Petroleum (Submerged Lands) (Amendment) Act 2001
Act No. 91/2001

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**ENDNOTES**

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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purpose

The main purpose of this Act is to amend the *Petroleum (Submerged Lands) Act 1982*—

(a) to provide for infrastructure licences; and

(b) to make other amendments as a consequence of various amendments to Commonwealth law.
2. Commencement

(1) This Part and Part 3 come into operation on the day after the day on which this Act receives the Royal Assent.

(2) Subject to sub-section (3), Part 2 comes into operation on a day or days to be proclaimed.

(3) If a provision of Part 2 does not come into operation before 1 January 2003, it comes into operation on that day.

3. Principal Act

In this Act, the Petroleum (Submerged Lands) Act 1982 is called the Principal Act.
PART 2—INFRASTRUCTURE LICENCES

4. Definitions

(1) In section 4(1) of the Principal Act—

(a) insert the following definitions—

'"facility" includes a structure or installation of any kind;

"good processing and transport practices" means all those things that are generally accepted as good and safe in the processing and storage of petroleum and the preparation of petroleum for transport;

"infrastructure facilities" has the meaning given by section 4A;

"infrastructure licence" means an infrastructure licence under Part III;

"infrastructure licence area", in relation to an infrastructure licence, means the place in respect of which the infrastructure licence is in force;

"infrastructure licensee" means the registered holder of an infrastructure licence;

"operation" means an activity to which Part III applies;

(b) in the definition of "registered holder", after "lease, licence" (where twice occurring), insert ", infrastructure licence";
(c) in the definition of "the relinquished area", after paragraph (ca) insert—

"(cb) in relation to an infrastructure licence that has been surrendered, cancelled or terminated—the place that constituted the infrastructure licence area;".

(2) In section 4 of the Principal Act—

(a) in sub-section (4), after "lease, licence" (where first and secondly occurring), insert ", infrastructure licence",

(b) in sub-sections (5) and (10), after "lease, licence" (wherever occurring), insert ", infrastructure licence".

5. New section 4A inserted

After section 4 of the Principal Act insert—

'4A. Infrastructure facilities

(1) In this Act—

"infrastructure facilities" means facilities for engaging in any of the activities mentioned in sub-section (2), being—

(a) facilities that are resting on the seabed; or

(b) facilities (including facilities that are floating) that are fixed or connected to the seabed; or

(c) facilities that are attached or tethered to facilities referred to in paragraph (a) or (b).

(2) The activities referred to in sub-section (1) are the following—

(a) remote control of facilities used for the recovery of petroleum in a licence area;
(b) processing petroleum recovered in any place, including—

(i) converting petroleum into another form by physical or chemical means or both (for example, converting it into liquefied natural gas or methanol); and

(ii) partial processing of petroleum (for example, by the removal of water);

(c) storing petroleum before it is transported to another place;

(d) preparing petroleum (for example, by operations such as pumping or compressing) for transport to another place;

(e) activities related to any of the above—but, except as mentioned in paragraph (a), do not include engaging in the exploration for, or recovery of, petroleum.’.

6. **New Division 3A inserted in Part III**

   After Division 3 of Part III of the Principal Act insert—

   'Division 3A—Infrastructure Licences

   **59A. Construction etc. of infrastructure facilities**

   A person must not, in the adjacent area—

   (a) begin or continue the construction, or the alteration or reconstruction, of any infrastructure facilities; or
(b) operate any infrastructure facilities—
except—
(c) under and in accordance with an infrastructure licence; or
(d) as otherwise permitted by this Part.
Penalty: 330 penalty units or imprisonment for 5 years or both, in the case of a natural person;
1650 penalty units, in the case of a body corporate.

59B. Application for infrastructure licence

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

(2) The application—

(a) is to be made in an approved manner; and

(b) is to be accompanied by particulars of the proposals of the applicant for the construction and operation of facilities at a place in the adjacent area, being a place described in the application; and

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

(d) is to be accompanied by the prescribed fee.

(3) The Minister may, at any time, by written notice served on the applicant, require the applicant to give, within the period stated in the notice, further written information in connection with the application.
59C. Notification as to grant of an infrastructure licence

(1) If an application for the grant of an infrastructure licence has been made under section 59B and the applicant has given any further information as and when required by the Minister under section 59B(3), then, subject to section 59D, the Minister, by written notice served on the applicant, may inform the applicant that the Minister is prepared to grant to the applicant an infrastructure licence in respect of the place described in the application.

(2) A notice under sub-section (1) must—

(a) contain a summary of the conditions subject to which the infrastructure licence is to be granted; and

(b) contain a statement to the effect that the application will lapse if the applicant does not make a request under section 59E(1) in respect of the grant of the infrastructure licence.

59D. Notices to be given by Minister

(1) This section applies if the Minister is prepared to grant an infrastructure licence (the "proposed infrastructure licence") in respect of a place in a block that—

(a) is the subject of a permit, lease, licence, infrastructure licence, special prospecting authority or access authority; or
(b) is, or is proposed to be, transected by a pipeline in accordance with the provisions of a pipeline licence—

of which the registered holder is a person other than the applicant.

(2) The Minister must not inform the applicant under section 59C that the Minister is prepared to grant the proposed infrastructure licence unless the Minister—

(a) has, by written notice served on the registered holder referred to in subsection (1), given not less than one month's notice that the Minister is prepared to grant the proposed infrastructure licence; and

(b) has served a copy of the notice on such other persons (if any) as the Minister thinks fit; and

(c) has, in the notice—

(i) given particulars of the proposed infrastructure licence; and

(ii) specified a date, on or before which a person on whom the notice, or a copy of the notice, is served may, by writing served on the Minister, submit any matters that the person wishes the Minister to consider; and

(d) has taken into account any matters so submitted on or before the specified date by a person on whom the first-mentioned notice, or a copy of it, has been served.
(3) Sub-section (2) does not apply—

(a) in respect of the registered holder of a permit, lease, licence, infrastructure licence or pipeline licence if the registered holder has consented in writing to the grant of the proposed infrastructure licence; or

(b) in respect of the registered holder of a special prospecting authority or an access authority if—

(i) the registered holder has consented in writing to the grant of the proposed infrastructure licence; or

(ii) the special prospecting authority or access authority will expire before any construction or operation of facilities under the proposed infrastructure licence would occur.

59E. Grant of infrastructure licence

(1) An applicant on whom a notice has been served under section 59C(1) ("the applicant") may, by written notice served on the Minister, request the Minister to grant to the applicant the infrastructure licence referred to in the first-mentioned notice.

(2) The request must be made—

(a) before the end of 3 months after the date of service of the notice on the applicant under section 59C(1); or
(b) if the Minister, on application in writing served on the Minister before the end of that period, allows a further period of not more than 3 months for the making of the request—before the end of that further period.

(3) If the applicant makes the request within the period applicable under sub-section (2), the Minister must grant to the applicant an infrastructure licence in respect of the place described in the application.

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

59F. Rights conferred by infrastructure licence

(1) An infrastructure licence, while it remains in force, authorises the infrastructure licensee, subject to this Act and the regulations and in accordance with the conditions to which the infrastructure licence is subject, to construct and operate infrastructure facilities in the infrastructure licence area.

(2) To avoid doubt, the grant of an infrastructure licence is not a prerequisite to doing anything that could be authorised to be done by a permit, lease, licence or pipeline licence.

59G. Term of infrastructure licence

Subject to this Part, an infrastructure licence remains in force indefinitely.
59H. Termination of infrastructure licence if no operations for 5 years

(1) If an infrastructure licensee—

(a) has not carried out any construction work under the infrastructure licence for a continuous period of at least 5 years; and

(b) has not used the facilities constructed under the infrastructure licence for a continuous period of at least 5 years—

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

(2) At any time after the end of one month after the notice referred to in sub-section (1) is served on the infrastructure licensee, the Minister may, by written notice served on the infrastructure licensee, terminate the infrastructure licence.

(3) In working out, for the purposes of sub-section (1), the duration of the period in which an infrastructure licensee did not carry out any construction work under the infrastructure licence or did not use the facilities constructed under the infrastructure licence, any period in which construction work was not carried out, or the facilities were not used, because of circumstances beyond the infrastructure licensee's control is to be disregarded.
59J. **Conditions of infrastructure licence**

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

59K. **Variation of infrastructure licence**

(1) An infrastructure licensee may, at any time, make an application to the Minister for the variation of the infrastructure licence.

(2) An application under this section—

(a) is to be made in the approved manner; and

(b) is to be accompanied by particulars of the proposed variation; and

(c) is to set out the reasons for the proposed variation; and

(d) is to be accompanied by the prescribed fee.

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

(4) If the infrastructure licence was granted in respect of a place in a block that—

(a) is the subject of a permit, lease, licence, infrastructure licence, special prospecting authority or access authority; or
(b) is, or is proposed to be, transected by a pipeline in accordance with the provisions of a pipeline licence—

of which the registered holder is a person other than the applicant, the Minister must not vary the infrastructure licence pursuant to the application unless the Minister—

(c) has, by written notice served on the registered holder, given not less than one month's notice that the Minister is considering the application; and

(d) has served a copy of the notice on such other persons (if any) as the Minister thinks fit; and

(e) has, in the notice—

   (i) given particulars of the proposed variation; and

   (ii) specified a date on or before which a person on whom the notice, or a copy of the notice, is served may, by writing served on the Minister, submit any matters that the person wishes the Minister to consider.

(5) Sub-section (4) does not apply—

(a) in respect of the registered holder of a permit, lease, licence, infrastructure licence or pipeline licence if the registered holder has consented in writing to the variation of the infrastructure licence; or

(b) in respect of the registered holder of a special prospecting authority or an access authority if—
(i) the registered holder has consented in writing to the variation of the infrastructure licence; or

(ii) the special prospecting authority or access authority will expire before any construction or operation of facilities under the infrastructure licence as proposed to be varied would occur.

(6) After considering any matters submitted to the Minister under sub-section (4) on or before the date specified in the notice served under that sub-section by a person to whom the notice, or a copy of the notice, has been served, the Minister may—

(a) by written notice served on the applicant, vary the infrastructure licence to such extent as the Minister thinks necessary; or

(b) refuse to vary the infrastructure licence.’.

7. Consequential amendments

(1) In section 18 of the Principal Act—

(a) in sub-section (1)—

(i) for "lease or licence" substitute "lease, licence or infrastructure licence";

(ii) after "lease, licence" insert ", infrastructure licence";

(b) in sub-section (2), after "lease, licence" insert ", infrastructure licence".
(2) In the Principal Act—

(a) in section 75AA, after "lease, licence" insert ", infrastructure licence";

(b) in section 76(1), at the end of paragraphs (a), (b), (c), (d) and (e) insert "and";

(c) in section 76(1), after paragraph (b) insert—

"(ba) in the case of an infrastructure licence, setting out particulars of the infrastructure licence area; and";

(d) in section 81A(4)(a)(i), after "lease, licence" (wherever occurring) insert ", infrastructure licence";

(e) in section 93, after "lease, licence" (wherever occurring) insert ", infrastructure licence";

(f) in section 94—

(i) in paragraph (a), after "lease, licence" insert ", infrastructure licence";

(ii) in paragraph (b), after "licence" (where first occurring) insert ", infrastructure licence";

(g) in section 94, after paragraph (c) insert—

"(ca) the surrender or cancellation of an infrastructure licence; and";

(h) in section 94(g), after "licence" insert ", infrastructure licence".

