

# Petroleum and Energy Legislation Amendment Bill 2009

---

## CONTENTS

---

### **Part 1 — Preliminary**

1.	Short title	2
2.	Commencement	2

### **Part 2 — *Petroleum and Geothermal Energy Resources Act 1967* amended**

3.	Act amended	3
4.	Section 5 amended	3
5.	Section 6A inserted	4
	6A. Effect of alteration of inshore area	4
6.	Section 31 amended	5
7.	Section 32A inserted	5
	32A. More than one permit application for same block or blocks	5
8.	Section 32 amended	7
9.	Sections 33A, 33B and 33C inserted	7
	33A. Withdrawal of application	7
	33B. Application continued after withdrawal of joint applicant	7
	33C. Effect of withdrawal or lapse of section 30 application	8
10.	Section 33 amended	9
11.	Section 34 amended	9
12.	Section 35 amended	9
13.	Section 36 amended	9
14.	Section 37 amended	10
15.	Section 39 amended	10
16.	Section 40 amended	11

Contents

---

17.	Section 41 amended	11
18.	Section 42A inserted	13
	42A. Certain permits cannot be renewed more than twice	13
19.	Section 43B amended	13
20.	Section 43CA inserted	14
	43CA. More than one drilling reservation application for same block or blocks	14
21.	Sections 43DA, 43DB and 43DC inserted	15
	43DA. Withdrawal of application	15
	43DB. Application continued after withdrawal of joint applicant	15
	43DC. Effect of withdrawal or lapse of section 43A application	16
22.	Section 44 amended	17
23.	Section 45 deleted	17
24.	Section 47 amended	17
25.	Section 48A amended	18
26.	Section 48B amended	18
27.	Section 48BA amended	20
28.	Sections 48CA, 48CB and 48CC inserted	20
	48CA. Application by licensee for lease	20
	48CB. Grant or refusal of lease in relation to application by licensee	23
	48CC. Application of sections 48CA and 48CB if licence is transferred	25
29.	Section 48F amended	26
30.	Section 48J replaced	26
	48J. Discovery of petroleum or geothermal energy resources to be notified	26
31.	Section 51 amended	26
32.	Section 52 amended	26
33.	Section 53 amended	27
34.	Section 54 amended	29
35.	Section 55 amended	29
36.	Section 57 amended	29
37.	Section 58 amended	29
38.	Section 59 amended	29
39.	Section 60 amended	30
40.	Section 61 amended	30
41.	Section 63 amended	30
42.	Section 64A inserted	31
	64A. Termination of licence if no operations for 5 years	31

43.	Section 64 amended	32
44.	Section 65 amended	32
45.	Section 70 amended	33
46.	Section 94 deleted	33
47.	Sections 103 and 104 deleted	33
48.	Section 105 amended	33
49.	Section 106 amended	33
50.	Section 109 amended	34
51.	Section 112 deleted	35
52.	Section 114 deleted	35
53.	Section 116A inserted	35
	116A. Data management: regulations	35
54.	Section 117 amended	36
55.	Section 128 amended	36
56.	Section 134A amended	37
57.	Part IVA inserted	38
	<b>Part IVA — Release of information</b>	
	<b>Division 1 — Preliminary</b>	
	150A. Terms used	38
	<b>Division 2 — Protection of confidentiality of information and samples</b>	
	<b>Subdivision 1 — Information and samples obtained by the Minister</b>	
	150B. Protection of confidentiality of information obtained by the Minister	39
	150C. Protection of confidentiality of samples obtained by the Minister	39
	150D. Information or samples obtained by Minister can be made available to certain persons	40
	<b>Subdivision 2 — Information and samples obtained by another Minister</b>	
	150E. Protection of confidentiality of information obtained by another Minister	40
	150F. Protection of confidentiality of samples obtained by another Minister	41
	150G. Information or samples obtained by another Minister can be made available to certain persons	41
	<b>Subdivision 3 — Miscellaneous</b>	
	150H. Fees	42
58.	Section 153 amended	42
59.	Section 154 inserted	43

Contents

---

154.	Further transitional provisions	43
60.	Schedule 1 amended	44
61.	Schedule 2 inserted	46
<b>Schedule 2 — Further transitional provisions</b>		
<b>Division 1 — Provisions for <i>Petroleum and Energy Legislation Amendment Act 2009</i></b>		
1.	Terms used	46
2.	Section 41(5) (permit renewals)	46
3.	Section 112 (release of information)	46
62.	Various penalties amended	47
<b>Part 3 — <i>Petroleum (Submerged Lands) Act 1982</i> amended</b>		
63.	Act amended	51
64.	Section 3 amended	51
65.	Section 4 amended	51
66.	Section 5 amended	53
67.	Sections 6A and 6B inserted	54
	6A. Effect of alteration of adjacent area	54
	6B. Infrastructure facilities	56
68.	Section 6 amended	57
69.	Part II heading amended	57
70.	Section 11 replaced	58
	11. Terms used	58
71.	Section 12 amended	58
72.	Section 13 amended	59
73.	Section 14 amended	59
74.	Section 15 amended	59
75.	Section 18 amended	60
76.	Section 21 amended	60
77.	Section 22A inserted	60
	22A. Competing applications for a block	60
78.	Sections 23A, 23B and 23C inserted	62
	23A. Withdrawal of application	62
	23B. Application continued after withdrawal of joint applicant	62
	23C. Effect of withdrawal or lapse of application	63
79.	Section 23 amended	63
80.	Section 24 amended	64
81.	Section 25 amended	64
82.	Section 26 amended	64
83.	Section 27 amended	64

84.	Section 29 amended	65
85.	Section 30 amended	66
86.	Section 31 amended	66
87.	Section 32A inserted	67
	32A. Certain permits cannot be renewed more than twice	67
88.	Section 34 replaced	68
	34. Discovery of petroleum to be notified	68
89.	Section 35 deleted	68
90.	Section 37 amended	69
91.	Section 38A amended	69
92.	Section 38B amended	69
93.	Sections 38CA, 38CB and 38CC inserted	70
	38CA. Application by licensee for lease	70
	38CB. Grant or refusal of lease in relation to application by licensee	72
	38CC. Application of sections 38CA and 38CB if licence is transferred	74
94.	Section 38F amended	74
95.	Section 38J replaced	74
	38J. Discovery of petroleum to be notified	74
96.	Section 38K deleted	75
97.	Section 41 amended	75
98.	Section 43 amended	75
99.	Section 44 amended	76
100.	Section 44A amended	77
101.	Section 45 amended	78
102.	Section 47 amended	78
103.	Section 48 amended	78
104.	Section 49 amended	78
105.	Section 50 amended	79
106.	Section 51 amended	79
107.	Section 53 amended	79
108.	Section 54A inserted	80
	54A. Termination of licence if no operations for 5 years	80
109.	Section 54 amended	81
110.	Section 55 amended	81
111.	Section 59 amended	81
112.	Part III Division 4A inserted	82
	<b>Division 4A — Infrastructure licences</b>	
	60A. Construction etc. of infrastructure facilities	82
	60B. Application for infrastructure licence	82

Contents

---

60C.	Notification as to grant of infrastructure licence	83
60D.	Notices to be given by Minister	83
60E.	Grant of infrastructure licence	85
60F.	Rights conferred by infrastructure licence	86
60G.	Term of infrastructure licence	86
60H.	Termination of infrastructure licence if no operations for 5 years	86
60I.	Conditions of infrastructure licence	87
60J.	Variation of infrastructure licence	87
113.	Sections 59A and 59B replaced	90
	60K. Term used: adjacent area	90
114.	Section 60 amended	90
115.	Section 61 amended	91
116.	Section 62 amended	91
117.	Section 64 amended	92
118.	Section 65 amended	92
119.	Section 67 amended	92
120.	Section 68 replaced	93
	68. Termination of pipeline licence if no operations for 5 years	93
121.	Section 69 deleted	94
122.	Section 70 amended	94
123.	Section 71 amended	94
124.	Section 72 amended	94
125.	Section 74J amended	94
126.	Section 76 amended	94
127.	Section 81A amended	95
128.	Section 93 amended	95
129.	Section 94 replaced	95
	94. Notice of grants of permits etc. to be published	95
130.	Section 95 amended	96
131.	Section 96 amended	97
132.	Section 97 amended	97
133.	Section 97A amended	98
134.	Section 98 amended	99
135.	Section 100 deleted	99
136.	Section 101 amended	99
137.	Section 102 amended	100
138.	Section 103 amended	100
139.	Section 104 amended	102
140.	Section 105 amended	102

---

141.	Section 106 replaced	104
	106. Cancellation of permit etc. not affected by other provisions	104
142.	Section 107 amended	105
143.	Section 108 replaced	107
	108. Removal of property etc. by Minister	107
144.	Sections 109 and 110 deleted	108
145.	Section 111 amended	109
146.	Section 112 amended	109
147.	Section 113 amended	109
148.	Section 115 amended	110
149.	Section 118 deleted	110
150.	Section 121 deleted	110
151.	Section 122 amended	111
152.	Section 123A inserted	111
	123A. Data management: regulations	111
153.	Section 124 amended	112
154.	Section 124A amended	112
155.	Section 125 amended	112
156.	Section 126 amended	113
157.	Section 134 amended	113
158.	Section 138A amended	113
159.	Section 141A inserted	114
	141A. Infrastructure licence fees	114
160.	Section 142 amended	114
161.	Section 150 amended	114
162.	Section 151 amended	114
163.	Part IVA inserted	115
	<b>Part IVA — Release of information</b>	
	<b>Division 1 — Preliminary</b>	
	152A. Terms used	115
	<b>Division 2 — Protection of confidentiality of information and samples</b>	
	<b>Subdivision 1 — Information and samples obtained by the Minister</b>	
	152B. Protection of confidentiality of information obtained by the Minister	116
	152C. Protection of confidentiality of samples obtained by the Minister	116
	152D. Information or samples obtained by Minister can be made available to certain persons	117

	<b>Subdivision 2 — Information and samples obtained by another Minister</b>	
	152E. Protection of confidentiality of information obtained by another Minister	117
	152F. Protection of confidentiality of samples obtained by another Minister	118
	152G. Information or samples obtained by another Minister can be made available to certain persons	118
	<b>Subdivision 3 — Miscellaneous</b>	
	152H. Fees	119
164.	Part IV heading amended	119
165.	Section 152 amended	119
166.	Section 153 inserted	121
	153. Transitional provisions	121
167.	Schedule 1 deleted	122
168.	Schedule 2 replaced	122
	<b>Schedule 2 — Scheduled area for Western Australia</b>	
169.	Schedules 3 and 4 replaced	128
	<b>Schedule 3 — Transitional provisions</b>	
	<b>Division 1 — Provisions for <i>Petroleum and Energy Legislation Amendment Act 2009</i></b>	
	1. Term used: amending Act	128
	2. Section 31 (permit renewals)	128
	3. Section 70 (conditions of pipeline licence)	129
	4. Section 118 (release of information)	129
	5. Section 3 and Schedules 3 and 4 (former transitional provisions)	130
170.	Schedule 5 amended	130
171.	Various penalties amended	131
	<b>Part 4 — <i>Petroleum Pipelines Act 1969</i> amended</b>	
172.	Act amended	133
173.	Section 4 amended	133
174.	Section 8 amended	133
175.	Section 11 deleted	133
176.	Section 14 replaced	134
	14. Term of licence	134
	15A. Termination of pipeline licence if no operations for 5 years	134
177.	Section 15 amended	135
178.	Section 47A deleted	135



179.	Section 61 replaced	136
	61. Power of Minister to delegate	136
180.	Section 67 amended	136
181.	Schedule 1 amended	137
182.	Various penalties amended	138

**Part 5 — Other Acts amended**

183.	<i>Crimes at Sea Act 2000</i> amended	141
184.	<i>National Gas Access (WA) Act 2009</i> amended	143
185.	<i>Petroleum (Submerged Lands) Registration Fees Act 1982</i> amended	143
186.	<i>Workers' Compensation and Injury Management Act 1981</i> amended	143



Western Australia

LEGISLATIVE COUNCIL

*(As amended during consideration in detail)*

**Petroleum and Energy Legislation Amendment  
Bill 2009**

**A Bill for**

**An Act to amend —**

- **the *Petroleum and Geothermal Energy Resources Act 1967*; and**
  - **the *Petroleum (Submerged Lands) Act 1982*; and**
  - **the *Petroleum Pipelines Act 1969*,**
- and other Acts to reflect relevant legislation of the Parliament of the Commonwealth and for other purposes.**

The Parliament of Western Australia enacts as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

**Part 1 — Preliminary**

**1. Short title**

This is the *Petroleum and Energy Legislation Amendment Act 2009*.

**2. Commencement**

This Act comes into operation as follows —

- (a) Part 1 comes into operation on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act comes into operation on a day fixed by proclamation, and different days may be fixed for different provisions.

1     **Part 2 — Petroleum and Geothermal Energy Resources**  
2                                     **Act 1967 amended**

3     **3. Act amended**

4             This Part amends the *Petroleum and Geothermal Energy*  
5             *Resources Act 1967*.

6     **4. Section 5 amended**

7         (1) In section 5(1) insert in alphabetical order:

8

9                             *Barrow Island lease* has the meaning given in  
10                            section 128;

11

12         (2) In section 5(1) in the definition of *listed OSH law* after each of  
13             paragraphs (a), (b) and (c) insert:

14

15             or

16

17         (3) In section 5(1) in the definition of *operator*:

18             (a) after paragraph (d)(i) insert:

19

20             or

21

22             (b) in paragraph (e) delete “lease, as defined in section 128,  
23             means the lessee, as defined in that section;” and insert:

24

25                             lease as renewed, substituted or varied, means  
26                             the lessee as defined in section 128;

27

**s. 5**

---

- 1 (4) In section 5(1) in the definition of *petroleum*:  
2 (a) after paragraph (a) insert:  
3  
4 or  
5  
6 (b) in paragraph (c) delete “hydrogen-sulphide,” and insert:  
7  
8 hydrogen sulphide,  
9
- 10 (5) In section 5(1) in the definition of *petroleum operation*  
11 paragraph (d) delete “lease, as defined in section 128;” and  
12 insert:  
13  
14 lease as renewed, substituted or varied;  
15
- 16 **5. Section 6A inserted**  
17 At the end of Part 1 insert:  
18
- 19 **6A. Effect of alteration of inshore area**  
20 (1) In this section —  
21 *inshore area* means the area that comes within  
22 paragraph (h) of the definition of *Crown land* in  
23 section 5(1).  
24 (2) This section applies to a change to the boundary of the  
25 inshore area whether occurring before, on or after the  
26 day on which the *Petroleum and Energy Legislation*  
27 *Amendment Act 2009* section 5 comes into operation.

- 1           (3) If —
- 2               (a) a permit, lease or licence has been granted on
- 3               the basis that an area (the *affected area*) is
- 4               within the inshore area; and
- 5               (b) as a result of a change to boundary of the
- 6               inshore area, the affected area ceases to be
- 7               within the inshore area,
- 8               this Act applies in relation to the permit, lease or
- 9               licence as if the affected area were still within the
- 10              inshore area.
- 11           (4) Subsection (3) continues to apply in relation to the
- 12              affected area only while the permit, lease or licence
- 13              remains in force.
- 14

15 **6. Section 31 amended**

16 Delete section 31(1)(a) and “and” after it.

17 **7. Section 32A inserted**

18 After section 31 insert:

19

20 **32A. More than one permit application for same block**

21 **or blocks**

- 22           (1) This section applies if —
- 23               (a) 2 or more applications are made under
- 24               section 30 for the grant of a petroleum
- 25               exploration permit for the same block or
- 26               blocks; or
- 27               (b) 2 or more applications are made under
- 28               section 30 for the grant of a geothermal
- 29               exploration permit for the same block or
- 30               blocks.

**s. 7**

---

- 1 (2) The Minister may grant the permit to whichever  
2 applicant, in the Minister's opinion, is most deserving  
3 of the grant of the permit, having regard to criteria  
4 made publicly available by the Minister.
- 5 (3) For the purposes of subsection (2), the Minister may  
6 rank the applicants in the order in which they are  
7 deserving of the grant, the most deserving applicant  
8 being ranked highest.
- 9 (4) The Minister may exclude from the ranking any  
10 applicant that, in the Minister's opinion, is not  
11 deserving of the grant of the permit.
- 12 (5) If the Minister is of the opinion that, after considering  
13 the information accompanying the applications, 2 or  
14 more of the applicants are equally deserving of the  
15 grant of the permit, the Minister may, by written notice  
16 served on each of those applicants, invite them to give  
17 to the Minister, within the period stated in the notice,  
18 particulars of the applicant's proposals for additional  
19 work and expenditure in respect of the block or blocks  
20 specified in the application, being particulars that the  
21 Minister considers to be relevant in determining which  
22 of the applicants is most deserving of the grant of the  
23 permit.
- 24 (6) If any particulars are given by applicants to the  
25 Minister in accordance with the invitations contained in  
26 the notices served under subsection (5), the Minister  
27 shall have regard to the particulars in determining  
28 which of the applicants is most deserving of the grant  
29 of the permit.  
30



1   **8.       Section 32 amended**

2       (1) Before section 32(1) insert:

3

4           (1A) In sections 32, 33A and 33B —

5                   *permit application* means an application for the grant  
6                   of a permit made under section 30 or 105(3)(a)(ii).

7

8       (2) In section 32(1) delete “an application has been made under  
9       section 30 or 105(3)(a)(ii),” and insert:

10

11           a permit application has been made,

12

13   **9.       Sections 33A, 33B and 33C inserted**

14       After section 32 insert:

15

16       **33A.     Withdrawal of application**

17           The person who has made, or all the persons who have  
18           jointly made, a permit application may, by written  
19           notice served on the Minister, withdraw the application  
20           at any time before the permit is granted.

21       **33B.     Application continued after withdrawal of joint**  
22       **applicant**

23           If —

24           (a) a permit application was a joint application; and

25           (b) all of the joint applicants, by written notice  
26           served on the Minister, inform the Minister that  
27           one or more, but not all, of them, as specified in  
28           the notice, withdraw from the application,

**s. 9**

---

- 1 the following paragraphs have effect —
- 2 (c) the application continues in force as if it had  
3 been made by the remaining applicant or  
4 applicants;
- 5 (d) if the Minister had informed the joint applicants  
6 to the effect that the Minister was prepared to  
7 grant to the applicants a permit in respect of the  
8 block or blocks to which the application relates,  
9 the Minister is taken not to have informed the  
10 applicants to that effect.

11 **33C. Effect of withdrawal or lapse of section 30**  
12 **application**

- 13 If —
- 14 (a) 2 or more applications have been made under  
15 section 30 for the grant of a permit in respect of  
16 the same block or blocks; and
- 17 (b) one or more, but not all, of the applications are  
18 withdrawn or have lapsed,

- 19 the following paragraphs have effect —
- 20 (c) the withdrawn or lapsed applications are taken  
21 not to have been made;
- 22 (d) if the Minister had informed the applicant or  
23 one of the applicants whose application had  
24 been withdrawn or had lapsed to the effect that  
25 the Minister was prepared to grant to that  
26 applicant a permit in respect of the block or  
27 blocks to which the application related — the  
28 Minister is taken not to have informed the  
29 applicant or applicants to that effect;
- 30 (e) if the applicant or one of the applicants whose  
31 application had been withdrawn had requested  
32 the Minister under section 32(3) to grant a

1                                    permit to the applicant concerned — the request  
2                                    is taken not to have been made;  
3                                    (f) if the Minister had refused to grant a permit to  
4                                    the remaining applicant or to any of the  
5                                    remaining applicants — the refusal or refusals  
6                                    are taken not to have occurred.  
7

8    **10.    Section 33 amended**

9                                    Delete section 33(4)(a).

10   **11.    Section 34 amended**

11                                    In section 34(3) delete “shall not, unless the Minister otherwise  
12                                    determines,” and insert:

13  
14                                    shall not  
15

16   **12.    Section 35 amended**

17                                    In section 35(5)(b)(ii) delete “applicant or enter into an  
18                                    agreement under section 103 in respect of that balance.” and  
19                                    insert:

20  
21                                    applicant.  
22

23   **13.    Section 36 amended**

24                                    (1) In section 36(1)(b) delete “him or enter into an agreement under  
25                                    section 103 in respect of that balance.” and insert:

26  
27                                    the applicant.  
28

**s. 14**

---

1 (2) In section 36(2)(b) delete “him or entered into an agreement  
2 under section 103 in respect of that balance,” and insert:

3

4 the applicant,

5

6 **14. Section 37 amended**

7 In section 37(b) delete “him or has entered into an agreement  
8 under section 103 in respect of that balance,” and insert:

9

10 the applicant,

11

12 **15. Section 39 amended**

13 (1) In section 39 delete “Subject” and insert:

14

15 (1) Subject

16

17 (2) At the end of section 39 insert:

18

19 (2) If —

20 (a) a permit in respect of a block or blocks cannot  
21 be renewed or further renewed; and

22 (b) before the time when the permit would, apart  
23 from this subsection, expire, the permittee has  
24 duly made an application to the Minister for the  
25 grant of a lease or licence in respect of the  
26 block, or one or more of the blocks, being a  
27 block or blocks that are included in a location,

28 the permit continues in force in respect of the block or  
29 blocks to which the application relates until —

30 (c) if the Minister tells the permittee that the  
31 Minister is prepared to grant to the permittee a

- 1                    lease or licence in respect of the block, or one  
2                    or more of the blocks — such a lease or licence  
3                    is granted, the permittee withdraws the  
4                    application or the application lapses; or  
5                    (d) if the Minister decides not to grant to the  
6                    permittee such a lease — the end of the period  
7                    of one year after the day of the service under  
8                    section 48B(2) or (3A) of the instrument or  
9                    notice refusing to grant the lease; or  
10                   (e) if the Minister decides not to grant the  
11                   permittee such a licence — notice of the  
12                   decision is served on the permittee.  
13

14    **16.    Section 40 amended**

- 15        (1) In section 40(1) delete “section 41,” and insert:  
16  
17                    sections 41 and 42A,  
18  
19        (2) Delete section 40(2)(a).

