



PETROLEUM (SUBMERGED LANDS) (MISCELLANEOUS) AMENDMENT ACT 1994

No. 29 of 1994

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SIXTH SCHEDULE

*Petroleum (Submerged Lands) (Miscellaneous)
Amendment Act 1994: Transitional Provisions*



ANNO QUADRAGESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1994

No. 29 of 1994

An Act to amend the Petroleum (Submerged Lands) Act 1982.

[Assented to 26 May 1994]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Petroleum (Submerged Lands) (Miscellaneous) Amendment Act 1994*.

(2) The *Petroleum (Submerged Lands) Act 1982* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 18—Exploration for petroleum

3. Section 18 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) For the purposes of subsection (1), a person who does anything preparatory to, or knowingly connected with, exploration for petroleum will be taken to be exploring for petroleum.

Amendment of s. 19—Advertisement of blocks

4. Section 19 of the principal Act is amended by striking out subsections (3), (4) and (5).

Amendment of s. 20—Application for permits

5. Section 20 of the principal Act is amended—

(a) by striking out from subsection (1)(f) "a fee of \$3 000" and substituting "the prescribed fee";

(b) by striking out subsection (5).

Amendment of s. 21—Grant or refusal of permit in relation to application

6. Section 21 of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

(a) by instrument in writing served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a permit in respect of the block or blocks specified in the instrument;;

(b) by striking out from subsection (2)(b) "and lodge with the Minister the security referred to in the instrument";

(c) by striking out from subsection (3) all of the words following "expiration of the firstmentioned period of one month," and substituting "allows, by instrument in writing served on the Minister, request the Minister to grant to the applicant the permit referred to in the firstmentioned instrument.";

(d) by striking out subsections (4) and (5) and substituting the following subsections:

(4) Where an applicant on whom there has been served an instrument under subsection (1) has made a request under subsection (3) within the period applicable under subsection (3), the Minister must grant to the applicant an exploration permit for petroleum in respect of the block or blocks specified in the instrument.

(5) Where an applicant on whom there has been served an instrument under subsection (1) has not made a request under subsection (3) within the period applicable under subsection (3), the application lapses upon the expiration of that period.

Amendment of s. 22—Application for permit in respect of surrendered, etc., blocks

7. Section 22 of the principal Act is amended by striking out subsections (2) and (3).

Amendment of s. 23—Application fee, etc.

8. Section 23 of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

(a) the prescribed fee;;

(b) by striking out subsection (2) and substituting the following subsection:

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

Amendment of s. 24—Consideration of applications

9. Section 24 of the principal Act is amended—

(a) by striking out subsections (3) and (4);

(b) by inserting "and" between subparagraphs (i) and (ii) of subsection (5)(b);

- (c) by striking out subparagraph (iii) of subsection (5)(b) and the word "and" preceding that subparagraph.

Amendment of s. 25—Request by applicant for grant of permit in respect of advertised blocks

10. Section 25 of the principal Act is amended—

- (a) by inserting "and" between paragraphs (a) and (b) of subsection (1);
- (b) by striking out paragraph (c) of subsection (1) and the word "and" preceding that paragraph;
- (c) by inserting "or" between paragraphs (a) and (b) of subsection (2);
- (d) by striking out paragraph (c) of subsection (2) and the word "or" preceding that paragraph.

Amendment of s. 26—Grant of permit on request

11. Section 26 of the principal Act is amended—

- (a) by inserting "and" between paragraphs (a) and (b);
- (b) by striking out paragraph (c) and the word "and" preceding that paragraph.

Amendment of s. 29—Application for renewal of permit

12. Section 29 of the principal Act is amended by striking out from subsection (2)(c) "a fee of \$300" and substituting "the prescribed fee".

Amendment of s. 31—Grant or refusal of renewal of permit

13. Section 31 of the principal Act is amended—

- (a) by striking out subsections (1) and (2) and substituting the following subsections:

(1) Where an application has been made under section 29 for the renewal of a permit, the Minister—

- (a) must, if the conditions to which the permit is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with;

or

- (b) may, if—

- (i) any of the conditions to which the permit is, or has from time to time been, subject or any of the provisions of this Part or of the regulations has not been complied with;

and

- (ii) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the permit,

by instrument in writing served on the person who is then the permittee, inform the person that the Minister is prepared to grant to the person the renewal of the permit.

(2) If any of the conditions to which the permit is, or has from time to time been, subject or any of the provisions of this Part or of the regulations has not been complied with, and if the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the permit, the Minister must, subject to subsection (3), by instrument in writing served on the person who is then the permittee, refuse to grant the renewal of the permit.;

- (b) by striking out from subsection (4)(b) "and lodge with the Minister the security referred to in the instrument";
- (c) by striking out from subsection (5) all of the words following "service of the instrument" and substituting "on the permittee, by instrument in writing served on the Minister, request the Minister to grant to the permittee the renewal of the permit.";
- (d) by striking out subsections (6) and (7) and substituting the following subsections:

(6) Where a permittee on whom there has been served an instrument under subsection (1) has made a request under subsection (5) within the period referred to in subsection (5), the Minister must grant to the permittee the renewal of the permit.

