

**PETROLEUM (SUBMERGED LANDS) AMENDMENT  
ACT 1991 No. 6**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Petroleum (Submerged Lands) Act 1982 No. 23

SCHEDULE 1—AMENDMENTS

---

**PETROLEUM (SUBMERGED LANDS) AMENDMENT  
ACT 1991 No. 6**

NEW SOUTH WALES



**Act No. 6, 1991**

An Act to amend the Petroleum (Submerged Lands) Act 1982 to reflect changes made by Commonwealth law. [Assented to 22 April 1991]

*Petroleum (Submerged Lands) Amendment 1991*

---

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Petroleum (Submerged Lands) Amendment Act 1991.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Petroleum (Submerged Lands) Act 1982 No. 23**

3. The Petroleum (Submerged Lands) Act 1982 is amended as set out in Schedule 1.

---

**SCHEDULE 1 - AMENDMENTS**

(Sec. 3)

- (1) Section 22 (**Application for permit**):
  - (a) From section 22 (1) (f), omit "a fee of \$3,000", insert instead "the prescribed fee".
  - (h) Omit section 22 (5).
- (2) Section 25 (**Application fee etc.**):
  - (a) Omit section 25 (1) (a), insert instead
    - (a) the prescribed fee; and
  - (b) Omit section 25 (2), insert instead
    - (2) Where a permit is not granted on the application, the amount of the deposit is, subject to subsection (3), to be refunded to the applicant.
- (3) Section 31 (**Application for renewal of permit**):

From section 31 (2) (c), omit "a fee of \$300", insert instead "the prescribed fee".
- (4) Section 33 (**Grant or refusal of renewal of permit**):

Omit section 33 (1) and (2), insert instead
  - (1) Wherean application has been made for the renewal of a permit, the Minister.

SCHEDULE— AMENDMENTS —*continued*

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

(b) may, if:

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

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

by instrument in writing served on the person who is then the permittee, inform the person:

(c) that the Minister is prepared to grant to the permittee the renewal of the permit; and

(d) that the person will be required to lodge a security for compliance with the conditions to which the permit, if the renewal is granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(2) If any of the conditions to which the permit is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with, and if the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the permit, the Minister shall, subject to subsection (3), by instrument in writing served on the person who is then the permittee, refuse to grant the renewal of the permit.

(5) Section 39A (**Application by permittee for lease**):

From section 39A (2) (e), omit "a fee of \$600", insert instead "the prescribed fee".

*Petroleum (Submerged Lands) Amendment 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

(6) Section 39BA:

After section 39B, insert:

**Application of sections 39A and 39B where permit is transferred**

39BA. Where:

- (a) after an application has been made under section 39A (1) in relation to a block or blocks in respect of which a permit is in force; and
- (b) before a decision has been made by the Minister under section 39B (1) or (2) in relation to the application,

a transfer of the permit is registered under section 78, sections 39A and 39B have effect, after the time of the transfer, as if any reference in those sections to the applicant were a reference to the transferee.

(7) Section 39F (**Application for renewal of lease**):

- (a) From section 39F (2) (d), omit “a fee of \$600”, insert instead “the prescribed fee”.
- (b) From section 39F (4), omit “a lessee makes an application”, insert instead “an application has been made”.

(8) Section 39G (**Grant or refusal of renewal of lease**):

Omit section 39G (1) and (2), insert instead.

(1) Where:

- (a) an application for the renewal of a lease has been made under section 39F; and
- (b) any further information required by the Minister under section 39F (4) has been furnished in accordance with that subsection; and
- (c) the Minister is satisfied that recovery of petroleum from the lease area:
  - (i) is not, at the time of the application, commercially viable; and
  - (ii) is likely to become commercially viable within the period of 15 years after that time,

SCHEDULE 1—AMENDMENTS—*continue*

the Minister:

