

WESTERN AUSTRALIA

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# PETROLEUM AMENDMENT ACT

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No. 90 of 1987

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AN ACT to amend the *Petroleum Act 1967*.

[Assented to 9 December 1987]

The Parliament of Western Australia enacts as follows:

## Short title

1. This Act may be cited as the *Petroleum Amendment Act 1987*.

## Commencement

2. (1) Subject to subsection (2), this Act shall be deemed to have come into operation on 14 February 1983.

(2) Section 6 shall come into operation on the day on which this Act receives the Royal Assent.

**Principal Act**

3. In this Act 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 and 113 of 1985.]

**Section 26 amended**

4. Section 26 of the principal Act is amended by deleting “described in the Second Schedule to the *Petroleum (Submerged Lands) Act 1967*” and substituting the following—

“ defined in the *Petroleum (Submerged Lands) Act 1982* ”.

**Section 128 amended**

5. Section 128 of the principal Act is amended by inserting after the definition of “Barrow Island lease” the following definition—

“ “Barrow Marine lease” means so much of the Petroleum lease dated 27 February 1967 granted under the *Petroleum Act 1936* and registered as number 2H and named “Barrow Marine” pursuant to that Act as is not included in the adjacent area as defined in section 4 of the *Petroleum (Submerged Lands) Act 1982* or in the adjacent area as defined in section 5 of the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth; ”.

**Section 134A amended**

6. Section 134A of the principal Act is amended—

(a) by deleting “and” after paragraph (b);

(b) by deleting the full stop after paragraph (c) and substituting the following—

“ ; and ”; and

(c) by inserting the following—

“ (d) without affecting the character and incidents of the Barrow Island lease as a petroleum lease under the *Petroleum Act 1936* but notwithstanding anything in that Act the following provisions apply—

- (i) before the expiration of the lease the lessee for the time being of the lease may make application for the renewal of the lease;
- (ii) with respect to the term of any renewal of the lease section 63 (b) and (c) applies;
- (iii) section 64 (1) and (2) (d) applies with respect to the application fee to be paid;
- (iv) section 65 applies with respect to the renewal;
- (v) section 108 applies as to the security to be given and the form thereof;
- (vi) section 138 applies as to the fee payable,

as though the lease were a licence and the form of any renewal of the Barrow Island lease granted in respect of an application made under this provision shall be in the form of Lease Form No. 1 of the regulations made under the former provisions with such variations and additions as the circumstances require for the purposes of complying with section 5 (3) of the *Barrow Island Royalty Agreement Act 1985* and this provision. ”.

### Section 134B inserted

7. After section 134A of the principal Act the following section is inserted—

#### Conversion of Barrow Marine lease to a licence

“ 134B. (1) When the Barrow Marine lease is surrendered under and in accordance with clause 21 thereof, the lessee for the time being under that lease may make application for the grant to him of a licence in respect of the area comprised in the lease or any portion thereof.

(2) An application under subsection (1)—

- (a) shall comply with paragraphs (a) and (b) of subsection (1) of section 51 but is not otherwise required to comply with that subsection; and
- (b) shall be accompanied by particulars of the proposals of the applicant for work and expenditure in respect of the portions of the area specified in the application.

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

(4) The Minister may require the applicant to lodge a security in terms of section 108 (1) for compliance with the conditions to which the licence, if granted, will from time to time be subject and with the provisions of Part III and of the regulations; and section 108 (2), (3), (4) and (5) shall apply to any such security.

(5) Where the lessee—

- (a) makes an application in accordance with subsections (1) and (2);
- (b) furnishes the information, if any, required by the Minister under subsection (3); and
- (c) lodges with the Minister the security referred to in subsection (4), if it is required pursuant to that subsection,

the Minister shall grant to the lessee a licence in respect of the areas specified in the application.

(6) It is not an offence against section 49 for the lessee for the time being of the Barrow Marine lease to carry on operations for the recovery of petroleum in accordance with the Barrow Marine lease.

(7) Except as provided by this section, Part III applies to and in relation to a licence granted on an application made under this section. ”.

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