20    **17.    Section 41 amended**

- 21        (1) In section 41(1) delete “subsection (2a),” and insert:  
22  
23                    subsections (3), (4) and (5),  
24  
25        (2) Delete section 41(2a) to (6) and insert:  
26  
27                    (3) An application for the renewal of a permit may include,  
28                    in addition to the blocks referred to in subsection (1), a  
29                    block that is, or is included in, a location and in respect  
30                    of which the permit is in force, or 2 or more such  
31                    blocks.

**s. 17**

---

- 1 (4) If a permit is in force in respect of 5 or 6 blocks, an  
2 application may be made for the renewal of the permit  
3 in respect of one, 2, 3 or 4 of those blocks.
- 4 (5) Subject to subsection (6) —
- 5 (a) if a permit is in force in respect of 4 blocks, an  
6 application may be made for the renewal of the  
7 permit in respect of one, 2, 3 or all of those  
8 blocks;
- 9 (b) if a permit is in force in respect of 3 blocks, an  
10 application may be made for the renewal of the  
11 permit in respect of one, 2 or all of those  
12 blocks;
- 13 (c) if a permit is in force in respect of 2 blocks, an  
14 application may be made for the renewal of the  
15 permit in respect of either or both of those  
16 blocks;
- 17 (d) an application may be made for the renewal of  
18 a permit that is in force in respect of one block.
- 19 (6) Despite sections 40(1) and 42, if a permit has been  
20 renewed as a result of an application referred to in  
21 subsection (5) —
- 22 (a) the permittee is not entitled to apply for a  
23 further renewal of the permit; and
- 24 (b) the Minister cannot grant a further renewal of  
25 the permit.  
26

1 **18. Section 42A inserted**

2 After section 41 insert:

3

4 **42A. Certain permits cannot be renewed more than twice**

5 (1) This section applies to a permit if —

6 (a) the permit was granted under section 32 —

7 (i) on or after the day of the coming into  
8 operation of the *Petroleum and Energy*  
9 *Legislation Amendment Act 2009*  
10 section 18 (the *commencement day*);  
11 and

12 (ii) as a result of an application made in  
13 response to an invitation in an  
14 instrument that was published under  
15 section 30(1) on or after the  
16 commencement day;

17 or

18 (b) the permit was granted under section 37 on or  
19 after the commencement day.

20 (2) Despite sections 40(1) and 42, if a permit to which this  
21 section applies has been renewed twice —

22 (a) the permittee is not entitled to apply for a  
23 further renewal of the permit; and

24 (b) the Minister cannot grant a further renewal of  
25 the permit.  
26

27 **19. Section 43B amended**

28 Delete section 43B(1)(a) and “and” after it.

**s. 20**

---

1 **20. Section 43CA inserted**

2 After section 43B insert:

3

4 **43CA. More than one drilling reservation application for**  
5 **same block or blocks**

6 (1) This section applies if —

7 (a) 2 or more applications are made under  
8 section 43A for the grant of a petroleum  
9 drilling reservation for the same block or  
10 blocks; or

11 (b) 2 or more applications are made under  
12 section 43A for the grant of a geothermal  
13 drilling reservation for the same block or  
14 blocks.

15 (2) The Minister may grant the drilling reservation to  
16 whichever applicant, in the Minister's opinion, is most  
17 deserving of the grant of the drilling reservation,  
18 having regard to criteria made publicly available by the  
19 Minister.

20 (3) For the purposes of subsection (2), the Minister may  
21 rank the applicants in the order in which they are  
22 deserving of the grant, the most deserving applicant  
23 being ranked highest.

24 (4) The Minister may exclude from the ranking any  
25 applicant that, in the Minister's opinion, is not  
26 deserving of the grant of the drilling reservation.

27 (5) If the Minister is of the opinion that, after considering  
28 the information accompanying the applications, 2 or  
29 more of the applicants are equally deserving of the  
30 grant of the drilling reservation, the Minister may, by  
31 written notice served on each of those applicants, invite  
32 them to give to the Minister, within the period stated in



- 1           the notice, particulars of the applicant's proposals for  
2           additional work and expenditure in respect of the block  
3           or blocks specified in the application, being particulars  
4           that the Minister considers to be relevant in  
5           determining which of the applicants is most deserving  
6           of the grant of the drilling reservation.
- 7           (6) If any particulars are given by applicants to the  
8           Minister in accordance with the invitations contained in  
9           the notices served under subsection (5), the Minister  
10          shall have regard to the particulars in determining  
11          which of the applicants is most deserving of the grant  
12          of the drilling reservation.

14   **21.       Sections 43DA, 43DB and 43DC inserted**

15           After section 43C insert:

17   **43DA.   Withdrawal of application**

- 18           (1) In this section and section 43DB —  
19           *drilling reservation application* means an application  
20           for the grant of a drilling reservation made under  
21           section 43A or 105(3)(a)(ii).
- 22           (2) The person who has made, or all the persons who have  
23           jointly made, a drilling reservation application may, by  
24           written notice served on the Minister, withdraw the  
25           application at any time before the drilling reservation is  
26           granted.

27   **43DB.   Application continued after withdrawal of joint**  
28           **applicant**

- 29           If —  
30           (a) a drilling reservation application was a joint  
31           application; and

**s. 21**

---

- 1 (b) all of the joint applicants, by written notice  
2 served on the Minister, inform the Minister that  
3 one or more, but not all, of them, as specified in  
4 the notice, withdraw from the application,  
5  
6 the following paragraphs have effect —  
7 (c) the application continues in force as if it had  
8 been made by the remaining applicant or  
9 applicants;  
10 (d) if the Minister had informed the joint applicants  
11 to the effect that the Minister was prepared to  
12 grant to the applicants a drilling reservation in  
13 respect of the block or blocks to which the  
14 application relates, the Minister is taken not to  
have informed the applicants to that effect.

15 **43DC. Effect of withdrawal or lapse of section 43A**  
16 **application**

- 17 If —  
18 (a) 2 or more applications have been made under  
19 section 43A for the grant of a drilling  
20 reservation in respect of the same block or  
21 blocks; and  
22 (b) one or more, but not all, of the applications are  
23 withdrawn or have lapsed,  
24 the following paragraphs have effect —  
25 (c) the withdrawn or lapsed applications are taken  
26 not to have been made;  
27 (d) if the Minister had informed the applicant or  
28 one of the applicants whose application had  
29 been withdrawn or had lapsed to the effect that  
30 the Minister was prepared to grant to that  
31 applicant a drilling reservation in respect of the  
32 block or blocks to which the application  
33 related — the Minister is taken not to have

- 1 informed the applicant or applicants to that  
2 effect;
- 3 (e) if the applicant or one of the applicants whose  
4 application had been withdrawn had requested  
5 the Minister under section 43C(3) to grant a  
6 drilling reservation to the applicant  
7 concerned — the request is taken not to have  
8 been made;
- 9 (f) if the Minister had refused to grant a drilling  
10 reservation to the remaining applicant or to any  
11 of the remaining applicants — the refusal or  
12 refusals are taken not to have occurred.  
13

14 **22. Section 44 amended**

- 15 (1) Delete section 44(2), (2a) and (3).  
16 (2) In section 44 delete the Penalty and insert:

17  
18 

Penalty for an offence under subsection (1), (1a) or  
19 (1b): a fine of \$10 000.

  
20

21 **23. Section 45 deleted**

22 Delete section 45.

23 **24. Section 47 amended**

24 After section 47(6) insert:

- 25  
26 (7) The Minister may form an opinion for the purposes of  
27 this section if the Minister considers that there are  
28 reasonable grounds for forming the opinion having  
29 regard to any information in the Minister's possession,  
30 whether provided by the permittee or otherwise.  
31

**s. 25**

---

1 **25. Section 48A amended**

2 Delete section 48A(2)(a).

3 **26. Section 48B amended**

4 (1) Delete section 48B(1) and insert:

5

6 (1) If —

7 (a) an application has been made under  
8 section 48A(1); and

9 (b) the applicant has furnished any further  
10 information as and when required by the  
11 Minister under section 48A(3); and

12 (c) the Minister is satisfied that —

13 (i) the area comprised in the block, or any  
14 one or more of the blocks, specified in  
15 the application contains petroleum; and

16 (ii) the recovery of petroleum from that area  
17 is not, at the time of the application,  
18 commercially viable, but is likely to  
19 become commercially viable within the  
20 period of 15 years after that time,

21 the Minister shall, by written notice served on the  
22 applicant, inform the applicant that the Minister is  
23 prepared to grant to the applicant a petroleum retention  
24 lease in respect of the block or blocks as to which the  
25 Minister is satisfied as mentioned in paragraph (c).

26 (2A) If —

27 (a) an application has been made under  
28 section 48A(1a); and

29 (b) the applicant has furnished any further  
30 information as and when required by the  
31 Minister under section 48A(3); and

- 1                   (c) the Minister is satisfied that —
- 2                           (i) the area comprised in the block, or any
- 3                                   one or more of the blocks, specified in
- 4                                   the application contains geothermal
- 5                                   energy resources; and
- 6                           (ii) the recovery of geothermal energy from
- 7                                   that area is not, at the time of the
- 8                                   application, commercially viable, but is
- 9                                   likely to become commercially viable
- 10                                  within the period of 15 years after that
- 11                                  time,

12                   the Minister shall, by written notice served on the

13                   applicant, inform the applicant that the Minister is

14                   prepared to grant to the applicant a geothermal

15                   retention lease in respect of the block or blocks as to

16                   which the Minister is satisfied as mentioned in

17                   paragraph (c).

18

- 19           (2) In section 48B(2)(b) delete “(1)(c) in relation to the blocks” and
- 20           insert:
- 21

22                           (1)(c) or (2A)(c), whichever is applicable, in

23                           relation to the block, or all the blocks,

24

- 25           (3) After section 48B(2) insert:
- 26

27                   (3A) If —

- 28                           (a) an application has been made under
- 29                                   section 48A specifying 2 or more blocks; and
- 30                           (b) the Minister is not satisfied as mentioned in
- 31                                   subsection (1)(c) or (2A)(c), whichever is

**s. 27**

---

1 applicable, in relation to one or more, but not  
2 all, of the blocks,

3 the Minister shall, by notice in writing served on the  
4 applicant, refuse to grant a lease to the applicant in  
5 respect of the block or blocks as to which the Minister  
6 is not satisfied as mentioned in subsection (1)(c)  
7 or (2A)(c).  
8

9 (4) In section 48B(3), (4), (5) and (6) after “subsection (1)” insert:  
10

11 or (2A)  
12

13 **27. Section 48BA amended**

14 In section 48BA:

15 (a) in paragraph (a) delete “48A(1)” and insert:

16

17 48A  
18

19 (b) in paragraph (b) delete “48B(1) or (2)” and insert:

20

21 48B(1), (2A), (2) or (3A)  
22

23 **28. Sections 48CA, 48CB and 48CC inserted**

24 After section 48BA insert:  
25

26 **48CA. Application by licensee for lease**

27 (1) If —

28 (a) a petroleum production licence is in force under  
29 section 63(1)(c) or (2) in respect of a block or  
30 blocks; and

- 1                   (b) no operations for the recovery of petroleum are  
2                   being carried on under the licence in respect of  
3                   an area (the *unused area*) —  
4                   (i) that consists of, or consists of part of,  
5                   the block or blocks; and  
6                   (ii) in which petroleum has been found to  
7                   exist,

8                   the licensee may, within the application period, apply  
9                   to the Minister for the grant of a petroleum retention  
10                  lease in respect of the unused area.

11                  (2) If —

- 12                   (a) a geothermal production licence is in force  
13                   under section 63(1)(c) or (2) in respect of a  
14                   block or blocks; and  
15                   (b) no operations for the recovery of geothermal  
16                   energy are being carried on under the licence in  
17                   respect of an area (the *unused area*) —  
18                   (i) that consists of, or consists of part of,  
19                   the block or blocks; and  
20                   (ii) in which geothermal energy resources  
21                   have been found to exist,

22                  the licensee may, within the application period, apply  
23                  to the Minister for the grant of a geothermal retention  
24                  lease in respect of the unused area.

25                  (3) An application under this section —

- 26                   (a) is to be made in an approved manner; and  
27                   (b) is to be accompanied by particulars of the  
28                   proposals of the applicant for work and  
29                   expenditure in respect of the unused area; and  
30                   (c) may set out any other matters that the applicant  
31                   wishes to be considered; and  
32                   (d) is to be accompanied by the prescribed fee.

**s. 28**

---

- 1 (4) An application under subsection (1) is also to be  
2 accompanied by particulars of the commercial viability  
3 of the recovery of petroleum from the unused area at  
4 the time of the application, and particulars of the  
5 possible future commercial viability of the recovery of  
6 petroleum from that area.
- 7 (5) An application under subsection (2) is also to be  
8 accompanied by particulars of the commercial viability  
9 of the recovery of geothermal energy from the unused  
10 area at the time of the application, and particulars of  
11 the possible future commercial viability of the recovery  
12 of geothermal energy from that area.
- 13 (6) The Minister may, at any time, by written notice served  
14 on the applicant, require the applicant to give, within  
15 the period stated in the notice, further written  
16 information in connection with an application under  
17 this section.
- 18 (7) The application period in respect of an application  
19 under subsection (1) by a licensee is the period of  
20 5 years that began on —  
21 (a) the day on which the licence was granted; or  
22 (b) if any operations for the recovery of petroleum  
23 have been carried on under the licence in  
24 respect of the unused area — the last day on  
25 which any such operations were carried on.
- 26 (8) The application period in respect of an application  
27 under subsection (2) by a licensee is the period of  
28 5 years that began on —  
29 (a) the day on which the licence was granted; or  
30 (b) if any operations for the recovery of geothermal  
31 energy have been carried on under the licence  
32 in respect of the unused area — the last day on  
33 which any such operations were carried on.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**48CB. Grant or refusal of lease in relation to application by licensee**

- (1) If —
- (a) an application has been made under section 48CA(1); and
  - (b) the applicant has given any further information as and when required by the Minister under section 48CA(6); and
  - (c) the Minister is satisfied that recovery of petroleum from the unused 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 shall, by written notice served on the applicant, inform the applicant that the Minister is prepared to grant to the applicant a petroleum retention lease in respect of the unused area.

- (2) If —
- (a) an application has been made under section 48CA(2); and
  - (b) the applicant has given any further information as and when required by the Minister under section 48CA(6); and
  - (c) the Minister is satisfied that recovery of geothermal energy from the unused area —
    - (i) is not, at the time of the application, commercially viable; and

**s. 28**

---

- 1 (ii) is likely to become commercially viable  
2 within the period of 15 years after that  
3 time,
- 4 the Minister shall, by written notice served on the  
5 applicant, inform the applicant that the Minister is  
6 prepared to grant to the applicant a geothermal  
7 retention lease in respect of the unused area.
- 8 (3) If an application has been made under section 48CA  
9 and —
- 10 (a) the applicant has not given further information  
11 as and when required by the Minister under  
12 section 48CA(6); or
- 13 (b) the Minister is not satisfied as mentioned in  
14 subsection (1)(c) or (2)(c), as the case requires,  
15 in relation to the unused area,
- 16 the Minister shall, by written notice served on the  
17 applicant, refuse to grant a lease to the applicant.
- 18 (4) A notice under subsection (1) or (2) shall contain —
- 19 (a) a summary of the conditions subject to which  
20 the lease is to be granted; and
- 21 (b) a statement to the effect that the application  
22 will lapse if the applicant does not make a  
23 request under subsection (5) in respect of the  
24 grant of the lease.
- 25 (5) An applicant on whom a notice is served under  
26 subsection (1) or (2) may request the Minister to grant  
27 the lease to the applicant.
- 28 (6) The request must be in writing and must be made —
- 29 (a) before the end of the period of one month after  
30 the date of service of the notice on the applicant  
31 under subsection (1) or (2); or

- 1                   (b) if the Minister, on application in writing made  
2                   to the Minister before the end of that period,  
3                   allows a further period of not more than one  
4                   month for the making of the request — before  
5                   the end of that further period.
- 6                   (7) If the applicant makes the request within the period  
7                   applicable under subsection (6), the Minister shall  
8                   grant to the applicant a petroleum retention lease or  
9                   geothermal retention lease, as the case requires, in  
10                  respect of the unused area.
- 11                  (8) If the applicant does not make the request within the  
12                  period applicable under subsection (6), the application  
13                  lapses at the end of that period.
- 14                  (9) On the day on which a lease is granted under this  
15                  section in respect of an unused area comes into force,  
16                  the licence in respect of the block or blocks of which  
17                  the area consists or in which the area is included ceases  
18                  to be in force in respect of the area.
- 19                  **48CC. Application of sections 48CA and 48CB if licence is**  
20                  **transferred**
- 21                  If —
- 22                   (a) after an application has been made under  
23                   section 48CA in relation to an area consisting  
24                   of or included in a block or blocks in respect of  
25                   which a licence is in force; and
- 26                   (b) before a decision has been made by the  
27                   Minister under section 48CB(1), (2) or (3) in  
28                   relation to the application,
- 29                  a transfer of the licence is registered under section 72,  
30                  sections 48CA and 48CB have effect, after the time of  
31                  the transfer, as if any reference in those sections to the  
32                  applicant were a reference to the transferee.  
33

**s. 29**

---

1 **29. Section 48F amended**

2 Delete section 48F(2)(a).

3 **30. Section 48J replaced**

4 Delete section 48J and insert:

5

6 **48J. Discovery of petroleum or geothermal energy**  
7 **resources to be notified**

8 On the discovery of petroleum or geothermal energy  
9 resources in a lease area, the lessee —

- 10 (a) shall forthwith inform the Minister of the  
11 discovery; and  
12 (b) shall, within the period of 3 days after the date  
13 of the discovery, furnish to the Minister  
14 particulars in writing of the discovery.

15 Penalty: a fine of \$10 000.

16

17 **31. Section 51 amended**

18 Delete section 51(1)(a).

19 **32. Section 52 amended**

20 (1) In section 52(3) delete the passage that begins with “licence,  
21 being” and continues to the end of the subsection and insert:

22

23 licence, being a rate that —

- 24 (a) for tight gas is not less than 5% nor more than  
25 12.5% of the royalty value of that petroleum;  
26 and  
27 (b) for petroleum other than tight gas is not less  
28 than 10% nor more than 12.5% of the royalty  
29 value of that petroleum.

30

1       (2) After section 52(3) insert:

2

3           (4A) In subsection (3) —

4                   *tight gas* means petroleum in a gaseous state occurring  
5                   in subsurface rock with a permeability of 0.1 millidarcy  
6                   or less.

7

8       **33. Section 53 amended**

9       (1) Delete section 53(1) and insert:

10

11           (1) If —

- 12                   (a) an application for the grant of a petroleum  
13                   production licence has been made under  
14                   section 50 or 50A; and  
15                   (b) the applicant has given any further information  
16                   as and when required by the Minister under  
17                   section 51(2); and  
18                   (c) the Minister is satisfied that the area comprised  
19                   in the block, or any one or more of the blocks,  
20                   specified in the application contains petroleum,

21                   the Minister shall, by written notice served on the  
22                   applicant, inform the applicant that the Minister is  
23                   prepared to grant to the applicant a petroleum  
24                   production licence in respect of the block or blocks as  
25                   to which the Minister is satisfied as mentioned in  
26                   paragraph (c).

27           (2A) If —

- 28                   (a) an application for the grant of a geothermal  
29                   production licence has been made under  
30                   section 50 or 50A; and  
31                   (b) the applicant has given any further information  
32                   as and when required by the Minister under  
33                   section 51(2); and

**s. 33**

---

1 (c) the Minister is satisfied that the area comprised  
2 in the block, or any one or more of the blocks,  
3 specified in the application contains geothermal  
4 energy resources,

5 the Minister shall, by written notice served on the  
6 applicant, inform the applicant that the Minister is  
7 prepared to grant to the applicant a geothermal  
8 production licence in respect of the block or blocks as  
9 to which the Minister is satisfied as mentioned in  
10 paragraph (c).  
11

12 (2) In section 53(2) delete “An instrument under subsection (1)”  
13 and insert:  
14

15 A notice under subsection (1) or (2A)  
16

17 (3) After section 53(2) insert:  
18

19 (3) If the Minister decides not to grant to the applicant a  
20 licence in respect of a block specified in the application  
21 because —

22 (a) the applicant has failed to comply with a  
23 requirement made by the Minister under  
24 section 51(2); or

25 (b) the Minister is not satisfied as mentioned in  
26 subsection (1)(c) or (2A)(c), whichever is  
27 applicable, in respect of the block,

28 the Minister shall, by written notice served on the  
29 applicant, inform the applicant of the Minister’s  
30 decision and the reasons for the decision.  
31

1   **34.    Section 54 amended**

2           In section 54(2) delete “blocks specified in the application.” and  
3           insert:

4  
5                         block or blocks as to which the Minister is satisfied as  
6                         mentioned in section 53(1)(c) or (2A)(c).