(7) Where a permittee on whom there has been served an instrument under subsection (1) has not made a request under subsection (5) within the period referred to in subsection (5), the application lapses upon the expiration of that period.

Substitution of ss. 35 and 36

14. Sections 35 and 36 of the principal Act are repealed and the following sections are substituted:

Nomination of blocks as location

35. (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 two 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 two 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 must 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 three months after the date of the making of the requirement.

(7) A requirement by the Minister under subsection (6) must 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 three 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

36. (1) Where—

(a) a permittee has made a nomination under section 35;

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 must, 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 35(9), the Minister must, 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—

(a) by 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) by 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) a period of 30 days after the date of service of the notice has expired;

and

(c) the Minister has considered any matters submitted to the Minister 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.

Amendment of s. 37—Immediately adjoining blocks

15. Section 37 of the principal Act is amended by striking out "sections 35 and 36" and substituting "section 35".

Amendment of s. 37a—Application by permittee for lease

16. Section 37a of the principal Act is amended by striking out from subsection (2)(e) "a fee of \$600" and substituting "the prescribed fee".

Amendment of s. 37b—Grant or refusal of lease in relation to application

17. Section 37b of the principal Act is amended—

(a) by striking out from subsection (1) all of the words following "served on the applicant," and substituting "inform the applicant that the Minister is prepared to grant to the applicant a lease in respect of the block or blocks specified in the application.";

(b) by striking out from subsection (3)(b) "and lodge with the Minister the security referred to in the instrument";

(c) by striking out from subsection (4) all of the words following "end of the first mentioned period of one month," and substituting "allows, by instrument in writing served on the Minister, request the Minister to grant the lease to the applicant.";

(d) by striking out subsections (5) and (6) and substituting the following subsections:

(5) Where an applicant on whom there has been served an instrument under subsection (1) has made a request under subsection (4) within the period applicable under subsection (4), the Minister must 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) has not made a request under subsection (4) within the period applicable under subsection (4), the application lapses upon the expiration of that period.

Insertion of s. 37ba

18. The following section is inserted after section 37b of the principal Act:

Application of ss. 37a and 37b where permit is transferred

37ba. Where—

(a) after an application has been made under section 37a(1) in relation to a block or blocks in respect of which a permit is in force;

and

(b) before a decision has been made by the Minister under section 37b(1) or (2) in relation to the application,

a transfer of the permit is registered under section 77, sections 37a and 37b have effect, after the time of the transfer, as if a reference in those sections to the applicant were a reference to the transferee.

Amendment of s. 37f—Application for renewal of lease

19. Section 37f of the principal Act is amended—

(a) by striking out from subsection (2)(d) "a fee of \$600" and substituting "the prescribed fee";

(b) by striking out from subsection (4) "a lessee makes an application" and substituting "an application has been made".

Amendment of s. 37g—Grant or refusal of renewal of lease

20. Section 37g of the principal Act is amended—

(a) by striking out subsections (1) and (2) and substituting the following subsections:

(1) Where—

(a) an application for the renewal of a lease has been made under section 37f;

(b) any further information required by the Minister under section 37f(4) has been furnished in accordance with that section;

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) must, if the conditions to which the lease is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with;

or

(e) may, if—

(i) any of the conditions to which the lease is, or has from time to time been, subject or any of the provisions of this Part or of the regulations has not been complied with;

and

(ii) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the lease,

by instrument in writing served on the person who is then the lessee, inform the person that the Minister is prepared to grant to the person the renewal of the lease.

(2) Subject to subsection (3), where an application for the renewal of a lease has been made under section 37f and—

(a) any further information required by the Minister under section 37f(4) has not been furnished in accordance with that section;

(b) the Minister is not satisfied as to the matters referred to in subsection (1)(c);

or

- (c) any of the conditions to which the permit is, or has from time to time been, subject or any of the provisions of this Part or of the regulations has not been complied with and the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the lease,

the Minister must, by instrument in writing served on the person who is then the lessee, refuse to grant the renewal of the lease.;

- (b) by striking out from subsection (4)(b) "and lodge with the Minister the security referred to in the instrument";
- (c) by striking out from subsection (6) all of the words following "service of the instrument" and substituting "on the lessee, by instrument in writing served on the Minister, request the Minister to grant to the lessee the renewal of the lease.";
- (d) by striking out subsections (7) and (8) and substituting the following subsections:

(7) Where a lessee on whom there has been served an instrument under subsection (1) has made a request under subsection (6) within the period referred to in subsection (6), the Minister must grant to the lessee the renewal of the lease.