(3) In section 95 of the Principal Act, after subsection (2) insert—

"(2A) The surrender or cancellation of an infrastructure licence has effect on and from the day on which notice of the surrender or cancellation is published in the Gazette.".

(4) In the Principal Act—
(a) in section 95(4), after "licence" (where first occurring) insert ", infrastructure licence";

(b) in section 96—

   (i) after "lease, licence" (wherever occurring) insert ", infrastructure licence";

   (ii) after "lessee, licensee" (wherever occurring) insert ", infrastructure licensee".

(5) In section 97 of the Principal Act, after sub-section (2) insert—

"(2A) An infrastructure licensee must carry out operations authorised by the infrastructure licence in a safe manner and in accordance with good oil-field and good processing and transport practices.

(2B) In particular and without limiting the generality of sub-section (2A), but subject to any authorisation given, or requirement made, under this Act or the regulations or under any direction given under this Act, an infrastructure licensee must control the flow, and prevent the waste or escape, from a facility constructed under the infrastructure licence of water, petroleum or any product derived by processing petroleum.".

(6) In the Principal Act—

(a) in section 97A(1), after "lease, licence" (wherever occurring) insert ", infrastructure licence";

(b) in section 98(1), in the definition of "operator", after "lessee, licensee" insert ", infrastructure licensee";
(c) in section 98(1), in the definition of "the operations area", after paragraph (a) insert—

"and

(aa) in relation to an operator who is an infrastructure licensee—means the infrastructure licence area; and";

(d) in section 101(1), after "lease, licence" insert ", infrastructure licence";

(e) in section 102(2A)(a), after "lessee, licensee" insert ", infrastructure licensee";

(f) in section 103(1)—

(i) after "lessee, licensee" (wherever occurring) insert ", infrastructure licensee";

(ii) after "lease, licence" (in paragraph (j) and where last occurring) insert ", infrastructure licence";

(g) in sections 103(2) and 104(1), after "lease, licence" insert ", infrastructure licence";

(h) in section 104(1), after paragraph (a) insert—

"(aaa) in the case of an infrastructure licence—as to the infrastructure licence area; or";

(i) in section 104(3), after "lease, licence" insert ", infrastructure licence";

(j) in section 104(5), after paragraph (a) insert—

"(aa) in relation to a surrender of an infrastructure licence—the infrastructure licence area; and";
(k) in section 105(1)—

(i) after "lessee, licensee" (wherever occurring) insert ", infrastructure licensee";

(ii) in paragraph (a), after "lease, licence" insert ", infrastructure licence";

(l) in section 105(1), after paragraph (e) insert—

"(eaa) in the case of an infrastructure licence—cancel the infrastructure licence; or";

(m) in section 105(2)—

(i) after "in force," (where first occurring) insert "or cancel an infrastructure licence,";

(ii) after "lessee, licensee" (wherever occurring) insert ", infrastructure licensee";

(iii) in paragraph (a), after "lease, licence" insert ", infrastructure licence".

8. New section 106 substituted

For section 106 of the Principal Act substitute—

"106. Cancellation of permit etc. not affected by other provisions

(1) A permit, licence or pipeline licence may be wholly cancelled or partly cancelled, a lease may be wholly cancelled, and an infrastructure licence may be cancelled, on the ground that the registered holder of the permit, licence, pipeline licence, lease or infrastructure licence has not complied with a provision of this Part or of the regulations even though the holder has been convicted of
an offence because of the holder's failure to comply with the provision.

(2) A person who was the registered holder of a permit, lease, licence or pipeline licence that has been wholly cancelled, is the registered holder of a permit, licence or pipeline licence that has been partly cancelled, or was the registered holder of an infrastructure licence that has been cancelled, on the ground that the person has not complied with a provision of this Part or of the regulations may be convicted of an offence because of the person's failure to comply with the provision, even though the permit, lease, licence, pipeline licence or infrastructure licence has been so cancelled.

(3) A permit, licence or pipeline licence may be wholly cancelled or partly cancelled, a lease may be wholly cancelled, and an infrastructure licence may be cancelled, on the ground that the registered holder of the permit, licence, pipeline licence, lease or infrastructure licence has not paid an amount payable by the holder under this Act within 3 months after the day on which the amount became payable, even though judgment for the amount has been obtained or the amount, or any part of the amount, has been paid or recovered.

(4) A person who was the registered holder of a permit, lease, licence or pipeline licence that has been wholly cancelled, is the registered holder of a permit, licence or pipeline licence that has been partly cancelled, or was the registered holder of an infrastructure licence that has been cancelled, on the ground that the person has not paid an amount payable
by the person under this Act within 3 months after the day on which the amount became payable continues to be liable to pay that amount, together with any additional amount payable because of late payment of that amount, even though the permit, lease, licence, pipeline licence or infrastructure licence has been so cancelled."

9. Further consequential amendments

(1) In section 107 of the Principal Act, for subsection (1) substitute—

"(1) If—

(a) a permit has been wholly or partly determined or wholly or partly cancelled, or has expired; or

(b) a lease has been wholly or partly determined or wholly cancelled, or has expired; or

(c) a licence has been wholly or partly determined or wholly or partly cancelled, has been terminated or has expired; or

(d) an infrastructure licence has been cancelled or has been terminated; or

(e) a pipeline licence has been wholly or partly determined or wholly or partly cancelled, or has been terminated—

the Minister may, by written notice served on the person who was, or is, as the case may be, the permittee, lessee, licensee, infrastructure licensee or pipeline licensee, direct the person to do any one or more of the following—
(f) to remove or cause to be removed from the relinquished area all property brought into that area by any person engaged or concerned in the operations authorised by the permit, lease, licence, infrastructure licence or pipeline licence or to make arrangements that are satisfactory to the Minister with respect to the property;

(g) to plug or close off, to the satisfaction of the Minister, all wells made in that area by any person engaged or concerned in those operations;

(h) subject to this Part and to the regulations, to make provision, to the satisfaction of the Minister, for the conservation and protection of the natural resources in that area;

(i) to make good, to the satisfaction of the Minister, any damage to the sea-bed or subsoil in that area caused by any person engaged or concerned in those operations.”.

(2) In the Principal Act—

(a) in section 107(2)—

(i) after "lessee, licensee" (where twice occurring) insert "infrastructure licensee";

(ii) after "licence area" insert "infrastructure licence area";

(iii) after "lease, licence" insert "infrastructure licence";
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(b) in section 107(3), for paragraph (c) substitute—

"(c) in the case of a direction given under sub-section (2) in respect of—

(i) a licence; or

(ii) an infrastructure licence; or

(iii) a pipeline licence—

on or before the first date on which the licence, infrastructure licence or pipeline licence can be terminated under this Part."

10. New section 108 substituted

For section 108 of the Principal Act substitute—

"108. Removal of property etc. by Minister

(1) This section applies if—

(a) a permit has been wholly or partly determined or wholly or partly cancelled, or has expired; or

(b) a lease has been wholly or partly determined or wholly cancelled, or has expired; or

(c) a licence has been wholly or partly determined or wholly or partly cancelled, has been terminated or has expired; or

(d) an infrastructure licence has been cancelled or has been terminated; or

(e) a pipeline licence has been wholly or partly determined or wholly or partly cancelled, or has been terminated.
(2) If a direction under section 107 has not been complied with, or an arrangement under that section has not been carried out, in relation to the relinquished area—

(a) the Minister may do all or any of the things required by the direction or arrangement to be done; and

(b) if any property brought into that area by any person engaged or concerned in the operations authorised by the permit, lease, licence, infrastructure licence or pipeline licence has not been removed in accordance with the direction or arrangement the Minister may, by instrument published in the Gazette, direct that the owner or owners of that property remove it from that area, or dispose of it to the satisfaction of the Minister, within the period specified in the instrument.

(3) The Minister must serve a copy of an instrument published under sub-section (2)(b) on each person whom he or she believes to be an owner of the property or any part of it."

11. Further consequential amendments

In the Principal Act—

(a) in section 113(3)(b), after "lessee, licensee" insert "infrastructure licensee";

(b) in section 115(1), after "recovery of petroleum" insert "operations relating to the processing or storage of petroleum or the preparation of petroleum for transport";
(c) in sections 122(1) and 124, after "lease, licence" insert ", infrastructure licence";
(d) in section 134(1), after "39" insert ", 59A";
(e) in section 138A(5), after "lease, licence" insert ", infrastructure licence".

12. New section 140A inserted

After section 140 of the Principal Act insert—

"140A. Infrastructure licence fees

There is payable to the Minister by an infrastructure licensee, in respect of each year of the term of the infrastructure licence, a fee calculated in accordance with the regulations.".

13. Time of payment of fees

In section 142 of the Principal Act—

(a) after "140" insert ", 140A";
(b) after "permit, licence" (where twice occurring) insert ", infrastructure licence".

14. Further consequential amendments

(1) In the Principal Act—

(a) in section 151U, after paragraph (c) insert—
"(ca) the infrastructure licence area of an infrastructure licence granted after the changeover time;";
(b) in section 151V(1), after paragraph (c) insert—
"(ca) the infrastructure licence area of an infrastructure licence in force immediately before the changeover time;".
(2) In section 151W of the Principal Act, after sub-section (3) insert—

"(3A) The regulations may authorise the Minister to issue an instrument varying an infrastructure licence in force immediately before the changeover time for the sole purpose of relabelling the infrastructure licence area using geographic co-ordinates based on the current datum.".

(3) In section 151ZA of the Principal Act, in the definition of "title", after "lease, licence" insert "infrastructure licence".

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PART 3—OTHER AMENDMENTS

15. Amendment of preamble

In the preamble to the Principal Act omit "And whereas Australia is a party to the Convention on the Continental Shelf signed at Geneva on 29 April 1958 in which those rights are defined:"

16. New section 2 substituted

For section 2 of the Principal Act substitute—

"2. Transitional provisions

The First Schedule has effect.

Note: The First Schedule contains transitional provisions as a result of amendments made to this Act."

17. Definitions and interpretation

(1) In section 4(1) of the Principal Act—

(a) insert the following definitions—

"bank guarantee" means a guarantee provided by a body that is permitted to use the expression "bank" under section 66 of the Banking Act 1959 of the Commonwealth;

"datum" means a reference frame for defining geographic co-ordinates;

Note: If the position on the surface of the Earth of a particular point is identified by a co-ordinate that is determined by reference to a particular datum, the use of a different datum will result in the same point being identified by a different co-ordinate.
"geographic co-ordinate" includes—

(a) a meridian of longitude by itself; and

(b) a parallel of latitude by itself;

"interstate Minister" means the Minister of the Crown in right of a State (other than Victoria) or of the Northern Territory who is for the time being authorised under the law of that State or Territory to perform the functions of a Designated Authority under the Petroleum (Submerged Lands) Act 1967 of the Commonwealth;

"the Commonwealth Minister" means the Minister of the Crown in right of the Commonwealth for the time being administering the Petroleum (Submerged Lands) Act 1967 of the Commonwealth and includes another Minister for the time being acting for and on behalf of that Minister;

"Victorian Minister" means a Minister of the Crown in right of Victoria;";

(b) for the definition of "natural resources" substitute—

'"natural resources" has the same meaning as in paragraph 4 of Article 77 of the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982;';

(c) in the definition of "petroleum", omit "in the adjacent area";
(d) in the definition of "pipeline", after "petroleum" (where first occurring) insert ", whether the petroleum is petroleum recovered from the adjacent area or not,";

(e) in the definition of "pipeline", for paragraph (d) substitute—

"(d) for conveying petroleum from a well, wherever located, to a terminal station in the adjacent area without passing through another terminal station;"

(f) the definition of "the Convention" is repealed.