7  
8   **35.    Section 55 amended**

9           In section 55(1) delete “the blocks specified in the application.”  
10          and insert:

11  
12                         such of the blocks specified in the application as are  
13                         blocks as to which the Minister is satisfied as  
14                         mentioned in section 53(1)(c) or (2A)(c).

15  
16   **36.    Section 57 amended**

17          Delete section 57(6)(a) and “and” after it.

18   **37.    Section 58 amended**

19          In section 58(3) delete “shall not, unless the Minister otherwise  
20          determines,” and insert:

21  
22                         shall not  
23

24   **38.    Section 59 amended**

25          (1) In section 59(5)(c)(ii) delete “statement or enter into an  
26          agreement under section 103 in respect of that balance.” and  
27          insert:

28  
29                         statement.  
30

**s. 39**

---

1 (2) In section 59(6)(b) delete “him — pay that balance or enter into  
2 an agreement under section 103 in respect of” and insert:

3

4 the applicant — pay

5

6 (3) In section 59(7)(b) delete “him — has not paid the balance or  
7 entered into an agreement under section 103 in respect of” and  
8 insert:

9

10 the applicant — has not paid

11

12 **39. Section 60 amended**

13 In section 60(b) delete “him — has paid that balance or entered  
14 into an agreement under section 103 in respect of” and insert:

15

16 the applicant — has paid

17

18 **40. Section 61 amended**

19 Delete section 61(2)(a).

20 **41. Section 63 amended**

21 (1) In section 63 delete “Subject to this Part, a licence” and insert:

22

23 (1) Subject to this Part, a licence granted before the  
24 commencement of the *Petroleum and Energy*  
25 *Legislation Amendment Act 2009* section 41(3)

26



- 1       (2) Delete section 63(c) and insert:  
2  
3                   (c) in the case of a licence granted by way of the  
4                   second renewal of a licence — indefinitely.  
5  
6       (3) At the end of section 63 insert:  
7  
8                   (2) Subject to this Part, a licence granted after the  
9                   commencement of the *Petroleum and Energy*  
10                   *Legislation Amendment Act 2009* section 41(3) remains  
11                   in force indefinitely.  
12

13       **42. Section 64A inserted**

14                   After section 63 insert:  
15

16       **64A. Termination of licence if no operations for 5 years**

- 17                   (1) If —  
18                   (a) a petroleum production licence is in force under  
19                   section 63(1)(c) or (2) and the licensee has not  
20                   carried on any operations for the recovery of  
21                   petroleum under the licence at any time during  
22                   a continuous period of at least 5 years; or  
23                   (b) a geothermal production licence is in force  
24                   under section 63(1)(c) or (2) and the licensee  
25                   has not carried on any operations for the  
26                   recovery of geothermal energy under the  
27                   licence at any time during a continuous period  
28                   of at least 5 years,  
29                   the Minister may, by written notice served on the  
30                   licensee, inform the licensee that the Minister proposes  
31                   to terminate the licence after the end of the period of  
32                   one month after the notice is served.

**s. 43**

---

- 1 (2) At any time after the end of the period of one month  
2 after the notice referred to in subsection (1) is served  
3 on the licensee, the Minister may, by written notice  
4 served on the licensee, terminate the licence.
- 5 (3) In working out —
- 6 (a) for the purposes of subsection (1)(a) the  
7 duration of the period in which no operations  
8 for the recovery of petroleum were carried on  
9 under a petroleum production licence; or
- 10 (b) for the purposes of subsection (1)(b) the  
11 duration of the period in which no operations  
12 for the recovery of geothermal energy were  
13 carried on under a geothermal production  
14 licence,
- 15 any period in which no such operations were carried on  
16 because of circumstances beyond the licensee's control  
17 is to be disregarded.
- 18

19 **43. Section 64 amended**

- 20 (1) In section 64(1) after “licensee” insert:  
21  
22 under a licence to which section 63(1)(a) or (b) applies  
23
- 24 (2) Delete section 64(2)(a).

25 **44. Section 65 amended**

- 26 Delete section 65(1)(c) and (d) and “or” after paragraph (c) and  
27 insert:  
28
- 29 (c) shall if —
- 30 (i) the application is in respect of the first  
31 renewal of the licence; or

1                                   (ii) the application is in respect of a renewal  
2                                   of the licence other than the first  
3                                   renewal and operations for the recovery  
4                                   of petroleum have been carried on in the  
5                                   licence area within the period of 5 years  
6                                   before the application for the renewal  
7                                   was made;

8                                   or  
9                                   (d) may in any other case,

10

11 **45. Section 70 amended**

12                                   In section 70(3)(c) delete “67 or 103; and” and insert:

13

14                                   67; and

15

16 **46. Section 94 deleted**

17                                   Delete section 94.

18 **47. Sections 103 and 104 deleted**

19                                   Delete sections 103 and 104.

20 **48. Section 105 amended**

21                                   Delete section 105(2)(a).

22 **49. Section 106 amended**

23                                   (1) Delete section 106(2)(a).

24                                   (2) In section 106(4):

25                                   (a) delete “The” and insert:

26

27                                   Subject to subsection (5A), the

28

**s. 50**

---

1 (b) in paragraph (aa) delete “lease or petroleum production  
2 licence” (each occurrence) and insert:

3

4 lease, petroleum production licence or  
5 petroleum special prospecting authority

6

7 (c) in paragraph (bb) delete “lease or geothermal production  
8 licence” (each occurrence) and insert:

9

10 lease, geothermal production licence or  
11 geothermal special prospecting authority

12

13 (3) After subsection 106(4) insert:

14

15 (5A) Subsection (4) does not apply if the holder of the  
16 permit, drilling reservation, lease, licence or special  
17 prospecting authority has consented in writing to the  
18 grant of the access authority.

19

20 **50. Section 109 amended**

21 (1) In section 109(2) delete the passage that begins with “penalty,”  
22 and continues to the end of the subsection and insert:

23

24 penalty.

25

26 (2) After section 109(2) insert:

27

28 (3) However, any information furnished, answer given or  
29 document produced pursuant to the requirement, and  
30 any information or thing (including any document)  
31 obtained as a direct or indirect consequence of the  
32 furnishing of the information, the answering of the

1                   question or the production of the document, as the case  
2                   may be, is not admissible in any civil proceedings or in  
3                   any criminal proceedings other than proceedings for an  
4                   offence against section 111.  
5

6   **51.       Section 112 deleted**

7                   Delete section 112.

8   **52.       Section 114 deleted**

9                   Delete section 114.

10 **53.       Section 116A inserted**

11                   After section 115 insert:  
12

13       **116A.   Data management: regulations**

14                   (1) The regulations may make provision for and in relation  
15                   to —

16                   (a) the keeping of accounts, records and other  
17                   documents in connection with operations  
18                   under —

- 19                   (i) a permit; or
- 20                   (ii) a drilling reservation; or
- 21                   (iii) a lease; or
- 22                   (iv) a licence; or
- 23                   (v) a special prospecting authority; or
- 24                   (vi) an access authority; or
- 25                   (vii) a consent under section 116;

26                   and

27                   (b) the collection and retention of cores, cuttings  
28                   and samples in connection with those  
29                   operations; and

**s. 54**

---

1 (c) the giving to the Minister, or a specified person,  
2 of reports, returns, other documents, cores,  
3 cuttings and samples in connection with those  
4 operations.

5 (2) A requirement under section 115 is in addition to a  
6 requirement under regulations made for the purposes of  
7 this section.  
8

9 **54. Section 117 amended**

10 In section 117:

11 (a) after paragraph (a) insert:  
12

13 or  
14

15 (b) in paragraph (c) delete “pipeline,” and insert:  
16

17 pipeline; or  
18

19 (c) after paragraph (c) insert:  
20

21 (d) navigation; or

22 (e) fishing; or

23 (f) the conservation of the resources of the sea and  
24 the seabed,  
25

26 **55. Section 128 amended**

27 In section 128 delete the definition of *Barrow Marine lease*.

1   **56.    Section 134A amended**

2       (1)   In section 134A(a) in the definitions of *Minister* and *petroleum*  
3       after “*Petroleum*” insert:

4  
5       *and Geothermal Energy Resources*  
6

7       (2)   The remaining amendments in this section are to the section  
8       that, under section 134A(c), is to be read as the *Petroleum*  
9       *Act 1936* section 117.

10      (3)   In that section 117 delete “Where” and insert:

11

12           (1)   Where  
13

14      (4)   At the end of that section 117 insert:

15

16           (2)   Regulations under the *Petroleum and Geothermal*  
17           *Energy Resources Act 1967* section 153(2)(la) to (lc)  
18           may apply in relation to operations referred to in  
19           paragraphs (d) and (f) of the definition of *petroleum*  
20           *operation* in section 5(1) of that Act.  
21

**s. 57**

---

1 **57. Part IVA inserted**

2 Before Part IV insert:

3

4 **Part IVA — Release of information**

5 **Division 1 — Preliminary**

6 **150A. Terms used**

7 In this Part, unless the contrary intention appears —

8 ***applicable document*** means —

- 9 (a) an application made after the commencement to  
10 the Minister under this Act; or  
11 (b) a document accompanying an application so  
12 made; or  
13 (c) a report, return or other document relating to a  
14 block given after the commencement to the  
15 Minister under —  
16 (i) this Act; or  
17 (ii) regulations made for the purposes of  
18 section 116A;

19 ***commencement*** means the commencement of the  
20 *Petroleum and Energy Legislation Amendment*  
21 *Act 2009* section 57;

22 ***documentary information*** means information  
23 contained in an applicable document;

24 ***Minister of another jurisdiction*** means a Minister of  
25 the Commonwealth, a Minister of another State or a  
26 Minister of the Northern Territory;

27 ***mining sample*** means —

- 28 (a) a core or cutting from, or a sample of, the  
29 seabed or subsoil; or  
30 (b) a sample of petroleum recovered; or



- 1                   (c) a sample of fluid recovered (other than fluid  
2                   petroleum),  
3                   that has been given at any time, whether before or after  
4                   the commencement, to the Minister, and includes a  
5                   portion of such a core, cutting or sample.

6                   **Division 2 — Protection of confidentiality of**  
7                   **information and samples**

8                   **Subdivision 1 — Information and samples obtained by**  
9                   **the Minister**

10                  **150B. Protection of confidentiality of information**  
11                  **obtained by the Minister**

- 12                  (1) This section restricts what the Minister may do with  
13                  documentary information.
- 14                  (2) The Minister shall not —  
15                      (a) make the information publicly known; or  
16                      (b) make the information available to a person  
17                      (other than another Minister or a Minister of  
18                      another jurisdiction),
- 19                  unless the Minister does so —  
20                      (c) in accordance with regulations made for the  
21                      purposes of this paragraph; or  
22                      (d) for the purposes of the administration of  
23                      this Act.

24                  **150C. Protection of confidentiality of samples obtained by**  
25                  **the Minister**

- 26                  (1) This section restricts what the Minister may do with a  
27                  mining sample.

**s. 57**

---

- 1 (2) The Minister shall not —  
2 (a) make publicly known any details of the sample;  
3 or  
4 (b) permit a person (other than another Minister or  
5 a Minister of another jurisdiction) to inspect the  
6 sample,  
7 unless the Minister does so —  
8 (c) in accordance with regulations made for the  
9 purposes of this paragraph; or  
10 (d) for the purposes of the administration of  
11 this Act.

12 **150D. Information or samples obtained by Minister can be**  
13 **made available to certain persons**

14 The Minister may make documentary information or a  
15 mining sample available to another Minister or a  
16 Minister of another jurisdiction.

17 **Subdivision 2 — Information and samples obtained by**  
18 **another Minister**

19 **150E. Protection of confidentiality of information**  
20 **obtained by another Minister**

- 21 (1) This section restricts what a Minister may do with  
22 documentary information made available to that  
23 Minister under section 150D or 150G.  
24 (2) The Minister shall not —  
25 (a) make the information publicly known; or  
26 (b) make the information available to a person  
27 (other than another Minister or a Minister of  
28 another jurisdiction),

- 1                    unless the Minister does so —
- 2                    (c) in accordance with regulations made for the
- 3                    purposes of this paragraph; or
- 4                    (d) for the purposes of the administration of
- 5                    this Act.

6                    **150F. Protection of confidentiality of samples obtained by**

7                    **another Minister**

- 8                    (1) This section restricts what a Minister may do with a
- 9                    mining sample made available to that Minister under
- 10                    section 150D or 150G.
- 11                    (2) The Minister shall not —
- 12                    (a) make publicly known any details of the sample;
- 13                    or
- 14                    (b) permit a person (other than another Minister or
- 15                    a Minister of another jurisdiction) to inspect the
- 16                    sample,

- 17                    unless the Minister does so —
- 18                    (c) in accordance with regulations made for the
- 19                    purposes of this paragraph; or
- 20                    (d) for the purposes of the administration of
- 21                    this Act.

22                    **150G. Information or samples obtained by another**

23                    **Minister can be made available to certain persons**

24                    A Minister to whom documentary information or a

25                    mining sample is made available under section 150D or

26                    this section may make the information or sample

27                    available to another Minister or a Minister of another

28                    jurisdiction.

**s. 58**

---

**Subdivision 3 — Miscellaneous**

**150H. Fees**

- (1) This section applies to regulations made for the purposes of any of the following —
- (a) section 150B(2)(c);
  - (b) section 150C(2)(c);
  - (c) section 150E(2)(c);
  - (d) section 150F(2)(c).
- (2) The regulations may make provision for fees relating to —
- (a) making information available to a person; or
  - (b) permitting a person to inspect a sample.

**58. Section 153 amended**

In section 153(2):

- (a) in paragraph (d) delete “installations or equipment;” and insert:  
  
installations, equipment or facilities;
- (b) after paragraph (k) insert:
  - (la) the preparation, submission and approval of environment plans;
  - (lb) the prohibition of the doing of an act or thing otherwise than in accordance with an approved environment plan;
  - (lc) the responsibilities of a permittee, holder of a drilling reservation, lessee, licensee or holder of a special prospecting authority or access

1 authority as to authorising, or obtaining  
2 authorisation for, the release of documentary  
3 information as defined in section 150A;  
4

5 **59. Section 154 inserted**

6 At the end of Part IV insert:  
7

8 **154. Further transitional provisions**

- 9 (1) In this section —  
10 *Gazettal day* means the day on which transitional  
11 regulations are published in the *Gazette*;  
12 *transitional matter* means a matter of a transitional,  
13 savings or application nature;  
14 *transitional regulations* means regulations under  
15 subsection (3).  
16 (2) Schedule 2 contains provisions relating to transitional  
17 matters.  
18 (3) Regulations may prescribe anything else required,  
19 necessary or convenient to be prescribed in relation to a  
20 transitional matter in connection with amendments  
21 made to this Act by another Act (the *amending Act*).  
22 (4) Transitional regulations can only be made before the  
23 end of the period of 12 months beginning on the day on  
24 which the amending Act commences.  
25 (5) If transitional regulations provide that a state of affairs  
26 is to be taken to have existed, or not to have existed, on  
27 and from a day (the *operative day*) that is earlier than  
28 Gazettal day, the regulations have effect according to  
29 their terms as long as the operative day is not earlier  
30 than the day on which the amending Act commences.

**s. 60**

---

- 1 (6) If transitional regulations contain a provision referred  
2 to in subsection (5), the provision does not operate so  
3 as to —  
4 (a) affect in a manner prejudicial to any person  
5 (other than the State), the rights of that person  
6 existing before Gazettal day; or  
7 (b) impose liabilities on any person (other than the  
8 State or an authority of the State) in respect of  
9 anything done or omitted to be done before  
10 Gazettal day.  
11

12 **60. Schedule 1 amended**

- 13 (1) In Schedule 1 clause 53 delete the Penalty and insert:  
14

15 Penalty for an offence under subclause (3): a fine of \$3 300  
16 or imprisonment for 6 months or both.  
17

- 18 (2) In Schedule 1 clause 54 delete the Penalty and insert:  
19

20 Penalty for an offence under subclause (5): a fine of \$3 300  
21 or imprisonment for 6 months or both.  
22

- 23 (3) In Schedule 1 clause 62 delete the Penalty and insert:  
24

25 Penalty for an offence under subclause (1), (2) or (3): a fine  
26 of \$11 000.  
27

- 28 (4) In Schedule 1 clause 66 delete the Penalty and insert:  
29

30 Penalty for an offence under subclause (3): a fine of \$5 000.  
31

1 (5) In Schedule 1 clause 71(1) delete “67” and insert:

2

3 70

4

5 (6) In the provisions listed in the Table after “Penalty:” (each  
6 occurrence) insert:

7

8 a fine of

9

10

**Table**

Sch. 1 cl. 4(1) and (2)	Sch. 1 cl. 7(1) and (2)
Sch. 1 cl. 8(1) and (2)	Sch. 1 cl. 9(1), (2), (4) and (5)
Sch. 1 cl. 10(1) and (2)	Sch. 1 cl. 11(1)
Sch. 1 cl. 12(1)	Sch. 1 cl. 13(1)
Sch. 1 cl. 52	Sch. 1 cl. 57(7)
Sch. 1 cl. 59(1)	Sch. 1 cl. 61
Sch. 1 cl. 64(5)	Sch. 1 cl. 70(1)
Sch. 1 cl. 74	Sch. 1 cl. 75
Sch. 1 cl. 76(1)	

11

**s. 61**

---

1 **61. Schedule 2 inserted**

2 At the end of the Act insert:

3

4 **Schedule 2 — Further transitional provisions**

5

[s. 154]

6 **Division 1 — Provisions for *Petroleum and Energy***  
7 ***Legislation Amendment Act 2009***

8 **1. Terms used**

9 In this Division —

10 ***amending Act*** means the *Petroleum and Energy Legislation*  
11 *Amendment Act 2009*;

12 ***regulation 3*** means the *Petroleum and Geothermal Energy*  
13 *Resources Regulations 1987* regulation 3.

14 **2. Section 41(5) (permit renewals)**

15 (1) This clause has effect despite the deletion of section 41(5)  
16 by section 17(2) of the amending Act.

17 (2) Section 41(5) as in force immediately before the  
18 commencement of section 17 of the amending Act continues  
19 to apply in respect of the first application after that  
20 commencement for the renewal of a permit that was granted  
21 before that commencement.

22 **3. Section 112 (release of information)**

23 (1) This clause has effect despite the deletion of section 112 by  
24 section 51 of the amending Act.

25 (2) Section 112 as in force immediately before it was deleted  
26 continues to apply in respect of information given to the  
27 Minister before the commencement of section 51 of the  
28 amending Act.



