



# **Petroleum Act 1923**

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**Also see endnotes for information about—**

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## Queensland

# Petroleum Act 1923

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# Petroleum Act 1923

[as amended by all amendments that commenced on or before 9 September 2011]

**An Act to make better provision for encouraging and regulating the mining for petroleum and natural gas in the State and the conveying of petroleum and natural gas, wherever recovered**

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Petroleum Act 1923*.

### 2 Definitions

In this Act—

***1923 Act petroleum tenure***—

- (a) generally, means an authority to prospect or lease under this Act; and
- (b) for parts 6H, 6I, 6J and 6K, includes a water monitoring authority.

***2004 Act*** means the *Petroleum and Gas (Production and Safety) Act 2004*.

***2004 Act ATP*** means an authority to prospect under the 2004 Act.

***2004 Act lease*** means a petroleum lease under the 2004 Act.

***2004 Act petroleum authority*** see the 2004 Act, section 18(2).

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**2004 Act petroleum tenure** means a 2004 Act ATP or 2004 Act lease.

**ADR** see section 79VA(2)(b).

**advanced activity**, for a provision about a 1923 Act petroleum tenure, means an authorised activity for the tenure other than a preliminary activity for the tenure.

*Examples—*

- levelling of drilling pads and digging sumps
- earthworks associated with pipeline installation
- vegetation clear-felling
- constructing an exploration camp, concrete pad, sewage or water treatment facility or fuel dump
- geophysical surveying with physical clearing
- carrying out a seismic survey using explosives
- constructing a track or access road
- changing a fence line

**appeal period**, for a decision, means the period provided for under section 105 for starting an appeal against the decision.

**area—**

- 1 The *area* of a 1923 Act petroleum tenure is any land to which the tenure is subject, as recorded in the petroleum register.
- 2 However, the *area* of a 1923 Act petroleum tenure does not include any excluded land for the tenure.
- 3 The *area* of a 2004 Act petroleum tenure is the land to which the tenure is subject, as recorded in the petroleum register under that Act.
- 4 The *area* of a mining tenement is the land to which the tenement is subject.

**authorised activity—**

- 1 An *authorised activity*, for a 1923 Act petroleum tenure or water monitoring authority, is an activity that its

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holder is, under this Act, the tenure or authority, entitled to carry out in relation to the tenure or authority.

- 2 An *authorised activity*, for a coal or oil shale mining tenement, is an activity that its holder is, under the Mineral Resources Act or the tenement, entitled to carry out in relation to the tenement.
- 3 An *authorised activity*, for a GHG authority, is an activity that its holder is, under the GHG storage Act or the authority, entitled to carry out or exercise in relation to the authority.

***authority to prospect*** means an authority to prospect under this Act.

***block*** means the land, identified in the way approved by the chief executive, resulting from a notional division of the earth's surface—

- (a) by 2 meridians of longitude 5 minutes apart, each meridian being a multiple of 5 minutes of longitude from the meridian of Greenwich; and
- (b) by 2 parallels of latitude 5 minutes apart, each parallel being a multiple of 5 minutes of latitude from the equator.

***capability criteria***, for a 1923 Act petroleum tenure, means the extent to which the Minister is of the opinion that its holder is capable of carrying out authorised activities for the tenure, having regard to the holder's—

- (a) financial and technical resources; and
- (b) ability to manage petroleum exploration and production.

***coal exploration tenement*** see section 76M(1).

***coal mining lease*** see section 76M(2).

***coal or oil shale mining lease*** means a coal mining lease or oil shale mining lease under the Mineral Resources Act.

***coal or oil shale mining tenement*** means a coal mining or oil shale mining tenement under the Mineral Resources Act.

***coal seam gas*** see section 76K(1).

***commercial viability report*** see section 75F(1).

***Commonwealth Native Title Act*** means the *Native Title Act 1993* (Cwlth).

***compensation application***, for part 6K, division 2, means an application made under section 79VH(1).

***compensation liability***—

- (a) for part 6K, division 1—see section 79Q(2); or
- (b) for part 6K, division 2—see section 79VF(2).

***conditions*** of a 1923 Act petroleum tenure means—

- (a) the conditions stated in it from time to time; and
- (b) the tenure holder's obligations under this Act; and
- (c) any condition of the tenure under this Act; and
- (d) a condition that a tenure holder must ensure each person acting for the holder who carries out an authorised activity for the tenure complies with its conditions to the extent they apply to the carrying out of the activity.

*Editor's note*—

See section 75E (Who may carry out authorised activity for holder).

***conduct and compensation agreement*** see section 79R(1).

***conduct and compensation agreement requirement*** see section 78Q(2).

***coordinated development agreement*** see section 177(4).

***coordination arrangement*** means a coordination arrangement under the 2004 Act.

***crude oil*** means petroleum oil in its natural state before it has been refined or otherwise treated but from which water and other foreign substances may have been extracted.

***CSG assessment criteria*** see section 76U(1)(b).

***CSG statement*** see section 76U(1)(a).



**current term**, of an authority to prospect, see section 171.

**dangerous situation** means a situation relating to petroleum, or fuel gas as defined under the 2004 Act, in which an inspector under the 2004 Act reasonably believes an imminent risk of material harm to persons or property is likely if action is not taken to avoid, eliminate or minimise the risk.

**dealing** see section 80E.

**deferral agreement** see section 78S(b).

**development plan**—

- 1 The *development plan* for a lease is—
  - (a) for a lease in force before 31 December 2004—its current program for development and production under former section 50 that, under section 156, is taken to be its development plan; or
  - (b) for a lease granted after 31 December 2004—the proposed program for development and production of petroleum for the application for the lease, lodged under section 40(2)(b).
- 2 However, if, under part 6, division 2, a later development plan is approved for the lease, the later development plan is the development plan for the lease.

**drill**, other than for sections 48, 83, 84 and 89—

- (a) includes to bore; and
- (b) for, a water supply bore, includes excavating the bore.

**drilling** means drilling, for sections 48, 83, 84 and 89, or boring.

**election notice** see section 79VA(2).

**eligible claimant**, for compensation, see section 79Q(1).

**enter** a place includes the exercise of the rights in relation to the place under section 74X.

**entry notice**—

- (a) for part 6H—see section 78M(1); or

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(b) for part 6I—see section 79I(2)(b).

***Environmental Protection Act*** means the *Environmental Protection Act 1994*.

***excluded land*** for—

- (a) an authority to prospect, means excluded land for the authority, decided under section 18A; or
- (b) a lease, means excluded land for the lease, decided under section 40B.

*Editor's note—*

See also section 154 (Area of land in area of coal or oil shale mining lease becomes excluded land).

***explore***, for petroleum, means to carry out an activity for the purpose of finding petroleum in a natural underground reservoir.

*Examples—*

- conducting a geochemical, geological or geophysical survey
- drilling a well for petroleum or the investigation of the geological structure or stratigraphy in the well
- carrying out testing in relation to a well
- taking a sample for chemical or other analysis

***fee*** includes tax.

***first tenure***, for part 6J, see section 79M(1).

***geothermal exploration permit*** means a geothermal exploration permit under the *Geothermal Exploration Act 2004*.

***GHG*** means greenhouse gas.

***GHG authority*** see the GHG storage Act, section 18(3).

***GHG coordination arrangement*** see the GHG storage Act, section 186(3).

***GHG lease*** see the GHG storage Act, section 18(1)(b).

***GHG permit*** see the GHG storage Act, section 18(1)(a).

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***GHG storage Act*** see section 4A.

***GHG storage activity*** means an authorised activity under the GHG storage Act for a GHG authority.

***GHG stream*** see the GHG storage Act, section 12.

***GHG stream storage*** see the GHG storage Act, section 14.

***GHG tenure*** see the GHG storage Act, section 18(2).

***holder***, of a 1923 Act petroleum tenure, means each person recorded in the petroleum register as its holder.

***incidental coal seam gas*** see section 76K(2).

***independent viability assessment*** see section 75H(2).

***information-giver***, for part 6F, see section 78A(1).

***information notice***, for a decision, means a notice stating each of the following—

- (a) the decision, and the reasons for it;
- (b) all appeal rights under this Act;
- (c) the period in which any appeal under this Act must be started;
- (d) how appeal rights under this Act are to be exercised;
- (e) that a stay of a decision the subject of an appeal under this Act may be applied for under this Act.

***interfere with*** includes tamper.

***land*** includes land covered by water, and whether by sea or otherwise.

***land access code*** see the 2004 Act, section 24A.

***later development plan requirements*** see section 53.

***later work program requirements*** see section 25.

***lease*** means a petroleum lease granted under this Act.

***lessee*** means the holder of a petroleum lease.

***licensed water bore driller*** means an individual who holds a water bore driller's licence under the Water Act.

***mandatory condition*** for—

- (a) an authority to prospect, means a condition of the authority imposed under part 6A, division 2 or 4 as a mandatory condition or prescribed under section 90; or
- (b) a lease, means—
  - (i) a condition of the lease imposed under part 6A, division 3 or 4 as a mandatory condition or prescribed under section 90 as a mandatory condition; or
  - (ii) the reservations, conditions and covenants of the lease imposed under section 47.

***mandatory provision***, of the land access code, means a provision of that code that the code requires compliance with.

***Mineral Resources Act*** means the *Mineral Resources Act 1989*.

***minimum negotiation period*** see section 79U(2)(a).

***mining interest*** means—

- (a) a mining tenement under the Mineral Resources Act; or
- (b) a tenure held from the State under another Act about mining, under which the holder is authorised to carry out mining or a related mineral or energy resources activity under the Mineral Resources Act.

***mining lease*** see the Mineral Resources Act, schedule.

***mining tenement*** means a mining tenement under the Mineral Resources Act.

***natural gas*** means gas consisting primarily of hydrocarbons, and obtained from boreholes or from crude oil.

***natural underground reservoir***—

- 1 A *natural underground reservoir* is a part of a geological formation or structure—
  - (a) in which petroleum has accumulated; or
  - (b) that is suitable to store petroleum.

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- 2 A geological formation or structure mentioned in item 1 does not cease to be a *natural underground reservoir* merely because it has been modified for petroleum production or storage.
  - 3 In items 1 and 2, a geological formation includes a coal seam.

***negotiation notice*** see section 79T(1).

***noncompliance action*** means action of a type mentioned in section 80T.

***notice*** means a written notice.

***notifiable road use***, for a 1923 Act petroleum tenure, see section 78Y(1).

***occupier***, of a place, means a person—

- (a) who, under an Act, or, for freehold land, a lease registered under the *Land Title Act 1994*, has a right to occupy the place, other than under a mining interest, 1923 Act petroleum tenure, 2004 Act petroleum authority, GHG authority or geothermal tenure; or
- (b) to whom an occupier under paragraph (a) has given the right to occupy the place.

***oil shale*** see section 76L.

***oil shale exploration tenement*** see section 76N(1).

***oil shale mining lease*** see section 76N(2).

***on***, land or another place, includes across, attached to, in, under or over the land or place.

***operate***, a pipeline—

- 1 *Operate*, a pipeline, includes use, inspect, test, maintain, repair, alter, add to and replace the pipeline.
- 2 For item 1, using a pipeline includes using it to transport petroleum.

***operating plant*** see the 2004 Act, section 670.

***original notional sub-blocks*** of an authority to prospect—

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- 1 The *original notional sub-blocks*, of an authority to prospect, are the sub-blocks stated in the instrument for the authority at the following time—
  - (a) if the authority was granted before 31 December 2004—immediately after its first renewal after that day;
  - (b) if the authority was granted after 31 December 2004—when it was originally granted.
- 2 However, the *original notional sub-blocks* do not include any sub-block stated in the instrument that is completely within the area of a lease under this Act or a 2004 Act lease.
- 3 For item 1, if the instrument—
  - (a) states that the authority’s area includes land within a block; but
  - (b) does not include or exclude any particular sub-block within that block;

the reference to the block is a reference to all sub-blocks within the block, other than any sub-block that is completely within the area of another 1923 Act petroleum tenure or a 2004 Act petroleum tenure.

***overlapping GHG authority*** see section 78CB.

***owner***—

- 1 An *owner*, of land, means each person as follows in relation to the land—
  - (a) for freehold land—a registered owner;
  - (b) for land for which a person is, or will on performing conditions, be entitled to a deed of grant in fee simple—the person;
  - (c) if an estate in fee simple of land is being purchased from the State—the purchaser;
  - (d) for a public road—the public road authority for the road;

- (e) for land that is busway land, light rail land, rail corridor land or a cane railway or other railway—the public land authority for the land;
- (f) for required land under the *Transport Infrastructure Act 1994*, section 436—the chief executive of the department in which that Act is administered;
- (g) for a forest entitlement area, State forest or timber reserve under the *Forestry Act 1959*—the chief executive of the department in which that Act is administered;
- (h) for a conservation park or resources reserve under the *Nature Conservation Act 1992* (the *NCA*) for which there are trustees—
  - (A) if, under the *NCA*, the park or reserve has trustees whose powers are not restricted—the trustees; or
  - (B) otherwise—the chief executive of the department in which the *NCA* is administered;
- (i) for DOGIT land under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*—a trustee for the land;
- (j) for land held under a lease under the *Aurukun and Mornington Shire Leases Act 1978*, section 3—a relevant local government;
- (k) for Aboriginal land under the *Aboriginal Land Act 1991* that is taken to be a reserve because of section 87(2) or 87(4)(b) of that Act—the trustee of the land;
- (ka) for Torres Strait Islander land under the *Torres Strait Islander Land Act 1991* that is taken to be a reserve because of section 84(2) of that Act—the trustee of the land;

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- (l) for land under the *Land Act 1994* for which there are trustees—a trustee;
  - (m) for transport land under the *Transport Planning and Coordination Act 1994*—the chief executive of the department in which that Act is administered;
  - (n) for land vested in the Minister administering the *Education (General Provisions) Act 2006*—that Minister;
  - (o) for land vested in the Queensland Housing Commission or another Minister or a chief executive responsible for constructing public buildings—the Minister administering the relevant Act;
  - (p) for land held from the State under another Act under an interest less than fee simple (other than occupation rights under a permit under the *Land Act 1994*)—the person who holds the interest;
  - (q) for any of the following land under the NCA, the chief executive of the department in which the NCA is administered—
    - (i) a national park;
    - (ii) a national park (Aboriginal land);
    - (iii) a national park (scientific);
    - (iv) a national park (Torres Strait Islander land);
    - (v) a national park (recovery);
    - (vi) a forest reserve.
- 2 Also, a mortgagee of land is the *owner* of land if—
- (a) the mortgagee is acting as mortgagee in possession of the land and has the exclusive management and control of the land; or
  - (b) the mortgagee, or a person appointed by the mortgagee, is in possession of the land and has the exclusive management and control of the land.



- 3 If land has more than 1 owner, a reference in this Act to its owner of the land is a reference to each of its owners.

*parties*—

- (a) for part 6K, division 1, subdivision 4—see section 79U(1); or
- (b) for part 6R—see section 103B.

*payable*, as applied to petroleum, means petroleum of such quantity and quality that it can under ordinary circumstances be won with profit.

*petroleum* means any—

- (a) naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state; or
- (b) naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or
- (c) naturally occurring mixture of 1 or more hydrocarbons, whether in a gaseous, liquid, or solid state, and 1 or more of the following—
  - (i) hydrogen sulphide;
  - (ii) nitrogen;
  - (iii) helium;
  - (iv) carbon dioxide;

and includes any petroleum defined by paragraphs (a) to (c) that has been returned to a natural reservoir, but does not include, and is hereby declared never did include—

- (d) shale from which mineral oil may be extracted or produced;
- (e) mineral oil extracted or produced from shale or coal or other rock by some chemical or thermal process;
- (f) hydrocarbons and other substances or matter occurring in association with shale or coal and necessarily mined, extracted, produced or released by or in connection with

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mining for shale or coal or the extraction or production of mineral oil therefrom;

- (g) alginite;
- (h) coal;
- (i) lignite;
- (j) peat;
- (k) shale or other rock from which a gasification or retorting product as defined in the 2004 Act may be extracted or produced;
- (l) torbanite.

***petroleum deposits*** means the petroleum-producing or petroleum-bearing sands or strata.

***petroleum register*** means the register the chief executive keeps under section 80C.

***petroleum royalty*** means petroleum royalty imposed under the 2004 Act, section 590.

***pipeline*** means the whole or part of a pipe or a system of pipes for conveying petroleum, wherever recovered, and all ancillary equipment and works connected therewith, including flow lines from wells, gathering lines and main lines and installations in connection therewith such as tanks, reservoirs, pumps, racks and loading facilities, structures supporting the line, pump houses, and apparatus to afford protection against corrosion, but does not include flare lines and similar pipelines at wells being drilled for petroleum.

***place*** includes land.

***plan period***, for a development plan, means the period for which the plan applies.

***preliminary activity***—

- 1 A *preliminary activity*, for a provision about a 1923 Act petroleum tenure, means an authorised activity for the tenure that will have no impact, or only a minor impact, on the business or land use activities of any owner or

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occupier of the land on which the activity is to be carried out.

*Examples—*

- walking the area of the permit or licence
- driving along an existing road or track in the area
- taking soil or water samples
- geophysical surveying not involving site preparation
- aerial, electrical or environmental surveying
- survey pegging

2 However, the following are not preliminary activities—

- (a) an authorised activity carried out on land that—
- (i) is less than 100ha; and
  - (ii) is being used for intensive farming or broadacre agriculture;

*Examples—*

- land used for dryland or irrigated cropping, plantation forestry or horticulture
  - a dairy, cattle or sheep feedlot, piggery or poultry farm
- (b) an authorised activity carried out within 600m of a school or an occupied residence;
- (c) an authorised activity that affects the lawful carrying out of an organic or bio-organic farming system.

*private land—*

1 *Private land* is—

- (a) freehold land, including Aboriginal land under the *Aboriginal Land Act 1991* and Torres Strait Islander land under the *Torres Strait Islander Land Act 1991*; or
- (b) an interest in land less than fee simple held from the State under another Act.

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- 2 However, land is not private land to the extent of an interest in any of the following relating to the land—
- (a) a mining interest;
  - (b) a 1923 Act petroleum tenure or 2004 Act petroleum authority;
  - (c) a GHG authority;
  - (d) a geothermal tenure;
  - (e) an occupation right under a permit under the *Land Act 1994*.
- 3 Also, land owned by a public land authority is not private land.

***produced***, for petroleum, means to recover or release it to ground level from a natural underground reservoir in which it has been contained or from which it is extracted.

***program period***, for a work program, means the period for which the program applies.

***provisions*** of a 1923 Act petroleum tenure—

- 1 A reference in this Act to a 1923 Act petroleum tenure includes a reference to its provisions.
- 2 A reference in this Act to the provisions of a 1923 Act petroleum tenure is a reference to its mandatory or other conditions and any thing written in it.

***public land*** means land other than—

- (a) private land; or
- (b) to the extent an interest in any of the following relates to the land—
  - (i) a mining interest;
  - (ii) a 1923 Act petroleum tenure or 2004 Act petroleum authority;
  - (iii) a GHG authority;
  - (iv) a geothermal tenure;

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- (v) an occupation right under a permit under the *Land Act 1994*.

***public land authority*** means—

- (a) for a public road—the road authority for the road; or
- (b) if a local government or other authority is, under an Act, charged with the control of the land—the local government or other authority; or
- (c) otherwise—the chief executive of the department administering the Act under which entry to the land is administered.

***public road*** means an area of land that—

- (a) is open to, or used by, the public; and
- (b) is developed for, or has as one of its main uses—
- (i) the driving or riding of motor vehicles; or
- (ii) pedestrian traffic; and
- (c) is controlled by a public road authority.

*Examples of an area of land that may be included in a road—*

- a bridge, culvert, ford, tunnel or viaduct
- a pedestrian or bicycle path

***public road authority***, for a public road, means—

- (a) for a State-controlled road—the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered; or
- (b) for another public road—the local government having the control of the road.

***recipient***, for part 6F, see section 78A(1).

***relevant departmental office***, for an application or document that is required to be made, given or lodged under this Act, means—

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- (a) the office of the department at which the relevant approved form provides that the application or document must be made, given or lodged; or
- (b) if the relevant approved form does not make provision as mentioned in paragraph (a) or if there is no relevant approved form—the office of the department as stated in a gazette notice by the chief executive; or
- (c) if paragraph (b) applies and no office is gazetted as mentioned in paragraph (b)—the office of the chief executive.

***relevant environmental authority***, for a 1923 Act petroleum tenure or water monitoring authority, means an environmental authority under the Environmental Protection Act granted for all of the authorised activities for the tenure or authority that are environmentally relevant activities under the Environmental Protection Act.

***relevant owner or occupier***, for a provision about entry notices, means the owner or occupier to whom the entry notice is to be given, or would be given, other than for an exemption from the requirement to give an entry notice.

***relinquishment condition***—

- 1 Generally, the *relinquishment condition*, for an authority to prospect is the relinquishment condition under section 74A(1).
- 2 However if part 10, division 2 applies and the authority is an authority to which section 173 or 174 applies, the *relinquishment condition* for the authority is the *relinquishment condition* under that section.
- 3 The *relinquishment condition* for a lease is the relinquishment condition under section 77M(4).

***remedial powers*** see section 80L(2).

***report*** means a written report.

***required information***, for part 6E, division 3, see section 76C.

***road use direction*** see section 79(1).

***safety management plan*** see the 2004 Act, schedule 2.

***second tenure***, for part 6J, see section 79M(1).

***security*** includes bond, deposit of an amount as security, guarantee, indemnity or other surety, insurance, mortgage and undertaking.

***services of the State*** has the same meaning that the term has in relation to the State of Queensland under the *Copyright Act 1968* (Cwlth), section 183(1).

***share***, of a 1923 Act petroleum tenure, means any interest held by a person as a holder of the tenure in all of the area of the tenure.

***specific purpose mining lease*** means a mining lease that, under the Mineral Resources Act, section 234(1)(b), is granted for a purpose other than mining.

***State-controlled road*** see *Transport Infrastructure Act 1994*, schedule 6.

***structure*** means anything built or constructed, whether or not attached to land.

***sub-block*** means the land, identified in the way approved by the chief executive, resulting from a notional division of a block into 25 areas, each sub-block being bounded by 2 meridians of longitude 1 minute apart and 2 parallels of latitude 1 minute apart.

***sublease***, for a lease over land covered by a coordination arrangement, means a sublease of all or part of—

- (a) the leased land; or
- (b) petroleum produced under the lease.

***submission*** means a written submission.

***the public interest*** means a consideration of each of the following—

- (a) government policy;
- (b) value of commodity production (including time value);

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- (c) employment creation;
- (d) total return to the State and to Australia (including royalty and rent), assessed on both a direct and indirect basis, so that, for example, downstream value adding is included;
- (e) social impacts;
- (f) the overall economic benefit for the State, or a part of the State, in the short and long term;
- (g) impacts on aesthetic, amenity, cultural or environmental values.

**transfer**, of a well, water observation bore or water supply bore, see section 75N(2).

**transitional notional sub-blocks**, of an authority to prospect, see section 172.

**unallocated State land** has the same meaning as in the *Land Act 1994*.

**underground water** means water that occurs naturally in, or is introduced artificially into, an aquifer, whether or not it would, if tapped by a bore, flow naturally to the surface.

**underground water obligations**, of a petroleum tenure holder, means—

- (a) the holder's underground water obligations under the Water Act, chapter 3; and
- (b) any other obligation under the Water Act, chapter 3 with which the holder is required to comply, if failure to comply with the obligation is an offence against that Act.

*Examples of another obligation under the Water Act, chapter 3 with which the holder may be required to comply—*

- giving an underground water impact report under section 370 of that Act
- preparing and complying with a baseline assessment plan under sections 397 and 400 of that Act

**usual relinquishment** see section 74C(3).



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***waiver of entry notice***—

- (a) for part 6H—means a waiver of entry notice mentioned in section 78O that complies with section 78O(1); or
- (b) for part 6I—see section 79I(3).

***Water Act*** means the *Water Act 2000*.

***Water Act regulator*** means the chief executive of the department that administers the Water Act.

***water monitoring activity*** see section 87.

***water monitoring authority*** means an authority granted under section 75WC.

***water observation bore***—

- 1 A water observation bore is a bore to monitor water levels.
- 2 A reference to a water observation bore includes its casing, wellhead and any other works constructed in connection with the bore.

***water supply bore*** means a water bore drilled under section 86 with the permission of the Minister.

***well***—

- 1 A *well* is a hole in the ground made or being made by drilling, boring or any other means—
  - (a) to explore for or produce petroleum; or
  - (b) to inject petroleum into a natural underground reservoir; or
  - (c) through which petroleum may be produced.
- 2 A *well* includes the casing for the well and any wellhead for the well attached to it.
- 3 To remove any doubt, it is declared that a *well* does not include any of the following—
  - (a) a water observation bore;
  - (b) a water supply bore;

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- (c) a water bore to which the Water Act, chapter 3 applies;
- (d) a seismic shot hole or shallow hole drilled to work out a geological structure.

**wellhead** means the casing head, and includes any casing hanger or spool, or tubing hanger, and any flow control equipment up to and including the wing valves.

**work program**, for an authority to prospect, means—

- (a) its work program as approved under section 151; or
- (b) its conditions about expenditure or work that, under section 155, are taken to be a later work program for the authority; or
- (c) its later work program approved under part 4, division 2, as amended from time to time under that division.

*Editor's note—*

See also sections 25D (Authority taken to have work program until decision on whether to approve proposed work program), 25N (Continuing effect of authority for renewal application) and 155 (Conditions of an authority to prospect about expenditure or work becomes its work program).

### **3 Relationship with Mineral Resources Act**

- (1) This section does not apply to a coal or oil shale mining tenement.

*Editor's note—*

See part 6F (Provisions for coal seam gas) and also the Mineral Resources Act, section 3A (Relationship with petroleum legislation).

- (2) Subject to subsections (3) to (6), the Mineral Resources Act does not limit or otherwise affect—
  - (a) the power under this Act to grant or renew a lease or renew an authority to prospect over land (the **overlapping land**) in the area of a mining tenement under the Mineral Resources Act; or

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- (b) a lease or authority to prospect already granted under this Act over land (also the *overlapping land*) in the area of an existing mining tenement.
- (3) If the mining tenement is a mining lease (other than a transportation mining lease), an authorised activity for the authority to prospect or lease under this Act may be carried out on the overlapping land only if—
- (a) the mining lease holder has agreed in writing to the carrying out of the activity; and
- (b) a copy of the agreement has been lodged at the following office (the *relevant office*)—
- (i) the office of the department for lodging the agreement, as stated in a gazette notice by the chief executive;
- (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive; and
- (c) the agreement is still in force.
- (4) If the mining tenement is an exploration permit, mineral development licence or transportation mining lease, an authorised activity for the authority to prospect may be carried out on the overlapping land only if—
- (a) the mining tenement holder has agreed in writing to the carrying out of the activity, a copy of the agreement has been lodged at the relevant office and the agreement is still in force; or
- (b) carrying out the activity does not adversely affect the carrying out of an authorised activity for the tenement that has already started.
- (5) If the mining tenement is an exploration permit or a mineral development licence and the overlapping land is in the area of the lease under this Act, an authorised activity for the mining tenement may be carried out on the overlapping land only if—
- (a) the lessee has agreed in writing to the carrying out of the activity; and

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- (b) a copy of the agreement has been lodged at the relevant office; and
  - (c) the agreement is still in force.
- (6) In this section—
- transportation mining lease* means a mining lease granted under the Mineral Resources Act, section 316.

#### **4 Relationship with Nature Conservation Act 1992**

This Act is subject to the *Nature Conservation Act 1992*, sections 27 and 70QA.

#### **4A Relationship with Greenhouse Gas Storage Act 2009**

The relationship between this Act and the *Greenhouse Gas Storage Act 2009* (the *GHG storage Act*) and authorities under them is provided for under—

- (a) section 40(1A) and part 6FA; and
- (b) the GHG storage Act, chapter 4.

#### **7 Application of Act**

- (2) To the extent necessary to give operation and effect to the provisions of the *Amoco Australia Pty. Limited Agreement Act 1961*, and the agreement to which that Act relates, and to ensure that no provision of this Act shall affect or prejudice in any way that Act or that agreement, it is hereby declared that every provision of this Act shall be read subject to the *Amoco Australia Pty. Limited Agreement Act 1961*, and the agreement to which that Act relates.
- (3) If there is an inconsistency between a provision of this Act and the *National Gas (Queensland) Law*, the Law prevails to the extent of the inconsistency.

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**7A Act applies out to coastal waters of the State**

This Act applies to land and land covered by water that is seaward of the coastline of the State at mean low water and landward of the inner limit of the territorial sea of Australia.

**7AA Qualification of 1923 Act petroleum tenure holders**

The following persons shall be qualified to apply for and hold a 1923 Act petroleum tenure, namely—

- (a) any natural person;
- (b) a company or registered body under the Corporations Act;
- (ba) any government owned corporation;
- (c) any lawful association of the abovementioned persons.

**Part 3 Rights and powers of the Crown**

**9 Petroleum the property of the Crown**

Notwithstanding anything to the contrary contained in any Act or in any grant, instrument of title, or other document, it is hereby declared that petroleum on or below the surface of all land in Queensland, whether alienated in fee simple or not so alienated from the Crown, and if so alienated whensoever alienated, is and always has been the property of the Crown.

**10 Reservations in grants**

All grants, leases, licences, and other instruments of tenure under any Act relating to unallocated State land, other than leases under this Act, issued after the passing of this Act shall contain a reservation of all petroleum on or below the surface of the land comprised therein, and also a reservation of all

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rights of access for the purpose of searching for and for the operations of obtaining petroleum in any part of the land, and all rights of way for access and for pipelines and other purposes requisite for obtaining and conveying petroleum in the event of petroleum being obtained in any part of the land.

## **Part 4                      Authorities to prospect**

### **Division 1                General provisions**

#### **18        Authority to prospect**

- (2) The area to be held under an authority to prospect, the terms, rent, and the conditions, provisions, and stipulations as to labour and other matters shall be fixed by the Minister.
- (3) Failure to comply with any conditions, provisions, and stipulations so fixed shall render the authority liable to be cancelled by the Minister.
- (4) Such authority shall entitle the holder, upon payment in advance of the rent fixed as aforesaid, and survey fee if necessary, to undertake exploration or prospecting, or geological or geological and geophysical investigation or testing, of favourable geological structures, or generally to do all things in respect of the search for and discovery of petroleum or for the due development of the industry during the term of such authority.
- (5) However, the holder can not carry out GHG stream storage.
- (7) The Minister may thereupon call upon the holder of the authority to apply for a lease of the land or such part thereof as the Minister may deem advisable or to continue prospecting operations.

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**18A Minister's power to decide excluded land for authority to prospect**

- (1) The Minister may decide excluded land for an authority to prospect.
- (2) However, the power under subsection (1) may be exercised only when the Minister is deciding whether to—
  - (a) grant or renew the authority; or
  - (b) approve any later work program for the authority.
- (3) Also, excluded land—
  - (a) must be within the sub-blocks stated in the instrument for the authority; and
  - (b) can not be—
    - (i) a whole block; or
    - (ii) land in the area of another 1923 Act petroleum tenure.
- (4) For subsection (3)(a), if the instrument—
  - (a) states that the authority's area includes land within a block; but
  - (b) does not include or exclude any particular sub-block within that block;

the reference to the block is a reference to all sub-blocks within the block, other than any sub-block that is completely within the area of another 1923 Act petroleum tenure or a 2004 Act petroleum tenure.
- (5) Excluded land may be described in a way the Minister considers appropriate, including, for example, by area or by reference to a stated type of land.
- (6) Land ceases to be excluded land for an authority to prospect if—
  - (a) the block in which the land is located is relinquished or, for any other reason, ceases to be in the area of the authority; or

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- (b) a lease under this Act or a 2004 Act lease is granted over any of the area of the authority and the land is excluded land for the lease.

## **20 Area of authority to prospect reduced on grant of lease**

- (1) Land ceases to be included in the area of an authority to prospect if a lease is granted over the land.
- (2) If a lease is granted over all of the area of an authority to prospect, the authority ends.

## **21 Surrender of authority to prospect**

- (1) The holder of an authority to prospect may, with the Minister's approval, at any time surrender the holder's interest in an authority to prospect or any part of the land comprising the authority to prospect but a surrender in respect of part of the land comprising an authority to prospect may only be surrendered if that part can be identified from the land comprising the balance of the authority to prospect by the same or similar means whereby the land comprising the authority to prospect is described and identified by the authority to prospect.
- (1A) However, the Minister's approval is not required if the surrender is the surrender of a part of the area of the authority that overlaps with the area of a lease under this Act or a 2004 Act lease.
- (2) Where an authority to prospect is surrendered in respect of part only of the land comprising the authority to prospect, the authority to prospect is to be amended by excising that part and otherwise as may be required to conform with this Act and the authority to prospect continues in respect of the balance of the area.
- (3) In the case of a surrender of an authority to prospect (in whole or in part) all adjustments between the Crown and the holder in respect of the payment of rental, fees or other moneys are at the discretion of the Minister who, for this purpose, may



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demand of the holder such sums as the Minister specifies and recover the same by action as a debt due to the Crown.

- (4) The holder may obtain the approval only by an application—
- (a) made in the approved form; and
  - (b) lodged at—
    - (i) the office of the department for lodging authority to prospect surrender applications, as stated in a gazette notice by the chief executive; or
    - (ii) if no office is gazetted under subparagraph (i)—the office stated in the approved form; or
    - (iii) if the approved form does not state an office—the office of the chief executive; and
  - (c) accompanied by—
    - (i) the fee prescribed under a regulation; and
    - (ii) a report by the applicant about authorised activities for the authority carried out on the area the subject of the application, and the results of the activities.

## **24 Miscellaneous rights**

The holder of an authority to prospect shall have the right—

- (b) to cut and use any timber on such land for building or construction works or firewood or other necessary purposes; and
- (c) to depasture on such land all stock used in connection with the holder's prospecting and mining operation;

subject, however, to any conditions prescribed with respect to payment for water, timber, or agistment in cases where the making of such payment is deemed necessary.

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## **24A Prohibition on carrying out activities prohibited under Geothermal Exploration Act 2003**

An authority to prospect holder must not carry out an activity authorised under the authority or this Act if, under the *Geothermal Exploration Act 2003*, section 7(2) the activity can not be carried out.

Maximum penalty—200 penalty units.

## **Division 2 Work programs**

### **Subdivision 1 Requirements for proposed later work programs**

#### **25 Operation of sdiv 1**

This subdivision provides for requirements (the *later work program requirements*) for a proposed work program for an authority to prospect.

*Editor's note—*

For initial work programs see sections 151 (Unfinished authority to prospect applications for which a Commonwealth Native Title Act s 29 notice has been given) and 155 (Conditions of an authority to prospect about expenditure or work becomes its work program).

#### **25A General requirements**

- (1) The proposed program must include each of the following—
  - (a) an overview of the activities proposed to be carried out under the authority or proposed authority during all of its term;
  - (b) for each year of the program period, a statement about—
    - (i) the extent and nature of petroleum exploration and testing for petroleum production proposed to be carried out during the year; and

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- (ii) generally where the activities are proposed to be carried out; and
  - (iii) the estimated cost of the activities;
  - (c) maps that show where the activities are proposed to be carried out;
  - (d) any other information relevant to the matters mentioned in section 25E(2);
  - (e) reasons that the program is considered appropriate;
  - (f) a statement about the extent to which the current work program for the authority to prospect has been complied with;
  - (g) if there have been any amendments to the authority or its current work program, a statement about—
    - (i) whether the changes have been incorporated in the proposed program; and
    - (ii) any effect the changes have on the proposed program;
  - (h) a statement about the effect of any petroleum discovery on the proposed program;
  - (i) another matter prescribed under a regulation.
- (2) A regulation may impose requirements about the form in which the matters mentioned in subsection (1) must be given.
- (3) In this section—
- year**, of the program period, means—
- (a) the period starting on the day the program period starts and ending on the first anniversary of that day; and
  - (b) each subsequent period of 12 months or less during the program period, starting on each anniversary of that day and ending on—
    - (i) the next anniversary of that day; or
    - (ii) if the program period ends before the next anniversary—the day the program period ends.

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## **25B Program period**

- (1) The proposed program must state its period.
- (2) The period must not be longer than—
  - (a) if the term of the rest, or the renewed term, of the authority is less than 4 years—the rest of its term or renewed term; or
  - (b) if the term of the rest, or the renewed term, of the authority is 4 years or more, the following—
    - (i) generally—4 years from the start of the period;
    - (ii) if the Minister approves a longer period—the longer period.
- (3) However, the Minister can not approve a period longer than the rest of the term or renewed term of the authority.

## **Subdivision 2 Approval of proposed later work programs**

### **25C Application of sdiv 2**

This subdivision applies if, under this Act, a proposed later work program is lodged for approval.

*Editor's note—*

See sections 25M (Requirements for making application), 74K (Obligation to lodge proposed later work program) and 80T (Types of noncompliance action that may be taken).

### **25D Authority taken to have work program until decision on whether to approve proposed work program**

- (1) This section applies until—
  - (a) if the proposed program is approved—the authority to prospect holder is given notice of the approval; or
  - (b) if approval of the proposed program is refused—when the refusal takes effect.

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*Editor's note—*

For when the decision takes effect, see section 25F (Steps after, and taking effect of, decision).

- (2) Despite the ending of the program period for the current work program for the authority to prospect—
  - (a) the authority is taken to have a work program; and
  - (b) the holder may carry out any authorised activity for the authority.

## **25E Deciding whether to approve proposed program**

- (1) The Minister may approve or refuse to approve the proposed program.
- (2) The matters that must be considered in deciding whether to approve the proposed program include each of the following—
  - (a) the appropriateness of the proposed program, having regard to—
    - (i) the potential of the area of the authority to prospect for petroleum discovery; and
    - (ii) the extent and nature of the proposed petroleum exploration;

*Examples—*

- proposed geological, geophysical or geochemical surveying
  - the number of wells the authority to prospect holder proposes to drill, and their type
- (iii) when and where the authority to prospect holder proposes to carry out the exploration;
  - (b) the capability criteria;
  - (c) the extent to which the current work program has been complied with;
  - (d) any amendments made to the authority or its current work program, and the reasons for the changes;

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- (e) any notice under section 75Y, commercial viability report or independent viability assessment for the authority.

## **25F Steps after, and taking effect of, decision**

- (1) On approval of the proposed later work program, the holder must be given notice of the approval.
- (2) On refusal to approve the later work program, the holder must be given an information notice about the decision to refuse.
- (3) An approval takes effect when the holder is given the notice or, if the notice states a later day of effect, on that later day.
- (4) A refusal does not take effect until the end of the appeal period for the refusal.

*Editor's note—*

See sections 105 (Period to appeal) and 107 (Stay of operation of decision).

## **Subdivision 3 Amending work programs**

### **25G Restrictions on amending work program**

- (1) An authority to prospect holder may amend the work program for the authority only if—
  - (a) an application for approval of the amendment has been made under this subdivision and the amendment has been approved under this subdivision; and
  - (b) if the amendment is to extend the period of the work program—the requirements under subsection (2) have been complied with.
- (2) For subsection (1)(b), the requirements are each of the following—
  - (a) the work program can not be the initial work program for the authority;

- 
- (b) the period of the work program, or any earlier work program for the authority, must not have previously been extended;
  - (c) the extension can not be for a term that ends after—
    - (i) 1 year after the current period of the work program; or
    - (ii) 12 years after the authority originally took effect;
  - (d) within 3 months before the making of the application—
    - (i) a person (the *designated person*) become a holder of the authority; or
    - (ii) a person (also the *designated person*) applied for approval of a transfer of a share in the authority and the transfer has, under section 25J, been approved;
  - (e) the share, or proposed share, of the designated person in the authority is at least 50%;
  - (f) the designated person is not, under the Corporations Act, section 64B, an entity connected with another person who is a holder of the authority.
- (3) In this section—
- initial work program* means—
- (a) a work program approved under section 151; or
  - (b) conditions about expenditure or work that, under section 155, are taken to be the work program for the authority.

## **25H Applying for approval to amend**

- (1) An authority to prospect holder may apply for approval to amend the work program for the authority.
- (2) However, the application can not be made less than 20 business days before the end of the period stated in the plan for carrying out work under the existing work program.

## 25I Requirements for making application

The application must be—

- (a) lodged at—
  - (i) the office of the department for lodging work program amendment applications, as stated in a gazette notice by the chief executive; or
  - (ii) if no office is gazetted—the office of the chief executive; and
- (b) accompanied by the fee prescribed under a regulation.

## 25J Deciding application

- (1) If the proposed amendment—
  - (a) does not relate to the work program for the authority to prospect provided for under section 155; and
  - (b) is to substitute the carrying out of an authorised activity (the *original activity*) with another authorised activity;  
the Minister may approve the amendment if satisfied the other activity is at least of an equivalent value to the original activity.
- (2) If the application is to extend the period of the work program for the authority, the Minister may approve the amendment only if satisfied—
  - (a) the requirements under section 25G(2) have been complied with; and
  - (b) the designated person mentioned in section 25G(2) is likely to provide additional financial or technical resources for the authority; and
  - (c) the work program will be completed within the period of the extension.

*Note—*

For additional provisions about relinquishment that apply if the period is extended, see sections 74A(1)(c) and 74J.



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- (3) Otherwise, the Minister may approve the amendment only if satisfied it is necessary because of a circumstance—
    - (a) not related to—
      - (i) the applicant's financial or technical resources or ability to manage petroleum exploration; or
      - (ii) the results of exploration; and
    - (b) the happening of which is or was beyond the applicant's control; and
    - (c) that could not have been prevented by a reasonable person in the applicant's position.
  - (4) Also, if the amendment is approved under subsection (2), any relinquishment day for the authority may be deferred for a period that relates to a circumstance mentioned in subsection (3).
  - (5) A deferral under subsection (4)—
    - (a) can not be for longer than 12 years after the authority took effect; and
    - (b) does not defer any later relinquishment day for the authority.
  - (6) If, under this section, an amendment is approved, a condition may be imposed on the authority requiring its holder to relinquish, by a notice lodged at the following office, at least a stated percentage of the original notional sub-blocks of the authority on or before a stated day—
    - (a) the office of the department for lodging relinquishment notices, as stated in a gazette notice by the chief executive;
    - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.

## **25K Steps after, and taking effect of, decision**

- (1) On approval of the proposed amendment, the holder must be given notice of the approval.

[s 25L]

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- (2) On refusal to approve the proposed amendment, the holder must be given an information notice about the decision to refuse.
- (3) An approval takes effect when the holder is given the notice or, if the notice states a later day of effect, on that later day.

## **Division 3                      Renewals**

### **25L      Conditions for renewal application**

- (1) An authority to prospect holder may apply to renew the authority only if none of the following is outstanding—
  - (a) annual rent for the authority;
  - (b) a civil penalty under section 74W for nonpayment of annual rent;
  - (c) interest payable under section 102 on annual rent or a civil penalty;
  - (d) petroleum royalty for petroleum produced under the authority and any unpaid petroleum royalty interest on it;
  - (e) security required for the authority, as required under section 78E.
- (2) Also the application can not be made—
  - (a) if any of the following provides that the authority is to be replaced under another Act—
    - (i) an agreement mentioned in the Commonwealth Native Title Act, section 31(1)(b);
    - (ii) an indigenous land use agreement registered on the register of indigenous land use agreement under the Commonwealth Native Title Act; or

*Editor's note—*

See the 2004 Act, section 908 (Right to apply for petroleum tenure).

- (b) if section 173 applies and the relinquishment condition under that section has not been complied with; or
- (c) if a part of the area of the authority overlaps with the area of a lease under this Act or a 2004 Act lease, other than a 2004 Act lease granted under the 2004 Act, chapter 3, part 2, division 2 or part 3, division 3; or
- (d) more than 60 business days before the end of the term of the authority; or
- (e) after the authority has ended.

## **25M Requirements for making application**

- (1) The application must—
  - (a) be in the approved form; and
  - (b) be lodged at—
    - (i) the office of the department for lodging authority to prospect renewal applications, as stated in a gazette notice by the chief executive; or
    - (ii) if no office is gazetted under subparagraph (i)—the office stated in the approved form; or
    - (iii) otherwise—the office of the chief executive; and
  - (c) state whether or not the work program for the authority to prospect has been complied with; and
  - (d) if the work program has not been complied with—state details of, and the reasons for, each noncompliance; and
  - (e) include a proposed later work program for the renewed authority; and
  - (f) include a statement about how and when the applicant proposes to consult with, and keep informed, each owner and occupier of private or public land on which authorised activities for the renewed authority are, or are likely to be, carried out; and

[s 25N]

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*Editor's note—*

See section 74V (Obligation to consult with particular owners and occupiers).

- (g) address the capability criteria; and
  - (h) include information about the matters that, under sections 25O and 25R, must or may be considered in deciding the application; and
  - (i) state whether or not the applicant has complied with part 6E, for reports required to be lodged in relation to the authority; and
  - (j) be accompanied by—
    - (i) the application fee prescribed under a regulation; and
    - (ii) if the application is made less than 20 business days before end of the term of the authority—an amount that is 10 times the application fee.
- (2) The proposed work program must comply with the later work program requirements.

*Editor's note—*

See division 2, subdivisions 1 (Requirements for proposed later work programs) and 2 (Approval of proposed later work programs).

- (3) An authority to prospect holder can not apply to renew the authority if section 173 applies and the relinquishment condition under that section has not been complied with.
- (4) However, to the extent the application is for a whole sub-block in the area of a petroleum lease or 2004 Act lease, the application is invalid.

## **25N Continuing effect of authority for renewal application**

- (1) This section applies if before the application is decided the term of the authority to prospect ends.
- (2) Despite the ending of the term, the authority continues in force until the earlier of the following to happen—

- (a) the start of any renewed term of the authority;
- (b) a refusal of the application takes effect;
- (c) the application is withdrawn;
- (d) the authority is cancelled under this Act.

*Editor's note—*

See also section 25D (Authority taken to have work program until decision on whether to approve proposed work program).

- (3) If the authority is renewed, subsection (2) is taken never to have applied for the period from the end of the term of the authority being renewed, as stated in that authority.

## **250 Deciding application**

- (1) The Minister may grant or refuse the renewal.
- (2) However—
  - (a) before deciding to grant the renewal, the Minister must decide whether to approve the applicant's proposed later work program for the renewed authority to prospect; and

*Editor's note—*

See division 2, subdivision 2 (Approval of proposed later work programs).

- (b) the renewal can not be granted unless—
  - (i) the proposed program has been approved; and
  - (ii) the applicant satisfies the capability criteria; and
  - (iii) the Minister is satisfied the applicant has substantially complied with the authority to prospect being renewed; and
  - (iv) a relevant environmental authority for the renewed authority to prospect has been issued.
- (3) The Minister may, as a condition of deciding to grant the application, require the applicant to do all or any of the following within a stated reasonable period—

[s 25P]

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- (a) pay the annual rent for the first year of the renewed authority;
  - (b) give security for the renewed authority, as required under section 78E.
- (4) If the applicant does not comply with the requirement, the application may be refused.

### **25P Term and area of renewed authority**

- (1) Each renewed authority to prospect must state its term and area.
- (2) The term can not—
  - (a) end after—
    - (i) 1 November 2021; or
    - (ii) 12 years from when the renewed authority to prospect takes effect under section 25Q.
  - (b) be longer than the term of the authority that immediately preceded the renewed term.
- (3) Subsection (2)(b) applies despite—
  - (a) whether the authority to prospect has previously been renewed; and
  - (b) any previous renewal of the authority.
- (4) The area can not be more than the area of the authority to prospect being renewed immediately before the renewed authority is to take effect.

### **25Q Other provisions and taking effect of renewed authority**

- (1) A renewed authority to prospect may state—
  - (a) conditions or other provisions of the renewed authority, other than conditions or provisions that are—
    - (i) inconsistent with the mandatory conditions for authorities to prospect; or

- (ii) the same as, or substantially the same as, or inconsistent with, any relevant environmental condition for the renewed authority; and
  - (b) relinquishment days for the renewed authority.
- (2) To remove any doubt, it is declared that the conditions of the renewed authority may be different from the conditions or other provisions of the authority to prospect being renewed.
- (3) The provisions of the renewed authority may exclude or restrict the carrying out of an authorised activity for the renewed authority.
- (4) The first relinquishment day for the renewed authority must not be later than 4 years after the day the renewed authority is to take effect.
- (5) If relinquishment days are not stated, its relinquishment days are taken to be—
  - (a) the day that is the fourth anniversary of the day the renewed authority starts under subsection (6) or (7); and
  - (b) each day during its term that is a 4 yearly interval after that day.
- (6) If the renewed authority is decided before the end of the term of the authority to prospect being renewed as stated in that authority (the *previous term*), the term of the renewed authority is taken to start from the end of the previous term.
- (7) If the renewed authority is decided after the previous term, the term of the renewed authority starts immediately after the end of the previous term, but—
  - (a) the conditions of the renewed authority do not start until the authority holder is given notice of them; and
  - (b) until the notice is given, the conditions of the authority to prospect being renewed apply to the renewed authority as if they were its conditions.

[s 25R]

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## **25R Criteria for decisions**

- (1) The matters that must be considered in deciding whether to grant the renewal or deciding the provisions of the renewed authority include—
  - (a) the matters mentioned in section 25E(2); and
  - (b) whether the applicant continues to satisfy the capability criteria.
- (2) In this section—

*satisfies*, the capability criteria, means the Minister continues to have the opinion mentioned in the definition of capability criteria in section 2 about the holder of the authority to prospect being renewed.