(2) In section 4 of the Principal Act—

(a) in sub-section (4) omit "pipeline licence," where thirdly and fourthly occurring;

(b) sub-section (8) is repealed.

18. New section 6A inserted

After section 6 of the Principal Act insert—

"6A. Act to apply subject to international obligations

The provisions of this Act relating to pipelines referred to in section 65(2A) have effect subject to the obligations of Australia under international law, including obligations under any agreement between Australia and any other country or countries."

19. Discontinuance of Australian Geodetic Datum

Section 8 of the Principal Act is repealed.

20. Gender-neutral amendments

In the Principal Act—
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(a) in section 10, for "him" (where twice occurring) substitute "the Minister";
(b) in section 13, for "him" substitute "the employee";
(c) in section 14(2)(c) omit "his";
(d) in section 16(1)—
   (i) for "him" substitute "the Minister";
   (ii) for "his" substitute "the Minister's".

21. Graticulation of Earth’s surface

In section 17 of the Principal Act, at the foot of sub-section (3) insert—
"Note: For datum, see section 151S."

22. Exploration for petroleum

(1) For the penalty at the foot of section 19(1) of the Principal Act substitute—
"Penalty: 330 penalty units or imprisonment for 5 years or both, in the case of a natural person;
1650 penalty units, in the case of a body corporate.".

(2) In section 20(2) of the Principal Act, for "he" substitute "he or she".

(3) In section 21 of the Principal Act—
(a) in sub-section (1)—
   (i) paragraph (a) is repealed;
   (ii) in paragraph (d)(ii), for "his" substitute "the applicant's";
(b) in sub-section (4)—
   (i) for "him" substitute "the applicant";
   (ii) for "his" substitute "the applicant's".
23. New section 21A inserted

After section 21 of the Principal Act insert—

"21A. Where 2 or more applications are made in respect of the same block or blocks

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

(2) The Minister may grant the permit to whichever applicant, in the Minister’s opinion, is most deserving of the grant of the permit having regard to criteria made publicly available by the Minister.

(3) For the purposes of sub-section (2), the Minister may rank the applicants in the order in which they are deserving of the grant, the most deserving applicant being ranked highest.

(4) The Minister may exclude from the ranking any applicant that, in the Minister’s opinion, is not deserving of the grant of the permit.

(5) If the Minister is of the opinion that, after considering the information accompanying the applications, 2 or more of the applicants are equally deserving of the grant of the permit, the Minister may, by written notice served on each of those applicants, invite them to give to the Minister, within a period stated in the notice, particulars of the applicant’s proposals for additional work and expenditure in respect of the block or blocks specified in the application, being particulars that the Minister considers to be relevant in
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determining which of the applicants is most deserving of the grant of the permit.

(6) If any particulars are given by applicants to the Minister in accordance with the invitations contained in the notices served under sub-section (5), the Minister must have regard to the particulars in determining whichever of the applicants is most deserving of the grant of the permit.”.

24. **Grant or refusal of permit**

In section 22(3) and (4) of the Principal Act, for "him" (wherever occurring) substitute "the applicant".

25. **New sections 22AA, 22AB and 22AC inserted**

After section 22 of the Principal Act insert—

"**22AA. Withdrawal by a joint applicant**

If—

(a) an application made under section 20 for the grant of a permit was a joint application; and

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

the following paragraphs have effect—

(c) the application continues in force as if it had been made by the remaining applicant or applicants;

(d) if the Minister had informed the joint applicants that the Minister was prepared to grant to the applicants a permit in respect of the block or blocks
to which the application relates—the Minister is taken not to have so informed the applicants.

22AB. *Withdrawal of application*

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

22AC. *Effect of withdrawal or lapse of application*

If—

(a) 2 or more applications have been made under section 20 for the grant of a permit in respect of the same block or blocks; and

(b) one or more, but not all, of the applications are withdrawn or have lapsed—

the following paragraphs have effect—

(c) the withdrawn or lapsed application or applications are taken not to have been made;

(d) if the Minister had informed the applicant or one of the applicants whose application had been withdrawn or had lapsed that the Minister was prepared to grant to that applicant a permit in respect of the block or blocks—the Minister is taken not to have so informed the applicant concerned;
(e) if the applicant or one of the applicants whose application had been withdrawn had requested the Minister under section 22(3) to grant a permit to the applicant concerned—the request is taken not to have been made;

(f) if the Minister had refused to grant a permit to the remaining applicant or to any of the remaining applicants—the refusal or refusals are taken not to have occurred."

26. **Permits in respect of surrendered etc. blocks**

(1) In section 23 of the Principal Act—

(a) in sub-section (4)—

(i) paragraph (a) is **repealed;**

(ii) in paragraph (d) **omit "to him";**

(b) in sub-section (5)—

(i) for "him" **substitute "the applicant";**

(ii) for "his" **substitute "the applicant's".**

(2) In section 24(1) of the Principal Act, for paragraph (b) **substitute**—

"(b) a deposit of 10% of the amount specified in the application under section 23(4)(d) or a bank guarantee for the amount of that deposit.".

(3) In section 24 of the Principal Act, for sub-section (2) **substitute**—

"(2) Subject to sub-section (3), if a permit is not granted on the application—

(a) the amount of the deposit must be refunded to the applicant; or
(4) In section 24(3) of the Principal Act—
   (a) **omit** "to him";
   (b) **omit** ", unless the Minister otherwise determines,".

(5) In the Principal Act—
   (a) in section 25(1)—
      (i) for "he" **substitute** "the Minister";
      (ii) for "him" **substitute** "the applicant";
   (b) in section 25(2)—
      (i) in paragraph (b)—
         (A) for "he" **substitute** "the applicant";
         (B) **omit** "to him";
      (ii) for "him that he is prepared to grant to him" **substitute** "the applicant that the Minister is prepared to grant to the applicant";
   (c) in section 25(5)(b), for sub-paragraph (ii) **substitute**—
      "(ii) pay the amount, or the balance of the amount, to be paid in respect of the grant of the permit to the applicant.";
   (d) in section 26(1), for "him" (wherever occurring except in paragraph (b)) **substitute** "the applicant";
   (e) in section 26(1), for paragraph (b) **substitute**—
      "(b) pay the amount, or the balance of the amount, to be paid in respect of the grant of the permit to the applicant.";
(f) in section 26(2), for paragraph (b) substitute—

"(b) has not paid the amount, or the balance of the amount, to be paid in respect of the grant of the permit to the applicant—";

(g) in section 27, for paragraph (b) substitute—

"(b) has paid the amount, or the balance of the amount, to be paid in respect of the grant of a permit to the person—".

27. Term of permit

At the end of section 29 of the Principal Act insert—

"(2) If—

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

(b) before the time when the permit would, apart from this sub-section, expire, the permittee has duly made an application to the Minister for the grant of a lease or licence in respect of the block, or one or more of the blocks, being a block or blocks that are included in a location—

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

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

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

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

28. Renewal of permit

(1) In section 30 of the Principal Act—

(a) in sub-section (2), paragraph (a) is repealed;

(b) in sub-section (3), for "he" substitute "he or she".

(2) In section 31 of the Principal Act—

(a) in sub-section (1)—

(i) for "sub-section (3)" substitute "subsections (3), (4), (5) and (6)";

(ii) in paragraph (a), for "two" substitute "2";

(iii) in paragraph (b), for "four" substitute "4";

(b) in sub-section (3), for "two" substitute "2".

(3) In section 31 of the Principal Act, for sub-sections (4), (5), (6) and (7) substitute—

"(4) An application cannot be made for the renewal of a permit in respect of only one block."
(5) If a permit is in force in respect of 5 or 6 blocks, an application may be made for the renewal of the permit in respect of 4 of those blocks.

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

(7) An application may not be made for the further renewal of a permit that was renewed as a result of an application referred to in sub-section (6)."

(4) In section 32 of the Principal Act—

(a) in sub-section (3)—

(i) for "he" (wherever occurring except in paragraph (c)(ii)) substitute "the Minister";

(ii) in paragraph (a), for "his" substitute "the Minister's";

(iii) in paragraph (c)(ii), for "he" substitute "the permittee or person";

(iv) in paragraph (d), for "him" substitute "the Minister";

(b) in sub-section (6), for "him" substitute "the permittee".

29. Discovery of petroleum

In the Principal Act—

(a) in section 34, at the foot of sub-section (1) insert—

"Penalty: 110 penalty units, in the case of a natural person;
(b) in section 34, sub-sections (2) and (3) are **repealed**;

(c) section 35 is **repealed**.

30. **Declaration of location**

In section 37 of the Principal Act, after sub-section (6) **insert**—

"(7) The Minister may form an opinion for the purposes of this section if he or she considers that there are reasonable grounds for forming the opinion having regard to any information in his or her possession, whether provided by the permittee or otherwise."

31. **Application for lease or renewal of lease**

(1) In section 38A(2) of the Principal Act, paragraph (a) is **repealed**.

(2) In section 38B of the Principal Act, for sub-section (1) **substitute**—

"(1) If—

(a) an application has been made under section 38A; and

(b) the applicant has furnished any further information as and when required by the Minister under section 38A(3); and

(c) the Minister is satisfied that—

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

   (ii) the recovery of petroleum from that area is not, at the time of the
application, commercially viable
but is likely to become
commercially viable within
15 years after that time—

the Minister must, by instrument in writing
served on the applicant, tell the applicant
that the Minister is prepared to grant to the
applicant a lease in respect of the block or
blocks as to which the Minister is satisfied as
mentioned in paragraph (c).".

(3) In section 38B(2) of the Principal Act, for "the
blocks" substitute "the block, or all the blocks, ".

(4) In section 38B of the Principal Act, after sub-
section (2) insert—

"(2A) If—

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

(b) the Minister is not satisfied as to the
matters referred to in sub-section (1)(c)
in relation to one or more, but not all,
of the blocks—

the Minister must, by instrument in writing
served on the applicant, refuse to grant a
lease to the applicant in respect of the block
or blocks as to which the Minister is not
satisfied as mentioned in sub-section (1)(c).".

32. New sections 38BB, 38BC and 38BD inserted

After section 38BA of the Principal Act insert—

'38BB. Application by licensee for lease

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

(b) no operations for the recovery of petroleum are being carried on under the licence in respect of an area (the "unused area")—

(i) that consists of, or consists of part of, the block or blocks; and

(ii) in which petroleum has been found to exist—

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

(2) An application under sub-section (1)—

(a) is to be made in an approved manner; and

(b) is to be accompanied by particulars of—

(i) the proposals of the applicant for work and expenditure in respect of the unused area; and

(ii) the commercial viability of the recovery of petroleum from the unused area at the time of the application, and particulars of the possible future commercial viability of the recovery of petroleum from that area; and

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

(d) is to be accompanied by the prescribed fee.
(3) The Minister may, at any time, by written notice served on the applicant, require the applicant to give, within the period stated in the notice, further written information in connection with the application.