(8) Where a lessee on whom there has been served an instrument under subsection (1) has not made a request under subsection (6) within the period referred to in subsection (6), the application lapses upon the expiration of that period.

Amendment of s. 39—Application by permittee for licence

21. Section 39 of the principal Act is amended—

- (a) by inserting in subsection (1)(a) "or more" after "where nine";
- (b) by inserting in subsection (2)(b) "being the holder of a licence referred to in paragraph (a)," before "may, from time to time within that period";
- (c) by striking out from subsection (3)(b) "to whom a licence has been granted" and substituting "who is the holder of a licence".

Amendment of s. 39a—Application for licence by lessee

22. Section 39a of the principal Act is amended—

- (a) by inserting in subsection (1)(a) "or more" after "of 9";
- (b) by striking out from subsection (3) "a lessee makes an application" and substituting "an application has been made".

Amendment of s. 40—Application for licence

23. Section 40 of the principal Act is amended by striking out from subsection (1)(e) "a fee of \$600" and substituting "the prescribed fee".

Amendment of s. 42—Notification as to grant of licence**24. Section 42 of the principal Act is amended—**

- (a) by striking out from subsection (1) all of the words following "by instrument in writing served" and substituting "on the applicant, must inform the applicant that the Minister is prepared to grant to the applicant a licence in respect of the blocks specified in the application.";
- (b) by striking out from subsection (2)(c) all of the words following "that the application will" and substituting "lapse if the applicant does not make a request under section 43(1) in respect of the grant of the licence."

Amendment of s. 43—Grant of licence**25. Section 43 of the principal Act is amended—**

- (a) by striking out from subsection (1) all of the words following "expiration of the firstmentioned period of three months," and substituting "allows, by instrument in writing served on the Minister, request the Minister to grant to the applicant the licence referred to in the firstmentioned instrument.";
- (b) by striking out subsection (2) and substituting the following subsection:
 - (2) Where an applicant on whom there has been served an instrument under section 42(1) has made a request under subsection (1) within the period applicable under subsection (1), the Minister must grant to the applicant a production licence for petroleum in respect of the blocks specified in the application.;
- (c) by striking out subsection (4) and substituting the following subsection:

- (4) Where an applicant on whom there has been served an instrument under section 42(1) has not made a request under subsection (1) within the period applicable under subsection (1), the application lapses upon the expiration of that period.

Insertion of s. 43a**26. The following section is inserted after section 43 of the principal Act:****Application of ss. 40 to 43 where permit, etc., transferred****43a. Where—**

- (a) after an application has been made—
 - (i) under section 39 for the grant of a licence in respect of a block in respect of which a permit is in force;
 - or
 - (ii) under section 39a for the grant of a licence in respect of a block in respect of which a lease is in force;

and

- (b) before a decision has been made by the Minister under section 42(1) in relation to the application,

a transfer of the permit or lease (as the case may be) is registered under section 77, then, after the time of the transfer, sections 40 to 43 (inclusive) have effect in relation to the application as if a reference in those sections to the applicant were a reference to the transferee.

Amendment of s. 45—Determination of permit or lease as to block not taken up

27. Section 45 of the principal Act is amended by striking out from subsections (3), (5) and (6) "section 36(1)" (wherever occurring) and substituting (in each case) "section 36".

Amendment of s. 46—Application for licence in respect of surrendered, etc., blocks

28. Section 46 of the principal Act is amended—

- (a) by striking out subsections (4) and (5);
- (b) by striking out from subsection (6)(d) "in the case of an application under subsection (1),";
- (c) by striking out paragraph (e) of subsection (6).

Amendment of s. 47—Application fee, etc.

29. Section 47 of the principal Act is amended—

- (a) by striking out paragraph (a) of subsection (1) and substituting the following paragraph:
- (a) the prescribed fee;;
- (b) by striking out from subsection (1)(b)(i) "the application is made under section 46(1) or (4) and";
- (c) by striking out from subsection (1)(b)(ii) "the application is made under section 46(1) and";
- (d) by striking out subsection (2) and substituting the following subsection:
- (2) Where a licence is not granted on the application, the amount of the deposit must, subject to subsection (3), be refunded to the applicant.;
- (e) by striking out from subsection (3) "or (3)".

Amendment of s. 48—Request by applicant for grant of licence

30. Section 48 of the principal Act is amended—

- (a) by striking out subsections (3) and (4);
- (b) by inserting "or" between subparagraphs (i) and (ii) of subsection (5)(c);
- (c) by striking out subparagraph (iii) of subsection (5)(c) and the word "or" preceding that subparagraph;
- (d) by inserting "and" between paragraphs (a) and (b) of subsection (6);
- (e) by striking out paragraph (c) of subsection (6) and the word "and" preceding that paragraph;
- (f) by striking out from subsection (7) "(1), (2) or (3)" and substituting "(1) or (2)";
- (g) by inserting "or" between paragraphs (a) and (b) of subsection (7);
- (h) by striking out paragraph (c) of subsection (7) and the word "or" preceding that paragraph.

