

Western Australia

Petroleum (Submerged Lands) Regulations 1990

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Petroleum (Submerged Lands) Regulations 1990

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Petroleum (Submerged Lands) Regulations 1990

1. Citation

These regulations may be cited as the *Petroleum (Submerged Lands) Regulations 1990*¹.

2. Commencement

These regulations shall come into operation on the day fixed under section 2(1) of the *Acts Amendment (Petroleum) Act 1990*¹.

2A. Definitions

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 2A inserted in Gazette 15 December 2000 p. 7216.]

3. Prescribed fees, rates and sums

- (1) For the purposes of a provision of the Act specified in Column 2 of Schedule I, the prescribed fee is the amount specified in Column 3 of that Schedule opposite to that provision.
- (2) For the purposes of section 87(2) of the Act, the prescribed fee is a fee calculated at the rate of \$3.00 per page.

[(3) repealed]

- (4) For the purposes of section 118(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 \$33.00 per day or part of a day during which the document containing that information is on loan to that person;
 - (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 \$33.00 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 118(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 \$33.00 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

\$33.00 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.
- (6) For the purposes of section 139(a) of the Act, the prescribed minimum fee is \$1 500.00.
- (7) For the purposes of section 139(b) of the Act, the prescribed rate is a rate of \$72.00.
- (8) For the purposes of section 139A of the Act, the prescribed rate is a rate of \$8 600.00.
- (9) For the purposes of section 140 of the Act, the prescribed rate is a rate of \$25 800.00.

[Regulation 3 amended in Gazette 22 July 1994 p. 3781; 27 June 2000 p. 3253; 28 June 2002 p. 3093; 28 Feb 2003 p. 674.]

3A. Fee increase to cover GST

- (1) If a fee prescribed in regulation 3(6), 3(7), 3(8), 3(9), or item 18 of Schedule 1 is payable for a period any of which is after 30 June 2000, the total amount of the fee payable is increased by the amount of the GST component.
- (2) The GST component of the fee is to be calculated according to the following formula —

$$\text{GST component} = \frac{\text{AR}}{10} \times \frac{\text{GST period}}{366}$$

where —

AR is the relevant fee prescribed in regulation 3(6), 3(7), 3(8), 3(9), or item 18 of Schedule 1; and the

GST period is the number of days that are in the period after 30 June 2000.

[Regulation 3A inserted in Gazette 8 February 2000 p. 457.]

4. Form of instrument of transfer

For the purposes of section 78(3)(a) of the Act, the prescribed form of an instrument of transfer is the form set out in Schedule 2.

5. Instrument under section 81(4)(b) of Act

- (1) For the purposes of section 81(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 81(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 81(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 (Submerged Lands) Registration Fees Act 1982* applies, the value of the consideration;
 - (g) in the case of a dealing relating to an interest in a licence or pipeline licence to which section 4(5)(b) of the

Petroleum (Submerged Lands) Registration Fees Act 1982 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 (Submerged Lands) Registration Fees Act 1982*;
- (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*) —
 - (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 81 of the Act before the day fixed

under section 2(1) of the *Acts Amendment (Petroleum) Act 1990*.

6. Section 74B notice — map

The map required by section 74B(3)² of the Act, shall contain —

- (a) a map of the State or an identifiable portion of the State, drawn to an approved scale, which clearly shows the location of the land in respect of which the approval is sought;
- (b) an insertion, drawn to an approved scale, which details the coordinates of the boundaries of the land in respect of which the approval is sought; and
- (c) information, on the insertion referred to in paragraph (b), which clearly shows the location of the proposed works, including any proposed pipeline, pumping station, tank station, valve station or other production facility and any other proposed permanent appurtenances of a substantial nature.

[Regulation 6 inserted in Gazette 24 December 1993 p. 6832.]

7. Objection on grounds relating to rights of traditional usage

- (1) A written notice of objection by an Aboriginal group under section 74D² of the Act to the grant of an approval under section 52A or 66A may be lodged by post, facsimile or delivery in person within 42 days of the day on which a copy of the application was sent to the Aboriginal group under section 74C² of the Act.
- (2) The notice of objection shall include the particulars mentioned in section 74E² of the Act any other information that the Aboriginal group considers to be relevant.

[Regulation 7 inserted in Gazette 24 December 1993 p. 6832.]

8. Royalty value — deductible imposts

The following imposts are excluded from the definition of *federal duty* in section 145A(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, lessee or licensee;
- (b) departure tax;
- (c) fringe benefits tax;
- (d) deductions 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) deductions 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 pp. 2125-6.]