(4) The application period in respect of an application under this section by a licensee is the period of 5 years that began on—

(a) the day on which the licence was granted; or

(b) if any operations for the recovery of petroleum have been carried on under the licence in respect of the unused area—the last day on which any such operations were so carried on.

38BC. Grant or refusal of lease in relation to application by licensee

(1) If—

(a) an application has been made under section 38BB; and

(b) the applicant has given any further information as and when required by the Minister under section 38BB(3); 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 must, by written notice served on the applicant, inform the applicant that
the Minister is prepared to grant to the applicant a lease in respect of the unused area.

(2) If an application has been made under section 38BB and—

(a) the applicant has not given further information as and when required by the Minister under section 38BB(3); or

(b) the Minister is not satisfied as to the matters referred to in sub-section (1)(c) in relation to the unused area—

the Minister must, by written notice served on the applicant, refuse to grant a lease to the applicant.

(3) A notice under sub-section (1) must contain—

(a) a summary of the conditions subject to which the lease is to be granted; and

(b) a statement to the effect that the application will lapse if the applicant does not make a request under sub-section (4) in respect of the grant of the lease.

(4) An applicant on whom a notice has been served under sub-section (1) may, within one month after the date on which the notice was served, or within such further period, not exceeding one month, as the Minister, on written application made to the Minister before the end of the first-mentioned period of one month, allows, request the Minister in writing to grant the lease to the applicant.

(5) If an applicant on whom a notice has been served under sub-section (1) has made a request under sub-section (4) within the
period applicable under sub-section (4), the Minister must grant to the applicant a retention lease in respect of the unused area.

(6) If an applicant on whom a notice has been served under sub-section (1) has not made a request under sub-section (4) within the period applicable under sub-section (4), the application lapses at the end of that period.

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

38BD. Application of sections 38BB and 38BC where licence is transferred

If—

(a) after an application has been made under section 38BB(1) in relation to an area consisting of or included in a block or blocks in respect of which a licence is in force; and

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

a transfer of the licence is registered under section 78, sections 38BB and 38BC have effect, after the time of the transfer, as if any reference in those sections to the applicant were a reference to the transferee.’.

33. Application for renewal of lease

In section 38F(2) of the Principal Act, paragraph (a) is repealed.
34. Discovery of petroleum

In the Principal Act—

(a) in section 38J, at the foot of sub-section (1) insert—

"Penalty: 110 penalty units, in the case of a natural person;
550 penalty units, in the case of a body corporate."

(b) in section 38J, sub-sections (2) and (3) are repealed;

(c) section 38K is repealed.

35. Recovery of petroleum without a licence

For the penalty at the foot of section 39 of the Principal Act substitute—

"Penalty: 330 penalty units or imprisonment for 5 years or both, in the case of a natural person;
1650 penalty units, in the case of a body corporate.".

36. Application for licence

In the Principal Act—

(a) in section 40(2) and (3) of the Principal Act, for "his" (wherever occurring) substitute "the permittee's";

(b) in section 41—

(i) in sub-section (1), paragraph (a) is repealed;
(ii) in sub-section (2), for "require him to furnish" substitute "require the applicant to give";

(c) in section 42(2)—

(i) for "he" substitute "the Minister";

(ii) for "him" substitute "the Minister".

37. New section 43 substituted

For section 43 of the Principal Act substitute—

"43. Notification as to grant of licence

(1) If—

(a) an application has been made under section 40 or 40A; and

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

(c) the Minister is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum—

the Minister must, by instrument in writing served on the applicant, tell the applicant that the Minister is prepared to grant to the applicant a licence in respect of the block or blocks as to which the Minister is satisfied as mentioned in paragraph (c).

(2) An instrument under sub-section (1) must—

(a) contain a summary of the conditions subject to which the licence is to be granted; and

(b) if the instrument relates to a secondary licence—specify the rate of royalty.
determined by the Minister under section 42(1); and

(c) contain a statement to the effect that the application will lapse if the applicant does not make a request under section 44(1) in respect of the grant of the licence.

(3) If the Minister decides not to grant to the applicant a licence in respect of the block, or any of the blocks, specified in the application because—

(a) the applicant has failed to comply with a requirement made by the Minister under section 41(2); or

(b) the Minister is not satisfied that the area comprised in the block, or any of the blocks, contains petroleum—

the Minister must, by instrument in writing served on the applicant, tell the applicant of the Minister's decision and the reasons for the decision."

38. Grant of licence and variation of licence area

In the Principal Act—

(a) in section 44—

(i) in sub-section (1), for "him" (where twice occurring) substitute "the applicant";

(ii) in sub-section (2), for "blocks specified in the application" substitute "block or blocks as to which the Minister is satisfied as mentioned in section 43(1)(c)";
(b) in section 45(1), for "the blocks specified in the application" substitute "such of the blocks specified in the application as are blocks as to which the Minister is satisfied as mentioned in section 43(1)(c)".

39. Licences in respect of surrendered etc. blocks

(1) In section 47 of the Principal Act—

(a) in sub-section (2), for paragraph (a) substitute—

"(a) that an applicant is required to specify an amount that the applicant would be prepared to pay in respect of the grant of a licence on the application; or";

(b) in sub-section (2)(b), for "that he would be prepared to pay, if a licence were granted to him on his application" substitute "that the applicant would be prepared to pay if a licence were granted on the application";

(c) in sub-section (3)—

(i) for "he" substitute "the Minister";

(ii) for "him" substitute "the Minister";

(d) in sub-section (6), paragraph (a) is repealed;

(e) in sub-section (7)—

(i) for "him" substitute "the applicant";

(ii) for "his application" substitute "the application".

(2) In section 48(1) of the Principal Act, for paragraph (b) substitute—

"(b) a deposit of 10% of—"
(i) the amount that the applicant has specified as the amount that the applicant would be prepared to pay in respect of the grant of a licence to the applicant on the application; or

(ii) the amount stated by the Minister, in the instrument by which applications were invited, as the amount that the applicant will be required to pay in respect of the grant of a licence—or a bank guarantee for the amount of that deposit.”.

(3) In section 48 of the Principal Act, for sub-section (2) substitute—

"(2) Subject to sub-section (3), if a licence is not granted on the application—

(a) the amount of the deposit must be refunded to the applicant; or

(b) the bank guarantee is discharged.”.

(4) In section 48(3) of the Principal Act—

(a) omit "to him";

(b) omit ", unless the Minister otherwise determines, ".

(5) In the Principal Act—

(a) in section 49(1)—

(i) for "him" (where twice occurring) substitute "the applicant";

(ii) for "he" substitute "the Minister";

(b) in section 49(2)—

(i) for "he" (where first occurring) substitute "the Minister";
(ii) for "his application" substitute "the application";

(c) for "he would" substitute "the applicant would";

(d) in section 49(5)(b)—
   (i) in paragraph (b), after "a statement of" insert "the amount or";
   (ii) omit "to him";

(e) in section 49(5)(c), for sub-paragraph (ii) substitute—
   "(ii) in a case where the instrument contains a statement referred to in paragraph (b)—if the applicant does not pay the amount, or the balance of the amount, referred to in that statement.";

(f) in section 49(6), for "him" (wherever occurring except in paragraph (b)) substitute "the applicant";

(g) in section 49(6), for paragraph (b) substitute—
   "(b) if the first-mentioned instrument contains a statement of an amount or the balance of an amount that the applicant will be required to pay in respect of the grant of the licence—pay that amount or balance.";

(h) in section 49(7), for paragraph (b) substitute—
   "(b) if the instrument contains a statement of an amount or the balance of an amount that the applicant will be required to pay in respect of the grant of a licence—has not paid that amount or balance—";
(i) in section 50, for paragraph (b) substitute—

"(b) if the instrument contains a statement of an amount or the balance of an amount that the applicant will be required to pay in respect of the grant of a licence—has paid that amount or balance—";

(j) in section 50, for "shall grant to him" substitute "shall grant to the applicant";

(k) in section 51—

(i) in sub-section (1), for "him" substitute "the licensee";

(ii) in sub-section (2), paragraph (a) is repealed;

(iii) in sub-section (5), paragraph (a) is repealed;

(l) in section 52(a), for "he" substitute "the licensee".

40. New section 53 substituted and 53A inserted

For section 53 of the Principal Act substitute—

"53. Term of licence

Subject to this Part, a licence remains in force indefinitely.

53A. Termination of licence if no operations for 5 years

(1) If no operations for the recovery of petroleum under a licence have been carried on for a continuous period of at least 5 years, the Minister may, by written notice served on the licensee, inform the licensee that the
Minister proposes to terminate the licence after the end of one month after the notice is served.

(2) At any time after the end of one month after the notice referred to in sub-section (1) is served on the licensee, the Minister may, by written notice served on the licensee, terminate the licence.

(3) In working out, for the purposes of sub-section (1), the duration of the period in which no operations for the recovery of petroleum were carried on under a licence, any period in which no such operations were carried on because of circumstances beyond the licensee's control is to be disregarded.

41. Renewal of licences

Sections 54 and 55 of the Principal Act are repealed.

42. Directions for recovery of petroleum and unit development

In the Principal Act—

(a) in section 58(1) and (3) for "he" substitute "he or she";

(b) in section 59(3)—
   (i) for "his" substitute "his or her";
   (ii) for "him" substitute "him or her";

(c) in section 59(4), for "him" substitute "the Minister";

(d) in section 59(7), for "he" substitute "the Minister";

(e) in section 59(8)—
   (i) for "he" substitute "he or she";
(ii) for "him" substitute "the Minister";

(f) in section 59(11), for "him" substitute "him or her".

43. Pipeline licences

(1) In section 60 of the Principal Act—

(a) at the foot of sub-section (1) insert—

"Penalty: 330 penalty units or imprisonment for 5 years or both, in the case of a natural person;

1650 penalty units, in the case of a body corporate.";

(b) sub-sections (2) and (3) are repealed.

(2) In section 60 of the Principal Act, for sub-section (4) substitute—

"(4) A person must not, in the adjacent area, commence to operate a pipeline unless—

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

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

Penalty: 330 penalty units or imprisonment for 5 years or both, in the case of a natural person;

1650 penalty units, in the case of a body corporate.".

(3) In section 60 of the Principal Act—

(a) in sub-section (5) omit ", a secondary line or a water line,";
(b) at the foot of sub-section (5) insert—

"Penalty: 330 penalty units or imprisonment for 5 years or both, in the case of a natural person;
1650 penalty units, in the case of a body corporate."

(c) in sub-section (6), for "he" (where twice occurring) substitute "he or she";

(d) omit the penalty at the foot of sub-section (6).

(4) In the Principal Act—

(a) in section 61(a)—

(i) omit ", water line, pumping station, tank station, valve station or secondary line" (where twice occurring);

(ii) for "him" substitute "the person";

(b) in section 62(1)—

(i) omit ", water line, pumping station, tank station, valve station or secondary line" (wherever occurring);

(ii) for "him" substitute "that person";

(c) in section 62(2), omit ", water line, pumping station, tank station, valve station or secondary line" (wherever occurring);

(d) in section 62(3), for "him" substitute "the person".