Amendment of s. 49—Grant of licence on request

31. Section 49 of the principal Act is amended—

- (a) by inserting "and" between paragraphs (a) and (b);
- (b) by striking out paragraph (c) and the word "and" preceding that paragraph.

Amendment of s. 50—Grant of licences in respect of individual blocks

32. Section 50 of the principal Act is amended—

- (a) by striking out from subsection (2)(e) "a fee of \$300" and substituting "the prescribed fee";
- (b) by striking out subsection (3);
- (c) by striking out subsection (4) and substituting the following subsection:

(4) Where a licensee has made an application under this section, the Minister must grant to the licensee production licences for petroleum in accordance with the application.

Amendment of s. 53—Application for renewal of licence

33. Section 53 of the principal Act is amended by striking out from subsection (2)(d) "a fee of \$600" and substituting "the prescribed fee".

Amendment of s. 54—Grant or refusal of renewal of licence**34. Section 54 of the principal Act is amended—**

(a) by striking out subsections (1), (2) and (3) and substituting the following subsections:

(1) Where—

(a) an application for the renewal of a licence has been made under section 53;

and

(b) the conditions to which the licence is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with,

the Minister—

(c) must, if the application is in respect of the first renewal of the licence;

or

(d) may, if the application is in respect of a renewal other than the first renewal of the licence,

by instrument in writing served on the person who is then the licensee, inform the person that the Minister is prepared to grant to the person the renewal of the licence.

(2) Where—

(a) an application for the renewal of a licence has been made under section 53;

and

(b) any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part or of the regulations has not been complied with, but the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the licence,

the Minister may, by instrument in writing served on the person who is then the licensee, inform the person that the Minister is prepared to grant to the person the renewal of the licence.

(3) If any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part or of the regulations has not been complied with, and if the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the licence, the Minister must, subject to subsection (4), by instrument in writing served on the person who is then the licensee, refuse to grant the renewal of the licence.;

- (b) by striking out from subsection (5) "a licensee makes an application" and substituting "an application has been made";
- (c) by inserting in subsection (5) "person who is then the" after "by instrument in writing served on the";
- (d) by striking out subsection (6);
- (e) by striking out from subsection (7)(b) all of the words following "that the application will" and substituting "lapse if the applicant does not make a request under subsection (8).";
- (f) by striking out from subsection (8) all of the words following "date of service of the instrument" and substituting "on the licensee, by instrument in writing served on the Minister, request the Minister to grant to the licensee the renewal of the licence.";
- (g) by striking out subsections (9) and (10) and substituting the following subsections:

(9) Where a licensee on whom there has been served an instrument under subsection (1) or (2) has made a request under subsection (8) within the period referred to in subsection (8), the Minister must grant to the licensee the renewal of the licence.

(10) Where a licensee on whom there has been served an instrument under subsection (1) or (2) has not made a request under subsection (8) within the period referred to in subsection (8), the application lapses upon the expiration of that period.

Repeal of s. 56

35. Section 56 of the principal Act is repealed.

Amendment of s. 58—Unit development

36. Section 58 of the principal Act is amended by striking out from subsection (12) "except with the approval of any other authority or Designated Authority required by that subsection to be consulted" and substituting the following:

"except with the approval of—

- (a) where paragraph (a) of that subsection applies—the appropriate authority of the State concerned;
- (b) where paragraph (b) of that subsection applies—the Joint Authority within the meaning of the Commonwealth Act in relation to the adjacent area concerned;

or

- (c) where paragraph (c) of that subsection applies—each authority referred to in paragraphs (a) and (b) of this subsection."

Amendment of s. 63—Application for pipeline licence

37. Section 63 of the principal Act is amended by striking out from subsection (1)(f) "a fee of \$3 000" and substituting "the prescribed fee".

Amendment of s. 64—Grant or refusal of pipeline licence

38. Section 64 of the principal Act is amended—

(a) by striking out subsections (1), (2) and (3) and substituting the following subsections:

(1) Where an application for a pipeline licence in respect of the construction in the adjacent area of a pipeline, other than an application referred to in subsections (1a), (2) or (3), is made in accordance with section 63, and the application has not been rejected under section 63(3), the Minister may, by instrument in writing served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a pipeline licence.

(1a) Where an application for a pipeline licence in respect of the construction in the adjacent area of a pipeline is made in accordance with section 63 by a pipeline operator under the Commonwealth Act or a corresponding law, the Minister must, by instrument in writing served on the applicant, inform the pipeline operator that the Minister is prepared to grant to the pipeline operator a pipeline licence.

