Petroleum and Geothermal Energy Resources Act 1967

Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019

Made by the Governor in Executive Council.

1. Citation
These regulations are the Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019.

2. Commencement
These regulations come into operation as follows —
(a) regulations 1 and 2 — on the day on which these regulations are published in the Gazette;
(b) the rest of the regulations — on the day after that day.

3. Regulations amended
These regulations amend the Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Regulations 2017.

4. Regulation 3 amended
In regulation 3 insert in alphabetical order:

*Dampier Peninsula hydraulic fracturing ban area* means the area described in Schedule 1 Division 1 (a map of which is included for information purposes in Schedule 1 Division 2);

*moratorium area* means an area of the State that is not —
(a) an existing petroleum authority area as defined in regulation 3A(1); or
(b) an area referred to in regulation 4;

*moratorium period* means the period beginning on 9 December 2017 and ending on the day on which regulation 5 is repealed;

*public drinking water source area* means —
(a) a catchment area or water reserve constituted under the Country Areas Water Supply Act 1947 section 9(1); or
(b) a catchment area or water reserve constituted under the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 section 13; or

(c) an Underground Water Pollution Control Area constituted under the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 section 57A;

5. Regulation 3A inserted

After regulation 3 insert:

3A. Existing petroleum authority area

(1) An area of the State is an existing petroleum authority area if —

(a) there was a petroleum authority in force in respect of the area on 26 November 2018; and

(b) in the period since that day there has always been a petroleum authority in force in respect of the area; and

(c) there is currently a petroleum authority in force in respect of the area.

(2) For the purposes of subregulation (1) it does not matter that different petroleum authorities have been in force in respect of the area at different times.

6. Regulation 4 amended

In regulation 4:

(a) in paragraph (c) delete “region.” and insert:

region;

(b) after paragraph (c) insert:

(d) the Dampier Peninsula hydraulic fracturing ban area;

(e) a national park as defined in the Conservation and Land Management Act 1984 section 3;

(f) a public drinking water source area;

(g) an area that is within 2 km of a public drinking water source area.
7. **Regulation 5 amended**

Delete regulation 5(1).

8. **Schedule 1 inserted**

After regulation 5 insert:

**Schedule 1 — Dampier Peninsula hydraulic fracturing ban area**

[r. 3]

**Division 1 — Description of area**

The Dampier Peninsula hydraulic fracturing ban area is the area of the State bounded by a line that —

(a) starts at a point that is the intersection of 17°29'55.01" south latitude and 122°35'04.55" east longitude;

(b) then continues south along the meridian to the intersection of 17°44'55.02" south latitude and 122°35'04.56" east longitude;

(c) then continues west along the parallel to the intersection of 17°44'55.02" south latitude and 122°25'04.58" east longitude;

(d) then continues south along the meridian to the intersection of 17°59'55.04" south latitude and 122°25'04.58" east longitude;

(e) then continues west along the parallel to the intersecting point on the coastline at mean low water at 17°59'55.04" south latitude;

(f) then continues along the coastline at mean low water generally westerly, then generally northerly, then generally north easterly, then generally south easterly to the intersecting point at 17°29'54.98" south latitude;

(g) then continues west along the parallel returning to the starting point.

Note for this Division:

Coordinate references are to Geocentric Datum of Australia 1994 (GDA94) coordinates.
Division 2 — Map of area (for information purposes only)

C. BARRON, Clerk of the Executive Council.