

ACTS AMENDMENT (PETROLEUM) ACT

No. 12 of 1990

AN ACT to amend the *Petroleum Act 1967*, the *Petroleum Pipelines Act 1969* and the *Petroleum (Submerged Lands) Act 1982* and for related purposes.

[Assented to 31 July 1990.]

The Parliament of Western Australia enacts as follows:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment (Petroleum) Act 1990*.

Commencement

2. (1) Subject to subsection (2), the provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

(2) Section 132 shall be deemed to have come into operation on 12 December 1969.

PART II—PETROLEUM ACT 1967**Principal Act**

3. In this Part the *Petroleum Act 1967** is referred to as the principal Act.

[**Reprinted as approved 20 September 1982 and amended by Acts Nos. 107 of 1982, 113 of 1985 and 90 of 1987.*]

Section 4 repealed

4. Section 4 of the principal Act is repealed.

Section 5 amended

5. Section 5 of the principal Act is amended—

(a) in subsection (1) by—

- (i) deleting “subsection (1) or (2) of section 50 of this Act” in the definition of “application for a primary licence” and substituting the following—

“ section 50 (1) or (2) or 50A (1) or (2) ”;

- (ii) deleting “subsection (3) of section 50 of this Act” in the definition of “application for a secondary licence” and substituting the following—

“ section 50 (3) or 50A (3) ”;

- (iii) deleting the definition of "Crown land" and substituting the following—

“ “Crown land” means all land in the State—

- (a) which has not been dedicated to any public purpose, or reserved;
- (b) which has not been lawfully granted or contracted to be granted in fee simple; or
- (c) which is not held under lease for any purpose except under—
 - (i) a pastoral lease within the meaning of the *Land Act 1933*, or a lease otherwise granted for grazing purposes only;
 - (ii) a lease for timber purposes; or
 - (iii) a lease for the use and benefit of the Aboriginal inhabitants,

and includes—

- (d) any land reserved under the *Land Act 1933* for public utility or for commons for the use of the inhabitants of any town or settlement;
- (e) State forests and timber reserves within the meaning of the *Conservation and Land Management Act 1984*;
- (f) any reserve for the time being declared under section 15 (2) to be Crown land for the purposes of this Act, and to be land to which this Act applies;
- (g) land referred to in section 15 (4); and

(h) all land between—

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

(iv) inserting after the definition of “inspector” the following definitions—

“ “lease” means a retention lease under Part III;

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

“lessee” means the registered holder of a lease; ”;

(v) inserting after “permit” in both places where it occurs in the definition of “partly determined” the following—

“ or lease ”;

(vi) deleting the definition of “primary entitlement” and substituting the following—

“ “primary entitlement” means—

- (a) in relation to a permittee, the number of blocks forming part of a location in the permit area in respect of which that permittee may make an application under section 50 (1); and
- (b) in relation to a lessee, the number of blocks in the lease area in respect of which that lessee may make an application under section 50A (1); ”;

- (vii) deleting “other than for pastoral or timber purposes;” in the definition of “private land” and substituting the following—

“ other than—

(a) a pastoral lease within the meaning of the *Land Act 1933*, or a lease otherwise granted for grazing purposes only;

(b) a lease for timber purposes; or

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

- (viii) inserting after “permit,” in both places where it occurs in the definition of “registered holder” the following—

“ lease, ”;

- (ix) inserting after “licence” in both places where it occurs in the definition of “registered holder” the following—

“ , special prospecting authority ”;

- (x) inserting after the definition of “registered holder” the following definition—

“ “regulations” means regulations made under section 153; ”;

- (xi) inserting after “permit” in both places where it occurs in paragraph (a) of the definition of “the relinquished area” the following—

“ , lease ”;

- (xii) inserting after “permit” in both places where it occurs in paragraph (b) of the definition of “the relinquished area” the following—

“ or lease ”;

(xiii) deleting “and” at the end of paragraph (c) of the definition of “the relinquished area”;

(xiv) inserting after paragraph (c) of the definition of “the relinquished area” the following—

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

(xv) inserting after “permit,” in both places where it occurs in the definition of “wholly cancelled” the following—

“ lease ”;

and

(xvi) inserting after “permit” in both places where it occurs in the definition of “wholly determined” the following—

“ or lease ”;

(b) in subsection (2) by—

(i) inserting after “permit,” wherever it occurs the following—

“ lease, ”;

and

(ii) deleting “ceases to have effect” and substituting the following—

“ ceases to be in force ”;

(c) in subsection (3) by—

(i) inserting after “permit” where it first occurs the following—

“ , lease ”;

and

- (ii) deleting “the date from and including which the permit or licence as the case may be, has effect or on any anniversary of that date” and substituting the following—

“ the day on which the permit, lease or licence, as the case may be, comes into force or on any anniversary of that day ”;

- (d) by inserting after subsection (4) the following subsection—

“ (4a) In this Act, a reference to the renewal, or to the grant of a renewal, of a lease is a reference to the grant of a lease in respect of the blocks in respect of which the firstmentioned lease was in force to commence on the day after the date of expiration of the firstmentioned lease or on the day after the date of expiration of the lease granted upon a previous renewal of the firstmentioned lease. ”;

- (e) in subsection (6) by inserting after “permit,” in both places where it occurs the following—

“ lease, ”;

and

- (f) by inserting after subsection (7) the following subsection—

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

Section 7 amended

6. Section 7 of the principal Act is amended in subsection (2) by inserting after “permit,” the following—

“ lease, ”.

Section 7A inserted

7. Part II of the principal Act is amended by inserting after section 7 the following section—

Petroleum pool extending into 2 licence areas

“ 7A. (1) The provisions of this section have effect for the purposes of this Act (including any Act with which this Act is incorporated) and of licences (whether granted before or after the commencement of this section).

(2) Where a well-head is situated in a licence area or in an area in respect of which an access authority is in force (in this subsection called an “access authority area”) and the well from that well-head is inclined so as to enter a petroleum pool, being a pool that does not extend to that licence area or access authority area, at a place within an adjoining licence area of the same licensee or registered holder of the access authority, any petroleum recovered through that well shall be deemed to have been recovered in that adjoining licence area under the licence in respect of that area.

(3) Where a petroleum pool is partly in one licence area and partly in an adjoining licence area of the same licensee and petroleum is recovered from that pool through a well or wells in one or both of the licence areas, there shall be deemed to have been recovered in each of the licence areas, under the licence in respect of that area, such proportion of all petroleum so recovered as may reasonably be treated as being derived from that area, having regard to the nature and probable extent of the pool, and the respective proportions shall be determined in accordance with subsection (4).

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

(5) Where a petroleum pool is partly in a licence area and partly in another area in which the licensee has authority under another written law or a law of another State to

explore for, or recover, petroleum, and petroleum is recovered from that pool through a well or wells in the licence area, the other area or both, there shall be deemed to have been recovered in the licence area such proportion of all petroleum so recovered as may reasonably be treated as being derived from the licence area, having regard to the nature and probable extent of the pool, and that proportion shall be determined in accordance with subsection (6).

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

(a) in the case of a licensee having authority under another written law, by agreement between—

(i) that licensee;

(ii) the Minister; and

(iii) if the other written law is administered by a Minister of the Crown other than the Minister, that Minister of the Crown,

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

(b) in the case of a licensee having authority under a law of another State, by agreement between—

(i) that licensee;

(ii) the Minister; and

(iii) the State Minister administering the law of the other State,

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

(7) Where—

- (a) a petroleum pool is partly in a licence area and partly in another area, whether in the State or not, in respect of which another person has authority, whether under this Act or another written law or under the law of another State, to explore for or recover petroleum;
- (b) a unit development agreement in accordance with section 69 is in force between the licensee and that other person; and
- (c) petroleum is recovered from that pool through a well or wells in the licence area, the other area or both,

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

(8) In this section—

- (a) a reference to a licence, a licensee or a licence area shall be read as including a reference to a permit and a lease, a permittee and a lessee or a permit area and a lease area;
- (b) a reference to a State shall be read as including a reference to the Northern Territory; and
- (c) a reference to the Supreme Court of a State shall be read as a reference to the Supreme Court of the State, or of one of the States, in which the petroleum pool is wholly or partly situated. ”.

Section 13 amended**8. Section 13 of the principal Act is amended—**

- (a) in subsection (2) by deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”;

and

- (b) in subsection (4) by deleting "Arbitration Act 1895" and substituting the following—

" *Commercial Arbitration Act 1985* ".

Section 14 amended

9. Section 14 of the principal Act is amended—

- (a) in subsection (1) by inserting after "permit" the following—

" , lease ";

and

- (b) in subsections (2) and (3) by inserting after "permittee" wherever it occurs the following—

" , lessee ".

Section 15 amended

10. Section 15 of the principal Act is amended in subsection (1) by inserting after—

- (a) "section 38" the following—

" , 48C ";

- (b) "permittee" the following—

" , lessee ";

and

- (c) "permit area" the following—

" , lease area ".

Section 16 amended

11. Section 16 of the principal act is amended in subsection (1) by inserting after—

- (a) "permittee" the following—

" , lessee ";

and

(b) “permit” the following—

“ , lease ”.

Section 17 amended

12. Section 17 of the principal Act is amended in subsection (1) by inserting after—

(a) “permittee” the following—

“ , lessee ”; and

and

(b) “permit” the following—

“ , lease ”.

Section 18 amended

13. Section 18 of the principal Act is amended by inserting after—

(a) “permit” the following—

“ , lease ”;

and

(b) “permittee” in both places where it occurs the following—

“ , lessee ”.

Section 19 amended

14. Section 19 of the principal Act is amended by inserting after—

(a) “permit” in both places where it occurs the following—

“ , lease ”;

and

(b) “permittee” the following—

“ , lessee ”.

Section 20 amended

15. Section 20 of the principal Act is amended in subsection (1) by inserting after "permittee" the following—

" , lessee ".

Section 21 amended

16. Section 21 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsection—

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

(a) a pastoral lease within the meaning of the *Land Act 1933*, or a lease otherwise granted for grazing purposes only;

(b) a lease for timber purposes; or

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

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

and

(b) in subsections (2) and (3) by inserting before "lessee" wherever it occurs the following—

" compensable ".

Section 22 amended

17. Section 22 of the principal Act is amended by inserting before “lessee” the following—

“ compensable ”.

Section 24 amended

18. Section 24 of the principal Act is amended in subsection (1) by—

- (a) deleting “for pastoral purposes under the provisions of the Land Act 1933” and substituting the following—

“ by way of a pastoral lease within the meaning of the *Land Act 1933*, a lease otherwise granted for grazing purposes only, a lease for timber purposes or a lease for the use and benefit of the Aboriginal inhabitants (in this subsection called the “affected lessee”) ”;

- (b) in paragraph (c) by inserting before “lessee” in both places where it occurs the following—

“ affected ”;

- (c) inserting “and” after the semi-colon at the end of paragraph (c);

- (d) deleting the semi-colon at the end of paragraph (d) and substituting a full stop;

and

- (e) deleting paragraphs (e) and (f).

Section 28 amended

19. Section 28 of the principal Act is amended by inserting after—

- (a) “which a permit” in subsection (1) the following—

“ , lease ”;

and

- (b) “permit,” in both places where it occurs the following—

“ lease, ”.

Section 29 repealed and section 29 substituted

20. Section 29 of the principal Act is repealed and the following section is substituted—

Exploration for petroleum

“ 29. A person shall not explore for petroleum in the State except—

(a) under and in accordance with a permit; or

(b) as otherwise permitted by this Act.

Penalty: \$50 000 or imprisonment for 5 years, or both. ”.

Section 30 amended

21. Section 30 of the principal Act is amended by repealing subsections (3), (4) and (5).

Section 31 amended

22. Section 31 of the principal Act is amended—

(a) in subsection (1) (f) by deleting “a fee of \$3 000” and substituting the following—

“ the prescribed fee ”;

and

(b) by repealing subsection (5).

Section 33 amended

23. Section 33 of the principal Act is amended—

- (a) in subsection (1) by deleting paragraph (a) and substituting the following—

“ (a) a lease is surrendered, cancelled or determined as to a block or blocks;

(aa) licence is surrendered or cancelled as to a block or blocks; or ”;

and

- (b) by repealing subsections (2) and (3).

Section 34 amended

24. Section 34 of the principal Act is amended—

- (a) in subsection (1) (a) by deleting “a fee of \$3 000” and substituting the following—

“ the prescribed fee ”;

and

- (b) by deleting subsection (2) and substituting the following subsection—

(2) Where a permit is not granted on the application, the amount of the deposit shall, subject to subsection (3), be refunded to the applicant. ”.

Section 35 amended

25. Section 35 of the principal Act is amended by repealing subsection (3).

Section 39 amended and transitional

26. (1) Section 39 of the principal Act is amended—

- (a) in paragraph (a) by deleting “the day from which the permit has effect” and substituting the following—

“ the day on which the permit is granted or, if a later day is specified in the permit as being the day on which the permit is to come into force, on that later day ”;

and

- (b) in paragraph (b) by deleting “the day after the day on which the last previous permit in respect of blocks specified in the permit so granted ceases to have effect” and substituting the following—

“ the day on which the permit is granted or, if a later day is specified in the permit as being the day on which the permit is to come into force, on that later day ”.

(2) A permit granted before the commencement of this section is not invalidated by reason of any error that may have occurred in specifying the date of commencement of the permit and the term of such a permit shall be deemed to have commenced on the day of commencement specified in it.

Section 40 amended

27. Section 40 of the principal Act is amended in subsection (2) (c) by deleting “a fee of \$300” and substituting the following—

“ the prescribed fee ”.

Section 41 amended

28. Section 41 of the principal Act is amended—

- (a) in subsection (1) by deleting “The number” and substituting the following—

“ Subject to subsection (2a), the number ”;

(b) by inserting after subsection (2) the following subsection—

“ (2a) 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 to which the permit is in force, or 2 or more such blocks. ”;

and

(c) in subsection (5) by deleting “subsection (1) of this section” and substituting the following—

“ subsections (1), (2) and (2a) ”.

Section 43 amended

29. Section 43 of the principal Act is amended by repealing subsection (2) and substituting the following subsection—

“ (2) The conditions referred to in subsection (1) may include conditions with respect to work to be carried out by the permittee in or in relation to the permit area during the term of the permit, or amounts to be expended by the permittee in the carrying out of such work, or conditions with respect to both of those matters, including conditions requiring the permittee to comply with directions given in accordance with the permit concerning those matters. ”.

Section 44 amended

30. Section 44 of the principal Act is amended in subsection (3) by deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 45 amended

31. Section 45 of the principal Act is amended in subsection (2) by deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

**Sections 46 and 47 repealed and sections 46
and 47 substituted and transitional**

32. (1) Sections 46 and 47 of the principal Act are repealed and the following sections are substituted—

Nomination of blocks as location

“ 46. (1) Where a petroleum pool is identified in a permit area, the permittee may nominate the block in which the pool is situated, or the blocks (being blocks within the permit area) to which the pool extends, for declaration as a location.

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

(3) A nomination may not be made under subsection (2) unless, in the case of each of the pools to which the nomination relates, at least one of the blocks to which the pool extends immediately adjoins a block to which the other, or another, of those pools extends.

(4) A nomination by a permittee shall be in writing and served on the Minister.

(5) A nomination may not be made by a permittee unless the permittee or another person has, whether within or outside the permit area, recovered petroleum from the petroleum pool to which the nomination relates or, if the nomination relates to more than one pool, from each of those pools.

(6) Where—

(a) the Minister is of the opinion that a permittee is entitled to nominate a block or blocks under subsection (1) or (2);

and

(b) the permittee has not done so,

the Minister may require the permittee to exercise the permittee's right to nominate the block or blocks within 3 months after the date of the making of the requirement.

(7) A requirement by the Minister under subsection (6) shall be by written notice served on the permittee.

(8) On written request by a permittee within the period fixed by subsection (6), the Minister may extend the time for compliance with a requirement under that subsection by not more than 3 months.

(9) If a permittee fails to comply with a requirement under subsection (6), the Minister may, by written notice served on the permittee, nominate the block or blocks for declaration as a location.

Declaration of location

47. (1) Where—

(a) a permittee has made a nomination under section 46; and

(b) the Minister is of the opinion that the permittee is entitled under that section to nominate the block or blocks specified in the nomination,

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

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

(3) The Minister may, at the request of the permittee, revoke a declaration.

(4) The Minister may vary a declaration by—

(a) adding to the location a block in the permit area to which, in the opinion of the Minister, a petroleum pool within the location extends; or

- (b) deleting from the location a block to which, in the opinion of the Minister, no petroleum pool within the location extends.

(5) The Minister may not vary a declaration unless—

- (a) the Minister has caused to be served on the permittee notice in writing of the proposed variation, identifying the block to be added to, or deleted from, the location;
- (b) the period of 30 days after the date of service of the notice has expired; and
- (c) the Minister has considered any matters submitted to him by the permittee in relation to the proposed variation.

(6) Subsection (5) does not apply where a variation is made at the request of the permittee. ”.

(2) Where—

- (a) at the commencement of this section, a nomination has been made under section 46 of the principal Act; and
- (b) at that commencement, a declaration had not been made under section 47 of the principal Act as a result of the making of the nomination,

sections 46, 47 and 48 of the principal Act, as in force immediately before the commencement of this section, continue to have effect in relation to that nomination and the block or blocks that would be affected by a declaration as if this Act had not been enacted.

(3) A declaration made under section 47 of the principal Act as continued in force by subsection (2) has effect, and the principal Act, as amended by this Act, applies to the declaration, as if the declaration had been made under that section as amended by this Act.

(4) A declaration in force under section 47 of the principal Act immediately before the commencement of this section has effect after that commencement as if it were a declaration under section 47 of the principal Act, as amended by this Act.

(5) Where—

- (a) the permittee under a permit granted before the commencement of this section applies under section 50 of the principal Act, as amended by this Act, for a licence;
- (b) the location that includes the block or blocks to which the application relates was declared under section 47 of the principal Act, as amended by this Act;
- (c) the location consists of not more than 8 blocks;
- (d) the Minister notifies the applicant in writing that, in his opinion, the number of blocks specified in the notification represents the maximum number of blocks that the applicant would have been entitled to have declared as a location instead of the block or blocks constituting the location referred to in paragraph (b) if this Act had not been enacted; and
- (e) the number of blocks specified in the notification exceeds the number of blocks in the location referred to in paragraph (b),

section 50 (1) of the principal Act, as amended by this Act, applies as if the firstmentioned location were constituted by the number of blocks specified in the notification referred to in paragraph (d).

(6) Where—

- (a) a lessee under a lease of a block or blocks for which a permit was granted before the commencement of this section applies under section 50A of the principal Act, as amended by this Act, for a licence;
- (b) the location that includes the block or blocks to which the application relates was declared under section 47 of the principal Act, as amended by this Act;
- (c) the location consists of not more than 8 blocks;

- (d) the Minister notifies the applicant in writing that, in his opinion, the number of blocks specified in the notification represents the maximum number of blocks that the applicant would have been entitled to have declared as a location instead of the block or blocks constituting the location referred to in paragraph (b) if this Act had not been enacted; and
- (e) the number of blocks specified in the notification exceeds the number of blocks in the location referred to in paragraph (b),

section 50A (2) of the principal Act, as amended by this Act, applies as if the lease were in respect of the number of blocks specified in the notification referred to in paragraph (d).

Section 48 amended

33. Section 48 of the principal Act is amended by deleting “sections 46 and 47 of this Act” and substituting the following—

“ section 46 ”.

Part III amended

34. Part III of the principal Act is amended by inserting after Division 2 the following Division—

“ *Division 2A.—Retention Leases for Petroleum*

Application by permittee for lease

48A. (1) A permittee whose permit is in force in respect of a block that constitutes, or the blocks that constitute, a location may, within the application period, make an application to the Minister for the grant of a lease in respect of that block, or in respect of one or more of those blocks, as the case may be.

(2) An application under subsection (1)—

- (a) shall be in accordance with an approved form;
- (b) shall be made in an approved manner;
- (c) shall be accompanied by particulars of—
 - (i) the proposals of the applicant for work and expenditure in respect of the area comprised in the blocks specified in the application; and
 - (ii) the commercial viability of the recovery of petroleum from the area comprised in the blocks specified in the application at the time of the application, and particulars of the possible future commercial viability of the recovery of petroleum from that area;
- (d) may set out any other matters that the applicant wishes to be considered; and
- (e) shall be accompanied by the prescribed fee.

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

(4) The application period in respect of an application under this section by a permittee is—

- (a) the period of 2 years after the date on which the block that constitutes the location concerned was, or the blocks that constitute the location concerned were, declared to be a location; or
- (b) such other period, not less than 2 years or more than 4 years after that date, as the Minister, on application in writing by the permittee, served on the Minister before the end of the firstmentioned period of 2 years, allows.

Grant or refusal of lease in relation to application**48B. (1) Where—**

- (a) an application has been made under section 48A;
 - (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 recovery of petroleum from the area comprised in the blocks specified in the application—
 - (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 instrument in writing served on the applicant, inform the applicant—

- (d) that he is prepared to grant to the applicant a lease in respect of the block or blocks specified in the application;
- and
- (e) that the applicant will be required to lodge a security for compliance with the conditions to which the lease, if granted, will from time to time be subject and with the provisions of this Part and the regulations.

(2) Where an application has been made under section 48A and—

- (a) the applicant has not furnished any further information as and when required by the Minister under section 48A (3); or

- (b) the Minister is not satisfied as to the matters referred to in subsection (1) (c) in relation to the blocks specified in the application,

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

(3) An instrument 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 and lodge with the Minister the security referred to in the instrument.

(4) An applicant on whom there has been served an instrument under subsection (1) may, within a period of one month after the date of service of the instrument, or within such further period, not exceeding one month, as the Minister, on application in writing served on the Minister before the end of the firstmentioned period of one month, allows—

- (a) by instrument in writing served on the Minister, request the Minister to grant to the applicant the lease; and
- (b) lodge with the Minister the security referred to in the firstmentioned instrument.

(5) Where an applicant on whom there has been served an instrument under subsection (1)—

- (a) has made a request under subsection (4); and
- (b) has lodged with the Minister the security referred to in the instrument,

within the period applicable under subsection (4), the Minister shall grant to the applicant a retention lease in respect of the block or blocks specified in the instrument.

(6) Where an applicant on whom there has been served an instrument under subsection (1)—

- (a) has not made a request under subsection (4); or
- (b) has not lodged with the Minister the security referred to in the instrument,

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

(7) On the day on which a lease granted under this section in respect of a block or blocks comes into force, the permit in respect of the block or blocks ceases to be in force in respect of those blocks.

Rights conferred by lease

48C. A lease, while it remains in force, authorizes the lessee, subject to this Act and the regulations and in accordance with the conditions to which the lease is subject, to explore for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the lease area.

Term of lease

48D. Subject to this Part, a lease (whether granted by way of renewal of a lease or otherwise) remains in force for a period of 5 years commencing on the day on which the lease was granted or, if a later day is specified in the lease as being the day on which the lease is to come into force, on that later day.

Notice of intention to cancel lease

48E. (1) Where—

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

- (b) the lessee has not made an application for the renewal of the lease; and
- (c) after consideration of the results of the re-evaluation referred to in paragraph (a) and such other matters as the Minister thinks fit, the Minister is of the opinion that recovery of petroleum from the lease area is commercially viable,

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

- (d) informing the lessee and the other persons that the Minister has formed that opinion and that the Minister intends to cancel the lease; and
- (e) stating that the lessee or the other person may serve an instrument in writing on the Minister within the period specified in the firstmentioned instrument, not being a period ending earlier than one month after the date of service of the firstmentioned instrument, setting out any matters that the lessee or other person, as the case may be, wishes to be considered.

(2) Where—

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

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

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

(a) in a case to which paragraph (b) does not apply, at the end of the period of 12 months commencing on the date of service of the instrument of cancellation;
or

(b) in a case where the lessee makes an application for a licence in respect of one or more of the blocks comprised in the lease within the period referred to in paragraph (a), when the Minister grants, or refuses to grant, the licence or when the application lapses, whichever first happens.

(4) Where a lease is cancelled under subsection (2), the lease shall be deemed to continue in force in all respects until the cancellation has effect in accordance with subsection (3).

Application for renewal of lease

48F. (1) A lessee may, from time to time, make an application to the Minister for the renewal of the lease.

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

(a) shall be in accordance with an approved form;

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

(c) shall be accompanied by particulars of—

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

- (ii) the commercial viability of recovery of petroleum from the lease area at the time of the application and particulars of the possible future commercial viability of recovery of petroleum from the lease area;

and

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

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

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

Grant or refusal of renewal of lease

48G. (1) Where—

- (a) a lessee makes an application for the renewal of a lease;
- (b) the applicant has furnished any further information as and when required by the Minister under section 48F (4); and
- (c) the Minister is satisfied that recovery of petroleum from the lease 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—

- (d) shall, if the lessee has complied with the conditions to which the lease is subject and with the provisions of this Part and of the regulations; or
- (e) may, if the lessee has not so complied but the Minister is satisfied that special circumstances exist that justify the granting of the renewal of the lease,

inform the lessee, by instrument in writing served on the lessee, that he is prepared to grant to the lessee the renewal of the lease and that the lessee will be required to lodge a security for compliance with the conditions to which the lease, if the renewal is granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(2) Subject to subsection (3), where—

- (a) a lessee makes an application for the renewal of a lease;

and

(b) either—

- (i) the applicant has not furnished any further information as and when required by the Minister under section 48F (4);
- (ii) the Minister is not satisfied as to the matters referred to in subsection (1) (c); or
- (iii) the lessee has not complied with the conditions to which the lease is subject and with the provisions of this Part and of the regulations and the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the lease,

the Minister shall, by instrument in writing served on the lessee, refuse to grant the renewal of the lease.

(3) The Minister shall not refuse to grant the renewal of the lease unless—

- (a) he has, by instrument in writing served on the lessee, given not less than one month's notice of his intention to refuse to grant the renewal of the lease;
- (b) he has served a copy of the instrument on such other persons, if any, as he thinks fit;
- (c) he has, in the instrument—
 - (i) given particulars of the reasons for the intention;
 - and
 - (ii) specified a date on or before which the lessee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Minister, submit any matters that the lessee wishes to be considered;
 - and
- (d) he has taken into account any matters so submitted on or before the specified date by the lessee or by a person on whom a copy of the firstmentioned instrument has been served.

(4) An instrument referred to in subsection (1) shall contain—

- (a) a summary of the conditions to which the lease, on the grant of the renewal, is to be subject; and
- (b) a statement to the effect that the application will lapse if the lessee does not make a request under subsection (6) and lodge with the Minister the security referred to in the instrument.

