

Petroleum (Submerged Lands) (Further Amendment) Bill

No.

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SCHEDULE 1 PRESCRIBED FEES

By Authority L. V. North, Government Printer Melbourne

LEGISLATIVE COUNCIL

Read 1° 13 November 1990

(Brought in by the Honourable D. R. White)

A BILL

to make further amendments to the **Petroleum (Submerged Lands)
Act 1982.**

Petroleum (Submerged Lands) (Further Amendment) Act 1990

The Parliament of Victoria enacts as follows:

1. *Purpose*

5 The purpose of this Act is to amend the **Petroleum
(Submerged Lands) Act 1982** to mirror recent
amendments made to Commonwealth legislation. Those
amendments—

(a) move fees and charges from the Act to the
regulations; and

10 (b) amend the provision for refunds to unsuccessful
applicants; and

(c) provide for the gaining of access to adjoining
acreage; and

Section headings appear in bold italics and are not part of the Act
(see **Interpretation of Legislation Act 1984**).

- (d) remove the requirement to undertake a minimum amount of work or produce an equivalent value of petroleum.

2. Commencement

This Act comes into operation on a day to be proclaimed. 5

3. Principal Act

In this Act, the **Petroleum (Submerged Lands) Act 1982** is called the Principal Act.

No. 9772.
R printed to
No. 68/1986
and
subsequently
amended by
No. 12/1990.

4. Refunds of application fees

(1) In section 21 of the Principal Act, **omit** sub-section (5). 10

(2) For section 24 (2) of the Principal Act **substitute—**
“(2) Where a permit is not granted on the application, the amount of the deposit must, subject to sub-section (3), be refunded to the applicant.”.

(3) For section 48 (2) of the Principal Act **substitute—** 15
“(2) Where a licence is not granted on the application, the amount of the deposit must, subject to sub-section (3), be refunded to the applicant.”.

5. Grant or refusal of renewal of permit

(1) In section 32 (1) of the Principal Act, for the expression beginning “(1) Where” and ending “permittee—” **substitute—** 20

“(1) Where an application has been made under section 30 for the renewal of a permit, the Minister—

(a) must, if the conditions to which the permit is, 25
or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with; or

(b) may, if—

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

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

10 by instrument in writing served on the person who is then the permittee inform the person—”.

(2) In section 32 (2) of the Principal Act—

15 (a) for the expression beginning “the permittee has not” and ending “the regulations” **substitute** “any of the conditions to which the permit is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with”; and

20 (b) after “served on the” **insert** “person who is then the”.

6. *New section 38BA inserted*

After section 38B of the Principal Act **insert—**

“38BA. *Application of sections 38A and 38B where permit is transferred*

25 Where—

(a) after an application has been made under sub-section 38A (1) in relation to a block or blocks in respect of which a permit is in force; and

30 (b) before a decision has been made by the Minister under sub-section 38B (1) or (2) in relation to the application—

35 a transfer of the permit is registered under section 78, sections 38A and 38B have effect,

after the time of the transfer, as if any reference in those sections to the applicant were a reference to the transferee.”.

7. Application for renewal of lease

In section 38F (4) of the Principal Act, for “a lessee makes an application” **substitute** “an application has been made”. 5

8. Grant or refusal of renewal of lease

(1) In section 38G (1) of the Principal Act—

(a) for paragraphs (a) and (b) **substitute—** 10

“(a) an application for the renewal of a lease has been made under section 38F; and

(b) any further information required by the Minister under section 38F (4) has been furnished in accordance with that section; and” 15

(b) for paragraphs (d) and (e) **substitute—**

“(d) must, if the conditions to which the lease is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with; or 20

(e) may, if—

(i) any of the conditions to which the lease is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with; and 25

(ii) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the lease—”; 30
and

(c) for the expression beginning “inform the lessee” and ending “that the lessee” **substitute** “by instrument in writing served on the person who is then the lessee, inform the person that the Minister 35

is prepared to grant to the person the renewal of the lease and that the person”.

(2) For section 38G (2) of the Principal Act **substitute**—

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“(2) Subject to sub-section (3), where an application for the renewal of a lease has been made under section 38F and—

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(a) any further information required by the Minister under section 38F (4) has not been furnished in accordance with that section; or

(b) the Minister is not satisfied as to the matters referred to in sub-section (1) (c); or

15

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

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

9. *Application for licence by holder of permit*

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(1) In section 40 (2) (b) of the Principal Act, before “may” **insert** “being the holder of a licence referred to in paragraph (a),”.

(2) In section 40 (3) (b) of the Principal Act, for “to whom a licence has been granted” **substitute** “who is the holder of a licence”.

10. *Application for licence by holder of lease*

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In section 40A (3) of the Principal Act, for “a lessee makes an application” **substitute** “an application has been made”.

