



Western Australia

Petroleum and Geothermal Energy Resources Regulations 1987

Compare between:

[25 May 2011, 02-e0-02] and [01 Jul 2011, 02-f0-04]

Petroleum and Geothermal Energy Resources Regulations 1987

1. Citation

These regulations may be cited as the *Petroleum and Geothermal Energy Resources Regulations 1987*¹.

[Regulation 1 amended in Gazette 23 Jun 2009 p. 2471.]

1A. Terms used

In these regulations —

the AGD means the Australian Geodetic Datum referred to in regulation 11;

the GDA means the Geocentric Datum of Australia referred to in regulation 9.

[Regulation 1A inserted in Gazette 15 Dec 2000 p. 7213.]

2. Compensation may be determined by Magistrates Court

The prescribed time for the purposes of section 17(4) of the Act is —

- (a) under section 17, 3 months from the day that the permittee, holder of the drilling reservation, lessee or licensee gives notice to the owner or occupier that the permittee, holder of the drilling reservation, lessee or

licensee intends to commence operations on the private land; and

- (b) under section 18, 3 months from the day that the owner or occupier of the private land adjoining or in the vicinity of the land comprised in any permit, drilling reservation, lease or licence affected by the operations gives notice to the permittee, holder of the drilling reservation, lessee or licensee that the private land or improvements thereon has or have been injured or depreciated in value by the operations; and
- (c) under section 19, 3 months from the day that the owner or occupier of the private land gives notice to the permittee, holder of the drilling reservation, lessee or licensee that operations have caused further damage to the surface or to any improvements on the private land.

*[Regulation 2 amended in Gazette 28 Sep 1990 p. 5100;
23 Jun 2009 p. 2471-2.]*

3. Prescribed fees, rates and sums

- (1) For the purposes of a provision of the Act specified in Column 2 of Schedule 1, the prescribed fee is the amount specified in Column 3 of that Schedule opposite to that provision.
- (2) For the purposes of section 81(2) of the Act, the prescribed rate is a rate of \$3.50 per page.

[(3) deleted]

- (4) For the purposes of section 112(1a)(b), (2)(b), (5)(c) and (5a)(b) of the Act, the prescribed fee is an amount equal to the sum of the following amounts —
 - (a) if the information requested is contained in a document and the document is lent to the person who made that request, an amount calculated at the rate of \$~~40~~41.00 per day or part of a day during which the document containing that information is on loan to that person;

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- (b) if the information requested is contained in a document and the document is not readily available and a search is necessary to locate that information, an amount calculated at the rate of \$~~40~~41.00 per hour or part of an hour after the first half hour for the time taken to locate that information;
 - (c) if any information referred to in paragraph (a) or (b) is, on the application of the person making the request concerned —
 - (i) copied or reproduced; or
 - (ii) forwarded or consigned to that person,an amount equal to all costs incurred in that copying or reproduction or forwarding or consignment, including the costs of packaging when applicable.
- (5) For the purposes of section 112(3)(b) and (5)(d) of the Act, the prescribed fee is an amount equal to the sum of the following amounts —
- (a) if the relevant core, cutting or sample is lent to the person who made the request concerned, an amount calculated at the rate of \$~~40~~41.00 per day or part of a day during which that core, cutting or sample is on loan to that person;
 - (b) if the relevant core, cutting or sample is not readily available and a search is necessary to locate that core, cutting or sample, an amount calculated at the rate of \$~~40~~41.00 per hour or part of an hour after the first half hour for the time taken to locate that core, cutting or sample;
 - (c) if the relevant core, cutting or sample is, on the application of the person making the request concerned, forwarded or consigned to that person, an amount equal to all costs incurred in that forwarding or consignment, including the costs of packaging when applicable.

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- (6) For the purposes of section 137(b) of the Act, the prescribed rate is a rate of \$~~80~~82.00.
- (7) For the purposes of section 137A of the Act, the prescribed rate is a rate of \$9 ~~598~~886.00.
- (8) For the purposes of section 138 of the Act, the prescribed rate is a rate of \$~~23 455~~13 228.00.