- 1           (3) Regulation 3 as in force immediately before the deletion of  
2           section 112 —
- 3                 (a) continues in force for the purposes of that section as  
4                 it continues to apply under subclause (1); and
- 5                 (b) also separately continues in force on and after the  
6                 commencement of section 57 of the amending Act  
7                 as if it had been made for the purposes of Part IVB.
- 8           (4) Regulation 3 as continued in force under subclause (3)(a) or  
9           (b) may, for the purposes of its application under  
10           subclause (3)(a) or (b), be amended or deleted by  
11           regulations.
- 12

13 **62. Various penalties amended**

- 14           (1) In section 48K delete the Penalty and insert:
- 15
- 16                         Penalty for an offence under subsection (2): a fine of  
17                         \$10 000.
- 18
- 19           (2) In section 78(1c) delete the Penalty.
- 20           (3) In section 78(2) delete the Penalty and insert:
- 21
- 22                         Penalty for an offence under subsection (1c) or (2): a  
23                         fine of \$5 000.
- 24
- 25           (4) In section 79 delete the Penalty and insert:
- 26
- 27                         Penalty for an offence under subsection (2): a fine of  
28                         \$5 000.
- 29

**s. 62**

---

- 1 (5) In section 84 delete “offence and is liable to a penalty of  
2 \$5 000.” and insert:  
3  
4 offence.  
5
- 6 (6) At the end of section 84 insert:  
7  
8 Penalty: a fine of \$5 000.  
9
- 10 (7) In section 90 delete the Penalty and insert:  
11  
12 Penalty for an offence under subsection (1) or (3): a  
13 fine of \$10 000.  
14
- 15 (8) In section 91 delete the Penalty and insert:  
16  
17 Penalty for an offence under subsection (1), (2), (2a) or  
18 (3): a fine of \$10 000.  
19
- 20 (9) In section 92 delete the Penalty and insert:  
21  
22 Penalty for an offence under subsection (2) or (3): a  
23 fine of \$10 000.  
24
- 25 (10) In section 101 delete the Penalty and insert:  
26  
27 Penalty for an offence under subsection (3): a fine of  
28 \$10 000.  
29

- 1 (11) In section 112A delete the Penalty and insert:  
2  
3                   Penalty for an offence under subsection (3): a fine of  
4                   \$100 000 or imprisonment for 10 years.  
5
- 6 (12) In section 115 delete the Penalty and insert:  
7  
8                   Penalty for an offence under subsection (2): a fine of  
9                   \$10 000.  
10
- 11 (13) In section 118 delete the Penalty and insert:  
12  
13                   Penalty for an offence under subsection (3): a fine of  
14                   \$500.  
15
- 16 (14) In section 119 delete the Penalty and insert:  
17  
18                   Penalty for an offence under subsection (2) or (3): a  
19                   fine of \$5 000.  
20
- 21 (15) In the provisions listed in the Table after “Penalty:” insert:  
22  
23                   a fine of  
24

**Table**

s. 13(2)	s. 29(1) and (2)
s. 49(1) and (2)	s. 67(1)
s. 76(1)	s. 95(2a), (2b) and (2c)
s. 105(9)	s. 106(10) and (11)

***Petroleum and Energy Legislation Amendment Bill 2009***

**Part 2** Petroleum and Geothermal Energy Resources Act 1967  
amended

**s. 62**

---

s. 111	s. 113(1)
s. 117	s. 134A(b) (substituted s. 75(1) and (2))

1 **Part 3 — Petroleum (Submerged Lands) Act 1982**  
2 **amended**

3 **63. Act amended**

4 This Part amends the *Petroleum (Submerged Lands) Act 1982*.

5 **64. Section 3 amended**

6 Delete section 3(2) to (5).

7 **65. Section 4 amended**

8 (1) In section 4 delete the definitions of:

9 ***adjacent area***

10 ***Commonwealth Act***

11 ***Convention***

12 ***Division***

13 ***natural resources.***

14 (2) In section 4 insert in alphabetical order:

15  
16 ***adjacent area***, in relation to a pipeline or pipeline  
17 licence, has the meaning given in section 60K;

18 ***adjacent area***, other than in relation to a pipeline or  
19 pipeline licence, has the meaning given in section 5;

20 ***Commonwealth Act*** means the *Offshore Petroleum*  
21 *and Greenhouse Gas Storage Act 2006*  
22 (Commonwealth);

23 ***good processing and transport practice*** means all  
24 those things that are generally accepted as good and  
25 safe in the processing and storage of petroleum and the  
26 preparation of petroleum for transport;

27 ***infrastructure facilities*** has the meaning given in  
28 section 6B;

29 ***infrastructure licence*** means an infrastructure licence  
30 under Part III;

1                    **infrastructure licence area**, in relation to an  
2                    infrastructure licence, means the place in respect of  
3                    which the infrastructure licence is in force;  
4                    **infrastructure licensee** means the registered holder of  
5                    an infrastructure licence;  
6                    **natural resources** has the same meaning as in  
7                    paragraph 4 of Article 77 of the United Nations  
8                    Convention on the Law of the Sea done at Montego  
9                    Bay on 10 December 1982;

10                   Note: Paragraph 4 of Article 77 is as follows:

11                             The natural resources referred to in this Part consist of the  
12                             mineral and other non-living resources of the seabed and subsoil  
13                             together with living organisms belonging to sedentary species,  
14                             that is to say, organisms which, at the harvestable stage, either  
15                             are immobile on or under the seabed or are unable to move  
16                             except in constant physical contact with the seabed or the  
17                             subsoil.

18                    **offshore area** means the offshore area of Western  
19                    Australia within the meaning of the Commonwealth  
20                    Act section 7;

21                    **scheduled area** means the scheduled area for Western  
22                    Australia described in Schedule 2;

23                    **territorial sea** means the territorial sea of Australia and  
24                    includes the territorial sea adjacent to any island  
25                    forming part of Western Australia;  
26

27                   (3) In section 4 in the definition of **petroleum**:

28                             (a) after paragraph (a) insert:

29

30                                     or

31

32                             (b) in paragraph (c) delete “hydrogen-sulphide,” and insert:

33

34                                     hydrogen sulphide,

35

- 1 (4) In section 4 in the definition of *pipeline*:  
2 (a) delete “59A” and insert:  
3  
4 60K  
5  
6 (b) after each of paragraphs (a) and (b) insert:  
7  
8 or  
9
- 10 (5) In section 4 in the definition of *registered holder* before  
11 “pipeline licence” (each occurrence) insert:  
12  
13 infrastructure licence,  
14
- 15 (6) In section 4 in the definition of *relinquished area*:  
16 (a) after paragraph (ca) insert:  
17  
18 (da) in relation to an infrastructure licence that has  
19 been surrendered, cancelled or terminated, the  
20 place that constituted the infrastructure licence  
21 area; and  
22
- 23 (b) after each of paragraphs (a), (b), (c), (ca) and (d) insert:  
24  
25 and  
26
- 27 **66. Section 5 amended**
- 28 (1) Delete section 5(1) and insert:  
29
- 30 (1) For the purposes of subsection (2A), assume that the  
31 breadth of the territorial sea had never been determined  
32 or declared to be greater than 3 nautical miles, but had  
33 continued to be 3 nautical miles.

**s. 67**

---

- 1 (2A) In this Act, unless the contrary intention appears —  
2 **adjacent area** means —  
3 (a) so much of the scheduled area as consists of the  
4 territorial sea; and  
5 (b) subject to subsection (2), any area that —  
6 (i) is within the scheduled area; and  
7 (ii) is on the landward side of the territorial  
8 sea and not within the limits of Western  
9 Australia; and  
10 (iii) was, immediately before  
11 14 February 1983, the subject of an  
12 exploration permit for petroleum  
13 subsisting under the *Petroleum*  
14 *(Submerged Lands) Act 1967*  
15 (Commonwealth).  
16

- 17 (2) In section 5(2) delete “paragraphs (a), (b) and (c) of the  
18 definition of the “adjacent area” in section 4” and insert:  
19

20 paragraph (b) of the definition of **adjacent area** in  
21 subsection (2A)  
22

23 **67. Sections 6A and 6B inserted**

24 After section 5 insert:  
25

26 **6A. Effect of alteration of adjacent area**

- 27 (1) In this section —  
28 **Commonwealth instrument** means an instrument under  
29 the Commonwealth Act that confers, in relation to the  
30 offshore area, some or all of the rights that a petroleum  
31 mining instrument confers in relation to the adjacent  
32 area;



- 1                    ***petroleum mining instrument*** means a permit, lease,  
2                    licence, infrastructure licence or pipeline licence.
- 3                    (2) This section applies to a change to the boundary of the  
4                    adjacent area whether occurring before, on or after the  
5                    day on which the *Petroleum and Energy Legislation*  
6                    *Amendment Act 2009* section 67 comes into operation.
- 7                    (3) If —
- 8                    (a) a petroleum mining instrument has been  
9                    granted on the basis that an area (the ***first area***)  
10                    is within the adjacent area; and
- 11                    (b) as a result of a change to the boundary of the  
12                    adjacent waters the first area —
- 13                    (i) ceases to be within the adjacent area;  
14                    and  
15                    (ii) falls within the offshore area,
- 16                    this Act applies in relation to the petroleum mining  
17                    instrument as if the first area were still within the  
18                    adjacent area.
- 19                    (4) Subsection (3) continues to apply to the first area only  
20                    while the petroleum mining instrument remains in  
21                    force.
- 22                    (5) If —
- 23                    (a) a Commonwealth instrument has been granted  
24                    on the basis that an area (the ***second area***) is  
25                    within the offshore area; and
- 26                    (b) as a result of a change to the boundary of the  
27                    adjacent waters the first area —
- 28                    (i) ceases to be within the offshore area;  
29                    and  
30                    (ii) falls within the adjacent area,
- 31                    then, so far as the Commonwealth instrument is  
32                    concerned, this Act does not apply to the second area.

**s. 67**

---

1 (6) Subsection (5) continues to apply to the second area  
2 only while the Commonwealth instrument remains in  
3 force.

4 **6B. Infrastructure facilities**

5 (1) In this Act —  
6 *infrastructure facilities* means facilities for engaging  
7 in any of the activities mentioned in subsection (2),  
8 being —

- 9 (a) facilities that are resting on the seabed; or
- 10 (b) facilities (including facilities that are floating)  
11 that are fixed or connected to the seabed; or
- 12 (c) facilities that are attached or tethered to  
13 facilities referred to in paragraph (a) or (b).

14 (2) The activities referred to in subsection (1) are the  
15 following —

- 16 (a) remote control of facilities used for the  
17 recovery of petroleum in a licence area;
- 18 (b) processing petroleum recovered in any place,  
19 including —
  - 20 (i) converting petroleum into another form  
21 by physical or chemical means or both  
22 (for example, converting it into  
23 liquefied natural gas or methanol); and
  - 24 (ii) partial processing of petroleum (for  
25 example, by the removal of water);
- 26 (c) storing petroleum before it is transported to  
27 another place;
- 28 (d) preparing petroleum (for example, by  
29 operations such as pumping or compressing)  
30 for transport to another place;
- 31 (e) activities related to any of the above,

1 but, except as mentioned in paragraph (a), do not  
2 include engaging in the exploration for, or recovery of,  
3 petroleum.  
4

5 **68. Section 6 amended**

6 (1) In section 6(1):  
7 (a) before “pipeline licence,” (first and second occurrences)  
8 insert:

9  
10 infrastructure licence,  
11

12 (b) delete “pipeline licence,” (third and fourth occurrences).

13 (2) In section 6(2) delete “licence or” (each occurrence) and insert:

14  
15 licence, infrastructure licence or  
16

17 (3) Delete section 6(5).

18 (4) In section 6(7) before “pipeline licence” (each occurrence)  
19 insert:

20  
21 infrastructure licence,  
22

23 **69. Part II heading amended**

24 In the heading to Part II delete “**Commonwealth**  
25 **adjacent**” and insert:

26  
27 **offshore**  
28

**s. 70**

---

1 **70. Section 11 replaced**

2 Delete section 11 and insert:

3

4 **11. Terms used**

5 In this Part —

6 ***Commonwealth Act*** means —

7 (a) the *Offshore Petroleum and Greenhouse Gas*  
8 *Storage Act 2006* (Commonwealth); or

9 (b) the *Offshore Petroleum and Greenhouse Gas*  
10 *Storage (Registration Fees) Act 2006*  
11 (Commonwealth); or

12 (c) the *Offshore Petroleum and Greenhouse Gas*  
13 *Storage (Safety Levies) Act 2006*  
14 (Commonwealth); or

15 (d) the *Offshore Petroleum (Royalty) Act 2006*  
16 (Commonwealth);

17 ***Designated Authority*** has the meaning given in the  
18 *Offshore Petroleum and Greenhouse Gas Storage*  
19 *Act 2006* (Commonwealth) section 7.

20

21 **71. Section 12 amended**

22 In section 12(1) and (2) delete “which the” and insert:

23

24 which a

25

1   **72.   Section 13 amended**

2       In section 13:

3           (a)   delete “which the” and insert:

4

5                   which a

6

7           (b)   delete “Commonwealth adjacent” and insert:

8

9                   offshore

10

11   **73.   Section 14 amended**

12       In section 14:

13           (a)   delete “which the” and insert:

14

15                   which a

16

17           (b)   delete “Commonwealth adjacent” and insert:

18

19                   offshore

20

21   **74.   Section 15 amended**

22       In section 15:

23           (a)   delete “Commonwealth adjacent” and insert:

24

25                   offshore

26

27           (b)   delete “to the” and insert:

28

29                   to a

30

**s. 75**

---

1 **75. Section 18 amended**

2 (1) Delete section 18(1) and insert:

3

4 (1) The Minister may, by instrument published in the  
5 *Gazette*, declare that a permit, lease, licence,  
6 infrastructure licence, special prospecting authority or  
7 access authority shall not be granted in respect of a  
8 block specified in the instrument and that a pipeline  
9 licence shall not be granted in respect of a pipeline  
10 over or in that block.

11 (2A) A declaration cannot be made under subsection (1) in  
12 respect of a block in respect of which a permit, lease,  
13 licence or infrastructure licence is in force or over or in  
14 which there is a pipeline.

15

16 (2) In section 18(2) before “special prospecting authority” insert:

17

18 infrastructure licence,

19

20 **76. Section 21 amended**

21 Delete section 21(1)(a).

22 **77. Section 22A inserted**

23 After section 21 insert:

24

25 **22A. Competing applications for a block**

26 (1) This section applies if 2 or more applications have been  
27 made under section 20 for the grant of a permit in  
28 respect of the same block or blocks.

- 1           (2) The Minister may grant the permit to whichever  
2           applicant, in the Minister's opinion, is most deserving  
3           of the grant of the permit having regard to criteria  
4           made publicly available by the Minister.
- 5           (3) For the purposes of subsection (2), the Minister may  
6           rank the applicants in the order in which they are  
7           deserving of the grant, the most deserving applicant  
8           being ranked highest.
- 9           (4) The Minister may exclude from the ranking any  
10          applicant that, in the Minister's opinion, is not  
11          deserving of the grant of the permit.
- 12          (5) If the Minister is of the opinion that, after considering  
13          the information accompanying the applications, 2 or  
14          more of the applicants are equally deserving of the  
15          grant of the permit, the Minister may, by written notice  
16          served on each of those applicants, invite them to give  
17          to the Minister, within a period stated in the notice,  
18          particulars of the applicant's proposals for additional  
19          work and expenditure in respect of the block or blocks  
20          specified in the application, being particulars that the  
21          Minister considers to be relevant in determining which  
22          of the applicants is most deserving of the grant of the  
23          permit.
- 24          (6) If any particulars are given by applicants to the  
25          Minister in accordance with the invitations contained in  
26          the notices served under subsection (5), the Minister  
27          shall have regard to the particulars in determining  
28          whichever of the applicants is most deserving of the  
29          grant of the permit.  
30

**s. 78**

---

1 **78. Sections 23A, 23B and 23C inserted**

2 After section 22 insert:

3

4 **23A. Withdrawal of application**

5 The person who has made, or all the persons who have  
6 jointly made, an application under section 20 for the  
7 grant of a permit may, by written notice served on the  
8 Minister, withdraw the application at any time before a  
9 permit is granted in respect of the application.

10 **23B. Application continued after withdrawal of joint**  
11 **applicant**

12 If —

- 13 (a) an application made under section 20 for the  
14 grant of a permit was a joint application; and  
15 (b) all of the joint applicants, by written notice  
16 served on the Minister, inform the Minister that  
17 one or more, but not all, of them, as specified in  
18 the notice, withdraw from the application,

19 the following paragraphs have effect —

- 20 (c) the application continues in force as if it had  
21 been made by the remaining applicant or  
22 applicants;  
23 (d) if the Minister had informed the joint applicants  
24 that the Minister was prepared to grant to the  
25 applicants a permit in respect of the block or  
26 blocks to which the application relates — the  
27 Minister is taken not to have so informed the  
28 applicants.



- 1           **23C.    Effect of withdrawal or lapse of application**
- 2                    If —
- 3                    (a) 2 or more applications have been made under
- 4                    section 20 for the grant of a permit in respect of
- 5                    the same block or blocks; and
- 6                    (b) one or more, but not all, of the applications are
- 7                    withdrawn or have lapsed,
- 8                    the following paragraphs have effect —
- 9                    (c) the withdrawn or lapsed application or
- 10                    applications are taken not to have been made;
- 11                    (d) if the Minister had informed the applicant or
- 12                    one of the applicants whose application had
- 13                    been withdrawn or had lapsed that the Minister
- 14                    was prepared to grant to that applicant a permit
- 15                    in respect of the block or blocks — the Minister
- 16                    is taken not to have so informed the applicant
- 17                    concerned;
- 18                    (e) if the applicant or one of the applicants whose
- 19                    application had been withdrawn had requested
- 20                    the Minister under section 22(3) to grant a
- 21                    permit to the applicant concerned — the request
- 22                    is taken not to have been made;
- 23                    (f) if the Minister had refused to grant a permit to
- 24                    the remaining applicant or any of the remaining
- 25                    applicants — the refusal or refusals are taken
- 26                    not to have occurred.
- 27
- 28           **79.       Section 23 amended**
- 29                    Delete section 23(4)(a).

**s. 80**

---

1 **80. Section 24 amended**

2 In section 24(3) delete “shall not, unless the Minister otherwise  
3 determines,” and insert:

4

5 shall not

6

7 **81. Section 25 amended**

8 In section 25(5)(b)(ii) delete “him or enter into an agreement  
9 under section 109 in respect of that balance.” and insert:

10

11 the applicant.

12

13 **82. Section 26 amended**

14 (1) In section 26(1)(b) delete “him or enter into an agreement under  
15 section 109 in respect of that balance.” and insert:

16

17 the applicant.

18

19 (2) In section 26(2)(b) delete “him or entered into an agreement  
20 under section 109 in respect of that balance,” and insert:

21

22 the applicant,

23

24 **83. Section 27 amended**

25 In section 27(b) delete “him or has entered into an agreement  
26 under section 109 in respect of that balance,” and insert:

27

28 the applicant,

29

1 **84. Section 29 amended**

2 (1) In section 29 delete “Subject” and insert:

3

4 (1) Subject

5

6 (2) At the end of section 29 insert:

7

8 (2) If —

9 (a) a permit in respect of a block or blocks cannot  
10 be renewed or further renewed; and

11 (b) before the time when the permit would, apart  
12 from this subsection, expire, the permittee has  
13 duly made an application to the Minister for the  
14 grant of a lease or licence in respect of the  
15 block, or one or more of the blocks, being a  
16 block or blocks that are included in a location,

17 the permit continues in force in respect of the block or  
18 blocks to which the application relates until —

19 (c) if the Minister tells the permittee that the  
20 Minister is prepared to grant to the permittee a  
21 lease or licence in respect of the block or one or  
22 more of the blocks — such a lease or licence is  
23 granted, the permittee withdraws the  
24 application or the application lapses; or

25 (d) if the Minister decides not to grant to the  
26 permittee such a lease — the end of the period  
27 of one year after the day of the service under  
28 section 38B(2) or (3A) of the instrument or  
29 notice refusing to grant the lease; or

30 (e) if the Minister decides not to grant to the  
31 permittee such a licence — notice of the  
32 decision is served on the permittee.

33

**s. 85**

---

1 **85. Section 30 amended**

2 (1) In section 30(1) delete “section 31,” and insert:

3

4 sections 31 and 32A,

5

6 (2) Delete section 30(2)(a).

7 **86. Section 31 amended**

8 (1) In section 31(1) delete “subsection (3),” and insert:

9

10 subsections (3), (4) and (5),

11

12 (2) Delete section 31(3) to (7) and insert:

13

14 (3) An application for the renewal of a permit may include,  
15 in addition to the blocks referred to in subsection (1), a  
16 block that is, or is included in, a location and in respect  
17 of which the permit is in force, or 2 or more such  
18 blocks.

19 (4) If a permit is in force in respect of 5 or 6 blocks, an  
20 application may be made for the renewal of the permit  
21 in respect of one, 2, 3 or 4 of those blocks.

22 (5) Subject to subsection (6) —

23 (a) if a permit is in force in respect of 4 blocks, an  
24 application may be made for the renewal of the  
25 permit in respect of one, 2, 3 or all of those  
26 blocks;

27 (b) if a permit is in force in respect of 3 blocks, an  
28 application may be made for the renewal of the  
29 permit in respect of one, 2 or all of those  
30 blocks;

- 1 (c) if a permit is in force in respect of 2 blocks, an  
2 application may be made for the renewal of the  
3 permit in respect of either or both of those  
4 blocks;
- 5 (d) an application may be made for the renewal of  
6 a permit that is in force in respect of one block.
- 7 (6) Despite sections 30(1) and 32, if a permit has been  
8 renewed as a result of an application referred to in  
9 subsection (5) —
- 10 (a) the permittee is not entitled to apply for a  
11 further renewal of the permit; and
- 12 (b) the Minister cannot grant a further renewal of  
13 the permit.  
14

15 **87. Section 32A inserted**

16 After section 31 insert:  
17

18 **32A. Certain permits cannot be renewed more than twice**

- 19 (1) This section applies to a permit if —
- 20 (a) the permit was granted under section 22 —
- 21 (i) on or after the day of the coming into  
22 operation of the *Petroleum and Energy*  
23 *Legislation Amendment Act 2009*  
24 section 87 (the *commencement day*);  
25 and
- 26 (ii) as a result of an application made in  
27 response to an invitation in an  
28 instrument that was published under  
29 section 20(1) on or after the  
30 commencement day;
- 31 or

**s. 88**

---

- 1 (b) the permit was granted under section 27 on or  
2 after the commencement day.
- 3 (2) Despite sections 30(1) and 32, if a permit to which this  
4 section applies has been renewed twice —
- 5 (a) the permittee is not entitled to apply for a  
6 further renewal of the permit; and
- 7 (b) the Minister cannot grant a further renewal of  
8 the permit.  
9

10 **88. Section 34 replaced**

11 Delete section 34 and insert:  
12

13 **34. Discovery of petroleum to be notified**

14 Where petroleum is discovered in a permit area, the  
15 permittee —

- 16 (a) shall forthwith inform the Minister of the  
17 discovery; and
- 18 (b) shall, within the period of 3 days after the date  
19 of the discovery, furnish to the Minister  
20 particulars in writing of the discovery.