- (d) shall, if the conditions to which the lease is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with; or
- (e) may, if:
  - (i) any of the conditions to which the lease is, of has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with; and
  - (ii) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the lease,

by instrument in writing served on the person who is then the lessee, inform the person that the Minister is prepared to grant to the person the renewal of the lease and that the person will be required to lodge a security for compliance with the conditions to which the lease, if the renewal is granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(2) Subject to subsection (3), where an application for the renewal of a lease has been made under section 39F **and:**

- (a) any further information required by the Minister under subsection 39F (4) has not been furnished in accordance with that subsection; or
- (b) the Minister is not satisfied as to the matters referred to in subsection (1) (c); or
- (c) any of the conditions to which the permit is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with and the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the lease,

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

*Petroleum (Submerged Lands) Amendment 1991*

---

SCHEDULE 1—AMENDMENTS - *continued*

- (9) Section 41 (Application for licence by holder of permit):
- (a) In section 41 (2) (b), before “may”, insert "being the holder of a licence referred to in paragraph (a),".
  - (b) From section 41 (3) (b), omit "to whom a licence has been granted", insert instead "who is the holder of a licence".
- (10) Section 41A (Application for licence by holder of lease):
- From section 41A (3), omit “a lessee makes an application”, insert instead "an application has been made".
- (11) Section 42 (Application for licence):
- From section 42 (1) (e), omit “a fee of \$600”, insert instead "the prescribed fee".
- (12) Section 45A:
- After section 45, insert:
- Application of sections ~~42-45~~ where permit etc. transferred  
45A. Where:
- (a) after an application has been made:
    - (i) under section 41 for the grant of a licence in respect of a block in respect of which a permit is in force; or
    - (ii) under section 41A for the grant of a licence in respect of a block in respect of which a lease is in force; and
  - (b) before a decision has been made by the Minister under section 44 (1) in relation to the application, a transfer of the permit or lease (as the case may be) is registered under section 78, then, after the time of the transfer, sections ~~42 to 45~~ (inclusive) have effect in relation to the application as if any reference in those sections to the applicant were a reference to the transferee.

SCHEDULE 1 — AMENDMENTS—*continued*

- (13) Section 49 (**Application fee etc.**):
- (a) Omit section 49 (1) (a), insert instead:
    - (a) the prescribed fee; and
  - (b) Omit section 49 (2), insert instead:
    - (2) Where a licence is not granted on the application, the amount of the deposit is, subject to subsection (3), to be refunded to the applicant.
- (14) Section 52 (**Grant of licences in respect of individual block**):  
From section 52 (2) (e), omit “a fee of \$300”, insert instead “the prescribed fee”
- (15) Section 55 (**Application for renewal of licence**):  
From section 55 (2) (d), omit “a fee of \$600”, insert instead “the prescribed fee”.
- (16) Section 56 (**Grant or refusal of renewal of licence**):
- (a) Omit section 56 (1), (2) and (3), insert instead:
    - (1) Where:
      - (a) an application for the renewal of a licence has been made under section 55; and
      - (b) the conditions to which the licence is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with,
    - , the Minister:
      - (c) shall, if the application is in respect of the first renewal of the licence; or
      - (d) may, if the application is in respect of a renewal other than the first renewal of the licence,by instrument in writing served on the person who is then the licensee, inform the person that the Minister is prepared to grant to the person the renewal of the licence.
  - (2) Where:
    - (a) an application for the renewal of a licence has been made under section 55; and



*Petroleum (Submerged Lands) Amendment 1991*

---

SCHEDULE —AMENDMENTS—*continued*

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

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

- (3) If any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with, and if the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the licence, the Minister shall, subject to subsection (4), by instrument in writing served on the person who is then the licensee, refuse to grant the renewal of the licence.
- (b) From section 56 (S), omit "a licensee makes an application", insert instead "an application has been made".
- (c) In section 56 (S), before "licensee" where secondly occurring, insert "person who is then the".

(17) Section 58 (**Works to be carried out**):

Omit the section.

(18) Section 65 (**Application for pipeline licence**):

From section 65 (1) ~~omit~~ omit "a fee of \$3,000", insert instead "the prescribed fee".

