been wholly or partly determined or wholly or partly cancelled, or has been terminated,

the Minister may, by written notice served on the person who was or is, as the case may be, the permittee, licensee, lessee, infrastructure licensee or pipeline licensee, direct the person to do any one or more of the following —

- (f) to remove or cause to be removed from the relinquished area all property brought into the area by any person engaged or concerned in the operations authorised by the permit, lease, licence, infrastructure licence or pipeline licence or to make arrangements that are satisfactory to the Minister with respect to the property;
 - (g) to plug or close off, to the satisfaction of the Minister, all wells made in that area by any person engaged or concerned in those operations;
 - (h) subject to this Part and to the regulations, to make provision, to the satisfaction of the Minister, for the conservation and protection of the natural resources in that area;
 - (i) to make good, to the satisfaction of the Minister, any damage to the seabed or subsoil in that area caused by any person engaged or concerned in those operations.
- (2) The Minister may, by written notice served on a person who is a permittee, lessee, licensee, infrastructure licensee or pipeline licensee, direct the person to do any one or more of the following —
- (a) to remove or cause to be removed from the permit area, lease area, licence area,

infrastructure licence area or part of the adjacent area in which the pipeline is constructed, as the case may be, all property brought into the area or part by any person engaged or concerned in the operations authorised by the permit, lease, licence, infrastructure licence or pipeline licence or to make arrangements that are satisfactory to the Minister with respect to the property;

- (b) to plug or close off, to the satisfaction of the Minister, all wells made in that area or part by any person engaged or concerned in those operations;
- (c) subject to this Part and to the regulations, to make provision, to the satisfaction of the Minister, for the conservation and protection of the natural resources in that area or part;
- (d) to make good, to the satisfaction of the Minister, any damage to the seabed or subsoil in that area or part caused by any person engaged or concerned in those operations.

- (2) In section 107 delete the Penalty and insert:

Penalty for an offence under subsection (3): a fine of \$10 000.

143. Section 108 replaced

Delete section 108 and insert:

108. Removal of property etc. by Minister

- (1) This section applies if —

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- (a) a permit has been wholly or partly determined or wholly or partly cancelled, or has expired; or
 - (b) a lease has been wholly or partly determined or wholly cancelled, or has expired; or
 - (c) a licence has been wholly or partly determined or wholly or partly cancelled, has been terminated or has expired; or
 - (d) an infrastructure licence has been cancelled or terminated; or
 - (e) a pipeline licence has been wholly or partly determined or wholly or partly cancelled, or has been terminated.
- (2) If a direction under section 107 has not been complied with, or an arrangement under that section has not been carried out, in relation to the relinquished area —
- (a) the Minister may do all or any of the things required by the direction or arrangement to be done; and
 - (b) if any property brought into that area by any person engaged or concerned in the operations authorised by the permit, lease, licence, infrastructure licence or pipeline licence has not been removed in accordance with the direction or arrangement, the Minister may, by instrument published in the *Gazette*, direct that the owner or owners of that property shall remove it from that area, or dispose of it to the satisfaction of the Minister, within the period specified in the instrument and shall serve a copy of the instrument on each person whom the Minister believes to be an owner of that property or any part of that property.

144. Sections 109 and 110 deleted

Delete sections 109 and 110.

145. Section 111 amended

Delete section 111(2)(a).

146. Section 112 amended

(1) Delete section 112(2)(a).

(2) In section 112(4):

(a) delete “The” and insert:

Subject to subsection (5A), the

(b) delete “lease or licence” (each occurrence) and insert:

lease, licence or special prospecting authority

(3) After section 112(4) insert:

(5A) Subsection (4) does not apply if the holder of the permit, lease, licence or special prospecting authority has consented in writing to the grant of the access authority.

147. Section 113 amended

In section 113(3)(b) before “pipeline licensee” insert:

infrastructure licensee,

148. Section 115 amended

- (1) In section 115(1) delete “recovery of petroleum” and insert:

recovery of petroleum, operations relating to the processing or storage of petroleum or the preparation of petroleum for transport

- (2) In section 115(2) delete the passage that begins with “penalty,” and continues to the end of the subsection and insert:

penalty.

- (3) After section 115(2) insert:

- (3) However, any information furnished, answer given or document produced pursuant to the requirement, and any information or thing (including any document) obtained as a direct or indirect consequence of the furnishing of the information, the answering of the question or the production of the document, as the case may be, is not admissible in evidence against the person in any civil proceedings or in any criminal proceedings other than proceedings for an offence against section 117.

149. Section 118 deleted

Delete section 118.

150. Section 121 deleted

Delete section 121.

