

Petroleum (Submerged Lands) (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 cites the purpose of the Act.

Clause 2 contains the commencement provisions. The Act comes into operation on a day or days to be proclaimed.

Clause 3 cites the *Petroleum (Submerged Lands) Act 1982* as the Principal Act.

Clause 4 amends the definitions and references in the Act.

Clause 5 amends section 29 to allow the period for which a permit is granted to extend from a day specified in the permit.

Clause 6 amends section 37 (2) by clarifying the section's wording.

Clause 7 creates a new Division 2A in Part III. of the Act and creates new sections 38A to 38K making provision for the application for, granting of, renewal and refusal of retention leases for petroleum. This Part also makes provision for the notification of petroleum discovery and gives power to the Minister to give direction to establish the quality and quantity of the discovery.

Clause 8 amends section 40 of the Act so that it reflects the amendments made in clause 8.

Clause 9 inserts a new section 40A into the Act which makes provision for applications for licences from lease holders.

Clause 10 makes a minor amendment of section 41 (1) in accordance with the provisions of clause 10.

Clause 11 makes minor amendments to section 43 (1) of the Act in accordance with the provisions of clause 10.

Clause 12 clarifies the wording in section 44 (5) of the Act.

Clause 13 clarifies the wording in section 45 (2) of the Act.

Clause 14 amends section 46 of the Act to allow for determination of blocks not taken up by licensees who have made application under the new section 40A of the Act.

Clause 15 clarifies the wording of section 51 (6) of the Act.

Clause 16 makes provision for a licence to come into effect from the day stated on the licence if it is after the date of granting the licence.

Clause 17 clarifies the wording of section 54 (2) (b) and 54 (3) of the Act.

Clause 18 amends section 58 in the Act to allow for recovery of petroleum pool in a licence area and limits directions of the Minister as to production where those directions may be contrary to good oil field practice. The effect of directions already given in the Act is retained.

Clause 19 amends section 59 of the Act to clarify the wording with respect to the powers of section 81 of the Act.

Clause 20 makes provision for a pipeline licence to come into effect from a date stated on the licence if it is after the date of granting the licence.

Clause 21 clarifies the wording of section 68 (2) (b) and 68 (3) of the Act.

Clause 22 provides a definition of "title" in Division 5, Part III. of the Act.

Clause 23 amends section 75 of the Act to define “Titles” and include “Special Prospecting Authorities”.

Clause 24 amends section 76 of the Act to include the provisions of clause 24.

Clause 25 inserts a new paragraph (aa) into section 77 of the Act.

Clause 26 amends section 78 of the Act to revise provisions relating to the approval and registering of transfer of title.

Clause 27 amends section 79 of the Act with respect to provisions relating to registering devolution of title.

Clause 28 repeals section 80, amends section 81 and creates a new section 81A of the Act all giving effect to provisions relating to approval of dealings and creating interest in existing titles and future interests.

Clause 29 amends section 82 of the Act with respect to provisions relating to giving a true statement of dealings undertaken in a transfer of title.

Clause 30 makes minor amendments to section 83 of the Act.

Clause 31 amends section 84 of the Act with regard to the Minister’s power to acquire information on transfer or dealings.

Clause 32 amends section 85 of the Principal Act by simplifying the wording of sub-section (1) and inserting a new sub-section (1A) which empowers the Minister to require any person who has made an application under section 79 (1), (3) or 87A (2) to produce or make available documents relating to that application.

Clause 33 makes two minor amendments in wording in relation to the inspection of the Register and documents, and repeals section 86 (2) of the Act.

Clause 34 inserts a new section 89A in the Act which empowers the Minister to make corrections to the Register and additions after first publishing a notice in the *Government Gazette*.

Clause 35 substitutes a new section 92 relating to the imposition of registration fees in respect of the entry of the approval of a dealing and a transfer of title.

Clause 36 repeals section 95 (1) and makes minor amendments in wording to sub-sections (2), (3) and (4).

Clause 37 substitutes “comes into force” for “has effect” in section 96 (1) and (2) (b).

Clause 38 substitutes new section 101 sub-sections (1), (2), (2A), (2B) and (2C) relating to the Minister giving directions to registered holders.

Clause 39 amends section 102 relating to compliance with directions given by the Minister under section 101.

Clause 40 amends section 111 relating to the granting of a special prospecting authority and provides that a special prospecting authority cannot be transferred. A new sub-section (6A) sets out the procedures where multiple special prospecting authorities have been granted in respect of the one block.

Clause 41 amends section 112 to provide for the grant of an access authority for an area adjacent to that held by the holder of a State title.

Clause 42 amends section 118 to empower the Minister to release certain types of information contained in documents which have been furnished to the Minister. Before the information is released notice must be given in the *Government Gazette* and objections to the release of the information may be made on the grounds in sub-section (5D). The remainder of the clause details the procedures to be followed where there are objections.

Clause 43 inserts new section 138A which establishes the procedures for the service of documents where there are two or more permittees.

Clause 44 inserts a new section 139A which sets out the circumstances in which lease fees are payable.

Clause 45 makes several minor amendments in wording to the sections of the Act concerned with royalties.

Clause 46 inserts a new Division 8 “Area to be avoided and safety zones”—in Part III. of the Act. This Division includes sections relating to interpretation and definitions, emergency periods (where there is anticipated terrorist activity and consequent dangers to safety), Ministerial authority to enter an area to be avoided, prohibition of an unauthorized vessel entering an area to be avoided, powers of an authorized person, search warrants and the exercise of powers in serious circumstances.

Clause 47 inserts into section 152 new sub-sections (2A) and (2B). These provide for the making of regulations relating to a code of practice or standard contained in an instrument and in relation to the prohibition of the doing of an act or thing either unconditionally or subject to conditions.

Clause 48 inserts a Sixth Schedule into the Act. This gives a precise definition of the area that includes the area to be avoided.

Clause 49 contains a Schedule of the consequential amendments to the Act. These consist exclusively of minor amendments to wording.