(5) In section 64 of the Principal Act—

(a) in sub-section (1)—

(i) after "licence" (where first occurring) insert ", whether or not that licence is
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for the conveyance of petroleum recovered from an area within the adjacent area";

(ii) paragraph (a) is repealed;

(iii) in paragraph (c)(iv), for "his"

substitute "the applicant's";

(b) in sub-section (2)—

(i) in paragraph (a), for "the licensee"

substitute 'the registered holder of the production licence for that area ("the licensee")';

(ii) for "him" substitute "the licensee or pipeline operator";

(c) in sub-section (3), for paragraph (a)

substitute—

"(a) a notice is published in the Gazette of an application by a person other than the registered holder of the production licence for a licence area for a pipeline licence in respect of the construction of the pipeline for the conveyance of petroleum recovered in that area; and";

(d) in sub-section (4)—

(i) for "this section, require him"

substitute "sub-section (1), require the person";

(ii) for "his application" substitute "the application".

(6) In section 65 of the Principal Act, for sub-section (1)

substitute—

"(1) Where a person makes an application in accordance with section 64 for a pipeline licence in respect of the construction in the
adjacent area of a pipeline for the conveyance of petroleum recovered in a licence area, the Minister may, if—

(a) that person is not the registered holder of the production licence for that licence area; and

(b) the application has not been rejected under section 64(3)—

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

(7) In section 65(2) of the Principal Act—

(a) for "the licensee" (where twice occurring) substitute 'the registered holder of the production licence for that licence area ("the licensee")';

(b) for "the licence" (where twice occurring) substitute "the production licence for that licence area".

(8) In section 65 of the Principal Act, after sub-section (2) insert—

"(2A) If a person makes an application in accordance with section 64 for a pipeline licence in respect of the construction in the adjacent area of a pipeline for the conveyance of petroleum recovered from a place beyond the outer limits of the adjacent area, the Minister may inform the person, by instrument in writing served on the person, that the Minister is prepared to grant the person a pipeline licence.".
(9) In section 65 of the Principal Act—

(a) in sub-section (3)—

(i) for "the licensee" (where twice occurring) substitute 'the registered holder of the production licence for that licence area ("the licensee");

(ii) in paragraph (a), for "the licence" substitute "the production licence";

(b) in sub-section (4)—

(i) for "to a licensee" substitute 'for the conveyance of petroleum recovered in a licence area to the registered holder of the production licence for that licence area ("the licensee");

(ii) for "he" (wherever occurring except in paragraph (c)(ii)) substitute "the Minister";

(iii) in paragraph (a), for "his" substitute "the Minister's";

(iv) in paragraph (c)(ii), for "he" substitute "the licensee or person";

(v) in paragraph (d), for "him" substitute "the Minister";

(c) in sub-section (5)—

(i) for "the licensee" substitute "the registered holder of the production licence for a licence area";

(ii) for "a licence area" (where first occurring) substitute "that licence area";

(d) in sub-sections (7), (8), (9), (10) and (11), for "sub-section (1) or (2)" substitute "sub-section (1), (2) or (2A)";
44. **Term of pipeline licences**

In section 67 of the Principal Act, for sub-section (1) substitute—

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

45. **New section 67A inserted**

After section 67 of the Principal Act insert—

"67A. **Termination of pipeline licence if no operations for 5 years**

(1) If a pipeline licensee—

(a) has not carried out any construction work under the pipeline licence for a continuous period of at least 5 years; and

(b) has not used the pipeline or part of the pipeline for a continuous period of at least 5 years—

the Minister may, by written notice served on the pipeline licensee, inform the pipeline licensee that the Minister proposes to terminate the pipeline licence, or to terminate the pipeline licence in respect of the part of the pipeline, as the case may be, after the end of one month after the notice is served.

(2) At any time after the end of one month after the notice referred to in sub-section (1) is served on the pipeline licensee, the Minister may, by written notice served on the pipeline licensee, terminate the pipeline licence or terminate the pipeline licence in respect of the part of the pipeline, as the case may be.
(3) In working out, for the purposes of sub-section (1), the duration of the period in which a pipeline licensee did not carry out any construction work under the pipeline licence or did not use the pipeline or a part of the pipeline, any period in which construction work was not carried out, or the pipeline or part of the pipeline was not used, because of circumstances beyond the pipeline licensee's control is to be disregarded."

46. Renewal, conditions and variation of pipeline licences and ceasing to operate pipeline

In the Principal Act—

(a) sections 68 and 69 are repealed;
(b) in section 70, sub-section (3) is repealed;
(c) in section 71(2), paragraph (a) is repealed;
(d) in section 71(3)—
   (i) for "him" substitute "the person";
   (ii) for "his application" substitute "the application";
(e) in section 71(4), for "he" substitute "the person";
(f) in section 71(5)—
   (i) for "him" substitute "the Minister";
   (ii) for "he" substitute "he or she";

(g) in section 72(1)—
(i) in paragraph (b), for "his" substitute "the Minister's";

(ii) omit ", or of a water line, pumping station, tank station, valve station or secondary line";

(h) in section 72, for the penalty at the foot of sub-section (2) substitute—

"Penalty: 330 penalty units or imprisonment for 5 years or both, in the case of a natural person;

1650 penalty units, in the case of a body corporate."

(i) in section 74, for the penalty at the foot of sub-section (1) substitute—

"Penalty: 330 penalty units or imprisonment for 5 years or both, in the case of a natural person;

1650 penalty units, in the case of a body corporate."

47. Registration of instruments

In the Principal Act—

(a) in section 75, for "him" substitute "him or her";

(b) in section 76(2), paragraph (c) is repealed;

(c) in section 79—

(i) in sub-section (1), for "his" substitute "the person's";

(ii) in sub-section (2), for "he" substitute "he or she";

(d) in section 82, for the penalty at the foot of sub-section (1) substitute—
"Penalty: 110 penalty units, in the case of a natural person;

550 penalty units, in the case of a body corporate."

(e) in section 83—

(i) for "his" substitute "his or her";

(ii) omit "with him";

(f) in section 84(1), for "him" substitute "the Minister";

(g) in section 84, for the penalty at the foot of sub-section (2) substitute—

"Penalty: 55 penalty units, in the case of a natural person;

275 penalty units, in the case of a body corporate."

(h) in section 85—

(i) in sub-section (1), for "him" (where twice occurring) substitute "the Minister";

(ii) in sub-section (2), for "him" substitute "the person";

(i) in section 85, for the penalty at the foot of sub-section (2) substitute—

"Penalty: 55 penalty units, in the case of a natural person;

275 penalty units, in the case of a body corporate."

(j) in section 87—

(i) omit "with him";

(ii) for "his" (where twice occurring) substitute "his or her";
(k) in section 89, for "his" (where twice occurring) substitute "his or her";

(l) for the penalty at the foot of section 90 substitute—

"Penalty: 55 penalty units, in the case of a natural person;

275 penalty units, in the case of a body corporate.".

48. Exemption from duty

In section 93 of the Principal Act, for "Stamps Act 1958" substitute "Duties Act 2000".

49. Notice of grants to be published

In section 94 of the Principal Act—

(a) for "he" substitute "he or she";

(b) for paragraph (a) substitute—

"(a) the grant of a permit, lease, licence or pipeline licence; and

(aa) the renewal of a permit or lease; and"

(c) at the end of paragraphs (b), (c) and (d) insert "and";

(d) for paragraph (e) substitute—

"(e) an application for a pipeline licence or for a variation of a pipeline licence; and"

(e) for paragraph (g) substitute—

"(g) the expiry of a permit or lease, or the termination of a licence or pipeline licence—".

50. Failing to commence works and work practices
In the Principal Act—

(a) in section 96(2)—

(i) for "he" substitute "he or she";

(ii) for "him" (where twice occurring) substitute "the permittee, lessee, licensee or pipeline licensee";

(b) in section 96, for the penalty at the foot of sub-section (3) substitute—

"Penalty: 110 penalty units, in the case of a natural person;

550 penalty units, in the case of a body corporate.";

(c) in section 97(7), for "he" substitute "the person or defendant";

(d) in section 97, for the penalty at the foot of sub-section (7) substitute—

"Penalty: 110 penalty units, in the case of a natural person;

550 penalty units, in the case of a body corporate.";

(e) in section 98(2), for "he" substitute "the operator";

(f) in section 98, insert the following penalty at the foot of sub-section (2)—

"Penalty: 110 penalty units, in the case of a natural person;

550 penalty units, in the case of a body corporate.";

(g) in section 98(3), for "he" substitute "the operator";
(h) in section 98, insert the following penalty at the foot of sub-section (3)—

"Penalty: 110 penalty units, in the case of a natural person;
550 penalty units, in the case of a body corporate.";

(i) in section 98, omit the penalty at the foot of sub-section (4).

51. Drilling near boundaries

Section 100 of the Principal Act is repealed.

52. Directions and exemptions

(1) In section 101 of the Principal Act—

(a) for the penalty at the foot of sub-sections (2A), (2B) and (2C) substitute—

"Penalty: 55 penalty units, in the case of a natural person;
275 penalty units, in the case of a body corporate.";

(b) in sub-section (6), for "157(2A)" substitute "152(2A)";

(c) for the penalty at the foot of sub-section (7) substitute—

"Penalty: 110 penalty units, in the case of a natural person;
550 penalty units, in the case of a body corporate.".

(2) In section 102(3) of the Principal Act, for "he" substitute "the person or defendant".

(3) In section 103 of the Principal Act—
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(a) in sub-section (1), for paragraph (a) substitute—

"(a) a permit or lease is, under this Part, to be taken to continue in force until the Minister grants, or refuses to grant, the renewal of the permit or lease; or";

(b) in sub-section (3), for "he" substitute "he or she".

53. New section 103A inserted

After section 103 of the Principal Act insert—

"103A. Suspension of rights conferred by permit or lease

(1) Where the Minister is satisfied that it is necessary to do so in the interest of the State, he or she shall, by instrument in writing served on the permittee or lessee, suspend, either for a specified period or indefinitely, all or any of the rights conferred by the permit or lease.

(2) Where any rights are suspended in accordance with sub-section (1), any conditions required to be complied with in the exercise of those rights are also suspended.

(3) The Minister may, by instrument in writing served on the permittee or lessee, terminate a suspension of rights under sub-section (1).

(4) Where rights conferred by a permit or lease are suspended in accordance with sub-section (1), the Minister may, by the instrument of suspension or by a later instrument in writing served on the permittee or lessee, extend the term of the permit or lease by a period not exceeding the period of suspension."
54. Surrender, cancellation of permits etc.

(1) In section 104 of the Principal Act—

(a) in sub-section (1) omit "at any time;";

(b) in sub-section (2)—

(i) for "his" substitute "his or her";

(ii) in paragraph (a), for "him" substitute "the registered holder";

(c) in sub-section (3)—

(i) for "his" substitute "his or her";

(ii) for "he" substitute "the Minister".

(2) In section 104 of the Principal Act, after sub-section (3) insert—

"(3A) If—

(a) an application for consent to surrender an instrument relates to a permit granted under section 22 or such a permit renewed under section 32; and

(b) a condition of the permit requires the registered holder to carry out specified work during a period specified in the permit; and

(c) the application is made during such a period—

the registered holder of the permit has not complied with the condition, for the purposes of this section, unless the registered holder has completed the work specified for the period during which the application was made.

Example

A permit granted under section 22 has a 6 year term and is subject to—
(a) a condition that requires the registered holder, during each year of the term of the permit, to carry out the work specified in the permit for the year concerned; and

(b) a condition that requires the registered holder to carry out the work specified for the first 3 years of the term of the permit before the end of the third year.