151. Section 122 amended

- (1) In section 122(1) before “pipeline licence,” insert:

infrastructure licence,

- (2) In section 122 delete the Penalty and insert:

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

152. Section 123A inserted

After section 122 insert:

123A. Data management: regulations

- (1) The regulations may make provision for and in relation to —
- (a) the keeping of accounts, records and other documents in connection with operations in the adjacent area under —
 - (i) a permit; or
 - (ii) a lease; or
 - (iii) a licence; or
 - (iv) an infrastructure licence; or
 - (v) a pipeline licence; or
 - (vi) a special prospecting authority; or
 - (vii) an access authority; or
 - (viii) a consent under section 123;
- and

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- (b) the collection and retention of cores, cuttings and samples in connection with those operations; and
 - (c) the giving to the Minister, or a specified person, of reports, returns, other documents, cores, cuttings and samples in connection with those operations.
- (2) A requirement under section 122 is in addition to a requirement under regulations made for the purposes of this section.

153. Section 124 amended

In section 124:

- (a) before “pipeline licence,” insert:

infrastructure licence,

- (b) delete “section 60(2) or (3) or”.

154. Section 124A amended

In section 124A(3) in the definition of *authorisation* before “pipeline licence,” insert:

infrastructure licence,

155. Section 125 amended

In section 125 delete the Penalty and insert:

Penalty for an offence under subsection (3): a fine of \$500.

156. Section 126 amended

In section 126(1)(a) delete “petroleum exploration operations, operations for the recovery of petroleum or operations connected with the construction or operation of a pipeline in that area;” and insert:

any of the following operations in that area —

- (i) petroleum exploration operations;
- (ii) petroleum recovery operations;
- (iii) operations relating to the processing or storage of petroleum;
- (iv) operations relating to the preparation of petroleum for transport;
- (v) operations connected with the construction or operation of a pipeline;

and

157. Section 134 amended

In section 134(1) delete “39” and insert:

39, 60A

158. Section 138A amended

In section 138A(5) delete “licence” and insert:

licence, infrastructure licence, pipeline licence

159. Section 141A inserted

After section 140 insert:

141A. Infrastructure licence fees

There is payable to the Minister by an infrastructure licensee, in respect of each year of the term of the infrastructure licence, a fee specified in, or calculated in accordance with, the regulations.

160. Section 142 amended

In section 142(a) and (b) delete “licence or” and insert:

licence, infrastructure licence or

161. Section 150 amended

In section 150(1) delete “licensee or” and insert:

licensee, infrastructure licensee or

162. Section 151 amended

In section 151 delete “lessee, licensee” and insert:

lessee, licensee, infrastructure licensee

163. Part IVA inserted

After section 151Q insert:

Part IVA — Release of information

Division 1 — Preliminary

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 recovered; or

- (c) a sample of fluid recovered (other than fluid petroleum),

that has been given at any time, whether before or after the commencement, to the Minister, and includes a portion of such a core, cutting or sample.

Division 2 — Protection of confidentiality of information and samples

Subdivision 1 — Information and samples obtained by the Minister

152B. Protection of confidentiality of information obtained by the Minister

- (1) This section restricts what the Minister may do with documentary information.
- (2) The Minister shall not —
 - (a) make the information publicly known; or
 - (b) make the information available to a person (other than another Minister or a Minister of another jurisdiction),

unless the Minister does so —

- (c) in accordance with regulations made for the purposes of this paragraph; or
- (d) for the purposes of the administration of this Act.

152C. Protection of confidentiality of samples obtained by the Minister

- (1) This section restricts what the Minister may do with a petroleum mining sample.

- (2) The Minister shall not —
- (a) make publicly known any details of the sample;
or
 - (b) permit a person (other than another Minister or a Minister of another jurisdiction) to inspect the sample,

unless the Minister does so —

- (c) in accordance with regulations made for the purposes of this paragraph; or
- (d) for the purposes of the administration of this Act.

152D. Information or samples obtained by Minister can be made available to certain persons

The Minister may make documentary information or a petroleum mining sample available to another Minister or a Minister of another jurisdiction.

Subdivision 2 — Information and samples obtained by another Minister

152E. Protection of confidentiality of information obtained by another Minister

- (1) This section restricts what a Minister may do with documentary information made available to that Minister under section 152D or 152G.
- (2) The Minister shall not —
 - (a) make the information publicly known; or
 - (b) make the information available to a person (other than another Minister or a Minister of another jurisdiction),

unless the Minister does so —

- (c) in accordance with regulations made for the purposes of this paragraph; or
- (d) for the purposes of the administration of this Act.