(5) An instrument under subsection (2) shall, where the Minister refuses to grant the renewal of a lease by reason only that the Minister is not satisfied as to the matter

referred to in subsection (1) (c) (i), contain a statement to the effect that the lessee may, within the period of 12 months after the date of service of the instrument, make an application for a licence in respect of one or more of the blocks comprised in the lease.

(6) A lessee on whom there has been served an instrument under subsection (1) may, within a period of one month after the date of service of the instrument on the lessee—

- (a) by instrument in writing served on the Minister, request the Minister to grant the lessee the renewal of the lease;

and

- (b) lodge with the Minister the security referred to in the firstmentioned instrument.

(7) Where a lessee on whom there has been served an instrument under subsection (1)—

- (a) has made a request under subsection (6); and
- (b) has lodged with the Minister the security referred to in the instrument,

within the period referred to in subsection (6), the Minister shall grant to the lessee the renewal of the lease.

(8) Where a lessee on whom there has been served an instrument under subsection (1)—

- (a) has not made a request under subsection (6); or
- (b) has not lodged with the Minister the security referred to in the instrument,

within the period referred to in subsection (6), the application lapses upon the expiration of that period.

(9) Where—

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

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

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

whichever first happens.

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

- (a) in a case to which paragraph (b) does not apply, until 12 months after the date of service of the instrument under subsection (2); or
- (b) in a case where the lessee makes an application for a licence in respect of one or more of the blocks comprised in the lease within the period of 12 months after the date referred to in paragraph (a), until the Minister grants, or refuses to grant, the licence or until the application lapses, whichever first happens.

Conditions of lease

48H. (1) A lease may be granted subject to such conditions as the Minister thinks fit and are specified in the lease.

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

(3) A lease shall be deemed to contain a condition that the lessee will, within the period of 3 months after the receipt of a written notice from the Minister requesting the lessee to do so or within such further period as the Minister, on application in writing served on the Minister before the end of the first mentioned period, allows, re-evaluate the commercial viability of petroleum production in the lease area (otherwise than by drilling of wells) and inform the Minister in writing of the results of the re-evaluation.

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

Discovery of petroleum to be notified

48J. (1) Where petroleum is discovered in a lease area, the lessee—

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

(2) Where petroleum is discovered in a lease area, the Minister may, from time to time, by instrument in writing served on the lessee, direct the lessee to furnish to the Minister, within the period specified in the instrument, particulars in writing of any one or more of the following—

- (a) the chemical composition and physical properties of the petroleum;

- (b) the nature of the subsoil in which the petroleum occurs;
- (c) any other matters relating to the discovery that are specified by the Minister in the instrument.

(3) A person to whom a direction is given under subsection (2) shall comply with the direction.

Penalty: \$10 000.

Directions by Minister on discovery of petroleum

48K. (1) Where petroleum is discovered in a lease area, the Minister may, by instrument in writing served on the lessee, direct the lessee to do, within the period specified in the instrument, such things as the Minister thinks necessary and specifies in the instrument to determine the chemical composition and physical properties of that petroleum and to determine the quantity of petroleum in the petroleum pool to which the discovery relates or, if part only of that petroleum pool is within the lease area, in such part of that petroleum pool as is within the lease area.

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

Penalty: \$10 000. ”.

Section 49 repealed and section 49 substituted

35. Section 49 of the principal Act is repealed and the following section is substituted—

Recovery of petroleum in State

“ 49. A person shall not carry on operations for the recovery of petroleum in the State except—

- (a) under and in accordance with a licence; or
- (b) as otherwise permitted by this Act.

Penalty: \$50 000 or imprisonment for 5 years, or both. ”.

Section 50 amended

36. Section 50 of the principal Act is amended—

- (a) in subsection (1) (a) by deleting “nine” and substituting the following—

“ 9 or more ”;

- (b) in subsection (4) by deleting “The application” and substituting the following—

“ Subject to subsection (5), the application ”;

and

- (c) by inserting after subsection (4) the following subsection—

“ (5) Where—

- (a) a permittee applies for the grant by the Minister of a licence in respect of a block or blocks in respect of which the permittee has applied for a lease under section 48A; and

- (b) an instrument refusing to grant the lease is served on the permittee under section 48B(2),

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

- (c) the period that is applicable under subsection (4);

- (d) the period of 12 months after the day of service of the instrument. ”.

Section 50A inserted

37. Division 3 of Part III of the principal Act is amended by inserting after section 50 the following section—

Application for licence by holder of lease

“ **50A.** (1) A lessee whose lease is in force may make an application to the Minister for the grant of a licence—

- (a) where the lease is in respect of 9 or more blocks, in respect of 5 of those blocks;
- (b) where the lease is in respect of 8 or 7 blocks, in respect of 4 of those blocks;
- (c) where the lease is in respect of 6 or 5 blocks, in respect of 3 of those blocks;
- (d) where the lease is in respect of 4 or 3 blocks, in respect of 2 of those blocks;
- (e) where the lease is in respect of 2 blocks, in respect of one of those blocks; or
- (f) where the lease is in respect of one block, in respect of that block.

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

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

Section 51 amended

38. Section 51 of the principal Act is amended in subsection (1) by deleting—

(a) “of this Act” and substituting the following—

“ or 50A ”;

(b) “each block” in paragraph (c) and substituting the following—

“ the area comprised in the blocks ”; and

and

(c) “a fee of \$600” in paragraph (e) and substituting the following—

“ the prescribed fee ”.

Section 53 amended

39. Section 53 of the principal Act is amended in subsection (1) by—

(a) deleting “of this Act and” and substituting the following—

“ or 50A and ”;

and

(b) inserting after “information” the following—

“ as and when ”.

Section 54 amended

40. Section 54 of the principal Act is amended—

(a) in subsection (3) by inserting after—

(i) “permittee” the following—

“ or lessee ”;

and

(ii) “permittee’s” in paragraph (b) the following—

“ or lessee’s ”;

and

(b) in subsection (5) by—

(i) deleting “From and including the day on which a licence granted under this section has effect” and substituting the following—

“ On the day on which a licence granted under this section comes into force ”; and

(ii) inserting after “permit” the following—

“ or lease ”.

Section 55 amended

41. Section 55 of the principal Act is amended in subsection (2) by deleting “From and including the day from and including which” and substituting the following—

“ On and from the day on and from which ”.

Section 56 amended and transitional

42. (1) Section 56 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection—

“ (1a) Subject to subsection (2), where all applications made by a lessee under section 50A in respect of a block have lapsed, the lease is determined as to that block and the determination has effect upon the lapsing of the last of those applications. ”;

(b) in subsection (2) by inserting after—

(i) “permittee” the following—

“ or lessee ”;

and

(ii) “permit” in paragraph (a) the following—

“ or lease ”;

and

(c) by repealing subsection (3) and substituting the following subsections—

“ (3) Subject to subsection (4), where a block or blocks constituting or forming part of a location is or are no longer the subject of a permit or lease, the Minister shall, by instrument published in the *Gazette*—

(a) in a case where that block or those blocks constitutes or constitute that location, revoke the declaration made under section 47 in respect of that location; or

(b) in a case where that block or those blocks forms or form part of that location, revoke the declaration made under section 47 in respect of that location to the extent that it relates to that block or those blocks.

(4) Subsection (3) does not apply in relation to a block—

(a) in respect of which an application for the grant of a lease or licence has been made, being an application that has not lapsed and in relation to which a decision has not been made by the Minister; or

(b) in respect of which a lease or licence is in force.

(5) Where a lease is granted in respect of a block or blocks forming part of a location, the Minister shall, by instrument published in the *Gazette*, revoke the declaration made under section 47 to the extent that it relates to the block or blocks that is or are not within the lease area.

(6) Where—

- (a) the Minister refuses to grant a lease in respect of a block or blocks constituting or forming part of a location; and
- (b) the reason, or one of the reasons, for the refusal is that the Minister is not satisfied as to the matter referred to in section 48B (1) (c) (ii),

the Minister shall, by instrument published in the *Gazette*, revoke the declaration made under section 47 in respect of that location. ”.

(2) The revocation, under section 56 (3) of the principal Act, of a declaration in respect of a location shall be deemed not to have affected the validity of a licence granted under the principal Act in respect of any block forming part of that location.

Section 57 amended

43. Section 57 of the principal Act is amended—

- (a) in subsection (1) (b) by inserting after “permit” the following—

“ or lease ”;

- (b) by repealing subsections (4) and (5);

and

(c) in subsection (6) by—

(i) inserting at the end of paragraph (d) the following—

“ and ”;

and

(ii) deleting paragraph (e).

Section 58 amended

44. Section 58 of the principal Act is amended—

(a) in subsection (1) by deleting—

(i) “a fee of \$3 000” in paragraph (a) and substituting the following—

“ the prescribed fee ”;

(ii) “the application is made under subsection (1) or (4) of section 57 of this Act and” in paragraph (b) (i);

and

(iii) “the application is made under subsection (1) of section 57 of this Act and” in paragraph (b) (ii);

(b) by repealing subsection (2) and substituting the following subsection—

“ (2) Where a licence is not granted on the application, the amount of the deposit shall, subject to subsection (3), be refunded to the applicant. ”;

and

(c) in subsection (3) by deleting “or (3)”.

Section 59 amended

45. Section 59 of the principal Act is amended—

- (a) in subsection (2) by inserting after “licence in respect of that block” the following—

“ and that he will be required to pay the amount specified in the application, royalty at the rate specified in the application, or royalty at the rate specified in the application and the amount specified in the instrument under section 57 (1), as the case requires ”;

- (b) by repealing subsection (3);

and

- (c) in subsection (7) by deleting “(1), (2) or (3) of this section” and substituting the following—

“ (1) or (2) ”.

Section 61 amended

46. Section 61 of the principal Act is amended—

- (a) in subsection (2) (e) by deleting “a fee of \$300” and substituting the following—

“ the prescribed fee ”;

and

- (b) in subsection (6) (b) by deleting “from and including the day on which those licences have effect” and substituting the following—

“ on and from the day on which those licences come into force ”.

Section 62 amended

47. Section 62 of the principal Act is amended by deleting paragraph (a) and substituting the following paragraph—

- “ (a) to recover petroleum in the licence area and to recover petroleum from the licence area in another area to which he has lawful access for that purpose; ”.

**Section 63 repealed and
section 63 substituted and transitional**

48. (1) Section 63 of the principal Act is repealed and the following section is substituted—

Term of licence

“ 63. Subject to this Part, a licence remains in force—

- (a) in the case of a licence granted otherwise than by way of renewal of a licence, for a period of 21 years commencing on the day on which the licence is granted or, if a later day is specified in the licence as being the day on which the licence is to come into force, on that later day;
- (b) in the case of a licence granted by way of the first renewal of a licence, for the period of 21 years commencing on the day on which the licence is granted or, if a later day is specified in the licence as being the day on which the licence is to come into force, on that later day; and
- (c) in the case of a licence granted by way of the renewal, other than the first renewal, of a licence, for such period, not exceeding 21 years, as the Minister determines and is specified in the licence, commencing on the day on which the licence is granted or, if a later day is specified in the licence as being the day on which the licence is to come into force, on that later day. ”.

(2) A licence granted before the commencement of this section is not invalidated by reason of any error that may have occurred in specifying the date of commencement of the licence and the term of such a licence shall be deemed to have commenced on the date of commencement specified in it.

Section 64 amended

49. Section 64 of the principal Act is amended—

(a) in subsection (2) by deleting—

(i) “have effect” in paragraph (b) and substituting the following—

“ be in force ”;

and

(ii) “a fee of \$600” in paragraph (d) and substituting the following—

“ the prescribed fee ”;

and

(b) in subsection (3) by deleting “have effect” and substituting the following—

“ be in force ”.

Section 67 repealed

50. Section 67 of the principal Act is repealed.

Section 68 amended**51. Section 68 of the principal Act is amended—**

- (a) in subsection (3) by deleting “the petroleum is being recovered” and substituting the following—

“ petroleum is being recovered in the licence area or from a petroleum pool in the licence area ”;

- (b) in subsection (4) by inserting after “licence area” the following—

“ or from a petroleum pool in the licence area ”;

and

- (c) by inserting after subsection (4) the following subsection—

“ (5) Without limiting the matters that may be taken into account by the Minister in determining whether to give a direction under subsection (3) or (4), the Minister may take into account matters relating to the effects on State revenue of the proposed direction, but the Minister shall not give a direction under subsection (3) or (4) if the direction would require action to be taken that is contrary to good oil-field practice. ”.

Section 69 amended**52. Section 69 of the principal Act is amended—**

- (a) by repealing subsection (1) and substituting the following subsection—

“ (1) In this section, the expression “unit development”—

- (a) applies in relation to a petroleum pool that is partly in a particular licence area of a licensee and partly in another area, whether in the State or not, in respect of which another person has authority, whether under this Act or another written law or under the law of another State or of the Northern Territory, to carry on operations for the recovery of petroleum from the pool; and

(b) means the carrying on of operations for the recovery of petroleum from that pool under co-operative arrangements between the persons entitled to carry on such operations in each of those areas. ”;

(b) in subsection (2) by inserting after “petroleum pool” the following—

“ but nothing in this subsection derogates from the operation of section 75 (2) ”;

(c) in subsection (3) by—

(i) inserting after “part of the petroleum pool” the following—

“ , by instrument in writing served on the licensee, ”;

and

(ii) deleting “the agreement with him forthwith in accordance with section 75 of this Act” and substituting the following—

“ an application in accordance with section 75 for approval of any dealing to which the agreement relates ”;

(d) in subsection (4) by deleting paragraph (b) and substituting the following paragraph—

“ (b) a licensee enters into such an agreement but an application for approval of a dealing to which the agreement relates is not lodged with the Minister or, if an application is so lodged, the dealing is not approved under section 75, ”;

and

(e) by repealing subsection (10) and substituting the following subsections—

“ (10) In this section, “dealing” means a dealing to which section 75 applies.

(11) If a petroleum pool extends, or is reasonably believed by the Minister to extend, from an area of the State into—

- (a) lands to which other written laws or the laws of another State or of a Territory relating to the exploitation of petroleum resources apply; or
- (b) the adjacent area of an adjoining State or Territory,

each Minister concerned shall consult concerning the exploitation of the petroleum pool with any other Minister concerned and with the appropriate authority of another State or a Territory referred to in paragraph (a).

(12) Where subsection (1) applies in relation to a petroleum pool, a Minister shall not approve an agreement under this section, or give a direction under this section, in relation to that petroleum pool except with the approval of any other Minister concerned and any State or Territory authority concerned. ”.

Section 69A inserted

53. Division 4 of Part III of the principal Act is amended by inserting before section 70 the following section—

Interpretation in Division 4

“ 69A. In this Division, “title” means a permit, lease, licence or access authority. ”.

Section 70 amended

54. Section 70 of the principal Act is amended—

- (a) in subsection (1) by deleting “permits, licences and access authorities” and substituting the following—

“ titles and special prospecting authorities ”;

(b) in subsection (2) by—

- (i) deleting “permit, licence or access authority” wherever it occurs and substituting in each case the following—

“ title or special prospecting authority ”;

- (ii) deleting “permit or” in paragraph (b) and substituting the following—

“ permit, lease or ”;

- (iii) inserting after “permit area” in paragraph (b) the following—

“ , lease area ”;

- (iv) inserting before “an access authority” in paragraph (c) the following—

“ a special prospecting authority or ”;

and

- (v) inserting before “access authority” where it occurs for the second time in paragraph (c) the following—

“ special prospecting authority or ”;

- (c) in subsection (3) (a) by deleting “permit, licence or access authority” and substituting the following—

“ title or special prospecting authority ”;

- (d) in subsection (4) by deleting “permit, licence, access authority” and substituting the following—

“ title, special prospecting authority ”;

- (e) by repealing subsection (5);

and

- (f) in subsection (6) by deleting “permit, licence, access authority” and substituting the following—

“ title, special prospecting authority ”.

Section 71 amended

55. Section 71 of the principal Act is amended—

- (a) in paragraph (a) by inserting after “permit” the following—

“ or lease ”;

- (b) by inserting after paragraph (a) the following paragraph—

“ (aa) permit ceases to be in force in respect of a block in respect of which a lease is granted; ”;

- (c) in paragraph (b) by inserting after “permit” the following—

“ or lease ”;

and

- (d) in paragraph (c) by deleting “permit, licence or access authority” and substituting the following—

“ title or special prospecting authority ”.

Section 72 repealed and section 72 substituted and transitional

56. (1) Section 72 of the principal Act is repealed and the following section is substituted—

Approval and registration of transfers

- “ **72.** (1) A transfer of a title is of no force until it has been approved by the Minister and an instrument of transfer is registered as provided by this section.

(2) Where it is desired that a title be transferred, one of the parties to the proposed transfer may make an application in writing to the Minister for approval of the transfer.

(3) An application for approval of a transfer of a title shall be accompanied by—

(a) an instrument of transfer in the prescribed form executed by the registered holder or, if there are 2 or more registered holders, by each registered holder and by the transferee or, if there are 2 or more transferees, by each transferee;

(b) in a case where the transferee or one or more of the transferees is not a registered holder, or are not registered holders, of the title, an instrument setting out—

(i) the technical qualifications of that transferee or those transferees;

(ii) details of the technical advice that is or will be available to that transferee or those transferees;

and

(iii) details of the financial resources that are or will be available to that transferee or those transferees;

and

(c) one copy of the application and of the instrument referred to in paragraph (a).

(4) The Minister shall not approve the transfer of a title unless the application was lodged with the Minister within 3 months after the day on which the party who last executed the instrument of transfer so executed the instrument of transfer or within such longer period as the Minister, in special circumstances, allows.

(5) Where an application for approval of a transfer is made in accordance with this section, the Minister shall enter a memorandum in the Register of the date on which the application was lodged and may make such other notation in the Register as the Minister considers appropriate.

(6) The Minister shall—

- (a) consider each application for approval of the transfer of a title and determine whether to approve the transfer; and
- (b) in the case of a transfer of a permit, lease or licence, determine whether approval of the transfer should be made subject to a security being lodged by the transferee or transferees for compliance with the provisions of this Act, of the regulations and of any conditions to which the permit, lease or licence may, from time to time, be subject.

(7) Where an application for approval of the transfer of a title is made in accordance with this section, the Minister shall, by notice in writing served on the person who made the application, inform the person of the decision of the Minister and shall set out in the notice details of any security required to be lodged by the transferee or transferees.

(8) Where—

- (a) the Minister has served a notice on a person under subsection (7) stating that the Minister will approve a transfer of a permit, lease or licence subject to a security being lodged; and
- (b) that security is lodged with the Minister,

the Minister shall be deemed to have approved the transfer.

(9) Where the Minister approves the transfer of a title, the Minister shall forthwith endorse on the instrument of transfer and on one copy of the instrument a memorandum of approval and shall, on payment of the fee provided by the *Petroleum (Registration Fees) Act 1967*, enter in the Register a memorandum of the transfer and the name of the transferee or of each transferee.

(10) Upon the entry in the Register of a memorandum of the transfer of a title and of the name of the transferee or each transferee in accordance with subsection (9)—

- (a) the transfer shall be deemed to be registered; and
- (b) the transferee becomes the registered holder, or the transferees become the registered holders, of the title.

(11) Where the Minister refuses to approve the transfer of a title, the Minister shall make a notation of the refusal in the Register.

(12) Where a transfer is registered—

- (a) the copy of the instrument of transfer endorsed with the memorandum of approval shall be retained by the Minister and made available for inspection in accordance with this Division; and
- (b) the instrument of transfer endorsed with the memorandum of approval shall be returned to the person who lodged the application for approval of the transfer.

(13) The mere execution of an instrument of transfer of a title creates no interest in the title. ”.

(2) Section 72 of the principal Act as amended by this Act applies in relation to applications for approval of transfers of permits, licences or access authorities lodged after the commencement of this section.

(3) Notwithstanding the repeal of section 72 of the principal Act effected by subsection (1), that section continues to apply in relation to applications for approval of transfers of permits, licences or access authorities lodged before the commencement of this section.

(4) A transfer approved and registered under section 72 of the principal Act shall be deemed to have been approved and registered under section 72 of the principal Act as amended by this Act.

Section 73 amended

57. Section 73 of the principal Act is amended—

(a) in subsection (1) by deleting—

(i) “permit, licence or access authority” where it first occurs and substituting the following—

“ particular title ”;

and

(ii) “permit, licence or access authority” where it occurs for the second time and substituting the following—

“ title ”;

(b) in subsection (2) by deleting—

(i) “a fee of \$30” and substituting the following—

“ the prescribed fee ”;

and

(ii) “permit, licence or access authority” in both places where it occurs and substituting in each place the following—

“ title ”;

and

(c) by inserting after subsection (2) the following subsection—

“ (3) Where a company that is the registered holder of a particular title has changed its name, it may apply in writing to the Minister to have its new name substituted for its previous name in the Register in relation to that title and, if—

(a) the Minister is satisfied that the company has so changed its name; and

(b) the company has paid the prescribed fee,

the Minister shall make the necessary alterations in the Register. ”.

**Sections 74 and 75 repealed
and sections 75 and 75A substituted
and transitional**

58. (1) Sections 74 and 75 of the principal Act are repealed and the following sections are substituted—

**Approval of dealings creating, etc.,
interests, etc., in existing titles**

“ **75.** (1) This section applies to a dealing that would, but for subsection (2), have one or more of the following effects—

- (a) the creation or assignment of an interest in an existing title;
- (b) the creation or assignment of a right (conditional or otherwise) to the assignment of an interest in an existing title;
- (c) the determining of the manner in which persons may exercise the rights conferred by, or comply with the obligations imposed by or the conditions of, an existing title (including the exercise of those rights or the compliance with those obligations or conditions under co-operative arrangements for the recovery of petroleum);
- (d) the creation or assignment of—
 - (i) an interest in relation to an existing permit, lease or licence, being an interest known as an overriding royalty interest, a production payment, a net profits interest or a carried interest; or
 - (ii) any other interest that is similar to an interest referred to in subparagraph (i), being an interest relating to petroleum produced from operations authorized by an existing permit, lease or licence or relating to revenue derived as a result of the carrying out of operations of that kind;

- (e) the creation or assignment of an option (conditional or otherwise) to enter into a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c) and (d);
- (f) the creation or assignment of a right (conditional or otherwise) to enter into a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c) and (d);
- (g) the alteration or termination of a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c), (d), (e) and (f),

but this section does not apply to a transfer to which section 72 applies.

(2) A dealing to which this section applies is of no force in so far as the dealing would, but for this subsection, have an effect of a kind referred to in subsection (1) in relation to a particular title until—

- (a) the dealing, in so far as it relates to that title, has been approved by the Minister; and
- (b) an entry has been made in the Register in relation to the dealing by the Minister in accordance with subsection (12).

(3) A party to a dealing to which this section applies may lodge with the Minister—

- (a) in a case where the dealing relates to only one title, an application in writing for approval by the Minister of the dealing; or
- (b) in any other case, a separate application in writing for approval by the Minister of the dealing in relation to each title to which the dealing relates.

(4) An application under subsection (3) for approval of a dealing—

- (a) shall be accompanied by the instrument evidencing the dealing or, if that instrument has already been lodged with the Minister for the purposes of another application, a copy of that instrument; and

- (b) may be accompanied by an instrument setting out such particulars (if any) as are prescribed for the purposes of an application for approval of a dealing of that kind.

(4a) An application under subsection (3) for approval of a dealing shall be accompanied by 2 copies of—

- (a) the application;
- (b) the instrument referred to in subsection (4) (a); and
- (c) any instrument lodged for the purposes of subsection (4) (b).

(5) Subject to subsection (6), the Minister shall not approve a dealing unless the application for approval of the dealing is lodged with the Minister within 3 months after the day on which the party who last executed the instrument evidencing the dealing so executed the instrument or such longer period as the Minister, in special circumstances, allows.

(6) Where a dealing relating to a title was, immediately before the title came into existence, a dealing referred to in section 75A (1), the Minister shall not approve the dealing unless—

- (a) a provisional application for approval of the dealing was lodged in accordance with section 75A (1); or
- (b) an application for approval of the dealing is lodged with the Minister in accordance with this section within 3 months after the day on which the title came into existence or such longer period as the Minister, in special circumstances, allows.

(7) Where a dealing to which this section applies forms a part of the issue of a series of debentures, all of the dealings constituting the issue of that series of debentures shall, for the purposes of this section, be taken to be one dealing.

(8) Where a dealing to which this section applies (including a dealing referred to in subsection (7)) creates a charge over some or all of the assets of a body corporate, the person lodging the application for approval of the dealing shall be deemed to have complied with subsection (4) (a), and with subsection (4a) in so far as that subsection requires 2 copies of the document referred to in subsection (4) (a) to accompany the application, if the person lodges with the application 3 copies of each document required to be lodged with the National Companies and Securities Commission relating to the creation of that charge pursuant to section 201 of the *Companies (Western Australia) Code* or pursuant to the corresponding provision of a law of the Commonwealth or another State or a Territory.

(9) On receipt of an application made under this section, the Minister shall enter a memorandum in the Register of the date on which the application was lodged and may make such other notation in the Register as the Minister considers appropriate.

(10) The Minister may approve or refuse to approve a dealing to which this section applies in so far as the dealing relates to a particular title.

(11) The Minister shall, by notice in writing served on the person who made an application for approval of a dealing, inform the person of the decision of the Minister.

(12) If the Minister approves a dealing, the Minister shall endorse on the original instrument evidencing the dealing and on one copy of that instrument or, if the original instrument was not lodged with the application, on 2 of the copies of that instrument a memorandum of approval and, on payment of the fee provided by the *Petroleum (Registration Fees) Act 1967*, make an entry of the approval of the dealing in the Register on the memorial relating to, or on the copy of, the title in respect of which the approval is sought.

(13) Where an entry is made in the Register in relation to a dealing in accordance with subsection (12)—

- (a) if the dealing was approved before the commencement of section 58 of the *Acts Amendment (Petroleum) Act 1989* or the application for approval of the dealing was not accompanied by an instrument for the purpose of subsection (4) (b), one copy of the instrument evidencing the dealing endorsed with a memorandum of approval shall be retained by the Minister and made available for inspection in accordance with this Division;
- (b) if the application for approval of the dealing was accompanied by an instrument for the purpose of subsection (4) (b), a copy of that instrument endorsed with a copy of the memorandum of approval of the dealing shall be retained by the Minister and made available for inspection in accordance with this Division but a copy of the instrument evidencing the dealing shall not be so made available; and
- (c) the original instrument evidencing the dealing, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval and the instrument (if any) lodged for the purpose of subsection (4) (b) shall be returned to the person who made the application for approval.