If the registered holder of the permit applies for consent to surrender the permit during the second year of the term of the permit and the holder has completed the specified work for the first and second years of the permit, but has not completed the work specified for the third year, the holder has not complied with the condition mentioned in paragraph (b).

If the registered holder of the permit applies for consent to surrender the permit during the fourth year of the term of the permit and the registered holder has not completed the work specified for the fourth year, the holder has not complied with the condition mentioned in paragraph (a)."

(3) In section 105(1) of the Principal Act, for "him" (where twice occurring) substitute "the perimenter, lessee, licensee or pipeline licensee".

(4) In section 105(2) of the Principal Act—

(a) in paragraph (a)—

(i) for "he" substitute "the Minister";

(ii) for "his" substitute "the Minister's";

(b) in paragraph (b), for "he" (where twice occurring) substitute "the Minister";

(c) in paragraph (c)—

(i) for "he" (where first occurring) substitute "the Minister";
(ii) for "he" (where secondly occurring) substitute "the permittee, lessee, licensee, pipeline licensee or person";

(d) in paragraph (d)—

(i) for "he" substitute "the Minister";

(ii) for "him" substitute "him or her".

55. Removal of property by permittee

(1) In section 107(2) of the Principal Act, for "him" substitute "the permittee, lessee, licensee or pipeline licensee".

(2) In section 107 of the Principal Act, for subsection (3) substitute—

"(3) A person to whom a direction is given under sub-section (1) or (2) shall comply with the direction—

(a) in the case of a direction given under sub-section (1)—within the period specified in the instrument by which the direction was given; or

(b) in the case of a direction given under sub-section (2) in respect of—

(i) a permit; or

(ii) a lease—

on or before the date of expiration of the permit or lease; or

(c) in the case of a direction given under sub-section (2) in respect of—

(i) a licence; or

(ii) a pipeline licence—

on or before the first date on which the licence or pipeline licence can be terminated under this Part.
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Penalty: 110 penalty units, in the case of a natural person;
550 penalty units, in the case of a body corporate.”.

56. Repeal of instalment payment facility for cash bidding
Sections 109 and 110 of the Principal Act are repealed.

57. Special prospecting authority, access authority and sale of property
(1) In the Principal Act—
   (a) in section 111(2), paragraph (a) is repealed;
   (b) in section 111, for the penalty at the foot of sub-section (9) substitute—
      "Penalty: 110 penalty units, in the case of a natural person;
      550 penalty units, in the case of a body corporate.”;
   (c) in section 112—
      (i) in sub-section (1), for "him" substitute "the permittee, lessee or licensee”;
      (ii) in sub-section (2), paragraph (a) is repealed;
   (d) in section 112(3)(a)—
      (i) for "he" substitute "he or she”;
      (ii) for "him" substitute "the permittee, lessee, licensee or holder”;
   (e) in section 112(4)—
      (i) for "The Minister shall not" substitute "Subject to sub-section (4AA), the Minister shall not";
(ii) for "he" (wherever occurring except in paragraph (c)(ii)) **substitute** "the Minister";

(iii) in paragraph (a), for "his" **substitute** "the Minister's";

(iv) in paragraph (c)(ii), for "him" **substitute** "the person";

(v) in paragraph (d), for "him" **substitute** "the Minister".

(2) In section 112 of the Principal Act, after sub-section (4) **insert**—

"(4AA) Sub-section (4) does not apply if the holder of the permit, lease, licence or special prospecting authority has consented in writing to the grant of the access authority.".

(3) In section 112 of the Principal Act—

(a) for the penalty at the foot of sub-section (10) **substitute**—

"Penalty: 110 penalty units, in the case of a natural person;

550 penalty units, in the case of a body corporate.";

(b) in sub-section (11), for "he" **substitute** "the holder";

(c) for the penalty at the foot of sub-section (11) **substitute**—

"Penalty: 55 penalty units, in the case of a natural person;

275 penalty units, in the case of a body corporate.".
(4) In section 113 of the Principal Act—
   
   (a) for "he" (wherever occurring) substitute "the Minister";

   (b) in sub-section (2), for "him" (wherever occurring) substitute "the Minister".

58. Requirement to furnish information

(1) In section 115(1) of the Principal Act—

   (a) for "he" substitute "the Minister";

   (b) for "him" (where twice occurring) substitute "the Minister".

(2) In section 115(2) of the Principal Act—

   (a) for "him or make him" substitute "the person or make the person";

   (b) omit ", but the information so furnished or his answer to the question is not admissible in evidence against him in proceedings other than proceedings for an offence against section 117".

(3) In section 115 of the Principal Act, after sub-section (2) insert—

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

(4) In section 116 of the Principal Act—
(a) in sub-section (1), for "him" substitute "the Minister or inspector";

(b) in sub-section (2)—

(i) for "he" (where first occurring) substitute "the person";

(ii) for "he" (where secondly and thirdly occurring) substitute "he or she";

(iii) for "him" substitute "him or her".

(5) In section 117 of the Principal Act—

(a) paragraph (a), for "he" substitute "the person";

(b) for "his" (where twice occurring) substitute "the person's".

(6) For the penalty at the foot of section 117 of the Principal Act substitute—

"Penalty: 110 penalty units, in the case of a natural person;

550 penalty units, in the case of a body corporate.".

59. Release of information

Section 118 of the Principal Act is repealed.

60. Safety zones

In section 119(3) of the Principal Act, for "a fine not exceeding $100 000 or imprisonment for a term not exceeding ten years, or both" substitute "a fine not exceeding 660 penalty units or imprisonment for a term not exceeding 10 years, or both, in the case of a natural person or a fine
not exceeding 3300 penalty units in the case of a body corporate”.

61. Discovery and use of water, survey of wells etc., and record keeping

In the Principal Act—

(a) for the penalty at the foot of section 120 substitute—

"Penalty: 110 penalty units, in the case of a natural person;
550 penalty units, in the case of a body corporate.”;

(b) section 121 is repealed;

(c) in section 122, for the penalty at the foot of sub-section (2) substitute—

"Penalty: 110 penalty units, in the case of a natural person;
550 penalty units, in the case of a body corporate.”.

62. Interference with other rights

For the penalty at the foot of section 124 of the Principal Act substitute—

"Penalty: 110 penalty units, in the case of a natural person;
550 penalty units, in the case of a body corporate.”.

63. New section 124A inserted

After section 124 of the Principal Act insert—

'124A. Interfering with offshore petroleum installation or operations

(1) A person must not intentionally or recklessly—
Petroleum (Submerged Lands) (Amendment) Act 2001

Act No. 91/2001

(a) cause damage to, or interfere with, any structure or vessel in the adjacent area that is, or is to be, used in exploring for, recovering, processing, storing, preparing for transport, or transporting, petroleum; or

(b) interfere with any operations or activities being carried out, or any works being executed, on, or by means of, or in connection with, such a structure or vessel.

Penalty: 660 penalty units or imprisonment for 10 years or both, in the case of a natural person;

3300 penalty units, in the case of a body corporate.

(2) In this section—

"structure" means any fixed, moveable or floating structure or installation and includes a pipeline, pumping station, tank station or valve station.'.

64. Inspectors

(1) In section 125 of the Principal Act—

(a) in sub-section (2), for "he" substitute "the inspector";

(b) in sub-section (3), for "him" substitute "him or her";

(c) for the penalty at the foot of sub-section (3) substitute—

"Penalty: 5½ penalty units.".

(2) In section 126 of the Principal Act—

(a) in sub-section (1)—
Petroleum (Submerged Lands) (Amendment) Act 2001
Act No. 91/2001

(i) for "him" substitute "him or her";
(ii) for "his" (wherever occurring) substitute "his or her";
(iii) in paragraph (a), after "operations for the recovery of petroleum" insert "operations relating to the processing or storage of petroleum, or the preparation of petroleum for transport";

(b) in sub-sections (2) and (3), for "his" substitute "the inspector's";

(c) for the penalty at the foot of sub-section (3) substitute—
"Penalty: 55 penalty units.".

65. Enforcement, offences, forfeiture and service

In the Principal Act—

(a) in section 128(1), for "he" substitute "he or she";

(b) in section 131—

(i) in sub-sections (1) and (2), for "his" substitute "the person's";
(ii) in sub-section (3), for "$10 000" substitute "110 penalty units";

(c) in section 135, for "his" substitute "his or her";

(d) in section 138—

(i) for "his" substitute "the person's";
(ii) for "he" (where twice occurring) substitute "the person".

66. Areas to be avoided and safety zones

In the Principal Act—
(a) in section 151D(1), after "or both" insert ", in the case of a natural person or a fine not exceeding $250,000 in the case of a body corporate";

(b) in section 151E(2), for "a fine not exceeding $5000" substitute "a fine not exceeding 55 penalty units in the case of a natural person or a fine not exceeding 275 penalty units in the case of a body corporate".

67. **New Parts IIIA and IIIB inserted**

After Part III of the Principal Act insert—

'PART IIIA—RELEASE OF INFORMATION

Division 1—Preliminary

151H. **Definitions**

(1) In this Part—

"applicable document" means—

(a) an application made after the commencement of this Part to the Minister under this Act; or

(b) a document accompanying such an application; or

(c) a report, return or other document relating to a block that has been given after the commencement of this Part to the Minister under this Act;

"confidential information" has the meaning given by sub-section (3);

"contested information" has the meaning given by sub-section (4);
"derivative information" has the meaning given by sub-section (2);

"documentary information" means information contained in an applicable document;

"excluded information" means—
(a) derivative information; or
(b) confidential information; or
(c) particulars of—
(i) the technical qualifications of an applicant for a petroleum mining instrument; or
(ii) the technical advice available to such an applicant; or
(iii) the financial resources available to such an applicant;

"notice inviting objections to the disclosure of information" has the meaning given by sub-section (5);

"petroleum mining instrument" means a permit, lease, licence, infrastructure licence, pipeline licence, special prospecting authority or access authority;

"petroleum mining sample" means a core or cutting from, or a sample of, the sea-bed or subsoil, or a sample of petroleum recovered, that has been given at any time, whether before or after the commencement of this Part, to
the Minister and includes a portion of such a core, cutting or sample;

"seismic data grid scaled in time" means a series of vertical cross-sections of a 3-dimensional processed image of geological strata, being cross-sections that form a grid of which—

(a) one direction is along the direction of surveying; and

(b) the other direction is at right angles to the direction mentioned in paragraph (a); and

(c) the interstices are—

(i) 2 kilometres in length by 2 kilometres in breadth; or

(ii) such other length and breadth as are prescribed.

(2) Documentary information is "derivative information" if—

(a) both of the following sub-paragraphs apply—

(i) the person who gave the information to the Minister told the Minister in writing when the information was so given that the person classified the information as a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information;

(ii) the Minister did not, within 30 days after receiving the information, tell the person in writing that the Minister disagreed
with the person's classification of the information and serve on the person a written notice inviting objections to the disclosure of the information; or

(b) the Minister considers the information to be a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information.