152F. Protection of confidentiality of samples obtained by another Minister

- (1) This section restricts what a Minister may do with a petroleum mining sample made available to that Minister under section 152D or 152G.
- (2) The Minister shall not —
 - (a) make publicly known any details of the sample; or
 - (b) permit a person (other than another Minister or a Minister of another jurisdiction) to inspect the sample,

unless the Minister does so —

- (c) in accordance with regulations made for the purposes of this paragraph; or
- (d) for the purposes of the administration of this Act.

152G. Information or samples obtained by another Minister can be made available to certain persons

A Minister to whom documentary information or a petroleum mining sample is made available under section 152D or this section may make the information or sample available to another Minister or a Minister of another jurisdiction.

Subdivision 3 — Miscellaneous

152H. Fees

- (1) This section applies to regulations made for the purposes of any of the following —
 - (a) section 152B(2)(c);
 - (b) section 152C(2)(c);
 - (c) section 152E(2)(c);
 - (d) section 152F(2)(c).
- (2) The regulations may make provision for fees relating to —
 - (a) making information available to a person; or
 - (b) permitting a person to inspect a sample.

164. Part IV heading amended

In the heading to Part IV delete “**Regulations**” and insert:

General

165. Section 152 amended

- (1) In section 152(2):
 - (a) in paragraph (e) delete “installations or equipment;” and insert

installations, equipment or facilities;

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- (b) after paragraph (k) insert:
- (la) the preparation, submission and approval of environment plans;
 - (lb) the prohibition of the doing of an act or thing otherwise than in accordance with an approved environment plan;
 - (lc) the responsibilities of a permittee, lessee, licensee or holder of a special prospecting authority or access authority as to authorising, or obtaining authorisation for, the release of documentary information as defined in section 152A;
- (c) in paragraph (l) delete “the exploration for or the exploitation of petroleum in the adjacent area;” and insert:
- any of the following operations in that area —
- (i) petroleum exploration operations;
 - (ii) petroleum recovery operations;
 - (iii) operations relating to the processing or storage of petroleum;
 - (iv) operations relating to the preparation of petroleum for transport;
 - (v) operations connected with the construction or operation of a pipeline;
- (d) delete paragraph (m) and insert:
- (m) the removal from the adjacent area of structures, equipment and other property brought into that area for use in connection with an operation in that area of a kind

mentioned in paragraph (1) that are not so used
or intended to be so used;

- (2) Delete section 152(3).

166. Section 153 inserted

At the end of Part IV insert:

153. Transitional provisions

- (1) In this section —
Gazettal day means the day on which transitional regulations are published in the *Gazette*;
transitional matter means a matter of a transitional, savings or application nature;
transitional regulations means regulations under subsection (3).
- (2) Schedule 3 contains provisions relating to transitional matters.
- (3) Regulations may prescribe anything else required, necessary or convenient to be prescribed in relation to a transitional matter in connection with amendments made to this Act by another Act (the *amending Act*).
- (4) Transitional regulations can only be made before the end of the period of 12 months beginning on the day on which the amending Act commences.
- (5) If transitional regulations provide that a state of affairs is to be taken to have existed, or not to have existed, on and from a day (the *operative day*) that is earlier than *Gazettal day*, the regulations have effect according to their terms as long as the operative day is not earlier than the day on which the amending Act commences.

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- (6) If transitional regulations contain a provision referred to in subsection (5), the provision does not operate so as to —
- (a) affect in a manner prejudicial to any person (other than the State), the rights of that person existing before Gazettal day; or
 - (b) impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before Gazettal day.

167. Schedule 1 deleted

Delete Schedule 1.

168. Schedule 2 replaced

Delete Schedule 2 and insert:

Schedule 2 — Scheduled area for Western Australia

[s. 4]

Note: Regulations referred to in section 10(5) prescribe a datum for the purposes of this Schedule.

The scheduled area for Western Australia is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia and runs thence southerly along the geodesic to a point of Latitude 31° 44' 55.02" South, Longitude 129° 00' 05.08" East:

- (a) thence southerly along the loxodrome to a point of Latitude 43° 59' 55.49" South, Longitude 129° 00' 05.95" East; and