## **25S Information notice about refusal**

On refusal of the application, the applicant must be given an information notice about the decision to refuse.

## **25T When refusal takes effect**

A refusal of the application does not take effect until end of the appeal period for the decision to refuse.

*Editor's note—*

See sections 105 (Period to appeal) and 107 (Stay of operation of decision).

## **Division 4 Expiry of part**

### **25U Expiry of pt 4 and ending of authorities to prospect**

- (1) This part expires on 1 November 2021.
- (2) All authorities to prospect still in force immediately before 1 November 2021 expire on that day.



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## Part 6 Provisions relating to leases

### Division 1 General provisions for leases

#### 40 Lease to holder of authority to prospect

- (1) Subject to subsection (5), a holder of an authority to prospect may, by signed writing, apply to the Minister for the grant to the applicant, or to the applicant and other qualified persons nominated by the applicant, of a lease or leases of such area of land as is reasonably required to develop and produce payable deposits of petroleum within the land the subject of the authority to prospect.
- (1A) The right to apply under subsection (1) applies only to the extent that the area of the proposed lease is not in the area of a coal or oil shale mining tenement or a GHG storage activity.

*Editor's note—*

See the 2004 Act, chapter 15, part 3, division 4 (Transition, by application, from 1923 Act ATP to petroleum lease under this Act).

- (2) If the applicant and any other persons nominated by the applicant are qualified persons and the applicant—
  - (a) declares that deposits of petroleum that the applicant believes on reasonable grounds to be payable have been discovered within the land the subject of the application; and
  - (b) lodges with the Minister a proposed program for developing and producing petroleum from any field within the land;the applicant is entitled to have a lease granted to the applicant and the other persons (if any) nominated by the applicant.
- (3) On compliance with subsection (2), the relevant land is taken, for the purposes of subsection (1), to contain payable deposits of petroleum capable of development and production.
- (4) A lease is to be granted by the Governor in Council.

[s 40A]

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- (4A) The lease can not have a term of more than 30 years.
- (5) The lands in respect of which a lease is granted under subsection (4)—
  - (a) shall not exceed 260km<sup>2</sup> in area; and
  - (b) unless otherwise approved by the Governor in Council shall be bounded by boundaries which are a rectilinear figure the sides whereof (which may be of any number) are formed by parts of meridians of longitude and by chords, each subtending a minute of arc, of parallels of latitude and described by whole minutes of latitude and longitude; and
  - (c) shall be described and marked on a plan in such manner that they can be readily identified.
- (6) The Governor in Council may, if in the Governor in Council's opinion the special circumstances of the particular case render it necessary or desirable so to do, approve that lands which are not contiguous may be included in one lease.
- (7) The applicant for the lease shall, when and as required by the Minister, and may at the applicant's option (but in either case at the applicant's own expense) survey and mark upon the ground, in accordance with the relevant regulations, all or any portion of the boundaries of the lease.
- (8) When such survey and marking is accepted as correct by the Minister, the boundaries or portion of the boundaries as so marked shall be the boundaries or, as the case may be, that portion of the boundaries of the lease.
- (9) This section expires on 1 November 2021.

**40A Continuing effect, for s 40 application, of authority to prospect and its work program**

- (1) This section applies if, other than for subsection (2), the relevant authority to prospect would, other than by cancellation under this Act, end before an application under section 40 is granted.

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- (2) The authority continues in force in relation to the area the subject of the application until the earlier of the following—
    - (a) the start of the term of the lease the subject of the application;
    - (b) the application is withdrawn.
  - (3) While the authority continues in force under subsection (2), and despite any ending of the program period for its work program—
    - (a) the authority is taken to have a work program; and
    - (b) its holder may carry out any authorised activity for the authority.

#### **40B Minister's power to decide excluded land for lease**

- (1) The Minister may, at any time, decide excluded land for a lease or a lease proposed to be granted under section 40.
- (2) However, the power under subsection (1) may be exercised only when the Minister is deciding whether to—
  - (a) grant or renew the lease; or
  - (b) approve any later development plan for the lease.
- (3) However, excluded land—
  - (a) must be within any sub-block that the lease states is included in the area of the lease; and
  - (b) can not be a whole sub-block.
- (4) For subsection (3)(a), if the instrument—
  - (a) states that the lease's area includes land within a block; but
  - (b) does not include or exclude any particular sub-block within that block;

the reference to the block is a reference to all sub-blocks within the block, other than any sub-block that is completely within the area of another 1923 Act petroleum tenure or a 2004 Act petroleum tenure.

[s 44]

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- (5) Excluded land may be described in a way the Minister considers appropriate, including, for example, by area or by reference to a stated type of land.
- (6) Land ceases to be excluded land for a lease if, for any reason, the sub-block in which the land is located ceases to be in the area of the lease.

#### **44 Form etc. of lease**

- (1) Every lease shall—
  - (a) be in the form prescribed, with such variations as the Governor in Council may in special cases approve; and
  - (b) confer upon the lessee the exclusive right to prospect for, mine, extract, recover, remove, and dispose of all petroleum in or under the land demised, with the right to construct and maintain thereon all works buildings plant waterways (including any pipelines for conveying water) roads pipelines reservoirs tanks pumping stations and other structures necessary to the full enjoyment thereof; and
  - (c) be for a term no longer than the period nominated (with reasons for the nomination) by the applicant as an appropriate term for producing in an economically viable way the petroleum from the fields within the land the subject of the lease; and
  - (d) be subject to the mandatory conditions for leases and any conditions decided by the Governor in Council.
- (2) Despite subsection (1)(b), the holder can not carry out GHG stream storage.

#### **45 Entitlement to renewal of lease**

- (1AA) This section does not apply to a lease that ends after 1 November 2021.
- (1) The lessee of a lease who has substantially complied with this Act and the 2004 Act, chapter 6, and the terms and conditions

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of the lease, in relation to that lease, at the expiration of the lease, is entitled, subject to subsection (2), to a renewal of the lease by the Governor in Council.

- (1A) However, subsection (1) only applies if—
- (a) the lease is a lease that has any number as follows—
    - (i) 1 to 18, inclusive;
    - (ii) 21 to 93, inclusive;
    - (iii) 98;
    - (iv) 101;
    - (v) 115 to 117, inclusive;
    - (vi) 204; or
  - (b) the lease is prescribed under a regulation notified before 31 December 2004; or
  - (c) the lease is not a lease mentioned in paragraph (a) or (b) and, before 31 December 2004, a notice under the Commonwealth Native Title Act, section 29, was given for the renewal; or
  - (d) a following agreement, whether made before or after the commencement of this paragraph, provides for the renewal of the lease under this Act and the negotiations for the agreement started before the 2004 Act start day—
    - (i) an agreement mentioned in the Commonwealth Native Title Act, section 31(1)(b);
    - (ii) an indigenous land use agreement registered on the register of indigenous land use agreement under the Commonwealth Native Title Act.
- Editor's note—*
- See the 2004 Act, section 908 (Right to apply for petroleum tenure).
- (2) A lessee referred to in subsection (1), before the expiration of the lease, is to by an application—

[s 45]

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- (a) declare whether deposits of petroleum, that the lessee believes on reasonable grounds to be payable, exist within the land the subject of the lease; and
- (b) state whether or not the development plan for the lease has been complied with; and

*Editor's note—*

See also section 156 (Program for development and production for a lease becomes its development plan).

- (c) if the development plan for the lease has not been complied with—state details of, and the reasons for, each noncompliance.
- (2A) The application must—
- (a) be in the approved form; and
  - (b) include a proposed later development plan for the renewed lease; and
  - (c) be lodged at—
    - (i) the office of the department for lease renewal applications, as stated in a gazette notice by the chief executive; or
    - (ii) if no office is gazetted under subparagraph (i)—the office stated in the approved form; or
    - (iii) if the approved form does not state an office—the office of the chief executive; and
  - (d) include a statement about how and when the applicant proposes to consult with, and keep informed, each owner and occupier of private or public land on which authorised activities for the renewed lease are, or are likely to be, carried out; and
  - (e) be accompanied by—
    - (i) the application fee prescribed under a regulation; and

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- (ii) if the application is made less than 40 business days before the end of the term of the lease—an amount that is 10 times the application fee.
- (2B) The proposed plan must comply with the later development plan requirements.
- (3) The renewed lease must be for a term no longer than the period nominated (with reasons for the nomination) by the lessee as an appropriate term for producing in an economically viable way the petroleum from the fields within the land the subject of the lease.
  - (4) The law relating to the amount and payment of royalties and of rent in force at the time of renewal applies to the renewed lease.

#### **46 Annual rent**

- (1) A lessee must pay the State the annual rent, as prescribed under a regulation.
- (2) The annual rent must be paid in the way, and on or before the day, prescribed under a regulation.

#### **46A Application of GST to rents**

- (1) If rent payable under section 46 for a lease is for a supply for which GST is payable, the rent payable from the relevant day for the lease is the total of—
  - (a) the rent that would have been payable if the rent were not for a supply for which GST is payable; and
  - (b) 10% of the rent that would have been payable if the rent were not for a supply for which GST is payable.
- (2) In this section—

*relevant day*, for a lease, means—

  - (a) for a lease granted before 8 July 1999—1 July 2005; or
  - (b) for a lease granted on or after 8 July 1999—25 August 2000.

[s 47]

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#### **47 Reservations, conditions and covenants of lease**

- (1) Every lease shall contain the following reservations, covenants and conditions—
  - (a) a reservation of power to authorise mining on the land for any purpose other than the production or obtaining of petroleum or petroleum products, but not such as to interfere with, encroach upon, or endanger operations for producing or obtaining petroleum;
  - (b) a covenant by the lessee to pay the prescribed rent in accordance with this Act;
  - (c) a covenant by the lessee to pay the State petroleum royalty, as required under the 2004 Act, chapter 6;
  - (d) a covenant by the lessee to work the land demised by the lease in accordance with recognised good oilfield practice and in compliance with this Act, unless exemption or partial exemption is granted in such manner as may be prescribed;
  - (e) a covenant by the lessee that, if directed by the Minister not to dispose of any petroleum or petroleum products for use or consumption outside Australia, the lessee will not so dispose of any petroleum or petroleum products;
  - (f) a covenant by the lessee to comply with the provisions of this Act;
  - (g) a covenant by the lessee to use the land bona fide exclusively for the purpose for which it is demised and in accordance with this Act, unless prevented from so doing by circumstances beyond the lessee's power and control;
  - (h) a covenant by the lessee not to assign, transfer, sublet, mortgage or make the subject of any trust the lease or the land or any part thereof otherwise than in accordance with this Act;
  - (i) a condition for the forfeiture of the lease in the event of any breach of any covenant or condition by the lessee and the failure of the lessee completely to remedy the



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same within 3 months (or such further time as the Minister may in the Minister's discretion, allow) after the Minister shall have given to the lessee notice in writing to make good the same.

- (2) When an application for a lease has been approved and notwithstanding that the instrument of lease has not been executed and whether or not the applicant shall have entered upon the land as provided for in this Act, the applicant and the applicant's assigns shall be deemed to have entered into the covenants and to have accepted the reservations and conditions provided for in subsection (1) and shall in all respects be bound thereby.

#### **48 Commencement of drilling**

- (1) The lessee shall each year expend on the lease in respect of drilling for petroleum or such other work as the Minister may in writing approve a total sum of money calculated at the rate of \$1550 per square kilometre for each square kilometre or part thereof contained in the lease.
- (2) The total sum is to be reduced by the value at the wellhead, as agreed or determined under section 49, of all petroleum produced from the lease in the year.
- (3) Subsections (1) and (2) are complied with in relation to each of the leases that are the subject of a unitisation arrangement if those subsections are complied with in relation to the leases taken as a whole.
- (4) The Minister may grant exemption in writing from the requirements of subsection (1) for such period and under such conditions as the Minister may fix.
- (5) If a conservation authority appointed under this Act restricts production from the lease then the value at the wellhead mentioned in subsection (2) shall be determined on production that, in the opinion of the conservation authority, reasonably could have been expected from the lease had production not been so restricted.

[s 49]

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- (6) The lessee shall drill all necessary wells fairly to offset the wells of others on adjoining land on petroleum deposits.

#### **49 Ascertainment of value**

For section 48(2), the value at the wellhead of any petroleum is such amount as is agreed between the Minister and the person who produces the petroleum or, failing such agreement within a period allowed by the Minister (either generally or in a particular case) as is determined by the Minister as being that value.

#### **51 Use and occupation of mining area on private or improved land**

- (1) With respect to the use and occupation by a lessee of any of the land demised, every lessee shall—
- (a) as against the owner or occupier only of any such land, but not otherwise, be and be deemed to be in occupation of only such area of such land as the lessee from time to time requires for effectively carrying on and adequately protecting all the mining operations and the storing, refining, transporting, and communication works in connection with all the lessee's mining operations carried on or to be carried on from time to time or at any time during the term of the lease or any extension thereof, together with all rights and easements incidental to such occupation;
  - (b) during such time have the right personally or by agents or workers, to cut and use any timber on any such land for building purposes, construction works, firewood, or other necessary purposes; and may depasture on such land all stock used in connection with all such mining or other operations or used by workers or employees of such lessee; subject however to any conditions prescribed with respect to payment for water timber or agistment in cases where the making of such payment is deemed necessary;

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- (c) cause to be surveyed and securely fenced each surface area on any such land which the lessee requires so as to effectively carry on and adequately protect the lessee's mining operations and works.
  - (2) However, subsection (1)(c) shall not apply in relation to any unallocated State land except in so far as the Minister, in relation to any such land contained in a lease, by notice in writing to the lessee concerned, so directs.

- (3) In this section—

*occupier* means the person in actual occupation of any private land or improved land, or, if there is no person in actual occupation, the person entitled to possession thereof.

## 52 Surrender and determination of lease

- (1) The lessee may, with the consent of the Minister in writing, surrender and terminate the lease upon the payment of all rents royalties and other obligations due and payable to the Crown and upon payment of all wages and moneys due and payable to the workers employed by the lessee and upon proof satisfactory to the Minister that the public interest will not be impaired, but in no case shall such surrender be effective until the lessee has made full provision for conservation and protection of the property.
- (1A) The consent may be given only on the application of the lessee.
- (1B) The application must be—
  - (a) in the approved form; and
  - (b) lodged at—
    - (i) the office of the department for lease surrender applications, as stated in a gazette notice by the chief executive; or
    - (ii) if no office is gazetted under subparagraph (i)—the office stated in the approved form; or

[s 52A]

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- (iii) if the approved form does not state an office—the office of the chief executive; and
- (c) be accompanied by—
  - (i) the fee prescribed under a regulation; and
  - (ii) a report by the applicant about the activities carried out on the area the subject of the application, and the results of the activities.

*Editor's note—*

See the 2004 Act, chapter 15, part 3, division 7 (Later grant of petroleum tenure to replace equivalent 1923 Act petroleum tenure).

- (2) Upon the acceptance of such surrender by the Minister the lessee shall be relieved of all future obligations under the lease.
- (3) The lessee may with the like consent surrender to the Crown any legal subdivision of the area comprised within the lease.

## **52A Application of 2004 Act provisions about coextensive natural underground reservoirs**

The 2004 Act, chapter 2, part 2, division 1, subdivision 2 applies to a lease as if a reference in the subdivision to a petroleum lease were a reference to a lease under this Act.

*Editor's note—*

See however section 168 (Deferral of s 52A for existing leases).

## **Division 2 Development plans**

### **Subdivision 1 Requirements for proposed later development plans**

#### **53 Operation of sdiv 1**

This subdivision provides for requirements (the *later development plan requirements*) for a proposed later

development plan for a lease.

*Editor's note—*

See sections 40 (Lease to holder of authority to prospect), 45 (Entitlement to renewal of lease), 74Q (Obligation to lodge proposed later development plan) and 80T (Types of noncompliance action that may be taken).

### **53A General requirements**

- (1) The proposed plan must provide for each of the following—
  - (a) an overview of the activities proposed to be carried out under the lease or proposed lease during all of its term;
  - (b) for each year of the plan period—
    - (i) the nature and extent of activities proposed to be carried out under the lease or proposed lease during the year; and
    - (ii) where the activities are proposed to be carried out; and
    - (iii) the estimated cost of the activities;
  - (c) for each natural underground reservoir in the area of the lease of which the applicant is aware, each of the following—
    - (i) the location and a verifiable estimate of the amount of petroleum in the reservoir;
    - (ii) the standards and procedures used to make the estimate;
    - (iii) the rate and amount of production proposed from the reservoir;
    - (iv) approximately when the proposed production is to start;
    - (v) a schedule for the proposed production during the plan period;
  - (d) maps that show the matters mentioned in paragraph (b)(i) and (ii) and (c)(i);

[s 53A]

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- (e) any other information relevant to the development plan criteria;
  - (f) reasons that the plan is considered appropriate;
  - (g) another matter prescribed under a regulation.
- (2) Also, the proposed plan must—
- (a) highlight any significant changes from the current development plan for the lease; and
  - (b) if the current development plan for the lease has not been complied with—state the details of, and the reasons for, each noncompliance.
- (3) If the effect of the proposed plan is to significantly change an activity provided for under the current development plan, the proposed plan must also state reasons for the change.
- (4) Also, for a significant change that is a cessation or reduction of petroleum production, the proposed plan must include an evaluation of—
- (a) petroleum production potential in the area of the lease; and
  - (b) market opportunities for petroleum production in the area of the lease.
- (5) A regulation may impose requirements about the form of the proposed plan.
- (6) In this section—
- year**, of the plan period, means—
- (a) the period starting on the day the plan period starts and ending on the first anniversary of that day; and
  - (b) each subsequent period of 12 months or less during the plan period, starting on each anniversary of that day and ending on—
    - (i) the next anniversary of that day; or
    - (ii) if the plan period ends before the next anniversary—the day the plan period ends.

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**53B Plan period**

- (1) The proposed plan must state its period.
- (2) The period must not be longer than—
  - (a) if the remaining term, or the renewed term, of the lease is less than 5 years—the term of the lease; or
  - (b) if the remaining term, or the renewed term, of the lease is 5 years or more—5 years from the start of the term or renewed term.

**Subdivision 2 Approval of proposed later development plans**

**53C Application of sdiv 2**

This subdivision applies if under this Act, a proposed later development plan is lodged for approval.

*Editor's note—*

See section 74Q (Obligation to lodge proposed later development plan).

**53D Lease taken to have development plan until decision on whether to approve proposed development plan**

- (1) This section applies until—
  - (a) if the proposed plan is approved—the holder is given notice of the approval; or
  - (b) if approval of the proposed plan is refused—when the refusal takes effect.

*Editor's note—*

For when the decision takes effect, see section 53G (Steps after, and taking effect of, decision).

- (2) Despite the ending of the plan period for the current development plan for the lease—
  - (a) the lease is taken to have a development plan; and

[s 53E]

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- (b) the holder may carry out any authorised activity for the lease.

### **53E Deciding whether to approve proposed plan**

- (1) The Minister may approve or refuse to approve the proposed plan.
- (2) The matters that must be considered in deciding whether to approve the proposed plan include each of the following—
  - (a) the potential of the area of the lease for petroleum production and related activities;
  - (b) the nature and extent of the activities;
  - (c) when and where the activities are proposed to be carried out;
  - (d) whether petroleum production sought under the lease will be optimised in the best interests of the State, having regard to the public interest;
  - (e) the extent to which the current development plan for the lease has been complied with;
  - (f) if the proposed plan provides for a significant change that is a cessation or reduction of petroleum production—
    - (i) whether the cessation or reduction is reasonable; and
    - (ii) whether the lessee has taken all reasonable steps to prevent the cessation or reduction.

### **53F Power to require relinquishment**

- (1) This section applies if the proposed plan provides for a significant change that is a cessation or reduction of petroleum production.
- (2) The Minister may approve the proposed plan, but—
  - (a) decide (a *deferral decision*)—



- 
- (i) to defer the taking of effect of the approval until the lessee relinquishes, by a notice lodged at the following office (the *relevant office*), a stated part or percentage of the area of the lease on or before a stated day—
    - (A) the office of the department for lodging relinquishment notices, as stated in a gazette notice by the chief executive;
    - (B) if no office is gazetted under subparagraph (A)—the office of the chief executive; and
  - (ii) that the decision to approve the proposed plan is replaced by a decision not to approve it if the notice is not lodged on or before the stated day; or
- (b) impose a condition on the lease requiring its holder to relinquish, by a notice lodged at the relevant office, a stated part or percentage of the area of the lease at stated times or intervals.
- (3) The public interest must be considered before making a deferral decision or imposing the condition.
  - (4) A relinquishment under subsection (2)(a)(i) takes effect on the day after the notice is lodged.

### **53G Steps after, and taking effect of, decision**

- (1) On approval of the proposed later development plan, the holder must be given notice of the approval.
- (2) The approval takes effect when the holder is given the notice or, if the notice states a later day of effect, on that later day.
- (3) The holder must be given an information notice about—
  - (a) a decision to refuse to approve the proposed plan; or
  - (b) a decision, under section 53F, to make a deferral decision or impose a condition.
- (4) A refusal does not takes effect until the end the appeal period for the decision to refuse.

[s 61]

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*Editor's note—*

See sections 105 (Period to appeal) and 107 (Stay of operation of decision).

## **Division 3                      Miscellaneous provisions**

### **61            Obstruction of 1923 Act petroleum tenure holder**

- (1) A person must not, without reasonable excuse, obstruct a 1923 Act petroleum tenure holder from—
  - (a) entering or crossing land to carry out an authorised activity for the tenure if part 6H or 6I, to the extent it is relevant, has been complied with in relation to the entry; or
  - (b) carrying out an authorised activity for the tenure on the land.

Maximum penalty—100 penalty units.

- (2) If a person has obstructed a 1923 Act petroleum tenure holder from carrying out an activity mentioned in subsection (1) and the holder decides to proceed with the carrying out of the activity, the holder must warn the person that—
  - (a) it is an offence to obstruct the holder unless the person has a reasonable excuse; and
  - (b) the holder considers the person's conduct is an obstruction.
- (3) In this section—

*obstruct* includes assault, hinder or resist and attempt or threaten to assault, hinder or resist.

### **65            Reservations in favour of State**

- (1) Each lease or authority to prospect is taken to contain a reservation to the State of the right to grant the easements or rights of way, over land covered by the lease or authority, the Governor in Council considers desirable for—

- (a) developing or working the land or other land containing petroleum deposits; or
  - (b) treating and transporting petroleum deposits by or for the Government, or a lessee or authority holder; or
  - (c) another public purpose associated with a purpose mentioned in paragraph (a) or (b).
- (2) Easements and rights of way under this section may be granted for joint or several use.

### **73 Recovery of amounts payable to the State**

- (1) An amount payable to the State under this Act may be recovered as a debt in a court having jurisdiction up to the amount of the debt.
- (2) The starting of a proceeding to recover an amount owing to the State does not limit the right of the State to recover another amount that may become payable under this Act because the failure continues.
- (3) If the State starts a proceeding to recover part only of an amount payable at a particular time, the State is taken to have abandoned the remainder of the amount payable at the time.

## **Part 6A Key mandatory conditions and related provisions**

### **Division 1 Preliminary**

#### **74 Operation of div 1**

This division provides for the key mandatory conditions for 1923 Act petroleum tenures.

[s 74A]

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*Notes—*

- 1 Parts 4, 6, 6B to 6K and 10 also impose mandatory conditions on 1923 Act petroleum tenures.
- 2 For what is a ‘mandatory condition’, see the definition of that term in section 2.

## **Division 2                      Specific mandatory conditions for    authorities to prospect and related    provisions**

### **Subdivision 1                Standard relinquishment condition    and related provisions**

*Note—*

For an authority to prospect in force immediately before 31 December 2004, see part 10, division 2.

#### **74A    Standard relinquishment condition**

- (1) It is a condition (the *relinquishment condition*) of each authority to prospect that its holder must relinquish part of its area, as provided for under this subdivision—
  - (a) on or before each of its relinquishment days; and
  - (b) if section 74E(3) applies—on the day provided for under that subsection; and
  - (c) if, under part 4, division 2, subdivision 3, the period of the work program for the authority has been extended—the day on which the extended period ends.
- (2) However, if, under section 25J(4), a relinquishment day for the authority (the *original day*) is deferred for a stated period, for the relinquishment condition—
  - (a) the relinquishment that was required on or before the original day is taken to have been deferred until the end of the stated period; but

- 
- (b) the relinquishments required under the relinquishment condition on any later relinquishment days for the authority must be made as if the deferral has not been granted.
  - (3) A relinquishment required under the relinquishment condition—
    - (a) must be made by notice (the *relinquishment notice*) lodged at—
      - (i) the office of the department for lodging relinquishment notices, as stated in a gazette notice by the chief executive; or
      - (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive; and
    - (b) takes effect on the day after lodgement under paragraph (a).
  - (4) This section does not prevent the holder from relinquishing, by relinquishment notice, more than the part provided for under this subdivision.

#### **74B Consequence of failure to comply with relinquishment condition**

- (1) If the holder does not comply with the relinquishment condition the holder must be given a notice requiring the holder to comply with the condition within 20 business days after the giving of the notice.
- (2) If the holder does not comply with the requirement, the authority to prospect is cancelled.
- (3) However, the cancellation does not take effect until the holder is given a notice stating that the authority to prospect is cancelled because of the operation of subsection (2).

#### **74C Part usually required to be relinquished**

- (1) This section is subject to section 74E.

[s 74D]

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- (2) The relinquishment for each relinquishment day, and any other day mentioned in section 74A(1)(b) or (c) that applies to the authority, must be such that by that day at least 8.33% of the original notional sub-blocks of the authority to prospect have been relinquished for each year that has passed since the authority originally took effect.
- (3) The sub-blocks required to be relinquished under this section is the *usual relinquishment*.

#### **74D Sub-blocks that can not be counted towards relinquishment**

- (1) The following can not be counted as sub-blocks relinquished for the relinquishment condition—
  - (a) sub-blocks relinquished under a condition imposed under section 25J(6);
  - (b) sub-blocks in an area that, under section 20, has ceased to be included in the area of an authority to prospect;
  - (c) sub-blocks the subject of a lease application or an application for a 2004 Act lease;
  - (d) sub-blocks relinquished under a penalty relinquishment.
- (2) In this section—

*penalty relinquishment* means a relinquishment that is—

- (a) made under section 74J or under a requirement under section 80T(1)(b); and
- (b) more than the sub-blocks required to be relinquished under the relinquishment condition.

#### **74E Adjustments for sub-blocks that can not be counted**

- (1) This section applies for a relinquishment day if, after taking away all sub-blocks that, under section 74D, can not be counted for the relinquishment condition, the balance of the sub-blocks of the authority to prospect are less than the

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sub-blocks required to be relinquished under the usual relinquishment.

- (2) The relinquishment condition is taken to have been complied with if the authority holder gives a relinquishment notice for all of the balance.
- (3) However, if—
  - (a) a sub-block not counted for the relinquishment condition was the subject of a lease application; and
  - (b) the result of the application is that it is refused;

the authority holder must, within 20 business days after the appeal period for the decision to refuse, give a relinquishment notice for that sub-block.

#### **74F Relinquishment must be by blocks**

- (1) A relinquishment under the relinquishment condition can only be by blocks.
- (2) However, if a block contains an area that, under section 74D, can not be counted as a relinquishment, subsection (1) is complied with if all of the rest of the land within the block is relinquished.

#### **74G Ending of authority to prospect if all of area relinquished**

If all of the area of an authority to prospect is relinquished, the authority ends.

### **Subdivision 2 Work programs**

#### **74H Requirement to have work program**

The holder of an authority to prospect must have a work program for the authority.

[s 74I]

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*Notes—*

- 1 The only ‘work program’ for an authority to prospect is its current initial work program provided for under section 151 or 155 or its later work program, as approved under part 4, division 2. See the definition of that term in section 2.
- 2 For the requirements to lodge a proposed later work program see sections 25M, 74K and 80T.
- 3 For approval of proposed later development plans see part 4, division 2, subdivision 2.

#### **74I Compliance with exploration activities in work program**

An authority to prospect holder must carry out the exploration activities proposed in the work program.

#### **74J Penalty relinquishment if work program not completed within extended period**

- (1) If—
  - (a) under part 4, division 2, subdivision 3, the period of the work program for an authority to prospect has been extended; and
  - (b) the work program is not completed on or before the day on which the extended period ends;its holder must relinquish a part of the original notional sub-blocks of the authority that the Minister is satisfied corresponds to the amount of the work under the work program that was not completed.
- (2) The holder must give the chief executive written notice of the relinquishment within 20 business days after the end of the extended period.
- (3) If the holder does not comply with subsection (2), the Minister may take action under section 80T(1)(b).



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## 74K Obligation to lodge proposed later work program

- (1) This section imposes an obligation on an authority to prospect holder to lodge a proposed later work program for the authority.

*Notes—*

- 1 For approval of the proposed program, see part 4, division 2, subdivision 2.
  - 2 If the holder wishes to renew the authority, a proposed later work program must be included in the renewal application. See section 25M(1).
- (2) The obligation is complied with only if the proposed later work program—
- (a) is lodged at—
    - (i) the office of the department for lodging proposed later work programs, as stated in a gazette notice by the chief executive;
    - (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive; and
  - (b) complies with the later work program requirements; and

*Editor's note—*

See part 4, division 2, subdivision 1 (Requirements for proposed later work programs).

- (c) is accompanied by the relevant fee.
- (3) A proposed later work program must be lodged at least 40, but no more than 100, business days before the end of the program period for the current work program for the authority (the ***current work program period***).
- (4) However, if before the end of the current work program period, a decision is made not to approve a proposed later work program lodged under subsection (3), the holder may, within the period, lodge another proposed later work program.
- (5) If the holder does not lodge any proposed later work program before the end of the current plan period or if subsection (4)

[s 74L]

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applies and the holder does not lodge another proposed later work program within the current work program period—

- (a) the holder must be given a notice requiring the holder to lodge a proposed later work program for the authority within 40 business days after the giving of the notice; and
  - (b) the holder must comply with the requirement.
- (6) In this section—
- relevant fee*, for the lodgement of the proposed program, means—
- (a) if the proposed program is lodged within the time required under subsection (3)—the fee prescribed under a regulation; or
  - (b) if the proposed program is lodged after the time required under subsection (3)—
    - (i) if it is lodged under subsection (4)—nil; or
    - (ii) if it is not lodged under subsection (4)—an amount that is 10 times the prescribed fee.

#### **74L Consequence of failure to comply with notice to lodge proposed later work program**

- (1) If an authority to prospect holder does not comply with a requirement under section 74K(5)(a), the authority is cancelled.
- (2) However, the cancellation does not take effect until the holder is given a notice stating that the authority has been cancelled because of the operation of subsection (1).

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## **Subdivision 3      Miscellaneous conditions**

### **74M      Restriction on flaring or venting**

- (1) An authority to prospect holder must not flare or vent petroleum in a gaseous state produced under the authority unless the flaring or venting is authorised under this section.
- (2) Flaring the gas is authorised if it is not commercially or technically feasible to use it—
  - (a) commercially under the authority; or
  - (b) for an authorised activity for the authority.
- (3) Venting the gas is authorised if—
  - (a) it is not safe to use the gas for a purpose mentioned in subsection (2)(a) or (b) or to flare it; or
  - (b) flaring it is not technically practicable.

### **74N      Petroleum royalty and annual rent**

- (1) From 31 December 2004, the holder must pay the State—
  - (a) petroleum royalty as required under the 2004 Act, chapter 6; and
  - (b) annual rent, as prescribed under a regulation.
- (2) The annual rent must be paid in the way, and on or before the day, prescribed under a regulation under the 2004 Act.

## **Division 3                      Specific mandatory conditions for leases and related provisions**

### **Subdivision 1      Development plans**

#### **74O      Requirement to have development plan**

A lessee must have a development plan for the lease.

[s 74P]

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*Notes—*

- 1 For what is the ‘development plan’ for a lease, see the definition of that term in section 2.
- 2 For the requirements to lodge a proposed later development plan see sections 40, 45, 74Q and 80T.
- 3 For approval of proposed later development plans see part 6, division 2, subdivision 2.

### **74P Compliance with development plan**

- (1) A lessee must comply with the development plan for the lease.

*Editor’s note—*

See also section 53D (Lease taken to have development plan until decision on whether to approve proposed development plan).

- (2) However, subsection (1) does not apply to a failure to comply with the plan that is an act or omission by the holder to ensure compliance with an insufficiency of supply direction under the *Gas Supply Act 2003*.

### **74Q Obligation to lodge proposed later development plan**

- (1) This section imposes an obligation on a lessee to lodge a proposed later development plan for the lease.

*Notes—*

- 1 For approval of the proposed plan, see part 6, division 2, subdivision 2.
  - 2 If the holder wishes to renew the lease, a proposed later development plan must be included in the renewal application. See section 25M.
- (2) The obligation is complied with only if the proposed later development plan—
    - (a) is lodged at—
      - (i) the office of the department for lodging proposed later development plans, as stated in a gazette notice by the chief executive; or

- 
- (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive; and
    - (b) complies with the later development plan requirements; and
    - (c) is accompanied by the relevant fee.
  - (3) A proposed later development plan must be lodged—
    - (a) for a petroleum lease granted after the commencement of this section—within 6 months after the grant; or
    - (b) otherwise—
      - (i) at least 40, but no more than 100, business days before the end of the plan period for its current development plan (the *current plan period*); or
      - (ii) as soon as practicable after the holder proposes or becomes aware of a significant change to the nature and extent of an authorised activity that is not already dealt with under the current development plan for the lease.
  - (4) However, if before the end of the current plan period, a decision is made not to approve a proposed later development plan lodged under subsection (3), the holder may, within the period, lodge another proposed later development plan.
  - (5) If the holder does not lodge any proposed later development plan before the end of the current development plan period or if subsection (4) applies and the holder does not lodge another proposed later development plan within the current development plan period—
    - (a) the holder must be given a notice requiring the holder to lodge a proposed later development plan for the lease within 40 business days after the giving of the notice; and
    - (b) the holder must comply with the requirement.
  - (6) In this section—

*relevant fee*, for the lodgement of the proposed plan, means—

[s 74R]

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- (a) if the proposed plan is lodged within the time required under subsection (3)—the fee prescribed under a regulation; or
- (b) if the proposed plan is lodged after the time required under subsection (3) and—
  - (i) if it is lodged under subsection (4)—nil; or
  - (ii) if it is not lodged under subsection (4)—an amount that is 10 times the prescribed fee.

**74R Consequence of failure to comply with notice to lodge proposed later development plan**

- (1) If a lessee does not comply with a requirement under section 74Q(5)(a), the lease is cancelled.
- (2) However, the cancellation does not take effect until the holder is given a notice stating that the lease has been cancelled because of the operation of subsection (1).

**Subdivision 2 Other mandatory conditions for leases**

**74S Restriction on flaring or venting**

- (1) A lessee must not flare or vent petroleum in a gaseous state produced under the lease unless the flaring or venting is authorised under this section.
- (2) Flaring the gas is authorised if it is not commercially or technically feasible to use it—
  - (a) commercially under the lease; or
  - (b) for an authorised activity for the lease.
- (3) Venting the gas is authorised if—
  - (a) it is not safe to use the gas for a purpose mentioned in subsection (2)(a) or (b) or to flare it; or
  - (b) flaring it is not technically practicable.

- 
- (4) Venting the coal seam gas is also authorised if—
- (a) it is being used, or is proposed to be used, under a greenhouse abatement scheme; and
  - (b) if subsection (1) were to apply, the direct or indirect benefit the holder would otherwise obtain because of the use of the gas under the scheme would be reduced.
- (5) In this section—
- greenhouse abatement scheme*** means—
- (a) the *Electricity Supply Act 1995* (NSW), part 8A; or
  - (b) the Commonwealth’s Greenhouse Gas Abatement Program; or
  - (c) another scheme about the abatement of greenhouse gases prescribed under a regulation.

**74T Obligation to commence production**

A lessee must start petroleum production under the lease on or before the later of the following—

- (a) the end of 2 years after the lease takes effect;
- (b) any production commencement day for the lease.

**Division 4 Provisions for all 1923 Act petroleum tenures**

**Subdivision 1 Preliminary**

**74U Application of div 4**

This division applies to any 1923 Act petroleum tenure holder.

[s 74V]

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## **Subdivision 2      General mandatory conditions**

### **74V      Obligation to consult with particular owners and occupiers**

- (1) The holder must consult or use reasonable endeavours to consult with each owner and occupier of private or public land on which authorised activities for the tenure are proposed to be carried out or are being carried out.
- (2) The consultation must be about—
  - (a) access; and
  - (b) the carrying out of authorised activities for the tenure (including, for example, crossing access land for the tenure) to the extent they relate to the owners and occupiers; and
  - (c) the holder's compensation liability to the owners or occupiers.

### **74W      Civil penalty for nonpayment of annual rent**

- (1) If the holder does not pay the annual rent as required under section 46 or 74N, the holder must also pay the State a civil penalty.
- (2) The amount of the penalty is 15% of the rent.
- (3) The penalty—
  - (a) must be paid on the day after the last day for payment of the rent; and
  - (b) is still payable even if the holder later pays the rent.

### **74X      Compliance with land access code**

A 1923 Act petroleum tenure holder must—

- (a) comply with the mandatory provisions of the land access code to the extent it applies to the holder; and



- (b) ensure any other person carrying out an authorised activity for the holder complies with the mandatory provisions of the land access code.

## **74Z Obligation to comply with Act and prescribed standards**

- (1) The holder must—
  - (a) comply with this Act; and
  - (b) in carrying out an authorised activity for the tenure, comply with—
    - (i) any standard that the tenure provides for the activity; and
    - (ii) to the extent that the tenure does not provide a standard for the activity—any standard prescribed under a regulation for carrying out the activity.
- (2) In this section—

*standard* includes an Australian Standard, an international standard or a code or protocol.

## **75 Obligation to survey if Minister requires**

- (1) The Minister may, by notice to the holder, require the holder to survey or re-survey the area of the tenure within a stated reasonable period.
- (2) The holder must cause the survey or re-survey to be carried out by a person registered as a cadastral surveyor under the *Surveyors Act 2003*.
- (3) The holder must pay any costs incurred in complying with the notice.

## **75AA Notice of change of holder's name**

- (1) This section applies if there is a change to the name of a holder of a 1923 Act petroleum tenure and the holder continues to be same person after the change.

[s 75A]

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*Note—*

A change of holder itself must be a dealing and must be approved under part 6N before it can have any effect. See sections 80E and 80G.

- (2) The holder must give the chief executive notice of the change as soon as practicable.
- (3) The notice must be in the approved form.

## **Division 5                    Mandatory conditions and related provisions for when 1923 Act petroleum tenure ends or area reduced**

### **75A    Obligation to decommission pipelines**

- (1) A 1923 Act petroleum tenure holder must, before the decommissioning day, decommission, in the way prescribed under a regulation, any pipeline in the area of the tenure.

Maximum penalty—1000 penalty units.

*Editor's note—*

See also section 79X(2) and (3) (General provision about ownership while tenure is in force for pipeline).

- (2) However, subsection (1) does not apply if—
  - (a) the pipeline was constructed or operated under another 1923 Act petroleum tenure or 2004 Act petroleum tenure and the pipeline has not, since its construction, operated under the holder's tenure; and
  - (b) the pipeline is operated as an authorised activity for a 1923 Act petroleum tenure or a 2004 Act petroleum tenure.
- (3) In this section—

***decommissioning day*** means the later of the following days—

- (a) the earlier of the following—
  - (i) the day the tenure ends;

- (ii) the day the land ceases to be in the area of the tenure;
- (b) if, before the day provided for under paragraph (a), the Minister fixes a day—that day;
- (c) if, before a day fixed under paragraph (b), the Minister fixes a later day—that day.

### **75B Obligation to remove equipment and improvements**

- (1) This section applies for equipment or improvements in the area of the tenure that are being, or have been, used for an authorised activity for the tenure.
- (2) However, this section does not apply for—
  - (a) a well, pipeline, water observation bore or water supply bore; or

*Editor's note—*

See part 6D (Wells, water supply bores and water observation bores) and sections 79X (General provision about ownership while tenure is in force for pipeline) and 75A (Obligation to decommission pipelines).

- (b) equipment or improvements on land that, under section 20, ceases to be in the area of an authority to prospect.
- (3) The holder of the tenure must, before the removal day, remove the equipment or improvements from the land, unless the owner of the land otherwise agrees.

Maximum penalty—1000 penalty units.

- (4) To remove any doubt, it is declared that subsection (3) applies even if the equipment or improvements are not owned by the holder.

*Editor's note—*

See section 80 (Ownership of equipment and improvements).

- (5) In this section—

***equipment*** includes machinery and plant.

***removal day*** means the later of the following days—

[s 75C]

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- (a) the earlier of the following—
  - (i) the day the tenure ends;
  - (ii) the day the land ceases to be in the area of the tenure;
- (b) if, before the day provided for under paragraph (a), the Minister fixes a day—that day;
- (c) if, before a day fixed under paragraph (b), the Minister fixes a later day—that day.

### **75C Authorisation to enter to facilitate compliance with s 74X or this division**

- (1) The Minister may, by notice, authorise a former holder of a 1923 Act petroleum tenure to enter any of the following land to comply with, or remedy a contravention of, section 74X or this division—
  - (a) the land to which section 74X or this division applies (*primary land*);
  - (b) any other land (*secondary land*) necessary or desirable to cross for access to the primary land.

*Editor's note—*

See also section 80L (Power of authorised person to ensure compliance).

- (2) Parts 6H (other than division 3), 6I and 6K and section 74X and the definition *conditions* in section 2 apply to the former holder for the purpose of the authorisation as if—
  - (a) the tenure were still in force (the *notional tenure*); and
  - (b) the former holder is the holder of the notional tenure; and
  - (c) the primary land and any secondary land are in the area of the notional tenure; and
  - (d) the compliance or the remedying of the contravention were authorised activities for the notional tenure.

- (3) However, the power under this section does not include the power to enter a structure, or a part of a structure, used for residential purposes without the consent of the occupier of the structure or part of the structure.
- (4) If the former holder intends to enter the land and any occupier of the land is present at the land, the former holder also must show, or make a reasonable attempt to show, the occupier the former holder's authorisation under this section.

## **Part 6B**                      **Provisions relating to authorised activities**

### **75D**      **General restriction on carrying out authorised activities**

The carrying out of an authorised activity for a 1923 Act petroleum tenure is subject to—

- (a) the provisions of the tenure; and
- (b) compliance with the tenure holder's rights and obligations under this Act.

### **75E**      **Who may carry out authorised activity for holder**

- (1) An authorised activity for a 1923 Act petroleum tenure may be carried out for its holder by any of the following persons acting within the scope of the person's authority from the holder—
  - (a) if the holder is a corporation—its officers and employees;
  - (b) the holder's employees or partners who are individuals;
  - (c) agents of, or contractors for, the holder;
  - (d) officers and employees of, or agents of, or contractors for, agents or contractors mentioned in paragraph (c).

[s 75EA]

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*Example—*

A lessee may also enter into a coordination arrangement under which another party to the arrangement may carry out an authorised activity for the lease. See the 2004 Act, section 234(1).

- (2) The authority may be express, or implied from—
  - (a) the nature of the relationship between the person and the holder; or
  - (b) the duties the person performs for the holder; or
  - (c) the duties a person mentioned in subsection (1) customarily performs.

**75EA Limitation of owner’s or occupier’s tortious liability for authorised activities**

- (1) This section applies to an owner or occupier of land in the area of a 1923 Act petroleum tenure if—
  - (a) someone else carries out an authorised activity for a 1923 Act petroleum tenure on the land; or
  - (b) someone else carries out an activity on the land and, in doing so, purports to be carrying out an authorised activity for a 1923 Act petroleum tenure.
- (2) The owner or occupier is not civilly liable to anyone else for a claim based in tort for damages relating to the carrying out of the activity.
- (3) However, subsection (2) does not apply to the extent the owner or occupier, or someone else authorised by the owner or occupier, caused, or contributed to, the harm the subject of the claim.
- (4) This section applies—
  - (a) despite any other Act or law; and
  - (b) even though this Act or the 1923 Act petroleum tenure prevents or restricts the carrying out of the activity as an authorised activity for the tenure.

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- (5) Subject to subsection (2), in this section, the terms *claim*, *damages* and *harm* have the same meaning that they have under the *Civil Liability Act 2003*.

## Part 6C Commercial viability assessment

### 75F Minister's power to require commercial viability report

- (1) The Minister may, by notice (a *report requirement*), require a 1923 Act petroleum tenure holder to lodge at the relevant office a written report (a *commercial viability report*) about all or a stated part of the tenure's area if—
- (a) the holder is not producing petroleum in the area or stated part; and
  - (b) the Minister is of the opinion that—
    - (i) it may be commercially viable to produce petroleum in the area or stated part; or
    - (ii) it may, within the next 15 years, be commercially viable to produce petroleum in the area or stated part.
- (2) The notice must state each of the following—
- (a) the Minister's opinion under subsection (1)(b)(i) or (ii);
  - (b) the facts and circumstances forming the basis for the opinion;
  - (c) that the Minister requires the holder to give the Minister a commercial viability report about the area;
  - (d) a reasonable period for giving the report.
- (3) In this section—  
*relevant office* means—

[s 75G]

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- (a) the office of the department for lodging the commercial viability report, as stated in a gazette notice by the chief executive; or
- (b) if no office is gazetted under paragraph (a)—the office of the chief executive.

### **75G Required content of commercial viability report**

- (1) A commercial viability report must do all of the following—
  - (a) identify each natural underground reservoir in the area the subject of the relevant report requirement;
  - (b) give an estimate of the amount of petroleum in each reservoir;
  - (c) state the standards and procedures used to make the estimate;
  - (d) state whether, in the opinion of the relevant 1923 Act petroleum tenure holder, it is commercially viable to produce petroleum in the area;
  - (e) if the holder's opinion is that it is not commercially viable to produce petroleum in the area—state whether, in the holder's opinion, it will, within the next 15 years, be commercially viable to produce petroleum in the area;
  - (f) give data, and an analysis of the data, that supports each opinion.
- (2) The supporting data and analysis must include—
  - (a) technical data relating to the geology of, and natural underground reservoirs in the area; and
  - (b) market and financial data relevant to the opinions.



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**75H Minister's power to obtain independent viability assessment**

- (1) This section applies for a 1923 Act petroleum tenure, whether or not its holder has lodged a commercial viability report about the tenure.
- (2) The Minister may obtain an independent assessment of the commercial viability of petroleum production in all or part of the area of the tenure (an *independent viability assessment*).
- (3) However, before seeking the assessment, the Minister must give the holder a notice stating the following—
  - (a) that the Minister proposes to obtain the assessment;
  - (b) the Minister's reasons for seeking the assessment;
  - (c) the likely costs of obtaining the assessment;
  - (d) whether the State will, under section 75I, seek to recover the costs;
  - (e) that the holder may, within a stated reasonable period, lodge submissions about the proposed assessment at—
    - (i) the office of the department for lodging the submissions, as stated in a gazette notice by the chief executive; or
    - (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive.
- (4) Any submissions lodged by the holder within the stated period must be considered.
- (5) The Minister must after receiving the assessment, give the holder a copy.

**75I Costs of independent viability assessment**

If—

- (a) the Minister has incurred costs in obtaining, under section 75H, an independent viability assessment about a 1923 Act petroleum tenure; and

[s 75J]

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- (b) the notice under section 75H about the assessment stated that the State will seek to recover the costs; and
- (c) the Minister has given the 1923 Act petroleum tenure holder a notice requiring the holder to pay a reasonable amount for the costs;

the holder must pay the State the reasonable amount for the costs.

## **Part 6D Wells, water supply bores and water observation bores**

### **Division 1 Restrictions on drilling**

#### **75J Requirements for drilling well**

- (1) A person drilling a well must comply with any requirements prescribed under a regulation that apply to the drilling of the well.

Maximum penalty—300 penalty units.

- (2) The requirements may include provisions to prevent the drilling adversely affecting the carrying out of safe and efficient mining or future mining of coal under the Mineral Resources Act.

#### **75K Restriction on who may drill water observation bore or water supply bore**

A person must not drill a water observation bore or water supply bore unless—

- (a) the person is a licensed water bore driller; or
- (b) the Water Act, section 816(2)(a) or (c) applies.

Maximum penalty—300 penalty units.

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## **Division 2                      Converting well to water supply bore**

### **75L      Restrictions on making conversion**

A 1923 Act petroleum tenure holder may convert a well in the area of the tenure to a water supply bore only if—

- (a) the well has been modified for the purpose of taking water; and
- (b) the modification was carried out by a licensed water bore driller; and
- (c) permission for the conversion has been granted under section 86.

Maximum penalty—500 penalty units.

### **75M      Notice of conversion**

If a 1923 Act petroleum tenure holder converts a well to a water supply bore, the holder must, within 10 business days after the conversion, lodge a notice at the following office stating the information prescribed under a regulation—

- (a) the office of the department for lodging the notice, as stated in a gazette notice by the chief executive;
- (b) if no office is gazetted under paragraph (a)—the office of the chief executive.

Maximum penalty—50 penalty units.