(13a) The approval of a dealing or the making of an entry in the Register in relation to a dealing is not rendered ineffective by any failure to comply, in relation to the application for approval of the dealing, with the requirements of this section.

(14) Where the Minister refuses to approve a dealing, the Minister shall make a notation of the refusal in the Register.

(15) In this section, “charge” and “debenture” have the same respective meanings as they have for the purposes of section 201 of the *Companies (Western Australia) Code*.

Approval of dealings in future interests, etc.

75A. (1) Where 2 or more persons enter into a dealing relating to a title that may come into existence in the future and that dealing would, if the title came into existence, become a dealing to which section 75 applies, a person who is a party to the dealing may, during the prescribed period in relation to the title, lodge with the Minister—

- (a) in a case where the dealing relates to only one title that may come into existence in the future, a provisional application in writing for approval by the Minister of the dealing; or
- (b) in any other case, a separate provisional application in writing for approval by the Minister of the dealing in relation to each title that may come into existence in the future and to which the dealing relates.

(2) Section 75 (4), (7) and (8) applies to a provisional application lodged under subsection (1) as if that provisional application were an application lodged under section 75 (3).

(3) Where—

- (a) the title to which a dealing referred to in subsection (1) relates comes into existence; and
- (b) upon that title coming into existence, the dealing becomes a dealing to which section 75 applies,

the provisional application lodged under subsection (1) in relation to the dealing shall be treated as if it were an application lodged under section 75 (3) on the day on which that title came into existence.

(4) A reference in subsection (1) to the prescribed period, in relation to a title, is a reference to the period—

(a) commencing—

- (i) in the case of a permit, lease or licence, on the day of service of an instrument informing the applicant for the permit, lease or licence that the Minister is prepared to grant the permit, lease or licence; or

- (ii) in the case of an access authority, on the day on which the application for the grant of the access authority is made;

and

- (b) ending on the day on which the title comes into existence. ”.

(2) Subject to this section, sections 75 and 75A of the principal Act as amended by this Act apply in relation to dealings evidenced by instruments executed after the commencement of this section.

(3) A party to an instrument to which section 75 of the principal Act applied, being an instrument that had not been approved under that section of that Act, may, if the instrument evidences a dealing—

- (a) to which section 75 of the principal Act as amended by this Act would, if the instrument had been executed after the commencement of this section, apply; and
- (b) that relates to a permit, licence or access authority that was in existence at the time of execution of the instrument,

make an application in writing, within 12 months after the commencement of this section, to the Minister for approval of the dealing.

(4) Where—

- (a) before the commencement of this section, 2 or more persons entered into a dealing relating to a permit, licence or access authority that was not in existence at the time of execution of the instrument evidencing the dealing;
- (b) that dealing would, if the instrument evidencing the dealing had been executed after the commencement of this section, be a dealing referred to in section 75A (1) of the principal Act as amended by this Act; and
- (c) that permit, licence or access authority has come, or comes, into existence,

a party to the dealing may make an application in writing within—

- (d) in a case where that permit, licence or access authority came into existence before the commencement of this section, 12 months after that commencement; or
- (e) in any other case, 3 months after that permit, licence or access authority comes into existence,

to the Minister for approval of the dealing.

(5) Section 75 of the principal Act as amended by this Act (other than subsections (5) and (6) of that section) applies to a dealing in respect of which an application is made under subsection (3) or (4) of this section.

(6) If, when the first regulations made for the purposes of section 75 (4) (b) of the principal Act, as amended by this Act, take effect, an application for approval of a dealing has been made but the Minister has neither approved nor refused to approve the dealing—

- (a) the Minister shall give to the applicant written notice that the applicant is entitled to lodge an instrument for the purpose of section 75 (4) (b) in relation to the application;
- (b) the applicant may lodge an instrument for the purpose of section 75 (4) (b);
- (c) the application shall not be dealt with by the Minister until after the end of 30 days after the day on which notice is given for the purpose of paragraph (a); and
- (d) where the applicant lodges an instrument under paragraph (b), the applicant shall lodge with the instrument 2 copies of the instrument.

(7) An instrument lodged under subsection (6) shall be taken, for the purposes of section 75 (13) of the principal Act, as amended by this Act, to have accompanied the application when the application was lodged.

Section 76 amended

59. Section 76 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsection—

“ (1) A person who is a party to a transfer referred to in section 72, a dealing to which section 75 applies or a dealing referred to in section 75A (1) shall not lodge with the Minister—

- (a) an instrument of transfer;
- (b) an instrument evidencing the dealing; or
- (c) an instrument of the kind referred to in section 75 (4) (b),

that contains a statement relating to the consideration for the transfer or dealing, or to any other fact or circumstance affecting the amount of the fee payable in respect of the transfer or dealing under the *Petroleum (Registration Fees) Act 1967*, being a statement that is, to the knowledge of the person, false or misleading in a material particular.

Penalty: \$10 000. ”;

and

- (b) in subsection (2) by deleting “instrument” and substituting the following—

“ dealing ”.

Section 77 amended

60. Section 77 of the principal Act is amended by deleting—

- (a) “such an instrument” and substituting the following—

“ a transfer or dealing ”;

and

- (b) “it” in both places where it occurs and substituting in each place the following—

“ the transfer or dealing ”.

Section 78 amended

61. Section 78 of the principal Act is amended—

- (a) in subsection (1) by deleting—

- (i) “an instrument for approval” and substituting the following—

“ an application for approval of a transfer or dealing or a provisional application for approval of a dealing ”;

and

- (ii) “the instrument, or the transaction to which the instrument relates,” and substituting the following—

“ the transfer or dealing ”;

- (b) by inserting after subsection (1) the following subsections—

“ (1a) The Minister may require a person who is a party to a dealing approved by the Minister under section 75 to furnish to the Minister a statement in writing setting out such information concerning alterations in the interests or rights existing in relation to the title to which the approved dealing relates as the Minister considers necessary or advisable.

(1b) The Minister may require a person making an application under section 73 (1) or (3) or 81A (2) to furnish to the Minister in writing such information concerning the matter to which the application relates as the Minister considers necessary or advisable.

(1c) A person shall not fail or refuse to comply with a requirement given to the person under subsection (1), (1a) or (1b).

Penalty: \$5 000. ”;

and

(c) in subsection (2) by deleting “One thousand dollars” and substituting the following—

“ \$5 000 ”.

Section 79 amended

62. Section 79 of the principal Act is amended—

(a) in subsection (1) by deleting “an instrument lodged with the Minister for approval under this Division, or to the transaction to which such an instrument relates” and substituting the following—

“ a transfer or dealing in relation to which approval is sought under this Division ”;

(b) by inserting after subsection (1) the following subsection—

“ (1a) The Minister may require any person to produce to the Minister or to make available for inspection by the Minister any documents in the possession or under the control of that person and relating to an application made to the Minister under section 73 (1) or (3) or 81A (2). ”;

and

(c) in subsection (2) by deleting—

(i) “of this section” and substituting the following—

“ or (1a) ”;

and

(ii) “One thousand dollars” and substituting the following—

“ \$5 000 ”.

Section 80 amended

63. Section 80 of the principal Act is amended—

(a) in subsection (1) by deleting—

(i) “Subject to subsection (2) of this section, the” and substituting the following—

“ The ”;

(ii) “registered or subject to inspection” and substituting the following—

“ or copies of instruments registered, or subject to inspection, ”;

and

(iii) “a fee of \$6” and substituting the following—

“ the prescribed fee ”;

and

(b) by repealing subsection (2).

Section 81 amended

64. Section 81 of the principal Act is amended—

(a) in subsection (2) by deleting “rate of \$1.50 per page” and substituting the following—

“ prescribed rate ”;

and

(b) in subsection (3) by deleting “a fee of \$15” and substituting the following—

“ the prescribed fee ”.

Section 81A inserted

65. Division 4 of Part III of the principal Act is amended by inserting after section 81 the following section—

Minister may make corrections to Register

“ 81A. (1) The Minister may alter the Register for the purposes of correcting a clerical error or an obvious defect in the Register.

(2) Subject to subsection (3), the Minister may, on application being made in writing to the Minister by a person or of the Minister's own motion, make such entries in the Register as the Minister considers appropriate for the purposes of ensuring that the Register accurately records the interests and rights existing in relation to a title.

(3) Where the Minister proposes to make an entry in the Register in accordance with subsection (2), the Minister shall cause to be published in the *Gazette* a notice—

- (a) setting out the terms of the entry that the Minister proposes to make in the Register; and
- (b) inviting interested persons to give to the Minister, by such day as is specified in the notice, being a day not earlier than 45 days after the publication of the notice, submissions in writing relating to the making of the entry.

(4) Where submissions are, in accordance with a notice under subsection (3), given to the Minister in relation to the proposed making of an entry in the Register, the Minister shall—

- (a) take those submissions into account before making an entry in the Register; and
- (b) after making an entry in the Register, cause to be published in the *Gazette* a notice setting out the terms of the entry. ”.

Section 84 amended

66. Section 84 of the principal Act is amended by deleting “is guilty of a misdemeanour and is liable on conviction on indictment to imprisonment for two years” and substituting the following—

“ commits an offence and is liable to a penalty of \$5 000 ”.

Section 86 amended

67. Section 86 of the principal Act is amended by inserting after “permit,” wherever it occurs the following—

“ lease, ”.

Section 87 repealed

68. Section 87 of the principal Act is repealed.

Section 88 amended

69. Section 88 of the principal Act is amended—

(a) by inserting after “cause” the following—

“ notice of, and ”;

(b) in paragraphs (a), (c) and (e) by inserting after “a permit” the following—

“ , lease ”;

(c) in paragraph (c) by inserting after “the permit area” the following—

“ , lease area ”;

and

(d) in paragraph (d) by inserting after “a permit” the following—

“ or lease ”.

Section 89 amended

70. Section 89 of the principal Act is amended—

(a) by repealing subsection (1);

(b) in subsection (2) by—

(i) inserting after “a permit” the following—

“ , lease ”;

(ii) inserting after “the permit area” the following—

“ , lease area ”;

and

(iii) deleting “from and including” and substituting the following—

“ on and from ”;

and

(c) in subsection (3) by deleting “from and including” and substituting the following—

“ on and from ”.

Section 90 amended

71. Section 90 of the principal Act is amended—

(a) in subsection (1) by—

(i) inserting after “permit” wherever it occurs the following—

“ , lease ”;

(ii) inserting after “permittee” the following—

“ , lessee ”;

and

(iii) deleting “has effect” and substituting the following—

“ comes into force ”;

(b) in subsection (2) by—

(i) inserting after “permittee” the following—

“ , lessee ”;

(ii) inserting after “permit” in both places where it occurs in paragraph (b) the following—

“ , lease ”;

and

(iii) deleting “has effect” in paragraph (b) and substituting the following—

“ comes into force ”;

and

(c) in subsection (3) by deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 91 amended

72. Section 91 of the principal Act is amended—

(a) in subsection (1) by inserting after—

(i) “permittee” the following—

“ , lessee ”;

and

- (ii) “permit area” in both places where it occurs the following—

“ , lease area ”;

- (b) in subsection (2) by—

- (i) deleting “of this section” and substituting the following—

“ but subject to any authorization or requirement given or made by or under this Act or regulations or directions under this Act ”;

- (ii) inserting after “permittee” the following—

“ , lessee ”;

- (iii) inserting after “permit area” wherever it occurs the following—

“ , lease area ”;

and

- (iv) deleting “permit or” in paragraph (c) and substituting the following—

“ permit, lease or ”;

and

- (c) in subsection (4) by deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 91A inserted

73. Division 5 of Part III of the principal Act is amended by inserting after section 91 the following section—

Conditions relating to insurance

- “ 91A. Without limiting the generality of any provision of this Act relating to conditions, the conditions subject to which a permit, lease, licence, special prospecting authority or access authority is granted may include a condition requiring the holder to effect and maintain, to the satisfaction of the Minister, insurance against expenses or liabilities or specified things arising in connection with, or as a result of, the carrying out of work, or the doing of any other thing, in pursuance of the permit, lease, licence, special prospecting authority or access authority, including expenses of complying with directions with respect to the clean-up or other remedying of the effects of the escape of petroleum. ”.

Section 92 amended

74. Section 92 of the principal Act is amended—

(a) in subsection (1) by inserting after—

- (i) “permittee,” in the definition of “operator” the following—

“ lessee, ”;

- (ii) “permittee” in paragraph (a) of the definition of “the operations area” the following—

“ , lessee ”;

and

- (iii) “permit area” in paragraph (a) of the definition of “the operations area” the following—

“ , lease area ”;

and

- (b) in subsection (4) by deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 94 amended

75. Section 94 of the principal Act is amended—

- (a) in subsection (1) by inserting after—

- (i) “permittee” the following—

“ , lessee ”;

and

- (ii) “permit area” the following—

“ , lease area ”;

- (b) in subsection (2) by inserting after “permittee” in both places where it occurs the following—

“ , lessee ”;

and

- (c) in subsection (3) by deleting “Two thousand dollars for each day on which the offence occurs” and substituting the following—

“ \$10 000 ”.

Section 95 repealed and section 95 substituted and transitional

76. (1) Section 95 of the principal Act is repealed and the following section is substituted—

Directions

- “ **95.** (1) The Minister may, by instrument in writing served on the registered holder of a permit, lease, licence, special prospecting authority or access authority, give to the registered holder a direction as to any matter with respect to which regulations may be made.

(2) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to—

(a) a specified class of persons, being a class constituted by or included in one or both of the following classes of persons—

(i) servants or agents of, or persons acting on behalf of, the registered holder;

(ii) persons performing work or services, whether directly or indirectly, for the registered holder;

or

(b) any person (not being a person to whom the direction applies otherwise than in accordance with this paragraph) who is in the State for any reason touching, concerning, arising out of or connected with exploration for, or the exploitation of, petroleum in the State or is in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the State for a reason of that kind,

and, where a direction so expressed is given, the direction shall be deemed to apply to each person included in that specified class or to each person who is in the State as mentioned in paragraph (b), as the case may be.

(2a) Where a direction under this section applies to a registered holder and to a person referred to in subsection (2) (a), the registered holder shall cause a copy of the instrument by which the direction was given to be given to that other person or to be exhibited at a prominent position at a place in the State frequented by that other person.

Penalty: \$5 000.

(2b) Where a direction under this section applies to a registered holder and to a person referred to in subsection (2) (b), the registered holder shall cause a copy of the instrument by which the direction was given to be exhibited at a prominent position at a place in the State.

Penalty: \$5 000.

(2c) Where a direction under this section applies to a registered holder and to a person referred to in subsection (2) (b), the Minister may, by notice in writing given to the registered holder, require the registered holder to cause to be displayed at such places in the State, and in such manner, as are specified in the notice, copies of the instrument by which the direction was given, and the registered holder shall comply with that requirement.

Penalty: \$5 000.

(3) A direction under this section has effect and shall be complied with notwithstanding any previous direction under this section.

(4) A direction under this section has effect and shall be complied with notwithstanding anything in the regulations.

(5) Section 153 (2a) and (2b) applies in relation to directions made under this section in like manner as that section applies to the regulations.

(6) A person who fails to comply with a direction in force under subsection (1) that applies to the person is guilty of an offence punishable, upon conviction, by a fine not exceeding \$10 000.

(7) Where—

(a) a direction given under this section applies to a registered holder and another person and that other person is prosecuted for an offence against subsection (6) in relation to the direction; and

(b) the person adduces evidence that the person did not know, and could not reasonably be expected to have known, of the existence of the direction,

the person shall not be convicted of the offence unless the prosecutor proves that the person knew, or could reasonably be expected to have known, of the existence of the direction. ”.

(2) A direction in force under section 95 of the principal Act immediately before the commencement of this section shall, after that commencement, continue to apply to the person or persons to whom it applied before that commencement as if it were a direction under section 95 of the principal Act as amended by this Act.

(3) A registered holder is not required by section 95(2a) of the principal Act as amended by this Act to cause a copy of a direction to which subsection (2) applies to be given to another person or to cause a copy of such a direction to be exhibited at a place frequented by that other person if the direction or a copy of the direction was served, within the meaning of the principal Act, on the person before the commencement of this section.

Section 96 amended

77. Section 96 of the principal Act is amended—

- (a) in subsection (1) by deleting “given to him” and substituting the following—

“ given or applicable to the person ”;

- (b) in subsection (2) by inserting after “was given” the following—

“ or was applicable ”;

- (c) by inserting after subsection (2) the following subsection—

“ (2a) Where—

- (a) a direction given under section 95 applies to a permittee, lessee or licensee or the holder of a special prospecting authority or access authority and another person and an action under subsection (2) relating to the direction is brought against that other person; and

- (b) the person adduces evidence that the person did not know, and could not reasonably be expected to have known, of the existence of the direction,

the person is not liable under subsection (2) unless the plaintiff proves that the person knew, or could reasonably be expected to have known, of the existence of the direction. ”;

and

- (d) in subsection (3) by deleting “given to him” and substituting the following—

“ given or applicable to the person ”.

Section 97 amended

78. Section 97 of the principal Act is amended—

- (a) in subsection (1) by inserting after—

- (i) “a permit” wherever it occurs the following—

“ , lease ”;

- (ii) “the permit” in paragraph (a) the following—

“ , lease ”;

- (iii) “permittee” in paragraph (e) the following—

“ , lessee ”;

- (iv) “permittee,” wherever it occurs the following—

“ lessee, ”;

and

- (v) “permit,” in both places where it occurs the following—

“ lease, ”;

and

- (b) by repealing subsection (2) and substituting the following subsections—

“ (2) Subsection (1) does not authorize the making of an instrument to the extent that it would affect—

- (a) a condition of a permit, lease or licence included in the permit, lease or licence in compliance with Division 7; or

- (b) the term of a permit, lease or licence.

(3) Where, in pursuance of subsection (1), the Minister suspends, or exempts the permittee from compliance with, any of the conditions to which a permit is subject, the Minister may, if he considers the circumstances make it reasonable to do so, in the instrument of suspension or exemption or by a later instrument in writing served on the permittee, extend the term of the permit by a period not exceeding the period of the suspension or exemption. ”.

Section 98 amended

79. Section 98 of the principal Act is amended—

- (a) in subsection (1) by inserting after “permit” the following—

“ , lease ”;

- (b) in subsection (2) by deleting “instrument.” in paragraph (f) and substituting the following—

“ instrument,

but, if the registered holder has complied with those requirements, the Minister shall not unreasonably refuse consent to the surrender. ”;

(c) in subsection (3) by inserting after “permit” the following—

“ , lease ”;

and

(d) in subsection (5) by inserting after “permit” in both places where it occurs the following—

“ , lease ”.

Section 99 amended

80. Section 99 of the principal Act is amended—

(a) in subsection (1) by inserting after—

(i) “permittee” in both places where it occurs the following—

“ , lessee ”;

(ii) “permit” in paragraph (a) the following—

“ , lease ”;

(iii) “, as the case requires” a comma;

and

(iv) “in force” the following—

“ , or cancel the lease as to all of the blocks in respect of which it is in force ”;

and

(b) in subsection (2) by inserting after—

(i) “in force” the following—

“ , or cancel a lease as to all of the blocks in respect of which it is in force, ”;

(ii) “permittee” wherever it occurs the following—

“ , lessee ”;

and

(iii) “permit” in paragraph (a) the following—

“ , lease ”.

Section 100 amended

81. Section 100 of the principal Act is amended—

(a) in subsection (1) by inserting after—

(i) “partly cancelled” the following—

“ , and a lease may be wholly cancelled, ”;

and

(ii) “permit” where it occurs for the second time the following—

“ , lease ”;

(b) in subsection (2) by inserting after “permit” where it occurs for the first and third times the following—

“ , lease ”;

(c) in subsection (3) by inserting after—

(i) “partly cancelled” the following—

“ , and a lease may be wholly cancelled, ”;

and

- (ii) “permit” where it occurs for the second time the following—

“ , lease ”;

and

- (d) in subsection (4) by inserting after “permit” where it occurs for the first and third times the following—

“ , lease ”.

Section 101 amended

82. Section 101 of the principal Act is amended—

- (a) in subsection (1) by inserting after—

- (i) “has expired” the following—

“ , or a lease has been wholly determined, partly determined or wholly cancelled or has expired, ”;

- (ii) “permittee” the following—

“ , lessee ”;

and

- (iii) “permit” in paragraph (a) the following—

“ , lease ”;

- (b) in subsection (2) by inserting after—

- (i) “permittee” the following—

“ , lessee ”;

- (ii) “permit area” in paragraph (a) the following—

“ , lease area ”;

and

- (iii) “permit” where it occurs for the second time in paragraph (a) the following—

“ , lease ”;

and

- (c) in subsection (3) by—

- (i) inserting after “permit” in paragraph (b) the following—

“ , lease ”;

and

- (ii) deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 102 amended

83. Section 102 of the principal Act is amended by inserting after—

- (a) “has expired,” the following—

“ or a lease has been wholly determined, partly determined or wholly cancelled or has expired, ”;

and

- (b) “permit” in paragraph (b) the following—

“ , lease ”.

Section 103 amended

84. Section 103 of the principal Act is amended in subsection (2) by deleting “10 per centum” and substituting the following—

“ 10% ”.

Section 105 amended

85. Section 105 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsection—

“ (1) A person may make an application to the Minister for the grant of a special prospecting authority in respect of a block or blocks in respect of which a permit, lease or licence is not in force. ”;

(b) in subsection (2) by—

(i) deleting “and” at the end of paragraph (b);

(ii) deleting “operations.” in paragraph (c) and substituting the following—

“ operations; and ”;

and

(iii) inserting after paragraph (c) the following paragraph—

“ (d) shall be accompanied by the prescribed fee. ”;

(c) in subsection (6) by deleting “has effect from and including” and substituting the following—

“ comes into force on ”;

(d) by inserting after subsection (6) the following subsections—

“ (6a) A special prospecting authority is not capable of being transferred.

(6b) Where—

(a) a person holds a special prospecting authority in respect of a block; and

(b) another special prospecting authority is granted to another person in respect of the block,

the Minister shall, by notice in writing served on each of those persons, inform each of them of—

(c) the petroleum exploration operations authorized by the special prospecting authority granted to the other person;

(d) the conditions to which the special prospecting authority granted to the other person is subject. ”;

(e) in subsection (9) by inserting at the foot of that subsection the following—

“ Penalty: \$10 000. ”;

and

(f) in subsection (10) by—

(i) inserting before “an arrangement” in both places where it occurs in paragraph (b) the following—

“ a direction or ”;

and

(ii) deleting “Penalty: Two thousand dollars. ”.

Section 106 amended**86. Section 106 of the principal Act is amended—**

- (a) by repealing subsection (1) and substituting the following subsections—

“ (1) A permittee, lessee, licensee or holder of a special prospecting authority may make an application to the Minister for the grant of an access authority to enable him to carry on, in an area being part of the State that is not part of the permit area, lease area or licence area or area of the blocks specified in the special prospecting authority, petroleum exploration operations or operations related to the recovery of petroleum in or from the permit area, lease area or licence area or area of the blocks so specified.

(1a) A holder of a petroleum title outside the State may make an application to the Minister for the grant of an access authority to enable the holder to carry on, in a part of the State, petroleum exploration operations or operations related to the recovery of petroleum in or from the area to which that petroleum title relates. ”;

- (b) in subsection (2) (c) by deleting “petroleum exploration”;
- (c) in subsection (3) (a) by deleting “or licensee” and substituting the following—

“ , lessee, licensee or holder of a special prospecting authority or a petroleum title ”;

- (d) in subsection (4) by deleting “or licence” in both places where it occurs and substituting in each place the following—

“ , lease or licence ”;

- (e) in subsection (5) by deleting “petroleum exploration”;
- (f) in subsection (6) by inserting after “well” the following—

“ other than a deviation well into an adjacent permit area, lease area or licence area held by him under this Act or the *Petroleum (Submerged Lands) Act 1982* ”;

(g) in subsection (7) by—

- (i) deleting “has effect from and including” and substituting the following—

“ comes into force on ”;

and

- (ii) inserting after “as is so specified” the following—

“ but may be extended by the Minister for a further specified period ”;

(h) in subsection (8) (b) by—

- (i) inserting after “permit area” the following—

“ , lease area ”;

and

- (ii) deleting “petroleum exploration”;

- (i) in subsection (10) by inserting at the foot of that subsection the following—

“ Penalty: \$10 000. ”;

(j) in subsection (11) by—

- (i) inserting after “permit” in both places where it occurs the following—

“ , lease ”;

- (ii) deleting “petroleum exploration operations” and substituting the following—

“ operations (not being operations related to the recovery of petroleum by means of a deviation well referred to in subsection (6)) ”;

and

(iii) inserting at the foot of that subsection the following—

“ Penalty: \$5 000. ”;

(k) in subsection (12) by—

(i) inserting before “an arrangement” in both places where it occurs in paragraph (b) the following—

“ a direction or ”; and

(ii) deleting “Penalty: Two thousand dollars. ”;

and

(l) by inserting after subsection (12) the following subsection—

“ (13) In this section, “petroleum title” means an authority, however described, under the *Petroleum (Submerged Lands) Act 1982* or a law of the Commonwealth, of another State or of the Northern Territory, to explore for, or to recover, petroleum. ”.

Section 107 amended

87. Section 107 of the principal Act is amended in subsection (3) (b) by inserting after “permittee,” the following—

“ lessee, ”.

Section 108 amended

88. Section 108 of the principal Act is amended in subsection (1) (a) by—

(a) inserting after “Division 2” in subparagraph (i) the following—

“ or 2A ”;

- (b) deleting “of \$15 000” in subparagraph (i) and substituting the following—

“ prescribed for the purposes of this subparagraph ”;

and

- (c) deleting “of \$150 000” in subparagraph (ii) and substituting the following—

“ prescribed for the purposes of this subparagraph ”.

Section 111 amended

89. Section 111 of the principal Act is amended by deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 112 amended

90. Section 112 of the principal Act is amended—

- (a) in subsection (1) by deleting paragraph (a) and substituting the following—

“ (a) any information contained in a document to which this section applies that has been furnished to the Minister; and ”;

- (b) by repealing subsection (2) and substituting the following subsections—

“ (1a) The Minister may, at any time after the grant or renewal, or refusal to grant or renew, a permit, lease, licence, access authority or special prospecting authority—

(a) make publicly known; or

- (b) on request by a person and, if the Minister so requires, on payment of the prescribed fee, make available to that person,

any information contained in, or accompanying, the application for the grant or renewal, as the case may be, but not including—

- (c) information of a kind referred to in subsection (2) or (5a); or
- (d) particulars of—
 - (i) the technical qualifications of the applicant and of the employees of the applicant;
 - (ii) the technical advice available to the applicant; or
 - (iii) the financial resources available to the applicant.