(2) Where an application for a pipeline licence is made in accordance with section 63 in respect of the construction in the adjacent area of a pipeline for the conveyance of petroleum recovered in a licence area in respect of which the applicant is the licensee, the Minister—

(a) must, if the conditions to which the licence is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with;

or

(b) may, if—

(i) any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part or of the regulations has not been complied with;

and

(ii) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of a pipeline licence,

by instrument in writing served on the person who is then the licensee, inform the person that the Minister is prepared to grant to the person a pipeline licence.

(3) Subject to subsection (4), where an application for a pipeline licence is made in accordance with section 63 in respect of the construction in the adjacent area of a pipeline for the conveyance of petroleum recovered in a licence area in respect of which the applicant is the licensee, the Minister must, if—

(a) any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part or of the regulations has not been complied with;

and

(b) the Minister is not satisfied that special circumstances exist that justify the granting of a pipeline licence,

by instrument in writing served on the person who is then the licensee, refuse to grant a pipeline licence.;

(b) by striking out subsection (6);

(c) by striking out from subsection (7) "or (2)" and substituting ", (1a) or (2)";

(d) by striking out from subsection (7)(c) "and lodge with the Minister the security referred to in the instrument";

(e) by striking out from subsection (8) "or (2)" and substituting ", (1a) or (2)";

(f) by striking out from subsection (9) "or (2)" and substituting ", (1a) or (2)";

(g) by striking out from subsection (9) all of the words following "expiration of the firstmentioned period of three months," and substituting "allows, by instrument in writing served on the Minister, request the Minister to grant to the person the pipeline licence.";

(h) by striking out subsections (10) and (11) and substituting the following subsections:

(10) Where a person on whom there has been served an instrument under subsection (1), (1a) or (2) has made a request under subsection (9) within the period applicable under subsection (9), the Minister must grant to that person a licence to construct and operate a pipeline in respect of the pipeline specified in the instrument.

(11) Where a person on whom there has been served an instrument under subsection (1), (1a) or (2) has not made a request under subsection (9) within the period applicable under subsection (9), the application lapses upon the expiration of that period.;

(i) by striking out subsection (12).

Amendment of s. 67—Application for renewal of pipeline licence

39. Section 67 of the principal Act is amended by striking out from subsection (2)(c) "a fee of \$600" and substituting "the prescribed fee".

Amendment of s. 68—Grant or refusal of renewal of pipeline licence

40. Section 68 of the principal Act is amended—

(a) by striking out subsections (1) and (2) and substituting the following subsections:

(1) Where an application has been made under section 67 for the renewal of a pipeline licence, the Minister—

(a) must, if the conditions to which the pipeline licence is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with;

or

(b) may, if—

(i) any of the conditions to which the pipeline licence is, or has from time to time been, subject or any of the provisions of this Part or of the regulations has not been complied with;

and

(ii) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the pipeline licence,

by instrument in writing served on the person who is then the pipeline licensee, inform the person that the Minister is prepared to grant to the person the renewal of the pipeline licence.

(2) Subject to subsection (3), where an application has been made under section 67 for the renewal of a pipeline licence, the Minister must, if—

(a) any of the conditions to which the pipeline licence is, or has from time to time been, subject or any of the provisions of this Part or of the regulations has not been complied with;

and

(b) the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the pipeline licence,

by instrument in writing served on the person who is then the pipeline licensee, refuse to grant the renewal of the pipeline licence.

- (b) by striking out from subsection (4)(b) "and lodge with the Minister the security referred to in the instrument";
- (c) by striking out from subsection (5) all of the words following "service of the instrument" and substituting "on the pipeline licensee, by instrument in writing served on the Minister, request the Minister to grant to the pipeline licensee the renewal of the pipeline licence.";
- (d) by striking out subsections (6) and (7) and substituting the following subsections:

(6) Where a pipeline licensee on whom there has been served an instrument under subsection (1) has made a request under subsection (5) within the period referred to in subsection (5), the Minister must grant to the pipeline licensee the renewal of the pipeline licence.

(7) Where a pipeline licensee on whom there has been served an instrument under subsection (1) has not made a request under subsection (5) within the period referred to in subsection (5), the application lapses upon the expiration of that period.

Amendment of s. 70—Variation of pipeline licence on application by pipeline licensee

41. Section 70 of the principal Act is amended by striking out from subsection (2)(e) "a fee of \$300" and substituting "the prescribed fee".

Amendment of s. 77—Approval and registration of transfers

42. Section 77 of the principal Act is amended—

- (a) by striking out subsection (6) and substituting the following subsection:

(6) The Minister must consider each application for approval of the transfer of a title and determine whether to approve the transfer.;

- (b) by striking out from subsection (7) "and shall set out in the notice details of any security required to be lodged by the transferee or transferees";
- (c) by striking out subsection (8).

Amendment of s. 78—Entries in register on devolution of title, etc.