[Regulation 3 inserted in Gazette 28 Sep 1990 p. 5100-1; amended in Gazette 22 Jul 1994 p. 3780; 27 Jun 2000 p. 3252; 28 Jun 2002 p. 3090-1; 28 Feb 2003 p. 669-70; 23 Jun 2009 p. 2472; 9 Feb 2010 p. 271; 11 May 2010 p. 1817; 16 Jul 2010 p. 3358; 1 Jul 2011 p. 2734-5.]

[3A. Deleted in Gazette 23 Jun 2009 p. 2472.]

4. Form of instrument of transfer

For the purposes of section 72(3)(a) of the Act, the prescribed form of an instrument of transfer is the form set out in Schedule 2.

[Regulation 4 inserted in Gazette 28 Sep 1990 p. 5101.]

5. Instrument under section 75(4)(b) of Act

- (1) For the purposes of section 75(4)(b) of the Act, the following particulars are prescribed —
 - (a) description and date of execution of the instrument evidencing the dealing referred to in section 75(4)(a) of the Act (in this subregulation referred to as *the dealing*);
 - (b) details of the title (including the type and number of the title) to which the dealing relates;
 - (c) full name and business address of each party to the dealing;
 - (d) details of the effect or effects, on registration, of the dealing specified in the relevant paragraph or paragraphs of section 75(1) of the Act;

- (e) details of the interest or interests in the title of all parties to the dealing —
 - (i) before the registration of the dealing; and
 - (ii) in the event of approval of the dealing, after the registration of the dealing;
 - (f) in the case of a dealing to which section 4(5)(a) of the *Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967* applies, the value of the consideration;
 - (g) in the case of a dealing relating to an interest in a licence to which section 4(5)(b) of the *Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967* applies, the value of the interest;
 - (h) whether or not the parties to the dealing have made or propose to make an application for the purposes of section 4(7) of the *Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967*;
 - (j) in respect of any related dealing in relation to which an entry has been made in the Register or an application in writing for approval by the Minister has been lodged (whether before or after the day fixed under section 2(1) of the *Acts Amendment (Petroleum) Act 1990*²) —
 - (i) description and date of execution of the instrument evidencing the dealing;
 - (ii) date of approval by the Minister (if appropriate); and
 - (iii) registration number (if any).
- (2) In subregulation (1) —
related dealing means any dealing executed, before the execution of the instrument evidencing the dealing referred to in subregulation (1)(a), by some or all of the parties to that instrument —

- (a) that affects the title which is the subject of the dealing to which the instrument referred to in subregulation (1)(a) relates; and
- (b) that —
 - (i) creates or assigns an option to enter into the dealing referred to in subregulation (1)(a);
 - (ii) creates or assigns a right to enter into the dealing referred to in subregulation (1)(a); or
 - (iii) is altered or terminated by the dealing referred to in subregulation (1)(a),

and includes any transaction in respect of which an instrument was registered under section 75 of the Act before the day fixed under section 2(1) of the *Acts Amendment (Petroleum) Act 1990*².

[Regulation 5 inserted in Gazette 28 Sep 1990 p. 5101-2; amended in Gazette 23 Jun 2009 p. 2472.]

[6, 7. Deleted in Gazette 23 Jun 2009 p. 2472.]

8. Royalty value — deductible imposts

The following imposts are excluded from the definition of *federal duty* in section 144A(3) of the Act —

- (a) all taxes, duties, fees, levies and charges already included in the purchase price of goods or services purchased by the permittee, holder of a drilling reservation, lessee or licensee;
- (b) departure tax;
- (c) fringe benefits tax;
- (d) deduction from salary or wages as required under the *Income Tax Assessment Act 1936* of the Commonwealth to enable income tax to be collected from employees by instalments;
- (e) deduction from prescribed payments as required under the *Income Tax Assessment Act 1936* of the

Commonwealth to enable tax to be collected in respect of certain payments for work;

- (f) customs import duty;
- (g) aircraft landing charge;
- (h) training guarantee charge;
- (i) superannuation guarantee charge;
- (j) contributions under Part 4.2 of the *Higher Education Funding Act 1988* of the Commonwealth.