21 Penalty: a fine of \$10 000.  
22

23 **89. Section 35 deleted**

24 Delete section 35.

1   **90.    Section 37 amended**

2           After section 37(6) insert:

3

- 4           (7) The Minister may form an opinion for the purposes of  
5           this section if the Minister considers that there are  
6           reasonable grounds for forming the opinion having  
7           regard to any information in the Minister's possession,  
8           whether provided by the permittee or otherwise.

9

10   **91.    Section 38A amended**

11           Delete section 38A(2)(a).

12   **92.    Section 38B amended**

13           (1) Delete section 38B(1) and insert:

14

15           (1) If —

- 16                   (a) an application has been made under  
17                   section 38A; and  
18                   (b) the applicant has furnished any further  
19                   information as and when required by the  
20                   Minister under section 38A(3); and  
21                   (c) the Minister is satisfied that —  
22                           (i) the area comprised in the block, or any  
23                           one or more of the blocks, specified in  
24                           the application contains petroleum; and  
25                           (ii) the recovery of petroleum from that area  
26                           is not, at the time of the application,  
27                           commercially viable but is likely to  
28                           become commercially viable within the  
29                           period of 15 years after that time,

30                   the Minister shall, by written notice served on the  
31                   applicant, inform the applicant that the Minister is

**s. 93**

---

1 prepared to grant to the applicant a lease in respect of  
2 the block or blocks as to which the Minister is satisfied  
3 as mentioned in paragraph (c).  
4

5 (2) In section 38B(2)(b) delete “the blocks” and insert:

6

7 the block, or all the blocks,  
8

9 (3) After section 38B(2) insert:

10

11 (3A) If —

12 (a) an application has been made under  
13 section 38A specifying 2 or more blocks; and

14 (b) the Minister is not satisfied as mentioned in  
15 subsection (1)(c) in relation to one or more, but  
16 not all, of the blocks,

17 the Minister shall, by notice in writing served on the  
18 applicant, refuse to grant a lease to the applicant in  
19 respect of the block or blocks as to which the Minister  
20 is not satisfied as mentioned in subsection (1)(c).  
21

22 **93. Sections 38CA, 38CB and 38CC inserted**

23 After section 38BA insert:  
24

25 **38CA. Application by licensee for lease**

26 (1) If —

27 (a) a licence is in force under section 53(1)(c)  
28 or (2) in respect of a block or blocks; and



- 1 (b) no operations for the recovery of petroleum are  
2 being carried on under the licence in respect of  
3 an area (the *unused area*) —
- 4 (i) that consists of, or consists of part of,  
5 the block or blocks; and
- 6 (ii) in which petroleum has been found to  
7 exist,
- 8 the licensee may, within the application period, apply  
9 to the Minister for the grant of a lease in respect of the  
10 unused area.
- 11 (2) An application under subsection (1) —
- 12 (a) is to be made in an approved manner; and
- 13 (b) is to be accompanied by particulars of —
- 14 (i) the proposals of the applicant for work  
15 and expenditure in respect of the unused  
16 area; and
- 17 (ii) the commercial viability of the recovery  
18 of petroleum from the unused area at the  
19 time of the application, and particulars  
20 of the possible future commercial  
21 viability of the recovery of petroleum  
22 from that area;
- 23 and
- 24 (c) may set out any other matters that the applicant  
25 wishes to be considered; and
- 26 (d) is to be accompanied by the prescribed fee.
- 27 (3) The Minister may, at any time by written notice served  
28 on the applicant, require the applicant to give, within  
29 the period stated in the notice, further written  
30 information in connection with the application.

- 1 (4) The application period in respect of an application  
2 under this section by a licensee is the period of 5 years  
3 that began on —  
4 (a) the day on which the licence was granted; or  
5 (b) if any operations for the recovery of petroleum  
6 have been carried on under the licence in  
7 respect of the unused area — the last day on  
8 which any such operations were carried on.

9 **38CB. Grant or refusal of lease in relation to application**  
10 **by licensee**

- 11 (1) If —  
12 (a) an application has been made under  
13 section 38CA; and  
14 (b) the applicant has given any further information  
15 as and when required by the Minister under  
16 section 38CA(3); and  
17 (c) the Minister is satisfied that recovery of  
18 petroleum from the unused area —  
19 (i) is not, at the time of the application,  
20 commercially viable; and  
21 (ii) is likely to become commercially viable  
22 within the period of 15 years after that  
23 time,

24 the Minister shall, by written notice served on the  
25 applicant, inform the applicant that the Minister is  
26 prepared to grant to the applicant a lease in respect of  
27 the unused area.

- 28 (2) If an application has been made under section 38CA  
29 and —  
30 (a) the applicant has not given further information  
31 as and when required by the Minister under  
32 section 38CA(3); or

- 1                   (b) the Minister is not satisfied as mentioned in  
2                   subsection (1)(c) in relation to the unused area,  
3                   the Minister shall, by written notice served on the  
4                   applicant, refuse to grant a lease to the applicant.
- 5           (3) A notice under subsection (1) shall contain —
- 6                   (a) a summary of the conditions subject to which  
7                   the lease is to be granted; and
- 8                   (b) a statement to the effect that the application  
9                   will lapse if the applicant does not make a  
10                  request under subsection (4) in respect of the  
11                  grant of the lease.
- 12          (4) An applicant on whom a notice is served under  
13          subsection (1) may request the Minister to grant the  
14          lease to the applicant.
- 15          (5) The request must be in writing and must be made —
- 16                   (a) before the end of the period of one month after  
17                   the date of service of the notice on the applicant  
18                   under subsection (1); or
- 19                   (b) if the Minister, on application in writing made  
20                   to the Minister before the end of that period,  
21                   allows a further period of not more than one  
22                   month for the making of the request — before  
23                   the end of that further period.
- 24          (6) If the applicant makes the request within the period  
25          applicable under subsection (5), the Minister shall  
26          grant to the applicant a retention lease in respect of the  
27          unused area.
- 28          (7) If the applicant does not make the request within the  
29          period applicable under subsection (5), the application  
30          lapses at the end of that period.

**s. 94**

---

- 1 (8) On the day on which a lease granted under this section  
2 in respect of an unused area comes into force, the  
3 licence in respect of the block or blocks of which the  
4 area consists or in which the area is included ceases to  
5 be in force in respect of the area.

6 **38CC. Application of sections 38CA and 38CB if licence is**  
7 **transferred**

8 If —

- 9 (a) after an application has been made under  
10 section 38CA(1) in relation to an area  
11 consisting of or included in a block or blocks in  
12 respect of which a licence is in force; and  
13 (b) before a decision has been made by the  
14 Minister under section 38CB(1) or (2) in  
15 relation to the application,

16 a transfer of the licence is registered under section 78,  
17 sections 38CA and 38CB have effect, after the time of  
18 the transfer, as if any reference in those sections to the  
19 applicant were a reference to the transferee.  
20

21 **94. Section 38F amended**

22 Delete section 38F(2)(a).

23 **95. Section 38J replaced**

24 Delete section 38J and insert:  
25

26 **38J. Discovery of petroleum to be notified**

27 Where petroleum is discovered in a lease area, the  
28 lessee —

- 29 (a) shall forthwith inform the Minister of the  
30 discovery; and

- 1 (b) shall, within the period of 3 days after the date  
2 of the discovery, furnish to the Minister  
3 particulars in writing of the discovery.

4 Penalty: a fine of \$10 000.  
5

6 **96. Section 38K deleted**

7 Delete section 38K.

8 **97. Section 41 amended**

9 Delete section 41(1)(a).

10 **98. Section 43 amended**

11 (1) Delete section 43(1) and insert:  
12

13 (1) This section applies if an application for the grant of a  
14 licence has been made under section 40 or 40A.

15 (2A) If —

16 (a) the applicant has given any further information  
17 as and when required by the Minister under  
18 section 41(2); and

19 (b) the Minister is satisfied that the area comprised  
20 in the block, or any one or more of the blocks,  
21 specified in the application contains petroleum,

22 the Minister shall, by written notice served on the  
23 applicant, inform the applicant that the Minister is  
24 prepared to grant to the applicant a licence in respect of  
25 the block or blocks as to which the Minister is satisfied  
26 as mentioned in paragraph (b).  
27

**s. 99**

---

- 1 (2) In section 43(2):  
2 (a) delete “An instrument under subsection (1)” and insert:  
3  
4 A notice under subsection (2A)  
5  
6 (b) in paragraph (b) delete “instrument” and insert:  
7  
8 notice  
9
- 10 (3) After section 43(2) insert:  
11
- 12 (3) If the Minister decides not to grant to the applicant a  
13 licence in respect of the block, or any of the blocks,  
14 specified in the application because —  
15 (a) the applicant has failed to comply with a  
16 requirement made by the Minister under  
17 section 41(2); or  
18 (b) the Minister is not satisfied that the area  
19 comprised in the block, or any of the blocks,  
20 contains petroleum,  
21 the Minister shall, by written notice served on the  
22 applicant, inform the applicant of the Minister’s  
23 decision and the reasons for the decision.  
24

25 **99. Section 44 amended**

- 26 (1) In section 44(1):  
27 (a) delete “an instrument under section 43(1)” and insert:  
28  
29 a notice under section 43(2A)  
30

- 1 (b) delete “of the instrument” and insert:  
2  
3 of the notice  
4
- 5 (c) delete “first-mentioned instrument.” and insert:  
6  
7 notice.  
8
- 9 (2) In section 44(2):  
10 (a) delete “an instrument under section 43(1)” and insert:  
11  
12 a notice under section 43(2A)  
13  
14 (b) delete “blocks specified in the application.” and insert:  
15  
16 block or blocks as to which the Minister is satisfied as  
17 mentioned in section 43(2A)(b).  
18
- 19 (3) In section 44(4) delete “an instrument under section 43(1)” and  
20 insert:  
21  
22 a notice under section 43(2A)  
23
- 24 **100. Section 44A amended**  
25 In section 44A(b) delete “section 43(1)” and insert:  
26  
27 section 43(2A)  
28

**s. 101**

---

1 **101. Section 45 amended**

2 In section 45(1) delete “the blocks specified in the application.”  
3 and insert:

4  
5 such of the blocks specified in the application as are  
6 blocks as to which the Minister is satisfied as  
7 mentioned in section 43(2A)(b).  
8

9 **102. Section 47 amended**

10 Delete section 47(6)(a).

11 **103. Section 48 amended**

12 In section 48(3) delete “shall not, unless the Minister otherwise  
13 determines,” and insert:

14  
15 shall not  
16

17 **104. Section 49 amended**

18 (1) In section 49(5)(c)(ii) delete “statement or enter into an  
19 agreement under section 109 in respect of that balance.” and  
20 insert:

21  
22 statement.  
23

24 (2) In section 49(6)(b) delete “him, pay that balance or enter into an  
25 agreement under section 109 in respect of” and insert:

26  
27 the applicant, pay  
28



1       (3) In section 49(7)(b) delete “him, has not paid that balance or  
2       entered into an agreement under section 109 in respect of” and  
3       insert:

4

5               the applicant, has not paid

6

7       **105. Section 50 amended**

8               In section 50(b) delete “him, has paid that balance or entered  
9       into an agreement under section 109 in respect of” and insert:

10

11              the applicant, has paid

12

13       **106. Section 51 amended**

14              Delete section 51(2)(a).

15       **107. Section 53 amended**

16       (1) In section 53 delete “Subject to this Part, a licence” and insert:

17

18              (1) Subject to this Part, a licence granted before the  
19              commencement of the *Petroleum and Energy*  
20              *Legislation Amendment Act 2009* section 107(3)

21

22       (2) Delete section 53(c) and insert:

23

24              (c) in the case of a licence granted by way of the  
25              second renewal of a licence — indefinitely.

26

**s. 108**

---

1 (3) At the end of section 53 insert:

2

3 (2) Subject to this Part, a licence granted after the  
4 commencement of the *Petroleum and Energy*  
5 *Legislation Amendment Act 2009* section 107(3)  
6 remains in force indefinitely.  
7

8 **108. Section 54A inserted**

9 After section 53 insert:

10

11 **54A. Termination of licence if no operations for 5 years**

12 (1) If a licence is in force under section 53(1)(c) or (2) and  
13 the licensee has not carried on any operations for the  
14 recovery of petroleum under the licence at any time  
15 during a continuous period of at least 5 years, the  
16 Minister may, by written notice served on the licensee,  
17 inform the licensee that the Minister proposes to  
18 terminate the licence after the end of the period of one  
19 month after the notice is served.

20 (2) At any time after the end of the period of one month  
21 after the notice referred to in subsection (1) is served  
22 on the licensee, the Minister may, by written notice  
23 served on the licensee, terminate the licence.

24 (3) In working out for the purposes of subsection (1) the  
25 duration of the period in which no operations for the  
26 recovery of petroleum were carried on under a licence,  
27 any period in which no such operations were carried on  
28 because of circumstances beyond the licensee's control  
29 is to be disregarded.  
30

1 **109. Section 54 amended**

2 (1) In section 54(1) after “licensee” insert:

3

4 under a licence to which section 53(1)(a) or (b) applies

5

6 (2) Delete section 54(2)(a).

7 **110. Section 55 amended**

8 Delete section 55(1)(c) and (d) and “or” after paragraph (c) and  
9 insert:

10

11 (c) shall if —

12 (i) the application is in respect of the first  
13 renewal of the licence; or

14 (ii) the application is in respect of a renewal  
15 of the licence other than the first  
16 renewal and operations for the recovery  
17 of petroleum have been carried on in the  
18 licence area before the end of the period  
19 of 5 years before the application for the  
20 renewal was made;

21 or

22 (d) may in any other case,

23

24 **111. Section 59 amended**

25 In section 59(11)(b) delete “adjacent area in respect” (each  
26 occurrence) and insert:

27

28 offshore area

29

1 **112. Part III Division 4A inserted**

2 After Part III Division 3 insert:

3

4 **Division 4A — Infrastructure licences**

5 **60A. Construction etc. of infrastructure facilities**

6 A person shall not, in the adjacent area —

7 (a) begin or continue the construction, or the  
8 alteration or reconstruction, of any  
9 infrastructure facilities; or

10 (b) operate any infrastructure facilities,

11 except —

12 (c) under and in accordance with an infrastructure  
13 licence; or

14 (d) as otherwise permitted by this Part.

15 Penalty: a fine of \$50 000 or imprisonment for 5 years,  
16 or both.

17 **60B. Application for infrastructure licence**

18 (1) A person may apply to the Minister for the grant of an  
19 infrastructure licence.

20 (2) The application —

21 (a) shall be made in an approved manner; and

22 (b) shall be accompanied by particulars of the  
23 proposals of the applicant for the construction  
24 and operation of facilities at a place in the  
25 adjacent area, being a place described in the  
26 application; and

27 (c) may set out any other matters that the applicant  
28 wishes to be considered; and

29 (d) shall be accompanied by the prescribed fee.

- 1           (3) The Minister may, at any time, by written notice served  
2           on the applicant, require the applicant to give, within  
3           the period stated in the notice, further written  
4           information in connection with the application.

5           **60C. Notification as to grant of infrastructure licence**

- 6           (1) If an application for the grant of an infrastructure  
7           licence has been made under section 60B and the  
8           applicant has given any further information as and  
9           when required by the Minister under section 60B(3),  
10          then, subject to section 60D, the Minister, by written  
11          notice served on the applicant, may inform the  
12          applicant that the Minister is prepared to grant to the  
13          applicant an infrastructure licence in respect of the  
14          place described in the application.
- 15          (2) A notice under subsection (1) shall —
- 16                  (a) contain a summary of the conditions subject to  
17                  which the infrastructure licence is to be  
18                  granted; and
- 19                  (b) contain a statement to the effect that the  
20                  application will lapse if the applicant does not  
21                  make a request under section 60E(1) in respect  
22                  of the infrastructure licence.

23          **60D. Notices to be given by Minister**

- 24          (1) This section applies if the Minister is prepared to grant  
25          an infrastructure licence (the *proposed infrastructure*  
26          *licence*) in respect of a place in a block that —
- 27                  (a) is the subject of a permit, lease, licence,  
28                  infrastructure licence, special prospecting  
29                  authority or access authority; or

**s. 112**

---

- 1 (b) is, or is proposed to be, transected by a pipeline  
2 in accordance with the provisions of a pipeline  
3 licence,  
4 of which the registered holder is a person other than the  
5 applicant.
- 6 (2) The Minister shall not inform the applicant under  
7 section 60C that the Minister is prepared to grant the  
8 proposed infrastructure licence unless the Minister —
- 9 (a) has, by written notice served on the registered  
10 holder referred to in subsection (1), given not  
11 less than one month's notice that the Minister is  
12 prepared to grant the proposed infrastructure  
13 licence; and
- 14 (b) has served a copy of the notice on such other  
15 persons (if any) as the Minister thinks fit; and
- 16 (c) has, in the notice —
- 17 (i) given particulars of the proposed  
18 infrastructure licence; and
- 19 (ii) specified a date, on or before which a  
20 person on whom the notice, or a copy of  
21 the notice, is served may, by writing  
22 served on the Minister, submit any  
23 matters that the person wishes the  
24 Minister to consider;
- 25 and
- 26 (d) has taken into account any matters so submitted  
27 on or before the specified date by a person on  
28 whom the first-mentioned notice, or a copy of  
29 it, has been served.
- 30 (3) Subsection (2) does not apply —
- 31 (a) in respect of the registered holder of a permit,  
32 lease, licence, infrastructure licence or pipeline  
33 licence if the registered holder has consented in

- 1 writing to the grant of the proposed  
2 infrastructure licence; or
- 3 (b) in respect of the registered holder of a special  
4 prospecting authority or an access authority  
5 if —
- 6 (i) the registered holder has consented in  
7 writing to the grant of the proposed  
8 infrastructure licence; or
- 9 (ii) the special prospecting authority or  
10 access authority will expire before any  
11 construction or operation of facilities  
12 under the proposed infrastructure  
13 licence would occur.

14 **60E. Grant of infrastructure licence**

- 15 (1) An applicant on whom a notice has been served under  
16 section 60C(1) may, by written notice served on the  
17 Minister, request the Minister to grant to the applicant  
18 the infrastructure licence referred to in the  
19 first-mentioned notice.
- 20 (2) The request must be made —
- 21 (a) before the end of the period of 3 months after  
22 the date of service of the notice on the applicant  
23 under section 60C(1); or
- 24 (b) if the Minister, on application in writing made  
25 to the Minister before the end of that period,  
26 allows a further period of not more than  
27 3 months for the making of the request —  
28 before the end of that further period.
- 29 (3) If the applicant makes the request within the period  
30 applicable under subsection (2), the Minister shall  
31 grant to the applicant an infrastructure licence in  
32 respect of the place described in the application.

**s. 112**

---

- 1 (4) If the applicant does not make the request within the  
2 period applicable under subsection (2), the application  
3 lapses at the end of that period.

4 **60F. Rights conferred by infrastructure licence**

- 5 (1) An infrastructure licence, while it remains in force,  
6 authorises the infrastructure licensee, subject to this  
7 Act and in accordance with the conditions to which the  
8 infrastructure licence is subject, to construct and  
9 operate infrastructure facilities in the infrastructure  
10 area.

- 11 (2) To avoid doubt, the grant of an infrastructure licence is  
12 not a prerequisite to doing any thing that could be  
13 authorised to be done by a permit, lease, licence or  
14 pipeline licence.

15 **60G. Term of infrastructure licence**

16 Subject to this Part, an infrastructure licence remains in  
17 force indefinitely.

18 **60H. Termination of infrastructure licence if no**  
19 **operations for 5 years**

- 20 (1) If an infrastructure licensee —  
21 (a) has not carried out any construction work under  
22 the infrastructure licence at any time during a  
23 continuous period of 5 years; and  
24 (b) has not used the infrastructure facilities  
25 constructed under the infrastructure licence at  
26 any time during a continuous period of 5 years,

27 the Minister may, by written notice served on the  
28 infrastructure licensee, inform the infrastructure  
29 licensee that the Minister proposes to terminate the  
30 infrastructure licence after the end of the period of one  
31 month after the notice is served.



- 1           (2) At any time after the end of the period of one month  
2           after the notice referred to in subsection (1) is served  
3           on the infrastructure licensee, the Minister may, by  
4           written notice served on the infrastructure licensee,  
5           terminate the infrastructure licence.
- 6           (3) In working out, for the purposes of subsection (1), the  
7           duration of the period in which an infrastructure  
8           licensee did not carry out any construction work under  
9           the infrastructure licence or did not use the  
10          infrastructure facilities constructed under the  
11          infrastructure licence, any period in which construction  
12          work was not carried out, or the infrastructure facilities  
13          were not used, because of circumstances beyond the  
14          infrastructure licensee's control is to be disregarded.

15           **60I. Conditions of infrastructure licence**

16           An infrastructure licence may be granted subject to  
17           such conditions as the Minister thinks fit and are  
18           specified in the infrastructure licence.

19           **60J. Variation of infrastructure licence**

- 20           (1) An infrastructure licensee may, at any time, make an  
21           application to the Minister for the variation of the  
22           infrastructure licence.
- 23           (2) An application under this section —
- 24               (a) shall be made in the approved manner; and
- 25               (b) shall be accompanied by particulars of the  
26               proposed variation; and
- 27               (c) shall set out the reasons for the proposed  
28               variation; and
- 29               (d) shall be accompanied by the prescribed fee.