43. Section 78 of the principal Act is amended—

- (a) by striking out from subsection (2) "a fee of \$30" and substituting "the prescribed fee";
- (b) by striking out from subsection (3)(b) "a fee of \$30" and substituting "the prescribed fee".

Amendment of s. 80—Approval of dealings creating, etc., interests, etc., in existing titles
44. Section 80 of the principal Act is amended—

(a) by striking out subsection (4) and substituting the following subsections:

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

(a) must 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 must be accompanied by two 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).;

(b) by striking out from subsection (8) "subsection (4)(c)" and substituting "subsection (4a)";

(c) by striking out subsection (13) and substituting the following subsections:

(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 44 of the *Petroleum (Submerged Lands) (Miscellaneous) Amendment Act 1994* or the application for approval of the dealing was not accompanied by an instrument for the purposes of subsection (4)(b), one copy of the instrument evidencing the dealing endorsed with a memorandum of approval must 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 purposes of subsection (4)(b), a copy of that instrument endorsed with a copy of the memorandum of approval of the dealing must be retained by the Minister and made available for inspection in accordance with this Division but a copy of the instrument evidencing the dealing must 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 purposes of subsection (4)(b) must 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.

Amendment of s. 80a—Approval of dealings in future interests, etc.

45. Section 80a of the principal Act is amended by striking out from subsection (2) "Sections 80(4)" and substituting "Sections 80(4), (4a)".

Amendment of s. 83—Power of Minister to require information as to dealings

46. Section 83 of the principal Act is amended by inserting in subsection (2) "knowingly" after "shall not".

Amendment of s. 85—Inspection of register and documents

47. Section 85 of the principal Act is amended—

- (a) by inserting in subsection (1) "or copies of instruments" after "instruments";
- (b) by striking out from subsection (1) "a fee of \$6" and substituting "the prescribed fee".

Amendment of s. 86—Evidentiary provision

48. Section 86 of the principal Act is amended—

- (a) by striking out from subsection (2) "a fee calculated at the rate of \$1.50 per page" and substituting "the prescribed fee";
- (b) by striking out from subsection (3) "a fee of \$15" and substituting "the prescribed fee".

Amendment of s. 91—Registration fees**49. Section 91 of the principal Act is amended—**

(a) by striking out from subsection (1) all of the words following "of 1.5 per cent of—" and substituting the following:

(a) the value of the consideration for the transfer;

or

(b) the value of the title transferred,

whichever is the greater, or, if the amount of that fee is less than the prescribed amount, a fee of the prescribed amount.;

(b) by striking out subsection (2) and substituting the following subsection:

(2) Where—

(a) a fee imposed by this section, as in force at any time, in respect of an entry of approval of an instrument or dealing, being an instrument or dealing pursuant to which the transfer of a title is agreed to, has been paid;

and

(b) but for this subsection, the amount of the fee imposed by subsection (1) in respect of the entry of a memorandum of the transfer of the title, being a transfer executed for the purpose of giving effect to the instrument or dealing referred to in paragraph (a), would be greater than the prescribed amount,

the amount of the fee imposed by subsection (1) in respect of the entry of the memorandum of the transfer is the prescribed amount.;

(c) by striking out from subsection (3) "\$3 000" (twice occurring) and substituting (in each case) "the prescribed amount";

(d) by striking out subparagraph (iv) of subsection (4)(b) and substituting the following subparagraph:

(iv) the Minister is satisfied that the dealing was not made pursuant to another dealing or an instrument, being a dealing or instrument that relates to that title and in respect of an entry of approval of which a fee has been paid under this section as in force at any time.;

(e) by striking out from subsection (5) "\$300" (twice occurring) and substituting (in each case) "the prescribed amount";

- (f) by striking out from subsection (6) "\$3 000" (twice occurring) and substituting (in each case) "the prescribed amount".

Amendment of s. 96—Work practices

50. Section 96 of the principal Act is amended by striking out subsection (6).

Insertion of s. 96a

51. The following section is inserted after section 96 of the principal Act:

Conditions relating to insurance

96a. (1) The holder of a permit, lease, licence or pipeline licence must maintain, as directed by the Minister from time to time, 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, under the permit, lease, licence or pipeline licence, including expenses of complying with directions with respect to the clean-up or other remedying of the effects of the escape of petroleum.

(2) The conditions subject to which a special prospecting authority or access authority is granted may include a condition that the holder maintain, as directed by the Minister from time to time, 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, under the authority, including expenses of complying with directions with respect to the clean-up or other remedying of the effects of the escape of petroleum.