(2) The Minister may, at any time after the relevant day—

- (a) make publicly known; or
- (b) on request by a person and, if the Minister so requires, on payment of the prescribed fee, make available to that person,

any information contained in a document to which this section applies that has been furnished to the Minister under subsection (1), being information that relates to the sea-bed or subsoil, or to petroleum, in a block, but not including any matter contained in a document to which this section applies that, in the opinion of the Minister, is a conclusion drawn, in whole or in part, from, or an opinion based, in whole or in part, on, any such information. ”;

- (c) in subsection (3) (b) by deleting “a fee of \$15 per day” and substituting the following—

“ the prescribed fee ”;

- (d) by repealing subsection (4) and substituting the following subsection—

“ (4) For the purposes of subsections (2) and (3)—

(a) where—

(i) a permit or lease is in force in respect of the block; and

(ii) the document, core, cutting or sample was furnished to the Minister during the period during which any of the following were in force in respect of the block—

(A) the permit or lease;

(B) in a case where a lease is in force in respect of the block, the permit that ceased to be in force in respect of the block by virtue of section 48B (7) on the day on which the lease came into force,

the relevant day is the day on which the period of 2 years that commenced on the day on which the document, core, cutting or sample was furnished to the Minister expires;

(b) where—

(i) a licence is in force in respect of the block; and

- (ii) the document, core, cutting or sample was furnished to the Minister during the period during which any of the following were in force in respect of the block—

- (A) the licence;

- (B) the permit or lease that ceased to be in force in respect of the block by virtue of section 54 (5) on the day on which the licence came into force,

the relevant day is the day on which the period of 12 months that commenced on the day on which the document, core, cutting or sample was furnished to the Minister expires;

- (c) where the document, core, cutting or sample was furnished to the Minister during a period during which a permit, lease or licence was in force in respect of the block and—

- (i) the permit, lease or licence is surrendered, cancelled or determined as to the block; or

- (ii) the permit, lease or licence expires but is not renewed in respect of the block,

the relevant day is the day on which the permit, lease or licence is so surrendered, cancelled or determined or expires, as the case may be, whether another permit, lease or licence is subsequently in force in respect of the block or not; and

- (d) where the document, core, cutting or sample was furnished to the Minister during a period during which a permit, lease or licence was not in force in respect of the block, the relevant day is such day as the Minister determines, being a day earlier than the day on which the period of

2 years that commenced on the day on which the document, core, cutting or sample was furnished to the Minister expires. ”;

(e) in subsection (5) by—

- (i) deleting “report, return, other” in paragraph (a);
- (ii) inserting after “permit” in both places where it occurs in paragraph (a) the following—

“ , lease ”;
- (iii) inserting after “permittee,” in paragraph (b) the following—

“ lessee, ”;
- (iv) inserting after “permit,” in both places where it occurs in paragraph (b) the following—

“ lease, ”;
- (v) deleting “report, return or other” in paragraph (b) (i); and
- (vi) deleting “a fee of \$15 per day” in paragraphs (c) and (d) and substituting in each paragraph the following—

“ the prescribed fee ”;

(f) by inserting after subsection (5) the following subsection—

“ (5a) Subject to subsection (5f), the Minister may, at any time after the end of the period of 5 years after a document to which this section applies was furnished to the Minister—

- (a) make publicly known; or
- (b) on request by a person and, if the Minister so requires, on payment of the prescribed fee, make available to that person,

any information contained in the document, being information that relates to petroleum, in a block, and that, in the opinion of the Minister, is a conclusion

drawn, in whole or in part, from, or an opinion based, in whole or in part, on, any information contained in a document to which this section applies that has been furnished to the Minister under subsection (1).

(5b) Before the Minister makes available or publicly known any information pursuant to subsection (5a), the Minister shall—

(a) cause to be published in the *Gazette* a notice—

- (i) stating that the Minister proposes to make the information available or publicly known;
- (ii) inviting interested persons to give to the Minister, by such day as is specified in the notice, being a day not earlier than 45 days after the publication of the notice, a notice objecting to the whole or any part of the information being made available or publicly known; and
- (iii) stating that, if a person does not make an objection in accordance with the invitation, the person will be taken to have consented to the information being made available or publicly known;

and

- (b) if it is practicable to do so, cause a copy of the notice so published in the *Gazette* to be served on the person who furnished the document containing the information.

(5c) There shall be set out in the notice of objection the reasons for making the objection.

(5d) A person is not entitled to make an objection to information being made available or publicly known except on the grounds that to do so would disclose—

(a) a trade secret; or

(b) any other information the disclosure of which would, or could reasonably be expected to, adversely affect the person in respect of the lawful business, commercial or financial affairs of the person.

(5e) Where a person makes an objection to the Minister in accordance with such an invitation, the Minister shall, within 45 days after the receipt of the notice of objection, consider the objection, and may either disallow it, or allow it in whole or in part, and shall cause to be served on the person written notice of the decision on the objection.

(5f) The Minister shall not make available or make publicly known any information pursuant to subsection (5a) if there is in force an objection made in relation to the information being made available or publicly known but, where such an objection is in force, nothing in this section shall be taken to preclude a further invitation under subsection (5b) being made in relation to the information. ”;

(g) in subsection (6) (a) by deleting “report, return or other document referred to in any of those provisions” and substituting the following—

“ document to which this section applies ”;

(h) by inserting after subsection (6) the following subsection—

“ (6a) This section applies to the following documents—

(a) an application made to the Minister under this Act or a document accompanying such an application;

- (b) a report, return or other document relating to a block that has been furnished to the Minister under this Act. ”;

and

- (i) by inserting after subsection (7) the following subsection—

“ (8) For the purposes of this section—

- (a) cores and cuttings, and well data, logs, sample descriptions and other documents, relating to the drilling of a well, shall be deemed to have been furnished to the Minister not later than one month after the drilling of the well was, in the opinion of the Minister, substantially completed; and
- (b) geophysical or geochemical data relating to geophysical or geochemical surveys shall be deemed to have been furnished to the Minister not later than one year after the geophysical or geochemical field work was, in the opinion of the Minister, substantially completed. ”.

Section 113 amended

91. Section 113 of the principal Act is amended by deleting—

- (a) “or in a licence area, the permittee” and substituting the following—

“ , a lease area or a licence area, the permittee, lessee ”;

and

- (b) “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 114 amended

92. Section 114 of the principal Act is amended—

- (a) by inserting after “permittee” wherever it occurs in subsections (1) and (2) the following—

“ , lessee ”;

and

- (b) in subsection (3) by deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 115 amended

93. Section 115 of the principal Act is amended—

- (a) in subsection (1) by inserting after “permit,” the following—

“ lease, ”;

and

- (b) in subsection (2) by deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 117 amended

94. Section 117 of the principal Act is amended by—

- (a) inserting after “permit,” the following—

“ lease, ”;

and

- (b) deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 118 amended

95. Section 118 of the principal Act is amended in subsection (3) by deleting "Five hundred dollars" and substituting the following—

" \$500 ".

Section 119 amended

96. Section 119 of the principal Act is amended in subsection (3) by deleting "Two thousand dollars" and substituting the following—

" \$5 000 ".

Section 120 amended

97. Section 120 of the principal Act is amended by inserting after—

(a) "permittee" in both places where it occurs the following—

" , lessee ";

and

(b) "permit area" the following—

" , lease area ".

Section 121 amended

98. Section 121 of the principal Act is amended in subsection (3) by deleting "Two thousand dollars" and substituting the following—

" \$10 000 ".

Section 122 repealed and section 122 substituted

99. Section 122 of the principal Act is repealed and the following section is substituted—

Prosecution of offences

“ **122.** (1) In this section “prescribed offence” means an offence against this Act the penalty in respect of which may include a term of imprisonment.

(2) Except as provided by subsection (3), a prescribed offence is triable only on indictment.

(3) A Court of Petty Sessions may hear and determine proceedings for a prescribed offence if the Court of Petty Sessions is satisfied that it is appropriate to do so, and the defendant and the prosecutor consent.

(4) Where, in accordance with subsection (3), a Court of Petty Sessions convicts a person of a prescribed offence, the penalty that the Court of Petty Sessions may impose in respect of the offence is a fine not exceeding \$10 000 or imprisonment for a term not exceeding 2 years, or both.

(5) An offence against this Act other than a prescribed offence is, unless the contrary intention appears, punishable summarily. ”.

Section 127 amended

100. Section 127 of the principal Act is amended—

(a) in subsection (1) by inserting after “required” the following—

“ or permitted ”;

and

(b) by repealing subsection (2) and substituting the following subsection—

“ (2) A document required or permitted by this Act to be served on the Minister shall be served—

(a) by prepaying and posting the document as a letter addressed to the Minister at a place of business of the Minister; or

- (b) by leaving it at a place of business of the Minister with some person apparently employed in connection with the business of the Minister and apparently not less than 16 years of age. ”.

Section 127A inserted

101. Division 5 of Part III of the principal Act is amended by inserting after section 127 the following section—

Service of documents on 2 or more permittees, etc.

“ **127A.** (1) Where there are 2 or more registered holders of a title or special prospecting authority, those registered holders shall, by notice in writing signed by each of them and served on the Minister, nominate one of the registered holders as being the person on whom documents relating to the title or special prospecting authority that are required or permitted by this Act to be served may be served.

(2) Subject to subsections (3) and (4), where—

- (a) a document relating to a title or special prospecting authority is required or permitted by this Act to be served on the registered holder;
- (b) there are 2 or more registered holders of the title or special prospecting authority; and
- (c) the document is served on a person in respect of whom a nomination under subsection (1) is in force in relation to the title or special prospecting authority,

the document shall be deemed to have been served on each of those registered holders.

(3) Where—

- (a) a person has been nominated under subsection (1) in relation to a title or special prospecting authority; and

- (b) one of the registered holders of the title or special prospecting authority, by notice in writing served on the Minister, revokes that nomination,

that nomination ceases to be in force and the registered holders of the title or special prospecting authority shall forthwith make a fresh nomination under subsection (1) in relation to the title or special prospecting authority.

(4) Where—

- (a) a person has been nominated under subsection (1) in relation to a title or special prospecting authority; and
- (b) the person so nominated ceases to be one of the registered holders of the title or special prospecting authority,

that nomination ceases to be in force and, if 2 or more registered holders of the title or special prospecting authority remain, those holders shall forthwith make a fresh nomination under subsection (1) in relation to the title or special prospecting authority.

(5) In this section, “title” means a permit, lease, licence or access authority. ”.

Section 135 amended

102. Section 135 of the principal Act is amended—

- (a) in subsection (1) by inserting after “permit,” in both places where it occurs the following—

“ lease, ”;

- (b) in subsection (2) by inserting after—

- (i) “permit,” the following—

“ lease, ”;

and

(ii) "permit" in paragraph (c) the following—

" , lease ";

(c) in subsection (3) (b) by inserting after "permit" in both places where it occurs the following—

" , lease ";

and

(d) in subsection (4) by inserting after "permittee" the following—

" , lessee ".

Section 137 amended

103. Section 137 of the principal Act is amended—

(a) in paragraph (a) by deleting "a fee of \$300" and substituting the following—

" the prescribed fee ";

and

(b) in paragraph (b) by deleting "rate of \$15" and substituting the following—

" prescribed rate ".

Section 137A inserted

104. Division 7 of Part III of the principal Act is amended by inserting after section 137 the following section—

Lease fees

" **137A.** There is payable to the Minister by a lessee, in respect of each year of the term of the lease, a fee calculated at the prescribed rate for each of the blocks to which the lease relates at the commencement of that year. ".

Section 138 amended

105. Section 138 of the principal Act is amended by deleting “rate of \$9 000” and substituting the following—

“ prescribed rate ”.

Section 139 amended

106. Section 139 of the principal Act is amended by inserting after—

(a) “137” the following—

“ , 137A ”;

and

(b) “permit” in both places where it occurs the following—

“ , lease ”.

Section 140 amended

107. Section 140 of the principal Act is amended by inserting after—

(a) “permittee” in both places where it occurs the following—

“ , lessee ”;

and

(b) “137” the following—

“ , 137A ”.

Section 141 amended

108. Section 141 of the principal Act is amended by inserting after—

(a) “137” the following—

“ , 137A ”;

and

(b) “permittee” the following—

“ , lessee ”.

Section 142 amended

109. Section 142 of the principal Act is amended—

(a) in subsection (1) by inserting after—

(i) “a permit” the following—

“ , lease ”;

(ii) “permittee” in both places where it occurs the following—

“ , lessee ”;

and

(iii) “the permit area” the following—

“ , lease area ”;

and

(b) in subsection (2) by inserting after “permit” the following—

“ or lease ”.

Section 144 amended

110. Section 144 of the principal Act is amended by inserting after “permittee” wherever it occurs the following—

“ , lessee ”.

Section 145 amended

111. Section 145 of the principal Act is amended by inserting after “permittee” the following—

“ , lessee ”.

Section 146 amended

112. Section 146 of the principal Act is amended by inserting after “permittee” the following—

“ , lessee ”.

Section 147 amended

113. Section 147 of the principal Act is amended by inserting after “permittee” wherever it occurs the following—

“ , lessee ”.

Section 148 amended

114. Section 148 of the principal Act is amended in subsection (2) by inserting after “permittee” the following—

“ , the lessee ”.

Section 149 amended

115. Section 149 of the principal Act is amended by inserting after “permittee” the following—

“ , lessee ”.

Section 151 amended

116. Section 151 of the principal Act is amended in paragraph (a) by deleting “the Master” and substituting the following—

“ a Master ”.

Section 152 amended

117. Section 152 of the principal Act is amended—

- (a) in subsection (1) by deleting “thereof”;
- (b) by inserting after “permit” wherever it occurs the following—

“ , lease ”;

and
- (c) in subsection (2) by deleting “respective Ministers charged with the administration of the Native Flora Protection Act 1935 and the Fauna Protection Act 1950” and substituting the following—

“ Minister charged with the administration of the *Wildlife Conservation Act 1950*”.

Section 153 amended

118. Section 153 of the principal Act is amended—

- (a) in subsection (2) by—
 - (i) deleting paragraph (f) and substituting the following paragraphs—

“ (f) the control of the flow or discharge, and the prevention of the escape, of petroleum, water or drilling fluid, or a mixture of water or drilling fluid with petroleum or any other matter;

“ (fa) the clean-up or other remedying of the effects of the escape of petroleum; ”;
 - (ii) inserting after “permit” in paragraph (g) the following—

“ , lease ”;

and
 - (iii) inserting after “permit area” in both places where it occurs in paragraph (h) the following—

“ , lease area ”;

(b) by inserting after subsection (2) the following subsections—

“ (2a) The regulations may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a code of practice or standard contained in an instrument (including an instrument issued or made outside Australia), as in force or existing at the time when the regulations take effect or as in force or existing from time to time, being a code of practice or standard that is relevant to that matter.

(2b) Regulations under this section may prohibit the doing of an act or thing either unconditionally or subject to conditions, including conditions requiring the grant, as prescribed by the regulations, of the consent or approval of a person specified in the regulations. ”;

and

(c) in subsection (3) (a) by deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

PART III—PETROLEUM PIPELINES ACT 1969

Principal Act

119. In this Part the *Petroleum Pipelines Act 1969** is referred to as the principal Act.

[*Act No. 112 of 1969 as amended by Acts Nos. 42 of 1970, 42 of 1975 and 10 of 1983.]

Section 3 repealed

120. Section 3 of the principal Act is repealed.

Section 4 amended

121. Section 4 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting the definition of “Part”;

(ii) in the definition of “pipeline” by—

(A) inserting after “tanks,” the following—

“ storage tanks, ”;

(B) inserting after “appliances” the following—

“ and any facility, or any facility of a class, which is declared for the time being under section 5 to be a pipeline facility for the purposes of this Act ”;

(C) deleting “Petroleum (Submerged Lands) Act, 1967” in paragraph (a) and substituting the following—

“ *Petroleum (Submerged Lands) Act 1982* ”;

(D) deleting “or constructed before the coming into operation of this Act on special lease No. 31163628 granted under the Land Act, 1933” in paragraph (c); and

(E) deleting “in an Order in Council made” in paragraph (f) and substituting the following—

“ for the time being ”;

(iii) by deleting the definition of “Principal Registrar”;

- (iv) by deleting the definition of “public authority” and substituting the following definition—

“ “public authority” means—

- (a) a Minister of the Crown acting in his official capacity under an Act;
- (b) a State instrumentality; or
- (c) any body—
 - (i) which is established under an Act;
 - (ii) which administers or carries out any social service or public utility for the benefit of the State; and
 - (iii) which is declared for the time being under section 5 to be a public authority for the purposes of this Act; ”;

- (v) by deleting the definition of “section” and substituting the following definition—

“ “the Minister for Lands” means the Minister of the Crown to whom the Governor has for the time being committed the administration of the *Land Act 1933*; ”;

and

- (vi) by deleting the definition of “Under Secretary”;

and

- (b) in subsection (2) (c) by deleting “is a reference” and substituting the following—

“ includes a reference ”.

Section 5 repealed and section 5 substituted and transitional

122. (1) Section 5 of the principal Act is repealed and the following section is substituted—

Power of Minister to make certain declarations for interpretation purposes

“ **5.** (1) The Minister may by order—

(a) declare—

- (i) a facility, or a facility of a class, specified in the order to be a pipeline facility;
- (ii) a pipeline, or a pipeline of a class, specified in the order not to be a pipeline; or
- (iii) a body which is referred to in paragraph (c) of the definition of “public authority” in section 4(1) and which is specified in the order to be a public authority,

for the purposes of this Act; or

(b) repeal an order made under this subsection.

(2) An order made under subsection (1) has legislative effect for the purposes of the definition of “subsidiary legislation” in section 5 of the *Interpretation Act 1984*.

(3) A declaration of the kind referred to in subsection (1) (a) (i) may be made so as to have retrospective effect. ”.

(2) A declaration made under—

- (a) section 5 (1) (a) of the principal Act before its repeal and substitution by this section and in force immediately before the commencement of this section shall on that commencement be deemed to have been made under section 5 (1) (a) (iii); or

- (b) section 5 (1) (b) of the principal Act before its repeal and substitution by this section and in force immediately before the commencement of this section shall on that commencement be deemed to have been made under section 5 (1) (a) (ii),

of the principal Act as substituted by this section.

Section 6 amended

123. Section 6 of the principal Act is amended by deleting “Two thousand dollars for each day on which the offence occurs” and substituting the following—

“ \$50 000 or imprisonment for 5 years, or both ”.

Section 7 amended

124. Section 7 of the principal Act is amended in subsection (5) by deleting “Two hundred dollars” and substituting the following—

“ \$1 000 ”.

Section 8 amended

125. Section 8 of the principal Act is amended in subsection (1) by deleting “pipeline licence” and substituting the following—

“ licence ”.

Section 12 amended

126. Section 12 of the principal Act is amended in subsection (2) (a) by deleting “\$60 000” and substituting the following—

“ the prescribed amount ”.

Section 20 amended

127. Section 20 of the principal Act is amended—

- (a) in subsections (3) and (5) (a) by deleting “Principal Registrar” and substituting in each case the following—

“ Minister ”;

and

- (b) in subsection (6) by deleting “One hundred dollars” and substituting the following—

“ \$500 ”.

Section 21 amended

128. Section 21 of the principal Act is amended in subsection (6) by deleting “One hundred dollars for each day on which the offence occurs” and substituting the following—

“ \$10 000 ”.

Section 25 amended

129. Section 25 of the principal Act is amended in subsection (2) by deleting “Two thousand dollars” and substituting the following—

“ \$50 000 or imprisonment for 5 years, or both ”.

Section 27 amended

130. Section 27 of the principal Act is amended in subsection (4) by deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 29 amended

131. Section 29 of the principal Act is amended in subsection (1) by deleting “\$40 or such other sum as may be prescribed” and substituting the following—

“ the prescribed amount ”.

Section 32 repealed and section 32 substituted

132. Section 32 of the principal Act is repealed and the following section is substituted—

**Certain written laws not to apply
to licensed pipelines**

“ 32. The provisions of—

(a) by-laws made under sections 204 and 244 of the
Local Government Act 1960; and

(b) the *Explosives and Dangerous Goods Act 1961*,

do not apply to or in respect of a pipeline the construction or operation of which is authorized by a licence. ”.

Section 35 amended

133. Section 35 of the principal Act is amended in subsection (1) by deleting “Two thousand dollars” and substituting the following—

“ \$50 000 or imprisonment for 5 years, or both ”.

Section 37 amended

134. Section 37 of the principal Act is amended by deleting “Two thousand dollars for each day on which the offence occurs” and substituting the following—

“ \$10 000 ”.

Section 38 amended

135. Section 38 of the principal Act is amended by deleting “Two thousand dollars for each day on which the offence occurs” and substituting the following—

“ \$10 000 ”.

Section 40 amended

136. Section 40 of the principal Act is amended by deleting “Two thousand dollars for each day on which the offence occurs” and substituting the following—

“ \$10 000 ”.

Section 41 amended

137. Section 41 of the principal Act is amended in subsection (3) by deleting “Two thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 43 amended

138. Section 43 of the principal Act is amended—

- (a) in subsection (1) by deleting “Principal Registrar” and substituting the following—

“ Minister ”;

- (b) in subsection (2) by—

- (i) deleting “The Principal Registrar” and substituting the following—

“ The Minister ”;

- (ii) inserting after "tanks," in paragraph (b) the following—

" storage tanks, ";

- (iii) inserting after "and appliances" in paragraph (b) the following—

" and facilities referred to in the definition of "pipeline" in section 4 (1)";

and

- (iv) deleting paragraph (e) and substituting the following paragraph—

" (e) setting out such further matters relating to the licensee or to the terms and conditions of the licence as the Minister thinks proper and expedient in the public interest. ";

- (c) in subsection (3) by deleting "Principal Registrar" and substituting the following—

" Minister ";

- (d) in subsection (4) by deleting "Principal Registrar" and substituting the following—

" Minister ";

- (e) repealing subsection (5);

- (f) in subsection (6) by deleting "Principal Registrar" and substituting the following—

" Minister ";

and

- (g) repealing subsection (7).

**Section 44 repealed and section 44
substituted and transitional**

139. (1) Section 44 of the principal Act is repealed and the following section is substituted—

Approval and registration of transfers

“ 44. (1) A transfer of a licence is of no force until it has been approved by the Minister and an instrument of transfer is registered as provided by this section.

(2) Where it is desired that a licence be transferred, one of the parties to the proposed transfer may make an application in writing to the Minister for approval of the transfer.

(3) An application for approval of a transfer of a licence shall be accompanied by—

(a) an instrument of transfer in the prescribed form executed by the registered holder or, if there are 2 or more registered holders, by each registered holder and by the transferee or, if there are 2 or more transferees, by each transferee;

(b) in a case where the transferee or one or more of the transferees is not a registered holder or are not registered holders of the licence, an instrument setting out—

(i) the technical qualifications of that transferee or those transferees;

(ii) details of the technical advice that is or will be available to that transferee or those transferees;

and

(iii) details of the financial resources that are or will be available to that transferee or those transferees;

and

- (c) 1 copy of the application and of the instrument referred to in paragraph (a).

(4) The Minister shall not approve the transfer of a licence unless the application was lodged with the Minister within 3 months after the day on which the party who last executed the instrument of transfer so executed the instrument of transfer or within such longer period as the Minister, in special circumstances, allows.

(5) Where an application for approval of a transfer is made in accordance with this section, the Minister shall enter a memorandum in the register of the date on which the application was lodged and may make such other notation in the register as the Minister considers appropriate.

(6) The Minister shall—

- (a) consider each application for approval of the transfer of a licence and determine whether to approve the transfer;
and
- (b) determine whether approval of the transfer should be made subject to a security being lodged by the transferee or transferees for compliance with the provisions of this Act, of the regulations and of any conditions to which the licence may, from time to time, be subject.

(7) Where an application for approval of the transfer of a licence is made in accordance with this section, the Minister shall, by notice in writing served on the person who made the application, inform the person of the decision of the Minister and shall set out in the notice details of any security required to be lodged by the transferee or transferees.

(8) Where—

- (a) the Minister has served a notice on a person under subsection (7) stating that the Minister will approve a transfer of a licence subject to a security being lodged;
and

- (b) that security is lodged with the Minister, the Minister shall be deemed to have approved the transfer.

(9) Where the Minister approves the transfer of a licence, the Minister shall forthwith endorse on the instrument of transfer and on one copy of the instrument a memorandum of approval and shall, on payment of the prescribed fee, enter in the register a memorandum of the transfer and the name of the transferee or of each transferee.

(10) Upon the entry in the register of a memorandum of the transfer of a licence and of the name of the transferee or each transferee in accordance with subsection (9)—

- (a) the transfer shall be deemed to be registered; and
- (b) the transferee becomes the registered holder, or the transferees become the registered holders, of the licence.

(11) Where the Minister refuses to approve the transfer of a title, the Minister shall make a notation of the refusal in the register.

(12) Where a transfer is registered—

- (a) the copy of the instrument of transfer endorsed with the memorandum of approval shall be retained by the Minister and made available for inspection in accordance with this Division; and
- (b) the instrument of transfer endorsed with the memorandum of approval shall be returned to the person who lodged the application for approval of the transfer.

(13) The mere execution of an instrument of transfer of a licence creates no interest in the licence. ”.

(2) Section 44 of the principal Act as amended by this Act applies in relation to applications for approval of transfers of licences lodged after the commencement of this section.

(3) Notwithstanding the repeal of section 44 of the principal Act effected by subsection (1), that section continues to apply in relation to applications for approval of transfers of licences lodged before the commencement of this section.

(4) A transfer approved and registered under section 44 of the principal Act shall be deemed to have been approved and registered under section 44 of the principal Act as amended by this Act.

Section 45 amended

140. Section 45 of the principal Act is amended—

- (a) in subsection (2) by deleting “Principal Registrar may, on payment of a fee of \$30,” and substituting the following—

“ Minister may, on payment of the prescribed fee, ”;

and

- (b) by inserting after subsection (2) the following subsection—

“ (3) Where a company that is the registered holder of a particular licence has changed its name, it may apply in writing to the Minister to have its new name substituted for its previous name in the register in relation to that licence and, if—

(a) the Minister is satisfied that the company has so changed its name; and

(b) the company has paid the prescribed fee,

the Minister shall make the necessary alterations in the register. ”.