- (b) thence westerly along the loxodrome to a point of Latitude $43^{\circ} 59' 56.85''$ South, Longitude $104^{\circ} 00' 06.27''$ East; and
- (c) thence northerly along the loxodrome to a point of Latitude $13^{\circ} 59' 55.41''$ South, Longitude $104^{\circ} 00' 04.55''$ East; and
- (d) thence easterly along the loxodrome to a point of Latitude $13^{\circ} 59' 55.22''$ South, Longitude $111^{\circ} 45' 04.59''$ East; and
- (e) thence northerly along the loxodrome to a point of Latitude $12^{\circ} 39' 55.20''$ South, Longitude $111^{\circ} 45' 04.56''$ East; and
- (f) thence easterly along the loxodrome to a point of Latitude $12^{\circ} 39' 55.14''$ South, Longitude $114^{\circ} 40' 04.56''$ East; and
- (g) thence southerly along the loxodrome to a point of Latitude $13^{\circ} 05' 27.14''$ South, Longitude $114^{\circ} 40' 04.57''$ East; and
- (h) thence easterly along the loxodrome to a point of Latitude $13^{\circ} 05' 27.00''$ South, Longitude $118^{\circ} 10' 08.9''$ East; and
- (i) thence north easterly along the geodesic to a point of Latitude $12^{\circ} 49' 54.8''$ South, Longitude $118^{\circ} 14' 22.6''$ East; and
- (j) thence north westerly along the geodesic to a point of Latitude $12^{\circ} 04' 24.9''$ South, Longitude $118^{\circ} 06' 17.2''$ East; and
- (k) thence north westerly along the geodesic to a point of Latitude $12^{\circ} 04' 08.8''$ South, Longitude $118^{\circ} 06' 14.4''$ East; and
- (l) thence south easterly along the geodesic to a point of Latitude $12^{\circ} 04' 19.0''$ South, Longitude $118^{\circ} 07' 44.0''$ East; and
- (m) thence south easterly along the geodesic to a point of Latitude $12^{\circ} 06' 21.0''$ South, Longitude $118^{\circ} 20' 45.0''$ East; and

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- (n) thence south easterly along the geodesic to a point of Latitude 12° 07' 46.0" South, Longitude 118° 25' 07.0" East; and
- (o) thence south easterly along the geodesic to a point of Latitude 12° 10' 06.0" South, Longitude 118° 35' 16.0" East; and
- (p) thence south easterly along the geodesic to a point of Latitude 12° 10' 26.0" South, Longitude 118° 37' 28.0" East; and
- (q) thence south easterly along the geodesic to a point of Latitude 12° 11' 01.0" South, Longitude 118° 39' 00.0" East; and
- (r) thence south easterly along the geodesic to a point of Latitude 12° 13' 12.0" South, Longitude 118° 43' 09.0" East; and
- (s) thence south easterly along the geodesic to a point of Latitude 12° 15' 57.0" South, Longitude 118° 49' 30.0" East; and
- (t) thence south easterly along the geodesic to a point of Latitude 12° 17' 54.0" South, Longitude 118° 55' 12.0" East; and
- (u) thence south easterly along the geodesic to a point of Latitude 12° 18' 50.0" South, Longitude 118° 58' 31.0" East; and
- (v) thence south easterly along the geodesic to a point of Latitude 12° 19' 55.0" South, Longitude 119° 02' 40.0" East; and
- (w) thence south easterly along the geodesic to a point of Latitude 12° 20' 21.0" South, Longitude 119° 05' 00.0" East; and
- (x) thence south easterly along the geodesic to a point of Latitude 12° 21' 51.0" South, Longitude 119° 09' 03.0" East; and
- (y) thence south easterly along the geodesic to a point of Latitude 12° 23' 42.0" South, Longitude 119° 15' 23.0" East; and

- (za) thence south easterly along the geodesic to a point of Latitude 12° 23' 58.0" South, Longitude 119° 16' 35.0" East; and
- (zb) thence south easterly along the geodesic to a point of Latitude 12° 24' 59.0" South, Longitude 119° 20' 34.0" East; and
- (zc) thence south easterly along the geodesic to a point of Latitude 12° 25' 43.0" South, Longitude 119° 21' 35.0" East; and
- (zd) thence south easterly along the geodesic to a point of Latitude 12° 29' 19.0" South, Longitude 119° 27' 17.0" East; and
- (ze) thence south easterly along the geodesic to a point of Latitude 12° 32' 31.0" South, Longitude 119° 33' 16.0" East; and
- (zf) thence south easterly along the geodesic to a point of Latitude 12° 35' 43.0" South, Longitude 119° 40' 33.0" East; and
- (zg) thence south easterly along the geodesic to a point of Latitude 12° 40' 33.0" South, Longitude 119° 50' 28.0" East; and
- (zh) thence south easterly along the geodesic to a point of Latitude 12° 41' 36.0" South, Longitude 119° 52' 38.0" East; and
- (zi) thence south easterly along the geodesic to a point of Latitude 12° 41' 46.0" South, Longitude 119° 52' 57.0" East; and
- (zj) thence south easterly along the geodesic to a point of Latitude 12° 41' 57.0" South, Longitude 119° 53' 18.0" East; and
- (zk) thence south easterly along the geodesic to a point of Latitude 12° 43' 46.0" South, Longitude 119° 56' 13.0" East; and
- (zl) thence south easterly along the geodesic to a point of Latitude 12° 45' 38.0" South, Longitude 119° 59' 15.0" East; and