**s. 112**

---

- 1 (3) The Minister may, at any time, by written notice served  
2 on the applicant, require the applicant to give, within  
3 the period stated in the notice, further written  
4 information in connection with the application.
- 5 (4) If the infrastructure licence was granted in respect of a  
6 place in a block that —
- 7 (a) is the subject of a permit, lease, licence,  
8 infrastructure licence, special prospecting  
9 authority or access authority; or
- 10 (b) is, or is proposed to be, transected by a pipeline  
11 in accordance with the provisions of a pipeline  
12 licence,
- 13 of which the registered holder is a person other than the  
14 applicant, the Minister shall not vary the infrastructure  
15 licence pursuant to the application unless the  
16 Minister —
- 17 (c) has, by written notice served on the registered  
18 holder, given not less than one month's notice  
19 that the Minister is considering the application;  
20 and
- 21 (d) has served a copy of the notice on such other  
22 persons (if any) as the Minister thinks fit; and
- 23 (e) has, in the notice —
- 24 (i) given particulars of the proposed  
25 variation; and
- 26 (ii) specified a date on or before which a  
27 person on whom the notice or a copy of  
28 the notice, is served may, by writing  
29 served on the Minister, submit any  
30 matters that the person wishes the  
31 Minister to consider.

- 1           (5) Subsection (4) does not apply —
- 2                   (a) in respect of the registered holder of a permit,  
3                   lease, licence, infrastructure licence or pipeline  
4                   licence if the registered holder has consented in  
5                   writing to the variation of the infrastructure  
6                   licence; or
- 7                   (b) in respect of the registered holder of a special  
8                   prospecting authority or an access authority  
9                   if —
- 10                       (i) the registered holder has consented in  
11                       writing to the variation of the  
12                       infrastructure licence; or
- 13                       (ii) the special prospecting authority or  
14                       access authority will expire before any  
15                       construction or operation of facilities  
16                       under the infrastructure licence as  
17                       proposed to be varied would occur.
- 18           (6) After considering any matters submitted to the Minister  
19           under subsection (4) on or before the date specified in  
20           the notice served under that subsection by a person to  
21           whom the notice, or a copy of the notice, has been  
22           served, the Minister may —
- 23                   (a) by written notice served on the applicant, vary  
24                   the infrastructure licence to such extent as the  
25                   Minister thinks necessary; or
- 26                   (b) refuse to vary the infrastructure licence.
- 27

**s. 113**

---

1 **113. Sections 59A and 59B replaced**

2 Delete sections 59A and 59B and insert:

3

4 **60K. Term used: adjacent area**

5 (1) For the purposes of subsection (2), assume that the  
6 breadth of the territorial sea had never been determined  
7 or declared to be greater than 3 nautical miles, but had  
8 continued to be 3 nautical miles.

9 (2) In this Division —

10 *adjacent area* means so much of the scheduled area as  
11 consists of —

12 (a) the territorial sea; and

13 (b) any area that is —

14 (i) on the landward side of the territorial  
15 sea; and

16 (ii) not within the limits of Western  
17 Australia.  
18

19 **114. Section 60 amended**

20 (1) Delete section 60(2), (3) and (4) and insert:

21

22 (4) A person shall not, in the adjacent area, commence to  
23 operate a pipeline unless —

24 (a) it has been constructed and tested in accordance  
25 with a pipeline licence; and

26 (b) the Minister has certified in writing that he or  
27 she is satisfied that the pipeline has been so  
28 constructed and tested and is fit to be operated.  
29

30 (2) In section 60(5) delete “a secondary line or a water line,”.

1       (3) In section 60 delete the Penalty and insert:

2

3                       Penalty for an offence under subsection (1), (4) or (5):  
4                       a fine of \$50 000 or imprisonment for 5 years, or  
5                       both.

6

7       **115. Section 61 amended**

8               In section 61(a) delete “pipeline, water line, pumping station,  
9               tank station, valve station or secondary line” (each occurrence)  
10              and insert:

11

12              pipeline

13

14       **116. Section 62 amended**

15       (1) In section 62(1) delete “pipeline, water line, pumping station,  
16       tank station, valve station or secondary line” (each occurrence)  
17       and insert:

18

19              pipeline

20

21       (2) In section 62(2) delete “pipeline, water line, pumping station,  
22       tank station, valve station or secondary line” (each occurrence)  
23       and insert:

24

25              pipeline

26

**s. 117**

---

1 **117. Section 64 amended**

2 (1) In section 64(1):

3 (a) delete “pipeline licence — ” and insert:

4

5 pipeline licence whether or not that licence is for the  
6 conveyance of petroleum recovered from an area  
7 within the adjacent area —

8

9 (b) delete paragraph (a).

10 (2) In section 64(2)(b) delete “a licence area under” and insert:

11

12 the licence area of a production licence under

13

14 **118. Section 65 amended**

15 In section 65(5) delete “a licence area under” and insert:

16

17 the licence area of a production licence under

18

19 **119. Section 67 amended**

20 Delete section 67(1) and insert:

21

22 (1) Subject to this Part, a pipeline licence remains in force  
23 indefinitely.

24

1   **120.   Section 68 replaced**

2           Delete section 68 and insert:

3

4           **68.    Termination of pipeline licence if no operations for**  
5           **5 years**

6           (1) If a pipeline licensee —

7               (a) has not carried out any construction work under  
8               the pipeline licence at any time during a  
9               continuous period of 5 years; and

10              (b) has not used the pipeline, or has not used a  
11              particular part of it, at any time during a  
12              continuous period of 5 years,

13                   the Minister may, by written notice served on the  
14                   pipeline licensee, inform the pipeline licensee that the  
15                   Minister proposes to terminate the pipeline licence, or  
16                   to terminate the pipeline licence in respect of the  
17                   unused part of the pipeline, as the case may be, after  
18                   the end of the period of one month after the notice is  
19                   served.

20           (2) At any time after the end of the period of one month  
21           after the notice referred to in subsection (1) is served  
22           on the pipeline licensee, the Minister may, by written  
23           notice served on the pipeline licensee, terminate the  
24           pipeline licence or terminate the pipeline licence in  
25           respect of the unused part of the pipeline, as the case  
26           may be.

27           (3) In working out, for the purposes of subsection (1), the  
28           duration of the period in which a pipeline licensee did  
29           not carry out any construction work under the pipeline  
30           licence or did not use the pipeline or a part of the  
31           pipeline, any period in which construction work was  
32           not carried out, or the pipeline or the part of it was not

**s. 121**

---

1 used, because of circumstances beyond the pipeline  
2 licensee's control is to be disregarded.  
3

4 **121. Section 69 deleted**

5 Delete section 69.

6 **122. Section 70 amended**

7 Delete section 70(3).

8 **123. Section 71 amended**

9 Delete section 71(2)(a).

10 **124. Section 72 amended**

11 In section 72(1) delete "pipeline, or of a water line, pumping  
12 station, tank station, valve station or secondary line" and insert:

13

14 pipeline  
15

16 **125. Section 74J amended**

17 In section 74J after "licence," insert:

18

19 infrastructure licence,  
20

21 **126. Section 76 amended**

22 (1) In section 76(1):

23 (a) after paragraph (b) insert:  
24

25 and

26 (ca) in the case of an infrastructure licence, setting  
27 out the particulars of the infrastructure licence  
28 area; and  
29



1 (b) after each of paragraphs (a), (c), (d) and (e) insert:

2

3

and

4

5 (2) In section 76(2):

6

(a) delete paragraph (c) and “and” after it;

7

(b) after each of paragraphs (a) and (b) insert:

8

9

and

10

11 **127. Section 81A amended**

12 In section 81A(4)(a)(i) delete “lease, licence” (each occurrence)  
13 and insert:

14

15 lease, licence, infrastructure licence

16

17 **128. Section 93 amended**

18 In section 93(a), (b) and (c) before “pipeline licence” insert:

19

20 infrastructure licence,

21

22 **129. Section 94 replaced**

23 Delete section 94 and insert:

24

25 **94. Notice of grants of permits etc. to be published**

26 The Minister shall cause notice of, and such particulars  
27 as the Minister thinks fit of —

28

(a) the grant, and the grant of the renewal, of a  
29 permit, lease, licence, infrastructure licence or  
30 pipeline licence; and

30

**s. 130**

---

- 1 (b) the variation of a licence, infrastructure licence  
2 or pipeline licence; and
- 3 (c) the surrender or cancellation of a permit, lease  
4 or licence as to all or some of the blocks in the  
5 permit area, lease area or licence area; and
- 6 (d) the surrender or cancellation of an  
7 infrastructure licence; and
- 8 (e) the determination of a permit or lease as to a  
9 block or blocks; and
- 10 (f) an application for a pipeline licence or for a  
11 variation of a pipeline licence; and
- 12 (g) the surrender or cancellation of a pipeline  
13 licence as to the whole or a part of the pipeline;  
14 and
- 15 (h) the expiry of a permit, lease or licence, or the  
16 termination of a licence, infrastructure licence  
17 or pipeline licence,

18 under this Part to be published in the *Gazette*.

19

20 **130. Section 95 amended**

21 (1) After section 95(2) insert:

22

23 (3A) The surrender or cancellation of an infrastructure  
24 licence has effect on and from the day on which notice  
25 of the surrender or cancellation is published in the  
26 *Gazette*.

27

28 (2) In section 95(4) delete “licence or” and insert:

29

30 licence, infrastructure licence or

31

1   **131.   Section 96 amended**

2       (1) In section 96(1):

3           (a) delete “licence or” (each occurrence) and insert:

4

5                   licence, infrastructure licence or

6

7           (b) delete “licensee or” and insert:

8

9                   licensee, infrastructure licensee or

10

11       (2) In section 96(2):

12           (a) delete “licensee or” and insert:

13

14                   licensee, infrastructure licensee or

15

16           (b) in paragraph (b) delete “licence or” (each occurrence)  
17               and insert:

18

19                   licence, infrastructure licence or

20

21       (3) In section 96 delete the Penalty and insert:

22

23                               Penalty for an offence under subsection (1) or (3): a  
24                               fine of \$10 000.

25

26   **132.   Section 97 amended**

27       (1) After section 97(2) insert:

28

29           (3A) An infrastructure licensee shall carry out operations  
30               authorised by the infrastructure licence in a safe

**s. 133**

---

1 manner and in accordance with good oil-field practice  
2 and good processing and transport practice.  
3 (3B) In particular and without limiting the generality of  
4 subsection (3A), but subject to any authorisation or  
5 requirement given or made by or under this Act or  
6 regulations or directions under this Act, an  
7 infrastructure licensee shall control the flow, and  
8 prevent the waste or escape, from a facility constructed  
9 under the infrastructure licence, of water, petroleum or  
10 any product derived by processing petroleum.  
11

12 (2) In section 97 delete the Penalty and insert:  
13

14 Penalty for an offence under subsection (1), (2), (3A),  
15 (3B), (3), (4) or (5): a fine of \$10 000.  
16

17 **133. Section 97A amended**

18 (1) In section 97A(1) before “or pipeline licence” (each occurrence)  
19 insert:  
20

21 infrastructure licence  
22

23 (2) In section 97A(3) before “or pipeline licence” insert:  
24

25 infrastructure licence  
26

27 (3) In section 97A(4) before “or pipeline licence” insert:  
28

29 infrastructure licence  
30

1   **134.   Section 98 amended**

2       (1) In section 98(1):

3           (a) in the definition of *operator* before “pipeline licensee”  
4               insert:

5  
6               infrastructure licensee,

7  
8           (b) in the definition of *the operations area* paragraph (a)  
9               delete “be;” and insert:

10  
11               be; and

12  
13           (c) in the definition of *the operations area* after  
14               paragraph (a) insert:

15  
16               (ba) in relation to an operator who is an  
17                   infrastructure licensee, means the infrastructure  
18                   licence area; and

19  
20       (2) In section 98 delete the Penalty and insert:

21  
22                   Penalty for an offence under subsection (2) or (3): a  
23                   fine of \$10 000.

24  
25   **135.   Section 100 deleted**

26       Delete section 100.

27   **136.   Section 101 amended**

28       (1) In section 101(1) before “pipeline licence” insert:

29  
30               infrastructure licence,

31

**s. 137**

---

- 1 (2) Delete section 101(2)(b) and insert:  
2  
3 (b) any person (not being a person to whom the  
4 direction applies in accordance with  
5 paragraph (a)) who is —  
6 (i) in the adjacent area for any reason  
7 touching, concerning, arising out of or  
8 connected with exploring the seabed or  
9 subsoil of the adjacent area for  
10 petroleum, exploiting the petroleum that  
11 occurs as a natural resource of that  
12 seabed or subsoil, processing or storing  
13 petroleum or preparing petroleum for  
14 transport; or  
15 (ii) in, on, above, below or in the vicinity of  
16 a vessel, aircraft, structure or  
17 installation, or equipment or other  
18 property, that is in the adjacent area for  
19 a reason of that kind,  
20

21 **137. Section 102 amended**

22 In section 102(2a)(a) before “pipeline licensee” insert:  
23

24 infrastructure licensee,  
25

26 **138. Section 103 amended**

27 (1) In section 103(1):

28 (a) in paragraph (a) delete “licence or” (first occurrence)  
29 and insert:

30  
31 licence, infrastructure licence or  
32

- 1 (b) in paragraph (a) delete “lease, licence or pipeline  
2 licence;” and insert:  
3  
4 lease or licence;  
5  
6 (c) in paragraph (i) before “pipeline licensee” insert:  
7  
8 infrastructure licensee,  
9  
10 (d) in paragraph (i) before “pipeline licence,” insert:  
11  
12 infrastructure licence,  
13  
14 (e) in paragraph (j) before “pipeline licensee” insert:  
15  
16 infrastructure licensee,  
17  
18 (f) before “pipeline licensee” (fourth occurrence) insert:  
19  
20 infrastructure licensee,  
21  
22 (g) in paragraph (l) before “pipeline licensee” insert:  
23  
24 infrastructure licensee,  
25  
26 (h) before “pipeline licence,” (last occurrence) insert:  
27  
28 infrastructure licence,  
29  
30 (2) In section 103(2) delete “licence or” and insert:  
31  
32 licence, infrastructure licence or  
33

**s. 139**

---

1 **139. Section 104 amended**

2 (1) In section 104(1):

3 (a) delete “licence or” and insert:

4

5 licence, infrastructure licence or

6

7 (b) after paragraph (a) insert:

8

9 or

10 (aaa) in the case of an infrastructure licence, as to the  
11 infrastructure licence area; or

12

13 (2) In section 104(2) after each of paragraphs (a) to (d) insert:

14

15 and

16

17 (3) In section 104(3) delete “licence or” and insert:

18

19 licence, infrastructure licence or

20

21 (4) After section 104(5)(a) insert:

22

23 (ba) in relation to an infrastructure licence, the  
24 infrastructure area; and

25

26 **140. Section 105 amended**

27 (1) In section 105(1):

28 (a) delete “licensee or” (each occurrence) and insert:

29

30 licensee, infrastructure licensee or

31



- 1 (b) in paragraph (a) delete “licence or” and insert:  
2  
3 licence, infrastructure licence or  
4
- 5 (c) after paragraph (ea) insert:  
6  
7 (fa) in the case of an infrastructure licence, cancel  
8 the infrastructure licence; or  
9
- 10 (d) after each of paragraphs (a), (b) and (e) insert:  
11  
12 or  
13
- 14 (2) In section 105(2):  
15 (a) before “or cancel” insert:  
16  
17 cancel an infrastructure licence,  
18
- 19 (b) in paragraphs (a), (c) and (d) delete “lessee, licensee”  
20 (each occurrence) and insert:  
21  
22 lessee, licensee, infrastructure licensee  
23
- 24 (c) in paragraph (a) delete “licence or” and insert:  
25  
26 licence, infrastructure licence or  
27

**s. 141**

---

1 **141. Section 106 replaced**

2 Delete section 106 and insert:

3

4 **106. Cancellation of permit etc. not affected by other**  
5 **provisions**

6 (1) In this section —

7 *cancelled* —

8 (a) in the case of a permit or licence — includes  
9 cancelled as to some of the blocks in respect of  
10 which it is in force;

11 (b) in the case of a pipeline licence — includes  
12 cancelled as to part of the pipeline in respect of  
13 which it is in force;

14 *this Act* includes the Registration Fees Act;

15 *this Part* includes the regulations.

16 (2) A permit, licence, pipeline licence, lease or  
17 infrastructure licence may be cancelled on the ground  
18 that the registered holder has not complied with a  
19 provision of this Part or of the regulations even though  
20 the holder has been convicted of an offence because of  
21 the holder's failure to comply with the provision.

22 (3) If a permit, licence, pipeline licence, lease or  
23 infrastructure licence has been cancelled on the ground  
24 that the registered holder has not complied with a  
25 provision of this Part or of the regulations, the person  
26 who was or is the registered holder may be convicted  
27 of an offence because of the person's failure to comply  
28 with the provision despite the cancellation.

- 1 (4) A permit, licence, pipeline licence, lease or  
2 infrastructure licence may be cancelled on the ground  
3 that the registered holder has not paid an amount  
4 payable by the holder under this Act or the Registration  
5 Fees Act within the period of 3 months after the day on  
6 which the amount became payable, even though  
7 judgment for the amount has been obtained or the  
8 amount, or any part of the amount, has been paid or  
9 recovered.
- 10 (5) If a permit, licence, pipeline licence, lease or  
11 infrastructure licence has been cancelled on the ground  
12 that the registered holder has not paid an amount  
13 payable by the holder under this Act or the Registration  
14 Fees Act within the period of 3 months after the day on  
15 which the amount became payable, the person who was  
16 or is the registered holder continues to be liable to pay  
17 that amount, together with any additional amount  
18 payable because of late payment of that amount,  
19 despite the cancellation.  
20

21 **142. Section 107 amended**

- 22 (1) Delete section 107(1) and (2) and insert:  
23
- 24 (1) If —
- 25 (a) a permit has been wholly or partly determined  
26 or wholly or partly cancelled, or has expired; or
- 27 (b) a lease has been wholly or partly determined or  
28 wholly cancelled, or has expired; or
- 29 (c) a licence has been wholly or partly determined  
30 or wholly or partly cancelled, has been  
31 terminated or has expired; or
- 32 (d) an infrastructure licence has been cancelled or  
33 terminated; or

**s. 142**

---

- 1 (e) a pipeline licence has been wholly or partly  
2 determined or wholly or partly cancelled, or has  
3 been terminated,
- 4 the Minister may, by written notice served on the  
5 person who was or is, as the case may be, the  
6 permittee, licensee, lessee, infrastructure licensee or  
7 pipeline licensee, direct the person to do any one or  
8 more of the following —
- 9 (f) to remove or cause to be removed from the  
10 relinquished area all property brought into the  
11 area by any person engaged or concerned in the  
12 operations authorised by the permit, lease,  
13 licence, infrastructure licence or pipeline  
14 licence or to make arrangements that are  
15 satisfactory to the Minister with respect to the  
16 property;
- 17 (g) to plug or close off, to the satisfaction of the  
18 Minister, all wells made in that area by any  
19 person engaged or concerned in those  
20 operations;
- 21 (h) subject to this Part and to the regulations, to  
22 make provision, to the satisfaction of the  
23 Minister, for the conservation and protection of  
24 the natural resources in that area;
- 25 (i) to make good, to the satisfaction of the  
26 Minister, any damage to the seabed or subsoil  
27 in that area caused by any person engaged or  
28 concerned in those operations.
- 29 (2) The Minister may, by written notice served on a person  
30 who is a permittee, lessee, licensee, infrastructure  
31 licensee or pipeline licensee, direct the person to do  
32 any one or more of the following —
- 33 (a) to remove or cause to be removed from the  
34 permit area, lease area, licence area,  
35 infrastructure licence area or part of the

- 1 adjacent area in which the pipeline is  
2 constructed, as the case may be, all property  
3 brought into the area or part by any person  
4 engaged or concerned in the operations  
5 authorised by the permit, lease, licence,  
6 infrastructure licence or pipeline licence or to  
7 make arrangements that are satisfactory to the  
8 Minister with respect to the property;
- 9 (b) to plug or close off, to the satisfaction of the  
10 Minister, all wells made in that area or part by  
11 any person engaged or concerned in those  
12 operations;
- 13 (c) subject to this Part and to the regulations, to  
14 make provision, to the satisfaction of the  
15 Minister, for the conservation and protection of  
16 the natural resources in that area or part;
- 17 (d) to make good, to the satisfaction of the  
18 Minister, any damage to the seabed or subsoil  
19 in that area or part caused by any person  
20 engaged or concerned in those operations.

