

PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 1991

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Petroleum (Submerged Lands) Act 1982 gives effect to an agreement between the Commonwealth, the States and the Northern Territory relating to the exploration for, and exploitation of, petroleum deposits in the submerged lands within the territorial sea adjacent to New South Wales. As part of that agreement New South Wales is to maintain, so far as is practicable, common rules and practices in the regulation and control of the exploration for, and exploitation of, petroleum deposits. The proposed changes to the Act are to ensure conformity with recent changes made to the Commonwealth Petroleum (Submerged Lands) Act 1967.

The object of this Bill is to amend the Act to reflect amendments made by Commonwealth law.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Prescribed fees

At present the Petroleum (Submerged Lands) Act 1982 provides:

- for various application, registration and licence fees of different amounts
- for a fee of \$30 for alterations made to the Register

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- or a fee of \$1.50 for copies of instruments or extracts from the Register
- for a fee of \$15 for certificates issued under the Act
- for a fee of \$15 per day to make available certain information.

The amendments made by Schedule 1 (1) (a), (2) (a), (3), (5), (7) (a), (11), (13) (a), (14), (15), (18), (20), (22)–(26) and (30)–(34) provide that the amount of the fees is to be prescribed by, or calculated in accordance with, the regulations.

Refund of application fees

Sections 22 (5), 25 (2), 49 (2) and 66 (12) provide for the refund of nine-tenths of the various application fees imposed by those sections if an application is unsuccessful. Schedule 1 (1) (b), (2) (b), (13) (b) and (19) (b) repeal those provisions.

Facilitation of transfer of title

Schedule 1 (4), (6), (8), (12), (16), (19) and (21) amend sections 33, 39G, 56, 66 and 70 and insert proposed sections 39BA and 45A. At present the Act provides for the renewal of a title (that is, a permit, lease or licence) only to the current titleholder. The proposed amendments will enable the transfer of a title to be registered after an application for renewal of the title has been lodged and so avoid the delay that occurs if consideration of the transfer does not take place until after the title has been renewed.

Repeal of section 58

Schedule 1 (17) repeals section 58 which requires production licence holders to spend \$300,000 per block per year, or to recover production to that value, as a condition of the licence.

Fee for special prospecting authority

Schedule 1 (27) amends section 112 to provide that an application for a special prospecting authority must be accompanied by a fee to be prescribed by the regulations.

Access authorities

Schedule 1 (28) (a) inserts proposed section 113 (1B) to provide that the holder of a special prospecting authority may make an application to the Minister for the grant of an access authority to enable the applicant to carry on petroleum exploration in an adjacent area to any block the subject of a special prospecting authority. The proposed subsection, and the consequential amendments made by Schedule 1 (28) (b) and (d) to sections 113 (3) (a) and (4), put the holder of a special prospecting authority in the same position as other titleholders in respect of access authorities.

Schedule 1 (28) (a) also inserts proposed section 113 (1C) to provide that titleholders and holders of special prospecting authorities may apply to the Minister for the grant of an access authority to carry on petroleum exploration operations or petroleum recovery operations in a block in an adjacent area adjoining New South Wales.

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Schedule 1 (28) (f) inserts proposed section 113 (4A) to provide that the Minister must not grant or vary an access authority in relation to an adjoining adjacent area without the approval of the Designated Authority of the adjoining adjacent area. Proposed section 113 (4B) provides that where the approval of the New South Wales Minister is sought under a corresponding law for an access authority in relation to the New South Wales adjacent area the Minister must not approve the grant or variation unless specified procedures have been carried out.

Schedule 1 (28) (g) substitutes section 113 (1 3) and inserts definitions of "adjoining adjacent area", "Designated Authority and "extra-State title".

Schedule 1 (28) (c) makes a consequential amendment to section 113 (4).

Securities

Schedule 1 (29) substitutes section 115 (1) (a) to provide that the amount of a security to be lodged under the Act is to be the amount prescribed by the regulations.