## **Division 3                      Transfers of wells, water observation bores and water supply bores**

### **Subdivision 1              General provisions**

#### **75N      Operation of div 3**

- (1) This division permits, in particular circumstances, the transfer of the following in relation to a well, water observation bore or water supply bore—
  - (a) the control of, and responsibility for, the well or bore;
  - (b) the ownership of any works constructed in connection with the well or bore.
- (2) In this division, a *transfer* of a well, water observation bore or water supply bore is a reference to a transfer in relation to the well or bore mentioned in subsection (1).

*Editor's note—*

See section 80 (Ownership of equipment and improvements).

#### **75O      Transfer only permitted under div 3**

A purported transfer of a well, water observation bore or water supply bore is of no effect unless—

- (a) the transfer is permitted under this division; and
- (b) the requirements under this subdivision for making the transfer have been complied with.

#### **75P      Effect of transfer**

- (1) If a well, water observation bore or water supply bore is transferred under this division, any obligation the transferor had under this Act or another law in relation to the well or bore ceases.

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- (2) However, if the transferor is someone other than the State, subsection (1) does not apply to the Environmental Protection Act.

*Editor's note—*

See section 75W (Responsibility for well or bore after decommissioning).

## **Subdivision 2 Permitted transfers**

### **75Q Transfer of water observation bore or water supply bore to landowner**

- (1) A 1923 Act petroleum tenure holder may, by complying with the requirements under subsection (2), transfer a water observation bore or water supply bore in the area of the tenure to the landowner.
- (2) For subsection (1), the requirements are that each of the following have been lodged at the relevant office—
- (a) a notice issued by the Water Act regulator stating—
- (i) that the construction of the bore was carried out under the Water Act and any relevant water bore driller's licence under that Act; and

*Editor's note—*

See the *Water Regulation 2002*, section 23(1) (Conditions of water bore driller's licence—Act, s 302).

- (ii) whether or not the Water Act requires the landowner to hold a Water Act licence to take water from the bore to be transferred;
- (b) a notice in the approved form;
- (c) the transfer fee prescribed under a regulation.
- (3) The approved form must require the signed consent of the Minister and the landowner to the transfer.
- (4) In this section—

[s 75R]

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**construction**, for a water supply bore, includes any modification under section 75L.

**landowner** means the owner of the land on which the bore is located.

**relevant office** means—

- (a) the office of the department for lodging documents mentioned in subsection (2) under this section, as stated in a gazette notice by the chief executive; or
- (b) if no office is gazetted under paragraph (a)—the office of the chief executive.

#### **75R Transfer of well to holder of geothermal exploration permit or mining tenement**

A 1923 Act petroleum tenure holder may transfer a well in the area of the tenure to the holder of a geothermal exploration permit or a mining tenement if—

- (a) the well is in the area of the permit or tenement; and
- (b) a notice in the approved form and the transfer fee prescribed under a regulation have been lodged at—
  - (i) the office of the department for lodging the notice, as stated in a gazette notice by the chief executive; or
  - (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive; and
- (c) the Minister approves the transfer.

#### **75S Transfer of water observation bore to petroleum tenure holders or water monitoring authority holder**

A 1923 Act petroleum tenure holder, a 2004 Act petroleum tenure holder or a water monitoring authority holder may transfer a water observation bore in the area of the tenure or authority to the holder of another 1923 Act petroleum tenure,

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2004 Act petroleum tenure or a water monitoring authority if—

- (a) the bore is in the area of the other tenure or authority; and
- (b) a notice in the approved form and the transfer fee prescribed under a regulation have been lodged at—
  - (i) the office of the department for lodging the notice, as stated in a gazette notice by the chief executive; or
  - (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive; and
- (c) the Minister approves the transfer.

### **Subdivision 3 Notice of transfer**

#### **75T Notice of transfer to Water Act regulator or Mineral Resources Act chief executive**

- (1) If a transfer is made under section 75Q the chief executive must give the Water Act regulator notice of the transfer.
- (2) If a transfer is made under section 75R, the chief executive must give the chief executive that administers the Mineral Resources Act notice of the transfer.
- (3) A failure to comply with subsection (1) or (2) does not invalidate or otherwise affect the transfer.

### **Division 4 Decommissioning of wells, water observation bores and water supply bores**

#### **75U Obligation to decommission**

- (1) This section applies to a person (the *responsible person*) who holds a 1923 Act petroleum tenure on which there is a well,

[s 75U]

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water observation bore or water supply bore drilled by or for the tenure holder or that has been transferred to the tenure holder, unless the well or bore has, under division 3, been transferred to someone else.

- (2) The responsible person must ensure the well or bore is decommissioned from use under this Act before—
- (a) the tenure ends; or
  - (b) the land on which the well or bore is located ceases to be in the area of the tenure.

Maximum penalty—500 penalty units.

- (3) However, subsection (2) does not apply—
- (a) for land that under section 20 ceases to be in the area of an authority to prospect; or
  - (b) for a well if—
    - (i) a GHG tenure is granted; and
    - (ii) the GHG tenure's area includes the well; and
    - (iii) the 1923 Act petroleum tenure holder and the GHG tenure holder have agreed in writing that the GHG tenure holder is to assume responsibility for the well; and
    - (iv) a copy of the agreement has been given to the relevant departmental office.
- (4) For subsection (2), the well or bore is decommissioned from use under this Act only if—
- (a) it has been plugged and abandoned in the way prescribed under a regulation; and
  - (b) for a bore—the decommissioning complies with the Water Act, sections 816 and 817; and
  - (c) the responsible person has lodged a notice about the decommissioning.



*Editor's note—*

See also section 80L (Power of authorised person to ensure compliance).

- (4A) Subsection (4)(b) applies only to the extent it is not inconsistent with subsection (4)(a).
- (5) The notice must be—
- (a) in the approved form; and
  - (b) lodged at—
    - (i) the office of the department for lodging the notice, as stated in a gazette notice by the chief executive; or
    - (ii) if no office is gazetted under subparagraph (i)—the office stated in the approved form; or
    - (iii) otherwise—the office of the chief executive.

## **75V Right of entry to facilitate decommissioning**

- (1) This section applies if—
- (a) a responsible person under section 75U has not carried out decommissioning on land as required under that section; and
  - (b) the relevant 1923 Act petroleum tenure has ended; or
  - (c) the land on which the well or bore is located is no longer in the area of the tenure.
- (2) The responsible person may enter the following land to carry out the decommissioning—
- (a) land (the *primary land*) on which the decommissioning must be, or was required to be, carried out;
  - (b) any other land it is reasonably necessary to cross for access to the primary land.
- (3) Parts 6H, 6I and 6K apply to the responsible person, in the following way—
- (a) if the tenure has ended, as if—

[s 75W]

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- (i) it were still in force; and
- (ii) the responsible person is its holder;
- (b) as if the primary land and other land mentioned in subsection (2)(b) is in the area of the tenure;
- (c) as if the decommissioning is an authorised activity for the tenure.

### **75W Responsibility for well or bore after decommissioning**

- (1) This section applies if a 1923 Act petroleum tenure holder has, under section 75U, decommissioned a well, water observation bore or water supply bore.

*Editor's note—*

See section 75U (Obligation to decommission).

- (2) Despite the decommissioning, the holder continues to be responsible under this Act for the well or bore until the earlier of the following times (the *relevant time*)—
- (a) when the tenure ends;
  - (b) when the land on which the well or bore is located ceased to be in the area of the tenure.
- (3) At the relevant time the well or bore is taken to have been transferred to the State.
- (4) Subsection (3) applies despite—
- (a) the exploration bore being on or part of land owned by someone else; or
  - (b) the sale or other disposal of the land.
- (5) After the relevant time, the State may transfer the well or bore.
- (6) However—
- (a) the transfer from the State can only be to—
    - (i) the owner of the land on which the well or bore is located; or

- (ii) the holder of a geothermal exploration permit or mining tenement the area of which includes that land; and
- (b) the transfer from the State and the use of the well or bore by the transferee is subject to this Act and any other relevant Act or law.

## **Division 5            Water monitoring authorities**

### **Subdivision 1        Obtaining water monitoring authority**

#### **75WA Who may apply for water monitoring authority**

- (1) A 1923 Act petroleum tenure holder may apply for a water monitoring authority for stated land to allow the holder to comply with the holder's underground water obligations for the tenure.
- (2) The application may be made or granted for—
  - (a) land in the area of another 1923 Act petroleum tenure or a 2004 Act petroleum authority; and
  - (b) 1 or more tenures or authorities mentioned in paragraph (a) held by the same applicant.

#### **75WB Requirements for making application**

The application must be—

- (a) in the approved form; and
- (b) lodged at—
  - (i) the office of the department for lodging water monitoring authority applications, as stated in a gazette notice by the chief executive; or
  - (ii) if no office is gazetted under subparagraph (i)—the office stated in the approved form; or

[s 75WC]

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- (iii) otherwise—the office of the chief executive; and
- (c) accompanied by the fee prescribed under a regulation.

### **75WC Deciding application for water monitoring authority**

- (1) The Minister may grant or refuse the water monitoring authority.
- (2) However, the water monitoring authority must not be granted unless a relevant environmental authority for the water monitoring authority has been issued.
- (3) The Minister may, before deciding the application, seek advice about the application from the chief executive of the department administering the Water Act.
- (4) The authority must state its area and each 1923 Act petroleum tenure or a 2004 Act petroleum tenure to which it relates.
- (5) The authority may also state—
  - (a) conditions or other provisions of the authority, other than conditions or provisions that are—
    - (i) inconsistent with subdivision 2 or section 75WM or any other mandatory condition for water monitoring authorities; or
    - (ii) inconsistent with a condition of any 1923 Act petroleum tenure or a 2004 Act petroleum tenure to which the authority relates; or
    - (iii) the same as, or substantially the same as, or inconsistent with, any relevant environmental condition for the authority; and
  - (b) the day it takes effect.
- (6) However, the provisions of the authority may exclude or restrict the carrying out of water monitoring activities, if the exclusion or restriction does not prevent the holder from complying with the holder's underground water obligations.

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## **Subdivision 2 Key authorised activities**

### **75WD Operation of sdiv 2**

- (1) This subdivision provides for the key authorised activities for a water monitoring authority.
- (2) The authorised activities may be carried out despite the rights of an owner or occupier of land on which they are exercised.
- (3) However, the carrying out of the authorised activities is subject to—
  - (a) sections 3, 74X, 75WH and 75WI; and
  - (b) parts 6H, 6I, 6J and 6K; and
  - (c) the conditions of the authority; and
  - (d) any exclusion or restriction provided for in the authority on the carrying out of the activities.

### **75WE Water monitoring activities**

The authority holder may carry out any water monitoring activity in the area of the authority to comply with the holder's underground water obligations for the tenure.

### **75WF Limited right to take or interfere with underground water**

The authority holder may take or interfere with underground water only to the extent that the taking or interference is the unavoidable result of carrying out a water monitoring activity in the area of the authority.

*Example—*

the taking of or interference with underground water during the drilling or maintenance of a water observation bore in the area

[s 75WG]

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### **75WG Authorisation for Water Act**

For the Water Act, the taking of or interference with underground water, under section 75WF, is taken to be authorised.

*Editor's note—*

See the Water Act, section 808 (Unauthorised taking, supplying or interfering with water).

### **75WH Water Act not otherwise affected**

To remove any doubt, it is declared that the water monitoring authority holder can not take or interfere with water as defined under the Water Act unless the taking or interference is authorised under this subdivision or the Water Act.

*Editor's note—*

See the Water Act, sections 20 (Authorised taking of water without water entitlement) and 808 (Unauthorised taking, supplying or interfering with water).

### **75WI Restriction on carrying out authorised activities**

In carrying out an authorised activity for the water monitoring authority, the holder must not interfere with the carrying out of an authorised activity for a 1923 Act petroleum tenure or a 2004 Act petroleum tenure, or of another water monitoring authority, the area of which includes the area of the authority.

Maximum penalty—1000 penalty units.

### **75WJ No right to petroleum discovered**

To remove any doubt, it is declared that the discovery of petroleum while carrying out an authorised activity for the authority does not, of itself, give the authority holder a right to the petroleum.

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## **Subdivision 3      Miscellaneous provisions**

### **75WK Term of authority**

Subject to part 6P, division 3, a water monitoring authority continues in force until there is no longer any 1923 Act petroleum tenure or a 2004 Act petroleum tenure to which the authority relates.

### **75WL Provision for who is the authority holder if only 1 related petroleum tenure**

- (1) This section applies if there is only 1 1923 Act petroleum tenure to which a water monitoring authority relates.
- (2) The authority holder is taken to be the person who, from time to time, holds the 1923 Act petroleum tenure to which the authority relates.

### **75WM Additional condition of relevant petroleum tenure**

If a condition is imposed on a water monitoring authority (the *authority condition*), it is a condition of each 1923 Act petroleum tenure or a 2004 Act petroleum tenure to which the authority relates that the tenure holder must comply with the authority condition.

### **75WN Amending water monitoring authority by application**

- (1) The holder of a water monitoring authority may apply to amend it—
  - (a) to increase or decrease its area; or
  - (b) to add or omit, or reflect an amendment of, a 1923 Act petroleum tenure or a 2004 Act petroleum tenure that relates to the authority.
- (2) The holder can not apply to amend the authority in any other way.
- (3) The application must be—

- (a) in the approved form; and
  - (b) lodged at—
    - (i) the office of the department for lodging the application, as stated in a gazette notice by the chief executive; or
    - (ii) if no office is gazetted under subparagraph (i)—the office stated in the approved form; or
    - (iii) otherwise—the office of the chief executive; and
  - (c) accompanied by the fee prescribed under a regulation.
- (4) The Minister may grant or refuse the amendment.
- (5) The Minister may, before deciding the application, seek advice about the application from the chief executive of the department administering the Water Act.
- (6) The amendment may be granted (a ***conditional grant***) subject to the applicant's written agreement to the Minister amending the authority in a stated way that the Minister considers appropriate.

*Editor's note—*

See section 125 (Power to correct or amend) and part 6G (Security).

- (7) On refusal of the application or the making of a decision to make a conditional grant, the applicant must be given an information notice about the decision to refuse or to make the conditional grant.



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## Part 6E Reporting

### Division 1 General reporting provisions

*Editor's note—*

See also section 77O (Requirement for giving of copy of relinquishment report).

#### **75X Requirement to report outcome of testing**

- (1) This section applies if a 1923 Act petroleum tenure holder carries out testing for petroleum from any well in the area of the authority.
- (2) The holder must, within 40 business days after the testing ends, lodge a report stating the outcome of the test at—
  - (a) the office of the department for lodging testing outcome reports, as stated in a gazette notice by the chief executive; or
  - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.
- (3) The report must also state how much associated water was taken during the testing.

#### **75Y Notice about discovery and commercial viability**

- (1) If a 1923 Act petroleum tenure holder makes a petroleum discovery, the holder must, within 5 business days, lodge a notice of the discovery.
- (2) For subsection (1), if a 1923 Act petroleum tenure holder explores or tests for coal seam gas—
  - (a) the discovery of the presence of coal seam gas in a coal seam is not, of itself, a petroleum discovery; and

[s 75Z]

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- (b) the holder discovers coal seam gas only if it is actually produced from a petroleum well used for the exploration or testing.
- (3) A notice under subsection (1) must also state the geological significance of the discovery.
- (4) The holder, must within the relevant period, lodge a notice about whether or not petroleum production from the reservoir the subject of the notice is commercially viable, or potentially commercially viable, for the holder.
- (5) A notice under this section must be lodged at—
  - (a) the office of the department for lodging the notice, as stated in a gazette notice by the chief executive; or
  - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.
- (6) In this section—

*relevant period* means the period of 40 business days after the end of the period approved by the Minister for the carrying out of production testing under the 1923 Act petroleum tenure.

## **75Z Relinquishment report**

- (1) If part of the area of a 1923 Act petroleum tenure is relinquished as required or authorised under this Act, its holder must, within 6 months, lodge a report—
  - (a) describing—
    - (i) the authorised activities for the tenure carried out in the part; and
    - (ii) the results of the activities; and
  - (b) including other information prescribed under a regulation.

Maximum penalty—200 penalty units.

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*Editor's note—*

See part 6A, division 2 (Specific mandatory conditions for authorities to prospect and related provisions).

- (2) The report must be lodged at—
- (a) the office of the department for lodging relinquishment reports, as stated in a gazette notice by the chief executive; or
  - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.

*Editor's note—*

See also section 77O (Requirement for giving of copy of relinquishment report).

## **76 End of tenure report**

- (1) If a 1923 Act petroleum tenure ends, the person who held the tenure immediately before it ended must, within 6 months, lodge a report—
- (a) including each of the following—
    - (i) a summary of all authorised activities for the tenure that have been carried out since it took effect;
    - (ii) a summary of the results of the activities;
    - (iii) an index of all reports lodged, as required under this Act, in relation to the activities;
    - (iv) a summary of all significant hazards created to future safe and efficient mining that, under the 2004 Act section 690(1)(g) or 706 or a regulation under that Act, are required to be reported;
    - (v) for each hazard mentioned in the summary under subparagraph (iv)—a reference to the report that contains details of the hazard;
    - (vi) data on the amount and location of all petroleum and water produced from the area of the tenure;

[s 76A]

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- (vii) any data related to data mentioned in subparagraph (vi) that may help the understanding of the amount and location of any remaining petroleum (including areas of ‘free gas’) and water from reservoirs produced;
  - (viii) any data required to be reported under this Act that has not been previously reported; and
- (b) stating any other information prescribed under a regulation.

Maximum penalty—150 penalty units.

- (2) A report under subsection (1) must be lodged at—
- (a) the office of the department for lodging the report, as stated in a gazette notice by the chief executive; or
  - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.

## **Division 2                      Records and samples**

### **76A      Requirement to keep records and samples**

- (1) A 1923 Act petroleum tenure holder must, for the period and in the way prescribed under a regulation, keep the records and samples about authorised activities carried out under the tenure as prescribed under a regulation.

Maximum penalty—500 penalty units.

- (2) For subsection (1), the prescribed records may be—
- (a) basic exploration data; or

*Examples of basic exploration data—*

- seismic acquisition and processing reports
- information obtained from airborne geophysical surveying
- other information about petroleum or other materials at or below ground level
- a well completion report for an exploration or appraisal well

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- (b) opinions, conclusions, technical consolidations and advanced interpretations based on basic exploration data.

## **76B Requirement to lodge records and samples**

- (1) A person who, under section 76A, is required to keep a record or sample, must, for the services of the State, lodge a copy of the record and a part of the sample within 6 months after the earlier of the following (the *required time*)—
  - (a) the day the record or sample was acquired or made;
  - (b) the day the relevant 1923 Act petroleum tenure ends.Maximum penalty—500 penalty units.
- (2) The copy of the record must—
  - (a) be lodged electronically using the system for submission of reports made or approved by the chief executive; and
  - (b) be in the digital format made or approved by the chief executive.
- (3) The chief executive must ensure the system and a document detailing the digital format made or approved by the chief executive are available for inspection on the department's website.
- (4) The part of the sample must be lodged at the following office (the *relevant office*)—
  - (a) the office of the department for lodging the copy of the record and part of the sample, as stated in a gazette notice by the chief executive;
  - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.
- (5) If the chief executive gives the person a notice asking the person for more of the sample, the person must lodge it at the relevant office within the reasonable time stated in the notice (also the *required time*) unless the holder has a reasonable excuse.

[s 76C]

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Maximum penalty—500 penalty units.

- (6) The chief executive may extend the required time by up to 1 year if—
  - (a) the person asks for the extension before the required time; and
  - (b) the chief executive is satisfied the extension is necessary.
- (7) However, the extension must not end later than—
  - (a) for subsection (1)—6 months after the required time; or
  - (b) for subsection (5)—1 year after the required time.
- (8) Without limiting subsection (1), the use to which the State may put the copy of the record and the part of the sample include the building of a publicly available database to facilitate petroleum exploration for the services of the State.

## **Division 3                      Releasing required information**

### **76C    Meaning of *required information***

*Required information*, for a 1923 Act petroleum tenure, is information (in any form) about authorised activities carried out under the tenure that the tenure holder has lodged under this Act, including, for example—

- (a) a sample; and
- (b) data and other matters mentioned in section 76G(2).

### **76D    Public release of required information**

- (1) The mere fact of the existence of a 1923 Act petroleum tenure is taken to be an authorisation from its holder to the chief executive to do the following, after the end of any confidentiality period prescribed under a regulation—
  - (a) publish, in the way prescribed under a regulation, required information for the tenure for public use,

including, for example, to support petroleum exploration, production and development;

- (b) on payment of a fee prescribed under a regulation, make it available to any person.
- (2) Any confidentiality period prescribed under subsection (1) ceases if the information is about an authorised activity carried out solely in an area that is no longer in the area of the tenure.

*Example—*

The required information is a well completion report about a well drilled on particular land in the area of an authority to prospect. Subsection (1) ceases to apply if all of that land is relinquished under a relinquishment condition.

- (3) The authorisation is not affected by the ending of the tenure.

#### **76E Chief executive may use required information**

- (1) The mere fact of the existence of a 1923 Act petroleum tenure is taken to be an authorisation from its holder to the chief executive to use required information for—
  - (a) purposes reasonably related to this Act that are required for the tenure; or
  - (b) the services of the State.
- (2) The authorisation is not affected by the ending of the tenure.

#### **76G Power to require information or reports about authorised activities to be kept or given**

- (1) A regulation, or the chief executive, may, for the services of the State, require a 1923 Act petroleum tenure holder to—
  - (a) keep stated information, or types of information, about authorised activities carried out under the tenure; or

*Example of a way of keeping information—*

in a stated digital format

[s 76G]

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- (b) lodge a notice giving stated information, or types of information, or stated reports at stated times or intervals about authorised activities carried out under the tenure.

*Example of a stated time—*

for a report about a well, 6 months after its completion

- (2) For subsection (1), the information or report required to be given or kept may be—

- (a) basic exploration data; or

*Examples of basic exploration data—*

- seismic acquisition, processing and interpretation reports
- information obtained from airborne geophysical surveying
- other information about petroleum or other materials at or below ground level
- a well completion report for an exploration or appraisal well

- (b) opinions, conclusions, technical consolidations and advanced interpretations based on basic exploration data.

- (3) A notice under subsection (1)(b)—

- (a) may state—

- (i) a format required for giving the information; and
- (ii) a degree of precision required for the giving of the information; and

- (b) must be lodged at—

- (i) the office of the department for lodging reports under this section, as stated in a gazette notice by the chief executive; or
- (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive.

- (4) A copy of a notice under subsection (1)(b) must be given to both the owners and occupiers of affected land in the way and at the times prescribed under a regulation.



- (5) A person of whom a requirement under subsection (1) has been made must comply with the requirement.

Maximum penalty—100 penalty units.

- (6) In this section—

*affected land* means land on which an authorised activity is, or has been, carried out.

*information* includes documents, records and samples.

### **76GA Giving copy of required notice by publication**

- (1) This section applies if, under section 76G(4), a 1923 Act petroleum tenure holder must give owners and occupiers of affected land a copy of a notice about authorised activities carried out under the tenure.
- (2) The chief executive may approve the 1923 Act petroleum tenure holder giving the notice by publishing it in a stated way.
- (3) The publication may relate to more than 1 notice.
- (4) The chief executive may give the approval only if satisfied—
- (a) if the notice is required to be given before an authorised activity is carried out—the publication is reasonably likely to adequately inform the owner or occupier of affected land at least 10 business days before the authorised activity is carried out; or
  - (b) if the notice is required to be given after an authorised activity is carried out—the publication is reasonably likely to adequately inform the owner or occupier of affected land.
- (5) If the chief executive approves the giving of the notice under subsection (2)—
- (a) the notice may state where a copy of further information referred to in the publication may be obtained, or inspected, free of charge; and

[s 76GB]

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(b) the holder is not required to comply with section 76G(4).

(6) In this section—

*affected land* means land on which an authorised activity is, or has been, carried out.

### **76GB Copy of particular notices for chief executive (environment)**

(1) This section applies if—

(a) a regulation requires a 1923 Act petroleum tenure holder to lodge a notice under section 76G(1)(b); and

(b) the 1923 Act petroleum tenure holder lodges the notice as required.

(2) The chief executive must give the chief executive (environment) a copy of the notice.

(3) In this section—

*chief executive (environment)* means the chief executive of the department in which the *Environmental Protection Act 1994* is administered.

## **Part 6F Provisions for coal seam gas**

### **Division 1 Preliminary**

#### **Subdivision 1 Introduction**

#### **76H Main purposes of pt 6F**

The main purposes of this part are, in conjunction with the 2004 Act, chapter 3 and the Mineral Resources Act, part 7AA,

to—

- (a) clarify rights to explore for and produce coal seam gas; and
- (b) address issues arising for coal seam gas exploration and production, and, in particular, issues arising when a 1923 Act petroleum tenure and a coal or oil shale mining tenement are granted over the same area; and
- (c) ensure petroleum exploration and production is—
  - (i) carried out safely; and
  - (ii) does not compromise the safe and efficient mining of coal seams or oil shale; and
- (d) provide security of tenure to protect existing operations and investments relating to coal, oil shale and petroleum; and

*Editor's note—*

See also the Mineral Resources Act, part 19, division 6 (Transitional provisions for Petroleum and Gas (Production and Safety) Act 2004).

- (e) provide certainty of tenure for future investments relating to coal, oil shale and petroleum; and
- (f) optimise the development and use of the State's coal, oil shale and petroleum resources to maximise the benefit for all Queenslanders; and
- (g) ensure petroleum exploration and production does not compromise the ability to mine coal seams economically in the future; and
- (h) ensure, if it is commercially and technically feasible, the grant of leases that may affect coal or oil shale mining, or proposed coal or oil shale mining, optimises the commercial use of coal, oil shale and petroleum resources in a safe and efficient way.

## **76I How main purposes are achieved**

- (1) The main purposes of this part are achieved, in this part, the 2004 Act, chapter 3 or the Mineral Resources Act, part 7AA, by—
  - (a) providing for processes to decide the priority of overlapping lease applications and coal or oil shale mining tenement applications and potential applications; and
  - (b) facilitating the obtaining of a lease over land in the area of a coal or oil shale mining lease; and
  - (c) imposing additional requirements for deciding the overlapping applications; and
  - (d) imposing restrictions on the authorised activities for particular 1923 Act petroleum tenures; and
  - (e) imposing additional—
    - (i) requirements relating to development plans for petroleum exploration or production under a lease; and
    - (ii) conditions on authorities to prospect and leases; and
  - (f) granting the following the right to apply for a lease—
    - (i) particular coal or oil shale mining tenement holders;
    - (ii) others who apply jointly with the holders.
- (2) The following are also relevant to the achievement of the purposes—
  - (a) the definition of *petroleum* in section 2—
  - (b) the 2004 Act, sections 800(2) and 802(1)(c);
  - (c) the 2004 Act, chapter 2, part 8;
  - (d) the 2004 Act, chapter 9;
  - (e) the Mineral Resources Act, sections 3A and 6, part 7AA and part 19, division 6.

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## **76J Relationship with other provisions of Act**

- (1) Requirements and restrictions under this part apply as well as any relevant requirements under another provision of this Act.
- (2) If this part imposes a requirement for, or a restriction on, the granting or renewal of a 1923 Act petroleum tenure, the tenure can not be granted or renewed if the restriction applies or if the requirement has not been complied with.
- (3) If this part imposes a requirement for, or a restriction on, the carrying out of an authorised activity for a 1923 Act petroleum tenure, despite the other provision, the activity is not an authorised activity for the tenure while the restriction applies or if the requirement has not been complied with.
- (4) If a provision of this part conflicts with the other provision, the provision of this part prevails to the extent of the inconsistency.

## **Subdivision 2 Definitions for pt 6F**

### **76K What is *coal seam gas* and *incidental coal seam gas***

- (1) *Coal seam gas* is petroleum (in any state) occurring naturally in association with coal or oil shale, or in strata associated with coal or oil shale mining.
- (2) *Incidental coal seam gas* is incidental coal seam gas as defined under the Mineral Resources Act, section 318CM(2).

### **76L What is *oil shale***

*Oil shale* is any shale or other rock (other than coal) from which a gasification or retorting product may be extracted or produced.

[s 76M]

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**76M What is a *coal exploration tenement* and a *coal mining lease***

- (1) A *coal exploration tenement* is an exploration permit or mineral development licence under the Mineral Resources Act granted for coal.
- (2) A *coal mining lease* is—
  - (a) a mining lease for coal; or
  - (b) a special coal mining lease granted under any of the following Acts, an agreement provided for under any of the Acts or any amendment of an agreement provided for under any of the Acts—
    - (i) the *Central Queensland Coal Associates Agreement Act 1968*;
    - (ii) the *Thiess Peabody Mitsui Coal Pty. Ltd. Agreements Acts 1962*; or
  - (c) a specific purpose mining lease for a purpose associated with, arising from or promoting the activity of coal mining, whether or not it is also granted for a purpose other than coal mining.
- (3) Subsections (1) and (2)(a) apply whether or not the lease, permit or licence is also granted for another mineral.

**76N What is an *oil shale exploration tenement* and an *oil shale mining lease***

- (1) An *oil shale exploration tenement* is an exploration permit or mineral development licence granted for oil shale.
- (2) An *oil shale mining lease* is—
  - (a) a mining lease for oil shale; or
  - (b) a specific purpose mining lease for a purpose associated with, arising from or promoting the activity of oil shale mining, whether or not it is also granted for a purpose other than oil shale mining.

- 
- (3) Subsections (1) and (2)(a) apply whether or not the lease, permit or licence is also granted for another mineral.

**76O What is a *coal or oil shale mining tenement***

A *coal or oil shale mining tenement* is—

- (a) a coal exploration tenement; or
- (b) an oil shale exploration tenement; or
- (c) a coal or oil shale mining lease.

**Division 2 Additional provisions for authorities to prospect**

**Subdivision 1 Grant of authority to prospect in area of coal or oil shale exploration tenement**

**76P Provisions for authority to prospect**

- (1) The Mineral Resources Act does not limit or otherwise affect the power under this Act to grant an authority to prospect over land (the *overlapping land*) in the area of a coal or oil shale exploration tenement.
- (2) However, an authorised activity for the authority to prospect can not be carried out on the overlapping land if—
  - (a) carrying it out adversely affects the carrying out of an authorised activity for the coal or oil shale exploration tenement; and
  - (b) the authorised activity for the coal or oil shale exploration tenement has already started.

[s 76Q]

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## **Subdivision 2      Restriction on authorised activities on coal or oil shale mining lease land**

### **76Q      Application of sdiv 2**

This subdivision applies if land in the area of a coal or oil shale mining lease is in the area of an authority to prospect.

### **76R      Restriction**

- (1) An authorised activity for the authority may be carried out on the land only if—
  - (a) the mining lease holder has agreed in writing to the carrying out of the activity and to the safety management plan of the authority holder; and
  - (b) a copy of the agreement has been lodged at—
    - (i) the office of the department for lodging the agreement, as stated in a gazette notice by the chief executive; or
    - (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive; and
  - (c) the agreement is still in force.

*Editor's note—*

See also the Mineral Resources Act, section 403 (Offences regarding land subject to mining claim or mining lease).

- (2) Subsection (1) does not apply, or ceases to apply, if the same person holds the authority and the mining lease.



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## Subdivision 3      Condition

### 76S      Compliance with obligations under Mineral Resources Act

If an obligation under the Mineral Resources Act, section 318AW or 318DB, applies to an authority to prospect holder, it is a condition of the authority that the holder must comply with the obligation.

## Division 3              Renewal provisions

### 76T      Application of div 3

- (1) This division applies if—
  - (a) all or part of land in the area of a lease is in the area of a coal or oil shale exploration tenement; and
  - (b) the lessee wishes to apply under section 45 to renew the lease.
- (2) However, this division does not apply if—
  - (a) the lessee is a holder of the tenement; or
  - (b) the application is to be made with the tenement holder's written consent.

### 76U      Additional requirements for making application

- (1) The application must include the following—
  - (a) a statement (a *CSG statement*) that complies with section 76V;
  - (b) other information that addresses the matters mentioned in subsection (2) (the *CSG assessment criteria*).
- (2) The CSG assessment criteria are—
  - (a) the requirements of the 2004 Act, chapter 9; and

[s 76U]

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- (b) the initial development plan requirements; and
- (c) the legitimate business interests of the applicant and the coal or oil shale exploration tenement holder (the *parties*); and

*Examples of a party's legitimate business interests—*

- contractual obligations
  - the effect on, and use of, existing infrastructure or mining or production facilities
  - exploration expenditure on relevant overlapping tenures
- (d) the effect of the renewed lease on the future development of coal or oil shale resources from the land, including for example, each of the following—
    - (i) the proposed timing and rate of petroleum production and the development of coal or oil shale resources from the land;
    - (ii) the potential for the parties to make a coordination arrangement about—
      - (A) petroleum production under the renewed lease; and
      - (B) coal or oil shale mining and any incidental coal seam gas mining under any future mining lease over the land;
    - (iii) the attempts required of the applicant under section 76W(1)(b) and any changes of the type mentioned in section 76W(1)(c);
    - (iv) the economic and technical viability of the concurrent or coordinated petroleum production and the development of any coal or oil shale resources in the land;
    - (v) the extent, nature and value of petroleum production and the development of any coal or oil shale resources in the land; and

- (e) having regard to the public interest in petroleum production from, and the development of any coal or oil shale resources in, the land.

## **76V Content requirements for CSG statement**

- (1) A CSG statement must—
  - (a) assess—
    - (i) the likely effect of proposed petroleum production on the future development of coal or oil shale resources from the land; and
    - (ii) the technical and commercial feasibility of coordinated petroleum production and coal or oil shale mining from the land; and
  - (b) include a proposed safety management plan for all operating plant, or proposed operating plant, for proposed petroleum production under the lease that may affect possible future safe and efficient mining under the coal or oil shale mining lease.
- (2) The proposed safety management plan must—
  - (a) comply with the requirements under the 2004 Act, sections 388 and 675, for a safety management plan; and
  - (b) include proposals for the minimisation of potential adverse effects on possible future safe and efficient mining under a future mining lease.

## **76W Applicant's obligations**

- (1) The applicant must—
  - (a) within 10 business days after making the application, give the coal or oil shale exploration tenement holder a copy of the application, other than any part of the application that relates to the capability criteria; and

[s 76W]

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- (b) use reasonable attempts to consult with the tenement holder about the applicant's proposed later development plan and proposed safety management plan; and
  - (c) change the proposed plans to give effect to any reasonable proposal by the tenement holder that will optimise the safe and efficient production of—
    - (i) petroleum under the renewed lease; and
    - (ii) coal or oil shale under any future mining lease over the land; and
  - (d) within 4 months after the making of the application, lodge a notice stating each of the following—
    - (i) the details of the consultation;
    - (ii) the results of the consultation;
    - (iii) any comments the applicant wishes to make about any submissions lodged by the tenement holder, under section 77;
    - (iv) any changes to the proposed later development plan or proposed safety management plan;
    - (v) the applicant's assessment of the potential for the applicant and the tenement holder to make a coordination arrangement about—
      - (A) petroleum production under the renewed lease; and
      - (B) coal or oil shale mining and any incidental coal seam gas mining under any future mining lease over the land.
- (2) However, the obligations under subsection (1)(b)(ii) and (c) apply only to the extent the provisions or arrangement are commercially and technically feasible for the applicant.
- (3) A notice under subsection (1)(d) must be lodged at—
- (a) the office of the department for lodging the notice, as stated in a gazette notice by the chief executive; or

- 
- (b) if no office is gazetted under paragraph (a)—the office of the chief executive.

**76X Minister may require further negotiation**

- (1) The Minister may, after receiving the notice under section 76W(1)(d), require the applicant to conduct negotiations with the coal or oil shale exploration tenement holder with a view to making changes of a type mentioned in section 76W(1)(c).
- (2) The applicant must use all reasonable attempts to comply with the requirement.

**76Y Consequence of applicant not complying with obligations or requirement**

If the Minister is reasonably satisfied the applicant has not complied with an obligation under section 76W or 76X, the application may be refused.

*Editor's note—*

See also division 7 (Confidentiality of information).

**76Z Obligations of coal or oil shale exploration tenement holder**

The coal or oil shale exploration tenement holder must—

- (a) within 20 business days after receiving a copy of the application, give the applicant basic information the tenement holder has about the following that the applicant may reasonably need to comply with section 76W—
- (i) the type of exploration activities carried out, or proposed to be carried out under the tenement;
- (ii) coal or oil shale resources in the land; and
- (b) after receiving a copy of the application, make reasonable attempts to reach an agreement with the applicant about the matters mentioned in section 76W(1)(b) that provides the best resource use outcome

[s 77]

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without significantly affecting the parties' rights or interests.

*Editor's note—*

See also division 7 (Confidentiality of information).

## **77 Submissions by coal or oil shale exploration tenement holder**

- (1) The coal or oil shale exploration tenement holder may lodge submissions about the application at—
  - (a) the office of the department for lodging the submissions, as stated in a gazette notice by the chief executive; or
  - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.
- (2) However, the submissions may be lodged only within 3 months after the holder is, under section 76W(1)(a), given a copy of the application (the *submission period*).
- (3) The submissions may—
  - (a) include information about all or any of the following—
    - (i) exploration carried out under the tenement;
    - (ii) the results of the exploration;
    - (iii) the prospects for future coal or oil shale mining or incidental coal seam gas mining from the land; and
  - (b) include a proposal by the tenement holder for the development of coal or oil shale in the land; and
  - (c) include information relevant to the CSG assessment criteria; and

*Editor's note—*

See also division 7 (Confidentiality of information).

- (d) include reasonable provisions for the safety management plan for petroleum production under the renewed lease.

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*Editor's note—*

See also the 2004 Act, section 386 (Requirements for consultation with particular coal or oil shale mining tenement holders).

- (4) The holder must give the applicant a copy of the submissions.
- (5) In deciding the conditions of the lease, regard must be had to the submissions.

## **Division 4            Other additional provisions for leases**

### **Subdivision 1        Conditions**

#### **77N    Compliance with obligation to negotiate with coal or oil shale mining lease applicant**

If the obligation under the Mineral Resources Act, section 318CA, applies to a lessee, it is a condition of the lease that the lessee must comply with the obligation.

#### **77O    Requirement for giving of copy of relinquishment report**

- (1) This section applies if—
  - (a) a lessee has, under section 75Z, given a report about a relinquishment of part of the area of the lease; and
  - (b) immediately before the relinquishment, the part included land in the area of a coal or oil shale exploration tenement.
- (2) The lessee must give a copy of the report to—
  - (a) the coal or oil shale exploration tenement holder; and
  - (b) anyone else who has applied for a mining lease for the part.

Maximum penalty—150 penalty units.

[s 77P]

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**77P Cessation of relinquishment condition for area not overlapping with coal or oil shale exploration tenement**

If—

- (a) a lease contains a relinquishment condition; and
- (b) all or part of the area of the lease ceases to be in the area of a coal or oil shale exploration tenement (the *relevant land*);

the condition ceases to apply for the relevant land.

**Subdivision 2 Amendment of relinquishment condition by application**

**77Q Application of sdiv 2**

This subdivision applies if a lease contains a relinquishment condition and all or part of the area of the lease is in the area of a coal or oil shale exploration tenement.

**77R Conditions for applying to amend**

- (1) The lessee may apply for the Minister to amend the condition if the applicant has, before making the application—
  - (a) made reasonable attempts to consult with the coal or oil shale exploration tenement holder about—
    - (i) the proposed amendment; and
    - (ii) a proposed later development plan for the lease; and
  - (b) changed the proposed amendment and the proposed later development plan to give effect to any reasonable proposal by the tenement holder that will optimise—
    - (i) petroleum production under the amended lease; and
    - (ii) coal, oil shale or incidental coal seam gas mining under any future mining lease over the land.



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- (2) However, subsection (1)(b) applies only to the extent the provisions are commercially and technically feasible for the applicant.

**77S Obligation of coal or oil shale exploration tenement holder to negotiate**

The coal or oil shale exploration tenement holder must, if asked by the lessee, make reasonable attempts to reach an agreement with the lessee about the matters mentioned in section 77R(1) that provides the best resource use outcome without significantly affecting the parties' rights or interests.

**77T Requirements for making application**

- (1) The application must—
- (a) be in the approved form; and
  - (b) be lodged at—
    - (i) the office of the department for lodging the application, as stated in a gazette notice by the chief executive; or
    - (ii) if no office is gazetted under subparagraph (i)—the office stated in the approved form; or
    - (iii) otherwise—the office of the chief executive; and
  - (c) state whether or not the development plan for the lease has been complied with; and
  - (d) if the development plan for the lease has not been complied with—state details of, and the reasons for, each noncompliance; and
  - (e) include a CSG statement; and
  - (f) include a proposed later development plan for the lease as amended under section 77R; and
  - (g) include a statement about each of the following—

[s 77U]

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- (i) the details of the consultation carried out under section 77R(1)(a);
  - (ii) the results of the consultation;
  - (iii) whether the proposed development plan includes all provisions proposed by the coal or oil shale exploration tenement holder under section 77R(1)(b);
  - (iv) if the proposed development plan does not include a provision proposed by the tenement holder—why it was not included;
  - (v) the applicant’s assessment of the potential for the applicant and the tenement holder to make a coordination arrangement about—
    - (A) petroleum production under the amended lease; and
    - (B) coal, oil shale or incidental coal seam gas mining under any future mining lease over the land that may be granted to the tenement holder; and
  - (h) be accompanied by the fee prescribed under a regulation.
- (2) However, the CSG statement need not include a proposed safety management plan.

## **77U Notice of application**

The applicant must immediately after making the application give the coal or oil shale exploration tenement holder a copy of the application.

## **77V Submissions by coal or oil shale exploration tenement holder**

- (1) The coal or oil shale exploration tenement holder may lodge submissions about the application at—

- (a) the office of the department for lodging the submissions, as stated in a gazette notice by the chief executive; or
  - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.
- (2) However, the submissions may be lodged only within 20 business days after the holder is, under section 77U, given a copy of the application.
- (3) The submissions may include—
- (a) information about all or any of the following—
    - (i) exploration carried out under the tenement;
    - (ii) the results of the exploration;
    - (iii) the prospects for future coal or oil shale mining or incidental coal seam gas mining from the land; or
  - (b) a proposal by the tenement holder for the development of coal or oil shale in the land; or
  - (c) information relevant to the CSG assessment criteria.
- (4) The holder must give the applicant a copy of the submissions.
- (5) In deciding the application, regard must be had to the submissions.

### **77W Minister may require further negotiation**

- (1) The Minister may, by notice, require the applicant to conduct negotiations with the coal or oil shale exploration tenement holder with a view to making changes of a type mentioned in section 77R(1)(b).
- (2) The applicant must use all reasonable attempts to comply with the requirement.
- (3) If the Minister is reasonably satisfied the applicant has not complied with the requirement the Minister may decide to refuse the application.

[s 77X]

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### **77X Deciding amendment application**

- (1) Before deciding to grant the application, the Minister must decide whether to approve the applicant's proposed later development plan for the lease.
- (2) The application can not be granted unless the proposed plan has been approved.
- (3) Part 6, division 2 applies for deciding whether to approve the proposed plan.
- (4) The matters that must be considered in deciding the application include each of the following—
  - (a) the CSG assessment criteria;
  - (b) whether the applicant has taken all reasonable steps to comply with the relinquishment condition;
  - (c) the effect of any approval of later development plans for the lease;
  - (d) any submissions under section 77V lodged within the period mentioned in section 77V(2).
- (5) The applicant and the coal or oil shale exploration tenement holder must be given notice of the decision.

## **Subdivision 3 Restriction on amendment of other conditions**

### **77Y Interests of relevant coal or oil shale mining tenement holder to be considered**

A condition of a lease must not be amended unless the interests of any relevant coal or oil shale mining tenement holder have been considered.

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## **Division 5                      Restrictions on particular transfers**

### **77Z      Requirement for coordination arrangement to transfer lease in tenure area of mining lease**

- (1) This section applies, despite part 6N, if land is in the area of a petroleum lease and a coal or oil shale mining lease.
- (2) A transfer of the petroleum lease must not be approved under part 6N unless the proposed transferee and the mining lease holder are parties to a coordination arrangement about—
  - (a) petroleum production under the lease; and
  - (b) coal or oil shale mining and any incidental coal seam gas mining under the mining lease.

## **Division 6                      Additional provisions for development plans**

### **Subdivision 1                  Additional requirements for proposed later development plans**

#### **77ZA    Operation of sdiv 1**

This subdivision provides for additional requirements for a proposed later development plan for a lease.

#### **77ZB    Statement about interests of coal or oil shale mining tenement holder**

The proposed plan must include a statement of how the effects on, and the interests of, any relevant overlapping or adjacent coal or oil shale mining tenement holder have, or have not, been considered, having regard to—

- (a) the main purposes of this part; and
- (b) the CSG assessment criteria.

[s 77ZC]

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### **77ZC Requirement to optimise petroleum production**

- (1) The activities provided for under the proposed plan must seek to optimise petroleum production in a safe and efficient way.
- (2) However, the activities must not adversely affect the future safe and efficient mining of coal where it is commercially and technically feasible not to do so.

### **77ZD Consistency with coal or oil shale mining lease, development plan and relevant coordination arrangement**

If all or part of the area of the lease is in the area of a coal or oil shale mining lease (the *relevant land*), the proposed plan must, to the extent it applies to the relevant land, be consistent with—

- (a) the development plan for the mining lease; and
- (b) any coordination arrangement relating to the relevant land.

## **Subdivision 2 Other additional provisions for proposed later development plans**

### **77ZE Application of sdiv 2**

This subdivision applies if—

- (a) the Minister is considering whether to approve a proposed later development plan for a lease; and
- (b) the area of the lease includes all or part of the area of a coal or oil shale mining tenement.

### **78 Additional criteria for approval**

The matters that must be considered include—

- (a) the CSG assessment criteria; and

- 
- (b) the effect of any approval of the proposed plan on any relinquishment condition for the lease.

## **Division 7                      Confidentiality of information**

### **78A      Application of div 7**

- (1) This division applies if a tenure holder or a person who has applied for a tenure (the *information-giver*) gives another tenure holder or a person who has applied for a tenure (the *recipient*) information—
  - (a) that this part requires the information-giver to give the recipient, including, for example, information given to comply with section 76Z(a); or
  - (b) for the purposes of this part.
- (2) However, this division applies subject to any agreement between the information-giver and the recipient about the information or its use.
- (3) In this section—

*information* means information given verbally or in writing.

*tenure* means a 1923 Act petroleum tenure or a coal or oil shale mining tenement.

### **78B      Confidentiality obligations**

- (1) The recipient must not disclose the information to anyone else, unless—
  - (a) the information is publicly available; or
  - (b) the disclosure is—
    - (i) to someone whom the recipient has authorised to carry out the authorised activities for the recipient's 1923 Act petroleum tenure or coal or oil shale mining tenement; or
    - (ii) made with the information-giver's consent; or

[s 78C]

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- (iii) expressly permitted or required under this or another Act; or
  - (iv) to the Minister.
- (2) The recipient may use the information only for the purpose for which it is given.

### **78C Civil remedies**

If the recipient does not comply with section 78B, a court of competent jurisdiction may order the recipient to pay the information-giver all or any of the following—

- (a) compensation for any loss the information-giver incurred because of the failure to comply with the section;
- (b) the amount of any commercial gain the recipient made because of the failure to comply with the section.

## **Part 6FA Provisions for GHG authorities**

### **Division 1 Preliminary**

#### **78CA Relationship with other provisions**

- (1) Requirements and restrictions under this part apply as well as any relevant requirements and restrictions under another provision of this Act.
- (2) This part does not otherwise limit or affect relevant requirements or restrictions under another provision of this Act.



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**78CB What is an *overlapping GHG authority***

An *overlapping GHG authority*, for a 1923 Act petroleum tenure, is any GHG authority all or part of the area of which is in the tenure's area.

**78CC General provision about 1923 Act petroleum tenures for land subject to GHG authority**

Subject to the other provisions of this part, the GHG storage Act or a GHG authority does not limit or otherwise affect the carrying out of authorised activities for a 1923 Act petroleum tenure.

**Division 2                      Restrictions on authorised activities  
for authorities to prospect**

**78CD Overlapping GHG lease**

- (1) This section applies if—
  - (a) land in the area of an authority to prospect is in the area of a GHG lease; and
  - (b) the authority to prospect and the GHG lease are not held by the same person.
- (2) An authorised activity for the authority to prospect may be carried out on the land only if—
  - (a) the GHG lease holder has not in the way required under subsection (3), objected to the carrying out of the activity; or
  - (b) if an objection under paragraph (a) has been made—the Minister has decided under section 78CF that the authorised activity may be carried out.

*Note—*

For notice of authorised activities, see section 78CM.

- (3) The objection must be written, given to the authority to prospect holder and lodged at the relevant departmental office.

[s 78CE]

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### **78CE Overlaps with other GHG authorities**

- (1) This section applies if land is in the area of an authority to prospect and a GHG authority other than a GHG lease.
- (2) An authorised activity for the authority to prospect can not be carried out on the land if—
  - (a) carrying it out adversely affects the carrying out of an authorised activity for GHG authority; and
  - (b) the authorised activity for the GHG authority has already started.