21  
22 (2) In section 107 delete the Penalty and insert:

23  
24 Penalty for an offence under subsection (3): a fine of  
25 \$10 000.  
26

27 **143. Section 108 replaced**

28 Delete section 108 and insert:

29  
30 **108. Removal of property etc. by Minister**

- 31 (1) This section applies if —  
32 (a) a permit has been wholly or partly determined  
33 or wholly or partly cancelled, or has expired; or

**s. 144**

---

- 1 (b) a lease has been wholly or partly determined or  
2 wholly cancelled, or has expired; or
- 3 (c) a licence has been wholly or partly determined  
4 or wholly or partly cancelled, has been  
5 terminated or has expired; or
- 6 (d) an infrastructure licence has been cancelled or  
7 terminated; or
- 8 (e) a pipeline licence has been wholly or partly  
9 determined or wholly or partly cancelled, or has  
10 been terminated.
- 11 (2) If a direction under section 107 has not been complied  
12 with, or an arrangement under that section has not been  
13 carried out, in relation to the relinquished area —
- 14 (a) the Minister may do all or any of the things  
15 required by the direction or arrangement to be  
16 done; and
- 17 (b) if any property brought into that area by any  
18 person engaged or concerned in the operations  
19 authorised by the permit, lease, licence,  
20 infrastructure licence or pipeline licence has not  
21 been removed in accordance with the direction  
22 or arrangement, the Minister may, by  
23 instrument published in the *Gazette*, direct that  
24 the owner or owners of that property shall  
25 remove it from that area, or dispose of it to the  
26 satisfaction of the Minister, within the period  
27 specified in the instrument and shall serve a  
28 copy of the instrument on each person whom  
29 the Minister believes to be an owner of that  
30 property or any part of that property.  
31

32 **144. Sections 109 and 110 deleted**

33 Delete sections 109 and 110.

1 **145. Section 111 amended**

2 Delete section 111(2)(a).

3 **146. Section 112 amended**

4 (1) Delete section 112(2)(a).

5 (2) In section 112(4):

6 (a) delete “The” and insert:

7

8 Subject to subsection (5A), the

9

10 (b) delete “lease or licence” (each occurrence) and insert:

11

12 lease, licence or special prospecting authority

13

14 (3) After section 112(4) insert:

15

16 (5A) Subsection (4) does not apply if the holder of the  
17 permit, lease, licence or special prospecting authority  
18 has consented in writing to the grant of the access  
19 authority.

20

21 **147. Section 113 amended**

22 In section 113(3)(b) before “pipeline licensee” insert:

23

24 infrastructure licensee,

25

**s. 148**

---

1 **148. Section 115 amended**

2 (1) In section 115(1) delete “recovery of petroleum” and insert:

3

4 recovery of petroleum, operations relating to the  
5 processing or storage of petroleum or the preparation  
6 of petroleum for transport

7

8 (2) In section 115(2) delete the passage that begins with “penalty,”  
9 and continues to the end of the subsection and insert:

10

11 penalty.

12

13 (3) After section 115(2) insert:

14

15 (3) However, any information furnished, answer given or  
16 document produced pursuant to the requirement, and  
17 any information or thing (including any document)  
18 obtained as a direct or indirect consequence of the  
19 furnishing of the information, the answering of the  
20 question or the production of the document, as the case  
21 may be, is not admissible in evidence against the  
22 person in any civil proceedings or in any criminal  
23 proceedings other than proceedings for an offence  
24 against section 117.

25

26 **149. Section 118 deleted**

27 Delete section 118.

28 **150. Section 121 deleted**

29 Delete section 121.



1 **151. Section 122 amended**

2 (1) In section 122(1) before “pipeline licence,” insert:

3

4 infrastructure licence,

5

6 (2) In section 122 delete the Penalty and insert:

7

8 Penalty for an offence under subsection (2): a fine of  
9 \$10 000.

10

11 **152. Section 123A inserted**

12 After section 122 insert:

13

14 **123A. Data management: regulations**

15 (1) The regulations may make provision for and in relation  
16 to —

17 (a) the keeping of accounts, records and other  
18 documents in connection with operations in the  
19 adjacent area under —

20 (i) a permit; or

21 (ii) a lease; or

22 (iii) a licence; or

23 (iv) an infrastructure licence; or

24 (v) a pipeline licence; or

25 (vi) a special prospecting authority; or

26 (vii) an access authority; or

27 (viii) a consent under section 123;

28 and

**s. 153**

---

- 1 (b) the collection and retention of cores, cuttings  
2 and samples in connection with those  
3 operations; and
- 4 (c) the giving to the Minister, or a specified person,  
5 of reports, returns, other documents, cores,  
6 cuttings and samples in connection with those  
7 operations.
- 8 (2) A requirement under section 122 is in addition to a  
9 requirement under regulations made for the purposes of  
10 this section.  
11

12 **153. Section 124 amended**

13 In section 124:

- 14 (a) before “pipeline licence,” insert:  
15  
16 infrastructure licence,  
17
- 18 (b) delete “section 60(2) or (3) or”.

19 **154. Section 124A amended**

20 In section 124A(3) in the definition of *authorisation* before  
21 “pipeline licence,” insert:

22  
23 infrastructure licence,  
24

25 **155. Section 125 amended**

26 In section 125 delete the Penalty and insert:

27  
28 Penalty for an offence under subsection (3): a fine of  
29 \$500.  
30

1 **156. Section 126 amended**

2 In section 126(1)(a) delete “petroleum exploration operations,  
3 operations for the recovery of petroleum or operations  
4 connected with the construction or operation of a pipeline in  
5 that area;” and insert:

6

7 any of the following operations in that area —

- 8 (i) petroleum exploration operations;  
9 (ii) petroleum recovery operations;  
10 (iii) operations relating to the processing or  
11 storage of petroleum;  
12 (iv) operations relating to the preparation of  
13 petroleum for transport;  
14 (v) operations connected with the  
15 construction or operation of a pipeline;

16 and

17

18 **157. Section 134 amended**

19 In section 134(1) delete “39” and insert:

20

21 39, 60A

22

23 **158. Section 138A amended**

24 In section 138A(5) delete “licence” and insert:

25

26 licence, infrastructure licence, pipeline licence

27

**s. 159**

---

1 **159. Section 141A inserted**

2 After section 140 insert:

3

4 **141A. Infrastructure licence fees**

5 There is payable to the Minister by an infrastructure  
6 licensee, in respect of each year of the term of the  
7 infrastructure licence, a fee specified in, or calculated  
8 in accordance with, the regulations.

9

10 **160. Section 142 amended**

11 In section 142(a) and (b) delete “licence or” and insert:

12

13 licence, infrastructure licence or

14

15 **161. Section 150 amended**

16 In section 150(1) delete “licensee or” and insert:

17

18 licensee, infrastructure licensee or

19

20 **162. Section 151 amended**

21 In section 151 delete “lessee, licensee” and insert:

22

23 lessee, licensee, infrastructure licensee

24

1 **163. Part IVA inserted**

2 After section 151Q insert:

3

4 **Part IVA — Release of information**

5 **Division 1 — Preliminary**

6 **152A. Terms used**

7 In this Part, unless the contrary intention appears —

8 ***applicable document*** means —

- 9 (a) an application made after the commencement to  
10 the Minister under this Act; or  
11 (b) a document accompanying an application so  
12 made; or  
13 (c) a report, return or other document relating to a  
14 block given after the commencement to the  
15 Minister under —  
16 (i) this Act; or  
17 (ii) regulations made for the purposes of  
18 section 123A;

19 ***commencement*** means the commencement of the  
20 *Petroleum and Energy Legislation Amendment*  
21 *Act 2009* section 163;

22 ***documentary information*** means information  
23 contained in an applicable document;

24 ***Minister of another jurisdiction*** means a Minister of  
25 the Commonwealth, a Minister of another State or a  
26 Minister of the Northern Territory;

27 ***petroleum mining sample*** means —

- 28 (a) a core or cutting from, or a sample of, the  
29 seabed or subsoil; or  
30 (b) a sample of petroleum recovered; or

**s. 163**

---

- 1 (c) a sample of fluid recovered (other than fluid  
2 petroleum),  
3 that has been given at any time, whether before or after  
4 the commencement, to the Minister, and includes a  
5 portion of such a core, cutting or sample.

6 **Division 2 — Protection of confidentiality of**  
7 **information and samples**

8 **Subdivision 1 — Information and samples obtained by**  
9 **the Minister**

10 **152B. Protection of confidentiality of information**  
11 **obtained by the Minister**

- 12 (1) This section restricts what the Minister may do with  
13 documentary information.  
14 (2) The Minister shall not —  
15 (a) make the information publicly known; or  
16 (b) make the information available to a person  
17 (other than another Minister or a Minister of  
18 another jurisdiction),  
19 unless the Minister does so —  
20 (c) in accordance with regulations made for the  
21 purposes of this paragraph; or  
22 (d) for the purposes of the administration of  
23 this Act.

24 **152C. Protection of confidentiality of samples obtained by**  
25 **the Minister**

- 26 (1) This section restricts what the Minister may do with a  
27 petroleum mining sample.

- 1           (2) The Minister shall not —  
2               (a) make publicly known any details of the sample;  
3               or  
4               (b) permit a person (other than another Minister or  
5               a Minister of another jurisdiction) to inspect the  
6               sample,  
7           unless the Minister does so —  
8               (c) in accordance with regulations made for the  
9               purposes of this paragraph; or  
10              (d) for the purposes of the administration of  
11              this Act.

12           **152D. Information or samples obtained by Minister can be**  
13           **made available to certain persons**

14           The Minister may make documentary information or a  
15           petroleum mining sample available to another Minister  
16           or a Minister of another jurisdiction.

17           **Subdivision 2 — Information and samples obtained by**  
18           **another Minister**

19           **152E. Protection of confidentiality of information**  
20           **obtained by another Minister**

- 21           (1) This section restricts what a Minister may do with  
22           documentary information made available to that  
23           Minister under section 152D or 152G.  
24           (2) The Minister shall not —  
25               (a) make the information publicly known; or  
26               (b) make the information available to a person  
27               (other than another Minister or a Minister of  
28               another jurisdiction),

**s. 163**

---

- 1 unless the Minister does so —
- 2 (c) in accordance with regulations made for the
- 3 purposes of this paragraph; or
- 4 (d) for the purposes of the administration of
- 5 this Act.
- 6 **152F. Protection of confidentiality of samples obtained by**
- 7 **another Minister**
- 8 (1) This section restricts what a Minister may do with a
- 9 petroleum mining sample made available to that
- 10 Minister under section 152D or 152G.
- 11 (2) The Minister shall not —
- 12 (a) make publicly known any details of the sample;
- 13 or
- 14 (b) permit a person (other than another Minister or
- 15 a Minister of another jurisdiction) to inspect the
- 16 sample,
- 17 unless the Minister does so —
- 18 (c) in accordance with regulations made for the
- 19 purposes of this paragraph; or
- 20 (d) for the purposes of the administration of
- 21 this Act.
- 22 **152G. Information or samples obtained by another**
- 23 **Minister can be made available to certain persons**
- 24 A Minister to whom documentary information or a
- 25 petroleum mining sample is made available under
- 26 section 152D or this section may make the information
- 27 or sample available to another Minister or a Minister of
- 28 another jurisdiction.



1

**Subdivision 3 — Miscellaneous**

2

**152H. Fees**

3

(1) This section applies to regulations made for the purposes of any of the following —

4

5

(a) section 152B(2)(c);

6

(b) section 152C(2)(c);

7

(c) section 152E(2)(c);

8

(d) section 152F(2)(c).

9

(2) The regulations may make provision for fees relating to —

10

11

(a) making information available to a person; or

12

(b) permitting a person to inspect a sample.

13

14

**164. Part IV heading amended**

15

In the heading to Part IV delete “**Regulations**” and insert:

16

17

**General**

18

19

**165. Section 152 amended**

20

(1) In section 152(2):

21

(a) in paragraph (e) delete “installations or equipment;” and insert

22

23

24

installations, equipment or facilities;

25

**s. 165**

---

- 1 (b) after paragraph (k) insert:  
2
- 3 (la) the preparation, submission and approval of  
4 environment plans;
- 5 (lb) the prohibition of the doing of an act or thing  
6 otherwise than in accordance with an approved  
7 environment plan;
- 8 (lc) the responsibilities of a permittee, lessee,  
9 licensee or holder of a special prospecting  
10 authority or access authority as to authorising,  
11 or obtaining authorisation for, the release of  
12 documentary information as defined in  
13 section 152A;  
14
- 15 (c) in paragraph (l) delete “the exploration for or the  
16 exploitation of petroleum in the adjacent area;” and  
17 insert:  
18
- 19 any of the following operations in that area —
- 20 (i) petroleum exploration operations;  
21 (ii) petroleum recovery operations;  
22 (iii) operations relating to the processing or  
23 storage of petroleum;
- 24 (iv) operations relating to the preparation of  
25 petroleum for transport;
- 26 (v) operations connected with the  
27 construction or operation of a pipeline;  
28
- 29 (d) delete paragraph (m) and insert:  
30
- 31 (m) the removal from the adjacent area of  
32 structures, equipment and other property  
33 brought into that area for use in connection  
34 with an operation in that area of a kind



**s. 167**

---

- 1 (6) If transitional regulations contain a provision referred  
2 to in subsection (5), the provision does not operate so  
3 as to —
- 4 (a) affect in a manner prejudicial to any person  
5 (other than the State), the rights of that person  
6 existing before Gazettal day; or
- 7 (b) impose liabilities on any person (other than the  
8 State or an authority of the State) in respect of  
9 anything done or omitted to be done before  
10 Gazettal day.  
11

12 **167. Schedule 1 deleted**

13 Delete Schedule 1.

14 **168. Schedule 2 replaced**

15 Delete Schedule 2 and insert:  
16

17 **Schedule 2 — Scheduled area for Western Australia**

18 [s. 4]

19 Note: Regulations referred to in section 10(5) prescribe a datum for the  
20 purposes of this Schedule.

21 The scheduled area for Western Australia is the area the  
22 boundary of which commences at a point that is the  
23 intersection of the coastline at mean low water by the  
24 boundary between the States of South Australia and Western  
25 Australia and runs thence southerly along the geodesic to a  
26 point of Latitude 31° 44' 55.02" South, Longitude 129° 00'  
27 05.08" East:

- 28 (a) thence southerly along the loxodrome to a point of  
29 Latitude 43° 59' 55.49" South, Longitude 129° 00'  
30 05.95" East; and

- 1 (b) thence westerly along the loxodrome to a point of  
2 Latitude  $43^{\circ} 59' 56.85''$  South, Longitude  $104^{\circ} 00'$   
3  $06.27''$  East; and
- 4 (c) thence northerly along the loxodrome to a point of  
5 Latitude  $13^{\circ} 59' 55.41''$  South, Longitude  $104^{\circ} 00'$   
6  $04.55''$  East; and
- 7 (d) thence easterly along the loxodrome to a point of  
8 Latitude  $13^{\circ} 59' 55.22''$  South, Longitude  $111^{\circ} 45'$   
9  $04.59''$  East; and
- 10 (e) thence northerly along the loxodrome to a point of  
11 Latitude  $12^{\circ} 39' 55.20''$  South, Longitude  $111^{\circ} 45'$   
12  $04.56''$  East; and
- 13 (f) thence easterly along the loxodrome to a point of  
14 Latitude  $12^{\circ} 39' 55.14''$  South, Longitude  $114^{\circ} 40'$   
15  $04.56''$  East; and
- 16 (g) thence southerly along the loxodrome to a point of  
17 Latitude  $13^{\circ} 05' 27.14''$  South, Longitude  $114^{\circ} 40'$   
18  $04.57''$  East; and
- 19 (h) thence easterly along the loxodrome to a point of  
20 Latitude  $13^{\circ} 05' 27.00''$  South, Longitude  $118^{\circ} 10'$   
21  $08.9''$  East; and
- 22 (i) thence north easterly along the geodesic to a point  
23 of Latitude  $12^{\circ} 49' 54.8''$  South, Longitude  $118^{\circ}$   
24  $14' 22.6''$  East; and
- 25 (j) thence north westerly along the geodesic to a point  
26 of Latitude  $12^{\circ} 04' 24.9''$  South, Longitude  $118^{\circ}$   
27  $06' 17.2''$  East; and
- 28 (k) thence north westerly along the geodesic to a point  
29 of Latitude  $12^{\circ} 04' 08.8''$  South, Longitude  $118^{\circ}$   
30  $06' 14.4''$  East; and
- 31 (l) thence south easterly along the geodesic to a point  
32 of Latitude  $12^{\circ} 04' 19.0''$  South, Longitude  $118^{\circ}$   
33  $07' 44.0''$  East; and
- 34 (m) thence south easterly along the geodesic to a point  
35 of Latitude  $12^{\circ} 06' 21.0''$  South, Longitude  $118^{\circ}$   
36  $20' 45.0''$  East; and

**s. 168**

---

- 1 (n) thence south easterly along the geodesic to a point  
2 of Latitude 12° 07' 46.0" South, Longitude 118°  
3 25' 07.0" East; and
- 4 (o) thence south easterly along the geodesic to a point  
5 of Latitude 12° 10' 06.0" South, Longitude 118°  
6 35' 16.0" East; and
- 7 (p) thence south easterly along the geodesic to a point  
8 of Latitude 12° 10' 26.0" South, Longitude 118°  
9 37' 28.0" East; and
- 10 (q) thence south easterly along the geodesic to a point  
11 of Latitude 12° 11' 01.0" South, Longitude 118°  
12 39' 00.0" East; and
- 13 (r) thence south easterly along the geodesic to a point  
14 of Latitude 12° 13' 12.0" South, Longitude 118°  
15 43' 09.0" East; and
- 16 (s) thence south easterly along the geodesic to a point  
17 of Latitude 12° 15' 57.0" South, Longitude 118°  
18 49' 30.0" East; and
- 19 (t) thence south easterly along the geodesic to a point  
20 of Latitude 12° 17' 54.0" South, Longitude 118°  
21 55' 12.0" East; and
- 22 (u) thence south easterly along the geodesic to a point  
23 of Latitude 12° 18' 50.0" South, Longitude 118°  
24 58' 31.0" East; and
- 25 (v) thence south easterly along the geodesic to a point  
26 of Latitude 12° 19' 55.0" South, Longitude 119°  
27 02' 40.0" East; and
- 28 (w) thence south easterly along the geodesic to a point  
29 of Latitude 12° 20' 21.0" South, Longitude 119°  
30 05' 00.0" East; and
- 31 (x) thence south easterly along the geodesic to a point  
32 of Latitude 12° 21' 51.0" South, Longitude 119°  
33 09' 03.0" East; and
- 34 (y) thence south easterly along the geodesic to a point  
35 of Latitude 12° 23' 42.0" South, Longitude 119°  
36 15' 23.0" East; and

- 1 (za) thence south easterly along the geodesic to a point  
2 of Latitude 12° 23' 58.0" South, Longitude 119°  
3 16' 35.0" East; and
- 4 (zb) thence south easterly along the geodesic to a point  
5 of Latitude 12° 24' 59.0" South, Longitude 119°  
6 20' 34.0" East; and
- 7 (zc) thence south easterly along the geodesic to a point  
8 of Latitude 12° 25' 43.0" South, Longitude 119°  
9 21' 35.0" East; and
- 10 (zd) thence south easterly along the geodesic to a point  
11 of Latitude 12° 29' 19.0" South, Longitude 119°  
12 27' 17.0" East; and
- 13 (ze) thence south easterly along the geodesic to a point  
14 of Latitude 12° 32' 31.0" South, Longitude 119°  
15 33' 16.0" East; and
- 16 (zf) thence south easterly along the geodesic to a point  
17 of Latitude 12° 35' 43.0" South, Longitude 119°  
18 40' 33.0" East; and
- 19 (zg) thence south easterly along the geodesic to a point  
20 of Latitude 12° 40' 33.0" South, Longitude 119°  
21 50' 28.0" East; and
- 22 (zh) thence south easterly along the geodesic to a point  
23 of Latitude 12° 41' 36.0" South, Longitude 119°  
24 52' 38.0" East; and
- 25 (zi) thence south easterly along the geodesic to a point  
26 of Latitude 12° 41' 46.0" South, Longitude 119°  
27 52' 57.0" East; and
- 28 (zj) thence south easterly along the geodesic to a point  
29 of Latitude 12° 41' 57.0" South, Longitude 119°  
30 53' 18.0" East; and
- 31 (zk) thence south easterly along the geodesic to a point  
32 of Latitude 12° 43' 46.0" South, Longitude 119°  
33 56' 13.0" East; and
- 34 (zl) thence south easterly along the geodesic to a point  
35 of Latitude 12° 45' 38.0" South, Longitude 119°  
36 59' 15.0" East; and