**Sections 46 and 47 repealed and
sections 47 and 47A substituted
and transitional**

141. (1) Sections 46 and 47 of the principal Act are repealed and the following sections are substituted—

**Approval of dealings creating, etc.,
interests, etc., in existing licences**

“ **47.** (1) This section applies to a dealing that would, but for subsection (2), have one or more of the following effects—

- (a) the creation or assignment of an interest in an existing licence;
- (b) the creation or assignment of a right (conditional or otherwise) to the assignment of an interest in an existing licence;
- (c) the determining of the manner in which persons may exercise the rights conferred by, or comply with the obligations imposed by or the conditions of, an existing licence (including the exercise of those rights or the compliance with those obligations or conditions under co-operative arrangements for the recovery of petroleum);
- (d) the creation or assignment of—
 - (i) an interest in relation to an existing licence, being an interest known as an overriding royalty interest, a production payment, a net profits interest or a carried interest; or
 - (ii) any other interest that is similar to an interest referred to in subparagraph (i), being an interest relating to petroleum produced from operations authorized by an existing licence or relating to revenue derived as a result of the carrying out of operations of that kind;

- (e) the creation or assignment of an option (conditional or otherwise) to enter into a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c) and (d);
- (f) the creation or assignment of a right (conditional or otherwise) to enter into a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c) and (d);
- (g) the alteration or termination of a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c), (d), (e) and (f),

but this section does not apply to a transfer to which section 44 applies.

(2) A dealing to which this section applies is of no force in so far as the dealing would, but for this subsection, have an effect of a kind referred to in subsection (1) in relation to a particular licence until—

- (a) the dealing, in so far as it relates to that licence, has been approved by the Minister; and
- (b) an entry has been made in the register in relation to the dealing by the Minister in accordance with subsection (12).

(3) A party to a dealing to which this section applies may lodge with the Minister—

- (a) in a case where the dealing relates to only one licence, an application in writing for approval by the Minister of the dealing; or
- (b) in any other case, a separate application in writing for approval by the Minister of the dealing in relation to each licence to which the dealing relates.

(4) An application under subsection (3) for approval of a dealing—

- (a) shall be accompanied by the instrument evidencing the dealing or, if that instrument has already been lodged with the Minister for the purposes of another application, a copy of that instrument; and
- (b) may be accompanied by an instrument setting out such particulars (if any) as are prescribed for the purposes of an application for approval of a dealing of that kind.

(4a) An application under subsection (3) for approval of a dealing shall be accompanied by 2 copies of—

- (a) the application;
- (b) the instrument referred to in subsection (4) (a); and
- (c) any instrument lodged for the purposes of subsection (4) (b).

(5) Subject to subsection (6), the Minister shall not approve a dealing unless the application for approval of the dealing is lodged with the Minister within 3 months after the day on which the party who last executed the instrument evidencing the dealing so executed the instrument or such longer period as the Minister, in special circumstances, allows.

(6) Where a dealing relating to a licence was, immediately before the licence came into existence, a dealing referred to in section 47A (1), the Minister shall not approve the dealing unless—

- (a) a provisional application for approval of the dealing was lodged in accordance with section 47A (1); or
- (b) an application for approval of the dealing is lodged with the Minister in accordance with this section within 3 months after the day on which the licence came into existence or such longer period as the Minister, in special circumstances, allows.

(7) Where a dealing to which this section applies forms a part of the issue of a series of debentures, all of the dealings constituting the issue of that series of debentures shall, for the purposes of this section, be taken to be one dealing.

(8) Where a dealing to which this section applies (including a dealing referred to in subsection (7)) creates a charge over some or all of the assets of a body corporate, the person lodging the application for approval of the dealing shall be deemed to have complied with subsection (4) (a), and with subsection (4a) in so far as that subsection requires 2 copies of the document referred to in paragraph (4) (a) to accompany the application, if the person lodges with the application 3 copies of each document required to be lodged with the National Companies and Securities Commission relating to the creation of that charge pursuant to section 201 of the *Companies (Western Australia) Code* or pursuant to the corresponding provision of a law of the Commonwealth or another State or a Territory.

(9) On receipt of an application made under this section, the Minister shall enter a memorandum in the register of the date on which the application was lodged and may make such other notation in the register as the Minister considers appropriate.

(10) The Minister may approve or refuse to approve a dealing to which this section applies in so far as the dealing relates to a particular licence.

(11) The Minister shall, by notice in writing served on the person who made an application for approval of a dealing, inform the person of the decision of the Minister.

(12) If the Minister approves a dealing, the Minister shall endorse on the original instrument evidencing the dealing and on one copy of that instrument or, if the original instrument was not lodged with the application, on 2 of the copies of that instrument a memorandum of approval and, on payment of the prescribed fee, make an entry of the approval of the dealing in the register on the memorial relating to, or on the copy of, the licence in respect of which the approval is sought.

(13) Where an entry is made in the register in relation to a dealing in accordance with subsection (12)—

- (a) if the dealing was approved before the commencement of section 141 of the *Acts Amendment (Petroleum) Act 1989* or the application for approval of the dealing was not accompanied by an instrument for the purpose of subsection (4) (b), one copy of the instrument evidencing the dealing endorsed with a memorandum of approval shall be retained by the Minister and made available for inspection in accordance with this Part;
- (b) if the application for approval of the dealing was accompanied by an instrument for the purpose of subsection (4) (b), a copy of that instrument endorsed with a copy of the memorandum of approval of the dealing shall be retained by the Minister and made available for inspection in accordance with this Part but a copy of the instrument evidencing the dealing shall not be so made available; and
- (c) the original instrument evidencing the dealing, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval and the instrument (if any) lodged for the purpose of subsection (4) (b) shall be returned to the person who made the application for approval.

(13a) The approval of a dealing or the making of an entry in the register in relation to a dealing is not rendered ineffective by any failure to comply, in relation to the application for approval of the dealing, with the requirements of this section.

(14) Where the Minister refuses to approve a dealing, the Minister shall make a notation of the refusal in the register.

(15) In this section, “charge” and “debenture” have the same respective meanings as they have for the purposes of section 201 of the *Companies (Western Australia) Code*.

**Approval of dealings in
future interests, etc.**

47A. (1) Where 2 or more persons enter into a dealing relating to a licence that may come into existence in the future and that dealing would, if the licence came into existence, become a dealing to which section 47 applies, a person who is a party to the dealing may, during the prescribed period in relation to the licence, lodge with the Minister—

- (a) in a case where the dealing relates to only one licence that may come into existence in the future, a provisional application in writing for approval by the Minister of the dealing; or
- (b) in any other case, a separate provisional application in writing for approval by the Minister of the dealing in relation to each licence that may come into existence in the future and to which the dealing relates.

(2) Section 47 (4), (7) and (8) applies to a provisional application lodged under subsection (1) as if that provisional application were an application lodged under section 47 (3).

(3) Where—

- (a) the licence to which a dealing referred to in subsection (1) relates comes into existence; and
- (b) upon that licence coming into existence, the dealing becomes a dealing to which section 47 applies,

the provisional application lodged under subsection (1) in relation to the dealing shall be treated as if it were an application lodged under section 47 (3) on the day on which that licence came into existence.

(4) A reference in subsection (1) to the prescribed period, in relation to a licence, is a reference to the period—

- (a) commencing on the day of service of an instrument informing the applicant for the licence that the Minister is prepared to grant the licence; and

- (b) ending on the day on which the licence comes into existence. ”.

(2) Subject to this section, sections 47 and 47A of the principal Act as amended by this Act apply in relation to dealings evidenced by instruments executed after the commencement of this section.

(3) A party to an instrument to which section 47 of the principal Act applied, being an instrument that had not been approved under that section of that Act, may, if the instrument evidences a dealing—

- (a) to which section 47 of the principal Act as amended by this Act would, if the instrument had been executed after the commencement of this section, apply; and
- (b) that relates to a licence that was in existence at the time of execution of the instrument,

make an application in writing, within 12 months after the commencement of this section, to the Minister for approval of the dealing.

(4) Where—

- (a) before the commencement of this section, 2 or more persons entered into a dealing relating to a licence that was not in existence at the time of execution of the instrument evidencing the dealing;
- (b) that dealing would, if the instrument evidencing the dealing had been executed after the commencement of this section, be a dealing referred to in subsection 47A (1) of the principal Act as amended by this Act; and
- (c) that licence has come, or comes, into existence,

a party to the dealing may make an application in writing within—

- (d) in a case where that licence came into existence before the commencement of this section, 12 months after that commencement; or
- (e) in any other case, 3 months after that licence comes into existence,

to the Minister for approval of the dealing.

(5) Section 47 of the principal Act as amended by this Act (other than subsections (5) and (6) of that section) applies to a dealing in respect of which an application is made under subsection (3) or (4) of this section.

(6) If, when the first regulations made for the purposes of section 47 (4) (b) of the principal Act, as amended by this Act, take effect, an application for approval of a dealing has been made but the Minister has neither approved nor refused to approve the dealing—

- (a) the Minister shall give to the applicant written notice that the applicant is entitled to lodge an instrument for the purpose of section 47 (4) (b) in relation to the application;
- (b) the applicant may lodge an instrument for the purpose of section 47 (4) (b);
- (c) the application shall not be dealt with by the Minister until after the end of 30 days after the day on which notice is given for the purpose of paragraph (a); and
- (d) where the applicant lodges an instrument under paragraph (b), the applicant shall lodge with the instrument 2 copies of the instrument.

(7) An instrument lodged under subsection (6) shall be taken, for the purposes of section 47 (13) of the principal Act, as amended by this Act, to have accompanied the application when the application was lodged.

Section 48 repealed and section 48 substituted

142. Section 48 of the principal Act is repealed and the following section is substituted—

True consideration to be shown

- “ 48. A person who is a party to a transfer referred to in section 44, a dealing to which section 47 applies or a dealing referred to in section 47A (1) shall not lodge with the Minister—

- (a) an instrument of transfer;

- (b) an instrument evidencing the dealing; or
- (c) an instrument of the kind referred to in section 47 (4) (b),

that contains a statement relating to the consideration for the transfer or dealing, or to any other fact or circumstance affecting the amount of the fee payable in respect of the transfer or dealing under this Act, being a statement that is, to the knowledge of the person, false or misleading in a material particular.

Penalty: \$10 000. ”.

Section 49 amended

143. Section 49 of the principal Act is amended by deleting—

- (a) “nor the Principal Registrar, nor a person acting under the direction or authority of either the Minister or the Principal Registrar” and substituting the following—

“ nor a person acting under the direction or authority of the Minister ”;

- (b) “any instrument give” and substituting the following—

“ a transfer or dealing give ”;

and

- (c) “it” in both places where it occurs and substituting in each case the following—

“ the transfer or dealing ”.

Section 50 amended

144. Section 50 of the principal Act is amended—

(a) in subsection (1) by deleting—

(i) “an instrument for approval” and substituting the following—

“ an application for approval of a transfer or dealing or a provisional application for approval of a dealing ”;

and

(ii) “the instrument, or the transaction to which the instrument relates,” and substituting the following—

“ the transfer or dealing ”;

(b) by inserting after subsection (1) the following subsection—

“ (1a) The Minister may require a person who is a party to a dealing approved by the Minister under section 47 to furnish to the Minister a statement in writing setting out such information concerning alterations in the interests or rights existing in relation to the licence to which the approved dealing relates as the Minister considers necessary or advisable.

(1b) The Minister may require a person making an application under section 45 (1) or (3) or 53A (2) to furnish to the Minister in writing such information concerning the matter to which the application relates as the Minister considers necessary or advisable.

(1c) A person shall not fail or refuse to comply with a requirement given to the person under subsection (1), (1a) or (1b).

Penalty: \$5 000. ”;

and

(c) in subsection (2) by deleting “One thousand dollars” and substituting the following—

“ \$5 000 ”.

Section 51 amended

145. Section 51 of the principal Act is amended—

- (a) in subsection (1) by deleting “an instrument lodged with the Minister for approval under this Part or to the transaction to which any such instrument relates” and substituting the following—

“ a transfer or dealing in relation to which approval is sought under this Part ”;

- (b) by inserting after subsection (1) the following subsection—

“ (1a) The Minister may require any person to produce to the Minister or to make available for inspection by the Minister any documents in the possession or under the control of that person and relating to an application made to the Minister under section 45 (1) or (3) or 53A (2). ”;

and

- (c) in subsection (2) by deleting—

- (i) “of this section” and substituting the following—

“ or (1a) ”;

and

- (ii) “One thousand dollars” and substituting the following—

“ \$5 000 ”.

Section 52 amended

146. Section 52 of the principal Act is amended—

- (a) in subsection (1) by deleting—

- (i) “Subject to subsection (2) of this section, the” and substituting the following—

“ The ”;

and

(ii) “registered” and substituting the following—

“ or copies of instruments subject to inspection ”;

and

(b) by repealing subsection (2).

Section 53A inserted

147. Part IV of the principal Act is amended by inserting after section 53 the following section—

Minister may make corrections to register

“ 53A. (1) The Minister may alter the register for the purposes of correcting a clerical error or an obvious defect in the register.

(2) Subject to subsection (3), the Minister may, on application being made in writing to the Minister by a person or of the Minister’s own motion, make such entries in the register as the Minister considers appropriate for the purposes of ensuring that the register accurately records the interests and rights existing in relation to a licence.

(3) Where the Minister proposes to make an entry in the register in accordance with subsection (2), the Minister shall cause to be published in the *Gazette* a notice—

- (a) setting out the terms of the entry that the Minister proposes to make in the register; and
- (b) inviting interested persons to give to the Minister, by such day as is specified in the notice, being a day not earlier than 45 days after the publication of the notice, submissions in writing relating to the making of the entry.

(4) Where submissions are, in accordance with a notice under subsection (3), given to the Minister in relation to the proposed making of an entry in the register, the Minister shall—

- (a) take those submissions into account before making an entry in the register; and
- (b) after making an entry in the register, cause to be published in the *Gazette* a notice setting out the terms of the entry. ”.

Section 55 amended and transitional

148. (1) Section 55 of the principal Act is amended by deleting “, nor the Principal Registrar, nor a person acting under the direction or authority of either the Minister or the Principal Registrar,” and substituting the following—

“ nor a person acting under the direction or authority of the Minister ”.

(2) Notwithstanding the amendment of section 55 of the principal Act by this section, neither a person who was the Principal Registrar within the meaning of the principal Act before the commencement of this section nor a person who acted under the direction or authority of that Principal Registrar before that commencement is liable to an action, suit or proceeding for or in respect of an act or matter in good faith done or omitted to be done in exercise or purported exercise of any power or authority conferred by Part IV of the principal Act.

Section 56 amended

149. Section 56 of the principal Act is amended by deleting “is guilty of a misdemeanour and is liable on conviction on indictment to imprisonment for a period of two years” and substituting the following—

“ commits an offence and is liable to a penalty of \$5 000 ”.

Section 59 repealed and section 59 substituted

150. Section 59 of the principal Act is repealed and the following section is substituted—

Judicial notice

“ **59.** (1) All courts, tribunals and persons acting judicially shall take judicial notice of the signature of a person—

- (a) who is, or has been, the Minister or a delegate of the Minister; or
- (b) who has been the Under Secretary or the Principal Registrar,

and of the fact that that person is, or has been, the Minister, a delegate of the Minister, the Under Secretary or the Principal Registrar, as the case requires.

(2) In subsection (1)—

“Principal Registrar” and “Under Secretary” have the same respective meanings as they had before the commencement of section 150 of the *Acts Amendment (Petroleum) Act 1989*. ”.

Section 60A inserted

151. Part V of the principal Act is amended by inserting after section 60 the following section—

Service of documents on 2 or more licensees

“ **60A.** (1) Where there are 2 or more registered holders of a licence, those registered holders shall, by notice in writing signed by each of them and served on the Minister, nominate one of the registered holders as being the person on whom documents relating to the licence that are required or permitted by this Act to be served may be served.

(2) Subject to subsections (3) and (4), where—

- (a) a document relating to a licence is required or permitted by this Act to be served on the registered holder;
- (b) there are 2 or more registered holders of the licence; and
- (c) the document is served on a person in respect of whom a nomination under subsection (1) is in force in relation to the licence,

the document shall be deemed to have been served on each of those registered holders.

(3) Where—

- (a) a person has been nominated under subsection (1) in relation to a licence; and
- (b) one of the registered holders of the licence, by notice in writing served on the Minister, revokes that nomination,

that nomination ceases to be in force and the registered holders of the licence shall forthwith make a fresh nomination under subsection (1) in relation to the licence.

(4) Where—

- (a) a person has been nominated under subsection (1) in relation to a licence; and
- (b) the person so nominated ceases to be one of the registered holders of the licence,

that nomination ceases to be in force and, if 2 or more registered holders of the licence remain, those holders shall forthwith make a fresh nomination under subsection (1) in relation to the licence. ”.

Section 61 amended

152. Section 61 of the principal Act is amended—

- (a) in subsection (1) (a) by deleting “the Under Secretary, the Principal Registrar or”;

and

- (b) by inserting after subsection (3) the following subsection—

“ (4) In subsection (1) (a)—

“the Department of Mines” means the department principally assisting the Minister in the administration of this Act. ”.

Section 62 amended

153. Section 62 of the principal Act is amended in subsection (3) by deleting “One hundred dollars” and substituting the following—

“ \$500 ”.

Section 63 amended

154. Section 63 of the principal Act is amended in subsection (3) by deleting “Five hundred dollars” and substituting the following—

“ \$5 000 ”.

Section 65 amended

155. Section 65 of the principal Act is amended by deleting the passage beginning with “against this Act.” and ending with “and imprisonment.” and substituting the following—

“ and is liable to a penalty of \$50 000 or imprisonment for 5 years, or both.”.

Section 66 amended

156. Section 66 of the principal Act is amended in subsection (3) by deleting “two thousand dollars” and substituting the following—

“ \$10 000 ”.

Sections 66A, 66B, 66C and 66D inserted

157. The principal Act is amended by inserting after section 66 the following sections—

Persons concerned in commission of offences

“ 66A. Without limiting section 7 of *The Criminal Code*, a person who by act or omission is in any way directly or indirectly knowingly concerned in the commission of any offence under this Act or the regulations shall be deemed to have committed that offence and shall be punishable accordingly.

Prosecution of offences

66B. (1) In this section “prescribed offence” means an offence against this Act the penalty in respect of which may include a term of imprisonment.

(2) Except as provided by subsection (3), a prescribed offence is triable only on indictment.

(3) A Court of Petty Sessions may hear and determine proceedings for a prescribed offence if the court is satisfied that it is appropriate to do so, and the defendant and the prosecutor consent.

(4) Where, in accordance with subsection (3), a Court of Petty Sessions convicts a person of a prescribed offence, the penalty that the court may impose in respect of the offence is a fine not exceeding \$10 000 or imprisonment for a term not exceeding 2 years, or both.

(5) An offence against this Act other than a prescribed offence is, unless the contrary intention appears, punishable summarily.

Orders for forfeiture in respect of certain offences

66C. (1) Where a person is convicted by the Supreme Court of an offence against section 6 the Court may, in addition to imposing a penalty, make one or more of the following orders—

- (a) an order for the forfeiture of specified equipment used in the commission of the offence; and
- (b) an order—
 - (i) for the forfeiture of specified petroleum conveyed through a pipeline in the course of the commission of the offence;
 - (ii) for the payment by that person to the State of an amount equal to the proceeds of the sale of specified petroleum so conveyed; or
 - (iii) for the payment by that person to the State of an amount equal to the value at the well-head, assessed by the Court, of the quantity, so assessed, of petroleum so conveyed or for the payment of such part of that amount as the Court, having regard to all the circumstances, thinks fit.

(2) Where the Court is satisfied that an order made under subsection (1) (b) (i) cannot, for any reason, be enforced, the Court may, upon the application of the person by whom the proceedings were brought, set aside the order and make either of the orders referred to in subsection (1) (b) (ii) or (iii).

(3) The Court may, before making an order under this section, require notice to be given to, and hear, such persons as the Court thinks fit.

Disposal of forfeited goods

66D. Goods in respect of which an order is made under section 66C shall be dealt with as the Attorney General directs and, pending his direction, may be detained in such custody as the Supreme Court directs. ”.

Section 67 amended

158. Section 67 of the principal Act is amended in subsection (2) (a) by deleting “five hundred dollars” and substituting the following—

“ \$10 000 ”.

PART IV—PETROLEUM (SUBMERGED LANDS) ACT 1982**Principal Act**

159. In this Part the *Petroleum (Submerged Lands) Act 1982** is referred to as the principal Act.

[*Act No. 33 of 1982.]

Section 4 amended

160. Section 4 of the principal Act is amended—

- (a) in the definition of “application for a primary licence” by inserting after “40 (1) or (2)” the following—

“ or 40A (1) or (2) ”;

- (b) in the definition of “application for a secondary licence” by inserting after “40 (3)” the following—

“ or 40A (3) ”;

- (c) by inserting after the definition of “Joint Authority” the following definitions—

“ “lease” means a retention lease under Part III;

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

“lessee” means the registered holder of a lease; ”;

- (d) by deleting the definitions of “paragraph” and “Part”;
- (e) in the definition of “partly determined” by inserting after “permit” in both places where it occurs the following—

“ or lease ”;
- (f) in the definition of “pipeline” by—
 - (i) inserting after “the adjacent area” where it first occurs the following—

“ within the meaning of section 59A ”;

and
 - (ii) deleting “the adjacent area” in paragraph (d) and substituting the following—

“ that adjacent area ”;
- (g) by deleting the definition of “primary entitlement” and substituting the following definition—

“ “primary entitlement” means—

 - (a) in relation to a permittee, the number of blocks forming part of a location in the permit area in respect of which that permittee may make an application under section 40(1); and
 - (b) in relation to a lessee, the number of blocks in the lease area in respect of which that lessee may make an application under section 40A (1); ”;
- (h) in the definition of “primary licence” by inserting after “40 (1) or (2)” the following—

“ or 40A (1) or (2) ”;

(i) in the definition of “registered holder” by inserting after—

(i) “permit,” in both places where it occurs the following—

“ lease, ”;

and

(ii) “pipeline licence” in both places where it occurs the following—

“ , special prospecting authority ”;

(j) in the definition of “relinquished area” by inserting after—

(i) “permit” in both places where it occurs in paragraph (a) the following—

“ , lease ”;

(ii) “permit” in both places where it occurs in paragraph (b) the following—

“ or lease ”;

and

(iii) paragraph (c) the following paragraph—

“ (ca) in relation to a lease that has been wholly cancelled, the area constituted by the blocks in respect of which the lease was in force; ”;

(k) by deleting the definition of “Schedule”;

(l) in the definition of “secondary licence” by inserting after “40(3)” the following—

“ or 40A (3) ”;

(m) by deleting the definitions of “section” and “subsection”;

- (n) in the definition of “wholly cancelled” by inserting after “permit,” in both places where it occurs the following—

“ lease, ”;

and

- (o) in the definition of “wholly determined” by inserting after “permit” in both places where it occurs the following—

“ or lease ”.

Section 5 amended

161. Section 5 of the principal Act is amended—

- (a) in subsection (1) by inserting after “section 4” the following—

“ or 59A ”; and

- (b) in subsection (2) by inserting—

- (i) after paragraph (a) the following paragraph—

“ (aa) not the subject of a lease; ”;

and

- (ii) before “licence” in paragraph (c) the following—

“ lease or ”.

Section 6 amended

162. Section 6 of the principal Act is amended—

- (a) in subsection (1) by—

- (i) inserting after “permit,” wherever it occurs the following—

“ lease, ”;

- (ii) deleting “have effect.” and substituting the following—

“ be in force. ”;

- (b) by repealing subsection (2) and substituting the following subsection—

“ (2) In this Act, a reference to a year of the term of a permit, lease, licence or pipeline licence is a reference to a period of one year commencing on the day on which the permit, lease, licence or pipeline licence, as the case may be, comes into force or on any anniversary of that day. ”;

- (c) by inserting after subsection (3) the following subsection—

“ (3a) In this Act, a reference to the renewal, or to the grant of a renewal, of a lease is a reference to the grant of a lease in respect of the blocks in respect of which the firstmentioned lease was in force to commence on the day after the date of expiration of the firstmentioned lease or on the day after the date of expiration of the lease granted upon a previous renewal of the firstmentioned lease. ”;

and

- (d) in subsection (7) by inserting after “permit,” in both places where it occurs the following—

“ lease, ”.

Section 9 amended

163. Section 9 of the principal Act is amended—

- (a) in subsection (1) by inserting after—

- (i) “situated in a licence area” the following—

“ or in an area in respect of which an access authority is in force (in this subsection called an “access authority area”) ”;

(ii) “extend to that licence area” the following—

“ or access authority area ”;

and

(iii) “of the same licensee” the following—

“ or registered holder of the access authority ”;

and

(b) by repealing subsection (10) and substituting the following subsection—

“ (10) In this section a reference to a licence, a licensee or a licence area shall be read as including a reference to a permit and a lease, a permittee and a lessee or a permit area and a lease area. ”.

Section 18 amended

164. Section 18 of the principal Act is amended—

(a) in subsection (1) by inserting after—

(i) “which a permit” the following—

“ , lease ”;

and

(ii) “of a permit,” the following—

“ lease, ”;

and

(b) in subsection (2) by inserting after “permit,” the following—

“ lease, ”.

Section 20 amended

165. Section 20 of the principal Act is amended by repealing subsections (3), (4) and (5).

Section 21 amended

166. Section 21 of the principal Act is amended—

- (a) in subsection (1) (f) by deleting “a fee of \$3 000” and substituting the following—

“ the prescribed fee ”;

and

- (b) by repealing subsection (5).

Section 23 amended

167. Section 23 of the principal Act is amended—

- (a) in subsection (1) by deleting paragraph (a) and substituting the following—

“ (a) a lease is surrendered, cancelled or determined as to a block or blocks;

“ (aa) licence is surrendered or cancelled as to a block or blocks; or ”;

and

- (b) by repealing subsections (2) and (3).

Section 24 amended

168. Section 24 of the principal Act is amended—

- (a) in subsection (1) by deleting paragraph (a) and substituting the following—

“ (a) the prescribed fee; and ”;

and

- (b) by repealing subsection (2) and substituting the following subsection—

“ (2) Where a permit is not granted on the application, the amount of the deposit shall, subject to subsection (3), be refunded to the applicant. ”.

Section 25 amended

169. Section 25 of the principal Act is amended by repealing subsection (3).

Section 29 amended

170. Section 29 of the principal Act is amended in paragraphs (a) and (b) by inserting after “day on which the permit is granted” in each case the following—

“ or, if a later day is specified in the permit as being the day on which the permit is to come into force, on that later day ”.