- (zm) thence south easterly along the geodesic to a point of Latitude 12° 45' 47.0" South, Longitude 119° 59' 31.0" East; and
- (zn) thence south easterly along the geodesic to a point of Latitude 12° 46' 27.9" South, Longitude 120° 00' 46.9" East; and
- (zo) thence south along the loxodrome to a point of Latitude 13° 56' 31.7" South, Longitude 120° 00' 46.9" East; and
- (zp) thence north easterly along the geodesic to a point of Latitude 12° 43' 08.29" South, Longitude 121° 49' 15.80" East; and
- (zq) thence south easterly along the geodesic to a point of Latitude 12° 55' 54.99" South, Longitude 122° 06' 04.50" East; and
- (zr) thence south easterly along the geodesic to a point of Latitude 13° 19' 54.98" South, Longitude 122° 41' 04.50" East; and
- (zs) thence easterly along the geodesic to a point of Latitude 13° 19' 24.97" South, Longitude 123° 16' 49.49" East; and
- (zt) thence easterly along the loxodrome to a point of Latitude 13° 19' 24.94" South, Longitude 124° 27' 49.48" East; and
- (zu) thence north easterly along the geodesic to a point of Latitude 13° 13' 09.94" South, Longitude 124° 36' 19.47" East; and
- (zv) thence north easterly along the geodesic to a point of Latitude 12° 46' 09.93" South, Longitude 124° 55' 34.46" East; and
- (zw) thence north easterly along the geodesic to a point of Latitude 11° 50' 54.92" South, Longitude 125° 27' 49.43" East; and
- (zx) thence north easterly along the geodesic to a point of Latitude 11° 44' 24.92" South, Longitude 125° 31' 34.43" East; and

- (zy) thence north easterly along the geodesic to a point of Latitude 10° 21' 24.91" South, Longitude 126° 10' 34.39" East; and
- (zza) thence north easterly along the geodesic to a point of Latitude 10° 12' 54.90" South, Longitude 126° 26' 34.39" East; and
- (zzb) thence north easterly along the geodesic to a point of Latitude 10° 04' 54.90" South, Longitude 126° 47' 34.38" East; and
- (zzc) thence south easterly along the geodesic to a point of Latitude 11° 13' 09.88" South, Longitude 127° 32' 04.38" East; and
- (zzd) thence south easterly along the geodesic to a point of Latitude 11° 47' 54.88" South, Longitude 127° 53' 49.38" East; and
- (zze) thence south easterly along the geodesic to a point of Latitude 12° 26' 24.87" South, Longitude 128° 22' 04.39" East; and
- (zzf) thence south easterly along the geodesic to a point of Latitude 12° 32' 39.87" South, Longitude 128° 24' 04.39" East; and
- (zzg) thence south easterly along the geodesic to a point of Latitude 12° 55' 24.86" South, Longitude 128° 28' 04.39" East; and
- (zzh) thence southerly along the loxodrome to a point of Latitude 13° 15' 24.86" South, Longitude 128° 28' 04.40" East; and
- (zzi) thence south easterly along the geodesic to a point of Latitude 13° 39' 39.86" South, Longitude 128° 30' 49.41" East; and
- (zzj) thence south easterly along the geodesic to a point of Latitude 13° 49' 39.86" South, Longitude 128° 33' 19.41" East; and
- (zzk) thence south easterly along the geodesic to a point of Latitude 13° 59' 54.86" South, Longitude 128° 42' 19.41" East; and

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- (zzl) thence south easterly along the geodesic to a point of Latitude 14° 19' 24.89" South, Longitude 128° 53' 04.39" East; and
- (zzm) thence south easterly along the geodesic to a point of Latitude 14° 32' 24.91" South, Longitude 129° 01' 19.38" East; and
- (zzn) thence southerly along the geodesic to a point of Latitude 14° 37' 24.91" South, Longitude 129° 01' 49.38" East; and
- (zzo) thence southerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Western Australia; and
- (zzp) thence along the coastline of the State of Western Australia at mean low water to the point of commencement.

169. Schedules 3 and 4 replaced

Delete Schedules 3 and 4 and insert:

Schedule 3 — Transitional provisions

[s. 153]

Division 1 — Provisions for *Petroleum and Energy Legislation Amendment Act 2010*

1. Term used: amending Act

In this Division —

amending Act means the *Petroleum and Energy Legislation Amendment Act 2010*.

2. Section 31 (permit renewals)

- (1) This clause has effect despite the deletion of section 31(6) by section 86 of the amending Act.