Amendment of s. 110—Special prospecting authorities

52. Section 110 of the principal Act is amended—

- (a) by striking out the word "and" between paragraphs (b) and (c) of subsection (2);
(b) by inserting after paragraph (c) of subsection (2) the following word and paragraph:

and

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

Amendment of s. 111—Access authorities

53. Section 111 of the principal Act is amended—

- (a) by inserting after subsection (1a) the following subsection:

(1b) The holder of a special prospecting authority may make an application to the Minister for the grant of an access authority to enable the applicant to carry on petroleum exploration operations in an area, being part of the adjacent area not included in any block that is the subject of the special prospecting authority.;

- (b) by inserting in subsection (3)(a) ", holder of a special prospecting authority" after "licensee";

- (c) by striking out from subsection (4) "lease or licence of which the registered holder is a person other than the applicant, or vary an access authority as in force in respect of a block that is the subject of a permit, lease or licence" and substituting "lease, licence or special prospecting authority of which the registered holder is a person other than the applicant, or vary such an access authority as in force in respect of a block that is the subject of a permit, lease, licence or special prospecting authority";
- (d) by inserting in subsection (11) "a summary" after "during that month and".

Repeal of s. 113

54. Section 113 of the principal Act is repealed.

Amendment of s. 117—Release of information

55. Section 117 of the principal Act is amended—

- (a) by striking out from subsections (1b)(b), (2)(b) and (3)(b) "a fee of \$15 per day" and substituting, in each case, "the prescribed fee";
- (b) by striking out paragraph (d) of subsection (4) and the word "and" preceding that paragraph and substituting the following:

(d) where—

- (i) the document, core, cutting or sample was furnished to the Minister at a time when a permit, lease or licence was not in force in respect of the block;

and

- (ii) the information in the document or the core, cutting or sample was collected for the purpose of the sale of information on a non-exclusive basis,

the relevant day is the day determined by the Minister, being a day not more than five years after the day on which the document, core, cutting or sample was furnished to the Minister;

and

(e) where—

- (i) the document, core, cutting or sample was furnished to the Minister at a time when a permit, lease or licence was not in force in respect of the block;

and

(ii) paragraph (d)(ii) does not apply,

the relevant day is the day determined by the Minister, being a day not more than two years after the day on which the document, core, cutting or sample was furnished to the Minister.;

- (c) by striking out from subsection (5)(c) and (d) "a fee of \$15 per day" and substituting, in each case, "the prescribed fee";
- (d) by striking out from subsection (5a)(b) "a fee of \$15 per day" and substituting "the prescribed fee";
- (e) by striking out from subsection (5a) "under subsection (1)";
- (f) by inserting after subsection (9) the following subsections:

(10) 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 the *Petroleum (Submerged Lands) Act Amendment Act 1987*.

(11) Subsection (3) applies to cores, cuttings and samples furnished to the Minister before or after the commencement of the *Petroleum (Submerged Lands) Act Amendment Act 1987*.

Repeal of s. 132

56. Section 132 of the principal Act is repealed.

Amendment of s. 133—Orders for forfeiture in respect of certain offences

57. Section 133 of the principal Act is amended by striking out from subsection (1) "by the Supreme Court".

Amendment of s. 137b—Interpretation

58. Section 137b of the principal Act is amended by striking out paragraph (a) of subsection (3).

Substitution of ss. 138, 138a, 139 and 140

59. Sections 138, 138a, 139 and 140 of the principal Act are repealed and the following section is substituted:

Fees

138. A person who is a permittee, lessee, licensee or pipeline licensee must pay to the Minister in respect of each year of the term of the permit, lease, licence or pipeline licence the fee prescribed in relation to the permit, lease, licence or pipeline licence.

Amendment of s. 141—Time for payment of fees

60. Section 141 of the principal Act is amended by striking out ", 138a, 139 or 140".

Insertion of ss. 148a, 148b

61. The following sections are inserted after section 148 of the principal Act:

Provisional payment of royalty

148a. (1) Where, in relation to petroleum recovered during a royalty period, the value of the petroleum has not been agreed or determined under section 146, the Minister may determine a provisional value.

(2) Where—

(a) a provisional value of any petroleum has been determined under subsection (1);

and

(b) the value of that petroleum has not yet been agreed or determined under section 146,

this Act operates in relation to that petroleum as if—

(c) the provisional value of the petroleum were its value;

and

(d) the determination of the provisional value were an agreement or determination under section 146.

Adjustment of payments of royalty

148b. (1) This section applies—

(a) where section 148a(2) has operated in relation to petroleum recovered during a royalty period and a value of the petroleum different to the provisional value is subsequently agreed or determined under section 146;

or

(b) where an error has been made in the calculation of royalty due or in the application of a procedure by the application of which the value of the petroleum has been ascertained.

(2) Where this section applies—

(a) if the determined royalty is greater than the provisional royalty, the difference is payable within 28 days;

and

(b) if the determined royalty is less than the provisional royalty, the difference is deducted from any amount subsequently payable by the lessee, permittee or licensee concerned.

