



Western Australia

Petroleum and Geothermal Energy Resources Regulations 1987

Compare between:

[01 Jul 2020, 03-j0-00] and [21 Jun 2021, 03-k0-00]

Petroleum and Geothermal Energy Resources Regulations 1987

1. Citation

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

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

1A. Terms used

In these regulations —

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

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

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

2. Time prescribed (Act s. 17(4))

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

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- (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: Gazette 28 Sep 1990 p. 5100; 23 Jun 2009 p. 2471-2.]

3. Fees and rates prescribed

- (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 \$142.00 per page.

[(3)-(5) deleted]

- (6) For the purposes of section 137(b) of the Act, the prescribed rate is a rate of \$919.00.
- (7) For the purposes of section 137A of the Act, the prescribed rate is a rate of \$20 000.00.
- (8) For the purposes of section 138 of the Act, the prescribed rate is a rate of \$17 400.00.

[Regulation 3 inserted: Gazette 28 Sep 1990 p. 5100-1; amended: 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; 12 Jun 2012 p. 2463; 25 Feb 2014 p. 499; 17 Jun 2014 p. 1982; 30 Jun 2015 p. 2344 and 2347; 24 Jun 2016 p. 2332; 23 Jun 2017 p. 3305; 25 Jun 2018 p. 2320; 18 Jun 2019 p. 2053; SL 2020/93 r. 14.]

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

4. Form of instrument of transfer prescribed (Act s. 72(3)(a))

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: Gazette 28 Sep 1990 p. 5101.]

5. Particulars prescribed (Act s. 75(4)(b))

- (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*

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(*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*¹) —
 - (i) description and date of execution of the instrument evidencing the dealing; and
 - (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); or
 - (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*¹.

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

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

8. Taxes etc. prescribed (Act s. 144A federal duty)

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: Gazette 20 May 1994 p. 2124-5.]

9. Australian datum prescribed etc. (Act s. 8(1))

- (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 |
| 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: Gazette 15 Dec 2000 p. 7213-14.]

10. Position on Earth, reference to in instruments operating on or after 16 Dec 2000

- (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 operation².

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

11. Datum prescribed (Act s. 27(4))

- (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.

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- (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.
- (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: Gazette 15 Dec 2000 p. 7215.]

12. Transitional provision: operation of r. 3

- (1) In this regulation —
regulation 3 has the meaning given in Schedule 2 clause 1 of the Act.
- (2) This regulation is made for the purposes of Schedule 2 clause 3(4) of the Act.
- (3) Regulation 3 as continued in force under Schedule 2 clause 3(3)(b) of the Act is, for the purposes of its application under that paragraph, deleted.

[Regulation 12 inserted: Gazette 30 Jun 2015 p. 2344.]

Schedule 1 — Prescribed fees

[r. 3(1)]

[Heading inserted: SL 2020/93 r. 15.]

| Column 1 Item | Column 2 Provision of Act | Column 3 Amount of prescribed fee (\$) |
|--------------------------|--------------------------------------|---|
| 1. | s. 31(1)(f) | 7 190.00 |
| 2. | s. 34(1)(a) | 7 190.00 |
| 3. | s. 37A(2)(e) | 7 190.00 |
| 4. | s. 40(2)(c) | 7 190.00 |
| 5. | s. 43B(1)(f) | 7 190.00 |
| 6. | s. 43F(3)(d) | 7 190.00 |
| 7. | s. 48A(2)(e) | 7 190.00 |
| 8. | s. 48CA(3)(d) | 7 190.00 |
| 9. | s. 48F(2)(d) | 7 190.00 |
| 10. | s. 51(1)(e) | 7 190.00 |
| 11. | s. 58(1)(a) | 7 190.00 |
| 12. | s. 61(2)(e) | 7 190.00 |
| 13. | s. 64(2)(d) | 7 190.00 |
| 14. | s. 73(2) | 142.00 |
| 15. | s. 73(3)(b) | 142.00 |
| 16. | s. 80(1) | 142.00 |

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Schedule 1 Prescribed fees

| Column 1 Item | Column 2 Provision of Act | Column 3 Amount of prescribed fee (\$) |
|--------------------------|--------------------------------------|---|
| 17. | s. 81(3) | 142.00 |
| 18. | s. 105(2)(d) | 7 190.00 |
| 19. | s. 137(a) | 2 400.00 |

[Schedule 1 inserted: SL 2020/93 r. 15.]