**s. 168**

---

- 1 (zm) thence south easterly along the geodesic to a point  
2 of Latitude 12° 45' 47.0" South, Longitude 119°  
3 59' 31.0" East; and
- 4 (zn) thence south easterly along the geodesic to a point  
5 of Latitude 12° 46' 27.9" South, Longitude 120°  
6 00' 46.9" East; and
- 7 (zo) thence south along the loxodrome to a point of  
8 Latitude 13° 56' 31.7" South, Longitude 120° 00'  
9 46.9" East; and
- 10 (zp) thence north easterly along the geodesic to a point  
11 of Latitude 12° 43' 08.29" South, Longitude 121°  
12 49' 15.80" East; and
- 13 (zq) thence south easterly along the geodesic to a point  
14 of Latitude 12° 55' 54.99" South, Longitude 122°  
15 06' 04.50" East; and
- 16 (zr) thence south easterly along the geodesic to a point  
17 of Latitude 13° 19' 54.98" South, Longitude 122°  
18 41' 04.50" East; and
- 19 (zs) thence easterly along the geodesic to a point of  
20 Latitude 13° 19' 24.97" South, Longitude 123° 16'  
21 49.49" East; and
- 22 (zt) thence easterly along the loxodrome to a point of  
23 Latitude 13° 19' 24.94" South, Longitude 124° 27'  
24 49.48" East; and
- 25 (zu) thence north easterly along the geodesic to a point  
26 of Latitude 13° 13' 09.94" South, Longitude 124°  
27 36' 19.47" East; and
- 28 (zv) thence north easterly along the geodesic to a point  
29 of Latitude 12° 46' 09.93" South, Longitude 124°  
30 55' 34.46" East; and
- 31 (zw) thence north easterly along the geodesic to a point  
32 of Latitude 11° 50' 54.92" South, Longitude 125°  
33 27' 49.43" East; and
- 34 (zx) thence north easterly along the geodesic to a point  
35 of Latitude 11° 44' 24.92" South, Longitude 125°  
36 31' 34.43" East; and



- 1 (zy) thence north easterly along the geodesic to a point  
2 of Latitude 10° 21' 24.91" South, Longitude 126°  
3 10' 34.39" East; and
- 4 (zza) thence north easterly along the geodesic to a point  
5 of Latitude 10° 12' 54.90" South, Longitude 126°  
6 26' 34.39" East; and
- 7 (zzb) thence north easterly along the geodesic to a point  
8 of Latitude 10° 04' 54.90" South, Longitude 126°  
9 47' 34.38" East; and
- 10 (zzc) thence south easterly along the geodesic to a point  
11 of Latitude 11° 13' 09.88" South, Longitude 127°  
12 32' 04.38" East; and
- 13 (zzd) thence south easterly along the geodesic to a point  
14 of Latitude 11° 47' 54.88" South, Longitude 127°  
15 53' 49.38" East; and
- 16 (zze) thence south easterly along the geodesic to a point  
17 of Latitude 12° 26' 24.87" South, Longitude 128°  
18 22' 04.39" East; and
- 19 (zzf) thence south easterly along the geodesic to a point  
20 of Latitude 12° 32' 39.87" South, Longitude 128°  
21 24' 04.39" East; and
- 22 (zzg) thence south easterly along the geodesic to a point  
23 of Latitude 12° 55' 24.86" South, Longitude 128°  
24 28' 04.39" East; and
- 25 (zzh) thence southerly along the loxodrome to a point of  
26 Latitude 13° 15' 24.86" South, Longitude 128° 28'  
27 04.40" East; and
- 28 (zzi) thence south easterly along the geodesic to a point  
29 of Latitude 13° 39' 39.86" South, Longitude 128°  
30 30' 49.41" East; and
- 31 (zzj) thence south easterly along the geodesic to a point  
32 of Latitude 13° 49' 39.86" South, Longitude 128°  
33 33' 19.41" East; and
- 34 (zzk) thence south easterly along the geodesic to a point  
35 of Latitude 13° 59' 54.86" South, Longitude 128°  
36 42' 19.41" East; and

**s. 169**

---

- 1 (zzl) thence south easterly along the geodesic to a point  
2 of Latitude 14° 19' 24.89" South, Longitude 128°  
3 53' 04.39" East; and
- 4 (zzm) thence south easterly along the geodesic to a point  
5 of Latitude 14° 32' 24.91" South, Longitude 129°  
6 01' 19.38" East; and
- 7 (zzn) thence southerly along the geodesic to a point of  
8 Latitude 14° 37' 24.91" South, Longitude 129° 01'  
9 49.38" East; and
- 10 (zzo) thence southerly along the geodesic to the  
11 intersection of the coastline at mean low water by  
12 the boundary between the Northern Territory of  
13 Australia and the State of Western Australia; and
- 14 (zzp) thence along the coastline of the State of Western  
15 Australia at mean low water to the point of  
16 commencement.  
17

18 **169. Schedules 3 and 4 replaced**

19 Delete Schedules 3 and 4 and insert:  
20

21 **Schedule 3 — Transitional provisions**

22 [s. 153]

23 **Division 1 — Provisions for *Petroleum and Energy***  
24 ***Legislation Amendment Act 2009***

25 **1. Term used: amending Act**

26 In this Division —

27 ***amending Act*** means the *Petroleum and Energy Legislation*  
28 *Amendment Act 2009*.

29 **2. Section 31 (permit renewals)**

- 30 (1) This clause has effect despite the deletion of section 31(6)  
31 by section 86 of the amending Act.

1           (2) Section 31(6) as in force immediately before the  
2           commencement of section 86 of the amending Act continues  
3           to apply in respect of the first application after that  
4           commencement for the renewal of a permit that was granted  
5           before that commencement.

6           **3. Section 70 (conditions of pipeline licence)**

7           A renewal of a pipeline licence that was in force under  
8           section 70 immediately before section 70(3) was deleted by  
9           section 122 of the amending Act continues, subject to  
10          Part III as amended by the amending Act, to be subject to  
11          any conditions referred to in section 70(3) to which the  
12          renewed licence was subject immediately before the  
13          deletion.

14          **4. Section 118 (release of information)**

15          (1) This section has effect despite the deletion of section 118 by  
16          section 149 of the amending Act.

17          (2) Section 118 as in force immediately before it was deleted  
18          continues to apply in respect of information given to the  
19          Minister before the commencement of section 149 of the  
20          amending Act.

21          (3) Any regulations providing for the calculation of a fee for the  
22          purposes of a provision of section 118 as in force  
23          immediately before that section was deleted —

24                  (a) continue in force for the purposes of that section as  
25                  it continues to apply under subclause (1); and

26                  (b) also separately continue in force on and after the  
27                  commencement of section 163 of the amending Act  
28                  as if they had been made for the purposes of  
29                  Part IVA.

30          (4) Regulations as continued in force under subclause (3)(a)  
31          or (b) may, for the purposes of their application under  
32          subclause (3)(a) or (b), be amended or deleted by  
33          regulations.

**s. 170**

---

1           **5. Section 3 and Schedules 3 and 4 (former transitional**  
2           **provisions)**

3                           The *Interpretation Act 1984* section 37, and in particular  
4                           section 37(1)(b), (c) and (d), apply in relation to the deletion  
5                           of section 3(2) to (5) and Schedules 3 and 4 by sections 64  
6                           and 169 of the amending Act.  
7

8           **170. Schedule 5 amended**

9           (1) In Schedule 5 clause 54 delete the Penalty and insert:

10  
11                           Penalty for an offence under subclause (3): a fine of \$3 300  
12                           or imprisonment for 6 months or both.  
13

14           (2) In Schedule 5 clause 55 delete the Penalty and insert:

15  
16                           Penalty for an offence under subclause (5): a fine of \$3 300  
17                           or imprisonment for 6 months or both.  
18

19           (3) In Schedule 5 clause 63 delete the Penalty and insert:

20  
21                           Penalty for an offence under subclause (1), (2) or (3): a fine  
22                           of \$11 000.  
23

24           (4) In Schedule 5 clause 67 delete the Penalty and insert:

25  
26                           Penalty for an offence under subclause (3): a fine of \$5 000.  
27

28           (5) In Schedule 5 clause 72(1) delete “68” and insert:

29  
30                           71  
31

1       (6) In the provisions listed in the Table after “Penalty:” insert:

2

3

a fine of

4

5

**Table**

Sch. 5 cl. 5(1) and (2)	Sch. 5 cl. 8(1) and (2)
Sch. 5 cl. 9(1) and (2)	Sch. 5 cl. 10(1), (2) and (4)
Sch. 5 cl. 11(1) and (2)	Sch. 5 cl. 12(1)
Sch. 5 cl. 13(1)	Sch. 5 cl. 14(1)
Sch. 5 cl. 53	Sch. 5 cl. 58(7)
Sch. 5 cl. 60(1)	Sch. 5 cl. 62
Sch. 5 cl. 65(5)	Sch. 5 cl. 71(1)
Sch. 5 cl. 75	Sch. 5 cl. 76
Sch. 5 cl. 77(1)	

6

7       **171. Various penalties amended**

8

In the provisions listed in the Table after “Penalty:” insert:

9

10

a fine of

11

12

**Table**

s. 19(1)	s. 39
s. 72(2)	s. 74(1)
s. 82(1)	s. 84(1c) and (2)

**Petroleum and Energy Legislation Amendment Bill 2009**

**Part 3** Petroleum (Submerged Lands) Act 1982 amended

**s. 171**

---

s. 85(2)	s. 90
s. 101(2a), (2b) and (2c)	s. 111(9)
s. 112(10) and (11)	s. 117
s. 120	s. 124
s. 126(3)	

1           **Part 4 — *Petroleum Pipelines Act 1969* amended**

2   **172. Act amended**

3           This Part amends the *Petroleum Pipelines Act 1969*.

4   **173. Section 4 amended**

5       (1) In section 4 in the definition of *petroleum*:

6           (a) after paragraph (a) insert:

7

8                           or

9

10          (b) in paragraph (c) delete “hydrogen, sulphide,” and insert:

11

12                           hydrogen sulphide,

13

14       (2) In section 4 in the definition of *pipeline* delete paragraph (d).

15       (3) In section 4 in the definition of *public authority*:

16           (a) after paragraph (a) insert:

17

18                           or

19

20          (b) after paragraph (c)(i) insert:

21

22                           and

23

24   **174. Section 8 amended**

25           Delete section 8(1)(a).

26   **175. Section 11 deleted**

27           Delete section 11.

1 **176. Section 14 replaced**

2 Delete section 14 and insert:

3

4 **14. Term of licence**

- 5 (1) Subject to this Part, a licence remains in force  
6 indefinitely.
- 7 (2) Subsection (1) applies to pipeline licences in force  
8 immediately before the commencement of section 176  
9 of the amending Act as well as to pipeline licences  
10 granted on or after the commencement of that section.
- 11 (3) In subsection (2), a reference to a pipeline licence in  
12 force is to be read as including a reference to —
- 13 (a) a pipeline licence in force as a result of being  
14 renewed under section 11 as in force before its  
15 deletion by section 175 of the amending Act;  
16 and
- 17 (b) a pipeline licence deemed to be in force under  
18 section 11(7) as in force before that deletion.
- 19 (4) In subsections (2) and (3) —
- 20 *amending Act* means the *Petroleum and Energy*  
21 *Legislation Amendment Act 2009*.

22 **15A. Termination of pipeline licence if no operations for**  
23 **5 years**

- 24 (1) If a licensee —
- 25 (a) has not carried out any construction work under  
26 the licence at any time during a continuous  
27 period of 5 years; and
- 28 (b) has not used the pipeline, or has not used a  
29 particular part of it, at any time during a  
30 continuous period of 5 years,



1           the Minister may, by written notice served on the  
2           licensee, inform the licensee that the Minister proposes  
3           to terminate the licence, or to terminate the licence in  
4           respect of the unused part of the pipeline, as the case  
5           may be, after the end of the period of one month after  
6           the notice is served.

7           (2) At any time after the end of the period of one month  
8           after the notice referred to in subsection (1) is served  
9           on the licensee, the Minister may, by written notice  
10          served on the licensee, terminate the licence, or  
11          terminate the licence in respect of the part of the  
12          pipeline, as the case may be.

13          (3) In working out, for the purposes of subsection (1), the  
14          duration of the period in which a licensee did not carry  
15          out any construction work under the licence or did not  
16          use the pipeline or a part of the pipeline, any period in  
17          which construction work was not carried out, or the  
18          pipeline or the part of it was not used, because of  
19          circumstances beyond the licensee's control is to be  
20          disregarded.

21

22   **177. Section 15 amended**

23           Delete section 15(2)(a).

24   **178. Section 47A deleted**

25           Delete section 47A.

**s. 179**

---

1 **179. Section 61 replaced**

2 Delete section 61 and insert:

3

4 **61. Power of Minister to delegate**

5 (1) The Minister may delegate to a person any power or  
6 duty of the Minister under another provision of  
7 this Act.

8 (2) The delegation is to be in writing signed by the  
9 Minister.

10 (3) A person to whom a power or duty is delegated under  
11 this section cannot delegate that power or duty.

12 (4) A person exercising or performing a power or duty that  
13 has been delegated to the person under this section is to  
14 be taken to do so in accordance with the terms of the  
15 delegation unless the contrary is shown.

16 (5) Nothing in this section limits the ability of the Minister  
17 to perform a function through an officer or agent.

18 (6) A copy of each instrument making, amending or  
19 revoking a delegation under this section shall be  
20 published in the *Gazette*.  
21

22 **180. Section 67 amended**

23 (1) After section 67(1)(d) insert:

24

25 (ea) the preparation, submission and approval of  
26 environment plans;

27 (eb) the prohibition of the doing of an act or thing  
28 otherwise than in accordance with an approved  
29 environment plan;  
30

1 (2) In section 67(1c) delete “*Petroleum Act 1967*,” and insert:

2

3 *Petroleum and Geothermal Energy Resources Act 1967*,

4

5 **181. Schedule 1 amended**

6 (1) In Schedule 1 clause 53 delete the Penalty and insert:

7

8 Penalty for an offence under subsection (3): a fine of \$3 300  
9 or imprisonment for 6 months or both.

10

11 (2) In Schedule 1 clause 54 delete the Penalty and insert:

12

13 Penalty for an offence under subclause (5): a fine of \$3 300  
14 or imprisonment for 6 months or both.

15

16 (3) In Schedule 1 clause 62 delete the Penalty and insert:

17

18 Penalty for an offence under subclause (1), (2) or (3): a fine  
19 of \$11 000.

20

21 (4) In Schedule 1 clause 66 delete the Penalty and insert:

22

23 Penalty for an offence under subclause (3): a fine of \$5 000.

24

25 (5) In Schedule 1 clause 71(1) delete “67” and insert:

26

27 70

28

29 (6) In the provisions listed in the Table after “Penalty:” insert:

30

31 a fine of

32

**s. 182**

---

1

**Table**

Sch. 1 cl. 4(1) and (2)	Sch. 1 cl. 7(1) and (2)
Sch. 1 cl. 8(1) and (2)	Sch. 1 cl. 9(1), (2), (4) and (5)
Sch. 1 cl. 10(1) and (2)	Sch. 1 cl. 11(1)
Sch. 1 cl. 12(1)	Sch. 1 cl. 13(1)
Sch. 1 cl. 52	Sch. 1 cl. 57(7)
Sch. 1 cl. 59(1)	Sch. 1 cl. 61
Sch. 1 cl. 64(5)	Sch. 1 cl. 70(1)
Sch. 1 cl. 74	Sch. 1 cl. 75
Sch. 1 cl. 76(1)	

2

3 **182. Various penalties amended**

4 (1) In section 6 delete the Penalty and insert:

5

6 Penalty for an offence under subsection (1) or (2): a  
7 fine of \$50 000 or imprisonment for 5 years, or  
8 both.

9

10 (2) In section 20 delete the Penalty and insert:

11

12 Penalty for an offence under subsection (6)(b): a fine of  
13 \$500.

14

1 (3) In section 27 delete the Penalty and insert:

2

3 Penalty for an offence under subsection (4): a fine of  
4 \$10 000.

5

6 (4) In section 50(1c) delete the Penalty.

7 (5) In section 50(2) delete the Penalty and insert:

8

9 Penalty for an offence under subsection (1c) or (2): a  
10 fine of \$5 000.

11

12 (6) In section 51 delete the Penalty and insert:

13

14 Penalty for an offence under subsection (2): a fine of  
15 \$5 000.

16

17 (7) In section 56 delete “offence and is liable to a penalty of  
18 \$5 000.” and insert:

19

20 offence.

21

22 (8) At the end of section 56 insert:

23

24 Penalty: a fine of \$5 000.

25

26 (9) In section 62 delete the Penalty and insert:

27

28 Penalty for an offence under subsection (3): a fine of  
29 \$500.

30

**s. 182**

---

1 (10) In section 63 delete the Penalty and insert:

2

3 Penalty for an offence under subsection (2) or (3): a  
4 fine of \$5 000.

5

6 (11) In section 65 delete “offence and is liable to a penalty of  
7 \$50 000 or imprisonment for 5 years, or both.” and insert:

8

9 offence.

10

11 (12) At the end of section 65 insert:

12

13 Penalty: a fine of \$50 000 or imprisonment for 5 years,  
14 or both.

15

16 (13) In the provisions listed in the Table after “Penalty:” insert:

17

18 a fine of

19

20

**Table**

s. 7(5)	s. 21(6)
s. 25(2)	s. 35(1)
s. 36A	s. 37
s. 38	s. 40
s. 41(3), (4), (5) and (9)	s. 48

---

**Part 5 — Other Acts amended**

**183. Crimes at Sea Act 2000 amended**

- (1) This section amends the *Crimes at Sea Act 2000*.
- (2) In Schedule 1 clause 1(1) delete the definition of *Area A of the Zone of Cooperation*.
- (3) In Schedule 1 clause 1(1) insert in alphabetical order:

*Joint Petroleum Development Area* has the same meaning as in the *Petroleum (Timor Sea Treaty) Act 2003* (Commonwealth);

- (4) In Schedule 1 clause 10 delete “Area A of the Zone of Cooperation” and insert:

The Joint Petroleum Development Area

Note: The heading to amended clause 10 is to read:

**Non-application of scheme to the Joint Petroleum Development Area**

- (5) In Schedule 1 clause 14(1), (2)(a), (3) and (4)(a) delete “Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*” and insert:

Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

- (6) In Schedule 1 clause 14(2)(b) delete “subsection (7) of section 5A of the *Petroleum (Submerged Lands) Act 1967*” and insert:

section 7(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

**s. 183**

---

- 1 (7) In Schedule 1 clause 14(3)(b) and (4)(a)(ii) delete “Area A of the  
2 Zone of Cooperation” and insert:  
3  
4 the Joint Petroleum Development Area  
5
- 6 (8) In Schedule 1 clause 14(4)(b):  
7 (a) delete “adjacent area” and insert:  
8  
9 offshore area  
10  
11 (b) delete “subsection (3) of section 5A of *the Petroleum*  
12 *(Submerged Lands) Act 1967*” and insert:  
13  
14 section 7(1) of the *Offshore Petroleum and Greenhouse Gas*  
15 *Storage Act 2006*  
16
- 17 (9) After Schedule 1 clause 14(5) insert:  
18  
19 (6) A reference in this clause to the area described in  
20 Schedule 1 to the *Offshore Petroleum and Greenhouse Gas*  
21 *Storage Act 2006* (Commonwealth) in relation to a State or  
22 Territory is a reference to the scheduled area for that State or  
23 Territory within the meaning given in that Schedule.  
24
- 25 (10) In Appendix 1 in the legend of the map delete “Area A of the  
26 Zone of Cooperation” and insert:  
27  
28 the Joint Petroleum Development Area  
29



1 **184. National Gas Access (WA) Act 2009 amended**

2 (1) This section amends the *National Gas Access (WA) Act 2009*.

3 (2) In section 9(1) in the definitions of *adjacent area of another*  
4 *participating jurisdiction* and *adjacent area of this jurisdiction*  
5 after “*Offshore Petroleum*” insert:

6

7 *and Greenhouse Gas Storage*

8

9 **185. Petroleum (Submerged Lands) Registration Fees Act 1982**  
10 **amended**

11 (1) This section amends the *Petroleum (Submerged Lands)*  
12 *Registration Fees Act 1982*.

13 (2) In section 4(1) before “pipeline licence” insert:

14

15 infrastructure licence,

16

17 **186. Workers’ Compensation and Injury Management Act 1981**  
18 **amended**

19 (1) This section amends the *Workers’ Compensation and Injury*  
20 *Management Act 1981*.

21 (2) In Schedule 6 clause 1 insert in alphabetical order:

22

23 *Joint Petroleum Development Area* has the same meaning  
24 as in the *Petroleum (Timor Sea Treaty) Act 2003*  
25 (Commonwealth);

26

27 (3) In Schedule 6 clause 1 in the definition of *Petroleum Act* delete  
28 “*Petroleum (Submerged Lands) Act 1967*” and insert:

29

30 *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

31

**s. 186**

---

- 1 (4) In Schedule 6 clause 2(1), (2)(a), (3) and (4)(a) delete  
2 “Schedule 2” and insert:  
3  
4 Schedule 1  
5
- 6 (5) In Schedule 6 clause 2(2)(b) delete “subsection (7) of section 5A”  
7 and insert:  
8  
9 section 7(2)  
10
- 11 (6) In Schedule 6 clause 2(3)(b) and (4)(a)(ii) delete “Area A of the  
12 Zone of Cooperation” and insert:  
13  
14 the Joint Petroleum Development Area  
15
- 16 (7) In Schedule 6 clause 2(4)(b):  
17 (a) delete “adjacent area” and insert:  
18  
19 offshore area  
20  
21 (b) delete “subsection (3) of section 5A” and insert:  
22  
23 section 7(1)  
24
- 25 (8) After Schedule 6 clause 2(5) insert:  
26  
27 (6) A reference in this clause to the area described in  
28 Schedule 1 to the Petroleum Act in relation to a State or  
29 Territory is a reference to the scheduled area for that State or  
30 Territory within the meaning given in that Schedule.  
31

32