### **78CF Resolving disputes about the restrictions**

- (1) This section applies if under section 78CD, a lease holder has objected to the carrying out of an authorised activity by an authority to prospect holder.
- (2) This section also applies if—
  - (a) section 78CE applies to an authority to prospect holder and a GHG authority holder; and
  - (b) there is a dispute between the holders about whether an authorised activity for the authority to prospect can be carried out under that section.
- (3) Either of the parties may by a notice in the approved form ask the Minister to decide—
  - (a) for section 78CD—whether the authorised activity may be carried out under that section; or
  - (b) for section 78CE—whether the authorised activity may be carried out under that section.
- (4) Before making the decision, the Minister must give the parties a reasonable opportunity to make submissions about the request within a reasonable period.
- (5) The Minister must after complying with subsection (4) and considering any submission made under that subsection, decide the matter and give the parties notice of the decision.
- (6) The Minister's decision binds the parties.

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- (7) If the request is about a matter mentioned in subsection (1), the Minister may impose conditions on any decision that the authorised activity may be carried out.
- (8) In this section—  
*parties* means—
- (a) for a request about a matter mentioned in subsection (1)—the authority to prospect holder and the GHG lease holder; or
  - (a) for a request about a matter mentioned in subsection (2)—the authority to prospect holder and the GHG authority holder.

### **Division 3                      Leases with overlapping GHG authority**

#### **Subdivision 1                Continuance of coordination arrangements after renewal or dealing**

##### **78CG Requirement to continue GHG coordination arrangement**

- (1) This section applies if—
- (a) a lease under this Act has an overlapping GHG authority that is a GHG lease; and
  - (b) a GHG coordination arrangement applies to the lease under this Act; and
  - (c) any of the following take place for the lease under this Act—
    - (i) a renewal;
    - (ii) a transfer;
    - (iii) a subletting of the lease or a share in the lease.

[s 78CH]

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- (2) It is a condition of the lease under this Act that its holder must continue to be a party to a GHG coordination arrangement for the lease while the GHG lease continues in force.

## **Subdivision 2      Later development plans**

### **78CH Operation of sdiv 2**

This subdivision imposes additional requirements for a proposed later development plan for a lease for which there is an overlapping GHG authority that is a GHG tenure.

### **78CI Statement about interests of GHG tenure holder**

- (1) The proposed plan must include a statement of how the effects on and the interests of the GHG tenure holder have or have not been considered having regard to the following—
  - (a) the provisions of the 2004 Act, chapter 9;
  - (b) the attempts made by the applicant to consult with the GHG tenure holder about the applicant's proposed development plan and proposed safety management plan for the lease;
  - (c) any changes to the proposed plans to give effect to any reasonable proposal by the GHG tenure holder;
  - (d) the economic and technical viability of the concurrent or coordinated carrying out of authorised activities for the proposed lease and the GHG tenure;
  - (e) the GHG public interest.
- (2) In this section—

***GHG public interest*** means a consideration of each of the following—

- (a) government policy;
- (b) environmental impacts;
- (c) employment creation;

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- (d) social impacts;
  - (e) the overall economic benefit for the State, or a part of the State, in the short and long term;
  - (f) impacts on aesthetic, amenity or cultural values.

**78CJ Consistency with GHG tenure’s development plan and with any relevant coordination arrangement**

- (1) To the extent the area of the GHG lease and the GHG tenure will coincide, the proposed plan must be consistent with any GHG coordination arrangement for that area.
- (2) Subsection (3) applies if the GHG tenure is a GHG lease.
- (3) The proposed plan must to the extent the area of the petroleum lease and the GHG lease coincide or will coincide, be consistent with the development plan for the GHG lease.

**Division 4 Provisions for all 1923 Act petroleum tenures**

**Subdivision 1 Safety management plans**

**78CK Requirements for consultation with particular GHG tenure holders**

- (1) This section applies if—
  - (a) a person (an *operator*) proposes to be an operator of operating plant in the area of a 1923 Act petroleum tenure; and
  - (b) activities (*relevant activities*) carried out, or proposed to be carried out, at the plant may adversely affect the safe and efficient carrying out of GHG storage activities under an overlapping GHG authority for the 1923 Act petroleum tenure; and
  - (c) the overlapping GHG authority is a GHG tenure.

[s 78CK]

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- (2) Before any operator may operate relevant operating plant, each operator must have made reasonable attempts to consult with the GHG tenure holder about relevant activities for the plant.
- (3) If there is more than 1 operator, the 1923 Act petroleum tenure holder may coordinate the consultation between the operators and the GHG tenure holder.
- (4) For subsection (2), an operator is taken to have made reasonable attempts to consult if—
  - (a) the operator gives the GHG tenure holder a copy of the parts of the operator's proposed safety management plan concerning any relevant operating plant the operator proposes to operate for the relevant activities; and

*Editor's note—*

See section 78CI (Statement about interests of GHG tenure holder).

  - (b) the GHG tenure holder has not within 30 days after the giving of the copy made any proposal to the operator about provisions for the plan.
- (5) An operator must before making or remaking a safety management plan for any relevant operating plant the operator operates or proposes to operate, have regard to any reasonable provisions for the plan proposed by the GHG tenure holder concerning relevant activities for the plant.
- (6) However, the obligation under subsection (5) applies only to the extent the provisions are commercially and technically feasible for the operator or any relevant 1923 Act petroleum tenure holder.
- (7) If an operator makes a safety management plan for relevant operating plant that includes provisions proposed by the GHG tenure holder, the operator must—
  - (a) give the GHG tenure holder a copy; and
  - (b) lodge at the relevant departmental office a notice stating any provisions proposed under subsection (5) and whether they were included in the plan.

(8) In this section—

*remaking*, a safety management plan, includes an amendment or remaking of the plan of a type required under the 2004 Act, section 678.

### **78CL Application of 2004 Act provisions for resolving disputes about reasonableness of proposed provision**

- (1) This section applies if a dispute exists between an operator to which section 78CK applies and a GHG tenure holder about the reasonableness of a provision proposed by the GHG tenure holder for the operator's proposed safety management plan.
- (2) The 2004 Act, section 387, chapter 12 and schedule 1 apply to the dispute as if it were a dispute to which that section applies.

*Editor's note—*

2004 Act, chapter 12 and schedule 1 (Reviews and appeals)

## **Subdivision 2 Other provisions**

### **78CM Condition to notify particular GHG authority holders of proposed start of particular authorised activities**

- (1) This section applies to a 1923 Act petroleum tenure holder if there is either of the following (the *other authority*) for the 1923 Act petroleum tenure—
  - (a) an overlapping GHG authority;
  - (b) a GHG authority that shares a common boundary with the 1923 Act petroleum tenure.
- (2) Before the 1923 Act petroleum tenure holder first starts a designated activity in the other authority's area, the 1923 Act petroleum tenure holder must give the other authority holder at least 30 business days notice of the activity.
- (3) A notice under subsection (2) must state—
  - (a) when the designated activity is to start; and

[s 78CN]

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- (b) where the designated activity is to be carried out; and
  - (c) the nature of the activity.
- (4) Before changing the land on which the designated activity is being carried out, the 1923 Act petroleum tenure holder must give the other authority holder at least 30 business days notice stating where the activity is to be carried out.
- (5) Compliance with this section is a condition of the 1923 Act petroleum tenure.
- (6) In this section—

*designated activity* means any authorised activity for the 1923 Act petroleum tenure, other than—

- (a) an authorised activity for the 1923 Act petroleum tenure that is the same as or similar to an incidental activity under the 2004 Act, section 33 or 112; or
- (b) an activity that only involves selecting places where other authorised activities for the 1923 Act petroleum tenure may be carried out.

*GHG storage reservoir* see the GHG storage Act, section 13(2).

## **78CN Restriction on power to amend**

If, for a 1923 Act petroleum tenure, there is an overlapping GHG authority that is a GHG tenure, the 1923 Act petroleum tenure may be amended under section 125 only if the interests of the GHG tenure holder have been considered.

# **Part 6G Security**

## **78D Operation and purpose of pt 6G**

- (1) This part empowers the Minister to require, from time to time, a 1923 Act petroleum tenure holder, or a person who has



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applied for a 1923 Act petroleum tenure, to give the State security for the tenure, or proposed tenure.

- (2) The security may be used to pay—
  - (a) any liability under this Act that the State incurs because of an act or omission of the holder; and
  - (b) unpaid petroleum royalty or annual rent payable by the holder to the State; and
  - (c) other unpaid amounts payable under this Act or the 2004 Act by the holder to the State, including, for example, any of the following—
    - (i) unpaid civil penalty;
    - (ii) unpaid interest on unpaid petroleum royalty or annual rent;
    - (iii) any debt payable by the holder under section 101; and
  - (d) any compensation the State must pay under section 80P because of the exercise, or purported exercise, of a remedial power under section 80L in relation to the tenure, whether or not the tenure has ended.

### **78E Power to require security for 1923 Act petroleum tenure**

- (1) The Minister may require a 1923 Act petroleum tenure holder, or a person who has applied for a 1923 Act petroleum tenure, to give the State security for the tenure, or proposed tenure.
- (2) The security must be—
  - (a) in the form prescribed under a regulation; and
  - (b) of at least the amount prescribed under a regulation.
- (3) The requirement may be made at any time.
- (4) However, the requirement does not take effect until the holder or applicant is given—

[s 78F]

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- (a) for a requirement to give security in the form and amount prescribed under subsection (2)—notice of the requirement; or
- (b) otherwise—an information notice about the decision to make the requirement.

### **78F Minister's power to require additional security**

- (1) The Minister may, at any time, require a 1923 Act petroleum tenure holder to increase the amount of security given for the tenure.
- (2) However—
  - (a) if, because of an increase in the prescribed amount under section 78E(2), the requirement is to increase the total security required to no more than the increased prescribed amount—the requirement must be made by notice to the holder; or
  - (b) if the requirement is to increase the total security required to more than the prescribed amount under section 78E(2) when the requirement is made—
    - (i) subsections (3) to (6) must be complied with before making the requirement; and
    - (ii) the requirement does not take effect until the holder is given an information notice about the decision to make the requirement.
- (3) The Minister must give the holder notice—
  - (a) stating the proposed increased amount of the security for the tenure; and
  - (b) inviting the holder to lodge, within a stated reasonable period, submissions about the proposed increased amount at—
    - (i) the office of the department for lodging the submissions, as stated in a gazette notice by the chief executive; or

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- (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive.
  - (4) The stated period must end at least 20 business days after the holder is given the notice.
  - (5) Any submissions lodged by the holder within the stated period must be considered before deciding to make the requirement.
  - (6) In this section—  
*security* given, includes security given or increased because of a requirement under subsection (1).

#### **78G Interest on security**

The State may keep any interest that accrues on security given under this part for a 1923 Act petroleum tenure.

#### **78H Power to use security**

The State may use security given under this part for a 1923 Act petroleum tenure, and any interest that accrues on the security, to make a payment mentioned in section 78D(2) in relation to the tenure.

#### **78I Replenishment of security**

- (1) This section applies, if—
  - (a) under section 78H, all or part of the security for a 1923 Act petroleum tenure has been used; and
  - (b) the tenure is still in force.
- (2) The Minister must give the tenure holder a notice—
  - (a) stating how much of the security has been used; and
  - (b) directing the holder to, within 30 days after the giving of the notice, replenish the security for the tenure up to the higher of the following—
    - (i) the amount prescribed under a regulation;

- (ii) if the notice states that, under section 78E, another amount is required—the other amount.

**78J Security not affected by change in holder**

- (1) This section applies if security for a 1923 Act petroleum tenure is given under this part for a 1923 Act petroleum tenure that is still in force and there is a subsequent change in the tenure holder.
- (2) Despite the subsequent change, the security, and any interest that accrues on it, continues for the benefit of the State and may be used under section 78H.
- (3) If the security is in the form of money, until the security is replaced or refunded it continues for the holder from time to time of the tenure.

**78K Retention of security after 1923 Act petroleum tenure ends**

- (1) Security, or part of security, given for a 1923 Act petroleum tenure may be kept for 1 year after the tenure has ended.
- (2) Also, if a claim made for the use of the security has not been assessed, an appropriate amount of the security to meet the claim may be kept until the claim has been assessed.

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## Part 6H Private land

### Division 1 Requirements for entry to private land in 1923 Act petroleum tenure area

#### Subdivision 1 Entry notice requirement for preliminary activities and particular advanced activities

#### 78L Entry notice requirement

- (1) A person must not—
- (a) enter private land in a 1923 Act petroleum tenure's area to carry out a preliminary activity for the tenure; or
  - (b) enter private land in a 1923 Act petroleum tenure's area to carry out an advanced activity for the tenure if either of the following applies for the entry—
    - (i) the deferral agreement exemption;
    - (ii) the Land Court application exemption;

unless the 1923 Act petroleum tenure's holder has given each owner and occupier of the land a written notice of the entry that complies with section 78M (an *entry notice*).

Maximum penalty—500 penalty units.

- (2) The entry notice must be given—
- (a) generally—at least 10 business days before the entry; or
  - (b) if, by a signed endorsement on the notice, the relevant owner or occupier has agreed to a shorter period—the shorter period.

Maximum penalty—500 penalty units.

[s 78M]

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- (3) The holder must give the chief executive a copy of the entry notice immediately after the notice is given and before entry is made under the 1923 Act petroleum tenure.

Maximum penalty—10 penalty units.

- (4) A contravention of subsection (3) does not affect the validity of the notice or the entry.
- (5) This section is subject to section 78N.
- (6) In this section—

***deferral agreement exemption***, for an entry, means that the conduct and compensation agreement requirement does not apply for the entry because of section 78R(c)(i).

***give***, for an entry notice, includes publishing it in a way approved under section 78P.

***Land Court application exemption***, for an entry, means that the conduct and compensation agreement requirement does not apply for the entry because of section 78R(c)(ii).

## **78M Required contents of entry notice**

- (1) An entry notice must state the following—
- (a) the land proposed to be entered;
  - (b) the period during which the land will be entered (the ***entry period***);
  - (c) the activities proposed to be carried out on the land;
  - (d) when and where the activities are proposed to be carried out;
  - (e) contact details for—
    - (i) the relevant 1923 Act petroleum tenure holder; or
    - (ii) another person the holder has authorised to discuss the matters stated in the notice.
- (2) Also, the first entry notice from the 1923 Act petroleum tenure holder to a particular owner or occupier must be accompanied by or include a copy of—

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- (a) the 1923 Act petroleum tenure; and
  - (b) the land access code; and
  - (c) any code of practice made under this Act applying to authorised activities for the 1923 Act petroleum tenure; and
  - (d) the relevant environmental authority documentation.
- (3) The entry period can not be longer than—
- (a) generally—
    - (i) for an authority to prospect—6 months; or
    - (ii) for a lease or water monitoring authority—1 year; or
  - (b) if the relevant owner or occupier agrees in writing to a longer period—the longer period.
- (4) Subject to subsections (1) to (3), an entry notice may state an entry period that is different to the entry period stated in another entry notice given by the 1923 Act petroleum tenure holder to another owner or occupier of the land.
- (5) In this section—
- relevant environmental authority documentation*** means—
- (a) if, under the Environmental Protection Act, the relevant environmental authority for the 1923 Act petroleum tenure is a code compliant authority—the relevant code; or
  - (b) if, under Environmental Protection Act, the relevant environmental authority for the 1923 Act petroleum tenure is a non-code compliant authority—
    - (i) the environmental authority; and
    - (ii) if the environmental authority imposes conditions by referring to a code—that code.

[s 78N]

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## **78N Exemptions from entry notice requirement**

- (1) The requirement under section 78L(1) to give an entry notice does not apply for an entry to land to carry out an authorised activity if any of the following apply—
  - (a) the 1923 Act petroleum tenure holder owns the land;
  - (b) the holder has the right other than under this Act to enter the land to carry out the activity;
  - (c) if—
    - (i) there is a conduct and compensation agreement relating to the land; and
    - (ii) each eligible claimant for the land is a party to the agreement; and
    - (iii) the agreement includes a waiver of entry notice;
  - (d) the entry is to preserve life or property or because of an emergency that exists or may exist;
  - (e) the relevant owner or occupier has, by signed writing, given a waiver of entry notice.
- (2) A waiver of entry notice mentioned in subsection (1) must comply with section 78O(1).

## **78O Provisions for waiver of entry notice**

- (1) A waiver of entry notice mentioned in section 78N must—
  - (a) if it does not form part of a conduct and compensation agreement, be written and signed; and
  - (b) state the following—
    - (i) that the relevant owner or occupier has been told they are not required to agree to the waiver of entry notice;
    - (ii) the authorised activities proposed to be carried out on the land;
    - (iii) the period during which the land will be entered;



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- (iv) when and where the activities are proposed to be carried out.
  - (2) The relevant owner or occupier can not withdraw the waiver of entry notice during the period.
  - (3) The waiver of entry notice ceases to have effect at the end of the period.

### **78P Giving entry notice by publication**

- (1) The chief executive may approve a 1923 Act petroleum tenure holder giving an entry notice for the tenure by publishing it in a stated way.
- (2) The publication may relate to more than 1 entry notice.
- (3) The chief executive may give the approval only if satisfied—
  - (a) for a relevant owner or occupier who is an individual, it is impracticable to give the owner or occupier the notice personally; and
  - (b) the publication will happen at least 20 business days before the entry.

## **Subdivision 2 Conduct and compensation agreement requirement for particular advanced activities**

### **78Q Conduct and compensation agreement requirement**

- (1) A person must not enter private land in a 1923 Act petroleum tenure's area to carry out an advanced activity for the tenure (the *relevant activity*) unless each eligible claimant for the land is a party to an appropriate conduct and compensation agreement.

Maximum penalty—500 penalty units.

- (2) The requirement under subsection (1) is the *conduct and compensation agreement requirement*.

[s 78R]

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*Note—*

For conduct and compensation agreements, see part 6K.

(3) In this section—

***appropriate conduct and compensation agreement***, for an eligible claimant, means a conduct and compensation agreement about the holder's compensation liability to the eligible claimant of at least to the extent the liability relates to the relevant activity and its effects.

### **78R Exemptions from conduct and compensation agreement requirement**

The conduct and compensation agreement requirement does not apply for an entry to land to carry out an advanced activity if any of the following apply—

- (a) the 1923 Act petroleum tenure holder owns the land;
- (b) the holder has the right other than under this Act to enter the land to carry out the activity;
- (c) each eligible claimant for the land is—
  - (i) a party to an agreement, complying with section 78S, that a conduct and compensation agreement can be entered into after the entry (a ***deferral agreement***); or
  - (ii) an applicant or respondent to a Land Court application under section 79VB relating to the land;
- (d) the entry is to preserve life or property or because of an emergency that exists or may exist.

### **78S Requirements for deferral agreement**

A deferral agreement must—

- (a) be written and signed by or for the holder and each eligible claimant for the land to be entered; and
- (b) state the following—

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- (i) that the eligible claimant has been told the claimant is under no obligation to enter into a deferral agreement before entering into a conduct and compensation agreement;
  - (ii) the authorised activities proposed to be carried out on the land;
  - (iii) the period during which the land will be entered;
  - (iv) when and where the activities are proposed to be carried out;
  - (v) the period for which the deferral agreement has effect;
  - (vi) when it is proposed to enter into a conduct and compensation agreement.

## **Division 4                      Provisions for dealings or change in ownership or occupancy**

### **78T      Entry notice or waiver of entry notice not affected by dealing**

A dealing with a 1923 Act petroleum tenure does not affect an entry notice or waiver of entry notice given or made in relation to the tenure.

### **78U      Change in ownership or occupancy**

- (1) If, after the giving of an entry notice, the ownership or occupancy of the relevant land changes—
  - (a) the holder of the 1923 Act petroleum tenure for which the entry notice was given is taken to have given that notice to each new owner or occupier of the land; and
  - (b) section 78M(1) does not apply for the new owner or occupier for the entry period stated in the notice.
- (2) If, after the giving of a waiver of entry notice, the ownership or occupancy of the relevant land changes, each new owner or

[s 78V]

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occupier of the land is taken to have given that waiver of entry notice.

- (3) If the relevant 1923 Act petroleum tenure holder becomes aware of a new owner or occupier mentioned in subsection (1) or (2), the holder must, within 15 business days, give the new owner or occupier a copy of the entry notice or waiver of entry notice.
- (4) If the holder does not comply with subsection (3), subsections (1) and (2) cease to apply for the entry notice or waiver of entry notice.

## **Division 5                      Periodic notice after entry of land**

### **78V      Notice to owners and occupiers**

- (1) This section applies if private land has been entered to carry out authorised activities for a 1923 Act petroleum tenure.
- (2) The tenure holder must, within 3 months after the end of the period under subsection (3), (4) or (5), give each owner and occupier of the land a notice stating—
  - (a) what activities were carried out on the land during that period, and where they were carried out; or
  - (b) if no activities were carried out on the land during the period—that no activities were carried out on the land during that period.
- (3) If an entry notice was given for the entry to all owners or occupiers of the land, the period for subsection (2) is the period stated in the entry notice.
- (4) If all owners or occupiers of the land gave a waiver of entry notice for the entry, the period for subsection (2) is the longer of following periods after the giving of the waiver of entry notice—
  - (a) either—
    - (i) for an authority to prospect—6 months; or

- (ii) for a lease—1 year;
  - (b) if, within the period under paragraph (a), each owner or occupier of the land consented to a longer period—the longer period.
- (5) If an entry notice for the entry was given to some of the owners or occupiers and the rest of the owners or occupiers gave a waiver of entry notice for the entry, the period for subsection (2) is the longer of the periods under subsections (3) or (4).

## **Division 6                      Access to carry out rehabilitation or environmental management**

### **78W    Right of access for authorised activities includes access for rehabilitation and environmental management**

If, under this part, a 1923 Act petroleum tenure holder has the right to enter private land to carry out authorised activities for the tenure, the right includes the right to enter the land to carry out rehabilitation or environmental management required of the holder under any relevant environmental requirement under the Environmental Protection Act.

## **Part 6I                      Public land**

*Editor's note—*

See however section 165 (Exclusion of pt 6I, div 1 for continuance of particular existing road uses).

### **Division 1                      Public roads**

#### **Subdivision 1                  Preliminary**

##### **78X      Significant projects excluded from div 1**

- (1) This division does not apply for a 1923 Act petroleum tenure that is, or is included in, a project declared under the *State Development and Public Works Organisation Act 1971*, section 26, to be a significant project.
- (2) Subsection (1) does not limit or otherwise affect conditions the Coordinator-General may, under the *State Development and Public Works Organisation Act 1971*, part 4, division 7, recommend for the tenure.

##### **78Y      What is a *notifiable road use***

- (1) A *notifiable road use*, for a 1923 Act petroleum tenure, is—
  - (a) the use of a public road in the area of the tenure for transport relating to a seismic survey or drilling activity; or
  - (b) the use of a public road at more than the threshold rate if the haulage relates to—
    - (i) the transportation of petroleum produced or processed in the area of the tenure; or
    - (ii) the construction of a pipeline.
- (2) Subsection (1)(b) applies even if the road is not on land in the area of the tenure.

- (3) In this section—  
*threshold rate* means—
- (a) for a State-controlled road—50000t a year; or
  - (b) for another public road—10000t a year.

## Subdivision 2 Notifiable road uses

### 78Z Notice of notifiable road use

- (1) It is a condition of each 1923 Act petroleum tenure that its holder must not use a public road for a notifiable road use unless the holder has given the public road authority for the road notice that the holder proposes to carry out the use.

*Editor's note—*

See also section 79G (Compensation to be addressed before carrying out notifiable road use).

- (2) The notice must—
- (a) be given—
    - (i) at least 10 business days before the use starts; or
    - (ii) within a shorter period agreed to by the public road authority in writing; and
  - (b) state each of the following—
    - (i) the public road proposed to be used;
    - (ii) the type of haulage under the use;

*Examples of type of haulage—*

- vehicle type
  - material hauled
- (iii) the total weight of material proposed to be hauled;
  - (iv) when the use is proposed to start and end;
  - (v) the frequency of vehicle movements;

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- (vi) contact details for the holder or someone else the holder has authorised to discuss the matters stated in the notice.

## 79 Directions about notifiable road use

- (1) The public road authority for a public road may, by notice, give a 1923 Act petroleum tenure holder a direction (a **road use direction**) about the way the holder may use the road for notifiable road uses being carried out, or proposed to be carried out, by the holder.
- (2) The direction must—
  - (a) be reasonable; and
  - (b) only be about—
    - (i) preserving the condition of the road; or
    - (ii) the safety of road-users or the public; and
  - (c) be accompanied by, or include, an information notice about the decision to give the direction.

*Examples of what a direction may be about—*

- when the road may be used
    - the route for the movement of heavy vehicles
    - safety precautions the holder must take
- (3) The direction may also require the holder to—
  - (a) carry out an assessment of the impacts likely to arise from the notifiable road use the subject of the notice; and
  - (b) consult with the public road authority in carrying out the assessment.
- (4) However—
  - (a) an assessment can not be required if the notifiable road use is transportation relating to a seismic survey or drilling activity; and



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- (b) the public road authority can not require an assessment of an impact to the extent it has already been assessed under an EIS under the Environmental Protection Act, or a similar document under another Act.

### **79A Obligation to comply with road use directions**

It is a condition of each 1923 Act petroleum tenure that its holder must comply with any road use direction given to its holder relating to the tenure, unless the holder has a reasonable excuse.

## **Subdivision 3 Compensation for notifiable road uses**

### **79B Liability to compensate public road authority**

- (1) The holder of each 1923 Act petroleum tenure is liable to compensate the public road authority for a public road for any cost, damage or loss it incurs, or will incur, that is or will be caused by notifiable road uses carried out by the holder that relate to the road.

*Examples of a possible cost for subsection (1)—*

- repair costs to rectify damage to the road caused, or that will be caused, by any of the uses
  - capital costs for unplanned upgrades of the road incurred, or that will be incurred, because of any of the uses
  - bring-forward costs, including interest charges, for a planned upgrade of the road that, because of any of the uses, is or will be required earlier than planned
- (2) The holder's liability under subsection (1) is the holder's **compensation liability** to the public road authority.
- (3) The compensation liability—
- (a) applies whether or not the holder has, under section 78Z, given notice of the use; and
  - (b) is subject to section 79H; and

[s 79C]

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- (c) is in addition to, and does not limit or otherwise affect, the holder's liability under another provision of this Act about compensating the public road authority or anyone else.

## 79C Compensation agreement

- (1) A 1923 Act petroleum tenure holder and the public road authority for a public road may enter into an agreement (a ***compensation agreement***) about the holder's compensation liability to the public road authority relating to the road.
- (2) A compensation agreement may relate to all or part of the liability.
- (3) A compensation agreement must—
  - (a) be signed by, or for, the holder and the public road authority; and
  - (b) state whether it is for all or part of the liability; and
  - (c) if it is for only part of the liability, state—
    - (i) each part of the notifiable road use to which the agreement relates; and
    - (ii) the period for which the agreement has effect; and
  - (d) provide for how and when the liability will be met.
- (4) A compensation agreement may—
  - (a) extend the holder's compensation liability to the public road authority relating to the road to any renewal of the tenure; and
  - (b) provide for—
    - (i) monetary or non-monetary compensation; or
    - (ii) a process by which it may be amended or enforced.

*Example for paragraph (b)—*

A compensation agreement may provide for compensation under it to be reviewed on the happening of a material change in circumstances for the 1923 Act petroleum tenure, including a

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significant decrease or increase in the extent of the relevant notifiable road use.

- (5) Subsections (2) to (4) do not limit the matters that may be provided for in a compensation agreement.

### **79D Deciding compensation through Land Court**

- (1) The public road authority for a public road or a 1923 Act petroleum tenure holder may apply (a ***compensation application***) to the Land Court for the Land Court to decide the holder's compensation liability to the public road authority relating to the road.
- (2) The Land Court may decide the compensation liability only to the extent it is not subject to a compensation agreement.
- (3) In making the decision, the Land Court may have regard to whether the applicant has attempted to mediate or negotiate the compensation liability.

### **79E Criteria for decision**

- (1) The criteria the Land Court must consider, in deciding a compensation application, include—
- (a) the reasonableness of the cost, damage or loss claimed; and
- (b) if the public road authority is a local government—the extent to which the cost, damage or loss claimed has been, will be or ought reasonably to be or to have been, paid from—
- (i) amounts the 1923 Act petroleum tenure holder has paid, or agreed to pay, the public road authority for notifiable road uses; or
- (ii) rates and charges under the *Local Government Act 2009* paid or payable by the holder to the public road authority; and
- (c) any other relevant matter.

[s 79F]

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- (2) In considering the reasonableness of any cost, damage or loss claimed, the Land Court must have regard to—
  - (a) any action taken, or proposed, by the holder to, or to attempt to, avoid, minimise or remedy the cost, damage or loss; and
  - (b) any relevant act or omission of the public road authority.
- (3) Subsection (1)(b)(ii) applies whether or not the rates and charges relate to notifiable road uses.

### **79F Land Court review of compensation**

- (1) This section applies if—
  - (a) the compensation liability, or future compensation liability, of a 1923 Act petroleum tenure holder to a public road authority has been agreed to under a compensation agreement or decided by the Land Court (the *original compensation*); and
  - (b) there has, since the agreement or decision, been a material change in circumstances.

*Example of a material change in circumstances—*

a significant decrease or increase in the extent of the relevant notifiable road use

- (2) The public road authority or the holder may apply to the Land Court for it to review the original compensation.
- (3) Sections 79D and 79E apply for the review as if the application were a compensation application.
- (4) The Land Court may, after carrying out the review, decide to confirm the original compensation or amend it in a way the Land Court considers appropriate.
- (5) However, before making the decision, the Land Court must have regard to—
  - (a) the original compensation; and

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- (b) whether the applicant has attempted to mediate or negotiate an amendment of the original compensation; and
  - (c) any change in the matters mentioned in section 79E(1) since the original compensation was agreed or decided.
- (6) If the decision is to amend the original compensation, the original compensation as amended under the decision, is for this Act, taken to be the original compensation.

**79G Compensation to be addressed before carrying out notifiable road use**

- (1) It is a condition of each 1923 Act petroleum tenure that its holder must not carry out a notifiable road use on a public road unless—
  - (a) the holder and the relevant public road authority have signed a compensation agreement for the use; or
  - (b) the public road authority has given written consent to the carrying out of the use; or
  - (c) a compensation application has been made to decide the holder's compensation liability to the public road authority relating to the road.
- (2) A consent under subsection (1)(b) may be given for any renewal of the tenure.

**79H Compensation not affected by change in administration or holder**

- (1) An agreement or decision under this part about compensation liability is binding on—
  - (a) the relevant public road authority; and
  - (b) the relevant 1923 Act petroleum tenure holder; and
  - (c) each of their personal representatives, successors and assigns.
- (2) Subsection (1) is subject to section 79F.

## Division 2                      Other public land

### 79I      Requirement for entry notice to carry out authorised activities

- (1) This section does not apply for a notifiable road use.

*Editor's note—*

See sections 78Z (Notice of notifiable road use) and 79 (Directions about notifiable road use).

- (2) A 1923 Act petroleum tenure holder must not enter public land to carry out an authorised activity for the tenure on public land unless—

- (a) the activity is an activity that may be carried out by a member of the public without requiring the specific approval of the public land authority for the land; or

*Example—*

travelling on a public road in the area of the 1923 Act petroleum tenure

- (b) the holder has, at least 30 business days before the entry, given the public land authority notice under this part (an **entry notice**) of the proposed entry; or
- (c) the entry is needed to preserve life or property because of a dangerous situation or emergency that exists, or may exist; or
- (d) the public land authority has agreed that an entry notice is not required.

Maximum penalty for subsection (2)—100 penalty units.

*Editor's note—*

See part 6H (Private land) and section 78Z (Notice of notifiable road use).

- (3) An agreement under subsection (2)(d) is a **waiver of entry notice**.

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## **79J Waiver of entry notice**

- (1) A waiver of entry notice—
  - (a) may be given only by signed writing; and
  - (b) must state each of the following—
    - (i) that the public land authority has been told it is not required to agree to the waiver of entry notice;
    - (ii) the authorised activities proposed to be carried out on the land;
    - (iii) the period during which the land will be entered;
    - (iv) when and where the activities are proposed to be carried out.
- (2) The public land authority can not withdraw the waiver of entry notice during the period.
- (3) The waiver of entry notice ceases to have effect at the end of the period.

## **79K Required contents of entry notice**

- (1) An entry notice must state each of the following—
  - (a) the land proposed to be entered;
  - (b) the period during which the land will be entered (the *entry period*);
  - (c) the activities proposed to be carried out on the land;
  - (d) when and where the activities are proposed to be carried out;
  - (e) contact details for—
    - (i) the relevant 1923 Act petroleum tenure holder; or
    - (ii) another person the holder has authorised to discuss the matters stated in the notice.
- (2) The entry period must not be longer than—
  - (a) for an authority to prospect—6 months; or

[s 79L]

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- (b) for a lease—1 year.
- (3) However, the entry period may be longer if the public land authority agrees in writing.
- (4) Subject to subsections (2) and (3), an entry notice given to 1 public land authority in relation to the public land may state a different entry period from an entry notice given to another public land authority in relation to the public land.
- (5) If a proposed activity is not likely to significantly disrupt activities the public land authority ordinarily carries out on the land, the entry notice may comply with subsection (1)(c) and (d) by generally describing the nature and extent of the activity.

#### **79L Conditions public land authority may impose**

- (1) A public land authority may impose relevant and reasonable conditions on a 1923 Act petroleum tenure holder including, for example, about giving the public land authority—
  - (a) notice of proposed entry—
    - (i) generally—at least 2 business days before the proposed entry; or
    - (ii) if the holder and the public land authority have agreed to a longer or shorter period for giving the notice—within the longer or shorter period; or
  - (b) notice at stated intervals of activities carried out by, or for, the holder on the land.
- (2) However, the public land authority can not impose a condition that is the same, or substantially the same as, or inconsistent with, a condition of the tenure or a relevant environmental authority.
- (3) Despite subsection (2), if the public land authority is the chief executive of the department in which the *Nature Conservation Act 1992* is administered, that chief executive may impose a condition more stringent than the conditions of the environmental authority.



- (4) If the authority decides to impose a condition, other than a condition agreed to or requested by the holder, it must give the holder an information notice about the decision.
- (5) In carrying out the activity, the holder must comply with the conditions.

Maximum penalty for subsection (5)—100 penalty units.

## **Part 6J                      Access to land in area of another 1923 Act petroleum tenure, a 2004 Act petroleum authority or a mining tenement**

### **79M    Application of pt 6J**

- (1) This part applies for a 1923 Act petroleum tenure (the *first tenure*) in relation to land that is outside its area and in the area of another 1923 Act petroleum tenure, a 2004 Act petroleum authority, a GHG authority or a mining tenement (the *second tenure*).
- (2) However, if the land is also private or public land, this part does not limit part 6H or 6I.

*Editor's note—*

See also section 3 (Relationship with Mineral Resources Act) and the Mineral Resources Act, section 403 (Offences regarding land subject to mining claim or mining lease).

### **79N    Access to land in area of lease under this Act, a 2004 Act lease or a mining lease**

If the second tenure is a lease under this Act, a 2004 Act lease or a mining lease, the first tenure holder may enter the land only if—

- (a) the second tenure holder has consented in writing to the entry; and
- (b) the first tenure holder has lodged at the following office a notice stating that the consent has been given—
  - (i) the office of the department for lodging the notice, as stated in a gazette notice by the chief executive;
  - (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive.

**79O Access to land in area of another type of mining tenement or 1923 Act petroleum tenure**

- (1) If the second tenure is not a mining lease, a 2004 Act lease or a petroleum lease, the first tenure holder may do the following without the second tenure holder's consent—
  - (a) cross the land if it is reasonably necessary to allow the first tenure holder to enter the area of the first tenure; and
  - (b) carry out activities on the land that are reasonably necessary to allow the crossing of the land.
- (2) However, a right under subsection (1) may be exercised only if its exercise does not adversely affect the carrying out of an authorised activity for the second tenure.
- (3) Subsection (2) applies whether or not the authorised activity has already started.

*Editor's note—*

See however the 2004 Act, section 364 (Restriction on authorised activities on overlapping ATP land).

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## **Part 6K Compensation and negotiated access**

### **Division 1 Compensation other than for notifiable road uses**

#### **Subdivision 1 Preliminary**

##### **79P Application of div 1**

This division does not apply for a public land authority in relation to a notifiable road use.

#### **Subdivision 2 General provisions**

##### **79Q General liability to compensate**

- (1) The holder of each 1923 Act petroleum tenure is liable to compensate each owner or occupier of private land or public land in the area of, or access land for, the tenure (an *eligible claimant*) for any compensatable effect the eligible claimant suffers caused by relevant authorised activities.
- (2) A 1923 Act petroleum tenure holder's liability under subsection (1) to an eligible claimant is the holder's *compensation liability* to the claimant.
- (3) This section is subject to section 79VE.
- (4) In this section—  
*compensatable effect* means all or any of the following—
  - (a) all or any of the following relating to the eligible claimant's land—
    - (i) deprivation of possession of its surface;
    - (ii) diminution of its value;

[s 79R]

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- (iii) diminution of the use made or that may be made of the land or any improvement on it;
  - (iv) severance of any part of the land from other parts of the land or from other land that the eligible claimant owns;
  - (v) any cost, damage or loss arising from the carrying out of activities under the 1923 Act petroleum tenure on the land;
- (b) accounting, legal or valuation costs the claimant necessarily and reasonably incurs to negotiate or prepare a conduct and compensation agreement, other than the costs of a person facilitating an ADR;

*Examples of negotiation—*

an ADR or conference

- (c) consequential damages the eligible claimant incurs because of a matter mentioned in paragraph (a) or (b).

***relevant authorised activities*** means authorised activities for the 1923 Act petroleum tenure carried out by the holder or a person authorised by the holder.

### **Subdivision 3      General provisions for conduct and compensation agreements**

#### **79R      Conduct and compensation agreement**

- (1) An eligible claimant and a 1923 Act petroleum tenure holder may enter into an agreement (a ***conduct and compensation agreement***) about—
- (a) how and when the 1923 Act petroleum tenure holder may enter the land for which the eligible claimant is an eligible claimant; and
  - (b) how authorised activities under the 1923 Act petroleum tenure, to the extent they relate to the eligible claimant, must be carried out; and

- (c) the holder's compensation liability to the claimant or any future compensation liability that the holder may have to the claimant.
- (2) However, a conduct and compensation agreement can not be inconsistent with this Act, a condition of the 1923 Act petroleum tenure or a mandatory provision of the land access code and is unenforceable to the extent of the inconsistency.
- (3) A conduct and compensation agreement may relate to all or part of the liability or future liability.

### **79S Content of conduct and compensation agreement**

- (1) A conduct and compensation agreement must—
  - (a) provide for the matters mentioned in section 79R(1); and
  - (b) be written and signed by or for the 1923 Act petroleum tenure holder and the eligible claimant; and
  - (c) state whether it is for all or part of the compensation liability; and
  - (d) if it is for only part of the compensation liability, state—
    - (i) details of each activity or effect of the activity to which the agreement relates; and
    - (ii) the period for which the agreement has effect; and
  - (e) provide for how and when the compensation liability will be met.
- (2) A conduct and compensation agreement may—
  - (a) extend the holder's compensation liability to the claimant or any future compensation liability that the holder may have to the claimant to any renewal of the 1923 Act petroleum tenure; and
  - (b) provide for—
    - (i) monetary or non-monetary compensation; or

[s 79T]

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*Example of non-monetary compensation—*

A conduct and compensation agreement may provide for the construction of a road for the claimant.

- (ii) a process by which it may be amended or enforced;  
and

*Example of a process for amendment—*

A conduct and compensation agreement may provide for compensation under it to be reviewed on the happening of a material change in circumstances for the 1923 Act petroleum tenure including a change in the extent of activities required under a later development plan for a lease.

- (c) provide for any compensation that is or may be payable by the holder to the eligible claimant under the Environmental Protection Act.
- (3) This section does not limit the matters that may be provided for in a conduct and compensation agreement.

## **Subdivision 4      Negotiation process**

*Note—*

Generally, a 1923 Act petroleum tenure holder can not enter private land to carry out an advanced activity unless the holder complies with this subdivision. See sections 78Q and 78R.

### **79T      Notice of intent to negotiate**

- (1) A 1923 Act petroleum tenure holder may give an eligible claimant to whom the holder has a compensation liability a notice (the *negotiation notice*) that the holder wishes to negotiate a conduct and compensation agreement or a deferral agreement with the eligible claimant.
- (2) The negotiation notice must be accompanied by a copy of the land access code and state all of the following—
- (a) if the holder wishes to negotiate a conduct and compensation agreement—

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- (i) whether the holder wishes to negotiate all or part of the holder's compensation liability to the eligible claimant; and
    - (ii) if the holder only wishes to negotiate part of the liability—what the part is;
  - (b) if the holder wishes to negotiate a deferral agreement—that wish and the reasons for it;
  - (c) the land the holder proposes to enter;
  - (d) the activities proposed to be carried out on the land;
  - (e) when and where the activities are proposed to be carried out;
  - (f) if the holder is a corporation—contact details for the holder and an individual the holder has authorised to negotiate the agreement.
- (3) The 1923 Act petroleum tenure holder must give the chief executive a copy of the negotiation notice immediately after it is given.

Maximum penalty for subsection (3)—10 penalty units.

## **79U Negotiations**

- (1) On the giving of the negotiation notice, the 1923 Act petroleum tenure holder and the eligible claimant (the *parties*) must use all reasonable endeavours to negotiate a conduct and compensation agreement or a deferral agreement (a *relevant agreement*).
- (2) The period of the negotiations—
  - (a) must be at least for the period provided for under section 79UA (the *minimum negotiation period*); but
  - (b) may continue for as long as the parties wish.
- (3) If, during the minimum negotiation period, the parties enter into a relevant agreement, the 1923 Act petroleum tenure

[s 79UA]

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holder can not enter the relevant land to carry out advanced activities for the tenure until the period ends.

- (4) Subsection (3) applies despite the terms of the agreement.

### **79UA Provision for the minimum negotiation period**

- (1) Generally, the minimum negotiation period is 20 business days from the giving of the negotiation notice (the *usual period*).
- (2) Either party may, within the usual period, ask the other to agree to a longer minimum negotiation period because of stated reasonable or unforeseen circumstances.
- (3) If the other party so agrees, the longer minimum negotiation period is the minimum negotiation period.

### **79V Cooling-off during minimum negotiation period**

- (1) This section applies if the parties enter into a conduct and compensation agreement or a deferral agreement during the minimum negotiation period.
- (2) Either of the parties may, within the minimum negotiation period, terminate the agreement by giving notice to the other party.
- (3) On the giving of a notice under subsection (2), the terminated agreement is taken never to have had any effect.
- (4) To remove any doubt, it is declared that subsection (3) does not change the time when the negotiation notice was given.

### **79VA Parties may seek conference or independent ADR**

- (1) This section applies if, at the end of the minimum negotiation period, the parties have not entered into a conduct and compensation agreement or deferral agreement.
- (2) Either party may by a notice (an *election notice*)—



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- (a) to the other party and an authorised officer—ask for an authorised officer to call a conference to negotiate a conduct and compensation agreement; or
  - (b) to the other party—call upon them to agree to an alternative dispute resolution process (an *ADR*) to negotiate a conduct and compensation agreement.
- (3) If the notice calls for an ADR, it must—
    - (a) identify the ADR; and
    - (b) state that the party giving the notice agrees to bear the costs of the person who will facilitate the ADR.
  - (4) An ADR may be a process of any kind including, for example, arbitration, conciliation, mediation or negotiation.
  - (5) However, the facilitator must be independent of either party.

### **79VAB Conduct of conference or ADR**

- (1) This section applies if an election notice is given.
- (2) If a conference was requested—
  - (a) the authorised officer must take all reasonable steps to ensure the conference is finished within 20 business days after the notice is given (the *usual period*); and
  - (b) part 6R applies for the conference.
- (3) If an ADR was called for, the parties must use reasonable endeavours to finish it within 20 business days after the giving of the notice (also the *usual period*).
- (4) Either party may, within the usual period, ask the other to agree to a longer period to finish the conference or ADR because of stated reasonable or unforeseen circumstances.
- (5) If the parties agree to the longer period, that period applies instead of the usual period.
- (6) If an ADR was called for, section 103D applies to the ADR as if a reference in the section to a conference were a reference to an ADR.

[s 79VB]

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*Editor's note—*

section 103D (What happens if a party does not attend)

## **Subdivision 5      Deciding compensation through Land Court**

### **79VB Land Court may decide if negotiation process unsuccessful**

- (1) This section applies if an election notice is given and—
  - (a) a party asked an authorised officer to call a conference and the authorised officer does not finish it within the period required under section 79VAB (the *required period*); or
  - (b) a party called for an ADR and the person facilitating the ADR does not finish it within the period required under section 79VAB (also the *required period*).
- (2) This section also applies if an election notice is given and—
  - (a) only 1 party attended the conference requested or ADR called for; or
  - (b) both parties attended the conference or ADR and, at the end of the required period, there is no conduct and compensation agreement between the parties.
- (3) An eligible party may apply to the Land Court for it to decide the 1923 Act petroleum tenure holder's—
  - (a) compensation liability to the claimant; or
  - (b) future compensation liability to the claimant for an authorised activity for the 1923 Act petroleum tenure proposed to be carried out by or for the holder.
- (4) However, the Land Court may decide the liability or future liability only to the extent it is not subject to a conduct and compensation agreement.
- (5) In hearing the application, the Land Court must as much as practicable ensure the hearing happens together with, or as

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closely as possible to, the hearing of any relevant environmental compensation application.

- (6) In this section—

*eligible party* means a party who attended the conference or ADR.

*relevant environmental compensation application* means an application to the Land Court for compensation that is or may be payable by the 1923 Act petroleum tenure holder to the eligible claimant under the Environmental Protection Act.

### **79VC Land Court review of compensation**

- (1) This section applies if—

- (a) the compensation liability or future compensation liability of a 1923 Act petroleum tenure holder to an eligible claimant has been agreed to under a conduct and compensation agreement or decided by the Land Court (the *original compensation*); and
- (b) there has been a material change in circumstances (the *change*) since the agreement or decision.

- (2) The eligible claimant or the holder may apply to the Land Court for it to review the original compensation.

- (3) In carrying out the review, the Land Court may review the original compensation only to the extent it is affected by the change.

- (4) If the Land Court considers the original compensation is not affected by the change, it must not carry out or continue with the review.

- (5) The Land Court may, after carrying out the review, decide to confirm the original compensation or amend it in a way the court considers appropriate.

- (6) If the decision is to amend the compensation, the original compensation as amended under the decision is, for this Act, taken to be the original compensation.

[s 79VD]

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### **79VD Orders Land Court may make**

- (1) The Land Court may make any order it considers appropriate to meet or enforce its decision on an application under this part.
- (2) Without limiting subsection (1), the Land Court may order non-monetary compensation as well as monetary compensation.

## **Subdivision 6 Additional Land Court jurisdiction for compensation and related matters**

### **79VDA What sdiv 6 is about**

- (1) This subdivision provides for additional matters for which the Land Court has jurisdiction.
- (2) The jurisdiction is subject to subdivisions 1 to 5.

### **79VDB Additional jurisdiction**

- (1) This section applies to a 1923 Act petroleum tenure holder and an eligible claimant (the *parties*) if any of the following apply—
  - (a) the 1923 Act petroleum tenure holder has carried out a preliminary activity;
  - (b) the parties can not reach agreement about a conduct and compensation agreement;
  - (c) there is a conduct and compensation agreement or deferral agreement between the parties.
- (2) The Land Court may do all or any of the following—
  - (a) assess all or part of the relevant 1923 Act petroleum tenure holder's compensation liability to another party;
  - (b) decide a matter related to the compensation liability;

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- (c) declare whether or not a proposed authorised activity for the relevant 1923 Act petroleum tenure would, if carried out, interfere with the carrying out of lawful activities by the eligible claimant;
  - (d) make any order it considers necessary or desirable for a matter mentioned in paragraph (a), (b) or (c).

*Example—*

The Land Court declares that a particular proposed authorised activity interferes with the carrying out of lawful activities by the eligible claimant. It may also order that a stated modification of, or reduction in, the activity would remove the interference.

### **79VDC Jurisdiction to impose or vary conditions**

- (1) In deciding a matter mentioned in section 79VDB(2), the Land Court may—
  - (a) impose any condition it considers appropriate for the exercise of the parties' rights; or
  - (b) vary any existing condition under an agreement between the parties.
- (2) The variation may be made on any ground the Land Court considers appropriate.
- (3) The imposed or varied condition is taken to be—
  - (a) if there is an agreement between the parties—a condition of the agreement; or
  - (b) if there is no agreement between the parties—an agreement between the parties.
- (4) In this section—

***agreement*** means a conduct and compensation agreement.

***condition*** means a condition of or for a conduct and compensation agreement.

[s 79VE]

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## **Subdivision 7      Miscellaneous provision**

### **79VE    Compensation not affected by change in ownership or occupancy**

- (1) A conduct and compensation agreement or a Land Court decision under this part is for the benefit of, and is taken to have been agreed to or decided for and is binding on, the following—
  - (a) the relevant eligible claimant;
  - (b) the 1923 Act petroleum tenure holder;
  - (c) each of their successors and assigns including successors and assigns for the area of the relevant 1923 Act petroleum tenure.
- (2) Subsection (1) is subject to section 79VC.

## **Division 2              Compensation for notifiable road uses**

## **Part 6L                Ownership of pipelines, equipment and improvements**

### **Division 1            Pipelines**

#### **79W    Application of div 1**

This division applies for a pipeline constructed or operated under a 1923 Act petroleum tenure.