[Regulation 8 inserted in Gazette 20 May 1994 p. 2124-5.]

9. Application of Geocentric Datum of Australia

- (1) Subject to regulation 11, the GDA is the prescribed Australian datum for the purposes referred to in section 8(1) of the Act.
- (2) The reference ellipsoid for the GDA is the Geodetic Reference System 1980 (**GRS80**) ellipsoid with a semi-major axis of 6 378 137 m exactly and an inverse flattening (1/f) of 298.257 222 101.
- (3) The reference frame for the GDA is realised by the coordinates of the following Australian Fiducial Network geodetic stations referred to the GRS80 ellipsoid determined within the International Earth Rotation Service Terrestrial Reference Frame 1992 (ITRF92) at the epoch of 1994.0 —

No.	Name	South Latitude	East Longitude	Ellipsoidal Height
AU 012	Alice Springs	23° 40' 12.44592"	133° 53' 07.84757"	603.358 m
AU 013	Karratha	20° 58' 53.17004"	117° 05' 49.87255"	109.246 m
AU 014	Darwin	12° 50' 37.35839"	131° 07' 57.84838"	125.197 m
AU 015	Townsville	19° 20' 50.42839"	146° 46' 30.79057"	587.077 m
AU 016	Hobart	42° 48' 16.98506"	147° 26' 19.43548"	41.126 m

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No.	Name	South Latitude	East Longitude	Ellipsoidal Height
AU 017	Tidbinbilla	35° 23' 57.15627"	148° 58' 47.98425"	665.440 m
AU 019	Ceduna	31° 52' 00.01664"	133° 48' 35.37527"	144.802 m
AU 029	Yaragadee	29° 02' 47.61687"	115° 20' 49.10049"	241.291 m

[Regulation 9 inserted in Gazette 15 Dec 2000 p. 7213-14.]

10. Application of GDA to certain instruments

- (1) A reference (a *GDA reference*) in an instrument under the Act or these regulations that comes into force on or after the commencement day to the position on the surface of the Earth of a graticular section or block (including a block constituted as provided by section 135 of the Act) is to be made by reference to —
 - (a) the GDA; and
 - (b) coordinates of latitude and longitude calculated to 3 decimal places of a second.
- (2) An instrument under the Act or these regulations referred to in subregulation (1) that contains a GDA reference is to be endorsed with a statement to the effect that the GDA applied to the calculation of the coordinates of latitude and longitude relevant to the GDA reference, but the omission of such a statement does not affect the validity of the instrument.
- (3) Despite section 27 of the Act, for the purposes of subregulation (1) —
 - (a) the meridians of longitude defining the eastern and western boundaries of a graticular section; and
 - (b) the parallels of latitude defining the northern and southern boundaries of a graticular section,may be taken to be at a distance from each other that is other than 5 minutes.

- (4) In subregulation (1) —
commencement day means the day on which section 7 of the *Acts Amendment (Australian Datum) Act 2000* comes into operation³.

[Regulation 10 inserted in Gazette 15 Dec 2000 p. 7214.]

11. Application of Australian Geodetic Datum

- (1) Subject to regulation 10, the AGD is the prescribed datum for the purposes referred to in section 27(4) of the Act.
- (2) The AGD is defined by an ellipsoid having a semi-major axis (equatorial radius) of 6 378 160 m and a flattening of 1/298.25 and fixed by the position of the origin being the Johnston Geodetic Station in the Northern Territory of Australia.
- (3) The Johnston Geodetic Station is taken to be situated at —
- (a) 25° 56' 54.5515" south latitude and 133° 12' 30.0771" east longitude; or
 - (b) where decimal reckoning is used, 25° 56.90919' south latitude and 133° 12.50129' east longitude,

and to have a ground level elevation of 571.2 m above the ellipsoid referred to in subregulation (2).