11. *New section 44A inserted*

After section 44 of the Principal Act insert—

“44A. *Application of sections 39A and 41 to 44 where permit etc. transferred*

Where— 5

(a) after an application has been made—

(i) under section 40 for the grant of a licence in respect of a block in respect of which a permit is in force; or

(ii) under section 40A for the grant of a licence in respect of a block in respect of which a lease is in force; and 10

(b) before a decision has been made by the Minister under section 43 (1) in relation to the application— 15

a transfer of the permit or lease (as the case may be) is registered under section 78, then, after the time of the transfer, sections 41 to 44 have effect in relation to the application as if any reference in those sections to the applicant were a reference to the transferee.” 20

12. *Grant or refusal of renewal of licence*

(1) For section 55 (1) and (2) of the Principal Act **substitute—**

“(1) Where—

(a) an application for the renewal of a licence has been made under section 54; and 25

(b) the conditions to which the licence is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with; 30

the Minister—

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

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

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

(2) Where—

(a) an application for the renewal of a licence has been made under section 54; and

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

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

(2) In section 55 (3) of the Principal Act—

(a) for the expression beginning “a licensee” and ending “regulations” **substitute** “any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with”; and

(b) after “served on” **insert** “the person who is then”.

(3) In section 55 (5) of the Principal Act—

(a) for “a licensee makes an application” **substitute** “an application has been made”; and

(b) after “served on” **insert** “the person who is then”.

13. Works to be carried out

Section 57 of the Principal Act is **repealed**.

14. Grant or refusal of pipeline licence

(1) For sub-sections (1), (2) and (3) of section 65 of the Principal Act **substitute**—

- “(1) Where a person makes an application in accordance with section 64, the Minister may, if that person is not the licensee and the application has not been rejected under section 64 (3), inform the applicant, by instrument in writing served on the applicant, that the Minister is prepared to grant a pipeline licence to the applicant. 5
- (2) Where an application for a pipeline licence in respect of the construction in an adjacent area of a pipeline for the conveyance of petroleum recovered in a licence area is made in accordance with section 64 by the licensee, the Minister— 10
 - (a) must, if the conditions to which the licence is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with; or 15
 - (b) may, if—
 - (i) any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with; and 20
 - (ii) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of a pipeline licence— 25

by instrument in writing served on the person who is then the licensee, inform the person that the Minister is prepared to grant to the person a pipeline licence.
- (3) Where an application for a pipeline licence in respect of the construction in an adjacent area of a pipeline for the conveyance of petroleum recovered in a licence area is made in accordance with section 64 by the licensee, the Minister must, if— 30
 - (a) any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with; and 35

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

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

(2) Section 65 (12) of the Principal Act is **repealed**.

15. Grant or refusal of renewal of pipeline licence

10 (1) In section 69 (1) of the Principal Act, for the expression beginning “(1) Where” and ending “licensee—” **substitute—**

“(1) Where an application has been made under section 68 for the renewal of a pipeline licence, the Minister—

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

(b) may, if—

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

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

30 by instrument in writing served on the person who is then the pipeline licensee, inform the person—”.

(2) For section 69 (2) of the Principal Act **substitute—**

“(2) Where an application has been made under section 68 for the renewal of a pipeline licence, the Minister must, if—

35 (a) any of the conditions to which the pipeline licence is, or has from time to time been,

subject or any of the provisions of this Part and of the regulations has not been complied with; and

(b) the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the pipeline licence— 5

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

16. Access authorities 10

(1) After section 112 (1A) of the Principal Act insert—

“(1B) The holder of a special prospecting authority may make an application to the Minister for the grant of an access authority to enable the applicant to carry on petroleum exploration operations in an area, being part of the adjacent area not included in any block that is the subject of the special prospecting authority. 15

(1C) The holder of a permit, lease, licence or special prospecting authority in respect of a block or blocks within an adjacent area may make an application to the Minister for the grant of an access authority to enable the applicant to carry on, in a block or blocks in an adjacent area adjoining the first-mentioned adjacent area— 20 25

(a) petroleum exploration operations; or

(b) where the applicant is the holder of a permit, lease or licence, operations related to the recovery of petroleum in or from any block that is the subject of the permit, lease or licence.”. 30

(2) In section 112 (3) (a) of the Principal Act, after “licensee” insert “, holder of a special prospecting authority”.

(3) In section 112 (4) of the Principal Act—

(a) for “this section” substitute “a provision of this section other than sub-section (1C)”;

(b) for “or licence” (wherever occurring) **substitute** “, licence or special prospecting authority”; and

5 (c) after “vary” (where first occurring) **insert** “such”.