Section 30 amended

171. Section 30 of the principal Act is amended in subsection (2) (c) by deleting “a fee of \$300” and substituting the following—

“ the prescribed fee ”.

Sections 36 and 37 repealed and sections 36 and 37 substituted and transitional

172. (1) Sections 36 and 37 of the principal Act are repealed and the following sections are substituted—

Nomination of blocks as location

“ **36.** (1) Where a petroleum pool is identified in a permit area, the permittee may nominate the block in which the pool is situated, or the blocks (being blocks within the permit area) to which the pool extends, for declaration as a location.

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

(3) A nomination may not be made under subsection (2) unless, in the case of each of the pools to which the nomination relates, at least one of the blocks to which the pool extends immediately adjoins a block to which the other, or another, of those pools extends.

(4) A nomination by a permittee shall be in writing and served on the Minister.

(5) A nomination may not be made by a permittee unless the permittee or another person has, whether within or outside the permit area, recovered petroleum from the petroleum pool to which the nomination relates or, if the nomination relates to more than one pool, from each of those pools.

(6) Where—

(a) the Minister is of the opinion that a permittee is entitled to nominate a block or blocks under subsection (1) or (2);

and

(b) the permittee has not done so,

the Minister may require the permittee to exercise the permittee's right to nominate the block or blocks within 3 months after the date of the making of the requirement.

(7) A requirement by the Minister under subsection (6) shall be by written notice served on the permittee.

(8) On written request by a permittee within the period fixed by subsection (6), the Minister may extend the time for compliance with a requirement under that subsection by not more than 3 months.

(9) If a permittee fails to comply with a requirement under subsection (6), the Minister may, by written notice served on the permittee, nominate the block or blocks for declaration as a location.

Declaration of location

37. (1) Where—

- (a) a permittee has made a nomination under section 36; and
- (b) the Minister is of the opinion that the permittee is entitled under that section to nominate the block or blocks specified in the nomination,

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

(2) Where the Minister has made a nomination under section 36 (9), the Minister shall, by notice published in the *Gazette*, declare the block or blocks to which the nomination relates to be a location.

(3) The Minister may, at the request of the permittee, revoke a declaration.

(4) The Minister may vary a declaration by—

- (a) adding to the location a block in the permit area to which, in the opinion of the Minister, a petroleum pool within the location extends; or
- (b) deleting from the location a block to which, in the opinion of the Minister, no petroleum pool within the location extends.

(5) The Minister may not vary a declaration unless—

- (a) the Minister has caused to be served on the permittee notice in writing of the proposed variation, identifying the block to be added to, or deleted from, the location;

- (b) the period of 30 days after the date of service of the notice has expired; and
- (c) the Minister has considered any matters submitted to him by the permittee in relation to the proposed variation.

(6) Subsection (5) does not apply where a variation is made at the request of the permittee. ”.

(2) Where—

- (a) at the commencement of this section, a nomination had been made under section 36 of the principal Act; and
- (b) at that commencement, a declaration had not been made under section 37 of the principal Act as a result of the making of the nomination,

sections 36, 37 and 38 of the principal Act, as in force immediately before the commencement of this section, continue to have effect in relation to that nomination and the block or blocks that would be affected by a declaration as if this Act had not been enacted.

(3) A declaration made under section 37 of the principal Act as continued in force by subsection (2) has effect, and the principal Act, as amended by this Act, applies to the declaration, as if the declaration had been made under that section as amended by this Act.

(4) A declaration in force under section 37 of the principal Act immediately before the commencement of this section has effect after that commencement as if it were a declaration under section 37 of the principal Act as amended by this Act.

(5) Where—

- (a) the permittee under a permit granted before the commencement of this section applies under section 40 of the principal Act, as amended by this Act, for a licence;
- (b) the location that includes the block or blocks to which the application relates was declared under section 37 of the principal Act as amended by this Act;

- (c) the location consists of not more than 8 blocks;
- (d) the Minister notifies the applicant in writing that, in his opinion, the number of blocks specified in the notification represents the maximum number of blocks that the applicant would have been entitled to have declared as a location instead of the block or blocks constituting the location referred to in paragraph (b) if this Act had not been enacted; and
- (e) the number of blocks specified in the notification exceeds the number of blocks in the location referred to in paragraph (b),

section 40 (1) of the principal Act, as amended by this Act, applies as if the firstmentioned location were constituted by the number of blocks specified in the notification referred to in paragraph (d).

(6) Where—

- (a) a lessee under a lease of a block or blocks for which a permit was granted before the commencement of this section applies under section 40A of the principal Act, as amended by this Act, for a licence;
- (b) the location that includes the block or blocks to which the application relates was declared under section 37 of the principal Act, as amended by this Act;
- (c) the location consists of not more than 8 blocks;
- (d) the Minister notifies the applicant in writing that, in his opinion, the number of blocks specified in the notification represents the maximum number of blocks that the applicant would have been entitled to have declared as a location instead of the block or blocks constituting the location referred to in paragraph (b) if this Act had not been enacted; and
- (e) the number of blocks specified in the notification exceeds the number of blocks in the location referred to in paragraph (b),

section 40A (1) of the principal Act, as amended by this Act, applies as if the lease were in respect of the number of blocks specified in the notification referred to in paragraph (d).

Section 38 amended

173. Section 38 of the principal Act is amended by deleting “sections 36 and 37” and substituting the following—

“ section 36 ”.

Part III amended

174. Part III of the principal Act is amended by inserting after Division 2 the following Division—

“ *Division 2A—Retention Leases for Petroleum*

Application by permittee for lease

38A. (1) A permittee whose permit is in force in respect of a block that constitutes, or the blocks that constitute, a location may, within the application period, make an application to the Minister for the grant of a lease in respect of that block, or in respect of one or more of those blocks, as the case may be.

(2) An application under subsection (1)—

- (a) shall be in accordance with an approved form;
- (b) shall be made in an approved manner;
- (c) shall be accompanied by particulars of—
 - (i) the proposals of the applicant for work and expenditure in respect of the area comprised in the blocks specified in the application; and
 - (ii) the commercial viability of the recovery of petroleum from the area comprised in the blocks specified in the application at the time of the application, and particulars of the possible future commercial viability of the recovery of petroleum from that area;

- (d) may set out any other matters that the applicant wishes to be considered; and
- (e) shall be accompanied by the prescribed fee.

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

(4) The application period in respect of an application under this section by a permittee is—

- (a) the period of 2 years after the date on which the block that constitutes the location concerned was, or the blocks that constitute the location concerned were, declared to be a location; or
- (b) such other period, not less than 2 years or more than 4 years after that date, as the Minister, on application in writing by the permittee, served on the Minister before the end of the firstmentioned period of 2 years, allows.

Grant or refusal of lease in relation to application

38B. (1) Where—

- (a) an application has been made under section 38A;
 - (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 recovery of petroleum from the area comprised in the blocks specified in the application—
 - (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 instrument in writing served on the applicant, inform the applicant—

- (d) that he is prepared to grant to the applicant a lease in respect of the block or blocks specified in the application; and
- (e) that the applicant will be required to lodge a security for compliance with the conditions to which the lease, if granted, will from time to time be subject and with the provisions of this Part and the regulations.

(2) Where an application has been made under section 38A and—

- (a) the applicant has not furnished any further information as and when required by the Minister under section 38A (3); or
- (b) the Minister is not satisfied as to the matters referred to in subsection (1) (c) in relation to the blocks specified in the application,

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

(3) An instrument 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 and lodge with the Minister the security referred to in the instrument.

(4) An applicant on whom there has been served an instrument under subsection (1) may, within a period of one month after the date of service of the instrument, or within such further period, not exceeding one month, as the Minister, on application in writing served on the Minister before the end of the firstmentioned period of one month, allows—

- (a) by instrument in writing served on the Minister, request the Minister to grant to the applicant the lease; and
- (b) lodge with the Minister the security referred to in the firstmentioned instrument.

(5) Where an applicant on whom there has been served an instrument under subsection (1)—

- (a) has made a request under subsection (4); and
- (b) has lodged with the Minister the security referred to in the instrument,

within the period applicable under subsection (4), the Minister shall grant to the applicant a retention lease in respect of the block or blocks specified in the instrument.

(6) Where an applicant on whom there has been served an instrument under subsection (1)—

- (a) has not made a request under subsection (4); or
- (b) has not lodged with the Minister the security referred to in the instrument,

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

(7) On the day on which a lease granted under this section in respect of a block or blocks comes into force, the permit in respect of the block or blocks ceases to be in force in respect of those blocks.

Rights conferred by lease

38C. A lease, while it remains in force, authorizes the lessee, subject to this Act and the regulations and in accordance with the conditions to which the lease is subject, to explore for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the lease area.

Term of lease

38D. Subject to this Part, a lease (whether granted by way of renewal of a lease or otherwise) remains in force for a period of 5 years commencing on the day on which the lease was granted or, if a later day is specified in the lease as being the day on which the lease is to come into force, on that later day.

Notice of intention to cancel lease

38E. (1) Where—

- (a) a lessee has been given a notice of the kind referred to in section 38H (3) during the term of the lease and has carried out, and has informed the Minister of the results of, the re-evaluation required by the notice;
- (b) the lessee has not made an application for the renewal of the lease; and
- (c) after consideration of the results of the re-evaluation referred to in paragraph (a) and such other matters as the Minister thinks fit, the Minister is of the opinion that recovery of petroleum from the lease area is commercially viable,

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

- (d) informing the lessee or the other person that the Minister has formed that opinion and that the Minister intends to cancel the lease; and

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

(2) Where—

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

and

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

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

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

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

(4) Where a lease is cancelled under subsection (2), the lease shall be deemed to continue in force in all respects until the cancellation has effect in accordance with subsection (3).

Application for renewal of lease

38F. (1) A lessee may, from time to time, make an application to the Minister for the renewal of the lease.

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

- (a) shall be in accordance with an approved form;
- (b) subject to subsection (3), shall be made in an approved manner not less than 6 months or more than 12 months before the day on which the lease ceases to be in force;
- (c) shall be accompanied by particulars of—
 - (i) the proposals of the applicant for work and expenditure in respect of the lease area; and
 - (ii) the commercial viability of recovery of petroleum from the lease area at the time of the application and particulars of the possible future commercial viability of recovery of petroleum from the lease area;and
- (d) shall be accompanied by the prescribed fee.

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

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

Grant or refusal of renewal of lease**38G. (1) Where—**

- (a) a lessee makes an application for the renewal of a lease;
- (b) the applicant has furnished any further information as and when required by the Minister under section 38F (4); and
- (c) the Minister is satisfied that recovery of petroleum from the lease 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—

- (d) shall, if the lessee has complied with the conditions to which the lease is subject and with the provisions of this Part and of the regulations; or
- (e) may, if the lessee has not so complied but the Minister is satisfied that special circumstances exist that justify the granting of the renewal of the lease,

inform the lessee, by instrument in writing served on the lessee, that he is prepared to grant to the lessee the renewal of the lease and that the lessee will be required to lodge a security for compliance with the conditions to which the lease, if the renewal is granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(2) Subject to subsection (3), where—

- (a) a lessee makes an application for the renewal of a lease;
- and

(b) either—

- (i) the applicant has not furnished any further information as and when required by the Minister under section 38F (4);
- (ii) the Minister is not satisfied as to the matters referred to in subsection (1) (c); or
- (iii) the lessee has not complied with the conditions to which the lease is subject and with the provisions of this Part and of the regulations and the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the lease,

the Minister shall, by instrument in writing served on the lessee, refuse to grant the renewal of the lease.

(3) The Minister shall not refuse to grant the renewal of the lease unless—

- (a) he has, by instrument in writing served on the lessee, given not less than one month's notice of his intention to refuse to grant the renewal of the lease;
- (b) he has served a copy of the instrument on such other persons, if any, as he thinks fit;
- (c) he has, in the instrument—
 - (i) given particulars of the reasons for the intention;
 - and
 - (ii) specified a date on or before which the lessee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Minister, submit any matters that the lessee wishes to be considered;

and

- (d) he has taken into account any matters so submitted on or before the specified date by the lessee or by a person on whom a copy of the firstmentioned instrument has been served.

(4) An instrument referred to in subsection (1) shall contain—

- (a) a summary of the conditions to which the lease, on the grant of the renewal, is to be subject; and
- (b) a statement to the effect that the application will lapse if the lessee does not make a request under subsection (6) and lodge with the Minister the security referred to in the instrument.

(5) An instrument under subsection (2) shall, where the Minister refuses to grant the renewal of a lease by reason only that the Minister is not satisfied as to the matter referred to in subsection (1) (c) (i), contain a statement to the effect that the lessee may, within the period of 12 months after the date of service of the instrument, make an application for a licence in respect of one or more of the blocks comprised in the lease.

(6) A lessee on whom there has been served an instrument under subsection (1) may, within a period of one month after the date of service of the instrument on the lessee—

- (a) by instrument in writing served on the Minister, request the Minister to grant the lessee the renewal of the lease;

and

- (b) lodge with the Minister the security referred to in the firstmentioned instrument.

(7) Where a lessee on whom there has been served an instrument under subsection (1)—

- (a) has made a request under subsection (6); and

- (b) has lodged with the Minister the security referred to in the instrument,

within the period referred to in subsection (6), the Minister shall grant to the lessee the renewal of the lease.

(8) Where a lessee on whom there has been served an instrument under subsection (1)—

- (a) has not made a request under subsection (6); or
- (b) has not lodged with the Minister the security referred to in the instrument,

within the period referred to in subsection (6), the application lapses upon the expiration of that period.

(9) Where—

- (a) an application for the renewal of a lease has been made;

and
- (b) the lease expires—
 - (i) before the Minister grants, or refuses to grant, the renewal of the lease; or
 - (ii) before the application lapses as provided by subsection (8),

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

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

whichever first happens.

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

- (a) in a case to which paragraph (b) does not apply, until 12 months after the date of service of the instrument under subsection (2); or
- (b) in a case where the lessee makes an application for a licence in respect of one or more of the blocks comprised in the lease within the period of 12 months after the date referred to in paragraph (a), until the Minister grants, or refuses to grant, the licence or until the application lapses, whichever first happens.

Conditions of lease

38H. (1) A lease may be granted subject to such conditions as the Minister thinks fit and are specified in the lease.

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

(3) A lease shall be deemed to contain a condition that the lessee will, within the period of 3 months after the receipt of a written notice from the Minister requesting the lessee to do so or within such further period as the Minister, on application in writing served on the Minister before the end of the firstmentioned period, allows, re-evaluate the commercial viability of petroleum production in the lease area (otherwise than by the drilling of wells) and inform the Minister in writing of the results of the re-evaluation.

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

Discovery of petroleum to be notified

38J. (1) Where petroleum is discovered in a lease area, the lessee—

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

(2) Where petroleum is discovered in a lease area, the Minister may, from time to time, by instrument in writing served on the lessee, direct the lessee to furnish to the Minister, within the period specified in the instrument, particulars in writing of any one or more of the following—

- (a) the chemical composition and physical properties of the petroleum;
- (b) the nature of the subsoil in which the petroleum occurs;
- (c) any other matters relating to the discovery that are specified by the Minister in the instrument.

(3) A person to whom a direction is given under subsection (2) shall comply with the direction.

Penalty: \$10 000.

Directions by Minister on discovery of petroleum

38K. (1) Where petroleum is discovered in a lease area, the Minister may, by instrument in writing served on the lessee, direct the lessee to do, within the period specified in the instrument, such things as the Minister thinks necessary and specifies in the instrument to determine the chemical composition and physical properties of that petroleum and to

determine the quantity of petroleum in the petroleum pool to which the discovery relates or, if part only of that petroleum pool is within the lease area, in such part of that petroleum pool as is within the lease area.

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

Penalty: \$10 000. ”.

Section 40 amended

175. Section 40 of the principal Act is amended—

(a) in subsection (1) (a) by inserting after “9” the following—

“ or more ”;

(b) in subsection (4) by deleting “The” and substituting the following—

“ Subject to subsection (5), the ”;

and

(c) by inserting after subsection (4) the following subsection—

“ (5) Where—

(a) a permittee applies for the grant by the Minister of a licence in respect of a block or blocks in respect of which the permittee has applied for a lease under section 38A; and

(b) an instrument refusing to grant the lease is served on the permittee under section 38B (2),

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

(c) the period that is applicable under subsection (4);

- (d) the period of 12 months after the day of service of the instrument. ”.

Section 40A inserted

176. Division 3 of Part III of the principal Act is amended by inserting after section 40 the following section—

Application for licence by holder of lease

“ **40A.** (1) A lessee whose lease is in force may make an application to the Minister for the grant of a licence—

- (a) where the lease is in respect of 9 or more blocks, in respect of 5 of those blocks;
- (b) where the lease is in respect of 8 or 7 blocks, in respect of 4 of those blocks;
- (c) where the lease is in respect of 6 or 5 blocks, in respect of 3 of those blocks;
- (d) where the lease is in respect of 4 or 3 blocks, in respect of 2 of those blocks;
- (e) where the lease is in respect of 2 blocks, in respect of one of those blocks; or
- (f) where the lease is in respect of one block, in respect of that block.

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

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

Section 41 amended

177. Section 41 of the principal Act is amended in subsection (1) by—

- (a) inserting after “section 40” the following—

“ or 40A ”;

and

- (b) deleting “a fee of \$600” in paragraph (e) and substituting the following—

“ the prescribed fee ”.

Section 43 amended

178. Section 43 of the principal Act is amended in subsection (1) by inserting after—

- (a) “section 40” the following—

“ or 40A ”;

and

- (b) “information” the following—

“ as and when ”.

Section 44 amended

179. Section 44 of the principal Act is amended—

- (a) in subsection (3) by inserting after—

- (i) “a permittee” the following—

“ or lessee ”;

and

(ii) “the permittee’s” in paragraph (b) the following—

“ or lessee’s ”;

and

(b) in subsection (5) by deleting “From and including the day on which a licence granted under this section has effect, the permit” and substituting the following—

“ On the day on which a licence granted under this section comes into force, the permit or lease ”.

Section 45 amended

180. Section 45 of the principal Act is amended in subsection (2) by deleting “From and including the day from and including which” and substituting the following—

“ On and from the day on and from which ”.

Section 46 amended and saving

181. (1) Section 46 of the principal Act is amended—

(a) in subsection (1) (d) by deleting “in case referred” and substituting the following—

“ in a case referred ”;

(b) by inserting after subsection (1) the following subsection—

“ (1a) Subject to subsection (2), where all applications made by a lessee under section 40A in respect of a block have lapsed, the lease is determined as to that block and the determination has effect upon the lapsing of the last of those applications. ”;

(c) in subsection (2) by inserting after—

(i) “permittee” the following—

“ or lessee ”;

and

(ii) "permit" in paragraph (a) the following—

“ or lease ”;

and

(d) repealing subsection (3) and substituting the following subsections—

“ (3) Subject to subsection (4), where a block or blocks constituting or forming part of a location is or are no longer the subject of a permit or lease, the Minister shall, by instrument published in the *Gazette*—

(a) in a case where that block or those blocks constitutes or constitute that location, revoke the declaration made under section 37 in respect of that location; or

(b) in a case where that block or those blocks forms or form part of that location, revoke the declaration made under section 37 in respect of that location to the extent that it relates to that block or those blocks.

(4) Subsection (3) does not apply in relation to a block—

(a) in respect of which an application for the grant of a lease or licence has been made, being an application that has not lapsed and in relation to which a decision has not been made by the Minister; or

(b) in respect of which a lease or licence is in force.

(5) Where a lease is granted in respect of a block or blocks forming part of a location, the Minister shall, by instrument published in the *Gazette*, revoke the declaration made under section 37 to the extent that it relates to the block or blocks that is or are not within the lease area.

(6) Where—

- (a) the Minister refuses to grant a lease in respect of a block or blocks constituting or forming part of a location; and
- (b) the reason, or one of the reasons, for the refusal is that the Minister is not satisfied as to the matter referred to in section 38B (1) (c) (ii),

the Minister shall, by instrument published in the *Gazette*, revoke the declaration made under section 37 in respect of that location. ”.

(2) The revocation under section 46 (3) of the principal Act of a declaration in respect of a location shall be deemed not to have affected the validity of a licence granted under the principal Act in respect of any block forming part of that location.

Section 47 amended

182. Section 47 of the principal Act is amended—

- (a) in subsection (1) (b) by inserting after “permit” the following—

“ or lease ”;

- (b) by repealing subsections (4) and (5);

and

- (c) in subsection (6) by—

- (i) inserting at the end of paragraph (d) the following—

“ and ”;

and

- (ii) deleting paragraph (e).

Section 48 amended

183. Section 48 of the principal Act is amended—

(a) in subsection (1) by deleting—

(i) “a fee of \$3 000” in paragraph (a) and substituting the following—

“ the prescribed fee ”;

(ii) “the application is made under section 47(1) or (4) and” in paragraph (b) (i);

and

(iii) “the application is made under section 47(1) and” in paragraph (b) (ii);

(b) by repealing subsection (2) and substituting the following subsection—

“ (2) Where a licence is not granted on the application, the amount of the deposit shall, subject to subsection (3), be refunded to the applicant. ”;

and

(c) in subsection (3) by deleting “or (3)”.

Section 49 amended

184. Section 49 of the principal Act is amended—

(a) by repealing subsection (3);

and

(b) in subsection (7) by deleting “(1), (2) or (3)” and substituting the following—

“ (1) or (2) ”.

Section 51 amended

185. Section 51 of the principal Act is amended—

- (a) in subsection (2) (e) by deleting “a fee of \$300” and substituting the following—

“ the prescribed fee ”; and

- (b) in subsection (6) (b) by deleting “from and including the day on which those licences have effect” and substituting the following—

“ on and from the day on which those licences come into force ”.

Section 53 amended

186. Section 53 of the principal Act is amended by inserting after “day on which the licence is granted” wherever it occurs the following—

“ or, if a later day is specified in the licence as being the day on which the licence is to come into force, on that later day ”.

Section 54 amended

187. Section 54 of the principal Act is amended—

- (a) in subsection (2) by deleting—

- (i) “have effect” in paragraph (b) and substituting the following—

“ be in force ”;

and

- (ii) “a fee of \$600” in paragraph (d) and substituting the following—

“ the prescribed fee ”;

and

- (b) in subsection (3) by deleting “have effect” and substituting the following—

“ be in force ”.

Section 57 repealed and transitional

188. (1) Section 57 of the principal Act is repealed.

(2) Notwithstanding anything in section 37 of the *Interpretation Act 1984*, if, in respect of a year of the term of his licence that has elapsed prior to the commencement of this section, a licensee has not complied with section 57 (1) or (2) of the principal Act, the licensee is not required after that commencement to comply with that section in respect of that year and section 57 (3) of the principal Act does not apply to or in relation to such a non-compliance.

(3) In subsection (2)—

“licence” and “licensee” have the respective meanings given by the principal Act.

Section 58 amended

189. Section 58 of the principal Act is amended—

- (a) in subsection (3) by deleting “the petroleum is being recovered” and substituting the following—

“ petroleum is being recovered in the licence area or from a petroleum pool in the licence area ”;

- (b) in subsection (4) by inserting after “licence area” the following—

“ or from a petroleum pool in the licence area ”;

and

(c) by inserting after subsection (4) the following subsection—

“ (5) Without limiting the matters that may be taken into account by the Minister in determining whether to give a direction under subsection (3) or (4), the Minister may take into account matters relating to the effects on State revenue of the proposed direction, but the Minister shall not give a direction under subsection (3) or (4) if the direction would require action to be taken that is contrary to good oil-field practice. ”.

Section 59 amended

190. Section 59 of the principal Act is amended—

(a) in subsection (2) by deleting “such an agreement does not have any force or effect unless it has been approved by the Minister” and substituting the following—

“ nothing in this subsection derogates from the operation of section 81 (2) ”;

(b) in subsection (3) by—

(i) deleting “by instrument in writing served on the licensee, ”;

(ii) inserting after “part of the petroleum pool” the following—

“ , by instrument in writing served on the licensee, ”;

and

(iii) deleting “the agreement with him forthwith in accordance with section 81” and substituting the following—

“ an application in accordance with section 81 for approval of any dealing to which the agreement relates ”;

- (c) in subsection (4) by deleting paragraph (b) and substituting the following paragraph—

“ (b) a licensee enters into such an agreement but an application for approval of a dealing to which the agreement relates is not lodged with the Minister or, if an application is so lodged, the dealing is not approved under section 81, ”;

and

- (d) by repealing subsection (10) and substituting the following subsection—

“ (10) In this section, “dealing” means a dealing to which section 81 applies. ”.

Section 59A inserted and transitional

191. (1) Division 4 of Part III of the principal Act is amended by inserting before section 60 the following sections—

Interpretation in Division 4

“ **59A.** In this Division—

“the adjacent area” means, subject to section 5 (1), so much of the area the boundary of which is described in Schedule 2 as is part of the territorial sea of Australia, including the territorial sea adjacent to any island forming part of Western Australia, and includes an area which is—

- (a) within the area the boundary of which is described in Schedule 2; and
- (b) seaward of the coastline of Western Australia at mean low water and landward of the inner limit of the territorial sea of Australia.

**Deemed location of portion of
North Rankin Platform A Pipeline**

59B. (1) That portion of the North Rankin Platform A Pipeline that is—

- (a) within the area the boundary of which is described in Schedule 2; and
- (b) seaward of the coastline of Western Australia at mean low water and landward of the inner limit of the territorial sea of Australia,

shall be deemed to be, and since the commencing day to have been, within the State jurisdiction of the State of Western Australia for the purposes of Schedule 3.

(2) In subsection (1)—

“commencing day” has the meaning given by clause 1 (1) of Schedule 3;

“the North Rankin Platform A Pipeline” means the pipeline which is the subject of pipeline licence WA-1-PL—

- (a) granted under the Commonwealth Act; and
- (b) deemed by clause 4 (1) of Schedule 3 to comprise 2 pipeline licences, being a pipeline licence under the Commonwealth Act and a pipeline licence under this Act. ”.

(2) Notwithstanding anything in the principal Act—

- (a) section 4 of the principal Act shall have effect in relation to the Barrow Island Pipeline and the Withnell Bay Pipeline as if—

- (i) the definition of “pipeline licence” had been deleted and the following definition had been substituted—

“ “pipeline licence” means a licence under Part III to operate an existing pipeline; ”;

and

- (ii) the following definitions had been inserted in the appropriate alphabetical positions—

“ “existing pipeline” means the Barrow Island Pipeline or the Withnell Bay Pipeline;

“the Barrow Island Pipeline” means the pipeline which extends from Barrow Island to an offshore mooring terminal and which is more fully described in Special Lease No. 3116/3628 granted under section 116 of the *Land Act 1933*;

“the Withnell Bay Pipeline” means the pipeline which extends from the North West Shelf Development Project Treatment Plant to the Product Loading Jetty near Withnell Bay and which is the subject of Pipeline Licence PL9 granted under the *Petroleum Pipelines Act 1969*. ”;

- (b) section 64 of the principal Act shall have effect in relation to the Barrow Island Pipeline and the Withnell Bay Pipeline as if it had been enacted in the following form—

Application for pipeline licence in respect of existing pipeline

“ 64. (1) An application for a pipeline licence in respect of an existing pipeline shall be made in writing to the Minister by the owner of the existing pipeline.