(3) In this section—

“determined royalty” means—

(a) where subsection (1)(a) applies, the amount of royalty payable in relation to the petroleum on the basis of the value ascertained under section 146;

and

(b) where subsection (1)(b) applies, the amount of royalty payable in relation to the petroleum;

“provisional royalty” means—

(a) where subsection (1)(a) applies, the amount of royalty payable in relation to the petroleum on the basis of the provisional value;

and

(b) where subsection (1)(b) applies, the amount of royalty demanded in relation to the petroleum as a result of the erroneous calculation.

Amendment of s. 151—Regulations

62. Section 151 of the principal Act is amended by inserting in subsection (2) “prescribe and provide for the payment and recovery of fees (and provide for the waiver or refund of fees or parts of fees in specified circumstances) and may, in addition,” after “the regulations may”.

Insertion of sixth schedule

63. The following schedule is inserted after the fifth schedule of the principal Act:

SIXTH SCHEDULE

*Petroleum (Submerged Lands) (Miscellaneous)
Amendment Act 1994: Transitional Provisions*

Interpretation

1. In this schedule—

“the amending Act” means the *Petroleum (Submerged Lands) (Miscellaneous) Amendment Act 1994*.

Application of ss. 35 and 36**2. (1) Where—**

(a) a nomination was made under section 35 as in force immediately before the commencement of the amending Act;

and

(b) a declaration was not made under section 36 (as then in force) before the commencement of the amending Act as a result of the making of that nomination,

sections 35, 36 and 37 of this Act, as in force immediately before the commencement of the amending Act, continue to have effect in relation to that nomination and the block or blocks that would be affected by a declaration as if the amending Act had not been enacted.

(2) A declaration made under section 36 as continued in force by subclause (1) has effect, and this Act, as amended by the amending Act, applies to the declaration, as if the declaration had been made under section 36 as in force after the commencement of the amending Act.

(3) A declaration in force under section 36 as in force immediately before the commencement of the amending Act has effect after that commencement as if it were a declaration under section 36 as in force after the commencement of the amending Act.

(4) Where—

(a) a permittee under a permit granted before the commencement of the amending Act applies under section 39, as amended by the amending Act, for a licence;

(b) the location that includes the block or blocks to which the application relates was declared under section 36 as in force after the commencement of the amending Act;

(c) the location consists of not more than 8 blocks;

(d) the Minister notifies the applicant in writing that, in the Minister's 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 the amending 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 39(1) of this Act, as amended by the amending Act, applies as if the first-mentioned location were constituted by the number of blocks specified in the notification referred to in paragraph (d).

(5) Where—

(a) a lessee under a lease of a block or blocks for which a permit was granted before the commencement of the amending Act applies under section 39a, as amended by the amending Act, for a licence;

- (b) the location that includes the block or blocks to which the application relates was declared under section 36 as in force after the commencement of the amending Act;
- (c) the location consists of not more than 8 blocks;
- (d) the Minister notifies the applicant in writing that, in the Minister's 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 the amending 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 39a(1) of this Act, as amended by the amending Act, applies as if the lease were in respect of the number of blocks specified in the notification referred to in paragraph (d).

Application of s. 80(4)(b)

3. (1) Where, at the time that the first regulations made for the purposes of section 80(4)(b) as in force after the commencement of section 44 of the amending Act come into operation, 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 must give to the applicant written notice that the applicant is entitled to lodge an instrument for the purpose of section 80(4)(b) in relation to the application;
- (b) the applicant may lodge an instrument for the purpose of section 80(4)(b);
- (c) the application must 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 must lodge with the instrument two copies of the instrument.

(2) An instrument lodged under subclause (1) will be taken, for the purposes of section 80(13) as in force after the commencement of section 44 of the amending Act, to have accompanied the application when the application was lodged.

Discharge of security under s. 96a on provision of insurance

4. (1) Where—

- (a) a permit, lease, licence or pipeline licence was in force immediately before the commencement of the amending Act;
- (b) the Minister has, after the commencement of the amending Act, required the holder to maintain insurance under section 96a(1);

and

(c) the Minister is satisfied that the required insurance is in effect,

the Minister must issue a certificate that he or she is so satisfied.

(2) Where the Minister issues a certificate under subclause (1), any security in force in relation to the permit, lease, licence or pipeline licence, being a security that was required under this Act before the commencement of the amending Act, is discharged.

(3) The discharge of a security under subclause (2) has no effect on any liability arising under or in relation to the security before its discharge.

Application of ss. 148a and 148b

5. (1) Subject to subclause (2), sections 148a and 148b apply in relation to petroleum recovered during a royalty period commencing on or after the date of commencement of those sections.

(2) Sections 148a and 148b apply in relation to petroleum recovered during a royalty period that commenced before the commencement of those sections if, at the commencement of those sections, the value of the petroleum had not been agreed or determined under section 146.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

BASIL S. HETZEL, Governor's Deputy