- (4) An instrument in force under the Act or these regulations immediately before the commencement day that contains a reference to the position on the surface of the Earth of a point, line or area determined by reference to the AGD is to be endorsed, if it is practicable to do so, with a statement to the effect that the AGD applied to that determination, but the omission of such a statement does not affect the validity of the instrument.

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- (5) If, in relation to an instrument referred to in subregulation (4), coordinates calculated by reference to the AGD are to be converted to coordinates calculated by reference to the GDA, the conversion is to be made using the National Transformation Version 2 (NTV2) grid file transformation.

[Regulation 11 inserted in Gazette 15 Dec 2000 p. 7215.]

Schedule 1 — Prescribed fees

[r. 3(1)]

[Heading inserted in Gazette ~~16~~ 1 Jul 2010 2011 p. 3358 2735.]

Column 1 Item	Column 2 Provision of Act	Column 3 Amount of prescribed fee (\$)
1.	s. 31(1)(f)	4 788 932.00
2.	s. 34(1)(a)	4 788 932.00
3.	s. 37A(2)(e)	958 987.00
4.	s. 40(2)(c)	1 916 973.00
5.	s. 43B(1)(f)	4 788 932.00
6.	s. 43F(3)(d)	1 916 973.00
7.	s. 48A(2)(e)	1 916 973.00
8A.	s. 48CA(3)(d)	1 916 973.00
8.	s. 48F(2)(d)	1 916 973.00
9.	s. 51(1)(e)	1 916 973.00
10.	s. 58(1)(a)	4 788 932.00
11.	s. 61(2)(e)	958 987.00
12.	s. 64(2)(d)	1 916 973.00
13.	s. 73(2)	95 98.00
14.	s. 73(3)(b)	95 98.00
15.	s. 80(1)	20 21.00

Petroleum and Geothermal Energy Resources Regulations 1987
Schedule 1 Prescribed fees

Column 1 Item	Column 2 Provision of Act	Column 3 Amount of prescribed fee (\$)
16.	s. 81(3)	4849.00
17.	s. 105(2)(d)	958987.00
18.	s. 137(a)	1 674724.00

[Schedule 1 inserted in Gazette ~~16~~ Jul 2010 p. 3358-9; amended in Gazette 24 May 2011 p. 18992735-6.]

Schedule 2

[Regulation 4]

Petroleum and Geothermal Energy Resources Act 1967

Petroleum and Geothermal Energy Resources Regulations 1987

**Form of instrument of transfer of title under section 72
of *Petroleum and Geothermal Energy Resources Act 1967*⁴**

I/We⁽¹⁾⁽²⁾
being the registered holder/holders⁽¹⁾ of⁽³⁾
in consideration of⁽⁴⁾
hereby transfer all right, title and interest in that⁽³⁾
to⁽⁵⁾

In witness of this transfer the parties to the transfer have affixed their respective
common seals or signatures below on this
day of 20

(6)

(7)

- (1) Delete whichever is inapplicable.
- (2) Here insert the name of the transferor, or, if there are 2 or more transferors, the name of each transferor.
- (3) Here insert the type (e.g. exploration permit, production licence), and number, of the property transferred that is a title as defined in section 69J of the Act.
- (4) Here insert the value of the consideration for the transfer or the value of the title transferred. If the transfer of the title is pursuant to a dealing which has been approved and registered under the Act, insert a reference that is sufficient to identify that dealing.
- (5) Here insert the name and address of the transferee, or, if there are 2 or more transferees, the name and address of each transferee.
- (6) Here affix the common seal or signature of the transferor or of each transferor, as the case may be.
- (7) Here affix the common seal or signature of the transferee or of each transferee, as the case may be.