(3) Documentary information given by a person to the Minister is "confidential information" if—

(a) both of the following sub-paragraphs apply—

(i) the person who gave the information to the Minister told the Minister in writing when the information was so given that the person classified the information as a trade secret or as other information the disclosure of which would, or could reasonably be expected to, adversely affect the person in respect of the person's lawful business, commercial or financial affairs;

(ii) the Minister did not, within 30 days after receiving the information, tell the person in writing that the Minister disagreed with the person's classification of the information and serve on the person a written notice inviting
objections to the disclosure of the information; or

(b) the Minister considers the information to be a trade secret, or otherwise to be information the disclosure of which would, or could reasonably be expected to, adversely affect the person in respect of the person's lawful business, commercial or financial affairs.

(4) Documentary information given by a person to the Minister is "contested information" if—

(a) the person who gave the information to the Minister told the Minister in writing when the information was so given that the person classified the information as—

(i) a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; or

(ii) a trade secret, or other information the disclosure of which would, or could reasonably be expected to, adversely affect the person in respect of the person's lawful business, commercial or financial affairs; and

(b) the Minister, within 30 days after receiving the information, told the person in writing that the Minister disagreed with the person's classification of the information and served on the person a written notice inviting objections to the disclosure of the information.
(5) A "notice inviting objections to the disclosure of information" is a notice—

(a) stating that the person serving the notice proposes at a future time to make the information publicly known or available; and

(b) inviting the person who gave the information to the Minister to give to the person serving the notice, on or before a day specified in the notice, being a day not earlier than 45 days after the notice was served, a notice—

(i) objecting to the information, or a specified part of the information, being publicly known or made available on the ground that the information or the part of the information is a trade secret or would, or could reasonably be expected to, adversely affect the person in respect of the person's lawful business, commercial or financial affairs; or

(ii) objecting to the information or a specified part of the information being publicly known or made available before the end of 5 years after the information was given to the Minister on the ground that the information or the part of the information is a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; and
(c) stating that, if the person does not make an objection in accordance with the invitation, the information can be made publicly known or made available under this Part.

(6) For the purposes of this Part—

(a) cores and cuttings, well data, logs, sample descriptions and other documents, relating to the drilling of a well, are taken to have been given to the Minister not later than one month after the drilling of the well was, in the Minister's opinion, substantially completed; and

(b) geophysical or geochemical data relating to geophysical or geochemical surveys are taken to have been given to the Minister not later than one year after the geophysical or geochemical field work was, in the Minister's opinion, substantially completed.

15II. Application of Part

This Part applies in respect of—

(a) information given to the Minister after the commencement of this Part; and

(b) petroleum mining samples given to the Minister at any time whether before or after the commencement of this Part.

Note: Section 118 of this Act as previously in force continues to apply in respect of information given to the Minister before the commencement of this Part (see clause 3 of the First Schedule).

Division 2—Disclosure of Information
151J. Ministers not to disclose documentary information or petroleum mining samples except in accordance with this Part or for administrative purposes

Except as provided by this Part or for the purposes of the administration of this Act or the regulations, the Minister, or another Victorian Minister to whom documentary information or a petroleum mining sample has been made available under section 151K, must not—

(a) make publicly known, or make available to any person (other than another Victorian Minister, the Commonwealth Minister or an interstate Minister), any of the information; or

(b) make publicly known any particulars of, or permit any person (other than another Victorian Minister, the Commonwealth Minister or an interstate Minister) to inspect, the sample.

151K. Making by Minister of documentary information or petroleum mining samples available to other Ministers

(1) The Minister may, at any time, make documentary information or petroleum mining samples available to another Victorian Minister, the Commonwealth Minister or an interstate Minister.

(2) Division 3 does not prevent the making of documentary information available under this section.
151L. Disclosure by Minister of information (other than excluded information) or petroleum mining samples

(1) Subject to Division 3, at any time after—

(a) the grant of, or a refusal to grant, a permit, lease, licence, infrastructure licence, pipeline licence, special prospecting authority or access authority; or

(b) the renewal of, or a refusal to renew, a permit, lease or licence; or

(c) the extension of, or a refusal to extend, an access authority—

the Minister may—

(d) make publicly known; or

(e) subject to sub-section (4), on request by a person, make available to the person—

any information (other than excluded information) contained in, or accompanying, the application for the grant, renewal or extension.

(2) Subject to Division 3, at any time after the relevant day, the Minister may—

(a) make publicly known; or

(b) subject to sub-section (4), on request by a person, make available to the person—

any documentary information (other than excluded information) given to the Minister that relates to the sea-bed or subsoil, or to petroleum, in a block.

Note: For "relevant day" see section 151M.
(3) At any time after the relevant day, the Minister may—

(a) make publicly known any particulars of; or

(b) subject to sub-section (4), on request by a person, permit the person to inspect—

any petroleum mining samples from a block, being petroleum mining samples given to the Minister.

Note: For "relevant day" see section 151M.

(4) If the Minister requires a person to pay a fee calculated in accordance with the regulations before any information is made available to the person or the person is permitted to inspect any petroleum mining samples, the Minister must not make the information available to the person, or permit the person to inspect the samples, as the case may be, under this section unless the fee has been paid.

151M. Relevant day after which information or petroleum mining sample may be disclosed

(1) This section identifies the day (the "relevant day") after which documentary information may be made publicly known under section 151L(2), or particulars of a petroleum mining sample may be made publicly known, or such a sample may be permitted to be inspected, under section 151L(3).

(2) If—

(a) a permit or lease is in force in respect of the block referred to in the subsection concerned; and
(b) the applicable document that contained the information, or the sample, as the case may be, referred to in that sub-section was given to the Minister during the period during which any of the following was in force in respect of the block—

(i) the permit or lease;

(ii) if a lease is in force in respect of the block—the permit that ceased to be in force in respect of the block because of section 38B(7) on the day on which the lease came into force; and

(c) sub-section (7) does not apply—

the "relevant day" is the last day of the period of 2 years that began on the day on which the document or sample was given to the Minister.

(3) If—

(a) a licence is in force in respect of the block referred to in the sub-section concerned; and

(b) the applicable document that contained the information, or the sample, as the case may be, referred to in that sub-section was given to the Minister during the period during which any of the following was in force in respect of the block—

(i) the licence;

(ii) the permit or lease that ceased to be in force in respect of the block because of section 44(5) on the
day on which the licence came into force; and

(c) sub-section (7) does not apply—

the "relevant day" is the last day of the period of one year that began on the day on which the document or sample was given to the Minister.

(4) If—

(a) the applicable document that contained the information, or the sample, as the case may be, referred to in the sub-section concerned was given to the Minister during a period during which a permit, lease or licence was in force in respect of the block referred to in that sub-section; and

(b) either of the following applies—

(i) the permit, lease or licence is surrendered, cancelled, determined or terminated in respect of the block;

(ii) the permit, lease or licence expires but is not renewed in respect of the block; and

(c) sub-section (7) does not apply—

the "relevant day" is the day of the surrender, cancellation, determination, termination or expiry, as the case may be, whether or not another permit, lease or licence is afterwards in force in respect of the block.

(5) If—
(a) the applicable document that contained the information, or the sample, as the case may be, referred to in the sub-section concerned was given to the Minister at a time when a permit, lease or licence was not in force in respect of the block referred to in that sub-section; and

(b) neither sub-section (6) nor (7) applies—

the "relevant day" is the day determined by the Minister, being a day not more than 2 years after the day on which the document or sample was given to the Minister.

(6) If—

(a) the applicable document that contained the information, or the sample, as the case may be, referred to in the sub-section concerned was given to the Minister at a time when a permit, lease or licence was not in force in respect of the block referred to in that sub-section; and

(b) the information or sample was collected for the purpose of the sale of the information on a non-exclusive basis; and

(c) sub-section (7) does not apply—

the "relevant day" is the day determined by the Minister, being a day not more than 5 years after the day on which the document or sample was given to the Minister.

(7) If—

(a) information referred to in the sub-section concerned that was contained
in the applicable document is a 3-dimensional seismic survey of or including the block referred to in that sub-section (whether or not a permit, lease or licence was in force in respect of the block when the applicable document that contained the information was given to the Minister or is currently in force in respect of the block); and

(b) the information was collected for the purpose of the sale of the information on a non-exclusive basis; and

(c) anyone who buys the information is entitled to reprocess it in any way the buyer thinks fit; and

(d) the person who gave the information to the Minister also gave to the Minister as much 2-dimensional information derived from the seismic survey as is contained in a seismic data grid scaled in time extending over the length and breadth of the block—

the "relevant day" is the day determined by the Minister, being a day not more than 8 years after the day on which the document was given to the Minister.

Note: This sub-section does not identify the relevant day for 2-dimensional information that is referred to in paragraph (d). The relevant day for that information is identified by reference to sub-section (2), (3), (4), (5) or (6), whichever is applicable.

151N. Disclosure by Minister of documentary information or petroleum mining sample where prior publication made by holder of petroleum mining instrument
(1) This section applies where—

(a) documentary information or a petroleum mining sample relating to a block was given to the Minister—

(i) during or in respect of a period during which a permit, lease or licence was in force in respect of the block; or

(ii) during or in respect of a period during which a special prospecting authority or access authority was in force in respect of the block but during which no permit, lease or licence was in force in respect of the block; and

(b) the permittee, lessee, licensee or holder of the special prospecting authority or access authority or, if the permit, lease, licence, special prospecting authority or access authority has ceased to be in force, the person who was the permittee, lessee, licensee, holder of the special prospecting authority or holder of the access authority—

(i) has made any of the information publicly known or has consented in writing to any of the information being made publicly known; or

(ii) has made publicly known, or has caused to be made publicly known, any particulars of the sample or has consented in writing to any of the particulars of the
sample being made publicly known or to the sample being made available for inspection.

(2) The Minister may, at any time after the information or particulars of the sample have been made publicly known or the consent has been given—

(a) in the case of documentary information—make the information publicly known or, subject to sub-section (3), on request by a person, make the information available to the person; or

(b) in the case of a petroleum mining sample—make particulars of the sample publicly known or, subject to sub-section (3), on request by a person, permit the person to inspect the sample.

(3) The Minister may require a person to pay a fee calculated in accordance with the regulations before the documentary information is made available to the person or the person is permitted to inspect the petroleum mining sample.

(4) If a requirement is made under sub-section (3), the Minister must not make the information available to the person, or permit the person to inspect the sample, as the case may be, under this section unless the fee has been paid.

(5) Division 3 does not prevent the making of documentary information publicly known or available under this section.

151O. Disclosure by Minister of non-confidential derivative information
The Minister may, at any time after the end of 5 years after an applicable document was given to the Minister—

(a) make publicly known; or

(b) on request by a person and, if the Minister so requires, on payment of a fee calculated in accordance with the regulations, make available to the person—

any derivative information (other than confidential information) contained in the document and relating to the sea-bed or subsoil, or to petroleum, in a block.

Division 3—Procedures to be Followed in respect of Contested Information

151P. Making and determination of objections to disclosure

(1) The Minister must not make publicly known or available any contested information unless the Minister has, within 30 days after the information was received, served on the person who gave to the Minister the document containing the information a notice inviting objections to the disclosure of the information and—

(a) no objection to the disclosure of the information is made by the person within the period specified in the notice; or

(b) if such an objection has been made—the objection has ceased to be in force.

(2) An objection by a person pursuant to the notice may be withdrawn by written notice given by the person to the Minister.
(3) If a person makes an objection pursuant to the notice, the Minister must, within 45 days after the day on which the notice of objection is received—
   (a) consider the objection and either allow it wholly or partly or disallow it; and
   (b) cause written notice of the decision on the objection to be served on the person.