- (2) Section 31(6) as in force immediately before the commencement of section 86 of the amending Act continues to apply in respect of the first application after that commencement for the renewal of a permit that was granted before that commencement.

3. Section 70 (conditions of pipeline licence)

A renewal of a pipeline licence that was in force under section 70 immediately before section 70(3) was deleted by section 122 of the amending Act continues, subject to Part III as amended by the amending Act, to be subject to any conditions referred to in section 70(3) to which the renewed licence was subject immediately before the deletion.

4. Section 118 (release of information)

- (1) This section has effect despite the deletion of section 118 by section 149 of the amending Act.
- (2) Section 118 as in force immediately before it was deleted continues to apply in respect of information given to the Minister before the commencement of section 149 of the amending Act.
- (3) Any regulations providing for the calculation of a fee for the purposes of a provision of section 118 as in force immediately before that section was deleted —
- (a) continue in force for the purposes of that section as it continues to apply under subclause (1); and
 - (b) also separately continue in force on and after the commencement of section 163 of the amending Act as if they had been made for the purposes of Part IVA.
- (4) Regulations as continued in force under subclause (3)(a) or (b) may, for the purposes of their application under subclause (3)(a) or (b), be amended or deleted by regulations.

5. Section 3 and Schedules 3 and 4 (former transitional provisions)

The *Interpretation Act 1984* section 37, and in particular section 37(1)(b), (c) and (d), apply in relation to the deletion of section 3(2) to (5) and Schedules 3 and 4 by sections 64 and 169 of the amending Act.

170. Schedule 5 amended

- (1) In Schedule 5 clause 54 delete the Penalty and insert:

Penalty for an offence under subclause (3): a fine of \$3 300 or imprisonment for 6 months or both.

- (2) In Schedule 5 clause 55 delete the Penalty and insert:

Penalty for an offence under subclause (5): a fine of \$3 300 or imprisonment for 6 months or both.

- (3) In Schedule 5 clause 63 delete the Penalty and insert:

Penalty for an offence under subclause (1), (2) or (3): a fine of \$11 000.

- (4) In Schedule 5 clause 67 delete the Penalty and insert:

Penalty for an offence under subclause (3): a fine of \$5 000.

- (5) In Schedule 5 clause 72(1) delete “68” and insert:

71

(6) In the provisions listed in the Table after “Penalty:” insert:

a fine of

Table

Sch. 5 cl. 5(1) and (2)	Sch. 5 cl. 8(1) and (2)
Sch. 5 cl. 9(1) and (2)	Sch. 5 cl. 10(1), (2) and (4)
Sch. 5 cl. 11(1) and (2)	Sch. 5 cl. 12(1)
Sch. 5 cl. 13(1)	Sch. 5 cl. 14(1)
Sch. 5 cl. 53	Sch. 5 cl. 58(7)
Sch. 5 cl. 60(1)	Sch. 5 cl. 62
Sch. 5 cl. 65(5)	Sch. 5 cl. 71(1)
Sch. 5 cl. 75	Sch. 5 cl. 76
Sch. 5 cl. 77(1)	

171. Various penalties amended

In the provisions listed in the Table after “Penalty:” insert:

a fine of

Table

s. 19(1)	s. 39
s. 72(2)	s. 74(1)
s. 82(1)	s. 84(1c) and (2)

Petroleum and Energy Legislation Amendment Act 2010

Part 3 Petroleum (Submerged Lands) Act 1982 amended

s. 171

s. 85(2)	s. 90
s. 101(2a), (2b) and (2c)	s. 111(9)
s. 112(10) and (11)	s. 117
s. 120	s. 124
s. 126(3)	

Part 4 — *Petroleum Pipelines Act 1969* amended

172. Act amended

This Part amends the *Petroleum Pipelines Act 1969*.

173. Section 4 amended

(1) In section 4 in the definition of *petroleum*:

(a) after paragraph (a) insert:

or

(b) in paragraph (c) delete “hydrogen, sulphide,” and insert:

hydrogen sulphide,

(2) In section 4 in the definition of *pipeline* delete paragraph (d).

(3) In section 4 in the definition of *public authority*:

(a) after paragraph (a) insert:

or

(b) after paragraph (c)(i) insert:

and

174. Section 8 amended

Delete section 8(1)(a).

175. Section 11 deleted

Delete section 11.