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 10(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 in Gazette 15 December 2000
pp. 7216-17.]*

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 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 17 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 8 of the *Acts Amendment (Australian Datum) Act 2000* comes into operation³.

[Regulation 10 inserted in Gazette 15 December 2000 pp. 7217-18.]

11. Application of Australian Geodetic Datum

- (1) Subject to regulation 10, the AGD is the prescribed datum for the purposes referred to in —
- (a) section 10(5) of the Act (which refers to the determination of the position on the surface of the Earth of the boundary of the area described in Schedule 2 to the Act); and
 - (b) section 17(4) of the Act (which refers to the determination of the position on the surface of the Earth of a graticular section or a block).
- (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, $25^{\circ} 56.90919'$ south latitude and $133^{\circ} 12.50129'$ 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 in Gazette 15 December 2000 p. 7218.]

Schedule 1

[r. 3(1)]

Prescribed fees

Column 1 Item	Column 2 Provision of Act	Column 3 Amount of prescribed fee
1	s. 21(1)(f)	\$3 900.00
2	s. 24(1)(a)	\$3 900.00
3	s. 30(2)(c)	\$1 560.00
4	s. 38A(2)(e)	\$1 560.00
5	s. 38F(2)(d)	\$1 560.00
6	s. 41(1)(e)	\$1 560.00
7	s. 48(1)(a)	\$3 900.00
8	s. 51(2)(e)	\$780.00
9	s. 54(2)(d)	\$1 560.00
10	s. 64(1)(f)	\$3 900.00
11	s. 68(2)(c)	\$1 560.00
12	s. 71(2)(e)	\$780.00
13	s. 79(2)	\$78.00
14	s. 79(3)(b)	\$78.00
15	s. 86(1)	\$16.00
16	s. 87(3)	\$39.00
17	s. 111(2)(d)	\$780.00
18	s. 141	\$115.00

[Schedule 1 inserted in Gazette 28 Feb 2003 p. 674-5.]

Schedule 2

Schedule 2

[Regulation 4]

Petroleum (Submerged Lands) Act 1982
Petroleum (Submerged Lands) Regulations 1990

**Form of Instrument of Transfer of Title
under section 78 of *Petroleum (Submerged Lands) Act 1982***

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 within the meaning of section 78 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.

Notes

- ¹ This is a compilation of the *Petroleum (Submerged Lands) Regulations 1990* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Petroleum (Submerged Lands) Regulations 1990</i>	28 Sep 1990 p. 5105-8	1 Oct 1990 (see r. 2 and <i>Gazette</i> 28 Sep 1990 p. 5099)
<i>Petroleum (Submerged Lands) Amendment Regulations 1993</i>	24 Dec 1993 p.6832 (Correction 31 Dec 1993 p. 6876)	24 Dec 1993
<i>Petroleum (Submerged Lands) Amendment Regulations 1994</i>	20 May 1994 p. 2125-6	20 May 1994
<i>Petroleum (Submerged Lands) Amendment Regulations (No. 2) 1994</i>	22 Jul 1994 p. 3781	22 Jul 1994 (see r. 2 and <i>Gazette</i> 22 Jul 1994 p. 3728)
<i>Petroleum (Submerged Lands) Amendment Regulations 2000</i>	8 Feb 2000 p. 456-7	8 Feb 2000
<i>Petroleum (Submerged Lands) Amendment Regulations (No. 2) 2000</i>	27 Jun 2000 p. 3253-4	1 Jul 2000 (see r. 2)
<i>Petroleum (Submerged Lands) Amendment Regulations (No. 3) 2000</i>	15 Dec 2000 p. 7216-18	16 Dec 2000 (see r. 2 and <i>Gazette</i> 15 Dec 2000 p. 7201)
<i>Petroleum (Submerged Lands) Amendment Regulations 2002</i>	28 Jun 2002 p. 3092-4	1 Jul 2002 (see r. 2)
<i>Petroleum (Submerged Lands) Amendment Regulations 2003</i>	28 Feb 2003 p. 673-5	28 Feb 2003

- ² Division 4A (sections 74A to 74I) of the *Petroleum (Submerged Lands) Act 1982* was repealed by the *Acts Amendment and Repeal (Native Title) Act 1995* (No. 52 of 1995).

- ³ Commencement day was 16 December 2000 (see *Gazette* 15 December 2000 p. 7201).