(2) The Minister may at any time by instrument in writing served on an applicant under subsection (1) require the applicant to furnish to the Minister, within the period specified in that instrument, further information in writing in connection with his application, and, notwithstanding section 65 (2), the Minister is not obliged to grant a pipeline licence to the applicant in respect of the relevant existing pipeline until that information has been furnished to him. ”;

- (c) section 65 of the principal Act shall have effect in relation to the Barrow Island Pipeline and the Withnell Bay Pipeline as if it had been enacted in the following form—

Grant of pipeline licence in respect of existing licence

“ 65. (1) When a person makes an application under section 64, the Minister shall inform the person by instrument in writing served on the person that the Minister is prepared to grant a pipeline licence to him in the form set out in that instrument (which form includes the conditions to which the pipeline licence is to be subject) if the person within 30 days after that service—

- (a) requests the Minister to grant to him a pipeline licence in that form; and
- (b) lodges with the Minister a security for compliance with the conditions to which the pipeline licence will, if granted, be subject and with the provisions of this Part and of the regulations.

(2) On receiving from the person referred to in subsection (1) a request, and on the lodging of a security referred to in that subsection within the period referred to in that subsection, the Minister shall, subject to section 64(2), grant to that person a licence to operate a pipeline—

- (a) in respect of the existing pipeline specified; and
- (b) in the form set out,

in the instrument served under that subsection on that person.

(3) If a person on whom an instrument has been served under subsection (1) does not—

- (a) make the request; and

(b) lodge the security,

referred to in that subsection within the period referred to in that subsection, the application made by that person lapses on the expiry of that period. ”;

- (d) section 66 of the principal Act shall have effect in relation to the Barrow Island Pipeline and the Withnell Bay Pipeline as if it had been enacted in the following form—

Rights conferred by pipeline licence

“ 66. A pipeline licence, while it remains in force, authorizes the pipeline licensee, subject to this Act and the regulations and to the conditions to which the pipeline licence is subject—

(a) to operate the existing pipeline to which the pipeline licence relates and its pumping stations, tank stations and valve stations specified in the pipeline licence; and

(b) to carry on such operations, to execute such works and to do all such other things in the adjacent area as are necessary for or incidental to the operation of the existing pipeline, and the pumping stations, tank stations and valve stations, referred to in paragraph (a). ”;

- (e) section 67 of the principal Act shall have effect in relation to the Barrow Island Pipeline and the Withnell Bay Pipeline as if it had been enacted in the following form—

Term of existing pipeline licence

“ 67. (1) Subject to this Part, a pipeline licence—

(a) granted otherwise than by way of renewal in respect of an existing pipeline—

(i) which is the Barrow Island Pipeline remains in force for the period of 21 years which commenced on 10 February 1988; or

- (ii) which is the Withnell Bay Pipeline remains in force for the period of 21 years which commenced on 20 December 1983;

or

- (b) granted by way of renewal in respect of an existing pipeline remains in force, subject to subsection (2), for a period of 21 years.

(2) If the Minister considers that, having regard to the dates of expiry of the licences that relate to the licence areas from which petroleum is conveyed by means of an existing pipeline, it is not necessary for the relevant pipeline licence to remain in force for a period of 21 years after renewal, that pipeline licence remains in force after renewal, subject to this Part, for such period of less than 21 years as the Minister determines and specifies in that pipeline licence. ”.

(3) In subsection (2)—

“the Barrow Island Pipeline” means the pipeline which extends from Barrow Island to the offshore mooring terminal and which is more fully described in Special Lease No. 3116/3628 granted under section 116 of the *Land Act 1933*;

“the Withnell Bay Pipeline” means the pipeline which extends from the North West Shelf Development Project Treatment Plant to the Product Loading Jetty near Withnell Bay and which is the subject of Pipeline Licence PL9 granted under the *Petroleum Pipelines Act 1969*.

Section 64 amended

192. Section 64 of the principal Act is amended in subsection (1) (f) by deleting “a fee of \$3 000” and substituting the following—

“ the prescribed fee ”.

Section 65 amended

193. Section 65 of the principal Act is amended by repealing subsection (12).

Section 67 amended

194. Section 67 of the principal Act is amended by repealing subsection (2) and substituting the following subsection—

- “ (2) A pipeline licence comes into force on the day on which the pipeline licence is granted or, if a later day is specified in the pipeline licence as being the day on which the pipeline licence is to come into force, on that later day. ”.

Section 68 amended

195. Section 68 of the principal Act is amended—

(a) in subsection (2) by deleting—

- (i) “have effect” in paragraph (b) and substituting the following—

“ be in force ”;

and

- (ii) “a fee of \$600” in paragraph (c) and substituting the following—

“ the prescribed fee ”;

and

(b) in subsection (3) by deleting “have effect” and substituting the following—

“ be in force ”.

Section 71 amended

196. Section 71 of the principal Act is amended in subsection (2) (e) by deleting “a fee of \$300” and substituting the following—

“ the prescribed fee ”.

Section 74A inserted

197. Division 5 of Part III of the principal Act is amended by inserting before section 75 the following section—

Interpretation in Division 5

“ **74A.** In this Division, “title” means a permit, lease, licence, pipeline licence or access authority. ”.

Section 75 amended

198. Section 75 of the principal Act is amended by deleting “permits, licences, pipeline licences and access authorities” and substituting the following—

“ titles and special prospecting authorities ”.

Section 76 amended

199. Section 76 of the principal Act is amended—

(a) in subsection (1) by—

(i) deleting “permit, licence, pipeline licence or access authority” wherever it occurs and substituting in each case the following—

“ title or special prospecting authority ”;

(ii) deleting “permit or” in paragraph (b) and substituting the following—

“ permit, lease or ”;

- (iii) inserting after “permit area” in paragraph (b) the following—

“ , lease area ”;

- (iv) inserting before “an access authority” in paragraph (c) the following—

“ a special prospecting authority or ”;

and

- (v) inserting before “access authority is” in paragraph (c) the following—

“ special prospecting authority or ”;

- (b) in subsection (2) (a) by deleting “permit, licence, pipeline licence or access authority” and substituting the following—

“ title or special prospecting authority ”;

- (c) in subsection (3) by deleting “permit, licence, pipeline licence, access authority” and substituting the following—

“ title, special prospecting authority ”;

- (d) by repealing subsection (4);

and

- (e) in subsection (5) by deleting “permit, licence, pipeline licence, access authority” and substituting the following—

“ title, special prospecting authority ”.

Section 77 amended

200. Section 77 of the principal Act is amended—

- (a) in paragraph (a) by inserting after “permit” the following—

“ or lease ”;

(b) by inserting after paragraph (a) the following paragraph—

“ (aa) a permit ceases to be in force in respect of a block in respect of which a lease is granted; ”;

(c) in paragraph (b) by inserting after “permit” the following—

“ or lease ”;

and

(d) in paragraph (c) by deleting “permit, licence, pipeline licence or access authority” and substituting the following—

“ title or special prospecting authority ”.

Section 78 repealed and section 78 substituted and transitional

201. (1) Section 78 of the principal Act is repealed and the following section is substituted—

Approval and registration of transfers

“ **78.** (1) A transfer of a title is of no force until it has been approved by the Minister and an instrument of transfer is registered as provided by this section.

(2) Where it is desired that a title be transferred, one of the parties to the proposed transfer may make an application in writing to the Minister for approval of the transfer.

(3) An application for approval of a transfer of a title shall be accompanied by—

(a) an instrument of transfer in the prescribed form executed by the registered holder or, if there are 2 or more registered holders, by each registered holder and by the transferee or, if there are 2 or more transferees, by each transferee;

- (b) in a case where the transferee or one or more of the transferees is not a registered holder or are not registered holders of the title, an instrument setting out—

- (i) the technical qualifications of that transferee or those transferees;

- (ii) details of the technical advice that is or will be available to that transferee or those transferees;

and

- (iii) details of the financial resources that are or will be available to that transferee or those transferees;

and

- (c) one copy of the application and of the instrument referred to in paragraph (a).

(4) The Minister shall not approve the transfer of a title unless the application was lodged with the Minister within 3 months after the day on which the party who last executed the instrument of transfer so executed the instrument of transfer or within such longer period as the Minister, in special circumstances, allows.

(5) Where an application for approval of a transfer is made in accordance with this section, the Minister shall enter a memorandum in the register of the date on which the application was lodged and may make such other notation in the register as the Minister considers appropriate.

(6) The Minister shall—

- (a) consider each application for approval of the transfer of a title and determine whether to approve the transfer; and

- (b) in the case of a transfer of a permit, lease, licence or pipeline licence, determine whether approval of the transfer should be made subject to a security being lodged by the transferee or transferees for compliance with the provisions of this Act, of the regulations and of any conditions to which the permit, lease, licence or pipeline licence may, from time to time, be subject.

(7) Where an application for approval of the transfer of a title is made in accordance with this section, the Minister shall, by notice in writing served on the person who made the application, inform the person of the decision of the Minister and shall set out in the notice details of any security required to be lodged by the transferee or transferees.

(8) Where—

- (a) the Minister has served a notice on a person under subsection (7) stating that the Minister will approve a transfer of a permit, lease, licence or pipeline licence subject to a security being lodged; and
- (b) that security is lodged with the Minister,

the Minister shall be deemed to have approved the transfer.

(9) Where the Minister approves the transfer of a title, the Minister shall forthwith endorse on the instrument of transfer and on one copy of the instrument a memorandum of approval and shall, on payment of the fee provided by the Registration Fees Act, enter in the register a memorandum of the transfer and the name of the transferee or of each transferee.

(10) Upon the entry in the register of a memorandum of the transfer of a title and of the name of the transferee or each transferee in accordance with subsection (9)—

- (a) the transfer shall be deemed to be registered; and
- (b) the transferee becomes the registered holder, or the transferees become the registered holders, of the title.

(11) Where the Minister refuses to approve the transfer of a title, the Minister shall make a notation of the refusal in the register.

(12) Where a transfer is registered—

- (a) the copy of the instrument of transfer endorsed with the memorandum of approval shall be retained by the Minister and made available for inspection in accordance with this Division; and
- (b) the instrument of transfer endorsed with the memorandum of approval shall be returned to the person who lodged the application for approval of the transfer.

(13) The mere execution of an instrument of transfer of a title creates no interest in the title. ”.

(2) Section 78 of the principal Act as amended by this Act applies in relation to applications for approval of transfers of permits, licences, pipeline licences or access authorities lodged after the commencement of this section.

(3) Notwithstanding the repeal of section 78 of the principal Act effected by subsection (1), that section continues to apply in relation to applications for approval of transfers of permits, licences, pipeline licences or access authorities lodged before the commencement of this section.

(4) A transfer approved and registered under section 78 of the principal Act shall be deemed to have been approved and registered under section 78 of the principal Act as amended by this Act.

Section 79 amended

202. Section 79 of the principal Act is amended—

(a) in subsection (1) by deleting—

- (i) “permit, licence, pipeline licence or access authority” where it first occurs and substituting the following—

“ particular title ”;

and

- (ii) “permit, licence, pipeline licence or access authority” where it occurs for the second time and substituting the following—

“ title ”;

- (b) in subsection (2) by deleting—

- (i) “a fee of \$30” and substituting the following—

“ the prescribed fee ”;

and

- (ii) “permit, licence, pipeline licence or access authority” in both places where it occurs and substituting in each place the following—

“ title ”;

and

- (c) by inserting after subsection (2) the following subsection—

“ (3) Where a company that is the registered holder of a particular title has changed its name, it may apply in writing to the Minister to have its new name substituted for its previous name in the register in relation to that title and, if—

- (a) the Minister is satisfied that the company has so changed its name; and

- (b) the company has paid the prescribed fee,

the Minister shall make the necessary alterations in the register. ”.

**Sections 80 and 81 repealed and sections
81 and 81A substituted and transitional**

203. (1) Sections 80 and 81 of the principal Act are repealed and the following sections are substituted—

**Approval of dealings creating, etc.,
interests, etc., in existing titles**

- “ **81.** (1) This section applies to a dealing that would, but for subsection (2), have one or more of the following effects—
- (a) the creation or assignment of an interest in an existing title;
 - (b) the creation or assignment of a right (conditional or otherwise) to the assignment of an interest in an existing title;
 - (c) the determining of the manner in which persons may exercise the rights conferred by, or comply with the obligations imposed by or the conditions of, an existing title (including the exercise of those rights or the compliance with those obligations or conditions under cooperative arrangements for the recovery of petroleum);
 - (d) the creation or assignment of—
 - (i) an interest in relation to an existing permit, lease or licence, being an interest known as an overriding royalty interest, a production payment, a net profits interest or a carried interest; or
 - (ii) any other interest that is similar to an interest referred to in subparagraph (i), being an interest relating to petroleum produced from operations authorized by an existing permit, lease or licence or relating to revenue derived as a result of the carrying out of operations of that kind;

- (e) the creation or assignment of an option (conditional or otherwise) to enter into a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c) and (d);
- (f) the creation or assignment of a right (conditional or otherwise) to enter into a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c) and (d);
- (g) the alteration or termination of a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c), (d), (e) and (f),

but this section does not apply to a transfer to which section 78 applies.

(2) A dealing to which this section applies is of no force in so far as the dealing would, but for this subsection, have an effect of a kind referred to in subsection (1) in relation to a particular title until—

- (a) the dealing, in so far as it relates to that title, has been approved by the Minister; and
- (b) an entry has been made in the register in relation to the dealing by the Minister in accordance with subsection (12).

(3) A party to a dealing to which this section applies may lodge with the Minister—

- (a) in a case where the dealing relates to only one title, an application in writing for approval by the Minister of the dealing; or
- (b) in any other case, a separate application in writing for approval by the Minister of the dealing in relation to each title to which the dealing relates.

(4) An application under subsection (3) for approval of a dealing—

- (a) shall be accompanied by the instrument evidencing the dealing or, if that instrument has already been lodged with the Minister for the purposes of another application, a copy of that instrument; and
- (b) may be accompanied by an instrument setting out such particulars (if any) as are prescribed for the purposes of an application for approval of a dealing of that kind.

(4a) An application under subsection (3) for approval of a dealing shall be accompanied by 2 copies of—

- (a) the application;
- (b) the instrument referred to in subsection (4) (a); and
- (c) any instrument lodged for the purposes of subsection (4) (b).

(5) Subject to subsection (6), the Minister shall not approve a dealing unless the application for approval of the dealing is lodged with the Minister within 3 months after the day on which the party who last executed the instrument evidencing the dealing so executed the instrument or such longer period as the Minister, in special circumstances, allows.

(6) Where a dealing relating to a title was, immediately before the title came into existence, a dealing referred to in section 81A (1), the Minister shall not approve the dealing unless—

- (a) a provisional application for approval of the dealing was lodged in accordance with section 81A (1); or
- (b) an application for approval of the dealing is lodged with the Minister in accordance with this section within 3 months after the day on which the title came into existence or such longer period as the Minister, in special circumstances, allows.

(7) Where a dealing to which this section applies forms a part of the issue of a series of debentures, all of the dealings constituting the issue of that series of debentures shall, for the purposes of this section, be taken to be one dealing.

(8) Where a dealing to which this section applies (including a dealing referred to in subsection (7)) creates a charge over some or all of the assets of a body corporate, the person lodging the application for approval of the dealing shall be deemed to have complied with subsection (4) (a), and with subsection (4a) in so far as that subsection requires 2 copies of the document referred to in subsection (4) (a) to accompany the application, if the person lodges with the application 3 copies of each document required to be lodged with the National Companies and Securities Commission relating to the creation of that charge pursuant to section 201 of the *Companies (Western Australia) Code* or pursuant to the corresponding provision of a law of the Commonwealth or another State or a Territory.

(9) On receipt of an application made under this section, the Minister shall enter a memorandum in the register of the date on which the application was lodged and may make such other notation in the register as the Minister considers appropriate.

(10) The Minister may approve or refuse to approve a dealing to which this section applies in so far as the dealing relates to a particular title.

(11) The Minister shall, by notice in writing served on the person who made an application for approval of a dealing, inform the person of the decision of the Minister.

(12) If the Minister approves a dealing, the Minister shall endorse on the original instrument evidencing the dealing and on one copy of that instrument or, if the original instrument was not lodged with the application, on 2 of the copies of that instrument a memorandum of approval and, on payment of the fee provided by the Registration Fees Act, make an entry of the approval of the dealing in the register on the memorial relating to, or on the copy of, the title in respect of which the approval is sought.

(13) Where an entry is made in the register in relation to a dealing in accordance with subsection (12)—

- (a) if the dealing was approved before the commencement of section 203 of the *Acts Amendment (Petroleum) Act 1989* or the application for approval of the dealing was not accompanied by an instrument for the purpose of subsection (4) (b), one copy of the instrument evidencing the dealing endorsed with a memorandum of approval shall be retained by the Minister and made available for inspection in accordance with this Division;
- (b) if the application for approval of the dealing was accompanied by an instrument for the purpose of subsection (4) (b), a copy of that instrument endorsed with a copy of the memorandum of approval of the dealing shall be retained by the Minister and made available for inspection in accordance with this Division but a copy of the instrument evidencing the dealing shall not be so made available; and
- (c) the original instrument evidencing the dealing, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval and the instrument (if any) lodged for the purpose of subsection (4) (b) shall be returned to the person who made the application for approval.

(14) The approval of a dealing or the making of an entry in the register in relation to a dealing is not rendered ineffective by any failure to comply, in relation to the application for approval of the dealing, with the requirements of this section.

(15) Where the Minister refuses to approve a dealing, the Minister shall make a notation of the refusal in the register.

(16) In this section, “charge” and “debenture” have the same respective meanings as they have for the purposes of section 201 of the *Companies (Western Australia) Code*.

Approval of dealings in future interests, etc.

81A. (1) Where 2 or more persons enter into a dealing relating to a title that may come into existence in the future and that dealing would, if the title came into existence, become a dealing to which section 81 applies, a person who is a party to the dealing may, during the prescribed period in relation to the title, lodge with the Minister—

- (a) in a case where the dealing relates to only one title that may come into existence in the future, a provisional application in writing for approval by the Minister of the dealing; or
- (b) in any other case, a separate provisional application in writing for approval by the Minister of the dealing in relation to each title that may come into existence in the future and to which the dealing relates.

(2) Section 81 (4), (7) and (8) applies to a provisional application lodged under subsection (1) as if that provisional application were an application lodged under section 81 (3).

(3) Where—

- (a) the title to which a dealing referred to in subsection (1) relates comes into existence; and
- (b) upon that title coming into existence, the dealing becomes a dealing to which section 81 applies,

the provisional application lodged under subsection (1) in relation to the dealing shall be treated as if it were an application lodged under section 81 (3) on the day on which that title came into existence.

(4) A reference in subsection (1) to the prescribed period, in relation to a title, is a reference to the period—

(a) commencing—

- (i) in the case of a permit, lease, licence or pipeline licence, on the day of service of an instrument informing the applicant for the

permit, lease, licence or pipeline licence that the Minister is prepared to grant the permit, lease, licence or pipeline licence; or

- (ii) in the case of an access authority, on the day on which the application for the grant of the access authority is made;

and

- (b) ending on the day on which the title comes into existence. ”.

(2) Subject to this section, sections 81 and 81A of the principal Act as amended by this Act apply in relation to dealings evidenced by instruments executed after the commencement of this section.

(3) A party to an instrument to which section 81 of the principal Act applied, being an instrument that had not been approved under that section of that Act, may, if the instrument evidences a dealing—

- (a) to which section 81 of the principal Act as amended by this Act would, if the instrument had been executed after the commencement of this section, apply; and
- (b) that relates to a permit, licence, pipeline licence or access authority that was in existence at the time of execution of the instrument,

make an application in writing, within 12 months after the commencement of this section, to the Minister for approval of the dealing.

(4) Where—

- (a) before the commencement of this section, 2 or more persons entered into a dealing relating to a permit, licence, pipeline licence or access authority that was not in existence at the time of execution of the instrument evidencing the dealing;
- (b) that dealing would, if the instrument evidencing the dealing had been executed after the commencement of this section, be a dealing referred to in section 81A (1) of the principal Act as amended by this Act; and

- (c) that permit, licence, pipeline licence or access authority has come, or comes, into existence,

a party to the dealing may make an application in writing within—

- (d) in a case where that permit, licence, pipeline licence or access authority came into existence before the commencement of this section, 12 months after that commencement; or
- (e) in any other case, 3 months after that permit, licence, pipeline licence or access authority comes into existence,

to the Minister for approval of the dealing.

(5) Section 81 of the principal Act as amended by this Act (other than subsections (5) and (6) of that section) applies to a dealing in respect of which an application is made under subsection (3) or (4) of this section.

(6) If, when the first regulations made for the purposes of section 81 (4) (b) of the principal Act as amended by this Act take effect, an application for approval of a dealing has been made but the Minister has neither approved nor refused to approve the dealing—

- (a) the Minister shall give to the applicant written notice that the applicant is entitled to lodge an instrument for the purpose of section 81 (4) (b) of the principal Act in relation to the application;
- (b) the applicant may lodge an instrument for the purpose of section 81 (4) (b) of the principal Act;
- (c) the application shall not be dealt with by the Minister until after the end of 30 days after the day on which notice is given for the purpose of paragraph (a); and
- (d) where the applicant lodges an instrument under paragraph (b), the applicant shall lodge with the instrument 2 copies of the instrument.

(7) An instrument lodged under subsection (6) shall be taken, for the purposes of section 81 (13) of the principal Act as amended by this Act, to have accompanied the application when the application was lodged.

Section 82 amended

204. Section 82 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsection—

“ (1) A person who is a party to a transfer referred to in section 78, a dealing to which section 81 applies or a dealing referred to in section 81A (1) shall not lodge with the Minister—

- (a) an instrument of transfer;
- (b) an instrument evidencing the dealing; or
- (c) an instrument of the kind referred to in section 81 (4) (b),

that contains a statement relating to the consideration for the transfer or dealing, or to any other fact or circumstance affecting the amount of the fee payable in respect of the transfer or dealing under the Registration Fees Act, being a statement that is, to the knowledge of the person, false or misleading in a material particular.

Penalty: \$10 000. ”;

and

- (b) in subsection (2) by deleting “instrument” and substituting the following—

“ dealing ”.

Section 83 amended

205. Section 83 of the principal Act is amended by deleting—

- (a) “such an instrument” and substituting the following—

“ a transfer or dealing ”;
and

- (b) “it” in both places where it occurs and substituting in each place the following—

“ the transfer or dealing ”.

Section 84 amended

206. Section 84 of the principal Act is amended—

- (a) in subsection (1) by deleting—

- (i) “an instrument for approval” and substituting the following—

“ an application for approval of a transfer or dealing or a provisional application for approval of a dealing ”;

and

- (ii) “the instrument, or the transaction to which the instrument relates,” and substituting the following—

“ the transfer or dealing ”;

and

- (b) by inserting after subsection (1) the following subsections—

“ (1a) The Minister may require a person who is a party to a dealing approved by the Minister under section 81 to furnish to the Minister a statement in writing setting out such information concerning alterations in the interests or rights existing in relation to the title to which the approved dealing relates as the Minister considers necessary or advisable.

(1b) The Minister may require a person making an application under section 79 (1) or (3) or 87A (2) to furnish to the Minister in writing such information concerning the matter to which the application relates as the Minister considers necessary or advisable.

(1c) A person shall not fail or refuse to comply with a requirement given to the person under subsection (1), (1a) or (1b).

Penalty: \$5 000. ”.

Section 85 amended

207. Section 85 of the principal Act is amended—

- (a) in subsection (1) by deleting “an instrument lodged with the Minister for approval under this Division or to the transaction to which such an instrument relates” and substituting the following—

“ a transfer or dealing in relation to which approval is sought under this Division ”;

- (b) by inserting after subsection (1) the following subsection—

“ (1a) The Minister may require any person to produce to the Minister or to make available for inspection by the Minister any documents in the possession or under the control of that person and relating to an application made to the Minister under section 79 (1) or (3) or 87A (2). ”;

and

- (c) in subsection (2) by inserting after “subsection (1)” the following—

“ or (1a) ”.

Section 86 amended

208. Section 86 of the principal Act is amended—

(a) in subsection (1) by deleting—

(i) “Subject to subsection (2), the” and substituting the following—

“ The ”;

(ii) “registered, or subject to inspection,” and substituting the following—

“ or copies of instruments subject to inspection ”;

and

(iii) “a fee of \$6” and substituting the following—

“ the prescribed fee ”;

and

(b) by repealing subsection (2).

Section 87 amended

209. Section 87 of the principal Act is amended—

(a) in subsection (2) by deleting “a fee calculated at the rate of \$1.50 per page” and substituting the following—

“ the prescribed fee ”;

and

(b) in subsection (3) by deleting “a fee of \$15” and substituting the following—

“ the prescribed fee ”.

Section 87A inserted

210. Division 5 of Part III of the principal Act is amended by inserting after section 87 the following section—

Minister may make corrections to register

“ **87A.** (1) The Minister may alter the register for the purposes of correcting a clerical error or an obvious defect in the register.

(2) Subject to subsection (3), the Minister may, on application being made in writing to the Minister by a person or of the Minister's own motion, make such entries in the register as the Minister considers appropriate for the purposes of ensuring that the register accurately records the interests and rights existing in relation to a title.

(3) Where the Minister proposes to make an entry in the register in accordance with subsection (2), the Minister shall cause to be published in the *Gazette* a notice—

- (a) setting out the terms of the entry that the Minister proposes to make in the register; and
- (b) inviting interested persons to give to the Minister, by such day as is specified in the notice, being a day not earlier than 45 days after the publication of the notice, submissions in writing relating to the making of the entry.

(4) Where submissions are, in accordance with a notice under subsection (3), given to the Minister in relation to the proposed making of an entry in the register, the Minister shall—

- (a) take those submissions into account before making an entry in the register; and
- (b) after making an entry in the register, cause to be published in the *Gazette* a notice setting out the terms of the entry. ”.