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**79X General provision about ownership while tenure is in force for pipeline**

- (1) This section applies while the land on which the pipeline is constructed is, and continues to be, land in the area of the tenure.
- (2) The pipeline is taken to be the personal property of the tenure holder.
- (3) The pipeline remains the holder's personal property despite—
  - (a) it having become part of the land; or
  - (b) the sale or other disposal of the land; or
  - (c) a purported transfer of, or other dealing with, the pipeline, unless it is a dealing that has taken effect under section 80G.
- (4) The pipeline can not be—
  - (a) levied or seized in execution; or
  - (b) sold in exercise of a power of sale or otherwise disposed of by a process under a law of a State taken against the holder, or the owner of the land.
- (5) Subsections (2) to (4) apply despite—
  - (a) an Act or law of a State; or
  - (b) a contract, covenant or claim of right under a law of a State.

**79Y Ownership afterwards**

- (1) Section 79X applies and continues to apply for the pipeline, and for any subsequent 1923 Act petroleum tenure under which the pipeline is operated, if the tenure ends or the land on which the pipeline is constructed ceases to be in the area of the tenure.
- (2) However, the section is subject to—
  - (a) section 80L; and
  - (b) any condition of the former tenure.

[s 79Z]

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- (3) Also, if the pipeline is decommissioned under section 75A the 1923 Act petroleum tenure holder, or former 1923 Act petroleum tenure holder, may dispose of it to anyone else.

## Division 2                      Equipment and improvements

### 79Z      Application of div 2

- (1) This division applies if—
- (a) equipment or improvements are taken, constructed or placed on land in the area of a 1923 Act petroleum tenure; and
  - (b) the equipment or improvements were taken, constructed or placed on the land for use for an authorised activity for the tenure; and
  - (c) the tenure continues in force.

- (2) However, this division—
- (a) does not apply for a pipeline; and

*Editor's note—*

See sections 75A (Obligation to decommission pipelines) and 79X (General provision about ownership while tenure is in force for pipeline).

- (b) is subject to part 6O.
- (3) In this section—
- equipment*** includes machinery and plant.

***improvements***—

- (a) does not include a well, water observation bore or water supply bore; but
- (b) does include any works constructed in connection with the well or bore.



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## **80 Ownership of equipment and improvements**

- (1) While the equipment or improvements are on the land, they remain the property of the person who owned them immediately before they were taken, constructed or placed on the land, unless that person otherwise agrees.

*Editor's note—*

See however section 75B (Obligation to remove equipment and improvements).

- (2) However, for a well, water observation bore or water supply bore, subsection (1) is subject to part 6D, divisions 3 and 4.
- (3) Subsection (1) applies despite—
  - (a) the plant or equipment having become part of the land; or
  - (b) the sale or other disposal of the land.
- (4) The equipment or improvements can not be—
  - (a) levied or seized in execution; or
  - (b) sold in exercise of a power of sale or otherwise disposed of by a process under a law of a State taken against the holder, or the owner of the land.
- (5) This section applies despite—
  - (a) an Act or law of a State; or
  - (b) a contract, covenant or claim of right under a law of a State.

## **Part 6M Petroleum register**

### **80A Petroleum register**

- (1) The chief executive must keep a register of details about—
  - (a) 1923 Act petroleum tenures; and

[s 80B]

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- (b) mortgages and subleases of 1923 Act petroleum tenures mentioned in section 80E; and
  - (c) trigger thresholds in relation to the make good obligation for 1923 Act petroleum tenures.
- (2) The chief executive may also keep in the register information that the chief executive considers appropriate about matters relating to this Act or another Act.
  - (3) The register may be kept with the petroleum register under the 2004 Act.

### **80B Keeping of register**

- (1) The chief executive must include in the petroleum register the information prescribed under a regulation.
- (2) If, under this Act, there is a change relating to information required to be kept in the register or to information that, under section 80C(2) the chief executive keeps in the register, the chief executive must—
  - (a) amend the register to reflect the change; and
  - (b) record in the register—
    - (i) when the information was amended; and
    - (ii) for a dealing approved under part 6N—when it took effect or is to take effect.
- (3) For subsection (2), if the change requires approval under this Act, the change happens when the approval takes effect.

### **80C Access to register**

- (1) The chief executive must—
  - (a) keep the petroleum register open for inspection by the public during office hours on business days at the places the chief executive considers appropriate; and

- (b) allow a person, on payment of the fee prescribed under a regulation, to search and take extracts from the register; and
  - (c) give a person who asks for a copy of all or part of a notice, a document or information held in the register the copy on payment of the fee prescribed under a regulation.
- (2) This section is subject to section 80CA.

### **80CA Arrangements with other departments for copies from petroleum register**

- (1) Despite section 80C, the chief executive may enter into an arrangement with another department allowing it to carry out a search of, take extracts from or obtain a copy of, particulars recorded in the petroleum register, without payment of the fees prescribed under section 80C.
- (2) However, the chief executive may enter into an arrangement under subsection (1) only if the chief executive is reasonably satisfied the information obtained from the copy will not be—
  - (a) used for a commercial purpose, including, for example, the marketing or sale of the information or other information; or
  - (b) included in another database of information, in any form, other than with chief executive's approval.

### **80CB Supply of statistical data from petroleum register**

- (1) The chief executive may enter into an agreement to supply statistical data derived from instruments or information kept in the petroleum register.
- (2) If the chief executive supplies statistical data under subsection (1)—
  - (a) the fees and charges applying for the supply of the data are the fees and charges provided for in the agreement; and

[s 80CB]

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- (b) without limiting paragraph (a), the agreement may also state—
  - (i) how the fees and charges are to be calculated; and
  - (ii) how payment of the fees and charges is to be made.
- (3) Without limiting subsection (1), an agreement for the supply of statistical data may limit the use to which the data supplied may be put.
- (4) An agreement for the supply of statistical data must include—
  - (a) a provision allowing the chief executive to exclude particulars from data supplied under the agreement, if the chief executive is satisfied, on reasonable grounds, that inclusion of the particulars may result in the particulars being inappropriately disclosed or used; and
  - (b) a provision allowing the chief executive to prohibit disclosure, or to limit distribution or use, of data supplied under the agreement.
- (5) An agreement under this section must not provide for the obtaining of information or anything else that may be obtained under section 80C.
- (6) The chief executive must exclude petroleum authority particulars and personal information from data supplied under the agreement.
- (7) Subsection (6) applies despite anything in the agreement.
- (8) In this section—

***personal information*** means a particular from any instrument or information kept by the chief executive that may allow a person to identify a person to whom the instrument or information relates.

***petroleum authority particulars*** means particulars from any instrument or information kept by the chief executive that may allow a person to identify a 1923 Act petroleum tenure to which the instrument or information relates.

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## **80D Chief executive may correct register**

- (1) The chief executive may correct the petroleum register if satisfied—
  - (a) the register is incorrect; and
  - (b) the correction will not prejudice the rights, recorded in the register, of a 1923 Act petroleum tenure holder, a person who holds an interest in a 1923 Act petroleum tenure or a person who is a party to a coordination arrangement.
- (2) The power to correct includes power to correct information in the register or a document forming part of the register.
- (3) If the register is corrected, the chief executive must record in it—
  - (a) the state of the register before the correction; and
  - (b) the time, date and circumstances of the correction.
- (4) A correction under this section has the same effect as if the relevant error had not been made.
- (5) For subsection (1)(b), a right is not prejudiced if the relevant person acquired or has dealt with the right with actual or constructive knowledge that the register was incorrect and how it was incorrect.

## **Part 6N Dealings**

### **Division 1 Dealings**

#### **80E What is a *dealing***

- (1) Each of the following is a *dealing*—
  - (a) a transfer of a 1923 Act petroleum tenure, or of a share in a 1923 Act petroleum tenure;

[s 80G]

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- (b) a mortgage of a 1923 Act petroleum tenure, or a share in a 1923 Act petroleum tenure;
  - (c) a release, transfer or surrender of a mortgage mentioned in paragraph (b);
  - (d) a sublease, or a share in a sublease, of a lease;
  - (e) a transfer of a sublease mentioned in paragraph (d).
- (2) However, a transfer that has the effect of transferring a divided part of the area of a 1923 Act petroleum tenure is not a dealing.

*Examples of a divided part of the area of a 1923 Act petroleum tenure—*

- a specific part of the surface of the area
- a specific strata beneath the surface of the area

- (3) In this section—

***transfer*** includes—

- (a) a transmission by death; and
- (b) a transfer by operation of law.

*Example—*

A 1923 Act petroleum tenure is held by individuals as joint tenants and one of them dies. A transfer in relation to the tenure includes a record of the death, to record the passing by survivorship of the deceased holder's share of the tenure to the other holders.

## **80G Conditions for permitted dealings**

- (1) A dealing has no effect until it has been approved under division 2.
- (2) A dealing, once approved, takes effect on—
  - (a) the day the dealing is concluded; or
  - (b) if, under section 80J(5), the approval provides for a later day for the dealing to take effect—that later day.
- (3) The approval of a dealing does not of itself give it any more effect or validity than it would have had, had subsection (1) not been enacted.

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## **Division 2                      Obtaining approval for dealing**

### **80H    Minister may give indication for proposed dealing**

- (1) A party to a proposed dealing may ask the Minister, before concluding the dealing, to indicate—
  - (a) whether the Minister is likely to approve of it; and
  - (b) if conditions are likely to be imposed on the dealing—what the conditions are likely to be.
- (2) The request may be made in any way the Minister considers appropriate.
- (3) However, the Minister must not consider the request unless the fee prescribed under a regulation has been paid.
- (4) The party must give the Minister the information the Minister requires to give the indication.
- (5) In considering the request the Minister must consider the matters mentioned in section 80K as if the request were an application for approval of a dealing.

### **80I    Applying for approval**

- (1) A holder of a relevant 1923 Act petroleum tenure interest who is party to a dealing may apply for approval of the dealing.
- (2) The application must be—
  - (a) in the approved form; and
  - (b) lodged at—
    - (i) the office of the department for lodging applications to approve dealings, as stated in a gazette notice by the chief executive; or
    - (ii) if no office is gazetted under subparagraph (i)—the office stated in the approved form; or
    - (iii) otherwise—the office of the chief executive; and
  - (c) accompanied by each of the following—

[s 80J]

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- (i) the instrument for the dealing, signed by the parties to the dealing, and a copy of it certified to be a true copy of the original;
- (ii) for a transfer of a share in a 1923 Act petroleum tenure, a written consent to the transfer by—
  - (A) each person who holds that interest and each other person who holds a share of the tenure; and
  - (B) if the interest is subject to a mortgage—the mortgagee;
- (iii) the fee prescribed under a regulation.

## **80J Deciding application**

- (1) The Minister may decide to grant or refuse the approval.
- (2) However, for a transfer of a 1923 Act petroleum tenure, other than an exempt transfer, the approval may be granted only if the proposed transferee—
  - (a) is a holder of the relevant environmental authority for the tenure; and
  - (b) either—
    - (i) any financial assurance required under the Environmental Protection Act for the environmental authority has been given; or
    - (ii) the administering authority under that Act has given the Minister notice that the administering authority has not required financial assurance under that Act from the proposed transferee for the environmental authority.
- (3) Also, the approval is taken to have been granted if—
  - (a) the proposed dealing is any of the following—
    - (i) a mortgage of a 1923 Act petroleum tenure or of a share in a 1923 Act petroleum tenure;



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- (ii) a release, transfer or surrender of a mortgage mentioned in subparagraph (i);
  - (iii) a sublease, or a share in a sublease, of a lease;
  - (iv) a transfer of a sublease, or a share in a sublease, mentioned in subparagraph (iii); or
- (b) all of the following apply—
- (i) subsection (2) does not prevent the granting of the approval;
  - (ii) under section 80H, an indication of the approval has been given for the proposed dealing;
  - (iii) if, under that section, an indication of likely conditions was given—the conditions are complied with within 6 months after the giving of the indication.
- (4) Despite subsection (3)(b), the approval is taken not to have been granted if—
- (a) the request for the indication contained incorrect material information or omitted material information; and
  - (b) had the Minister been aware of the discrepancy, the Minister would not have given the indication.
- (5) The approval may provide that it has effect from when the dealing was concluded or a later stated day.
- (6) The Minister may, as a condition of deciding to grant the approval, require the proposed transferee to give, under section 78E, security for the petroleum tenure as if the proposed transferee were an applicant for the tenure.
- (6A) If the applicant does not comply with the requirement, the application may be refused.
- (7) On refusal of the approval, the applicant must be given an information notice about the decision to refuse.
- (8) In this section—
- exempt transfer* means a transfer under which—

[s 80K]

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- (a) the proposed transferee is someone who holds the same Australian Business Number to any proposed transferor; or
- (b) all of one holder's share in the 1923 Act petroleum tenure will be transferred to another holder of the tenure.

### **80K Criteria for decision**

- (1) This section does not apply—
  - (a) if, under section 80J(3), the approval is taken to have been granted; or
  - (b) to an exempt transfer under section 80J.
- (2) The matters that must be considered in deciding whether to approve the dealing include—
  - (a) the application and any additional information given for the application; and
  - (b) for a transfer—the capability criteria; and
  - (c) whether, in relation to the 1923 Act petroleum tenure—
    - (i) any petroleum royalty is payable and unpaid by its holder; or
    - (ii) the holder has failed to comply with the 2004 Act, section 594, 595, 599 or 602; and
  - (d) the public interest.

## **Part 6O Enforcement of end of tenure and area reduction obligations**

### **80L Power of authorised person to ensure compliance**

- (1) This section applies if the holder, or former holder, of a 1923 Act petroleum tenure has not complied with section 75A, 75B or 75U in relation to land (the *primary land*).

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- (2) A person authorised by the chief executive (the *authorised person*) may, by complying with section 80M, exercise the following powers (*remedial powers*)—
    - (a) enter the primary land and do all things necessary to ensure the requirement is complied with; and
    - (b) enter any other land (the *secondary land*) necessary or desirable to cross for access to the primary land.
  - (3) The authorisation—
    - (a) must be written; and
    - (b) may be given on conditions the Minister considers appropriate.
  - (4) The remedial powers do not include power to enter a structure, or a part of a structure, used for residential purposes without the consent of the occupier of the structure or part of the structure.

### **80M Requirements for entry to ensure compliance**

- (1) Remedial powers may be exercised in relation to the primary or secondary land under section 80L only if a following person is given notice of the proposed entry at least 10 business days before the proposed entry—
  - (a) if the land has an occupier—any occupier of the land;
  - (b) if the land does not have an occupier—its owner.
- (2) The notice must—
  - (a) identify the authorised person; and
  - (b) describe the land; and
  - (c) state—
    - (i) that the authorised person has, under this section, been authorised to enter the land; and
    - (ii) the purpose of the entry; and
    - (iii) the period of the entry.

[s 80N]

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- (3) The chief executive may approve the giving of the notice by publishing it in a stated way.
- (4) The chief executive may give the approval only if satisfied the publication is reasonably likely to adequately inform the person to whom the notice is required to be given of the proposed entry.
- (5) If the authorised person intends to enter the land and any occupier of the land is present at the land, the person also must show, or make a reasonable attempt to show, the occupier the person's authorisation under this section.

### **80N Duty to avoid damage in exercising remedial powers**

In exercising remedial powers, a person must take all reasonable steps to ensure the person causes as little inconvenience, and does as little damage, as is practicable.

### **80O Notice of damage because of exercise of remedial powers**

- (1) If a person exercising remedial powers damages land or something on it, the person must give the owner and any occupier of the land notice of the damage.
- (2) If for any reason it is not practicable to comply with subsection (1), the person must—
  - (a) leave the notice at the place where the damage happened; and
  - (b) ensure it is left in a conspicuous place and in a reasonably secure way.
- (3) The notice must state—
  - (a) particulars of the damage; and
  - (b) that the owner or occupier may claim compensation under section 80P from the State.

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**80P Compensation for exercise of remedial powers**

- (1) This section applies if an owner or occupier of land (the *claimant*) suffers a cost, damage or loss because of the exercise, or purported exercise, of remedial powers.
- (2) Compensation is payable to the claimant by the State for the cost, damage or loss.
- (3) The compensation may be claimed and ordered in a proceeding brought in a court of competent jurisdiction.
- (4) The court may order the compensation only if it is satisfied it is just to make the order in the circumstances of the particular case.

**80Q Ownership of thing removed in exercise of remedial powers**

- (1) This section applies if—
  - (a) remedial powers are exercised in relation to land; and
  - (b) in the exercise of the powers a thing is removed from the land; and
  - (c) immediately before the removal, the thing was the property of—
    - (i) the holder, or former holder, of a 1923 Act petroleum tenure in relation to whom the powers were exercised; or
    - (ii) an agent of, or contractor for, the holder.
- (2) On the removal, the thing becomes the property of the State.
- (3) The State may deal with the thing as it considers appropriate, including, for example, by destroying it or giving it away.
- (4) The chief executive may deal with the thing for the State.
- (5) If the State sells the thing, the State may, after deducting the costs of the sale, return the net proceeds of the sale to the former owner of the thing.

[s 80R]

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*Editor's note—*

See also section 80R(2).

## **80R Recovery of costs of and compensation for exercise of remedial power**

- (1) The State may recover from the responsible person as a debt any—
  - (a) reasonable costs the State, or an authorised person under section 80L, incurs in exercising a remedial power; and
  - (b) compensation payable by the State under section 80P in relation to the exercise of the remedial power.

*Editor's note—*

See also section 118 (Additional orders that may be made on conviction).

- (2) However, in any proceeding to recover the costs, any relevant net proceeds of sale mentioned in section 80Q must be deducted from the amount claimed for the costs.
- (3) In this section—

***relevant net proceeds of sale*** means proceeds of sale under which the thing sold was the property of the responsible person immediately before its removal under section 80Q.

***responsible person*** means the holder, or former holder, of the 1923 Act petroleum tenure in relation to which the remedial powers were exercised.

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## Part 6P Noncompliance procedure

### Division 1 Introduction

#### 80S Operation of pt 6P

- (1) This part provides a process for noncompliance action against the holder of any 1923 Act petroleum tenure.
- (2) The power to take noncompliance action under this division does not limit a power as follows (the *other power*)—
  - (a) the power under part 6G to require new or additional security;
  - (b) a power under another provision of this Act to amend the tenure.
- (3) The other power does not limit the power to take noncompliance action.
- (4) Noncompliance action may be taken at the same time as the other power is exercised.

### Division 2 Noncompliance action

#### 80T Types of noncompliance action that may be taken

- (1) The noncompliance action the Minister may take under this division is all or any of the following—
  - (a) amending the 1923 Act petroleum tenure by doing all or any of the following—
    - (i) reducing the term of the tenure;
    - (ii) reducing its area;

*Example of a possible reduction—*

An authority to prospect holder has not, in contravention of section 74I, carried out work required under the work program for the authority. Noncompliance action may

[s 80T]

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include amending the authority to reduce its area to reflect the work not carried out.

- (iii) amending a condition of the tenure;
- (iv) imposing a new condition;
- (b) requiring the tenure holder to relinquish a stated part of the area of the tenure on or before a stated time;
- (c) cancelling the tenure, immediately or on a stated day;
- (d) cancelling, from a stated day, any work program or development plan and directing its holder to, on or before that day, lodge the following program or plan at the relevant office so that the Minister may decide whether to approve the program or plan—
  - (i) for an authority to prospect—a proposed later work program that complies with the work program requirements;
  - (ii) for a lease—a proposed later development plan that complies with the later development plan requirements;
- (e) requiring the tenure holder to pay the State a penalty of an amount no more than the monetary value of 2000 penalty units.

*Editor's note—*

See section 80W (Notice of proposed noncompliance action).

- (2) However, a requirement under subsection (1)(e) may be made only if the holder has agreed to the requirement being made instead of the taking other noncompliance action under subsection (1).
- (3) A condition or amendment under subsection (1) may restrict the authorised activities for the tenure.
- (4) If, under subsection (1)(c), the tenure is cancelled on a stated day, a condition may be imposed under subsection (1)(a) restricting the authorised activities for the tenure until the cancellation.



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- (5) Noncompliance action may be taken despite the mandatory conditions for the tenure.
- (6) In this section—  
*relevant office* means—
- (a) the office of the department for lodging proposed later work programs or proposed later development plans, as stated in a gazette notice by the chief executive; or
  - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.

### **80U When noncompliance action may be taken**

- (1) Noncompliance action may be taken if—
- (a) an event mentioned in subsection (2) has happened; and
  - (b) the procedure under division 3 for taking the action has been followed; and
  - (c) the 1923 Act petroleum tenure for which the noncompliance action is taken relates to the event for which the action is taken.
- (2) For subsection (1), the event is that the holder—
- (a) is not, or has ceased to be, qualified under section 7AA, to hold a 1923 Act petroleum tenure; or
  - (b) obtained the tenure because of a materially false or misleading representation or declaration, made orally or in writing; or
  - (c) has failed to comply with this Act, a direction given under this Act or the tenure; or
  - (d) did not pay an amount under this Act by the day it became owing; or
  - (e) has used any land in the area of the tenure for an activity that—
    - (i) is not an authorised activity for the tenure or that, under the *Geothermal Exploration Act 2004*,

[s 80V]

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section 7 or the Mineral Resources Act, section 3A, can not be carried out on the land; and

- (ii) the holder can not otherwise lawfully carry out; or
- (f) has used the tenure for a purpose other than for a purpose for which it was granted; or
- (g) has carried out, or purported to carry out, work under the tenure for which the tenure was not granted; or
- (h) is the subject of a notice given to the Minister by the chief executive of the department administering the Water Act, stating that the holder has been convicted of an offence against the Water Act, chapter 3.

### **Division 3                      Procedure for noncompliance action**

#### **80V      Application of div 3**

This section applies if the Minister proposes to take noncompliance action in relation to a 1923 Act petroleum tenure.

#### **80W      Notice of proposed noncompliance action**

- (1) The Minister must give the tenure holder a notice stating each of the following—
  - (a) that the Minister proposes to take noncompliance action against the holder;
  - (b) the types of noncompliance action that may be taken against the holder and the type likely to be taken;
  - (c) the grounds for taking noncompliance action against the holder;
  - (d) the facts and circumstances that are the basis for the grounds;

- (e) that the holder may, within a stated period, lodge submissions about the proposal to take noncompliance action at—
  - (i) the office of the department for lodging the submissions, as stated in a gazette notice by the Minister; or
  - (ii) if no office is gazetted under subparagraph (i)—the office of the Minister.
- (2) The notice may state—
  - (a) if the noncompliance action is likely to include amending the tenure—the likely amendment; and
  - (b) the amount of any likely reduction of the area of the tenure.
- (3) The stated period must be at least 20 business days after the holder is given the notice.

### **80X Considering submissions**

- (1) The Minister must consider any submissions lodged by the holder, during the period stated in the notice given under section 80W.
- (2) If the Minister decides not to take noncompliance action the Minister must promptly give the holder a notice of the decision.

### **80Y Decision on proposed noncompliance action**

- (1) If, after complying with section 80X, the Minister still believes a ground exists to take noncompliance action, the Minister may decide to take noncompliance action in relation to the tenure, that relates to a ground stated in the notice given under section 80W.
- (2) The Minister must, in deciding whether to take the action, have regard to whether the holder is a suitable person to hold, or continue to hold, the tenure.

[s 80Z]

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- (3) In considering whether the holder is a suitable person to hold, or to continue to hold, the tenure the Minister must consider the capability criteria.

## **80Z Notice and taking effect of decision**

- (1) If the Minister makes a decision under section 80Y, the Minister must after making the decision give an information notice about the decision to—
  - (a) the tenure holder; and
  - (b) any other person who holds an interest in the tenure, as recorded in the petroleum register.
- (2) Generally, the decision takes effect on the later of the following—
  - (a) the day the holder is given the information notice;
  - (b) a later day of effect stated in the notice.
- (3) However, if the decision was to cancel the tenure, the decision does not take effect until the end of the appeal period for the decision.

*Editor's note—*

See sections 105 (Period to appeal) and 107 (Stay of operation of decision).

## **81 Consequence of failure to comply with relinquishment requirement**

- (1) This section applies if—
  - (a) noncompliance action taken is a requirement, under section 80T(1)(b), of a 1923 Act petroleum tenure holder; and
  - (b) the requirement is not complied with.
- (2) The holder must be given a notice requiring the holder to comply with the requirement under section 80T(1)(b) within 20 business days after the giving of the notice.

- (3) If the holder does not comply with the requirement under the notice, the tenure is cancelled.
- (4) However, the cancellation does not take effect until the holder is given a notice stating that the tenure has been cancelled because of the operation of subsection (3).

## **Part 6Q                      Other common provisions for 1923 Act petroleum tenures**

### **83            Restrictions on location of drills**

- (1) A lessee or holder of an authority to prospect shall not commence drilling within 60m of any of the outer boundaries of the land comprised in the lease or held under the authority to prospect, as the case may be, unless the adjoining land is not the area of a 1923 Act petroleum tenure or 2004 Act petroleum tenure.
- (2) However, this restriction shall not apply to any bore which is being drilled at the time such lease or authority to prospect of the adjoining land is granted in respect of such adjoining land.

### **84            Prevention of waste etc.**

- (1) Every lessee and holder of an authority to prospect shall carry on all his or her operations in a good and skilful manner in accordance with recognised and approved methods and practice to the satisfaction of the Minister and shall take all reasonable precautions to prevent waste of petroleum developed in the land and to prevent the entrance of water through wells drilled by the lessee or holder to the petroleum deposits so to destroy or injure or be likely to destroy or injure any petroleum deposits.
- (2) Every lessee and holder of an authority to prospect shall carry out at his or her own expense all reasonable requirements directions and orders of the Minister relative to the prevention

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of waste and the protection and preservation of the land held by the lessee or holder, and neighbouring property, and for the safety, protection, and welfare of workers, and shall comply with such rules and directions as are issued by the Minister under this Act as to methods of operation.

- (3) The Minister is authorised to do any and all things necessary to carry out and accomplish the purposes of this Act in that behalf.

## **85 Casing well**

Every lessee and every holder of an authority to prospect unless in any case wholly or partially excused by the Minister from so doing, shall properly case each well with metal casing in accordance with the best approved methods, landing and effectually cementing 1 or more strings of the casing in clay or other water-impervious strata and generally shall take all such steps as may be reasonably necessary for effectually shutting off the escape of all water and for effectually preventing any water from penetrating any petroleum deposits, and for effectually preventing any petroleum from penetrating any aquifer.

## **86 Water rights**

- (1) Notwithstanding the provisions of the Water Act—
  - (a) a holder of an authority to prospect or a lessee may, with the prior permission in writing of the Minister and subject to such terms and conditions as the Minister deems fit, which terms and conditions shall be set out in such permission, search for, obtain, store and use underground water (including artesian and subartesian water) within the limits of the land covered or demised by the authority or lease, for any of the purposes for which such authority or lease was granted and for any purpose incidental thereto;
  - (b) the Minister shall before granting any such permission refer the application for permission to the Water Act

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regulator, who shall investigate the application and make thereon to the Minister a report, together with such recommendation as the Water Act regulator deems fit;

- (c) any permission granted by the Minister pursuant to paragraph (a) may authorise the holder of the authority to prospect or lessee to supply, by agreement between the parties (but subject to the obtaining by such holder or lessee of the prior approval of the Water Act regulator as to the quantities and usage of the water in question), to the owner or occupier of the land covered or demised by the authority or lease, or the owner or occupier of any land adjoining or in the vicinity of such land, any water obtained by such holder or lessee, pursuant to such permission, that is surplus to the requirements of such holder or lessee for the purposes aforementioned.

(2) However—

- (a) a permission under subsection (1) is given on the condition that the authority to prospect holder or lessee complies with the underground water obligations applying to the holder or lessee; and
- (b) water may be supplied under subsection (1)(c) only if the supply is for domestic purposes or stock purposes.

(3) In this section—

*domestic purposes* includes irrigating a garden, not exceeding .25ha, being a garden cultivated for domestic use and not for the sale, barter or exchange of goods produced in the garden.

*stock purposes* means watering stock of a number that would normally be depastured on the land on which the water is, or is to be, used.

## 87 Water monitoring activities

- (1) Despite the Water Act, a 1923 Act petroleum tenure holder may carry out any of the following activities in the area of the

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holder's tenure to comply with its underground water obligations for the tenure—

- (a) gathering information about, or undertaking an assessment of, a water bore;
  - (b) monitoring effects of the exercise of underground water rights for the tenure;
  - (c) constructing or plugging and abandoning a water observation bore;
  - (d) gathering information for preparing an underground water impact report or final report under the Water Act, chapter 3;
  - (e) carrying out any other activity necessary to comply with an underground water obligation of the holder.
- (2) An activity mentioned in subsection (1) is a *water monitoring activity*.
- (3) In this section—

*underground water rights* means the taking of water necessarily taken as part of petroleum production or testing for petroleum production under 1 or more 1923 Act petroleum tenures.

*water bore* see the Water Act, schedule 4.

## **88 Duty to avoid interference in carrying out authorised activities**

A person who carries out an authorised activity for a 1923 Act petroleum tenure must carry out the activity in a way that does not unreasonably interfere with anyone else carrying out a lawful activity.

Maximum penalty—500 penalty units.

## **89 Compliance with Act etc.**

- (1) Every lessee and holder of an authority to prospect shall duly and punctually comply with this Act and with the



requirements, directions, and orders of the Minister given and issued under the terms of the lease or authority to prospect as the case may be.

- (2) The lessee or holder shall conduct all mining drilling and relative productive operations, subject to the inspection of the Minister or authorised officer or representative.
- (3) The lessee or holder shall abide by and conform to regulations in force from time to time covering the matters referred to in the lease or authority to prospect, as the case may be.
- (4) However, the lessee or holder of the authority to prospect shall not be held responsible for delays occasioned by causes beyond his or her control.
- (5) In the event of the lessee or holder of the authority to prospect failing or neglecting to carry out the requirements of the Minister, the Minister by his or her workers and agents shall have the right to enter on the land and carry out any necessary operations at the lessee's or holder's expense.

## **90 Regulations may prescribe further provisions**

The regulations under this Act may provide for and prescribe further provisions and conditions with respect to 1923 Act petroleum tenures.

## **92 Delivery of premises in case of forfeiture**

In the event of a lease being duly forfeited, the lessee shall deliver up the land and improvements thereon, in good order and condition.

## **93 Right to mine for other minerals**

Mining for gold and other minerals therein or thereon may be allowed on such terms and conditions as the Minister may consider reasonable.

## **95 Limits on use of water from natural source**

- (1) A holder of an authority to prospect or a lessee who proposes to take water from any natural source under this Act shall—
  - (a) take all steps to ensure that no water is lost during such taking; and
  - (b) take only such quantity of water as is properly required for his or her purpose in question;to the intent that there shall be left in such source sufficient water to satisfy the reasonable requirements of other persons who may lawfully take water from such source.
- (2) If any dispute arises in respect of the taking of water from such a source any party to the dispute may refer the issue to the Land Court.
- (3) The jurisdiction of the Land Court in respect of such a dispute includes jurisdiction to determine—
  - (a) the quantity of water to be respectively taken from the source in question by the parties to the dispute or any of them;
  - (b) the time and the manner of taking such water by any party to the dispute.
- (4) When the Land Court has made a determination in respect of either of the matters referred to in subsection (3)(a) or (b) the parties to the dispute who are affected thereby shall comply in all respects with such determination.

## **96 Who bound by terms of 1923 Act petroleum tenure**

Each of the obligations and benefits under any authority to prospect or lease shall be binding upon and extend to the heirs, executors, administrators, successors and permitted assigns of the holder of the authority to prospect or the lessee.

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## **100 Union of leases**

- (1) Notwithstanding anything contained in this Act, the Minister may approve of the union of 2 leases, whether the areas embraced in such leases are contiguous or are not contiguous, subject to the following conditions—
  - (a) an application for such union shall be made to the Minister by means of a resolution passed by a majority in number and value (calculated in each case as prescribed) of the persons registered for the time being as holders of the leases concerned;
  - (b) subject to this section or as may be prescribed, all the provisions of this Act governing leases and matters and things concerning same shall apply and extend to any such union of leases, as the case may be.
- (2) Regulations may be made to give full effect to the objects and provisions of this section.

## **101 Minister's power to ensure compliance by 1923 Act petroleum tenure holder**

- (1) This section applies if—
  - (a) a 1923 Act petroleum tenure holder has not complied with a requirement of the holder under this Act; and
  - (b) no other provision of this Act allows someone other than the holder to ensure compliance with the requirement.
- (2) The Minister may take any action the Minister considers appropriate to ensure all or part of the requirement is complied with if—
  - (a) subsections (3) and (4) have been complied with; or
  - (b) the holder has agreed to the Minister taking the action.
- (3) The Minister must give the holder a notice—
  - (a) stating the requirement and the action the Minister proposes to take; and

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- (b) inviting the holder to lodge, within a stated reasonable period, submissions about the proposed action at—
  - (i) the office of the department for lodging the submissions, as stated in a gazette notice by the chief executive; or
  - (ii) if no office is gazetted under paragraph (i)—the office of the chief executive.
- (4) Any submissions lodged by the holder within the stated period must be considered before deciding to take the action.
- (5) A decision to take the action does not take effect until the holder is given an information notice about the decision.
- (6) The State may recover from the holder as a debt any reasonable costs it incurs in the exercise of the power under subsection (2).

*Editor's note—*

See also section 118 (Additional orders that may be made on conviction).

## **102 Interest on amounts owing to the State under this Act**

- (1) Interest is payable to the State on any amount owing under this Act by anyone to the State and unpaid from time to time after the relevant day.

*Examples of an amount that may be owing under this Act—*

annual or other rent, a civil penalty for nonpayment of annual rent

*Editor's note—*

See the 2004 Act, section 602 (Interest on unpaid petroleum royalty or additional petroleum royalty).

- (2) The interest accrues daily at the rate prescribed under a regulation on the unpaid amount for the period starting on the day immediately after the amount became payable and ending on the day the amount owing on which interest is payable is paid in full, both days inclusive.
- (3) Any amount received in payment of the unpaid amount or the interest must first be applied in payment of the interest.

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- (4) Subsection (3) applies despite any order or direction of the payer.
- (5) In this section—  
*relevant day* means the following—
- (a) for an amount for annual or other rent or a civil penalty for nonpayment of the rent—the day that is 3 months after the last day for payment of the rent or civil penalty;
  - (b) for another amount—the day the amount becomes owing.

### **103 Recovery of unpaid amounts**

- (1) If a provision of this Act requires a 1923 Act petroleum tenure holder to pay the State an amount (including interest) the State may recover the amount from the holder as a debt.
- (2) In this section—  
*holder* includes a former holder of the tenure in relation to which the remedial powers were exercised.

## **Part 6R Conferences with eligible claimants or owners and occupiers**

### **Division 1 Preliminary**

#### **103A Application of pt 6R**

- (1) This part applies if an authorised officer is given an election notice by a 1923 Act petroleum tenure holder or an eligible claimant asking for a conference.
- (2) This part also applies if—

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- (a) an owner or occupier of land who is concerned about any of the following gives an authorised officer notice of the concerns—
  - (i) that someone claiming to act under a 1923 Act petroleum tenure, or to have entered land on the tenure holder's instructions—
    - (A) is not authorised to be on the land; or
    - (B) is not complying with a provision of this Act or a condition of the 1923 Act petroleum tenure;
  - (ii) activities being, or proposed to be, carried out on the land apparently under a 1923 Act petroleum tenure (including when the activities are being, or are to be, carried out);
  - (iii) the conduct on the land of someone apparently acting under a 1923 Act petroleum tenure; or
- (b) a 1923 Act petroleum tenure holder who is concerned about something relevant to the tenure involving the holder and the owner or occupier of land gives an authorised officer notice of the concerns; or
- (c) for another reason, an authorised officer considers it desirable to call a conference to discuss concerns about a 1923 Act petroleum tenure.

## **Division 2                      Calling conference and attendance**

### **103B    Calling conference**

- (1) If this part applies because of the giving of an election notice, the authorised officer must, by notice, ask the 1923 Act petroleum tenure holder and the eligible claimant (the *parties*) to attend a conference by the authorised officer about negotiating a conduct and compensation agreement.
- (2) If this part applies under section 103A(2), the authorised officer may, by notice, ask the 1923 Act petroleum tenure

holder and the owner or occupier or other person with an interest in the concerns (also the *parties*) to attend a conference by the authorised officer about the concerns.

- (3) The notice must state when and where the conference will be held and what is to be discussed at the conference.

### **103C Who may attend conference**

- (1) Apart from the authorised officer, anyone given notice of the conference may attend and take part in the conference.
- (2) Also, with the authorised officer's approval, someone else may be present to help a person attending the conference.
- (3) However, a party can not be represented by a lawyer unless the parties agree and the authorised officer is satisfied there is no disadvantage to a party.

### **103D What happens if a party does not attend**

- (1) This section applies if a party given notice of the conference does not attend.
- (2) The authorised officer may hold the conference even though someone given notice of it does not attend.

*Note—*

If the conference was called because of an election notice and only 1 party attends, the Land Court may decide the issue of compensation. See section 79VB.

- (3) A party who attended the conference may apply to the Land Court for an order requiring the party who did not attend to pay the attending party's reasonable costs of attending.
- (4) The Land Court must not order the party who did not attend to pay costs if it is satisfied the party had a reasonable excuse for not attending.
- (5) If the Land Court makes the order, it must decide the amount of the costs.

## **Division 3                      Conduct of conference**

### **103E    Authorised officer's role**

- (1) In conducting the conference, the authorised officer must endeavour to help those attending to reach an early and inexpensive settlement of the subject of the conference.
- (2) Subject to section 79VAB, the authorised officer is to decide how the conference is to be conducted.

### **103F    Statements made at conference**

Nothing said by a person at the conference is admissible in evidence in a proceeding without the person's consent.

### **103G    Agreement made at conference**

- (1) If, at the conference, the parties negotiate an agreement about the concerns the subject of the conference, the agreement must be written and signed by or for the parties.
- (2) The agreement—
  - (a) may, if appropriate, be a conduct and compensation agreement or an amendment of an existing conduct and compensation agreement between the parties; and
  - (b) has the same effect as any other compromise.

## **Part 7                              Appeals**

### **104    Who may appeal**

- (1) A person whose interests are affected by a decision identified in the schedule, may appeal against the decision to the Land Court.



- (2) For subsection (1), a person who has been given, or is entitled to be given, an information notice about a decision is taken to be a person whose interests are affected by the decision.

### **105 Period to appeal**

- (1) The appeal must be started within 20 business days after—
  - (a) if the person has been given an information notice about the decision—the day the person is given the notice; or
  - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the decision.
- (2) However, the Land Court may, at any time within the 20 business days, extend the period for making an appeal.

### **106 Starting appeal**

- (1) The appeal is started by filing a written notice of appeal with the Land Court.
- (2) A copy of the notice must be lodged at—
  - (a) the office of the department for lodging notices of appeal, as stated in a gazette notice by the chief executive; or
  - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.
- (3) An appeal to the District Court may be made to the District Court nearest the place where the applicant resides or carries on business.
- (4) Subsection (3) does not limit the court at which the appeal may be started under the *Uniform Civil Procedure Rules 1999*.

### **107 Stay of operation of decision**

- (1) The Land Court may grant a stay of the decision to secure the effectiveness of the appeal.
- (2) A stay—

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- (a) may be given on the conditions the Land Court considers appropriate; and
  - (b) operates for the period fixed by the Land Court; and
  - (c) may be amended or cancelled by the Land Court.
- (3) The period of a stay under this section must not extend past the time when the Land Court decides the appeal.
- (4) The appeal affects the decision, or carrying out of the decision, only if it is stayed.

### **108 Hearing procedures**

- (1) In deciding an appeal, the Land Court—
- (a) has the same powers as the original decider; and
  - (b) is not bound by the rules of evidence; and
  - (c) must comply with natural justice; and
  - (d) may hear the appeal in court or in chambers.
- (2) An appeal is by way of rehearing, unaffected by the decision.
- (3) Subject to subsections (1) and (2), the procedure for the appeal is—
- (a) in accordance with the rules for the Land Court; or
  - (b) in the absence of relevant rules, as directed by the Land Court.
- (4) A power under an Act to make rules for the Land Court includes power to make rules for appeals under this part.

### **109 Land Court's powers on appeal**

- (1) In deciding an appeal, the Land Court may—
- (a) confirm the decision; or
  - (b) set aside the decision and substitute another decision; or

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- (c) set aside the decision and return the issue to the original decider with the directions the Land Court considers appropriate.
  - (2) If the Land Court substitutes another decision, the substituted decision is, for this Act, other than this part, taken to be the decision of the original decider.

## **Part 8 Evidence and legal proceedings**

### **Division 1 Evidentiary provisions**

#### **110 Application of div 1**

This division applies to a proceeding under or in relation to this Act.

#### **111 Appointments and authority**

The following must be presumed unless a party to the proceeding, by reasonable notice, requires proof of it—

- (a) the appointment of an inspector or authorised officer under the 2004 Act;
- (b) the power of the Minister or chief executive to do anything under this Act.

#### **112 Signatures**

A signature purporting to be the signature of the Minister or the chief executive is evidence of the signature it purports to be.

### **113 Other evidentiary aids**

A certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—

- (a) a stated document, of any of the following types, is a document given, issued, kept or made under this Act—
  - (i) an appointment, approval or decision;
  - (ii) a direction, notice or requirement;
  - (iii) a 1923 Act petroleum tenure;
  - (iv) the petroleum register;
  - (v) a report;
  - (vi) another record;
- (b) a stated document is another document kept under this Act;
- (c) a stated document is a copy of, or an extract from or part of, a thing mentioned in paragraph (a) or (b);
- (d) on a stated day—
  - (i) a stated person was given a stated decision, direction or notice under this Act; or
  - (ii) a stated requirement under this Act was made of a stated person;
- (e) on a stated day, or during a stated period, a 1923 Act petroleum tenure—
  - (i) was, or was not, in force; or
  - (ii) was, or was not, subject to a stated condition; or
  - (iii) was, or was not, cancelled;
- (f) a stated amount is payable under this Act by a stated person and has not been paid;
- (g) a stated address for a 1923 Act petroleum tenure holder is the last address of the holder known to the Minister or the chief executive.

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## **Division 2                      Offence proceedings**

### **114      Offences under Act are summary**

- (1) An offence against this Act is a summary offence.
- (2) A proceeding for an offence against this Act must start within the later of the following periods to end—
  - (a) 1 year after the commission of the offence;
  - (b) 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

### **115      Statement of complainant's knowledge**

In a complaint starting a proceeding for an offence against this Act, a statement that the matter of the complaint came to the complainant's knowledge on a stated day is evidence the matter came to the complainant's knowledge on that day.

### **116      Allegations of false or misleading matters**

- (1) This section applies to a proceeding for an offence against this Act described as involving—
  - (a) false or misleading information; or
  - (b) a false or misleading document or statement.
- (2) It is enough for the complaint starting the proceeding to state the document, information or statement was 'false or misleading' to the defendant's knowledge, without specifying which.
- (3) In the proceeding, evidence that the document, information or statement was given or made recklessly is evidence that it was given or made so as to be false or misleading.

## 117 Conduct of representatives

- (1) This section applies to a proceeding for an offence against this Act if it is relevant to prove a person's state of mind about particular conduct.
- (2) It is enough to show—
  - (a) the conduct was engaged in by a representative of the person within the scope of the representative's actual or apparent authority; and
  - (b) the representative had the state of mind.
- (3) Conduct engaged in for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been engaged in also by the person unless the person proves—
  - (a) if the person was in a position to influence the representative in relation to the conduct—the person took reasonable steps to prevent the conduct; or
  - (b) the person was not in a position to influence the representative in relation to the conduct.
- (4) In this section—

*engaging* in conduct includes failing to engage in conduct.

*executive officer*, of a corporation, means a person who is concerned with, or takes part in, its management, whether or not the person is a director or the person's position is given the name of executive officer.

*representative* means—

- (a) for a corporation—an agent, employee or executive officer of the corporation; or
- (b) for an individual—an agent or employee of the individual.

*state of mind*, of a person, includes the person's—

- (a) belief, intention, knowledge, opinion or purpose; and
- (b) reasons for the belief, intention, opinion or purpose.

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**118 Additional orders that may be made on conviction**

- (1) If a court convicts a person for an offence against this Act, it may—
  - (a) order the forfeiture to the State of—
    - (i) anything used to commit the offence; or
    - (ii) anything else the subject of the offence; and
  - (b) make any order to enforce the forfeiture it considers appropriate; and
  - (c) order the person to pay the State the amount of costs it incurred for remedial work that was necessary or desirable because of the commission of the offence.

*Editor's note—*

See also section 80L (Power of authorised person to ensure compliance).

- (2) Forfeiture of a thing may be ordered—
  - (a) whether or not it has been seized under this Act; and
  - (b) if it has been seized under this Act, whether or not it has been returned to its owner.
- (3) In this section—

**conviction** includes a finding of guilt, or the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded.

## **Part 9                      Miscellaneous**

### **Division 1                Applications**

#### **119    Application of div 1**

This division applies to an application under this Act other than an application under section 40.

#### **120    Substantial compliance with application requirements may be accepted**

If—

- (a) a person has made, or purported to make, an application under this Act; and
- (b) the requirements under this Act for making the application have not been complied with; and
- (c) the person who must decide the application (the *decider*) is satisfied the application substantially complies with the requirements;

the decider may decide to allow it to proceed and be decided as if it did comply with the requirements.

#### **121    Additional information may be required about application**

- (1) If a person (the *decider*) is deciding, or is required to decide, an application under this Act, the decider may, by notice, require the applicant to give the decider within a stated reasonable period—
  - (a) additional information about, or a document relevant to, the application; or

*Example—*

The application is for the renewal of a lease. The Minister may require a document, prepared by an appropriately qualified person, independently verifying reserve data given in the proposed development plan for the lease.



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- (b) an independent report by an appropriately qualified person or a statutory declaration verifying all or any of the following—
    - (i) any information included in the application;
    - (ii) any additional information required under paragraph (a);
    - (iii) if the application is to renew an authority to prospect—that the applicant meets the relevant capability criteria under part 4.
  - (2) For subsection (1)(a), if the application is for a lease, a required document may include a survey or re-survey of the area of the proposed lease, carried out by a cadastral surveyor under the *Surveyors Act 2003*.
  - (3) For subsection (1)(b), the notice may require the statutory declaration—
    - (a) to be made by an appropriately qualified person or by the applicant; or
    - (b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant.
  - (4) If the applicant does not comply with the requirement, the decider may refuse the application.
  - (5) The applicant must pay any costs incurred in complying with the notice.

## **122 Amending applications**

- (1) If a person has made an application under this Act, the person may amend the application or a document accompanying the application only if—
  - (a) the application has not been decided; and
  - (b) the person who may or must decide the application has agreed to the making of the amendment; and

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- (c) if the proposed amendment is to change the applicant—each applicant, and proposed applicant, has agreed to the change.
- (2) If, under subsection (1), the application is amended to change the applicant, for the purpose of deciding the application, the applicant as changed is taken to have been the applicant from the making of the application.

### **123 Withdrawal of application**

- (1) A person who has made an application under this Act may lodge a notice withdrawing the application at any time before the following—
  - (a) generally—before the application is decided;
  - (b) for a lease—the granting of the lease.
- (2) The notice must be lodged at the office at which this Act requires the application to be lodged.
- (3) The withdrawal of an application takes effect when the notice of withdrawal is lodged.

### **124 Minister's power to refund application fee**

If an application under this Act is withdrawn, the Minister may refund all or part of any fee paid for the application.

## **Division 2 Miscellaneous provisions for 1923 Act petroleum tenures**

### **125 Power to correct or amend**

- (1) The Minister may amend a 1923 Act petroleum tenure at any time by giving its holder a notice of the amendment and recording particulars in the relevant register if the amendment is to—
  - (a) correct a clerical error; or

- (b) state or more accurately state the boundaries of the area of the tenure because of a survey carried out under section 75.
- (2) The Minister may, at any time, amend a condition of a 1923 Act petroleum tenure if the tenure holder agrees in writing.
- (3) Despite subsections (1) and (2), the following can not be amended under this section—
  - (a) the mandatory conditions for that type of 1923 Act petroleum tenure;
  - (b) the term of the tenure;
  - (c) any work program or development plan for the tenure.
- (4) Also, the Minister can not amend the tenure if the tenure as amended would be inconsistent with a mandatory condition for that type of authority.

## **126 Replacement of instrument for tenure**

- (1) If the instrument for a 1923 Act petroleum tenure has been lost, stolen or destroyed, its holder may apply in writing to the Minister to replace it.
- (2) The application must be lodged at—
  - (a) the office of the department for lodging the application, as stated in a gazette notice by the chief executive; or
  - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.
- (3) If the Minister is reasonably satisfied the instrument has been lost, stolen or destroyed, the Minister must replace it.
- (4) If the Minister decides to refuse to replace the instrument, the Minister must give the holder an information notice about the decision.

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### **127 Joint and several liability for conditions and for debts to State**

If more than 1 person holds a 1923 Act petroleum tenure each holder is jointly and severally—

- (a) responsible for complying with its conditions; and
- (b) liable for all debts payable under this Act and unpaid by the authority holder to the State.

### **128 Notice of agent**

The Minister may refuse to deal with a person who claims to be acting as the authority holder's agent, unless the holder has given the Minister notice of the agency.