176. Section 14 replaced

Delete section 14 and insert:

14. Term of licence

- (1) Subject to this Part, a licence remains in force indefinitely.
- (2) Subsection (1) applies to pipeline licences in force immediately before the commencement of section 176 of the amending Act as well as to pipeline licences granted on or after the commencement of that section.
- (3) In subsection (2), a reference to a pipeline licence in force is to be read as including a reference to —
 - (a) a pipeline licence in force as a result of being renewed under section 11 as in force before its deletion by section 175 of the amending Act; and
 - (b) a pipeline licence deemed to be in force under section 11(7) as in force before that deletion.
- (4) In subsections (2) and (3) —
amending Act means the *Petroleum and Energy Legislation Amendment Act 2010*.

15A. Termination of pipeline licence if no operations for 5 years

- (1) If a licensee —
 - (a) has not carried out any construction work under the licence at any time during a continuous period of 5 years; and
 - (b) has not used the pipeline, or has not used a particular part of it, at any time during a continuous period of 5 years,

the Minister may, by written notice served on the licensee, inform the licensee that the Minister proposes to terminate the licence, or to terminate the licence in respect of the unused part of the pipeline, as the case may be, after the end of the period of one month after the notice is served.

- (2) At any time after the end of the period of one month after the notice referred to in subsection (1) is served on the licensee, the Minister may, by written notice served on the licensee, terminate the licence, or terminate the licence in respect of the part of the pipeline, as the case may be.
- (3) In working out, for the purposes of subsection (1), the duration of the period in which a licensee did not carry out any construction work under the licence or did not use the pipeline or a part of the pipeline, any period in which construction work was not carried out, or the pipeline or the part of it was not used, because of circumstances beyond the licensee's control is to be disregarded.

177. Section 15 amended

Delete section 15(2)(a).

178. Section 47A deleted

Delete section 47A.

179. Section 61 replaced

Delete section 61 and insert:

61. Power of Minister to delegate

- (1) The Minister may delegate to a person any power or duty of the Minister under another provision of this Act.
- (2) The delegation is to be in writing signed by the Minister.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Minister to perform a function through an officer or agent.
- (6) A copy of each instrument making, amending or revoking a delegation under this section shall be published in the *Gazette*.

180. Section 67 amended

- (1) After section 67(1)(d) insert:
 - (ea) the preparation, submission and approval of environment plans;
 - (eb) the prohibition of the doing of an act or thing otherwise than in accordance with an approved environment plan;

- (2) In section 67(1c) delete “*Petroleum Act 1967*,” and insert:

Petroleum and Geothermal Energy Resources Act 1967,

181. Schedule 1 amended

- (1) In Schedule 1 clause 53 delete the Penalty and insert:

Penalty for an offence under subsection (3): a fine of \$3 300
or imprisonment for 6 months or both.

- (2) In Schedule 1 clause 54 delete the Penalty and insert:

Penalty for an offence under subclause (5): a fine of \$3 300
or imprisonment for 6 months or both.

- (3) In Schedule 1 clause 62 delete the Penalty and insert:

Penalty for an offence under subclause (1), (2) or (3): a fine
of \$11 000.

- (4) In Schedule 1 clause 66 delete the Penalty and insert:

Penalty for an offence under subclause (3): a fine of \$5 000.

- (5) In Schedule 1 clause 71(1) delete “67” and insert:

70

- (6) In the provisions listed in the Table after “Penalty:” insert:

a fine of

s. 182

Table

Sch. 1 cl. 4(1) and (2)	Sch. 1 cl. 7(1) and (2)
Sch. 1 cl. 8(1) and (2)	Sch. 1 cl. 9(1), (2), (4) and (5)
Sch. 1 cl. 10(1) and (2)	Sch. 1 cl. 11(1)
Sch. 1 cl. 12(1)	Sch. 1 cl. 13(1)
Sch. 1 cl. 52	Sch. 1 cl. 57(7)
Sch. 1 cl. 59(1)	Sch. 1 cl. 61
Sch. 1 cl. 64(5)	Sch. 1 cl. 70(1)
Sch. 1 cl. 74	Sch. 1 cl. 75
Sch. 1 cl. 76(1)	

182. Various penalties amended

- (1) In section 6 delete the Penalty and insert:

Penalty for an offence under subsection (1) or (2): a fine of \$50 000 or imprisonment for 5 years, or both.

- (2) In section 20 delete the Penalty and insert:

Penalty for an offence under subsection (6)(b): a fine of \$500.

- (3) In section 27 delete the Penalty and insert:

Penalty for an offence under subsection (4): a fine of \$10 000.

- (4) In section 50(1c) delete the Penalty.

- (5) In section 50(2) delete the Penalty and insert:

Penalty for an offence under subsection (1c) or (2): a fine of \$5 000.

- (6) In section 51 delete the Penalty and insert:

Penalty for an offence under subsection (2): a fine of \$5 000.

- (7) In section 56 delete “offence and is liable to a penalty of \$5 000.” and insert:

offence.