Section 93 amended

211. Section 93 of the principal Act is amended by inserting after “permit,” wherever it occurs the following—

“ lease, ”.

Section 94 amended

212. Section 94 of the principal Act is amended—

(a) in paragraph (a) by inserting after “permit,” the following—

“ lease, ”;

(b) in paragraph (c) by inserting after—

(i) “permit” where it first occurs the following—

“ , lease ”;

and

(ii) “permit area” the following—

“ , lease area ”;

(c) in paragraph (d) by inserting after “permit” the following—

“ or lease ”;

and

(d) in paragraph (g) by inserting after “permit,” the following—

“ lease, ”.

Section 95 amended

213. Section 95 of the principal Act is amended—

(a) by repealing subsection (1);

(b) in subsection (2) by—

(i) inserting after “permit” where it first occurs the following—

“ , lease ”;

(ii) inserting after “permit area” the following—

“ , lease area ”;

and

(iii) deleting “from and including” and substituting the following—

“ on and from ”;

(c) in subsection (3) by deleting “from and including” and substituting the following—

“ on and from ”;

and

(d) in subsection (4) by deleting “from and including” and substituting the following—

“ on and from ”.

Section 96 amended

214. Section 96 of the principal Act is amended—

(a) in subsection (1) by—

(i) inserting after “permit,” wherever it occurs the following—

“ lease, ”;

(ii) inserting after "permittee," the following—

" lessee, ";

and

(iii) deleting "has effect" and substituting the following—

" comes into force ";

and

(b) in subsection (2) by—

(i) inserting after "permittee," the following—

" lessee, ";

(ii) inserting after "permit," in both places where it occurs in paragraph (b) the following—

" lease, ";

and

(iii) deleting "has effect" in paragraph (b) and substituting the following—

" comes into force ".

Section 97 amended

215. Section 97 of the principal Act is amended—

(a) in subsection (1) by inserting after—

(i) "permittee" the following—

" , lessee ";

and

- (ii) “permit area” in both places where it occurs the following—

“ , lease area ”;

- (b) in subsection (2) by—

- (i) inserting after “permittee” the following—

“ , lessee ”;

- (ii) inserting after “permit area” wherever it occurs the following—

“ , lease area ”;

and

- (iii) deleting “permit or” in paragraph (c) and substituting the following—

“ permit, lease or ”;

and

- (c) in subsection (6) by inserting after “permit,” in both places where it occurs the following—

“ lease, ”.

Section 98 amended

216. Section 98 of the principal Act is amended in subsection (1) by inserting after—

- (a) “permittee,” in the definition of “operator” the following—

“ lessee, ”;

- (b) “permittee” in paragraph (a) of the definition of “the operations area” the following—

“ , lessee ”;

and

- (c) “permit area” in paragraph (a) of the definition of “the operations area” the following—

“ , lease area ”.

Section 100 amended

217. Section 100 of the principal Act is amended—

- (a) in subsection (1) by inserting after—

- (i) “permittee” the following—

“ , lessee ”;

and

- (ii) “permit area” the following—

“ , lease area ”;

and

- (b) in subsection (2) by inserting after “permittee” in both places where it occurs the following—

“ , lessee ”.

Section 101 amended and transitional

218. (1) Section 101 of the principal Act is amended by repealing—

- (a) subsections (1) and (2) and substituting the following subsections—

“ (1) The Minister may, by instrument in writing served on the registered holder of a permit, lease, licence, pipeline licence, special prospecting authority or access

authority, give to the registered holder a direction as to any matter with respect to which regulations may be made.

(2) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to—

(a) a specified class of persons, being a class constituted by or included in one or both of the following classes of persons—

(i) servants or agents of, or persons acting on behalf of, the registered holder;

(ii) persons performing work or services, whether directly or indirectly, for the registered holder;

or

(b) any person (not being a person to whom the direction applies otherwise than in accordance with this paragraph) who is in the adjacent area for any reason touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for petroleum or the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil or is in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for a reason of that kind,

and where a direction so expressed is given, the direction shall be deemed to apply to each person included in that specified class or to each person who is in the adjacent area as mentioned in paragraph (b), as the case may be.

(2a) Where a direction under this section applies to a registered holder and to a person referred to in subsection (2) (a), the registered holder shall cause a copy of the

instrument by which the direction was given to be given to that other person or to be exhibited at a prominent position at a place in the adjacent area frequented by that other person.

Penalty: \$5 000.

(2b) Where a direction under this section applies to a registered holder and to a person referred to in subsection (2) (b), the registered holder shall cause a copy of the instrument by which the direction was given to be exhibited at a prominent position at a place in the adjacent area.

Penalty: \$5 000.

(2c) Where a direction under this section applies to a registered holder and to a person referred to in subsection (2) (b), the Minister may, by notice in writing given to the registered holder, require the registered holder to cause to be displayed at such places in the adjacent area, and in such manner, as are specified in the notice, copies of the instrument by which the direction was given, and the registered holder shall comply with that requirement.

Penalty: \$5 000. ”; and

(b) subsections (6) and (7) and substituting the following subsections—

“ (6) Section 152 (2a) and (2b) applies in relation to directions made under this section in like manner as that section applies to the regulations.

(7) A person who fails to comply with a direction in force under subsection (1) that applies to the person is guilty of an offence punishable, upon conviction, by a fine not exceeding \$10 000.

(8) Where—

(a) a direction given under this section applies to a registered holder and another person and that other person is prosecuted for an offence against subsection (7) in relation to the direction; and

- (b) the person adduces evidence that the person did not know, and could not reasonably be expected to have known, of the existence of the direction,

the person shall not be convicted of the offence unless the prosecutor proves that the person knew, or could reasonably be expected to have known, of the existence of the direction. ”.

(2) A direction in force under section 101 of the principal Act immediately before the commencement of this section shall, after that commencement, continue to apply to the person or persons to whom it applied before that commencement as if it were a direction under section 101 of the principal Act as amended by this Act.

(3) A registered holder is not required by subsection 101 (2a) of the principal Act as amended by this Act to cause a copy of a direction to which subsection (2) applies to be given to another person or to cause a copy of such a direction to be exhibited at a place frequented by that other person if the direction or a copy of the direction was served, within the meaning of the principal Act, on the person before the commencement of this section.

Section 102 amended

219. Section 102 of the principal Act is amended—

- (a) in subsection (1) by deleting “given to him” and substituting the following—

“ given or applicable to the person ”;

- (b) in subsection (2) by inserting after “was given” the following—

“ or was applicable ”;

(c) by inserting after subsection (2) the following subsection—

“ (2a) Where—

(a) a direction given under section 101 applies to a permittee, lessee, licensee, pipeline licensee or the holder of a special prospecting authority or access authority and another person and an action under subsection (2) relating to the direction is brought against that other person; and

(b) the person adduces evidence that the person did not know, and could not reasonably be expected to have known, of the existence of the direction,

the person is not liable under subsection (2) unless the plaintiff proves that the person knew, or could reasonably be expected to have known, of the existence of the direction. ”;

and

(d) in subsection (3) by deleting “given to him” and substituting the following—

“ given or applicable to the person ”.

Section 103 amended

220. Section 103 of the principal Act is amended—

(a) in subsection (1) by—

(i) inserting after “permit,” wherever it occurs the following—

“ lease, ”;

(ii) deleting “permit or licence” in both places where it occurs and substituting in each case the following—

“ permit, lease or licence ”;

and

(iii) inserting after “permittee,” wherever it occurs the following—

“ lessee, ”;

(b) in subsection (2) by inserting after “permit,” the following—

“ lease, ”;

and

(c) in subsection (3) by inserting after—

(i) “permittee” in both places where it occurs the following—

“ or lessee ”;

and

(ii) “permit” in both places where it occurs the following—

“ or lease ”.

Section 104 amended

221. Section 104 of the principal Act is amended—

(a) in subsection (1) by—

(i) inserting after “permit,” the following—

“ lease, ”;

(ii) deleting “or” at the end of paragraph (a);

and

(iii) inserting after paragraph (a) the following—

“ (aa) in the case of a lease, as to all of the blocks in respect of which it is in force; or ”;

(b) in subsection (3) by inserting after “permit,” the following—

“ lease, ”;

and

(c) in subsection (5) (a) by inserting after “permit” in both places where it occurs the following—

“ , lease ”.

Section 105 amended

222. Section 105 of the principal Act is amended—

(a) in subsection (1) by—

(i) inserting after “permittee,” in both places where it occurs the following—

“ lessee, ”;

(ii) inserting after “permit,” in paragraph (a) the following—

“ lease, ”;

(iii) deleting “or” at the end of paragraph (e);

and

(iv) inserting after paragraph (e) the following—

“ (ea) in the case of a lease, cancel the lease as to all of the blocks in respect of which it is in force; or ”;

and

(b) in subsection (2) by inserting after—

(i) “in force” the following—

“ , or cancel a lease as to all of the blocks in respect of which it is in force, ”;

(ii) “permittee,” in paragraph (a) the following—

“ lessee, ”;

(iii) “permit,” in paragraph (a) the following—

“ lease, ”;

(iv) “permittee,” in paragraph (c) the following—

“ lessee, ”;

and

(v) “permittee,” in both places where it occurs in paragraph (d) the following—

“ lessee, ”.

Section 106 amended

223. Section 106 of the principal Act is amended—

(a) in subsection (1) by inserting after—

(i) “partly cancelled” the following—

“ , and a lease may be wholly cancelled, ”;

and

(ii) “the permit,” the following—

“ lease, ”;

- (b) in subsection (2) by inserting after “permit,” where it occurs for the first and third times the following—

“ lease, ”;

- (c) in subsection (3) by inserting after—

- (i) “partly cancelled” the following—

“ , and a lease may be wholly cancelled, ”;

and

- (ii) “permit,” where it occurs for the second time the following—

“ lease, ”;

and

- (d) in subsection (4) by inserting after “permit,” where it occurs for the first and third times the following—

“ lease, ”.

Section 107 amended

224. Section 107 of the principal Act is amended—

- (a) in subsection (1) by inserting after—

- (i) “or has expired,” the following—

“ or a lease has been wholly determined, partly determined or wholly cancelled or has expired, ”;

- (ii) “permittee,” the following—

“ lessee, ”;

and

(iii) "permit," in paragraph (a) the following—

“ lease, ”;

(b) in subsection (2) by inserting after—

(i) "permittee," the following—

“ lessee, ”;

(ii) "permit area," in paragraph (a) the following—

“ lease area, ”;

and

(iii) "permit," in paragraph (a) the following—

“ lease, ”;

and

(c) in subsection (3) (b) by inserting after "permit," the following—

“ lease, ”.

Section 108 amended

225. Section 108 of the principal Act is amended by inserting after—

(a) "or has expired," the following—

“ or a lease has been wholly determined, partly determined or wholly cancelled or has expired, ”;

and

(b) "permit," in paragraph (b) the following—

“ lease, ”.

Section 111 amended

226. Section 111 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsection—

“ (1) A person may make an application to the Minister for the grant of a special prospecting authority in respect of a block or blocks in respect of which a permit, lease or licence is not in force. ”;

- (b) in subsection (2) by—

(i) deleting “and” at the end of paragraph (b);

(ii) deleting “operations.” in paragraph (c) and substituting the following—

“ operations; and ”;

and

(iii) inserting after paragraph (c) the following paragraph—

“ (d) shall be accompanied by the prescribed fee. ”;

- (c) in subsection (6) by deleting “has effect from and including” and substituting the following—

“ comes into force on ”;

and

- (d) by inserting after subsection (6) the following subsections—

“ (6a) A special prospecting authority is not capable of being transferred.

(6b) Where—

(a) a person holds a special prospecting authority in respect of a block; and

- (b) another special prospecting authority is granted to another person in respect of the block,

the Minister shall, by notice in writing served on each of those persons, inform each of them of—

- (c) the petroleum exploration operations authorized by the special prospecting authority granted to the other person; and
- (d) the conditions to which the special prospecting authority granted to the other person is subject. ”.

Section 112 amended

227. Section 112 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsections—

“ (1) A permittee, lessee, licensee or holder of a special prospecting authority may make an application to the Minister for the grant of an access authority to enable him to carry on in an area, being part of the adjacent area that is not part of the permit area, lease area or licence area or area of the blocks specified in the special prospecting authority, petroleum exploration operations or operations related to the recovery of petroleum in or from the permit area, lease area or licence area or area of the blocks so specified.

(1a) A holder of a petroleum title outside the adjacent area may make an application to the Minister for the grant of an access authority to enable the holder to carry on, in a part of the adjacent area, petroleum exploration operations or operations related to the recovery of petroleum in or from the area to which that petroleum title relates. ”;

- (b) in subsection (3) (a) by deleting “or licensee” and substituting the following—

“ , lessee, licensee or holder of a special prospecting authority or a petroleum title ”;

- (c) in subsection (4) by deleting “or licence” in both places where it occurs and in each place substituting the following—

“ , lease or licence ”;

- (d) in subsection (6) by inserting after “well” the following—

“ other than a deviation well into an adjacent permit area, lease area or licence area held by him under this Act or the *Petroleum Act 1967* ”;

- (e) in subsection (7) by deleting “has effect from and including” and substituting the following—

“ comes into force on ”;

- (f) in subsection (8) (b) by deleting “or licence area” and substituting the following—

“ , lease area or licence area ”;

- (g) in subsection (11) by—

- (i) deleting “or licence” in both places where it occurs and in each place substituting the following—

“ , lease or licence ”;

and

- (ii) inserting after “operations” the following—

“ (not being operations related to the recovery of petroleum by means of a deviation well referred to in subsection (6)) ”;

and

(h) by inserting after subsection (12) the following subsection—

“ (13) In this section, “petroleum title” means an authority, however described, under the *Petroleum Act 1967* or a law of the Commonwealth, of another State or of the Northern Territory, to explore for, or to recover, petroleum. ”.

Section 113 amended

228. Section 113 of the principal Act is amended in subsection (3) (b) by inserting after “permittee,” the following—

“ lessee, ”.

Section 114 amended

229. Section 114 of the principal Act is amended in subsection (1) (a) by—

(a) inserting after “Division 2” in subparagraph (i) the following—

“ or 2A ”;

(b) deleting “of \$15 000” in subparagraph (i) and substituting the following—

“ prescribed for the purposes of this subparagraph ”;

(c) deleting “of \$150 000” in subparagraph (ii) and substituting the following—

“ prescribed for the purposes of this subparagraph ”;

and

(d) deleting “of \$60 000” in subparagraph (iii) and substituting the following—

“ prescribed for the purposes of this subparagraph ”.

Section 118 amended

230. Section 118 of the principal Act is amended—

- (a) in subsection (1) by deleting paragraph (a) and substituting the following—

“ (a) any information contained in a document to which this section applies that has been furnished to the Minister; and ”;

- (b) by repealing subsection (2) and substituting the following subsections—

“ (1a) The Minister may, at any time after the grant or renewal, or refusal to grant or renew, a permit, lease, licence, pipeline licence, access authority or special prospecting authority—

(a) make publicly known; or

(b) on request by a person and, if the Minister so requires, on payment of the prescribed fee, make available to that person,

any information contained in, or accompanying, the application for the grant or renewal, as the case may be, but not including—

(c) information of a kind referred to in subsection (2) or (5a); or

(d) particulars of—

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

(ii) the technical advice available to the applicant; or

(iii) the financial resources available to the applicant.

(2) The Minister may, at any time after the relevant day—

(a) make publicly known; or

(b) on request by a person and, if the Minister so requires, on payment of the prescribed fee, make available to that person,

any information contained in a document to which this section applies that has been furnished to the Minister, being information that relates to the sea-bed or subsoil, or to petroleum, in a block, but not including any matter contained in a document to which this section applies that, in the opinion of the Minister, is a conclusion drawn, in whole or in part, from, or an opinion based, in whole or in part, on, any such information. ”;

(c) in subsection (3) (b) by deleting “a fee of \$15 per day” and substituting the following—

“ the prescribed fee ”;

(d) by repealing subsection (4) and substituting the following subsection—

“ (4) For the purposes of subsections (2) and (3)—

(a) where—

(i) a permit or lease is in force in respect of the block; and

(ii) the document, core, cutting or sample was furnished to the Minister during the period during which any of the following were in force in respect of the block—

(A) the permit or lease;

- (B) in a case where a lease is in force in respect of the block, the permit that ceased to be in force in respect of the block by virtue of section 38B (7) on the day on which the lease came into force,

the relevant day is the day on which the period of 2 years that commenced on the day on which the document, core, cutting or sample was furnished to the Minister expires;

(b) where—

- (i) a licence is in force in respect of the block;

and

- (ii) the document, core, cutting or sample was furnished to the Minister during the period during which any of the following were in force in respect of the block—

- (A) the licence;

- (B) the permit or lease that ceased to be in force in respect of the block by virtue of section 44 (5) on the day on which the licence came into force,

the relevant day is the day on which the period of 12 months that commenced on the day on which the document, core, cutting or sample was furnished to the Minister expires;

- (c) where the document, core, cutting or sample was furnished to the Minister during a period during which a permit, lease or licence was in force in respect of the block and—

(i) the permit, lease or licence is surrendered, cancelled or determined as to the block; or

(ii) the permit, lease or licence expires but is not renewed in respect of the block,

the relevant day is the day on which the permit, lease or licence is so surrendered, cancelled or determined or expires, as the case may be, whether another permit, lease or licence is subsequently in force in respect of the block or not; and

- (d) where the document, core, cutting or sample was furnished to the Minister during a period during which a permit, lease or licence was not in force in respect of the block, the relevant day is such day as the Minister determines, being a day earlier than the day on which the period of 2 years that commenced on the day on which the document, core, cutting or sample was furnished to the Minister expires. ”;

- (e) in subsection (5) by—

(i) deleting “report, return, other” in paragraph (a);

(ii) inserting after “permit” in both places where it occurs in paragraph (a) the following—

“ , lease ”;

(iii) inserting after “permittee,” in paragraph (b) the following—

“ lessee, ”;

- (iv) inserting after "permit," in both places where it occurs in paragraph (b) the following—

" lease, ";

- (v) deleting "report, return or other" in paragraph (b) (i);

and

- (vi) deleting "a fee of \$15 per day" in paragraphs (c) and (d) and substituting in each paragraph the following—

" the prescribed fee ";

- (f) by inserting after subsection (5) the following subsections—

" (5a) Subject to subsection (5f), the Minister may, at any time after the end of the period of 5 years after a document to which this section applies was furnished to the Minister—

(a) make publicly known; or

(b) on request by a person and, if the Minister so requires, on payment of the prescribed fee, make available to that person,

any information contained in the document, being information that relates to the sea-bed or subsoil, or to petroleum, in a block, and that, in the opinion of the Minister, is a conclusion drawn, in whole or in part, from, or an opinion based, in whole or in part, on, any information contained in a document to which this section applies that has been furnished to the Minister under subsection (1).

(5b) Before the Minister makes available or publicly known any information pursuant to subsection (5a), the Minister shall—

(a) cause to be published in the *Gazette* a notice—

(i) stating that the Minister proposes to make the information available or publicly known;

- (ii) inviting interested persons to give to the Minister, by such day as is specified in the notice, being a day not earlier than 45 days after the publication of the notice, a notice objecting to the whole or any part of the information being made available or publicly known; and
- (iii) stating that, if a person does not make an objection in accordance with the invitation, the person will be taken to have consented to the information being made available or publicly known;

and

- (b) if it is practicable to do so, cause a copy of the notice so published in the *Gazette* to be served on the person who furnished the document containing the information.

(5c) There shall be set out in the notice of objection the reasons for making the objection.

(5d) A person is not entitled to make an objection to information being made available or publicly known except on the grounds that to do so would disclose—

- (a) a trade secret; or
- (b) any other information the disclosure of which would, or could reasonably be expected to, adversely affect the person in respect of the lawful business, commercial or financial affairs of the person.

(5e) Where a person makes an objection to the Minister in accordance with such an invitation, the Minister shall, within 45 days after the receipt of the notice of objection, consider the objection, and may either disallow it, or allow it in whole or in part, and shall cause to be served on the person written notice of the decision on the objection.

(5f) The Minister shall not make available or make publicly known any information pursuant to subsection (5a) if there is in force an objection made in relation to the information being made available or publicly known but, where such an objection is in force, nothing in this section shall be taken to preclude a further invitation under subsection (5b) being made in relation to the information. ”;

- (g) in subsection (6) (a) by deleting “report, return or other document referred to in any of those provisions” and substituting the following—

“ document to which this section applies ”;

- (h) by inserting after subsection (6) the following subsection—

“ (6a) This section applies to the following documents—

- (a) an application made to the Minister under this Act or a document accompanying such an application;
- (b) a report, return or other document relating to a block that has been furnished to the Minister under this Act. ”;

and

- (i) by inserting after subsection (8) the following subsections—

“ (8a) Subsections (2) and (5a) apply to information contained in a document to which this section applies that was furnished to the Minister before or after the commencement of section 230 of the *Acts Amendment (Petroleum) Act 1989*.

(8b) Subsection (3) applies to cores, cuttings and samples furnished to the Minister before or after the commencement of section 230 of the *Acts Amendment (Petroleum) Act 1989*. ”.

Section 120 amended

231. Section 120 of the principal Act is amended by deleting “or in a licence area, the permittee” and substituting the following—

“ , a lease area or a licence area, the permittee, lessee ”.

Section 121 amended

232. Section 121 of the principal Act is amended by inserting after “permittee” wherever it occurs the following—

“ , lessee ”.

Section 122 amended

233. Section 122 of the principal Act is amended in subsection (1) by inserting after “permit,” the following—

“ lease, ”.

Section 124 amended

234. Section 124 of the principal Act is amended by inserting after “permit,” the following—

“ lease, ”.

Section 127 amended

235. Section 127 of the principal Act is amended by inserting after—

(a) “permittee” in both places where it occurs the following—

“ , lessee ”;

and

(b) “permit area” the following—

“ , lease area ”.

Section 129 amended

236. Section 129 of the principal Act is amended by inserting after—

- (a) “permittee” in both places where it occurs the following—

“ , lessee ”;

and

- (b) “permit” the following—

“ , lease ”.

Section 138A inserted

237. Division 6 of Part III of the principal Act is amended by inserting after section 138 the following section—

Service of documents on 2 or more permittees, etc.

“ **138A.** (1) Where there are 2 or more registered holders of a title or special prospecting authority, those registered holders shall, by notice in writing signed by each of them and served on the Minister, nominate one of the registered holders as being the person on whom documents relating to the title or special prospecting authority that are required or permitted by this Act to be served may be served.

(2) Subject to subsections (3) and (4), where—

- (a) a document relating to a title or special prospecting authority is required or permitted by this Act to be served on the registered holder;
- (b) there are 2 or more registered holders of the title or special prospecting authority; and
- (c) the document is served on a person in respect of whom a nomination under subsection (1) is in force in relation to the title or special prospecting authority,

the document shall be deemed to have been served on each of those registered holders.

(3) Where—

- (a) a person has been nominated under subsection (1) in relation to a title or special prospecting authority; and
- (b) one of the registered holders of the title or special prospecting authority, by notice in writing served on the Minister, revokes that nomination,

that nomination ceases to be in force and the registered holders of the title or special prospecting authority shall forthwith make a fresh nomination under subsection (1) in relation to the title or special prospecting authority.

(4) Where—

- (a) a person has been nominated under subsection (1) in relation to a title or special prospecting authority; and
- (b) the person so nominated ceases to be one of the registered holders of the title or special prospecting authority,

that nomination ceases to be in force and, if 2 or more registered holders of the title or special prospecting authority remain, those holders shall forthwith make a fresh nomination under subsection (1) in relation to the title or special prospecting authority.

(5) In this section, “title” means a permit, lease, licence or access authority. ”.

Section 139 amended

238. Section 139 of the principal Act is amended by deleting—

- (a) paragraph (a) and substituting the following—

“ (a) the prescribed minimum fee; or ”;

and

- (b) “rate of \$15” in paragraph (b) and substituting the following—

“ prescribed rate ”.

Section 139A inserted

239. Division 7 of Part III of the principal Act is amended by inserting after section 139 the following section—

Lease fees

- “ **139A.** There is payable to the Minister by a lessee, in respect of each year of the term of the lease, a fee calculated at the prescribed rate for each of the blocks to which the lease relates at the commencement of that year. ”.

Section 140 amended

240. Section 140 of the principal Act is amended by deleting “rate of \$9 000” and substituting the following—

“ prescribed rate ”.

Section 141 amended

241. Section 141 of the principal Act is amended by deleting “fee of \$40” and substituting the following—

“ prescribed fee ”.

Section 142 amended

242. Section 142 of the principal Act is amended by inserting after—

- (a) “139,” the following—

“ 139A, ”; and

(b) “permit,” in both places where it occurs the following—

“ lease, ”.

Section 143 amended

243. Section 143 of the principal Act is amended—

(a) in subsection (1) by inserting after—

(i) “permittee” in both places where it occurs the following—

“ , lessee ”;

and

(ii) “permit area” the following—

“ , lease area ”;

(b) in subsection (2) by inserting after “permit” the following—

“ , lease ”;

and

(c) in subsection (8) by inserting after “permit” the following—

“ , lease ”.

Section 145 amended

244. Section 145 of the principal Act is amended in subsections (1) (b) and (2) by inserting after “permittee” wherever it occurs the following—

“ , lessee ”.

Section 146 amended

245. Section 146 of the principal Act is amended by inserting after “permittee” the following—

“ , lessee ”.

Section 147 amended

246. Section 147 of the principal Act is amended by inserting after “permittee” the following—

“ , lessee ”.

Section 148 amended

247. Section 148 of the principal Act is amended by inserting after “permittee” wherever it occurs the following—

“ , lessee ”.

Section 150 amended

248. Section 150 of the principal Act is amended in subsection (1) by inserting after “permittee,” the following—

“ lessee, ”.

Section 151 amended

249. Section 151 of the principal Act is amended by inserting after “permittee,” the following—

“ lessee, ”.

Section 152 amended

250. Section 152 of the principal Act is amended—

(a) in subsection (2) by inserting after—

(i) “permit” in paragraph (h) the following—

“ , lease ”; and

- (ii) "permit area" in both places where it occurs in paragraph (i) the following—

" , lease area ";

and

- (b) by inserting after subsection (2) the following subsections—

" (2a) The regulations may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a code of practice or standard contained in an instrument (including an instrument issued or made outside Australia), as in force or existing at the time when the regulations take effect or as in force or existing from time to time, being a code of practice or standard that is relevant to that matter.

(2b) Regulations under this section may prohibit the doing of an act or thing either unconditionally or subject to conditions, including conditions requiring the grant, as prescribed by the regulations, of the consent or approval of a person specified in the regulations. "