## **Division 3 Other miscellaneous provisions**

### **129 Name and address for service**

- (1) A person (the *first person*) may, by a signed notice lodged at the relevant office, nominate another person (a *nominated person*) at a stated address as the first person's address for service for this Act.
- (2) If this Act requires or permits the Minister or the chief executive to serve a notice or other document on the first person, it may be served on the first person by serving it on the last nominated person, at the stated address for that person.
- (3) In this section—  
*relevant office* means—
  - (a) the office of the department for lodging notices of address for service, as stated in a gazette notice by the chief executive; or

- (b) if no office is gazetted under paragraph (a)—the office of the chief executive.

*serve* includes give.

### **130 Additional information about reports and other matters**

- (1) This section applies if—
- (a) a person is required under this Act to lodge a notice or copy of a document, a report or information (the *advice*) with the Minister or the chief executive (the *recipient*); and
- (b) the person gives the advice.
- (2) The recipient may, by notice, require the person to give, within the reasonable time stated in the notice, written information about the matter for which the advice was given.
- (3) The person must comply with the notice.

Maximum penalty for subsection (3)—300 penalty units.

### **131 References to right to enter**

A right under this Act to enter a place includes the right to—

- (a) leave and re-enter the place from time to time; and
- (b) remain on the place for the time necessary to achieve the purpose of the entry; and
- (c) take on the place equipment, materials, vehicles or other things reasonably necessary to exercise a power under this Act.

### **132 Application of provisions**

If a provision of this Act applies any of the following (the *applied law*) for a purpose—

- (a) another provision of this Act;
- (b) another law;

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- (c) a provision of another law;  
the applied law and any definition relevant to it apply, with necessary changes for that purpose.

### **133 Protection from liability for particular persons**

- (1) A person as follows (a *designated person*) does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act—
  - (a) the Minister;
  - (b) the chief executive;
  - (c) a public service officer or employee;
  - (d) a contractor carrying out activities, relating to the administration of this Act, for the department;
  - (e) a person who is required to comply with a direction or requirement given under this Act and who is complying with the direction or requirement.
- (2) If subsection (1) prevents a civil liability attaching to a designated person, the liability attaches instead to the State.
- (3) In this section—  
*civil liability* includes liability for the payment of costs ordered to be paid in a proceeding for an offence against this Act.

### **134 Delegation by Minister or chief executive**

- (1) The Minister may delegate the Minister's powers under this Act to—
  - (a) an appropriately qualified public service officer or employee; or
  - (b) an appropriately qualified contractor carrying out activities, relating to the administration of this Act, for the department.

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- (2) The chief executive may delegate the chief executive's powers under this Act to a person mentioned in subsection (1).
  - (3) In this section—  
*appropriately qualified* includes having the qualifications, experience and competence to exercise the power.

### 135 Approved forms

- (1) The chief executive may approve forms for use under this Act.
- (2) A form may be approved for use under this Act that is combined with, or is to be used together with, an approved form under another Act.

### 142 Practice manual

- (1) The chief executive may keep, in the way the chief executive considers appropriate, a manual (however called) about 1923 Act petroleum tenure administration practice to guide and inform persons dealing with the department.
- (2) The manual may include—
  - (a) directions about—
    - (i) what information, documents or instruments (*material*) a person may or must give; and
    - (ii) how or when requested material must be given; and
    - (iii) the format of requested material; and
  - (b) practices to ensure there is consistency and efficiency in 1923 Act petroleum tenure administration processes.
- (3) If—
  - (a) a person is required or permitted to give the Minister or the chief executive (the *official*) information for a particular purpose relating to this Act; and
  - (b) this Act does not provide for how the information may or must be given to the official for the purpose; and

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- (c) the person gives the official the information in the way required or permitted under the manual;  
the person is taken to have given the official the information for the purpose.
- (4) The information must be given at—
  - (a) if the manual states a particular office of the department where the information must be given (a *required office*)—that office; or
  - (b) if the manual does not state a required office and the information relates to a particular application—the department’s office where the application was lodged; or
  - (c) otherwise—the office of the chief executive.
- (5) The chief executive must—
  - (a) keep a copy of the manual and a record (however called) of each part of the manual, including the dates when each part was published or superseded; and
  - (b) make the manual and the record available to the public in the way the chief executive considers appropriate.
- (6) Without limiting subsection (5), the chief executive must ensure an up-to-date copy of the manual and the record are available to be read free of charge—
  - (a) on the department’s website; and
  - (b) if information relates to a particular application—at the department’s office where the application was lodged.

**143 Points etc. to be ascertained by reference to Australian Geodetic Datum**

- (1) Where, for the purposes of this Act or of anything done or to be done under or for the purposes of this Act, it is necessary to determine the position on the surface of the Earth of a point, line or area, that position shall be determined by reference to a spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6378160m and a flattening of



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<sup>100/29825</sup> and by reference to the position of the Johnston Geodetic Station in the Northern Territory.

- (2) Such station shall be taken to be situated at 133°12'30.0771" east longitude and at 25°56'54.5515" south latitude and to have a ground level of 571.2m above the spheroid referred to in subsection (1).

#### **144 Interference with pipeline or petroleum activities under this Act**

A person who destroys, damages, interferes with or operates any pipeline, or part of a pipeline, constructed or operated under this Act or anything on the site where the search for or recovery of petroleum is carried on under this Act commits an offence against this Act, unless the person does so under the authority of the owner of the pipeline or, as the case may be, thing.

Maximum penalty—200 penalty units.

#### **147 Penalties**

- (1) Any person guilty of an offence against this Act shall, if no specific penalty is provided for that offence, be liable to a penalty not exceeding 200 penalty units and, if the offence is a continuing one, a further penalty not exceeding 40 penalty units per day for each and every day during which the offence continues.
- (2) All offences against this Act may be prosecuted in a summary way under the *Justices Act 1886*, upon the complaint of any person thereunto authorised in writing by the Minister.

#### **148 Other rights of action not affected**

Nothing in this Act shall be construed to take away or prejudicially affect any right of action which any person may have for any loss or damage sustained by the person by reason of any mining operations carried on pursuant to the Mineral

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Resources Act upon private land, other than for loss or damage for which compensation is payable under this Act.

#### **149 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may be made about any of the following—
  - (a) the fees payable under this Act, including late payment fees;
  - (b) imposing a penalty for a contravention of a provision of a regulation of no more than 20 penalty units.
- (3) A regulation under this Act may be made in the same instrument as a regulation made under the 2004 Act.

#### **150 Declaration about certain 1923 Act petroleum tenures**

- (1) This section applies to a 1923 Act petroleum tenure, (a *petroleum interest*) granted before or after the commencement of this section for hydrocarbons naturally occurring in association with coal (*coal seam gas*).
- (2) To remove any doubt, this Act applies, and is taken always to have applied, to the petroleum interest as if coal seam gas were petroleum.
- (3) Without limiting subsection (2) and to further remove any doubt—
  - (a) the power of the Governor in Council under this Act to grant an authority to prospect includes, and is taken always to have included, power to grant an authority to prospect for coal seam gas; and
  - (b) the power of the Governor in Council under this Act to grant a lease includes, and is taken always to have included, power to grant a lease for coal seam gas to the holder of an authority to prospect.

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## **Part 10**                      **Transitional provisions for 1923 Act petroleum tenures from 31 December 2004**

### **Division 1**                      **General transitional provisions**

#### **Subdivision 1**                      **Particular unfinished applications**

*Note—*

For other applications under this Act that, before 31 December 2004 were not finished see the 2004 Act, chapter 15, part 3.

#### **151**                      **Unfinished authority to prospect applications for which a Commonwealth Native Title Act s 29 notice has been given**

- (1) This section applies if immediately before 31 December 2004—
  - (a) an authority to prospect application has not been granted or rejected; and
  - (b) a notice under the Commonwealth Native Title Act, section 29, had been given for the proposed authority to prospect the subject of the application.

*Editor's note—*

See the 2004 Act, chapter 15, part 3, division 3 (Unfinished applications for 1923 Act ATPs (other than applications for which a Commonwealth Native Title Act s 29 notice has been given)).

- (2) The application must continue to be decided, and the authority may be granted, under this Act as amended by the *Petroleum and Other Legislation Amendment Act 2004*, other than for the omission of former section 18(1).
- (3) However, the Minister may grant the authority only if the Minister has approved the work program for the authority.

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- (4) The work program must comply with the initial work program requirements.
- (5) Section 121 applies for the application as if it had been made on 31 December 2004.
- (6) In this section—  
*initial work program requirements* means the requirements under sections 25A(1)(a) to (e) and 25B for a proposed initial work program.

## **152 Additional condition of authority to prospect granted under s 151**

- (1) This section applies if—
  - (a) section 151 applies to an authority to prospect application; and
  - (b) the authority is granted; and
  - (c) when the authority is granted, land in its area is in the area of a coal or oil shale exploration tenement or a proposed area under a coal or oil shale exploration tenement application.
- (2) It is a condition of the authority that its holder must, within 20 business days after the holder receives notice of the grant, give the tenement holder or the applicant notice stating—
  - (a) that the authority has been granted; and
  - (b) the authority holder's name; and
  - (c) the term of the authority.

## **153 Lapsing of unfinished former s 42 applications**

If—

- (a) before 31 December 2004 an application had been made under former section 42, as it was in force immediately before that day; and

- (b) immediately before 31 December 2004, the application had not been decided;

the application is taken to lapse on 31 December 2004.

## **Subdivision 2      Authorities to prospect**

### **154      Area of land in area of coal or oil shale mining lease becomes excluded land**

- (1) This section applies for land if it—
  - (a) is within any transitional notional sub-block of an authority to prospect in force from 31 December 2004; and
  - (b) was, when the authority was granted, in the area of a coal or oil shale mining lease, whether or not the land was, before 31 December 2004, in the area of the authority.
- (2) The land—
  - (a) does not form part of the area of the authority; and
  - (b) is taken to be excluded land for the authority.

### **155      Conditions of an authority to prospect about expenditure or work becomes its work program**

- (1) From 31 December 2004, the conditions of an authority to prospect about expenditure or work are, during the period to which the conditions apply, taken to be a later work program for the authority.
- (2) The period is taken to be the program period for the work program.

## Subdivision 3 Leases

### 156 Program for development and production for a lease becomes its development plan

- (1) From 31 December 2004, the current program for development and production for a lease is taken to be the development plan for the lease.
- (2) The plan period for the development plan is taken to be the period from the start of the current program for development and production to the earlier of any of the following to happen—
  - (a) the end of the period to which the current program for development and production applies;
  - (b) if, on 31 December 2004, the remaining term of the lease is 5 years or more—the first anniversary of the original grant of the lease that happens after 6 months after 31 December 2004;
  - (c) if, on 31 December 2004, any land in the area of the lease is in the area of a coal or oil shale mining tenement or is the subject of an application under the Mineral Resources Act for a coal or oil shale mining tenement—the end of 6 months after 31 December 2004;
  - (d) the end of the lease.

*Editor's note—*

See also sections 74Q (Obligation to lodge proposed later development plan) and 78 (Additional criteria for approval).

- (3) In this section—

***current program for development and production***, for a lease, means its current program for development and production as mentioned in former section 50 as in force immediately before 31 December 2004.

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## **Subdivision 4      Conflict between 1923 Act petroleum tenure conditions and relevant environmental conditions**

### **157      Environmental conditions prevail**

- (1) This section applies from 31 December 2004 for a condition (the *petroleum condition*) of a 1923 Act petroleum tenure if there are relevant environmental conditions for the tenure.
- (2) The petroleum condition ceases to have any effect if it is the same, or substantially the same, as any of the relevant environmental conditions.
- (3) If the petroleum condition conflicts with any of the relevant environmental conditions, the environmental condition prevails to the extent of the inconsistency.
- (4) In this section—  
*relevant environmental conditions*, for a 1923 Act petroleum tenure, means the conditions of any relevant environmental authority for the tenure.

## **Subdivision 5      Securities**

### **158      Provision for existing demands for additional or alternative security under former s 43(8)**

There is taken never to have been any limit to the amount of additional or alternative security that may be demanded under former section 43(8).

### **159      Monetary securities**

- (1) This section applies to security (the *existing security*) held as money in relation to a 1923 Act petroleum tenure immediately before 31 December 2004.

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- (2) The department must, as soon as practicable, after 31 December 2004, transfer the following part of the existing security (the *environmental component*) to the administering authority under the Environmental Protection Act—
  - (a) for an authority to prospect—the amount of the existing security, less \$4000;
  - (b) for a lease—the amount of the existing security, less \$10000.
- (3) On the transfer, the rest of the existing security is taken to be security given under this Act for the tenure.
- (4) Until the transfer happens, the existing security may continue to be used for any purpose for which it was given.
- (5) In this section—

*used* includes realised, in whole or part.

## **160 Non-monetary securities**

- (1) This section applies for security held, other than as money, in relation to a 1923 Act petroleum tenure.
- (2) On 31 December 2004, the security may continue to be used for any purpose for which it was given.
- (3) However, subsection (2) does not—
  - (a) prevent the security being used after 31 December 2004 in relation to an act done or omission made before 31 December 2004 if it could have been used in relation to the act or omission immediately before 31 December 2004; or
  - (b) affect the power under this Act to require replacement security or additional security for the tenure; or
  - (c) affect any power under the Environmental Protection Act to require financial assurance for any relevant environmental authority for the tenure.
- (4) In this section—

*used* includes realised, in whole or part.



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## **Subdivision 6 Notices of entry under Petroleum Regulation 1966 relating to 1923 Act petroleum tenure**

### **161 Conversion to entry notice**

- (1) This section applies if a notice of entry under the *Petroleum Regulation 1966*, section 17 is in force immediately before 31 December 2004 and the notice relates to a 1923 Act petroleum tenure.

*Editor's note—*

See the 2004 Act, section 925 (Entry notices under Petroleum Regulation 1966, s 17).

- (2) On 31 December 2004—
- (a) the notice of entry is taken to be an entry notice; and
  - (b) the entry notice is taken to have been given under part 6H; and
  - (c) the entry period for the entry notice is the shorter of the following periods to end—
    - (i) the balance of the period of the notice of entry;
    - (ii) the period that ends 6 months after the commencement.

## **Subdivision 7 Compensation**

### **162 Accrued compensation rights relating to 1923 Act petroleum tenure**

- (1) This section applies if—
- (a) a right, under the former compensation provisions, to compensation existed immediately before 31 December 2004; and
  - (b) the right—

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- (i) relates to a 1923 Act petroleum tenure; and
- (ii) is about an act done or omission made before 31 December 2004.

*Editor's note—*

See the 2004 Act, section 922 (Accrued compensation rights relating to converted petroleum authority).

- (2) The right continues after 31 December 2004.
- (3) The compensation must be decided under the former compensation provisions as if the provisions had not been repealed.
- (4) A matter relating to the compensation that, before 31 December 2004, had been referred to the Land and Resources Tribunal but not decided must be decided under the former compensation provisions.
- (5) In this section—

*former compensation provisions* means sections 18(5) and 97 to 99 of this Act, as they were in force immediately before 31 December 2004.

### **163 Existing compensation agreements relating to 1923 Act petroleum tenure**

- (1) This section applies to an agreement as mentioned in section 98(1) of this Act, as it was in force immediately before 31 December 2004, for compensation relating to a 1923 Act petroleum tenure.

*Editor's note—*

See the 2004 Act, section 922 (Accrued compensation rights relating to converted petroleum authority).

- (2) On 31 December 2004, the agreement is taken to be a compensation agreement made under part 6K.
- (3) The agreement may be enforced, and may be the subject of an application under section 79S, as if it were a compensation agreement under part 6K.

- (4) Subsection (3) applies even if the agreement was not valid because section 98(2), as it was in force immediately before 31 December 2004, had not been complied with.

## **Subdivision 8      Continuation of former cancellation provision in particular circumstances**

### **164      Continued application of former s 22 for previous acts or omissions**

Despite its repeal, former section 22 of this Act, as it was in force immediately before 31 December 2004, continues to apply for an act done or omission made in relation to the authority that happened before that day.

## **Subdivision 9      Existing road uses**

### **165      Exclusion of pt 6I, div 1 for continuance of particular existing road uses**

- (1) If, immediately before the commencement, a 1923 Act petroleum tenure holder was using a public road in the area of the tenure for transport relating to a seismic survey or drilling activity, part 6I, division 1 does not apply for the use while it continues.
- (2) Subsection (3) applies for the use (the *haulage use*) by a 1923 Act petroleum tenure holder of a public road for haulage that relates to—
- (a) the transportation of petroleum produced or processed in the area of the tenure; or
  - (b) the construction of a pipeline.
- (3) Part 6I, division 1, does not apply for the haulage use if—

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- (a) at any time within 12 months before the commencement, the holder was carrying out the haulage use; and
  - (b) the type of haulage under the haulage use is the same, or substantially the same, as the type of haulage carried out within the 12 months.
- (4) Subsection (3) applies even if the haulage use stops and later starts again.
- (5) In this section—
- commencement* means the day section 78Z commences.

## **Subdivision 9A Provisions for existing Water Act bores**

### **165A Exemption from, or deferral of, reporting provisions for existing 1923 Act petroleum tenure holders**

- (1) This section applies to the holder of any 1923 Act petroleum tenure under which petroleum production is carried out before 30 June 2005.
- (2) The holder must, within 12 months after 31 December 2004, lodge at the following office a statement about the need to have an underground water impact report for the tenure—
  - (a) the office of the department for lodging the statement, as stated in a gazette notice by the chief executive;
  - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.
- (3) The chief executive may, after considering the statement, decide whether an underground water impact report is required for the tenure.
- (4) The chief executive may require the holder to give the chief executive further information to enable the chief executive to make a decision under subsection (3).

- (5) If the chief executive decides an underground water impact report is not required, sections 75IM and 75IX are taken never to have applied to the holder.
- (6) If the chief executive decides an underground water impact report is required, the chief executive may decide a reasonable time by which the report must be lodged.
- (7) If, under subsection (6), the chief executive decides a time, section 75IM is taken not to apply to the holder until that time.
- (8) A decision under this section has no effect until the holder is given notice of it.

**165B Make good obligation only applies for existing Water Act bores on or from 31 December 2004**

Section 75IG only applies in relation to an existing Water Act bore that was in existence on 31 December 2004 or came into existence after that day.

## **Subdivision 10 Miscellaneous provisions**

**166 Provision for cancellation of particular conditions of lease 191**

The conditions numbered 1 to 3 and 5 to 10 of the lease numbered 191 are no longer conditions of that lease.

*Editor's note—*

Condition 10 of the lease numbered 191 provides—‘These conditions will have application until they are terminated by legislation implementing a new coal seam gas regime in Queensland.’.

**167 Application of s 3 to particular existing mining tenements**

- (1) This section applies to a mining tenement in force immediately before the commencement, other than a coal or oil shale mining tenement.

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- (2) Section 3 applies to the mining tenement as if it had been granted after the commencement.
- (3) However, for a mining tenement other than a mining lease, section 3(3) and (6) does not apply for the carrying out of an authorised activity for a petroleum authority in the area of the tenement until 3 months after the commencement.
- (4) The Mineral Resources Act, section 403, does not apply for the carrying out of the authorised activity until 3 months after the commencement.
- (5) In this section—  
*commencement* means the day section 3 commences.

#### **168 Deferral of s 52A for existing leases**

Section 52A does not apply to the holder of a lease in force at the commencement of this section until 12 months after 31 December 2004.

#### **169 Deferral of s 79I for particular 1923 Act petroleum tenure holders**

If, immediately before 31 December 2004, a 1923 Act petroleum tenure holder is lawfully carrying out an authorised activity for the tenure on public land, section 79I does not apply to the holder until 6 months after 31 December 2004.

### **Division 2 Relinquishment condition until first renewal after 31 December 2004, and related provisions**

#### **170 Application of div 2**

- (1) This division applies for an authority to prospect in force immediately before 31 December 2004 that, after that day, continues in force as an authority to prospect under this Act.

*Editor's note—*

See the 2004 Act, chapter 15, part 3, division 2 (Conversion of particular 1923 Act ATPs to an authority to prospect under this Act).

- (2) However, this division only applies for the period of the authority's current term.

*Note—*

From the end of the current term, the relinquishment conditions and related provisions under part 6A, division 2, subdivision 1, apply.

## **171 What is the *current term* of an authority to prospect**

- (1) The *current term* of an authority to prospect is the period that starts on the later of the following days and ends when it is first renewed after 31 December 2004—
  - (a) the day the authority was granted;
  - (b) the day the last renewal of the authority before 31 December 2004 became effective.
- (2) However, an authority granted between 1 January 1994 and 23 December 1996 ends on a day decided by the Minister.
- (3) For subsection (1)(b), a renewal of the authority is taken to have become effective on the day immediately after the end of its last term before the renewal.

## **172 What are the *transitional notional sub-blocks* of an authority to prospect**

- (1) The *transitional notional sub-blocks*, of an authority to prospect, are the sub-blocks stated in the instrument for the authority at the start of its current term.
- (2) However, the *transitional notional sub-blocks* do not include any sub-block stated in the instrument that is completely within the area of a lease under this Act or a 2004 Act lease.
- (3) For subsection (1), if the instrument—
  - (a) states that the authority's area includes land within a block; but

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- (b) does not include or exclude any particular sub-block within that block;

the reference to the block is a reference to all sub-blocks within the block, other than any sub-block that is completely within the area of another 1923 Act petroleum tenure or a 2004 Act petroleum tenure.

### **173 Relinquishment condition if authority includes a reduction requirement**

- (1) If the authority requires its area to be reduced to a stated number of blocks on or before stated days—
  - (a) the *relinquishment condition* for the authority is the relinquishment condition under section 74A, subject to the change that the required percentage is the required reduction instead of 8.33%; and
  - (b) part 6A, division 2, subdivision 1, applies to the authority, subject to the change under paragraph (a).
- (2) However, the relinquishment condition is taken to include a requirement that, before the first renewal of the authority after 31 December 2004, at least 5% of the transitional notional sub-blocks for the authority must have been relinquished for each 12 month period of its current term.
- (3) Also, a relinquishment of a part of the area of the authority that overlaps with the area of a lease under this Act or a 2004 Act lease can not be counted as a relinquishment for the relinquishment condition.

*Editor's note—*

See also section 25L (Conditions for renewal application).

### **174 Relinquishment condition if authority does not include a reduction requirement**

- (1) If the authority does not include a requirement mentioned in section 173(1), the *relinquishment condition* for the authority is the relinquishment condition under section 74A, with the following changes—



- 
- (a) the required percentage is 5% instead of 8.33%;
  - (b) the reference in sections 74C(2) to the authority originally taking effect is a reference to the start of its current term.
- (2) Part 6A, division 2, subdivision 1, applies to the authority, subject to the changes under subsection (1).

## **Division 3            Leases overlapping with an existing                                  or proposed mineral development                                  licence**

### **Subdivision 1        Preliminary**

#### **175    Definitions for div 3**

In this division—

*information-giver* see section 180(1).

*MDL* means mineral development licence under the Mineral Resources Act.

*MDL applicant* see section 176(2)(c).

*MDL application* see section 176(1)(b).

*overlapping land* see section 176(1).

*recipient* see section 180(1).

#### **176    Application of div 3**

- (1) This division applies if, before 31 December 2004, a lease was granted and when it was granted its area included any of the following land (*overlapping land*)—
- (a) land in the area of an MDL that is a coal or oil shale exploration tenement;

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- (b) land the subject of an application (the ***MDL application***) under the Mineral Resources Act for an MDL made but not decided before 31 December 2004 if the MDL applied for would, if granted, be a coal or oil shale exploration tenement.
- (2) However, this division does not apply, or ceases to apply, if—
- (a) the same person holds the lease and the MDL; or
  - (b) the overlapping land ceases to be in the area of the lease or the MDL or to be subject to the MDL application; or
  - (c) the person who made the MDL application (the ***MDL applicant***) is also the lessee; or
  - (d) the MDL application is rejected; or
  - (e) the MDL holder or the MDL applicant has agreed in writing with the lessee that this division does not apply.

## **Subdivision 2 Additional provisions**

### **177 Obligation of lessee to give access to MDL holder**

- (1) This section applies for the MDL or any MDL granted because of the MDL application.
- (2) It is a condition of the lease that the lessee must allow the MDL holder access to the overlapping land to carry out any authorised activity for the MDL if—
  - (a) the required notice has been given; and
  - (b) the carrying out of the activity—
    - (i) does not interfere with the carrying out of an authorised activity for the lease; and
    - (ii) is consistent with the safety management plan under the 2004 Act for any operating plant on the overlapping land the operation of which is an authorised activity for the lease.

- (3) Subsection (2)(b) applies whether or not the operating plant has started to operate.
- (4) The condition under subsection (2) is subject to any agreement about coordinating the development of coal and petroleum in the land (a *coordinated development agreement*) made between the lessee and the MDL holder or the MDL applicant.
- (5) In this section—  
*required notice* means a notice from the MDL holder to the lessee, given a reasonable period before the start of the authorised activity for the MDL, that states when and where the activity is proposed to be carried out.

## **178 Additional requirements for later development plans for lease**

- (1) This section imposes additional requirements for the approval of any proposed later development plan for the lease made after 31 December 2004.
- (2) However, the additional requirements do not apply if the MDL holder or the MDL applicant has made a coordinated development agreement with the lessee or has agreed in writing in relation to the proposed plan and a copy of either agreement has been lodged at—
  - (a) the office of the department for lodging proposed later development plans, as stated in a gazette notice by the chief executive; or
  - (b) if no office is gazetted under paragraph (a)—the office of the chief executive.
- (3) The lessee must, before lodging the proposed plan under section 74Q, give the MDL holder or the MDL applicant a copy and use reasonable attempts to—
  - (a) consult with the MDL holder or the MDL applicant about the proposed plan; and
  - (b) change the proposed plan to include reasonable provisions proposed by the MDL holder or the MDL

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applicant that will optimise the safe and efficient production of—

- (i) petroleum under the lease; and
  - (ii) coal or oil shale under any future mining lease over the overlapping land that may be granted to the MDL holder or the MDL applicant; and
- (c) provide for the following in the proposed plan—
- (i) the location and timing of the development of coal and petroleum in the overlapping land;
  - (ii) the mining or production of the petroleum in a way that is consistent with the proposed mining of the coal;
  - (iii) a way for the coal to be developed in a timely way, including, for example, by appropriate periodic surrenders of parts of the lease.
- (4) However, the obligations under subsection (3)(b) and (c) apply only to the extent the provisions are commercially and technically feasible for the lessee.
- (5) Also, when the lessee lodges the proposed plan, it must be accompanied by a written notice stating each of the following—
- (a) details of the consultation;
  - (b) the results of the consultation;
  - (c) any changes made to the proposed plan because of the consultation;
  - (d) the lessee's assessment of the potential for the lessee and the MDL holder or the MDL applicant to make a coordinated development agreement.

### **179 Minister may require further negotiation**

- (1) The Minister may, after receiving the notice under section 178(5), require the lessee to conduct negotiations with the

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MDL holder or the MDL applicant with a view to agreeing about changes of a type mentioned in section 178(3)(b).

- (2) The lessee must use all reasonable attempts to comply with the requirement.
- (3) If the lessee does not comply with subsection (2), the Minister may refuse to approve the lessee's proposed later development plan.

### **Subdivision 3      Confidentiality of information**

#### **180      Application of sdiv 3**

- (1) This section applies if a tenure holder or a person who has applied for a tenure (the *information-giver*) gives another tenure holder or a person who has applied for a tenure (the *recipient*) information—
  - (a) that this division requires the information-giver to give the recipient, including, for example, information given to comply with section 178(3); or
  - (b) for the purposes of this division.
- (2) However, this section applies subject to any agreement between the information-giver and the recipient about the information or its use.
- (3) In this section—

*information* means information given verbally or in writing.

*tenure* means the lease, the MDL or any MDL granted because of the MDL application.

#### **181      Confidentiality obligations**

- (1) The recipient must not disclose the information to anyone else, unless—
  - (a) the information is publicly available; or
  - (b) the disclosure is—

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- (i) to someone whom the recipient has authorised to carry out the authorised activities for the recipient's lease, MDL or MDL granted because of the MDL application; or
  - (ii) made with the information-giver's consent; or
  - (iii) expressly permitted or required under this or another Act; or
  - (iv) to the Minister.
- (2) The recipient may use the information only for the purpose for which it is given.

## **182 Civil remedies**

If the recipient does not comply with section 181, a court of competent jurisdiction may order the recipient to pay the information-giver all or any of the following—

- (a) compensation for any loss the information-giver incurred because of the failure to comply with the section;
- (b) the amount of any commercial gain the recipient made because of the failure to comply with the section.

# **Part 11**

## **Transitional provisions for Petroleum and Other Legislation Amendment Act 2005**

### **183 S 86 water bores**

- (1) This section applies for a water bore—
  - (a) drilled with the permission of the Minister under the 1923 Act, section 86; and

- (b) within the area of a 1923 Act petroleum tenure.
- (2) On and from the day the *Petroleum and Other Legislation Amendment Act 2005* commences, the water bore—
  - (a) is taken to be a water supply bore under this Act; and
  - (b) may be transferred without complying with section 75Q(2).

#### **184 Decommissioning wells and bores**

- (1) Until 1 July 2005, subsection (2) applies to a well or bore mentioned in section 75U instead of section 75U(4)(a).
- (2) The well or bore must be plugged and abandoned under this Act, as the Act was immediately before the commencement of this section.

## **Part 12 Transitional provision for Mines and Energy Legislation Amendment Act 2008**

#### **185 Provision for repeal of section 19**

- (1) This section applies to an application for variation of an authority to prospect under former section 19 made but not decided before the repeal of that section.
- (2) The application is taken to be an application for approval of an amendment to the work program for the authority, made under sections 25H and 25I.
- (3) Sections 25G, 25J and 25K apply to the deciding of the application, with necessary changes.
- (4) In this section—  
*former section 19* means section 19 as in force before the commencement of this section.

## **Part 13**                      **Transitional provisions for amendments under Geothermal Energy Act 2010**

### **186**    **Land access code prevails over conditions**

If a condition of a 1923 Act petroleum tenure is inconsistent with a mandatory provision of the land access code, the mandatory provision prevails to the extent of the inconsistency.

### **187**    **Existing compensation agreements other than for notifiable road uses**

- (1) This section applies if immediately before the commencement of this section a compensation agreement under part 6K was in force.
- (2) On the commencement the agreement becomes a conduct and compensation agreement under part 6K, division 1.

### **188**    **Existing entry notices**

- (1) This section applies to an entry notice for the carrying out of an authorised activity for a 1923 Act petroleum tenure if the notice complied with the entry notice requirements before the commencement of this section.
- (2) The notice continues, according to its terms, to be valid for the carrying out of the activity after the commencement even though the notice does not comply with all of the entry notice requirements from the commencement.
- (3) In this section—  
*entry notice requirements* means the requirements under this Act relating to the giving of an entry notice.



**189 References to geothermal tenure**

Until the *Geothermal Energy Act 2010*, chapter 9, part 1 commences, a reference in this Act to a geothermal tenure is taken to be a reference to a geothermal exploration permit.

## **Schedule                      Decisions subject to appeal**

section 104(1)

<b>Section reference</b>	<b>Description of decision</b>
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### **Authorities to prospect**

25E	refusal to approve proposed later work program
25J	refusal to approve amendment to work program
25O	refusal of renewal application

### **Leases**

53E	refusal to approve proposed later development plan
53F	deferral of approval of later development plan

### **Water monitoring authorities**

75WN	decision to refuse amendment of water monitoring authority or to grant water monitoring authority subject to the applicant's written agreement to the Minister amending the authority in a stated way that the Minister considers appropriate
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### **Common provisions**

78E	decision to require security
78F	decision to require additional security
79(1)	decision to give road use direction

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<b>Section reference</b>	<b>Description of decision</b>
79L(1)	imposition of condition on entry on public land, other than a condition agreed to or requested by the relevant 1923 Act petroleum tenure holder
80J(1)	refusal to approve dealing
80T	decision to take noncompliance action
101(2)	decision to take action to ensure compliance with a requirement under this Act of a 1923 Act petroleum tenure holder, other than action to which the holder has agreed
126	refusal of application to replace instrument

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 9 September 2011. Future amendments of the Petroleum Act 1923 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1993 Act No. 35	23 July 1993	23 June 1994
2	1995 Act No. 22	1 July 1995	1 July 1995
3	1996 Act No. 1	18 April 1996	3 June 1996
3A	1996 Act No. 77	12 December 1996	21 March 1997
3B	1997 Act No. 17	1 July 1997	25 July 1997
4	1997 Act No. 71	1 December 1997	9 January 1998
4A	1999 Act No. 15	11 June 1999	17 August 1999
4B	1999 Act No. 15	18 May 2000	23 May 2000
4C	2000 Act No. 26	1 July 2000	19 July 2000
4D	2001 Act No. 45	15 July 2001	27 July 2001
4E	2001 Act No. 71	1 March 2002	1 March 2002
5	2001 Act No. 71	1 March 2002	27 March 2002
5A rv	2001 Act No. 71	19 April 2002	23 April 2002

Endnotes

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Reprint No.	Amendments included	Effective	Notes
5B	2003 Act No. 19	9 May 2003	
5C	2003 Act No. 29	1 July 2003	
5D	2003 Act No. 56	18 September 2003	
5E	2004 Act No. 4	6 May 2004	
6	2004 Act No. 26 (amd 2004 Act No. 33)	31 December 2004	
6A	2005 Act No. 3	3 March 2005	
6B	2004 Act No. 12	25 March 2005	
6C	2005 Act No. 53	18 November 2005	
6D	2005 Act No. 68	6 February 2006	
6E	2006 Act No. 39	30 October 2006	R6E withdrawn, see R7
7	—	30 October 2006	
7A	2007 Act No. 39	21 September 2007	
7B	2007 Act No. 46	14 December 2007	
7C	2007 Act No. 46	17 March 2008	
7D	2008 Act No. 27 2008 Act No. 33	1 July 2008	
7E	2008 Act No. 56	5 November 2008	
7F	2009 Act No. 3	23 February 2009	R7F withdrawn, see R8
8	—	23 February 2009	
8A	2009 Act No. 16	1 July 2009	
8B	2009 Act No. 36	18 December 2009	
8C	2009 Act No. 17	1 July 2010	
8D	2010 Act No. 31	1 September 2010	
8E	2010 Act No. 31	29 October 2010	
8F	2010 Act No. 53	1 December 2010	
8G	2010 Act No. 52	10 December 2010	R8G withdrawn, see R9
9	—	10 December 2010	
9A	2011 Act No. 26	9 September 2011	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	1, 2
Changed names and titles	1, 3
Corrected minor errors	1, 3, 8
Obsolete and redundant provisions	1, 3
Renumbered provisions	1

## 6 List of legislation

**Petroleum Act 1923 14 Geo 5 No. 26**

date of assent 12 November 1923

commenced on date of assent

amending legislation—

**Petroleum Act Amendment Act 1927 18 Geo 5 No. 13**

date of assent 17 December 1927

commenced on date of assent

**Petroleum Acts Amendment Act 1929 20 Geo 5 No. 17**

date of assent 5 December 1929

commenced on date of assent

**Petroleum Acts Amendment Act 1939 3 Geo 6 No. 19**

date of assent 24 November 1939

commenced on date of assent

**Petroleum Acts Amendment Act 1950 14 Geo 6 No. 20**

date of assent 30 November 1950

commenced on date of assent

**Petroleum Acts Amendment Act 1955 4 Eliz 2 No. 25**

date of assent 10 October 1955

commenced on date of assent

**Petroleum Acts Amendment Act 1958 7 Eliz 2 No. 25**

date of assent 7 October 1958

commenced on date of assent

**Petroleum Acts Amendment Act 1962 No. 30**

date of assent 18 December 1962

commenced on date of assent

**Aliens Act 1965 No. 19 s 4 sch 2**

date of assent 27 April 1965

commenced on date of assent

**Petroleum Acts Amendment Act 1967 No. 37**

date of assent 6 December 1967

commenced on date of assent

**Metric Conversion Act 1972 No. 31 s 6 sch 1**

date of assent 21 December 1972

commenced 27 November 1976 (proc pubd gaz 27 November 1976 p 1394)

**Petroleum Act Amendment Act 1976 No. 89**

date of assent 17 December 1976

commenced 1 January 1977 (see s 2)

**Petroleum Act Amendment Act 1981 No. 14**

date of assent 14 April 1981  
commenced on date of assent

**Mining Act and Other Acts Amendment Act 1982 No. 23 pt 4**

date of assent 29 April 1982  
commenced 1 August 1982 (proc pubd gaz 24 July 1982 p 2422)

**Mines Department (Administration) Act 1982 No. 31 s 3 sch**

date of assent 5 May 1982  
commenced on date of assent

**Mining Act and Petroleum Act Amendment Act 1983 No. 13 pt 3**

date of assent 13 April 1983  
commenced on date of assent

**Petroleum Act Amendment Act 1985 No. 101**

date of assent 13 December 1985  
commenced on date of assent

**Real Property Acts and Other Acts Amendment Act 1986 No. 26 s 4 sch**

date of assent 8 April 1986  
commenced on date of assent

**Petroleum Act Amendment Act 1988 No. 51**

date of assent 12 May 1988  
commenced on date of assent

**Petroleum Act Amendment Act 1990 No. 108**

date of assent 18 December 1990  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 September 1990 (see s 2)

**Petroleum Amendment Act 1991 No. 65**

date of assent 17 October 1991  
s 4 commenced 12 May 1988 (see s 2)  
remaining provisions commenced on date of assent

**Petroleum Amendment Act 1993 No. 35 pts 1–2**

date of assent 23 July 1993  
commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 2**

date of assent 1 December 1994  
ss 1–2 commenced on date of assent  
remaining provisions commenced 23 July 1993 (see s 3 sch 2)

**Petroleum Amendment Act 1995 No. 22**

date of assent 11 April 1995  
ss 6–7 commenced 1 July 1995  
remaining provisions commenced on date of assent



**Statute Law (Minor Amendments) Act 1995 No. 51 ss 1, 4 sch**

date of assent 22 November 1995  
commenced on date of assent

**Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1**

date of assent 28 November 1995  
commenced on date of assent

**Petroleum Amendment Act 1996 No. 1**

date of assent 18 April 1996  
commenced on date of assent

**Petroleum Amendment Act (No. 2) 1996 No. 77**

date of assent 12 December 1996  
commenced on date of assent

**Miscellaneous Acts (Non-bank Financial Institutions) Amendment Act 1997 No. 17 ss 1–2, 74 sch**

date of assent 15 May 1997  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 1997 (1997 SL No. 163)

**Petroleum and Gas Legislation Amendment Act 1997 No. 71 pts 1–2 sch**

date of assent 1 December 1997  
commenced on date of assent

**Gas Pipelines Access (Queensland) Act 1998 No. 28 ss 1–2 pt 7 div 3**

date of assent 18 May 1998  
ss 1–2 commenced on date of assent  
remaining provisions commenced 18 May 2000 (automatic commencement under AIA s 15DA(2)) (1999 SL No. 86 s 2)

**Explosives Act 1999 No. 15 ss 1–2, 137 sch 1**

date of assent 22 April 1999  
ss 1–2 commenced on date of assent  
remaining provisions commenced 11 June 1999 (1999 SL No. 108)

**GST and Related Matters Act 2000 No. 20 ss 1, 2(4), 29 sch 3**

date of assent 23 June 2000  
ss 1–2 commenced on date of assent  
remaining provisions commenced on 1 July 2000 (see s 2(4))

**Primary Industries and Natural Resources Legislation Amendment Act 2000 No. 26 ss 1, 12 sch 1**

date of assent 27 June 2000  
commenced on date of assent

**Water Act 2000 No. 34 ss 1–2, 1145 sch 3**

date of assent 13 September 2000  
ss 1–2 commenced on date of assent  
remaining provisions commenced 19 April 2002 (2002 SL No. 69)

**Medical Practitioners Registration Act 2001 No. 7 ss 1–2, 302 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 2002 (2002 SL No. 30)

**Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3**

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

**Duties Act 2001 No. 71 ss 1–2(1), 551 sch 1**

date of assent 13 November 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 2002 (2002 SL No. 10)

**Statute Law (Miscellaneous Provisions) Act 2003 No. 19 s 3 sch**

date of assent 9 May 2003

commenced on date of assent

**Gas Supply Act 2003 No. 29 ss 1–2, ch 8 pt 5**

date of assent 23 May 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2003 (2003 SL No. 121)

**Mineral Resources and Another Act Amendment Act 2003 No. 56 pts 1, 3**

date of assent 18 September 2003

commenced on date of assent

**Natural Resources and Other Legislation Amendment Act 2004 No. 4 s 1, pt 6B**

date of assent 6 May 2004

commenced on date of assent

**Geothermal Exploration Act 2004 No. 12 ss 1–2, ch 8 pt 6**

date of assent 31 May 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 25 March 2005 (2005 SL No. 43)

**Petroleum and Other Legislation Amendment Act 2004 No. 26 ss 1, 2(2), pt 2 (this Act is amended, see amending legislation below)**

date of assent 12 October 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 31 December 2004 (see s 2(2) and 2004 SL No. 308)

amending legislation—

**Natural Resources Legislation Amendment Act 2004 No. 33 ss 1, 21A–21B  
(amends 2004 No. 26 above)**

date of assent 27 October 2004

commenced on date of assent

**Petroleum and Other Legislation Amendment Act 2005 No. 3 s 1, pt 3, s 105 sch**

date of assent 3 March 2005

commenced on date of assent

**Environmental Protection and Other Legislation Amendment Act 2005 No. 53 ss 1,  
159 sch**

date of assent 18 November 2005

commenced on date of assent

**Natural Resources and Other Legislation Amendment Act 2005 No. 68 pt 1, s 150 sch**

date of assent 8 December 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 6 February 2006 (2006 SL No. 6)

**Education (General Provisions) Act 2006 No. 39 ss 1, 2(3), 512(1) sch 1**

date of assent 11 August 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 30 October 2006 (2006 SL No. 247)

**Land Court and Other Legislation Amendment Act 2007 No. 39 ss 1–2, 41 sch**

date of assent 29 August 2007

ss 1–2 commenced on date of assent

remaining provisions commenced 21 September 2007 (2007 SL No. 236)

**Mining and Other Legislation Amendment Act 2007 No. 46 pts 1, 8, s 241 sch**

date of assent 25 October 2007

ss 1–2 commenced on date of assent

s 241 sch commenced 14 December 2007 (2007 SL No. 313)

remaining provisions commenced 17 March 2008 (2007 SL No. 313)

**National Gas (Queensland) Act 2008 No. 27 ss 1–2(1), 33–34**

date of assent 9 May 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2008 (2008 SL No. 195 see also National Gas (South Australia) Act 2008 No. 19 (S.A.) and proc pubd South Australian gaz 26 June 2008 p 2561)

**Clean Energy Act 2008 No. 33 ss 1–2, 125 sch 1**

date of assent 21 May 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2008 (2008 SL No. 191)

**Mines and Energy Legislation Amendment Act 2008 No. 56 s 1, pt 7, s 81 sch**

date of assent 5 November 2008

s 88(6) commenced on date of assent (amdt could not be given effect)

remaining provisions commenced on date of assent

**Greenhouse Gas Storage Act 2009 No. 3 s 1, ch 9 pt 19**

date of assent 23 February 2009  
commenced on date of assent

**Mines and Energy Legislation Amendment Act 2009 No. 16 ss 1, 2(2), pt 9**

date of assent 12 June 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2009 (2009 SL No. 109)

**Local Government Act 2009 No. 17 ss 1, 2(4), 331 sch 1**

date of assent 12 June 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2010 (2010 SL No. 122)

**Sustainable Planning Act 2009 No. 36 ss 1–2, 872 sch 2**

date of assent 22 September 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 18 December 2009 (2009 SL No. 281)

**Geothermal Energy Act 2010 No. 31 ss 1, 2(1), (2)(b), ch 10 pt 1 div 5, pt 2 div 3, pt 3 div 7, ss 425, 467, 533, sch 2 pts 2, 4**

date of assent 1 September 2010  
ss 1–2, ch 10 pt 1 div 5, s 425 commenced on date of assent (see s 2(2)(b))  
ch 10 pt 2 div 3 commenced 29 October 2010 (2010 SL No. 296)  
remaining provisions not yet proclaimed into force (automatic commencement under AIA s 15DA(2) deferred to 2 March 2012 (2011 SL No. 156 s 2))

**Personal Property Securities (Ancillary Provisions) Act 2010 No. 44 ss 1–2, ch 4 pt 29**

date of assent 14 October 2010  
ss 1–2 commenced on date of assent  
remaining provisions not yet proclaimed into force (see s 2)

**Natural Resources and Other Legislation Amendment Act (No. 2) 2010 No. 52 pts 1, 9**

date of assent 1 December 2010  
ss 1–2 commenced on date of assent  
remaining provisions commenced 10 December 2010 (2010 SL No. 351)

**Water and Other Legislation Amendment Act 2010 No. 53 s 1, pt 7**

date of assent 1 December 2010  
commenced on date of assent

**Aboriginal Land and Torres Strait Islander Land and Other Legislation Amendment Act 2011 No. 26 pts 1, 8**

date of assent 29 August 2011  
ss 1–2 commenced on date of assent  
remaining provisions commenced 9 September 2011 (2011 SL No. 173)

## 7 List of annotations

This reprint has been renumbered—see table of renumbered provisions in endnote 9.