*[Schedule 2 inserted in Gazette 28 Sep 1990 p. 5102; amended in
Gazette 23 Jun 2009 p. 2474.]*

Notes

¹ This is a compilation of the *Petroleum and Geothermal Energy Resources Regulations 1987* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Petroleum Regulations 1987</i> ⁵	23 Oct 1987 p. 3971-2	23 Oct 1987
<i>Petroleum Amendment Regulations 1990</i>	28 Sep 1990 p. 5100-2	1 Oct 1990 (see r. 2 and <i>Gazette</i> 28 Sep 1990 p. 5099)
<i>Petroleum Amendment Regulations 1991</i>	28 Jun 1991 p. 3228	28 Jun 1991
<i>Petroleum Amendment Regulations 1993</i>	24 Dec 1993 p. 6831	24 Dec 1993
<i>Petroleum Amendment Regulations 1994</i>	20 May 1994 p. 2124-5	20 May 1994
<i>Petroleum Amendment Regulations (No. 2) 1994</i>	22 Jul 1994 p. 3779-80	22 Jul 1994 (see r. 2 and <i>Gazette</i> 22 Jul 1994 p. 3728)
<i>Petroleum Amendment Regulations 2000</i>	8 Feb 2000 p. 454-5	8 Feb 2000
<i>Petroleum Amendment Regulations (No. 2) 2000</i>	27 Jun 2000 p. 3252	1 Jul 2000 (see r. 2)
<i>Petroleum Amendment Regulations (No. 3) 2000</i>	15 Dec 2000 p. 7212-15	16 Dec 2000 (see r. 2 and <i>Gazette</i> 15 Dec 2000 p. 7201)
Reprint of the <i>Petroleum Regulations 1987</i> as at 4 May 2001 (includes amendments listed above)		
<i>Petroleum Amendment Regulations 2002</i>	28 Jun 2002 p. 3090-1	1 Jul 2002 (see r. 2)
<i>Petroleum Amendment Regulations 2003</i>	28 Feb 2003 p. 669-70	28 Feb 2003
<i>Petroleum Amendment Regulations 2009</i>	23 Jun 2009 p. 2471-4	r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
Reprint 2: The <i>Petroleum and Geothermal Energy Resources Regulations 1987</i> as at 21 Aug 2009 (includes amendments listed above)		

Citation	Gazettal	Commencement
<i>Petroleum and Geothermal Energy Resources Amendment Regulations 2010</i>	9 Feb 2010 p. 271	r. 1 and 2: 9 Feb 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Feb 2010 (see r. 2(b))
<i>Petroleum and Geothermal Energy Resources Amendment Regulations (No. 2) 2010</i>	11 May 2010 p. 1816-18	r. 1 and 2: 11 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 12 May 2010 (see r. 2(b))
<i>Petroleum and Geothermal Energy Resources Amendment Regulations (No. 3) 2010</i>	16 Jul 2010 p. 3357-9	r. 1 and 2: 16 Jul 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Jul 2010 (see r. 2(b)(ii))
<i>Petroleum and Geothermal Energy Resources Amendment Regulations 2011</i>	24 May 2011 p. 1898-9	r. 1 and 2: 24 May 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 25 May 2011 (see r. 2(b) and <i>Gazette</i> 24 May 2011 p. 1892)
<u><i>Petroleum and Geothermal Energy Resources Amendment Regulations (No. 2) 2011</i></u>	<u>1 Jul 2011</u> <u>p. 2734-6</u>	<u>r. 1 and 2: 1 Jul 2011</u> <u>(see r. 2(a));</u> <u>Regulations other than r. 1 and 2:</u> <u>1 Jul 2011 (see r. 2(b))</u>

- ² The *Acts Amendment (Petroleum) Act 1990* (other than s. 32) came into operation 1 Oct 1990 (see *Gazette* 28 Sep 1990 p. 5099).
- ³ Commencement day was 16 Dec 2000 (see *Gazette* 15 Dec 2000 p. 7201).
- ⁴ Formerly referred to the *Petroleum Act 1967* the short title of which was changed to the *Petroleum and Geothermal Energy Resources Act 1967* by the *Petroleum Amendment Act 2007* s. 5. Reference changed under the *Reprints Act 1984* s. 7(3)(gb).
- ⁵ Now known as the *Petroleum and Geothermal Energy Resources Regulations 1987*; citation changed (see note under r. 1).