(4) A notice of a decision of the Minister on an objection (other than a decision allowing the objection wholly) must include a statement to the effect that, if the person who made the objection is dissatisfied with the Minister's decision on the objection, the person may, in accordance with section 151Q(1), request the Minister to review the decision.

151Q. Review of decisions on objections

(1) A person who—
   (a) has made an objection to the Minister; and
   (b) is dissatisfied with the Minister's decision on the objection—
may, by written notice given to the Minister not later than 28 days after the day on which the notice of the decision is served on the person, request the Minister to review the decision.

(2) The request does not have any effect unless the notice making the request sets out the grounds for making the request.

(3) A request by a person to the Minister for a review of a decision of the Minister may be
petroleum (submerged lands) (amendment) act 2001
act no. 91/2001

withdrawn by written notice served by the person on that minister.

(4) the minister must, within 45 days after the day on which the request was received, review the decision and make a decision—

(a) confirming the decision reviewed; or

(b) revoking the decision reviewed and substituting another decision for it.

(5) the minister must, by written notice served on the person who made the request for the review, tell the person the result of the review and give reasons for the minister's decision on the review.

(6) for the purposes of this division, an objection by a person to a decision ceases to be in force—

(a) if the objection is withdrawn—when the withdrawal of the objection occurs; or

(b) if the objection is not withdrawn—

(i) if a review of the decision is not duly requested—when a written notice of the decision is served on the person; or

(ii) if a review of the decision is duly requested and the request is not withdrawn—when a written notice of the decision on the review is served on the person; or

(iii) if a duly made request for a review of the decision is withdrawn—when the withdrawal of the request occurs.
(7) If the decision on an objection, or, if the decision is reviewed, the decision on the review, disallows the objection—

(a) if the disclosure of the information or the part of the information was objected to solely on a ground referred to in section 151H(5)(b)(i)—the information or the part of the information is taken not to be confidential information and may be made publicly known, or made available, under—

(i) if the information or the part of the information is not derivative information—section 151L(1) or (2), as the case may be; or

(ii) if the information or the part of the information is derivative information—section 151O; or

(b) if the disclosure of the information or the part of the information was objected to solely on the ground referred to in section 151H(5)(b)(ii) or both on that ground and on a ground referred to in section 151H(5)(b)(i)—the information or the part of the information is taken not to be confidential information or derivative information and may be made publicly known, or made available, under section 151L(1) or (2), as the case may be.

(8) If the decision on an objection, or, if the decision is reviewed, the decision on the review, allows the objection wholly or partly—

(a) any information the disclosure of which was objected to on a ground referred to
in section 151H(5)(b)(i) (whether or not the information was also objected to on the ground referred to in section 151H(5)(b)(ii)) and in respect of which the objection is allowed may not be made publicly known, or made available, by the Minister; and

(b) any information the disclosure of which was objected to solely on the ground referred to in section 151H(5)(b)(ii) and in respect of which the objection is allowed is taken to be derivative information other than confidential information and may be made publicly known, or made available, under section 151O; and

(c) any information the disclosure of which was objected to and in respect of which the objection is disallowed—

(i) if the disclosure of the information was objected to solely on the ground referred to in section 151H(5)(b)(i)—is taken not to be confidential information and may be made publicly known, or made available, under section 151L(1) or (2) (as the case may be) if it is not derivative information or under section 151O, if it is derivative information; or

(ii) if the disclosure of the information was objected to solely on the ground referred to in section 151H(5)(b)(ii) or both on that ground and on the ground referred to in section
151H(5)(b)(i)—is taken not to be confidential information or derivative information and may be made publicly known, or made available, under section 151L(1) or (2), as the case may be.

PART IIIB—DATUMS

151R. Objects

The main objects of this Part are—

(a) to maintain the use of the Australian Geodetic Datum to determine the position of blocks and certain other areas; and

(b) to enable the position of a point, line, block or other area to be described, in a title or other instrument under this Act, using another datum (but not so as to change the position of a point, line, block or area).

151S. Australian Geodetic Datum

(1) For the purposes of this Act, the position on the surface of the Earth of—

(a) a graticular section or block; or

(b) an area described in the Third Schedule; or

(c) an area described in the Sixth Schedule—

is to be determined by reference to the Australian Geodetic Datum.
Note: "Australian Geodetic Datum" is defined in section 151ZA.

(2) Subject to sub-section (3), sub-section (1) does not apply for the purposes of describing, in a title or other instrument under this Act, the position on the surface of the Earth of a point, line or area.

(3) Until a declaration under sub-section 151T(1) takes effect, the Australian Geodetic Datum applies for the purposes of describing, in a title or other instrument under this Act, the position on the surface of the Earth of a point, line or area.

151T. Current datum, previous datum and changeover time

(1) The regulations may declare that, for the purposes of describing, in a title or other instrument under this Act, the position on the surface of the Earth of a point, line or area—

(a) a specified datum is the "current datum"; and

(b) that datum replaces the previous datum.

(2) The "previous datum" is—

(a) if a datum is the first datum declared to be the current datum under sub-section (1)—the Australian Geodetic Datum; or

(b) in any other case—the datum that was the current datum immediately before the changeover time.

(3) The "changeover time" is the time when the declaration takes effect.

151U. Use of current datum
For the purposes of this Act, the position on the surface of the Earth of the following—

(a) the permit area of a permit granted or renewed after the changeover time;

(b) the lease area of a lease granted or renewed after the changeover time;

(c) the licence area of a licence granted or renewed after the changeover time;

(d) the area in respect of which a special prospecting authority granted after the changeover time is in force;

(e) the area in respect of which an access authority granted after the changeover time is in force;

(f) the route of a pipeline authorised by a pipeline licence granted after the changeover time;

(g) a point, line or area set out in any other instrument under this Act made after the changeover time—

is to be described by reference to the current datum, and the title or instrument may be annotated accordingly.

151V. Use of previous datum

(1) For the purposes of this Act, the position on the surface of the Earth of the following—

(a) the permit area of a permit in force immediately before the changeover time;
(b) the lease area of a lease in force immediately before the changeover time;

(c) the licence area of a licence in force immediately before the changeover time;

(d) the area in respect of which a special prospecting authority in force immediately before the changeover time is in force;

(e) the area in respect of which an access authority in force immediately before the changeover time is in force;

(f) the route of a pipeline authorised by a pipeline licence in force immediately before the changeover time;

(g) a point, line or area set out in any other instrument under this Act in force immediately before the changeover time—

is to be described by reference to the previous datum.

(2) Sub-section (1) has effect subject to section 151W.

151W. Variation of titles etc.

(1) The regulations may authorise the Minister to issue an instrument varying a permit in force immediately before the changeover time for the sole purpose of relabelling the
permit area using geographic co-ordinates based on the current datum.

(2) The regulations may authorise the Minister to issue an instrument varying a lease in force immediately before the changeover time for the sole purpose of relabelling the lease area using geographic co-ordinates based on the current datum.

(3) The regulations may authorise the Minister to issue an instrument varying a licence in force immediately before the changeover time for the sole purpose of relabelling the licence area using geographic co-ordinates based on the current datum.

(4) The regulations may authorise the Minister to issue an instrument varying a special prospecting authority or an access authority in force immediately before the changeover time for the sole purpose of relabelling the area in respect of which the authority is in force using geographic co-ordinates based on the current datum.

(5) The regulations may authorise the Minister to issue an instrument varying a pipeline licence in force immediately before the changeover time for the sole purpose of relabelling the route of the pipeline using geographic co-ordinates based on the current datum.

(6) The regulations may authorise the Minister to issue an instrument varying any other instrument under this Act that—

(a) sets out a point, line or area; and

(b) is in force immediately before the changeover time—
for the sole purpose of relabelling the point, line or area using geographic co-ordinates based on the current datum.

(7) The regulations may authorise the Minister to issue an instrument varying a title or other instrument under this Act for the sole purpose of inserting an annotation about the applicable datum.

151X. Variation of applications for titles

The regulations may authorise the Minister to issue an instrument varying an application for a title for the sole purpose of relabelling a point, line or area by reference to geographic co-ordinates based on the current datum.

151Y. No change to actual position of point, line or area

This Part does not authorise any change to the position on the surface of the Earth of a point, line or area.

151Z. Transitional regulations

The regulations may make provision for matters of a transitional nature arising from the change from the previous datum to the current datum.

151ZA. Definitions

In this Part—

"Australian Geodetic Datum" means the Australian Geodetic Datum as defined in the Commonwealth Government Gazette No. 84 of 6 October 1966;
"instrument under this Act" does not include the regulations;
"this Act" includes the regulations;
"title" means a permit, lease, licence, pipeline licence, special prospecting authority or access authority.'.

68. Regulations

In section 152(4) of the Principal Act—
(a) for paragraph (a) substitute—

"(a) a fine not exceeding 110 penalty units in the case of a natural person or 550 penalty units in the case of a body corporate; or";

(b) in paragraph (b), for "that amount" substitute "those amounts".

69. New First Schedule substituted

For the First Schedule to the Principal Act substitute—

"FIRST SCHEDULE

Section 2

TRANSPORTATIONAL PROVISIONS

1. Application for renewal of permit

Despite the substitution of sub-section (6) of section 31 by section 28 of the Petroleum (Submerged Lands) (Amendment) Act 2001, that sub-section as in force immediately before the commencement of that section 28 continues to apply in respect of the first application after that commencement for the renewal of a permit that was granted under this Act before that commencement.
2. **Indefinite term for pipeline licences**

   (1) Section 67(1), as substituted by section 44 of the *Petroleum (Submerged Lands) (Amendment) Act 2001*, applies to pipeline licences in force immediately before the commencement of that section 44 (including pipeline licences that had been renewed under section 69 as in force before that commencement or to which section 69(8) as so in force applied) as well as to pipeline licences granted after that commencement.

   (2) A renewal of a pipeline licence that was in force under section 70 immediately before the repeal of sub-section (3) of that section continues, subject to Part III, to be subject to any conditions referred to in that sub-section to which it was subject immediately before the repeal.

3. **Release of information**

   (1) Despite the repeal of section 118 by section 59 of the *Petroleum (Submerged Lands) (Amendment) Act 2001*, section 118 continues to apply in respect of information given to the Minister before the commencement of that section 59.

   (2) Any regulations providing for the calculation of a fee for the purposes of a provision of section 118 as in force immediately before its repeal—

      (a) continue in force for the purposes of that section as it continues to apply under sub-clause (1); and

      (b) also separately continue in force as if they had been made for the purposes of the corresponding provision of Part IIIA.

   (3) Any regulations in force under sub-clause (2)(a) or (b) may, for the purposes of their application under that sub-clause, be amended or revoked by regulations made under section 152."

**70. Outdated Convention removed from Principal Act**

The Second Schedule to the Principal Act is **repealed**.

**71. Correction of reference to latitude**
In the Third Schedule to the Principal Act, for "Latitude 39º 40’ 48" South" substitute "Latitude 38º 40’ 48" South".
ENDNOTES

† Minister’s second reading speech—
Legislative Assembly: 18 October 2001
Legislative Council: 27 November 2001

The long title for the Bill for this Act was "to amend the Petroleum (Submerged Lands) Act 1982 to provide for infrastructure licences and to make other amendments as a consequence of amendments to Commonwealth law and for other purposes."