**Long title** amd 1997 No. 71 s 3

### Short title

**s 1** sub 1995 No. 22 s 3 sch

### Definitions

**prov hdg** amd 1997 No. 71 s 1 sch

- s 2** prev s 2 amd 1927 18 Geo 5 No. 13 s 2(i); 1988 No. 51 s 3  
om R1 (see RA s 36)
- pres s 2 amd 1927 18 Geo 5 No. 13 s 2(ii); 1995 No. 22 s 4(3)
- def **“1923 Act petroleum tenure”** ins 2004 No. 26 s 4(2)  
sub 2010 No. 53 s 65(1)–(2)
- def **“2004 Act”** ins 2004 No. 26 s 4(2)
- def **“2004 Act ATP”** ins 2004 No. 26 s 4(2)
- def **“2004 Act lease”** ins 2004 No. 26 s 4(2)
- def **“2004 Act petroleum authority”** ins 2005 No. 3 s 10(2)
- def **“2004 Act petroleum tenure”** ins 2004 No. 26 s 4(2)
- def **“2004 Act start day”** ins 2004 No. 26 s 4(2)  
om 2007 No. 46 s 241 sch
- def **“access”** ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def **“access agreement”** ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def **“access dispute”** ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def **“access principles”** ins 1995 No. 22 s 4(2)  
sub 1997 No. 71 s 4(1)–(2)  
om 2003 No. 29 s 373
- def **“access provider”** ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def **“ADR”** ins 2010 No. 31 s 468(2)
- def **“advanced activity”** ins 2010 No. 31 s 468(2)
- def **“appeal period”** ins 2004 No. 26 s 4(2)
- def **“approved arbitrator”** ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def **“area”** ins 2004 No. 26 s 4(2)
- def **“associated facility”** ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def **“authorised activity”** ins 2004 No. 26 s 4(2)  
amd 2005 No. 3 s 10(3); 2009 No. 3 s 524(2)
- def **“authority to prospect”** ins 1955 4 Eliz 2 No. 25 s 2  
sub 1995 No. 22 s 4(1)–(2)
- def **“award”** ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373

Endnotes

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- def “**barrel**” ins 1927 18 Geo 5 No. 13 s 2(ii)
  - sub 1967 No. 37 s 2(a)
  - om 2003 No. 29 s 373
- def “**block**” ins 2004 No. 26 s 4(2)
- def “**capability criteria**” ins 2004 No. 26 s 4(2)
- def “**capacity entitlement**” ins 1995 No. 22 s 4(2)
  - om 2003 No. 29 s 373
- def “**casinghead petroleum spirit**” ins 1962 No. 30 s 2(1)(a)
  - om 2003 No. 29 s 373
- def “**coal exploration tenement**” ins 2004 No. 26 s 4(2)
- def “**coal mining lease**” ins 2004 No. 26 s 4(2)
- def “**coal or oil shale mining lease**” ins 2004 No. 26 s 4(2)
- def “**coal or oil shale mining tenement**” ins 2004 No. 26 s 4(2)
- def “**coal seam gas**” ins 2004 No. 26 s 4(2)
- def “**commercial viability report**” ins 2004 No. 26 s 4(2)
- def “**Commonwealth Native Title Act**” ins 2004 No. 26 s 4(2)
- def “**company**” ins 1965 No. 19 s 4 sch 2
  - sub 1983 No. 13 s 12
  - om 1995 No. 22 s 4(1)
- def “**compensation agreement**” ins 2004 No. 26 s 4(2)
  - om 2010 No. 31 s 468(1)
- def “**compensation application**” ins 2010 No. 31 s 468(2)
- def “**compensation liability**” ins 2004 No. 26 s 4(2)
  - sub 2010 No. 31 s 468
- def “**conditions**” ins 2004 No. 26 s 4(2)
- def “**conduct and compensation agreement**” ins 2010 No. 31 s 468(2)
- def “**conduct and compensation agreement requirement**” ins 2010 No. 31 s 468(2)
- def “**coordinated development agreement**” ins 2004 No. 26 s 4(2)
- def “**coordination arrangement**” ins 2004 No. 26 s 4(2)
- def “**corporation sole**” ins 1988 No. 51 s 4
  - sub 1995 No. 22 s 4(1)–(2)
  - om 2004 No. 26 s 4(1)
- def “**Crown land**” sub 1962 No. 30 s 2(1)(b)
  - om 1995 No. 22 s 4(1)
- def “**crude oil**” ins 1962 No. 30 s 2(1)(b)
- def “**CSG assessment criteria**” ins 2004 No. 26 s 4(2)
- def “**CSG statement**” ins 2004 No. 26 s 4(2)
- def “**current term**” ins 2004 No. 26 s 4(2)
- def “**dangerous situation**” ins 2004 No. 26 s 4(2)
- def “**dealing**” ins 2008 No. 56 s 82(2)
- def “**declared pipeline**” ins 1985 No. 101 s 2(a)
  - sub 1993 No. 35 s 3
  - om 1995 No. 22 s 4(1)
- def “**deferral agreement**” ins 2010 No. 31 s 468(2)
- def “**developable capacity**” ins 1995 No. 22 s 4(2)
  - om 2003 No. 29 s 373

- def **“development plan”** ins 2004 No. 26 s 4(2)  
amd 2007 No. 46 s 241 sch
- def **“drill”** ins 2004 No. 26 s 4(2)
- def **“drilling”** amd 2004 No. 26 s 4(3)
- def **“election notice”** ins 2010 No. 31 s 468(2)
- def **“eligible claimant”** ins 2004 No. 26 s 4(2)  
sub 2010 No. 31 s 468
- def **“enter”** ins 2004 No. 26 s 4(2)
- def **“entry notice”** ins 2004 No. 26 s 4(2)  
sub 2010 No. 31 s 468
- def **“entry period”** ins 2004 No. 26 s 4(2)  
om 2010 No. 31 s 468(1)
- def **“entry permission”** ins 1995 No. 22 s 4(2)  
om 2004 No. 26 s 4(1)
- def **“Environmental Protection Act”** ins 2004 No. 26 s 4(2)
- def **“excluded land”** ins 2004 No. 26 s 4(2)  
amd 2008 No. 33 s 125 sch 1
- def **“executive officer”** ins 1995 No. 22 s 4(2)  
om 2004 No. 26 s 4(1)
- def **“existing Water Act bore”** ins 2005 No. 3 s 10(2)  
om 2010 No. 53 s 65(1)
- def **“explore”** ins 2004 No. 26 s 4(2)
- def **“facility”** ins 1995 No. 22 s 4(2)  
amd 1996 No. 77 s 3; 1997 No. 71 s 4(3)  
om 2003 No. 29 s 373
- def **“facility owner”** ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def **“facility user”** ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def **“fee”** ins 2004 No. 26 s 4(2)
- def **“first tenure”** ins 2004 No. 26 s 4(2)
- def **“geothermal exploration permit”** ins 2004 No. 26 s 4(2)
- def **“GHG”** ins 2009 No. 3 s 524(1)
- def **“GHG authority”** ins 2009 No. 3 s 524(1)
- def **“GHG coordination arrangement”** ins 2009 No. 3 s 524(1)
- def **“GHG lease”** ins 2009 No. 3 s 524(1)
- def **“GHG permit”** ins 2009 No. 3 s 524(1)
- def **“GHG storage Act”** ins 2009 No. 3 s 524(1)
- def **“GHG storage activity”** ins 2009 No. 3 s 524(1)
- def **“GHG stream”** ins 2009 No. 3 s 524(1)
- def **“GHG stream storage”** ins 2009 No. 3 s 524(1)
- def **“GHG tenure”** ins 2009 No. 3 s 524(1)
- def **“holder”** ins 2004 No. 26 s 4(2)
- def **“impaired capacity”** ins 2005 No. 3 s 10(2)  
om 2010 No. 53 s 65(1)
- def **“incidental coal seam gas”** ins 2004 No. 26 s 4(2)
- def **“independent viability assessment”** ins 2004 No. 26 s 4(2)

- def “**indicative access conditions**” ins 1995 No. 22 s 4(2)
  - om 2003 No. 29 s 373
- def “**indicative tariff**” ins 1997 No. 71 s 4(2)
  - om 2003 No. 29 s 373
- def “**indicative tariff schedule**” ins 1995 No. 22 s 4(2)
  - om 1997 No. 71 s 4(1)
- def “**information-giver**” ins 2009 No. 3 s 524(1)
- def “**information notice**” ins 2004 No. 26 s 4(2)
- def “**interfere with**” ins 2005 No. 3 s 10(2)
- def “**land**” ins 1962 No. 30 s 2(1)(c)
- def “**land access code**” ins 2010 No. 31 s 468(2)
- def “**later development plan requirements**” ins 2004 No. 26 s 4(2)
- def “**later work program requirements**” ins 2004 No. 26 s 4(2)
- def “**licence**” ins 1962 No. 30 s 2(1)(d)
  - amd 1985 No. 101 s 2(b)
  - sub 1995 No. 22 s 4(1)–(2)
  - om 2004 No. 26 s 4(1)
- def “**licensed water bore driller**” ins 2004 No. 26 s 4(2)
- def “**licensee**” ins 1962 No. 30 s 2(1)(d)
  - om 2004 No. 26 s 4(1)
- def “**make good agreement**” ins 2005 No. 3 s 10(2)
  - om 2010 No. 53 s 65(1)
- def “**make good obligation**” ins 2005 No. 3 s 10(2)
  - om 2010 No. 53 s 65(1)
- def “**mandatory condition**” ins 2004 No. 26 s 4(2)
- def “**mandatory provision**” ins 2010 No. 31 s 468(2)
- def “**mark the land**” om 2004 No. 26 s 4(1)
- def “**Mineral Resources Act**” ins 2004 No. 26 s 4(2)
- def “**minimum negotiation period**” ins 2010 No. 31 s 468(2)
- def “**mining interest**” ins 2004 No. 26 s 4(2)
- def “**mining lease**” ins 2004 No. 26 s 4(2)
- def “**mining tenement**” ins 2004 No. 26 s 4(2)
- def “**Minister**” ins 1962 No. 30 s 2(1)(e)
  - sub 1967 No. 37 s 2(b)
  - om 1993 No. 35 s 3(1)
- def “**monitoring report**” ins 2005 No. 3 s 10(2)
  - om 2010 No. 53 s 65(1)
- def “**natural gas**” ins 1962 No. 30 s 2(1)(e)
- def “**natural underground reservoir**” ins 2004 No. 26 s 4(2)
- def “**negotiation notice**” ins 2010 No. 31 s 468(2)
- def “**nominal capacity**” ins 1995 No. 22 s 4(2)
  - om 2003 No. 29 s 373
- def “**noncompliance action**” ins 2004 No. 26 s 4(2)
- def “**non-discriminatory**” ins 1995 No. 22 s 4(2)
  - om 2003 No. 29 s 373
- def “**notice**” ins 2004 No. 26 s 4(2)
- def “**notifiable road use**” ins 2004 No. 26 s 4(2)



- def **“occupier”** ins 2004 No. 26 s 4(2)  
 sub 2010 No. 31 s 468
- def **“oil shale”** ins 2004 No. 26 s 4(2)
- def **“oil shale exploration tenement”** ins 2004 No. 26 s 4(2)
- def **“oil shale mining lease”** ins 2004 No. 26 s 4(2)
- def **“on”** ins 1995 No. 22 s 4(2)  
 sub 2004 No. 26 s 4(1)–(2)
- def **“operate”** ins 2004 No. 26 s 4(2)
- def **“operating plant”** ins 2004 No. 26 s 4(2)
- def **“original notional sub-blocks”** ins 2004 No. 26 s 4(2)  
 amd 2007 No. 46 s 241 sch
- def **“overlapping GHG authority”** ins 2009 No. 3 s 524(1)
- def **“owner”** ins 2004 No. 26 s 4(2)  
 amd 2005 No. 3 s 10(4)–(5); 2006 No. 39 s 512(1) sch 1; 2010 No. 53 s 65(3)–(4); 2011 No. 26 s 125(1)–(2)
- def **“parties”** ins 2010 No. 31 s 468(2)
- def **“permit”** sub 1995 No. 22 s 4(1)–(2)  
 om 2004 No. 26 s 4(1)
- def **“permitted dealing”** ins 2004 No. 26 s 4(2)  
 om 2008 No. 56 s 82(1)
- def **“permittee”** sub 1995 No. 22 s 4(1)–(2)  
 om 2004 No. 26 s 4(1)
- def **“person”** om 1995 No. 22 s 4(1)
- def **“petroleum”** amd 1929 20 Geo 5 No. 17 s 2  
 sub 1967 No. 37 s 2(c)  
 amd 1982 No. 23 s 73; 2004 No. 26 s 4(5)
- def **“Petroleum Advisory Board”** ins 1927 18 Geo 5 No. 13 s 2(ii)  
 om 2004 No. 26 s 4(1)
- def **“petroleum register”** ins 2004 No. 26 s 4(2)
- def **“petroleum royalty”** ins 2004 No. 26 s 4(2)
- def **“pipeline”** ins 1962 No. 30 s 2(1)(f)  
 amd 1997 No. 71 s 4(4)
- def **“pipeline licence”** ins 1995 No. 22 s 4(2)  
 om 2004 No. 26 s 4(1)
- def **“place”** ins 2004 No. 26 s 4(2)
- def **“plan period”** ins 2004 No. 26 s 4(2)
- def **“preliminary activity”** ins 2010 No. 31 s 468(2)
- def **“Prescribed”** om 1993 No. 35 s 3(1)
- def **“private land”** sub 1962 No. 30 s 2(1)(g); 1995 No. 22 s 4(1)–(2); 2004 No. 26 s 4(1)–(2); 2010 No. 31 s 468  
 amd 2011 No. 26 s 125(3)
- def **“produced”** ins 2004 No. 26 s 4(2)
- def **“program period”** ins 2004 No. 26 s 4(2)
- def **“proposed facility user”** ins 1995 No. 22 s 4(2)  
 om 2003 No. 29 s 373
- def **“provisions”** ins 2004 No. 26 s 4(2)
- def **“public land”** ins 2004 No. 26 s 4(2)  
 sub 2010 No. 31 s 468

Endnotes

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- def “**public land authority**” ins 2004 No. 26 s 4(2)
- def “**public road**” ins 2004 No. 26 s 4(2)
- def “**public road authority**” ins 2004 No. 26 s 4(2)
- def “**Public Works Land Resumption Act**” om R1 (see RA s 39) (see 1988 No. 51 s 9)
- def “**recipient**” ins 2004 No. 26 s 4(2)
- def “**refinery permission**” ins 1995 No. 22 s 4(2)  
om 2004 No. 26 s 4(1)
- def “**related corporation**” ins 1995 No. 22 s 4(2)  
sub 2001 No. 45 s 29 sch 3  
om 2003 No. 29 s 373
- def “**relevant departmental office**” ins 2009 No. 3 s 524(1)
- def “**relevant environmental authority**” ins 2004 No. 26 s 4(2)  
sub 2005 No. 3 s 10(1)–(2)
- def “**relevant owner or occupier**” ins 2010 No. 31 s 468(2)
- def “**relinquishment condition**” ins 2004 No. 26 s 4(2)
- def “**remedial powers**” ins 2004 No. 26 s 4(2)
- def “**report**” ins 2004 No. 26 s 4(2)
- def “**representative**” ins 1995 No. 22 s 4(2)  
om 2004 No. 26 s 4(1)
- def “**required information**” ins 2004 No. 26 s 4(2)
- def “**restoration measures**” ins 2005 No. 3 s 10(2)  
om 2010 No. 53 s 65(1)
- def “**review event**” ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def “**review report**” ins 2005 No. 3 s 10(2)  
om 2010 No. 53 s 65(1)
- def “**road use direction**” ins 2004 No. 26 s 4(2)
- def “**safety management plan**” ins 2004 No. 26 s 4(2)
- def “**second tenure**” ins 2004 No. 26 s 4(2)
- def “**security**” ins 2004 No. 26 s 4(2)
- def “**services of the State**” ins 2004 No. 26 s 4(2)
- def “**share**” ins 2004 No. 26 s 4(2)
- def “**shared technical information**” ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def “**spare capacity**” ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def “**specific purpose mining lease**” ins 2004 No. 26 s 4(2)
- def “**specified configuration**” ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def “**State controlled road**” ins 2004 No. 26 s 4(2)
- def “**State mining engineer**” ins 1981 No. 14 s 2  
sub 1993 No. 35 s 3  
om 1995 No. 22 s 4(1)
- def “**state of mind**” ins 1995 No. 22 s 4(2)  
om 2003 No. 29 s 373
- def “**structure**” ins 2004 No. 26 s 4(2)
- def “**sub-block**” ins 2004 No. 26 s 4(2)

- def “**sublease**” ins 1995 No. 22 s 4(2)  
amd 2004 No. 26 s 4(6)
- def “**submission**” ins 2004 No. 26 s 4(2)
- def “**tariff setting principles**” ins 1995 No. 22 s 4(2)  
om 1997 No. 71 s 4(1)
- def “**the public interest**” ins 2004 No. 26 s 4(2)
- def “**This Act**” om 1993 No. 35 s 3(1)
- def “**transfer**” ins 2004 No. 26 s 4(2)
- def “**transitional notional sub-blocks**” ins 2004 No. 26 s 4(2)
- def “**tribunal**” ins 2004 No. 26 s 4(2)  
om 2007 No. 39 s 41 sch
- def “**trigger threshold**” ins 2005 No. 3 s 10(2)  
om 2010 No. 53 s 65(1)
- def “**unallocated State land**” ins 1995 No. 22 s 4(2)
- def “**underground water**” ins 2005 No. 3 s 10(2)
- def “**underground water flow model**” ins 2005 No. 3 s 10(2)  
om 2010 No. 53 s 65(1)
- def “**underground water impact report**” ins 2005 No. 3 s 10(2)  
om 2010 No. 53 s 65(1)
- def “**underground water obligations**” ins 2010 No. 53 s 65(2)
- def “**unduly affected**” ins 2005 No. 3 s 10(2)  
om 2010 No. 53 s 65(1)
- def “**unitisation arrangement**” ins 1995 No. 22 s 4(2)  
om 2004 No. 26 s 4(1)
- def “**usual relinquishment**” ins 2004 No. 26 s 4(2)
- def “**waiver of entry notice**” ins 2004 No. 26 s 4(2)  
sub 2010 No. 31 s 468
- def “**Water Act**” ins 2004 No. 26 s 4(2)
- def “**Water Act regulator**” ins 2004 No. 26 s 4(2)
- def “**water monitoring activity**” ins 2010 No. 53 s 65(2)
- def “**water monitoring authority**” ins 2005 No. 3 s 10(2)
- def “**water observation bore**” ins 2004 No. 26 s 4(2)
- def “**water supply bore**” ins 2004 No. 26 s 4(2)  
sub 2005 No. 3 s 10(1)–(2)
- def “**well**” ins 2004 No. 26 s 4(2)  
amd 2005 No. 3 s 10(6)–(7); 2010 No. 53 s 65(5)
- def “**wellhead**” ins 2004 No. 26 s 4(2)
- def “**work program**” ins 2004 No. 26 s 4(2)  
amd 2005 No. 3 s 10(8)

### **Relationship with Mineral Resources Act**

- s 3** ins 1995 No. 22 s 5  
sub 2004 No. 26 s 5  
amd 2008 No. 33 s 125 sch 1

### **Relationship with Nature Conservation Act 1992**

- s 4** prev s 4 ins 1995 No. 22 s 5  
om 2003 No. 29 s 374

Endnotes

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pres s 4 ins 2004 No. 26 s 5  
amd 2005 No. 53 s 159 sch

**Relationship with Greenhouse Gas Storage Act 2009**

s 4A ins 2009 No. 3 s 525

**Appointment of pipelines tribunal**

s 4B ins 1988 No. 51 s 5(b)  
amd 1993 No. 35 s 4  
om 1995 No. 22 s 7

**Disclosure of member's interest**

s 4C ins 1988 No. 51 s 5(b)  
om 1995 No. 22 s 7

**Inquiry by pipelines tribunal**

s 4D ins 1988 No. 51 s 5(b)  
om 1995 No. 22 s 7

**Inquiry into transportation charges**

s 4E ins 1988 No. 51 s 5(b)  
amd 1991 No. 65 s 4 (retro)  
om 1995 No. 22 s 7

**Pipelines tribunal deemed a commission of inquiry**

s 4F ins 1988 No. 51 s 5(b)  
om 1995 No. 22 s 7

**Powers following inquiry**

s 4G ins 1988 No. 51 s 5(b)  
sub 1993 No. 35 s 5  
om 1995 No. 22 s 7

**Adjustment of pipeline charges**

s 4H ins 1993 No. 35 s 5  
om 1995 No. 22 s 7

**Meaning of "proposed facility user"**

s 5 ins 1995 No. 22 s 5  
om 2003 No. 29 s 374

**Meaning of "spare capacity"**

s 6 ins 1995 No. 22 s 5  
om 2003 No. 29 s 374

**Application of Act**

s 7 amd 1962 No. 30 s 3; 1982 No. 23 s 74; 1998 No. 28 s 72; 1999 No. 15 s 137  
sch 1; 2004 No. 26 s 6; 2008 No. 27 s 34

**Act applies out to coastal waters of the State**

s 7A ins 1997 No. 71 s 5

**Qualification of 1923 petroleum tenure holders**

- prov hdg** amd 2004 No. 26 s 18(1)  
**s 7AA** (prev s 24) amd 1929 20 Geo 5 No. 17 s 3  
 sub 1965 No. 19 s 4 sch 2  
 amd 2004 No. 26 s 18(2)–(3)  
 reloc 2004 No. 26 s 18(4)  
 amd 2008 No. 56 s 83

**Notes in text**

- s 7B** ins 2004 No. 26 s 7  
 om 2007 No. 46 s 136

**PART 2—PETROLEUM ADVISORY BOARD**

- pt hdg** ins 1927 18 Geo 5 No. 13 s 2(iii)  
 amd 1988 No. 51 s 5(a); 1995 No. 22 s 6  
 om 2004 No. 26 s 8

**Appointment of Petroleum Advisory Board**

- s 8** ins 1927 18 Geo 5 No. 13 s 2(iii)  
 amd 1995 No. 22 s 3 sch  
 om 2004 No. 26 s 8

**Petroleum is Crown property**

- hdg prec s 9** om 1995 No. 22 s 3 sch

**Petroleum the property of the Crown**

- s 9** amd 1967 No. 37 s 3; 1991 No. 65 s 5

**Reservations in grants**

- s 10** amd 1967 No. 37 s 4; 1995 No. 22 s 3 sch; 2004 No. 26 s 9

**Qualification of companies registered in Queensland**

- s 10A** ins 1929 20 Geo 5 No. 17 s 4  
 sub 1962 No. 30 s 5  
 om 1965 No. 19 s 4 sch 2

**Incorporation of Minister**

- s 11** orig s 11 om 1939 3 Geo 6 No. 19 s 4  
 prev s 11 amd 1967 No. 37 s 5  
 sub 1988 No. 51 s 6  
 om 2004 No. 26 s 10

**General authority of corporation sole**

- s 12** ins 1988 No. 51 s 7  
 amd 1993 No. 35 s 6  
 om 2004 No. 26 s 10

**Corporation sole to have powers etc. of holder of authority etc.**

- s 13** orig s 13 om 1939 3 Geo No. 19 s 4  
 prev s 13 ins 1988 No. 51 s 7  
 om 2004 No. 26 s 10

**Entry by corporation sole**

**s 14** ins 1988 No. 51 s 7  
amd 1995 No. 22 s 3 sch  
om 2004 No. 26 s 10

**Extent of liability of corporation sole**

**s 15** ins 1988 No. 51 s 8  
amd 2001 No. 7 s 302 sch 2  
om 2004 No. 26 s 10

**Land resumptions**

**s 16** amd 1967 No. 37 s 6  
sub 1988 No. 51 s 9  
amd 1991 No. 65 s 6  
om 2004 No. 26 s 10

**PART 4—AUTHORITIES TO PROSPECT**

**pt hdg** sub 2004 No. 26 s 11  
exp 1 November 2021 (see s 25U)

**Division 1—General provisions**

**div hdg** ins 2004 No. 26 s 11  
exp 1 November 2021 (see s 25U)

**Permits and leases**

**s 17** amd 1939 3 Geo 6 No. 19 s 2; 1972 No. 31 s 6 sch 1; 1993 No. 35 s 7  
om 2004 No. 26 s 12

**Authority to prospect**

**s 18** ins 1939 3 Geo 6 No. 19 s 3  
amd 1962 No. 30 s 4; 1991 No. 65 s 7; 2004 No. 26 s 13; 2009 No. 3 s 526  
exp 1 November 2021 (see s 25U)

**Minister's power to decide excluded land for authority to prospect**

**s 18A** ins 2004 No. 26 s 14  
exp 1 November 2021 (see s 25U)

**Variation of authority to prospect**

**s 19** ins 1990 No. 108 s 4 (retro)  
om 2008 No. 56 s 84

**Area of authority to prospect reduced on grant of lease**

**s 20** ins 1990 No. 108 s 4 (retro)  
sub 2004 No. 26 s 15  
exp 1 November 2021 (see s 25U)

**Existing permits continued in force**

**s 20A** ins 1939 3 Geo 6 No. 19 s 10  
om 1995 No. 22 s 8

**Surrender of authority to prospect**

**s 21** prev s 21 amd 1927 18 Geo 5 No. 13 s 2(vi)  
sub 1939 3 Geo 6 No. 19 s 11

om 1958 7 Eliz 2 No. 25 s 5  
 pres s 21 ins 1990 No. 108 s 5 (retro)  
 amd 2004 No. 26 s 16  
exp 1 November 2021 (see s 25U)

**Cancellation of authority to prospect**

s 22 ins 1990 No. 108 s 5 (retro)  
 om 2004 No. 26 s 17

**Duty of permittee**

s 22A prev s 22A ins 1927 18 Geo 5 No. 13 s 2(viii)  
 om 1929 20 Geo 5 No. 17 s 14

**Application by holder of authority to prospect for authority to extend to others**

s 23 (prev s 9B) ins 1983 No. 13 s 13  
 renum 1990 No. 108 s 3 (retro)  
 om 2004 No. 26 s 17

**Miscellaneous rights**

prov hdg sub 2004 No. 26 s 21(1)  
 s 24 (prev s 35) amd 1955 4 Eliz 2 No. 25 s 4; 1995 No. 22 s 3 sch; 2000 No. 34 s  
 1145 sch 3; 2004 No. 26 s 21(2)–(3)  
 reloc 2004 No. 26 s 21(4)  
exp 1 November 2021 (see s 25U)

**Prohibition on carrying out activities prohibited under Geothermal Exploration Act 2003**

s 24A ins 2004 No. 12 s 156  
exp 1 November 2021 (see s 25U)

**Division 2—Work programs**

div hdg ins 2004 No. 26 s 19  
exp 1 November 2021 (see s 25U)

**Subdivision 1—Requirements for proposed later work programs**

sdiv hdg ins 2004 No. 26 s 19  
exp 1 November 2021 (see s 25U)

**Operation of sdiv 1**

s 25 amd 1929 20 Geo 5 No. 17 s 5; 1939 3 Geo 6 No. 19 s 5  
 sub 1958 7 Eliz 2 No. 25 s 2; 2004 No. 26 s 19  
exp 1 November 2021 (see s 25U)

**General requirements**

s 25A ins 2004 No. 26 s 19  
exp 1 November 2021 (see s 25U)

**Program period**

s 25B ins 2004 No. 26 s 19  
exp 1 November 2021 (see s 25U)

**Subdivision 2—Approval of proposed later work programs**

**sdiv 2 (ss 25C–25F)** ins 2004 No. 26 s 19  
[exp 1 November 2021](#) (see s 25U)

**Subdivision 3—Amending work programs**

**sdiv hdg** ins 2004 No. 26 s 19  
[exp 1 November 2021](#) (see s 25U)

**Restrictions on amending work program**

**s 25G** ins 2004 No. 26 s 19  
amd 2005 No. 3 s 105 sch  
[exp 1 November 2021](#) (see s 25U)

**Applying for approval to amend**

**s 25H** ins 2004 No. 26 s 19  
[exp 1 November 2021](#) (see s 25U)

**Requirements for making application**

**s 25I** ins 2004 No. 26 s 19  
[exp 1 November 2021](#) (see s 25U)

**Deciding application**

**s 25J** ins 2004 No. 26 s 19  
[exp 1 November 2021](#) (see s 25U)

**Steps after, and taking effect of, decision**

**s 25K** ins 2004 No. 26 s 19  
[exp 1 November 2021](#) (see s 25U)

**Division 3—Renewals**

**div hdg** ins 2004 No. 26 s 19  
[exp 1 November 2021](#) (see s 25U)

**Conditions for renewal application**

**s 25L** ins 2004 No. 26 s 19 (amd 2004 No. 33 s 21B)  
amd 2005 No. 3 s 105 sch (amdt could not be given effect); 2007 No. 46 s 137  
[exp 1 November 2021](#) (see s 25U)

**Requirements for making application**

**s 25M** ins 2004 No. 26 s 19  
amd 2005 No. 3 s 11; 2005 No. 68 s 150 sch  
[exp 1 November 2021](#) (see s 25U)

**Continuing effect of authority for renewal application**

**s 25N** ins 2004 No. 26 s 19  
[exp 1 November 2021](#) (see s 25U)

**Deciding application**

**s 25O** ins 2004 No. 26 s 19  
[exp 1 November 2021](#) (see s 25U)

**Term and area of renewed authority**

**s 25P** ins 2004 No. 26 s 19  
[exp 1 November 2021](#) (see s 25U)



**Other provisions and taking effect of renewed authority**

**s 25Q** ins 2004 No. 26 s 19  
exp 1 November 2021 (see s 25U)

**Criteria for decisions**

**s 25R** ins 2004 No. 26 s 19  
exp 1 November 2021 (see s 25U)

**Information notice about refusal**

**s 25S** ins 2004 No. 26 s 19  
exp 1 November 2021 (see s 25U)

**When refusal takes effect**

**s 25T** ins 2004 No. 26 s 19  
exp 1 November 2021 (see s 25U)

**Division 4—Expiry of part**

**div hdg** ins 2004 No. 26 s 19  
exp 1 November 2021 (see s 25U)

**Expiry of pt 4 and ending of authorities to prospect**

**s 25U** ins 2004 No. 26 s 19  
 amd 2005 No. 3 s 12  
exp 1 November 2021 (see s 25U)

**Applications for permit**

**hdg prec s 26** om 1995 No. 22 s 3 sch

**PART 5—PROVISIONS RELATING TO PERMITS**

**pt hdg** om 2004 No. 26 s 20

**Particulars of application for permit**

**s 26** amd 1927 18 Geo 5 No. 13 s 2(iv); 1929 20 Geo 5 No. 17 s 6; 1939 3 Geo 6  
 No. 19 s 7; 1958 7 Eliz 2 No. 25 s 3; 1965 No. 19 s 4 sch 2; 1972 No. 31 s  
 6 sch 1; 1976 No. 89 s 3; 1995 No. 22 s 3 sch  
 om 2004 No. 26 s 20

**Warden to report**

**s 27** sub 1939 3 Geo 6 No. 19 s 8  
 om 2004 No. 26 s 20

**Action by Minister**

**s 28** amd 1927 18 Geo 5 No. 13 s 2(v); 1929 20 Geo 5 No. 17 s 7  
 om 2004 No. 26 s 20

**Permit**

**hdg prec s 29** om 1995 No. 22 s 3 sch

**Form of permit**

**s 29** amd 1929 20 Geo 5 No. 17 s 8  
 om 2004 No. 26 s 20

Endnotes

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**Extension of permit**

**s 30** amd 1929 20 Geo 5 No. 17 s 9; 1958 7 Eliz 2 No. 25 s 4; 1982 No. 31 s 3 sch;  
1995 No. 22 s 3 sch  
om 2004 No. 26 s 20

**Marking land**

**s 31** amd 1929 20 Geo 5 No. 17 s 10  
om 2004 No. 26 s 20

**Rent**

**s 32** sub 1929 20 Geo 5 No. 17 s 11  
amd 1939 3 Geo 6 No. 19 s 9; 1972 No. 31 s 6 sch 1; 1976 No. 39 s 4  
om 2004 No. 26 s 20

**Duty of permittee**

**s 33** ins 1929 20 Geo 5 No. 17 s 12  
amd 1958 7 Eliz 2 No. 25 s 6  
om 2004 No. 26 s 20

**Commencement of drilling**

**s 34** (prev s 22) amd 1927 18 Geo 5 No. 13 s 2(vii)  
renum 1929 20 Geo 5 No. 17 s 13  
amd 1929 20 Geo 5 No. 17 s 13; 1972 No. 31 s 6 sch 1  
om 2004 No. 26 s 20

**Private land—compensation before commencement of drilling**

**s 36** orig s 36 om 1962 No. 30 s 13  
prev s 36 amd 1995 No. 22 s 3 sch  
om 2004 No. 26 s 20

**Expiration of permit**

**s 37** om 2004 No. 26 s 20

**Cancellation of permit**

**s 38** om 2004 No. 26 s 20

**Effect of termination of permit**

**s 39** om 2004 No. 26 s 20

**PART 6—PROVISIONS RELATING TO LEASES**

**Division 1—General provisions for leases**

**div hdg** ins 2004 No. 26 s 22

**Lease to holder of authority to prospect**

**prov hdg** amd 2004 No. 26 s 23(1)

**s 40** amd 1927 18 Geo 5 No. 13 s 2(ix); 1939 3 Geo 6 No. 19 s 12  
sub 1962 No. 30 s 6  
amd 1972 No. 31 s 6 sch 1; 1991 No. 65 s 8; 2004 No. 26 s 22(2)–(6); 2007  
No. 46 s 138; 2009 No. 3 s 527  
exp 1 November 2021 (see s 40(9))

**Continuing effect, for s 40 application, of authority to prospect and its work program**

**s 40A** ins 2004 No. 26 s 24  
amd 2005 No. 3 s 105 sch

**Minister's power to decide excluded land for lease**

**s 40B** ins 2004 No. 26 s 24

**Preferent right to further lease**

**s 41** amd 1929 20 Geo 5 No. 17 s 15  
om 2004 No. 26 s 25

**Lease to person other than a holder of an authority to prospect or permittee**

**s 42** ins 1939 3 Geo 6 No. 19 s 13  
sub 1962 No. 30 s 7  
amd 1972 No. 31 s 6 sch 1  
om 2004 No. 26 s 25

**Security in respect of leases**

**s 43** amd 1927 18 Geo 5 No. 13 s 2(x); 1929 20 Geo 5 No. 17 s 16  
sub 1939 3 Geo 6 No. 19 s 14; 1962 No. 30 s 8  
amd 1997 No. 17 s 74 sch; 2001 No. 71 s 551 sch 1  
om 2004 No. 26 s 25

**Form etc. of lease**

**s 44** amd 1962 No. 30 s 9; 1991 No. 65 s 9; 2004 No. 26 s 26; 2009 No. 3 s 528

**Entitlement to renewal of lease**

**s 45** ins 1991 No. 65 s 10  
amd 2004 No. 26 s 27; 2005 No. 3 s 13; 2007 No. 46 s 241 sch; 2007 No. 46 s 139

**Annual rent**

**s 46** sub 1927 18 Geo 5 No. 13 s 2(xi)  
amd 1929 20 Geo 5 No. 17 s 17; 1939 3 Geo 6 No. 19 s 15  
sub 1958 7 Eliz 2 No. 25 s 7  
amd 1972 No. 31 s 6 sch 1; 1976 No. 89 s 5; 1982 No. 23 s 75; 1995 No. 22 s 3 sch  
sub 2004 No. 26 s 28

**Application of GST to rents**

**s 46A** ins 2000 No. 20 s 29 sch 1

**Reservations, conditions and covenants of lease**

**s 47** prev s 47 om 1958 7 Eliz No. 25 s 8  
pres s 47 ins 1962 No. 30 s 10  
amd 1991 No. 65 s 11; 2004 No. 26 s 29

**Commencement of drilling**

**s 48** amd 1927 18 Geo 5 No. 13 s 2(xii); 1939 3 Geo 6 No. 19 s 16; 1962 No. 30 s 11; 1972 No. 31 s 6 sch 1; 1991 No. 65 s 12; 1995 No. 22 s 3 sch; 2007 No. 46 s 140

**Ascertainment of value**

- s 49**      prev s 49 amd 1962 No. 30 s 12  
              om 2004 No. 26 s 30  
              pres s 49 (prev s 57) ins 1967 No. 37 s 8  
              amd 2007 No. 46 s 143(1)  
              renum and reloc 2007 No. 46 s 143(2)

**Compliance with and modification of program for development and production**

- s 50**      ins 1991 No. 65 s 13  
              om 2004 No. 26 s 30

**Use and occupation of mining area on private or improved land**

- s 51**      amd 1962 No. 30 s 14; 1995 No. 22 s 3 sch; 2000 No. 34 s 1145 sch 3; 2004  
              No. 26 ss 4(4), 31

**Surrender and determination of lease**

- s 52**      amd 2004 No. 26 s 32

**Application of 2004 Act provisions about coextensive natural underground reservoirs**

- s 52A**     ins 2004 No. 26 s 33

**Division 2—Development plans**

- div hdg**   ins 2004 No. 26 s 34

**Subdivision 1—Requirements for proposed later development plans**

- sdiv hdg**  ins 2004 No. 26 s 34

**Operation of sdiv 1**

- s 53**      amd 1995 No. 22 s 3 sch  
              sub 2004 No. 26 s 34

**General requirements**

- s 53A**     ins 2004 No. 26 s 34

**Plan period**

- s 53B**     ins 2004 No. 26 s 34  
              amd 2007 No. 46 s 141

**Subdivision 2—Approval of proposed later development plans**

- sdiv 2 (ss 53C–53G)** ins 2004 No. 26 s 34

**Division 3—Miscellaneous provisions**

- div hdg**   (prev pt 7 div 1 hdg) ins 1995 No. 22 s 3 sch  
              om 2004 No. 26 s 40  
              ins 2004 No. 26 s 36  
              amd 2007 No. 46 s 241 sch

**Signing of applications**

- s 54**      om 2007 No. 46 s 142

**Royalty**

- s 55**      ins 1958 7 Eliz 2 No. 25 s 9  
              sub 1967 No. 37 s 7  
              om 2004 No. 26 s 38

**When abandoned well may be declared to be an artesian well**

- s 55A** ins 1950 14 Geo 6 No. 20 s 4  
 amd 1955 4 Eliz 2 No. 25 s 15  
 om 1962 No. 30 s 23

**Royalty not payable in certain cases**

- s 56** ins 1967 No. 37 s 8  
 om 2004 No. 26 s 38

**Ascertainment of quantity of petroleum produced**

- s 58** ins 1967 No. 37 s 8  
 om 2004 No. 26 s 39

**Assessment and payment of royalty**

- s 59** ins 1967 No. 37 s 8  
 amd 1982 No. 31 s 3 sch; 1995 No. 22 s 3 sch; 1995 No. 57 s 4 sch 1  
 om 2004 No. 26 s 39

**Reduction of royalty rate**

- s 60** ins 1967 No. 37 s 8  
 amd 1993 No. 35 s 8  
 om 2004 No. 26 s 39

**Obstruction of 1923 Act petroleum tenure holder**

- s 61** sub 1962 No. 30 s 15; 2004 No. 26 s 41

**Subleases under unitisation arrangements**

- s 62** ins 1991 No. 65 s 14  
 amd 1995 No. 22 s 9; 2001 No. 71 s 551 sch 1  
 om 2004 No. 26 s 41

**Forfeiture of excess holding**

- s 63** amd 1991 No. 65 s 15; 1995 No. 22 ss 10, 3 sch  
 om 2004 No. 26 s 41

**Trespass**

- s 64** amd 1955 4 Eliz 2 No. 25 s 4  
 om 2004 No. 26 s 41

**Reservations in favour of State**

- s 65** amd 1955 4 Eliz 2 No. 25 s 5; 1967 No. 37 s 9  
 sub 1995 No. 22 s 11  
 amd 2004 No. 26 s 42

**Division 4—Refinery and entry permissions and pipeline licences**

- div hdg** ins 1995 No. 22 s 12(1)  
 om 2004 No. 26 s 43

**Oil refineries**

- s 66** orig s 66 sub 1993 No. 35 s 16  
 om R1 (see RA s 37)  
 prev s 66 amd 1955 4 Eliz 2 No. 25 s 6  
 sub 1962 No. 30 s 16

Endnotes

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amd 1988 No. 51 s 10; 1991 No. 65 s 16; 1993 No. 35 s 9; 1994 No. 87 s 3 sch  
2  
sub 1995 No. 22 s 12(1)  
om 2004 No. 26 s 44

**Permission to enter land**

**s 67** orig s 67 ins 1993 No. 35 s 16  
om 1995 No. 22 s 17  
AIA s 20A applies (see prev s 68(1))  
prev s 67 ins 1995 No. 22 s 12(1)  
om 2004 No. 26 s 44

**What happens if someone damages improvements**

**s 68** orig s 68 ins 1995 No. 22 s 18  
exp 11 April 1995 (see prev s 68(2))  
prev s 68 ins 1995 No. 22 s 12(1)  
om 2004 No. 26 s 44

**Pipeline licences**

**s 69** orig s 69 ins 1995 No. 22 s 18  
exp 1 July 1995 (see prev s 69(4))  
AIA s 20A applies (see prev s 69(3))  
prev s 69 ins 1995 No. 22 s 12(1)  
amd 1996 No. 77 s 4; 1997 No. 71 s 1 sch; 1998 No. 28 s 73; 2003 No. 29 s  
375  
om 2004 No. 26 s 44

**Prohibition on carrying out activities prohibited under Geothermal Exploration Act  
2003**

**s 69A** ins 2004 No. 12 s 157 (amdt could not be given effect)

**Access principles to be approved before grant of pipeline licence**

**s 70** orig s 70 ins 1995 No. 22 s 18  
exp 11 April 1995 (see s 70(2))  
prev s 70 ins 1995 No. 22 s 12(1)  
amd 1998 No. 28 s 74  
om 2003 No. 29 s 376

**Decisions relating to the grant of pipeline licences after a competitive selection  
process**

**prov hdg** amd 1997 No. 71 s 6(1)  
**s 70A** ins 1996 No. 77 s 5  
amd 1997 No. 71 ss 6(2)–(3), 1 sch; 2003 No. 29 s 377  
om 2004 No. 26 s 44

**Pipeline licence conditions**

**s 71** orig s 71 ins 1995 No. 22 s 18  
om R2 (see RA s 37)  
prev s 71 ins 1995 No. 22 s 12(1)  
amd 1997 No. 71 s 1 sch; 2003 No. 29 s 378  
om 2004 No. 26 s 44

**What happens on contravention of refinery permission or pipeline licence conditions**

s 72 ins 1995 No. 22 s 12(1)  
om 2004 No. 26 s 44

**Recovery of amounts payable to the State**

s 73 ins 1995 No. 22 s 12(1)  
amd 2004 No. 26 s 45

**PART 6A—KEY MANDATORY CONDITIONS AND RELATED PROVISIONS**

pt hdg ins 2004 No. 26 s 46

**Division 1—Preliminary**

div hdg ins 2004 No. 26 s 46

**Operation of div 1**

s 74 ins 1995 No. 22 s 12(1)  
sub 2004 No. 26 s 46

**Division 2—Specific mandatory conditions for authorities to prospect and related provisions**

div hdg ins 2004 No. 26 s 46

**Subdivision 1—Standard relinquishment condition and related provisions**

sdiv hdg ins 2004 No. 26 s 46  
amd 2007 No. 46 s 241 sch

**Standard relinquishment condition**

s 74A ins 2004 No. 26 s 46

**Consequence of failure to comply with relinquishment condition**

s 74B ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Part usually required to be relinquished**

s 74C ins 2004 No. 26 s 46

**Sub-blocks that can not be counted towards relinquishment**

s 74D ins 2004 No. 26 s 46

**Adjustments for sub-blocks that can not be counted**

s 74E ins 2004 No. 26 s 46

**Relinquishment must be by blocks**

s 74F ins 2004 No. 26 s 46

**Ending of authority to prospect if all of area relinquished**

s 74G ins 2004 No. 26 s 46

**Subdivision 2—Work programs**

sdiv hdg ins 2004 No. 26 s 46

**Requirement to have work program**

s 74H ins 2004 No. 26 s 46

**Compliance with exploration activities in work program**

s 74I ins 2004 No. 26 s 46

**Penalty relinquishment if work program not completed within extended period**

s 74J ins 2004 No. 26 s 46  
amd 2005 No. 3 s 14

**Obligation to lodge proposed later work program**

s 74K ins 2004 No. 26 s 46  
amd 2007 No. 46 s 144

**Consequence of failure to comply with notice to lodge proposed later work program**

s 74L ins 2004 No. 26 s 46

**Subdivision 3—Miscellaneous conditions**

sdiv hdg ins 2004 No. 26 s 46

**Restriction on flaring or venting**

s 74M ins 2004 No. 26 s 46

**Petroleum royalty and annual rent**

s 74N ins 2004 No. 26 s 46  
amd 2007 No. 46 s 241 sch

**Division 3—Specific mandatory conditions for leases and related provisions**

div hdg ins 2004 No. 26 s 46

**Subdivision 1—Development plans**

sdiv hdg ins 2004 No. 26 s 46

**Requirement to have development plan**

s 74O ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Compliance with development plan**

s 74P ins 2004 No. 26 s 46

**Obligation to lodge proposed later development plan**

s 74Q ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch; 2007 No. 46 s 145

**Consequence of failure to comply with notice to lodge proposed later development plan**

s 74R ins 2004 No. 26 s 46

**Subdivision 2—Other mandatory conditions for leases**

sdiv hdg ins 2004 No. 26 s 46

**Restriction on flaring or venting**

s 74S ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Obligation to commence production**

s 74T ins 2004 No. 26 s 46



**Division 4—Provisions for all 1923 Act petroleum tenures****div hdg** ins 2004 No. 26 s 46**Subdivision 1—Preliminary****sdiv 1 (s 74U)** ins 2004 No. 26 s 46**Subdivision 2—General mandatory conditions****sdiv hdg** ins 2004 No. 26 s 46**Obligation to consult with particular owners and occupiers****s 74V** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch  
sub 2010 No. 31 s 469**Civil penalty for nonpayment of annual rent****s 74W** ins 2004 No. 26 s 46**Compliance with land access code****s 74X** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch  
sub 2010 No. 31 s 470  
amd 2010 No. 53 s 66**Requirement to consider using formed roads****s 74Y** ins 2004 No. 26 s 46  
om 2010 No. 31 s 470**Obligation to comply with Act and prescribed standards****s 74Z** ins 2004 No. 26 s 46  
amd 2009 No. 3 s 529**Obligation to survey if Minister requires****s 75** ins 1962 No. 30 s 17  
amd 1988 No. 51 s 11; 1993 No. 35 s 10; 1995 No. 22 s 3 sch  
sub 2004 No. 26 s 46**Notice of change of holder's name****s 75AA** ins 2007 No. 46 s 146  
amd 2008 No. 56 s 81 sch**Division 5—Mandatory conditions and related provisions for when 1923 Act petroleum tenure ends or area reduced****div hdg** ins 1995 No. 22 s 12(1)  
sub 2004 No. 26 s 46**Obligation to decommission pipelines****s 75A** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 15**Obligation to remove equipment and improvements****s 75B** ins 2004 No. 26 s 46**Authorisation to enter to facilitate compliance with s 74X or this division****s 75C** ins 2004 No. 26 s 46

**PART 6B—PROVISIONS RELATING TO AUTHORISED ACTIVITIES**

**pt hdg** ins 2004 No. 26 s 46

**General restriction on carrying out authorised activities**

**s 75D** ins 2004 No. 26 s 46

**Who may carry out authorised activity for holder**

**s 75E** ins 2004 No. 26 s 46

**Limitation of owner’s or occupier’s tortious liability for authorised activities**

**s 75EA** ins 2010 No. 31 s 471

**PART 6C—COMMERCIAL VIABILITY ASSESSMENT**

**pt 6C (ss 75F–75I)** ins 2004 No. 26 s 46

**PART 6CA—EXISTING WATER ACT BORES**

**pt hdg** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Division 1—Preliminary**

**div hdg** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Simplified outline of pt 6CA**

**s 75IA** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**What is an “existing Water Act bore”**

**s 75IB** ins 2005 No. 3 s 16  
amd 2009 No. 36 s 872 sch 2  
om 2010 No. 53 s 67

**When an existing Water Act bore is “unduly affected”**

**s 75IC** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**When an existing Water Act bore has an “impaired capacity”**

**s 75ID** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**What are “restoration measures”**

**s 75IE** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**References to 1923 Act petroleum tenure holder in pt 6CA**

**s 75IF** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Division 2—Obligation to make good for existing Water Act bores**

**div 2 (ss 75IG–75IH)** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Division 3—Underground water impact reports**

**div hdg** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Subdivision 1—Fixing of trigger threshold for aquifers**

**sdiv 1** (ss 75II–75IL) ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Subdivision 2—Lodging report**

**sdiv hdg** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Lodging report**

**s 75IM** ins 2005 No. 3 s 16  
amd 2007 No. 46 s 147  
om 2010 No. 53 s 67

**Requirements for report**

**s 75IN** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Exemption from underground water flow model**

**s 75IO** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Subdivision 3—Consideration of underground water impact report**

**sdiv 3** (ss 75IP–75IQ) ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Division 4—Pre-closure report**

**div 4** (ss 75IR–75IU) ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Division 5—Monitoring and review reports**

**div hdg** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Operation of div 5**

**s 75IV** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Obligation to lodge monitoring reports**

**s 75IW** ins 2005 No. 3 s 16  
amd 2007 No. 46 s 148  
om 2010 No. 53 s 67

**Obligation to lodge review reports**

**s 75IX** ins 2005 No. 3 s 16  
amd 2007 No. 46 s 149  
om 2010 No. 53 s 67

**Effect of lodgement review report**

**s 75IY** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Chief executive's power to change frequency of reports**

**s 75IZ** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Chief executive's power to change reporting days**

s **75IZA** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Power to require amendment of review report**

s **75IZB** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Division 6—Complying with make good obligation**

div hdg ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Subdivision 1—Obligation to negotiate**

sdiv 1 (s **75IZC**) ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Subdivision 2—Land Court decision on how the obligation must be complied with**

sdiv hdg ins 2005 No. 3 s 16  
amd 2007 No. 39 s 41 sch  
om 2010 No. 53 s 67

**Application of sdiv 2**

s **75IZD** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Applying to Land Court**

prov hdg amd 2007 No. 39 s 41 sch  
s **75IZE** ins 2005 No. 3 s 16  
amd 2007 No. 39 s 41 sch  
om 2010 No. 53 s 67

**Provisions for making decision**

s **75IZF** ins 2005 No. 3 s 16  
amd 2007 No. 39 s 41 sch  
om 2010 No. 53 s 67

**Provisions for deciding compensation**

s **75IZG** ins 2005 No. 3 s 16  
amd 2007 No. 39 s 41 sch  
om 2010 No. 53 s 67

**Subdivision 3—Miscellaneous provisions**

sdiv hdg ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Make good agreement or Land Court's decision binds successors and assigns**

prov hdg amd 2007 No. 39 s 41 sch  
ss **75IZH** ins 2005 No. 3 s 16  
amd 2007 No. 39 s 41 sch  
om 2010 No. 53 s 67

**Reviews by Land Court**

**prov hdg** amd 2007 No. 39 s 41 sch  
**ss 75IZI** ins 2005 No. 3 s 16  
amd 2007 No. 39 s 41 sch  
om 2010 No. 53 s 67