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*³**

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: Gazette 28 Sep 1990 p. 5102; amended: Gazette 23 Jun 2009 p. 2474.]

Notes

This is a compilation of the *Petroleum and Geothermal Energy Resources Regulations-1987* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. [For provisions that have not yet come into operation see the uncommenced provisions table.](#)

Compilation table

| Citation | Published | Commencement |
|--|---------------------------|---|
| <i>Petroleum Regulations 1987</i> ⁴ | 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 *Petroleum and Geothermal Energy Resources Regulations 1987* as at 21 Aug 2009 (includes amendments listed above)

| Citation | Published | 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) |
| <i>Petroleum and Geothermal Energy Resources Amendment Regulations (No. 2) 2011</i> | 1 Jul 2011 p. 2734-6 | r. 1 and 2: 1 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b)) |
| <i>Petroleum and Geothermal Energy Resources Amendment Regulations 2012</i> | 12 Jun 2012 p. 2463-4 | r. 1 and 2: 12 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b)) |
| Reprint 3: The Petroleum and Geothermal Energy Resources Regulations 1987 as at 1 Feb 2013 (includes amendments listed above) | | |
| <i>Petroleum and Geothermal Energy Resources Amendment Regulations 2014</i> | 25 Feb 2014 p. 498-500 | r. 1 and 2: 25 Feb 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Feb 2014 (see r. 2(b)) |
| <i>Petroleum and Geothermal Energy Resources Amendment Regulations (No. 2) 2014</i> | 17 Jun 2014 p. 1982-3 | r. 1 and 2: 17 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)) |
| <i>Petroleum and Geothermal Energy Resources Amendment Regulations 2015</i> | 30 Jun 2015 p. 2344 | r. 1 and 2: 30 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b) and <i>Gazette</i> 30 Jun 2015 p. 2321) |

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Notes Uncommenced provisions table

| Citation | Published | Commencement |
|---|----------------------------|---|
| <i>Petroleum and Geothermal Energy Resources Amendment Regulations (No. 2) 2015</i> | 30 Jun 2015 p. 2346-7 | r. 1 and 2: 30 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)) |
| <i>Mines and Petroleum Regulations Amendment (Fees and Levies) Regulations 2016 Pt. 11</i> | 24 Jun 2016 p. 2325-34 | 1 Jul 2016 (see r. 2(b)) |
| <i>Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 15</i> | 23 Jun 2017 p. 3279-309 | 1 Jul 2017 (see r. 2(b)) |
| <i>Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 15</i> | 25 Jun 2018 p. 2297-324 | 1 Jul 2018 (see r. 2(b)) |
| <i>Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 14</i> | 18 Jun 2019 p. 2040-56 | 1 Jul 2019 (see r. 2(b)) |
| <i>Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2020 Pt. 7</i> | SL 2020/93 26 Jun 2020 | 1 Jul 2020 (see r. 2(b)) |

Uncommenced provisions table

To view the text of the uncommenced provisions see [Subsidiary legislation as made on the WA Legislation website](#).

| <u>Citation</u> | <u>Published</u> | <u>Commencement</u> |
|--|---|--|
| Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2021 Pt. 11 | SL 2021/85 21 Jun 2021 | 1 Jul 2021 (see r. 2(b)) |

Other notes

- ¹ The *Acts Amendment (Petroleum) Act 1990* (other than s. 32) came into operation 1 Oct 1990 (see *Gazette* 28 Sep 1990 p. 5099).
- ² Commencement day was 16 Dec 2000 (see *Gazette* 15 Dec 2000 p. 7201).
- ³ 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).
- ⁴ Now known as the *Petroleum and Geothermal Energy Resources Regulations 1987*; citation changed (see note under r. 1).