- (8) At the end of section 56 insert:

Penalty: a fine of \$5 000.

- (9) In section 62 delete the Penalty and insert:

Penalty for an offence under subsection (3): a fine of \$500.

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(10) In section 63 delete the Penalty and insert:

Penalty for an offence under subsection (2) or (3): a
fine of \$5 000.

(11) In section 65 delete “offence and is liable to a penalty of
\$50 000 or imprisonment for 5 years, or both.” and insert:

offence.

(12) At the end of section 65 insert:

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

(13) In the provisions listed in the Table after “Penalty:” insert:

a fine of

Table

s. 7(5)	s. 21(6)
s. 25(2)	s. 35(1)
s. 36A	s. 37
s. 38	s. 40
s. 41(3), (4), (5) and (9)	s. 48

Part 5 — Other Acts amended

183. *Crimes at Sea Act 2000* amended

- (1) This section amends the *Crimes at Sea Act 2000*.
- (2) In Schedule 1 clause 1(1) delete the definition of ***Area A of the Zone of Cooperation***.
- (3) In Schedule 1 clause 1(1) insert in alphabetical order:

Joint Petroleum Development Area has the same meaning as in the *Petroleum (Timor Sea Treaty) Act 2003* (Commonwealth);

- (4) In Schedule 1 clause 10 delete “Area A of the Zone of Cooperation” and insert:

The Joint Petroleum Development Area

Note: The heading to amended clause 10 is to read:

Non-application of scheme to the Joint Petroleum Development Area

- (5) In Schedule 1 clause 14(1), (2)(a), (3) and (4)(a) delete “Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*” and insert:

Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

- (6) In Schedule 1 clause 14(2)(b) delete “subsection (7) of section 5A of the *Petroleum (Submerged Lands) Act 1967*” and insert:

section 7(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

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- (7) In Schedule 1 clause 14(3)(b) and (4)(a)(ii) delete “Area A of the Zone of Cooperation” and insert:

the Joint Petroleum Development Area

- (8) In Schedule 1 clause 14(4)(b):

- (a) delete “adjacent area” and insert:

offshore area

- (b) delete “subsection (3) of section 5A of the *Petroleum (Submerged Lands) Act 1967*” and insert:

section 7(1) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

- (9) After Schedule 1 clause 14(5) insert:

- (6) A reference in this clause to the area described in Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth) in relation to a State or Territory is a reference to the scheduled area for that State or Territory within the meaning given in that Schedule.

- (10) In Appendix 1 in the legend of the map delete “Area A of the Zone of Cooperation” and insert:

the Joint Petroleum Development Area

184. National Gas Access (WA) Act 2009 amended

- (1) This section amends the *National Gas Access (WA) Act 2009*.
- (2) In section 9(1) in the definitions of *adjacent area of another participating jurisdiction* and *adjacent area of this jurisdiction* after “*Offshore Petroleum*” insert:

and Greenhouse Gas Storage

185. Petroleum (Submerged Lands) Registration Fees Act 1982 amended

- (1) This section amends the *Petroleum (Submerged Lands) Registration Fees Act 1982*.
- (2) In section 4(1) before “pipeline licence” insert:

infrastructure licence,

186. Workers’ Compensation and Injury Management Act 1981 amended

- (1) This section amends the *Workers’ Compensation and Injury Management Act 1981*.
- (2) In Schedule 6 clause 1 insert in alphabetical order:

Joint Petroleum Development Area has the same meaning as in the *Petroleum (Timor Sea Treaty) Act 2003* (Commonwealth);

- (3) In Schedule 6 clause 1 in the definition of *Petroleum Act* delete “*Petroleum (Submerged Lands) Act 1967*” and insert:

Offshore Petroleum and Greenhouse Gas Storage Act 2006

s. 186

- (4) In Schedule 6 clause 2(1), (2)(a), (3) and (4)(a) delete “Schedule 2” and insert:

Schedule 1

- (5) In Schedule 6 clause 2(2)(b) delete “subsection (7) of section 5A” and insert:

section 7(2)

- (6) In Schedule 6 clause 2(3)(b) and (4)(a)(ii) delete “Area A of the Zone of Cooperation” and insert:

the Joint Petroleum Development Area

- (7) In Schedule 6 clause 2(4)(b):

- (a) delete “adjacent area” and insert:

offshore area

- (b) delete “subsection (3) of section 5A” and insert:

section 7(1)

- (8) After Schedule 6 clause 2(5) insert:

- (6) A reference in this clause to the area described in Schedule 1 to the Petroleum Act in relation to a State or Territory is a reference to the scheduled area for that State or Territory within the meaning given in that Schedule.