**Right of entry after 1923 Act petroleum tenure ends to comply with make good obligation**

**ss 75IZJ** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**Advice from Water Act regulator**

**ss 75IZK** ins 2005 No. 3 s 16  
om 2010 No. 53 s 67

**PART 6D—WELLS, WATER SUPPLY BORES AND WATER OBSERVATION BORES**

**pt hdg** ins 2004 No. 26 s 46

**Division 1—Restrictions on drilling**

**div hdg** ins 2004 No. 26 s 46

**Requirements for drilling well**

**s 75J** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 17

**Restriction on who may drill water observation bore or water supply bore**

**s 75K** ins 2004 No. 26 s 46

**Division 2—Converting well to water supply bore**

**div hdg** ins 2004 No. 26 s 46

**Restrictions on making conversion**

**s 75L** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 18

**Notice of conversion**

**s 75M** ins 2004 No. 26 s 46

**Division 3—Transfers of wells, water observation bores and water supply bores**

**div hdg** ins 2004 No. 26 s 46

**Subdivision 1—General provisions**

**sdiv hdg** ins 2004 No. 26 s 46

**Operation of div 3**

**s 75N** ins 2004 No. 26 s 46

**Transfer only permitted under div 3**

**s 75O** ins 2004 No. 26 s 46

**Effect of transfer**

**s 75P** ins 2004 No. 26 s 46

**Subdivision 2—Permitted transfers**

**sdiv hdg** ins 2004 No. 26 s 46

**Transfer of water observation bore or water supply bore to landowner**

**s 75Q** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 19; 2007 No. 46 s 241 sch; 2008 No. 56 s 85

**Transfer of well to holder of geothermal exploration permit or mining tenement**

**s 75R** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 20

**Transfer of water observation bore to petroleum tenure holders or water monitoring authority holder**

**s 75S** ins 2004 No. 26 s 46  
sub 2005 No. 3 s 21

**Subdivision 3—Notice of transfer**

**sdiv hdg** ins 2004 No. 26 s 46

**Notice of transfer to Water Act regulator or Mineral Resources Act chief executive**

**s 75T** ins 2004 No. 26 s 46

**Division 4—Decommissioning of wells, water observation bores and water supply bores**

**div hdg** ins 2004 No. 26 s 46

**Obligation to decommission**

**s 75U** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 22; 2007 No. 46 s 150; 2009 No. 3 s 530

**Right of entry to facilitate decommissioning**

**s 75V** ins 2004 No. 26 s 46

**Responsibility for well or bore after decommissioning**

**s 75W** ins 2004 No. 26 s 46

**Division 5—Water monitoring authorities**

**div hdg** ins 2005 No. 3 s 23

**Subdivision 1—Obtaining water monitoring authority**

**sdiv hdg** ins 2005 No. 3 s 23

**Who may apply for water monitoring authority**

**s 75WA** ins 2005 No. 3 s 23  
amd 2010 No. 53 s 68

**Requirements for making application**

**s 75WB** ins 2005 No. 3 s 23

**Deciding application for water monitoring authority**

**s 75WC** ins 2005 No. 3 s 23  
amd 2010 No. 53 s 69

**Subdivision 2—Key authorised activities**

**sdiv hdg** ins 2005 No. 3 s 23

**Operation of sdiv 2**

s 75WD ins 2005 No. 3 s 23  
amd 2010 No. 53 s 70

**Water monitoring activities**

s 75WE ins 2005 No. 3 s 23  
amd 2010 No. 53 s 71

**Limited right to take or interfere with underground water**

s 75WF ins 2005 No. 3 s 23

**Authorisation for Water Act**

s 75WG ins 2005 No. 3 s 23

**Water Act not otherwise affected**

s 75WH ins 2005 No. 3 s 23

**Restriction on carrying out authorised activities**

s 75WI ins 2005 No. 3 s 23

**No right to petroleum discovered**

s 75WJ ins 2005 No. 3 s 23

**Subdivision 3—Miscellaneous provisions**

sdiv hdg ins 2005 No. 3 s 23

**Term of authority**

s 75WK ins 2005 No. 3 s 23

**Provision for who is the authority holder if only 1 related petroleum tenure**

s 75WL ins 2005 No. 3 s 23

**Additional condition of relevant petroleum tenure**

s 75WM ins 2005 No. 3 s 23

**Amending water monitoring authority by application**

s 75WN ins 2005 No. 3 s 23  
amd 2010 No. 53 s 72

**PART 6E—REPORTING**

pt hdg ins 2004 No. 26 s 46

**Division 1—General reporting provisions**

div hdg ins 2004 No. 26 s 46

**Requirement to report outcome of testing**

s 75X ins 2004 No. 26 s 46

**Notice about discovery and commercial viability**

s 75Y ins 2004 No. 26 s 46  
amd 2007 No. 46 s 151

**Relinquishment report**

s 75Z ins 2004 No. 26 s 46

**End of tenure report**

s 76 ins 1962 No. 30 s 17  
amd 1988 No. 51 s 12; 1993 No. 35 s 11; 1995 No. 22 s 3 sch  
sub 2004 No. 26 s 46

**Division 2—Records and samples**

div hdg ins 2004 No. 26 s 46

**Requirement to keep records and samples**

s 76A ins 2004 No. 26 s 46

**Requirement to lodge records and samples**

s 76B ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch; 2008 No. 56 s 86

**Division 3—Releasing required information**

div hdg ins 2004 No. 26 s 46

**Meaning of “required information”**

s 76C ins 2004 No. 26 s 46

**Public release of required information**

s 76D ins 2004 No. 26 s 46

**Chief executive may use required information**

s 76E ins 2004 No. 26 s 46

**Obligation to lodge annual reports**

s 76F ins 2004 No. 26 s 46  
om 2007 No. 46 s 152

**Power to require information or reports about authorised activities to be kept or given**

s 76G ins 2004 No. 26 s 46  
amd 2010 No. 52 s 36

**Giving copy of required notice by publication**

s 76GA ins 2010 No. 52 s 37

**Copy of particular notices for chief executive (environment)**

s 76GB ins 2010 No. 52 s 37

**PART 6F—PROVISIONS FOR COAL SEAM GAS**

pt hdg ins 2004 No. 26 s 46

**Division 1—Preliminary**

div hdg ins 2004 No. 26 s 46

**Subdivision 1—Introduction**

sdiv hdg ins 2004 No. 26 s 46

**Main purposes of pt 6F**

s 76H ins 2004 No. 26 s 46



**How main purposes are achieved**

**s 76I** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Relationship with other provisions of Act**

**s 76J** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Subdivision 2—Definitions for pt 6F**

**sdiv hdg** ins 2004 No. 26 s 46

**What is “coal seam gas” and “incidental coal seam gas”**

**s 76K** ins 2004 No. 26 s 46

**What is “oil shale”**

**s 76L** ins 2004 No. 26 s 46

**What is a “coal exploration tenement” and a “coal mining lease”**

**s 76M** ins 2004 No. 26 s 46

**What is an “oil shale exploration tenement” and an “oil shale mining lease”**

**s 76N** ins 2004 No. 26 s 46

**What is a “coal or oil shale mining tenement”**

**s 76O** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Division 2—Additional provisions for authorities to prospect**

**div hdg** ins 2004 No. 26 s 46

**Subdivision 1—Grant of authority to prospect in area of coal or oil shale exploration tenement**

**sdiv hdg** ins 2004 No. 26 s 46

**Provisions for authority to prospect**

**s 76P** ins 2004 No. 26 s 46

**Subdivision 2—Restriction on authorised activities on coal or oil shale mining lease land**

**sdiv hdg** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Application of sdiv 2**

**s 76Q** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Restriction**

**s 76R** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 24

**Subdivision 3—Condition**

**sdiv hdg** ins 2004 No. 26 s 46

**Compliance with obligations under Mineral Resources Act**

**s 76S** ins 2004 No. 26 s 46

**Division 3—Renewal provisions**

**div hdg** ins 2004 No. 26 s 46

**Subdivision 1—Lease area overlapping with coal or oil shale exploration tenement**

**sdiv hdg** ins 2004 No. 26 s 46  
om 2005 No. 3 s 105 sch

**Application of div 3**

**prov hdg** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**s 76T** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Additional requirements for making application**

**s 76U** ins 2004 No. 26 s 46

**Content requirements for CSG statement**

**s 76V** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Applicant's obligations**

**s 76W** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 25

**Minister may require further negotiation**

**s 76X** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 26

**Consequence of applicant not complying with obligations or requirement**

**s 76Y** ins 2004 No. 26 s 46

**Obligations of coal or oil shale exploration tenement holder**

**s 76Z** ins 2004 No. 26 s 46

**Submissions by coal or oil shale exploration tenement holder**

**s 77** ins 1962 No. 30 s 17  
amd 1995 No. 22 s 3 sch  
sub 2004 No. 26 s 46  
amd 2005 No. 3 s 27

**Subdivision 2—Renewal application by petroleum lease holder**

**sdiv 2 (ss 77A–77G)** ins 2004 No. 26 s 46  
om 2005 No. 3 s 28

**Subdivision 3—Renewal application by coal mining lease holder or oil shale mining lease holder**

**sdiv 3 (ss 77H–77M)** ins 2004 No. 26 s 46  
om 2005 No. 3 s 28

**Division 4—Other additional provisions for leases**

**div hdg** ins 2004 No. 26 s 46

**Subdivision 1—Conditions**

**sdiv hdg** ins 2004 No. 26 s 46

**Compliance with obligation to negotiate with coal or oil shale mining lease applicant**  
s 77N ins 2004 No. 26 s 46

**Requirement for giving of copy of relinquishment report**  
s 77O ins 2004 No. 26 s 46  
amd 2005 No. 3 s 29

**Cessation of relinquishment condition for area not overlapping with coal or oil shale exploration tenement**  
s 77P ins 2004 No. 26 s 46

**Subdivision 2—Amendment of relinquishment condition by application**  
sdiv hdg ins 2004 No. 26 s 46

**Application of sdiv 2**  
s 77Q ins 2004 No. 26 s 46

**Conditions for applying to amend**  
s 77R ins 2004 No. 26 s 46

**Obligation of coal or oil shale exploration tenement holder to negotiate**  
s 77S ins 2004 No. 26 s 46

**Requirements for making application**  
s 77T ins 2004 No. 26 s 46

**Notice of application**  
s 77U ins 2004 No. 26 s 46

**Submissions by coal or oil shale exploration tenement holder**  
s 77V ins 2004 No. 26 s 46

**Minister may require further negotiation**  
s 77W ins 2004 No. 26 s 46

**Deciding amendment application**  
s 77X ins 2004 No. 26 s 46  
amd 2005 No. 3 s 30

**Subdivision 3—Restriction on amendment of other conditions**  
sdiv hdg ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Interests of relevant coal or oil shale mining tenement holder to be considered**  
s 77Y ins 2004 No. 26 s 46

**Division 5—Restrictions on particular transfers**  
div hdg ins 2004 No. 26 s 46

**Requirement for coordination arrangement to transfer lease in tenure area of mining lease**  
s 77Z ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Division 6—Additional provisions for development plans**

**div hdg** ins 2004 No. 26 s 46  
sub 2005 No. 3 s 31

**Subdivision 1—Additional requirements for proposed later development plans**

**sdiv hdg** ins 2005 No. 3 s 31

**Operation of sdiv 1**

**s 77ZA** ins 2005 No. 3 s 31

**Statement about interests of coal or oil shale mining tenement holder**

**prov hdg** amd 2005 No. 68 s 150 sch  
**s 77ZB** ins 2005 No. 3 s 31

**Requirement to optimise petroleum production**

**s 77ZC** ins 2005 No. 3 s 31

**Consistency with coal or oil shale mining lease, development plan and relevant coordination arrangement**

**s 77ZD** ins 2005 No. 3 s 31

**Subdivision 2—Other additional provisions for proposed later development plans**

**sdiv hdg** ins 2005 No. 3 s 31

**Application of sdiv 2**

**s 77ZE** ins 2005 No. 3 s 31

**Additional criteria for approval**

**s 78** ins 1962 No. 30 s 17  
amd 1967 No. 37 s 10; 1995 No. 22 s 3 sch; 2000 No. 26 s 12 sch 1; 2000 No.  
34 s 1145 sch 3; 2003 No. 19 s 3 sch  
sub 2004 No. 26 s 46; 2005 No. 3 s 31

**Division 7—Confidentiality of information**

**div hdg** ins 2004 No. 26 s 46

**Application of div 7**

**s 78A** ins 2004 No. 26 s 46

**Confidentiality obligations**

**s 78B** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 32

**Civil remedies**

**s 78C** ins 2004 No. 26 s 46

**PART 6FA—PROVISIONS FOR GHG AUTHORITIES**

**pt hdg** ins 2009 No. 3 s 531

**Division 1—Preliminary**

**div 1 (ss 78CA–78CC)** ins 2009 No. 3 s 531

**Division 2—Restrictions on authorised activities for authorities to prospect**

**div 2 (ss 78CD–78CF)** ins 2009 No. 3 s 531

**Division 3—Leases with overlapping GHG authority****div hdg** ins 2009 No. 3 s 531**Subdivision 1—Continuance of coordination arrangements after renewal or dealing****sdiv 1 (s 78CG)** ins 2009 No. 3 s 531**Subdivision 2—Later development plans****sdiv 2 (ss 78CH–78CJ)** ins 2009 No. 3 s 531**Division 4—Provisions for all 1923 Act petroleum tenures****div hdg** ins 2009 No. 3 s 531**Subdivision 1—Safety management plans****sdiv 1 (ss 78CK–78CL)** ins 2009 No. 3 s 531**Subdivision 2—Other provisions****sdiv 2 (ss 78CM–78CN)** ins 2009 No. 3 s 531**PART 6G—SECURITY****pt hdg** ins 2004 No. 26 s 46**Operation and purpose of pt 6G****s 78D** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch**Power to require security for 1923 Act petroleum tenure****s 78E** ins 2004 No. 26 s 46**Minister’s power to require additional security****s 78F** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 33**Interest on security****s 78G** ins 2004 No. 26 s 46**Power to use security****s 78H** ins 2004 No. 26 s 46**Replenishment of security****s 78I** ins 2004 No. 26 s 46**Security not affected by change in holder****s 78J** ins 2004 No. 26 s 46  
amd 2007 No. 46 s 153**Retention of security after 1923 petroleum tenure ends****s 78K** ins 2004 No. 26 s 46**PART 6H—PRIVATE LAND****pt hdg** ins 2004 No. 26 s 46**Division 1—Requirements for entry to private land in 1923 Act petroleum tenure area****div hdg** ins 2004 No. 26 s 46  
sub 2010 No. 31 s 472

**Subdivision 1—Entry notice requirement for preliminary activities and particular advanced activities**

**sdiv hdg** ins 2010 No. 31 s 472

**Entry notice requirement**

**s 78L** ins 2004 No. 26 s 46  
sub 2010 No. 31 s 472; 2010 No. 31 s 472

**Required contents of entry notice**

**s 78M** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 34  
sub 2010 No. 31 s 472; 2010 No. 31 s 472  
amd 2010 No. 53 s 73

**Exemptions from entry notice requirement**

**s 78N** ins 2004 No. 26 s 46  
sub 2010 No. 31 s 472

**Provisions for waiver of entry notice**

**s 78O** ins 2004 No. 26 s 46  
sub 2010 No. 31 s 472

**Giving entry notice by publication**

**s 78P** ins 2004 No. 26 s 46  
sub 2010 No. 31 s 472

**Subdivision 2—Conduct and compensation agreement requirement for particular advanced activities**

**sdiv hdg** ins 2010 No. 31 s 472

**Conduct and compensation agreement requirement**

**s 78Q** ins 2004 No. 26 s 46  
sub 2010 No. 31 s 472

**Exemptions from conduct and compensation agreement requirement**

**s 78R** ins 2004 No. 26 s 46  
sub 2010 No. 31 s 472

**Requirements for deferral agreement**

**s 78S** ins 2004 No. 26 s 46  
sub 2010 No. 31 s 472

**Division 2—Requirement for entry notice for entry to private land in area of 1923 Act petroleum tenure**

**div hdg** ins 2004 No. 26 s 46  
om 2010 No. 31 s 472

**Division 3—Requirement for further notice before carrying out authorised activities on private land**

**div hdg** ins 2004 No. 26 s 46  
om 2010 No. 31 s 472

**Division 4—Provisions for dealings or change in ownership or occupancy**

**div hdg** ins 2004 No. 26 s 46

**Entry notice or waiver of entry notice not affected by dealing**

**prov hdg** amd 2008 No. 56 s 81 sch  
**s 78T** ins 2004 No. 26 s 46  
amd 2008 No. 56 s 81 sch

**Change in ownership or occupancy**

**s 78U** ins 2004 No. 26 s 46  
om 2010 No. 31 s 472  
amd 2010 No. 31 s 473

**Division 5—Periodic notice after entry of land**

**div hdg** ins 2004 No. 26 s 46

**Notice to owners and occupiers**

**s 78V** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Division 6—Access to carry out rehabilitation or environmental management**

**div 6 (s 78W)** ins 2004 No. 26 s 46

**PART 6I—PUBLIC LAND**

**pt hdg** ins 2004 No. 26 s 46

**Division 1—Public roads**

**div hdg** ins 2004 No. 26 s 46

**Subdivision 1—Preliminary**

**sdiv hdg** ins 2004 No. 26 s 46

**Significant projects excluded from div 1**

**s 78X** ins 2004 No. 26 s 46

**What is a “notifiable road use”**

**s 78Y** ins 2004 No. 26 s 46

**Subdivision 2—Notifiable road uses**

**sdiv hdg** ins 2004 No. 26 s 46

**Notice of notifiable road use**

**s 78Z** ins 2004 No. 26 s 46

**Directions about notifiable road use**

**s 79** ins 1962 No. 30 s 17  
amd 1986 No. 26 s 4 sch; 1995 No. 22 s 3 sch  
sub 2004 No. 26 s 46

**Obligation to comply with road use directions**

**s 79A** ins 2004 No. 26 s 46

**Subdivision 3—Compensation for notifiable road uses**

**sdiv hdg** ins 2004 No. 26 s 46

**Liability to compensate public road authority**

**s 79B** ins 2004 No. 26 s 46

**Compensation agreement**

s 79C ins 2004 No. 26 s 46

**Deciding compensation through Land Court**

prov hdg amd 2007 No. 39 s 41 sch

s 79D ins 2004 No. 26 s 46  
amd 2007 No. 39 s 41 sch

**Criteria for decision**

s 79E ins 2004 No. 26 s 46  
amd 2007 No. 39 s 41 sch; 2009 No. 17 s 331 sch 1

**Land Court review of compensation**

prov hdg amd 2007 No. 39 s 41 sch

s 79F ins 2004 No. 26 s 46  
amd 2007 No. 39 s 41 sch

**Compensation to be addressed before carrying out notifiable road use**

s 79G ins 2004 No. 26 s 46

**Compensation not affected by change in administration or holder**

s 79H ins 2004 No. 26 s 46

**Division 2—Other public land**

div hdg ins 2004 No. 26 s 46

**Requirement for entry notice to carry out authorised activities**

s 79I ins 2004 No. 26 s 46

**Waiver of entry notice**

s 79J ins 2004 No. 26 s 46

**Required contents of entry notice**

s 79K ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**Conditions public land authority may impose**

s 79L ins 2004 No. 26 s 46

**PART 6J—ACCESS TO LAND IN AREA OF ANOTHER 1923 ACT PETROLEUM  
TENURE, A 2004 ACT PETROLEUM AUTHORITY OR A MINING  
TENEMENT**

pt hdg ins 2004 No. 26 s 46  
amd 2005 No. 68 s 150 sch

**Application of pt 6J**

s 79M ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch; 2009 No. 3 s 532

**Access to land in area of lease under this Act, a 2004 Act lease or a mining lease**

prov hdg amd 2005 No. 3 s 105 sch  
s 79N ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch



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**Access to land in area of another type of mining tenement or 1923 Act petroleum tenure**

**s 79O** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch

**PART 6K—COMPENSATION AND NEGOTIATED ACCESS**

**pt hdg** ins 2004 No. 26 s 46  
sub 2010 No. 31 s 474

**Division 1—Compensation other than for notifiable road uses**

**div hdg** ins 2010 No. 31 s 474  
amd 2010 No. 53 s 74

**Subdivision 1—Preliminary**

**sdiv hdg** ins 2010 No. 31 s 474

**Application of div 1**

**s 79P** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 35  
sub 2010 No. 31 s 474  
amd 2010 No. 53 s 75

**Subdivision 2—General provisions**

**sdiv hdg** ins 2010 No. 31 s 474

**General liability to compensate**

**s 79Q** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch  
sub 2010 No. 31 s 474

**Subdivision 3—General provisions for conduct and compensation agreements**

**sdiv hdg** ins 2010 No. 31 s 474

**Conduct and compensation agreement**

**prov hdg** amd 2007 No. 39 s 41 sch  
**s 79R** ins 2004 No. 26 s 46  
amd 2007 No. 39 s 41 sch  
sub 2010 No. 31 s 474

**Content of conduct and compensation agreement**

**prov hdg** amd 2007 No. 39 s 41 sch  
**s 79S** ins 2004 No. 26 s 46  
amd 2007 No. 39 s 41 sch  
sub 2010 No. 31 s 474

**Subdivision 4—Negotiation process**

**sdiv hdg** ins 2010 No. 31 s 474

**sdiv 4 note** ins 2010 No. 31 s 474

**Notice of intent to negotiate**

**prov hdg** amd 2007 No. 39 s 41 sch  
**s 79T** ins 2004 No. 26 s 46

Endnotes

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amd 2007 No. 39 s 41 sch  
sub 2010 No. 31 s 474

**Negotiations**

s 79U ins 2004 No. 26 s 46  
sub 2010 No. 31 s 474

**Provision for the minimum negotiation period**

s 79UA ins 2010 No. 31 s 474

**Cooling-off during minimum negotiation period**

s 79V ins 2004 No. 26 s 46  
amd 2007 No. 39 s 41 sch  
sub 2010 No. 31 s 474

**Parties may seek conference or independent ADR**

s 79VA ins 2010 No. 31 s 474

**Conduct of conference or ADR**

s 79VAB ins 2010 No. 31 s 474

**Subdivision 5—Deciding compensation through Land Court**

sdiv hdg ins 2010 No. 31 s 474

**Land court may decide if negotiation process unsuccessful**

s 79VB ins 2010 No. 31 s 474

**Land Court review of compensation**

s 79VC ins 2010 No. 31 s 474

**Orders Land Court may make**

s 79VD ins 2010 No. 31 s 474

**Subdivision 6—Additional Land Court jurisdiction for compensation and related matters**

sdiv hdg ins 2010 No. 31 s 474

**What sdiv 6 is about**

s 79VDA ins 2010 No. 31 s 474

**Additional jurisdiction**

s 79VDB ins 2010 No. 31 s 474

**Jurisdiction to impose or vary conditions**

s 79VDC ins 2010 No. 31 s 474

**Subdivision 7—Miscellaneous provision**

sdiv hdg ins 2010 No. 31 s 474

**Compensation not affected by change in ownership or occupancy**

s 79VE ins 2010 No. 31 s 474

**Division 2—Compensation for notifiable road uses**

div hdg ins 2010 No. 31 s 474

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**PART 6L—OWNERSHIP OF PIPELINES, EQUIPMENT AND IMPROVEMENTS****pt hdg** ins 2004 No. 26 s 46**Division 1—Pipelines****div hdg** ins 2004 No. 26 s 46**Application of div 1****s 79W** ins 2004 No. 26 s 46**General provision about ownership while tenure is in force for pipeline****s 79X** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch; 2008 No. 56 s 81 sch**Ownership afterwards****s 79Y** ins 2004 No. 26 s 46**Division 2—Equipment and improvements****div hdg** ins 2004 No. 26 s 46**Application of div 2****s 79Z** ins 2004 No. 26 s 46**Ownership of equipment and improvements****s 80** ins 1985 No. 101 s 3  
amd 1993 No. 35 s 12; 1995 No. 22 s 13  
sub 2004 No. 26 s 46  
amd 2005 No. 3 s 105 sch**PART 6M—PETROLEUM REGISTER****pt hdg** ins 2004 No. 26 s 46**Petroleum register****s 80A** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 36**Keeping of register****s 80B** ins 2004 No. 26 s 46  
amd 2008 No. 56 s 87**Access to register****s 80C** ins 2004 No. 26 s 46  
amd 2007 No. 46 s 154**Arrangements with other departments for copies from petroleum register****s 80CA** ins 2007 No. 46 s 155**Supply of statistical data from petroleum register****s 80CB** ins 2007 No. 46 s 155**Chief executive may correct register****s 80D** ins 2004 No. 26 s 46**PART 6N—DEALINGS****pt hdg** ins 2004 No. 26 s 46

**Division 1—Dealings**

**div hdg** ins 2004 No. 26 s 46  
sub 2008 No. 56 s 81 sch

**What is a “dealing”**

**prov hdg** amd 2008 No. 56 s 88(1)  
**s 80E** ins 2004 No. 26 s 46  
amd 2007 No. 46 s 156; 2008 No. 56 s 88 ((6) could not be given effect)

**Dealings other than permitted dealings of no effect**

**s 80F** ins 2004 No. 26 s 46  
om 2007 No. 46 s 157

**Conditions for permitted dealings**

**s 80G** ins 2004 No. 26 s 46  
amd 2008 No. 56 s 81 sch

**Division 2—Obtaining approval for dealing**

**div hdg** ins 2004 No. 26 s 46  
amd 2008 No. 56 s 81 sch

**Minister may give indication for proposed dealing**

**prov hdg** amd 2008 No. 56 s 81 sch  
**s 80H** ins 2004 No. 26 s 46  
amd 2008 No. 56 s 81 sch

**Applying for approval**

**s 80I** ins 2004 No. 26 s 46  
amd 2007 No. 46 s 158; 2008 No. 56 s 81 sch

**Deciding application**

**s 80J** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 37; 2005 No. 68 s 150 sch; 2008 No. 56 s 89

**Criteria for decision**

**s 80K** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 38; 2008 No. 56 s 90

**PART 6O—ENFORCEMENT OF END OF TENURE AND AREA REDUCTION OBLIGATIONS**

**pt 6O (ss 80L–80R)** ins 2004 No. 26 s 46

**PART 6P—NONCOMPLIANCE PROCEDURE**

**pt hdg** ins 2004 No. 26 s 46

**Division 1—Introduction**

**div hdg** ins 2004 No. 26 s 46

**Operation of pt 6P**

**s 80S** ins 2004 No. 26 s 46

**Division 2—Noncompliance action**

**div hdg** ins 2004 No. 26 s 46

**Types of noncompliance action that may be taken**

**s 80T** ins 2004 No. 26 s 46  
amd 2005 No. 3 s 39

**When noncompliance action may be taken**

**s 80U** ins 2004 No. 26 s 46  
amd 2010 No. 53 s 76

**Division 3—Procedure for noncompliance action**

**div hdg** ins 2004 No. 26 s 46

**Application of div 3**

**s 80V** ins 2004 No. 26 s 46

**Notice of proposed noncompliance action**

**s 80W** ins 2004 No. 26 s 46

**Considering submissions**

**s 80X** ins 2004 No. 26 s 46

**Decision on proposed noncompliance action**

**s 80Y** ins 2004 No. 26 s 46

**Notice and taking effect of decision**

**s 80Z** ins 2004 No. 26 s 46

**Consequence of failure to comply with relinquishment requirement**

**s 81** amd 1927 18 Geo 5 No. 13 s 2(xiii); 1939 3 Geo 6 No. 19 s 17  
sub 2004 No. 26 s 46

**PART 6Q—OTHER COMMON PROVISIONS FOR 1923 ACT PETROLEUM TENURES**

**pt hdg** ins 2004 No. 26 s 46

**Logs of wells**

**s 82** amd 1955 4 Eliz 2 No. 25 s 7  
om 2004 No. 26 s 46

**Restrictions on location of drills**

**s 83** sub 1927 18 Geo 5 No. 13 s 2(xiv)  
amd 1955 4 Eliz 2 No. 25 s 8; 1972 No. 31 s 6 sch 1; 2004 No. 26 s 47

**Prevention of waste etc.**

**s 84** amd 1955 4 Eliz 2 No. 25 s 9; 2004 No. 26 s 48

**Casing well**

**prov hdg** amd 2004 No. 26 s 49(1)  
**s 85** sub 1927 18 Geo 5 No. 13 s 2(xv); 1950 14 Geo 6 No. 20 s 2  
amd 1955 4 Eliz 2 No. 25 s 10; 1962 No. 30 s 18; 2004 No. 26 s 49(2)

**Water rights**

**s 86** ins 1962 No. 30 s 19  
amd 2000 No. 26 s 12 sch 1; 2000 No. 34 s 1145 sch 3; 2003 No. 19 s 3 sch;  
2004 No. 26 s 50; 2010 No. 53 s 77

**Water monitoring activities**

- s 87** prev s 87 sub 1950 14 Geo 6 No. 20 s 3  
amd 1955 4 Eliz 2 No. 25 s 11; 1958 7 Eliz 2 No. 25 s 10  
sub 1962 No. 30 s 20  
amd 2000 No. 34 s 1145 sch 3  
om 2004 No. 26 s 51  
pres s 87 ins 2010 No. 53 s 78

**Duty to avoid interference in carrying out authorised activities**

- s 88** amd 1955 4 Eliz 2 No. 25 s 12  
sub 1962 No. 30 s 21  
amd 1995 No. 22 s 3 sch; 2004 No. 26 s 52  
sub 2010 No. 31 s 475

**Compliance with Act etc.**

- s 89** amd 1927 18 Geo 5 No. 13 s 2(xvi); 1955 4 Eliz 2 No. 25 s 13; 2004 No. 26 s 53

**Regulations may prescribe further provisions**

- s 90** amd 1927 18 Geo 5 No. 13 s 2(xvii); 1955 4 Eliz 2 No. 25 s 14; 2004 No. 26 s 54

**Minister's powers concerning petroleum**

- s 91** ins 1929 20 Geo 5 No. 17 s 18  
amd 1962 No. 30 s 22  
sub 1988 No. 51 s 13  
amd 1993 No. 35 s 13  
om 2004 No. 26 s 55

**Delivery of premises in case of forfeiture**

- s 92** amd 1927 18 Geo 5 No. 13 s 2(xviii); 2004 No. 26 s 56

**Right to mine for other minerals**

- s 93** amd 1927 18 Geo 5 No. 13 s 2(xix); 1982 No. 23 s 76; 1991 No. 65 s 17; 2004 No. 26 s 57

**Drills for water on lands under permit or lease**

- s 94** om 2000 No. 34 s 1145 sch 3

**Limits on use of water from natural source**

- s 95** ins 1967 No. 37 s 11  
amd 2004 No. 26 s 58; 2007 No. 39 s 41 sch

**Who bound by terms of 1923 Act petroleum tenure**

- prov hdg** amd 2004 No. 26 s 59(1)  
**s 96** sub 1962 No. 30 s 24  
amd 2004 No. 26 s 59(2)–(3)

**Compensation**

- s 97** amd 1955 4 Eliz 2 No. 25 s 16; 1962 No. 30 s 25; 1988 No. 51 s 14  
om 2004 No. 26 s 60

**Power to agree as to compensation**

**s 98** amd 1955 4 Eliz 2 No. 25 s 17; 1962 No. 30 s 26; 1995 No. 22 s 3 sch  
om 2004 No. 26 s 60

**Measure of compensation**

**s 99** om 2004 No. 26 s 60

**Union of leases**

**s 100** ins 1927 18 Geo 5 No. 13 s 3

**Minister's power to ensure compliance by 1923 Act petroleum tenure holder**

**s 101** ins 1927 18 Geo 5 No. 13 s 3  
amd 1929 20 Geo 5 No. 17 s 19; 1939 3 Geo 6 No. 19 s 18  
sub 1958 7 Eliz 2 No. 25 s 11  
amd 1962 No. 30 s 27; 1967 No. 37 s 12  
sub 2004 No. 26 s 61

**Interest on amounts owing to the State under this Act**

**s 102** prev s 102 ins 1927 18 Geo 5 No. 13 s 3  
amd 1929 20 Geo 5 No. 17 s 20  
om 1939 3 Geo 6 No. 19 s 19  
pres s 102 ins 1967 No. 37 s 13  
sub 2004 No. 26 s 61

**Recovery of unpaid amounts**

**s 103** prev s 103 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
pres s 103 ins 2004 No. 26 s 61  
amd 2005 No. 3 s 40

**PART 6R—CONFERENCES WITH ELIGIBLE CLAIMANTS OR OWNERS AND OCCUPIERS**

**pt hdg** ins 2010 No. 31 s 476

**Division 1—Preliminary**

**div 1 (s 103A)** ins 2010 No. 31 s 476

**Division 2—Calling conference and attendance**

**div 2 (ss 103B–103D)** ins 2010 No. 31 s 476

**Division 3—Conduct of conference**

**div 3 (ss 103E–103G)** ins 2010 No. 31 s 476

**PART 7—APPEALS**

**pt hdg** prev pt hdg om 2004 No. 26 s 35  
pres pt hdg ins 2004 No. 26 s 61

**Who may appeal**

**s 104** prev s 104 ins 1995 No. 22 s 14  
amd 1997 No. 71 s 7; 1998 No. 28 s 75  
om 2003 No. 29 s 379  
pres s 104 ins 2004 No. 26 s 61  
amd 2007 No. 39 s 41 sch

**Period to appeal**

**s 105** prev s 105 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
pres s 105 ins 2004 No. 26 s 61  
amd 2007 No. 39 s 41 sch

**Starting appeal**

**s 106** prev s 106 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
pres s 106 ins 2004 No. 26 s 61  
amd 2007 No. 39 s 41 sch

**Stay of operation of decision**

**s 107** prev s 107 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
pres s 107 ins 2004 No. 26 s 61  
amd 2007 No. 39 s 41 sch

**Hearing procedures**

**prov hdg** amd 1997 No. 71 s 1 sch  
**s 108** prev s 108 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
pres s 108 ins 2004 No. 26 s 61  
amd 2007 No. 39 s 41 sch

**Land Court's powers on appeal**

**prov hdg** amd 1997 No. 71 s 8; 2007 No. 39 s 41 sch  
**s 109** prev s 109 ins 1995 No. 22 s 14  
amd 1997 No. 71 ss 8, 1 sch  
om 2003 No. 29 s 379  
pres s 109 ins 2004 No. 26 s 61  
amd 2007 No. 39 s 41 sch

**Division 1—Signing applications**

**div hdg** ins 1995 No. 22 s 3 sch  
om 2004 No. 26 s 36

**Division 2—Royalties**

**div hdg** ins 1995 No. 22 s 3 sch  
om 2004 No. 26 s 37

**PART 8—EVIDENCE AND LEGAL PROCEEDINGS**

**pt hdg** prev pt hdg ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
pres pt hdg ins 2004 No. 26 s 61

**Division 1—Evidentiary provisions**

**div hdg** prev div hdg ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
pres div hdg ins 2004 No. 26 s 61



**Application of div 1**

- s 110** prev s 110 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
pres s 110 ins 2004 No. 26 s 61

**Appointments and authority**

- s 111** prev s 111 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
pres s 111 ins 2004 No. 26 s 61

**Signatures**

- s 112** prev s 112 ins 1995 No. 22 s 14  
amd 1995 No. 51 s 4 sch  
sub 1997 No. 71 s 9  
om 2003 No. 29 s 379  
pres s 112 ins 2004 No. 26 s 61

**Other evidentiary aids**

- s 113** prev s 113 ins 1995 No. 22 s 14  
amd 1997 No. 71 s 1 sch  
om 2003 No. 29 s 379  
pres s 113 ins 2004 No. 26 s 61

**Division 2—Offence proceedings**

- div hdg** prev div hdg ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
pres div hdg ins 2004 No. 26 s 61

**Offences under Act are summary**

- prov hdg** amd 1997 No. 71 s 1 sch  
**s 114** prev s 114 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
pres s 114 ins 2004 No. 26 s 61

**Approval of minor amendment**

- s 114A** ins 1997 No. 71 s 10  
om 2003 No. 29 s 379

**Application of access principles to extended pipeline**

- s 114B** ins 1997 No. 71 s 10  
om 2003 No. 29 s 379

**Effect of approval on access agreements**

- s 114C** ins 1997 No. 71 s 10  
om 2003 No. 29 s 379

**Statement of complainant's knowledge**

- s 115** prev s 115 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
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- s 116** prev s 116 ins 1995 No. 22 s 14

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om 2003 No. 29 s 379  
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**Conduct of representatives**

**s 117** prev s 117 ins 1995 No. 22 s 14  
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**s 118** prev s 118 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
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**div hdg** ins 1995 No. 22 s 14  
om 2003 No. 29 s 379

**Division 3A—Amendment of access principles**

**div hdg** ins 1997 No. 71 s 10  
om 2003 No. 29 s 379

**Subdivision 1—Minor amendments**

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om 2003 No. 29 s 379

**Subdivision 2—Amendments for addition to route of pipeline**

**sdiv hdg** ins 1997 No. 71 s 10  
om 2003 No. 29 s 379

**Division 4—Negotiating access to facilities**

**div hdg** ins 1995 No. 22 s 14  
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**Division 5—Arbitration**

**div hdg** ins 1995 No. 22 s 14  
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**Division 6—Provisions aiding enforcement of part**

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**div hdg** ins 1995 No. 22 s 14  
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**PART 9—MISCELLANEOUS**

**Division 1—Applications**

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**s 119** prev s 119 ins 1995 No. 22 s 14  
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- s 120** prev s 120 ins 1995 No. 22 s 14  
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- s 121** prev s 121 ins 1995 No. 22 s 14  
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- s 122** prev s 122 ins 1995 No. 22 s 14  
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- s 123** prev s 123 ins 1995 No. 22 s 14  
amd 1997 No. 71 s 11  
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**Minister's power to refund application fee**

- s 124** prev s 124 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
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**Division 2—Miscellaneous provisions for 1923 Act petroleum tenures**

- div hdg** ins 2004 No. 26 s 62

**Power to correct or amend**

- s 125** prev s 125 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
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**Replacement of instrument for tenure**

- s 126** prev s 126 ins 1995 No. 22 s 14  
om 2003 No. 29 s 379  
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**Joint and several liability for conditions and for debts to State**

- s 127** prev s 127 ins 1995 No. 22 s 14  
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**Notice of agent**

- s 128** prev s 128 ins 1995 No. 22 s 14  
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**Division 3—Other miscellaneous provisions**

- div hdg** ins 2004 No. 26 s 62

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**s 129**      prev s 129 ins 1995 No. 22 s 14  
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**Additional information about reports and other matters**

**s 130**      prev s 130 ins 1995 No. 22 s 14  
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**s 131**      prev s 131 ins 1995 No. 22 s 14  
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**s 132**      prev s 132 ins 1995 No. 22 s 14  
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**s 133**      prev s 133 ins 1995 No. 22 s 14  
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**s 134**      prev s 134 ins 1995 No. 22 s 14  
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**s 135**      prev s 135 ins 1995 No. 22 s 14  
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**s 136**      ins 1995 No. 22 s 14  
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**Arbitrator's power when making an award**

**s 137**      ins 1995 No. 22 s 14  
              om 2003 No. 29 s 379

**Giving effect to arbitrator's award**

**s 138**      ins 1995 No. 22 s 14  
              om 2003 No. 29 s 379

**Costs of arbitration**

**s 139**      ins 1995 No. 22 s 14  
              om 2003 No. 29 s 379

**Responsibility for acts or omissions of representatives**

**s 140** ins 1995 No. 22 s 14  
om 2003 No. 29 s 379

**Minister to be given information**

**s 141** ins 1995 No. 22 s 14  
om 2003 No. 29 s 379

**Practice manual**

**s 142** sub 2007 No. 46 s 159; 2010 No. 31 s 426

**Points etc. to be ascertained by reference to Australian Geodetic Datum**

**s 143** ins 1967 No. 37 s 14

**Interference with pipeline or petroleum activities under this Act**

**prov hdg** amd 2004 No. 26 s 63(1)  
**s 144** ins 1988 No. 51 s 15  
amd 1995 No. 22 s 15; 2004 No. 26 s 63(2)–(4)

**Interference with water**

**s 144A** ins 2000 No. 34 s 1145 sch 3  
om 2004 No. 26 s 64

**Interference with access**

**s 145** ins 1988 No. 51 s 15  
amd 1995 No. 22 s 16  
om 2004 No. 26 s 64

**Control of prospectus**

**s 146** amd 1955 4 Eliz 2 No. 25 s 18; 1962 No. 30 s 28; 1995 No. 22 s 3 sch; 2001  
No. 45 s 29 sch 3  
om 2004 No. 26 s 64

**Penalties**

**s 147** ins 1962 No. 30 s 29  
amd 1981 No. 14 s 3; 1993 No. 35 s 14

**Other rights of action not affected**

**s 148** amd 1995 No. 22 s 3 sch; 2004 No. 26 s 65

**Regulation-making power**

**prov hdg** amd 1997 No. 71 s 1 sch  
**s 149** amd 1929 20 Geo 5 No. 17 s 21; 1962 No. 30 s 30; 1981 No. 14 s 4  
sub 1993 No. 35 s 15  
amd 1997 No. 71 s 1 sch  
sub 2004 No. 26 s 66

**Declaration about certain 1923 Act petroleum tenures**

**prov hdg** amd 2004 No. 26 s 67(1)  
**s 150** ins 1996 No. 1 s 3  
amd 2004 No. 26 s 67(2)–(4)

**PART 10—TRANSITIONAL PROVISIONS FOR 1923 ACT PETROLEUM TENURES FROM 31 DECEMBER 2004**

**pt hdg** prev pt hdg ins 2003 No. 56 s 5  
exp beginning of 31 December 2004 (see prev s 158)  
pres pt hdg ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Division 1—General transitional provisions**

**div hdg** prev div hdg ins 2003 No. 56 s 5  
exp beginning of 31 December 2004 (see prev s 158)  
pres div hdg ins 2004 No. 26 s 68

**Subdivision 1—Particular unfinished applications**

**sdiv hdg** ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Unfinished authority to prospect applications for which a Commonwealth Native Title Act s 29 notice has been given**

**s 151** orig s 151 ins 1996 No. 77 s 6  
exp 12 December 2001 (see s 151(7))  
AIA s 20A applies (see s 151(8))  
prev s 151 ins 2003 No. 56 s 5  
def “**prescribed day**” amd 2004 No. 4 s 53E  
exp beginning of 31 December 2004 (see prev s 158)  
pres s 151 ins 2004 No. 26 s 68  
amd 2005 No. 3 s 41; 2007 No. 46 s 241 sch

**Additional condition of authority to prospect granted under s 151**

**s 152** orig s 152 ins 1996 No. 77 s 6  
exp 12 December 2001 (see s 152(4))  
AIA s 20A applies (see s 152(5))  
prev s 152 ins 2003 No. 56 s 5  
exp beginning of 31 December 2004 (see prev s 158)  
pres s 152 ins 2004 No. 26 s 68

**Lapsing of unfinished former s 42 applications**

**s 153** orig s 153 ins 1997 No. 71 s 13  
exp 1 December 2002 (see s 153(6))  
AIA s 20A applies (see s 152(5))  
prev s 153 ins 2003 No. 56 s 5  
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pres s 153 ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Subdivision 2—Authorities to prospect**

**sdiv hdg** ins 2004 No. 26 s 68

**Area of land in area of coal or oil shale mining lease becomes excluded land**

**prov hdg** amd 2005 No. 3 s 105 sch  
**s 154** prev s 154 ins 2003 No. 56 s 5  
exp beginning of 31 December 2004 (see prev s 158)

pres s 154 ins 2004 No. 26 s 68  
amd 2005 No. 3 s 105 sch; 2007 No. 46 s 241 sch

**Conditions of an authority to prospect about expenditure or work becomes its work program**

**s 155** prev s 155 ins 2003 No. 56 s 5  
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pres s 155 ins 2004 No. 26 s 68  
amd 2005 No. 3 s 105 sch; 2007 No. 46 s 241 sch

**Subdivision 3—Leases**

**sdiv hdg** ins 2004 No. 26 s 68

**Program for development and production for a lease becomes its development plan**

**s 156** prev s 156 ins 2003 No. 56 s 5  
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pres s 156 ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Subdivision 4—Conflict between 1923 Act petroleum tenure conditions and relevant environmental conditions**

**sdiv hdg** ins 2004 No. 26 s 68

**Environmental conditions prevail**

**s 157** prev s 157 ins 2003 No. 56 s 5  
exp beginning of 31 December 2004 (see prev s 158)  
pres s 157 ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Subdivision 5—Securities**

**sdiv hdg** ins 2004 No. 26 s 68

**Provision for existing demands for additional or alternative security under former s 43(8)**

**s 158** prev s 158 ins 2003 No. 56 s 5  
exp beginning of 31 December 2004 (see prev s 158)  
pres s 158 ins 2004 No. 26 s 68

**Monetary securities**

**s 159** ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Non-monetary securities**

**s 160** ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Subdivision 6—Notices of entry under Petroleum Regulation 1966 relating to 1923 Act petroleum tenure**

**sdiv hdg** ins 2004 No. 26 s 68

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**s 161** ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Subdivision 7—Compensation**

**sdiv hdg** ins 2004 No. 26 s 68

**Accrued compensation rights relating to 1923 Act petroleum tenure**

**s 162** ins 2004 No. 26 s 68  
amd 2007 No. 39 s 41 sch; 2007 No. 46 s 241 sch

**Existing compensation agreements relating to 1923 Act petroleum tenure**

**s 163** ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Subdivision 8—Continuation of former cancellation provision in particular circumstances**

**sdiv hdg** ins 2004 No. 26 s 68

**Continued application of former s 22 for previous acts or omissions**

**s 164** ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Subdivision 9—Existing road uses**

**sdiv 9 (s 165)** ins 2004 No. 26 s 68

**Subdivision 9A—Provisions for existing Water Act bores**

**sdiv hdg** ins 2005 No. 3 s 42

**Exemption from, or deferral of, reporting provisions for existing 1923 Act petroleum tenure holders**

**s 165A** ins 2005 No. 3 s 42  
amd 2007 No. 46 s 241 sch

**Make good obligation only applies for existing Water Act bores on or from 31 December 2004**

**s 165B** ins 2005 No. 3 s 42  
amd 2007 No. 46 s 241 sch

**Subdivision 10—Miscellaneous provisions**

**sdiv hdg** ins 2004 No. 26 s 68

**Provision for cancellation of particular conditions of lease 191**

**s 166** ins 2004 No. 26 s 68

**Application of s 3 to particular existing mining tenements**

**s 167** ins 2004 No. 26 s 68

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**s 168** ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Deferral of s 79I for particular 1923 Act petroleum tenure holders**

**s 169** ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch



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**Division 2—Relinquishment condition until first renewal after 31 December 2004, and related provisions**

**div hdg** prev div hdg ins 2003 No. 56 s 5  
exp beginning of 31 December 2004 (see prev s 158)  
pres div hdg ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Application of div 2**

**s 170** ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**What is the “current term” of an authority to prospect**

**s 171** ins 2004 No. 26 s 68  
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**s 172** ins 2004 No. 26 s 68

**Relinquishment condition if authority includes a reduction requirement**

**s 173** ins 2004 No. 26 s 68  
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**Relinquishment condition if authority does not include a reduction requirement**

**s 174** ins 2004 No. 26 s 68

**Division 3—Leases overlapping with an existing or proposed mineral development licence**

**div hdg** prev div hdg ins 2003 No. 56 s 5  
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pres div hdg ins 2004 No. 26 s 68

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**sdiv hdg** ins 2004 No. 26 s 68

**Definitions for div 3**

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**s 176** ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Subdivision 2—Additional provisions**

**sdiv hdg** ins 2004 No. 26 s 68

**Obligation of lessee to give access to MDL holder**

**s 177** ins 2004 No. 26 s 68

**Additional requirements for later development plans for lease**

**s 178** ins 2004 No. 26 s 68  
amd 2007 No. 46 s 241 sch

**Minister may require further negotiation**

**s 179** ins 2004 No. 26 s 68

**Subdivision 3—Confidentiality of information**

**sdiv hdg** ins 2004 No. 26 s 68

**Application of sdiv 3**

**s 180** ins 2004 No. 26 s 68

**Confidentiality obligations**

**s 181** ins 2004 No. 26 s 68  
amd 2005 No. 3 s 43

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**s 182** ins 2004 No. 26 s 68

**Division 4—Expiry**

**div hdg** ins 2003 No. 56 s 5  
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**PART 11—TRANSITIONAL PROVISIONS FOR PETROLEUM AND OTHER  
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**pt 11 (ss 183–184)** ins 2005 No. 3 s 44

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**pt 12 (s 185)** ins 2008 No. 56 s 91

**PART 13—TRANSITIONAL PROVISIONS FOR AMENDMENTS UNDER  
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**pt 13 (ss 186–189)** ins 2010 No. 31 s 477

**SCHEDULE—DECISIONS SUBJECT TO APPEAL**

ins 2004 No. 26 s 68  
amd 2005 No. 3 s 45; 2008 No. 56 s 81 sch; 2010 No. 53 s 79

## **8 List of forms notified or published in the gazette**

(The following information about forms is taken from the gazette and is included for information purposes only. Because failure by a department to notify or publish a form in the gazette does not invalidate the form, you should check with the relevant government department for the latest information about forms (see Statutory Instruments Act, section 58(8)).)

**Form ATP-02A Version 1—Application for Renewal of Authority to Prospect**

pubd gaz 17 December 2004 p 1215

**Form PA-01A Version 1—Application for Surrender of Petroleum Authorities  
(Whole or Part)**

pubd gaz 17 December 2004 p 1215

- Form PA-05A Version 2—Application for Approval to Transfer a Petroleum Authority or Tenure**  
pubd gaz 9 September 2005 p 94
- Form PA-05AA Version 1—Application for Approval to Mortgage a Petroleum Authority or Tenure, or to Release, Transfer or Surrender a Mortgage**  
pubd gaz 9 September 2005 p 94
- Form PA-05AB Version 1—Application for Approval to Sublease, or Transfer a Sublease, for a Petroleum Lease**  
pubd gaz 9 September 2005 p 94
- Form PA-10A Version 2—Application to Amend Licence**  
pubd gaz 9 September 2005 p 94
- Form PA-11A Version 1—Administrative Notifications**  
pubd gaz 17 December 2004 p 1215
- Form PA-18A Version 1—Lodging a Prescribed Agreement**  
pubd gaz 17 December 2004 p 1215
- Form PA-21A Version 3—Notice of Intention to Carry Out Seismic Survey or Scientific or Technical Survey**  
pubd gaz 9 September 2005 p 94
- Form PA-22A Version 3—Notice of Completion of Seismic Survey or Scientific or Technical Survey**  
pubd gaz 14 October 2005 p 528
- Form PA-23AAA Version 1—The Rights and Obligations of Holders, Owners and Occupiers Relating to the Entry of Land under a Petroleum Authority**  
pubd gaz 11 February 2005 p 455
- Form PFL-01A Version 2—Application for Petroleum Facility Licence**  
pubd gaz 28 November 2008 p 1695
- Form PGGD01 Version 1—Notice of intention to drill a well or bore**  
pubd gaz 9 July 2010 p 1099
- Form PGGD02 Version 1—Notice of completion, alteration, abandonment of a well or bore**  
pubd gaz 9 July 2010 p 1099

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## 10 Information about retrospectivity

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. Any retrospective amendment that has not been consolidated is noted in an editor's note to the text.

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