(4) After section 112 (4) of the Principal Act **insert**—

“(4A) Where—

10 (a) an application under sub-section (1c) for the grant of an access authority is in respect of the block that is the subject of a permit, lease, licence or special prospecting authority of which the registered holder is a person other than the applicant; or

15 (b) a proposal to vary an access authority granted on an application under that sub-section is in respect of a block that is the subject of a permit, lease, licence or special prospecting authority of which the registered holder is a person other than the registered holder of the access authority—

the Minister must not approve the grant or the variation unless—

25 (c) the Minister has, by instrument in writing served on that person, given not less than one month’s notice of the intention to grant, or vary, as the case may be, the access authority; and

(d) a copy of the instrument has been served—

30 (i) on such other persons, if any, as the Minister thinks fit; and

(ii) where it is proposed to vary an access authority—on the registered holder of the access authority; and

35 (e) the instrument gives—

(i) particulars of the access authority that it is proposed to grant or vary, as the case may be; and

(ii) notice that a person on whom the instrument, or a copy of the instrument, has been served may, by instrument in

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writing served on the Minister on or before the date specified in the instrument, submit any matters that the person wishes the Minister to consider; and

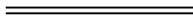
(f) the Minister has taken into account any matters submitted in accordance with the notice referred to in paragraph (e) (ii).” 5

17. Statute law revision

In section 2 of the Principal Act, omit sub-sections (2) and (5). 10

18. Prescribed fees

The provisions of the Principal Act relating to fees are amended as specified in Schedule 1.



SCHEDULE

SCHEDULE 1

PRESCRIBED FEES

Section 18

Provision	Amendment or repeal
Section 21 (1) (f)	for “a fee of \$3000” substitute “the prescribed fee”.
Section 24 (1) (a)	for “a fee of \$3000” substitute “the prescribed fee”.
Section 30 (2)	for “a fee of \$300” substitute “the prescribed fee”.
Section 38A (2) (e)	for “a fee of \$600” substitute “the prescribed fee”.
Section 38F (2) (d)	for “a fee of \$600” substitute “the prescribed fee”.
Section 41 (1) (e)	for “a fee of \$600” substitute “the prescribed fee”.
Section 48 (1) (a)	for “a fee of \$3000” substitute “the prescribed fee”.
Section 51 (2) (e)	for “a fee of \$300” substitute “the prescribed fee”.
Section 54 (2) (d)	for “a fee of \$600” substitute “the prescribed fee”.
Section 64 (1) (f)	for “a fee of \$3000” substitute “the prescribed fee”.
Section 68 (2) (c)	for “a fee of \$600” substitute “the prescribed fee”.
Section 71 (2) (e)	for “a fee of \$300” substitute “the prescribed fee”.
Section 79 (2)	for “a fee of \$30” substitute “the prescribed fee”.
Section 79 (3) (b)	for “a fee of \$30” substitute “the prescribed fee”.
Section 86	for “of \$6” substitute “calculated in accordance with the regulations”.
Section 87 (2)	for “at the rate of \$1.50 per page” substitute “in accordance with the regulations”.
Section 87 (3)	for “of \$15” substitute “calculated in accordance with the regulations”.
Section 92 (2)	for “\$300” (wherever occurring) substitute “the prescribed amount”.
Section 92 (3)	for “\$300” (wherever occurring) substitute “the prescribed amount”.
Section 92 (4)	for “\$3000” (wherever occurring) substitute “the prescribed amount”.
Section 92 (6)	for “\$300” (wherever occurring) substitute “the prescribed amount”.
Section 92 (7)	for “\$3000” (wherever occurring) substitute “the prescribed amount”.

SCHEDULE 1—*continued*

Provision	Amendment or repeal
Section 111 (2)	after paragraph (c) insert— “ ; and (d) must be accompanied by the prescribed fee.”
Section 114 (1) (a)	for the paragraph substitute— “(a) must be in the amount that is prescribed; and”.
Section 118 (1A) (b)	for “of \$15 per day” substitute “calculated in accordance with the regulations”.
Section 118 (2) (b)	for “of \$15 per day” substitute “calculated in accordance with the regulations”.
Section 118 (3) (b)	for “of \$15 per day” substitute “calculated in accordance with the regulations”.
Section 118 (5) (c) and (d)	for “of \$15 per day” substitute “calculated in accordance with the regulations”.
Section 118 (5A) (b)	for “of \$15 per day” substitute “calculated in accordance with the regulations”.
Section 139	for the expression beginning “permit—(a)” and ending “greater” substitute “permit, a fee calculated in accordance with the regulations”.
Section 139A	for the expression beginning “at the rate” and ending “year” substitute “in accordance with the regulations”.
Section 140	for the expression beginning “at the rate” and ending “year” substitute “in accordance with the regulations”.
Section 141	for the expression beginning “of \$40” and ending “year” substitute “calculated in accordance with the regulations”.