(19) Section 66 (**Grant or refusal of pipeline licence**):

- (a) Omit section 66 (1), (2) and (3), insert instead:

(1) Where a person makes an application in accordance with section 65, the Minister may, if that person is not the licensee and the application has not been rejected under section 65 (3), inform the applicant, by instrument in writing served on the applicant, that the Minister is prepared to grant a pipeline licence to that person.

SCHEDULE I—AMENDMENTS—*continued*

(2) Where an application for a pipeline licence in respect of the construction in an adjacent area of a pipeline for the conveyance of petroleum recovered in a licence area is made in accordance with section 65 by the licensee, the Minister:

- (a) shall, if the conditions to which the licence is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with; or
- (b) may, if:
  - (i) any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with; and
  - (ii) the Minister is, nevertheless, satisfied that special circumstances exist that justify the granting of a pipeline licence,

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

(3) Where an application for a pipeline licence in respect of the construction in an adjacent area of a pipeline for the conveyance of petroleum recovered in a licence area is made in accordance with section 65 by the licensee, the Minister shall, if:

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

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

SCHEDULE—AMENDMENTS—*continued*

(b) Omit section 66 (12).

(20) Section 69 (**Application for renewal of pipeline licence**):

From section 69 (2) (c), omit "a fee of \$600", insert instead "the prescribed fee".

(21) Section 70 (**Grant or refusal of renewal of pipeline licence**):

Omit section 70 (1) and (2), insert instead:

(1) Where an application has been made under section 69 for the renewal of a pipeline licence, the Minister:

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

(b) may, if:

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

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

by instrument in writing served on the person who is then the pipeline licensee, inform the person:

(c) that the Minister is prepared to grant to the pipeline licensee the renewal of the pipeline licence; and

(d) that the pipeline licensee will be required to lodge a security for compliance with the conditions to which the pipeline licence, if the renewal is granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(2) Where an application has been made under section 69 for the renewal of a pipeline licence, the Minister shall, if:

- (a) any of the conditions to which the pipeline licence is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with; and
  - (b) the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the pipeline licence,  
by instrument in writing served on the person who is then the pipeline licensee, refuse to grant the renewal of the pipeline licence.
- (22) **Section 72 (Variation of pipeline licence on application by pipeline licensee):**  
From section 72 (2) (e), omit "a fee of \$300", insert instead "the prescribed fee".
- (23) **Section 79 (Entries in Register on devolution of title etc.):**  
From section 79 (2) and (3) (b), omit "a fee of \$30" wherever occurring, insert instead "the prescribed fee".
- (24) **Section 86 (Inspection of Register and documents):**  
From section 86 (1), omit "of \$6", insert instead "calculated in accordance with the regulations".
- (25) **Section 87 (Evidentiary provisions):**
  - (a) From section 87 (2), omit "at the rate of \$1.50 per page", insert instead "in accordance with the regulations".
  - (b) From section 87 (3), omit "of \$15", insert instead "calculated in accordance with the regulations".
- (26) **Section 92 (Imposition of registration fees):**
  - (a) From section 92 (2), (3) and (6), omit "\$300" wherever occurring, insert instead "the prescribed amount".
  - (b) From section 92 (4) and (6A), omit "\$3,000" wherever occurring, insert instead "the prescribed amount".
- (27) **Section 112 (Special prospecting authorities):**
  - (a) At the end of section 112 (2) (a), insert "and".

*Petroleum (Submerged Lands) Amendment 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

- (b) At the end of section 112 (2) (c), insert:  
; and  
(d) shall be accompanied by the prescribed fee.
- (28) Section 113 (**Access authorities**):
- (a) After section 113(1A), insert:  
(1B) The holder of a special prospecting authority may make an application to the Minister for the grant of an access authority to enable the applicant to carry on petroleum exploration operations in an area, being part of the adjacent area not included in any block that is the subject of the special prospecting authority.  
(1C) The holder of a permit, lease, licence or special prospecting authority may make an application to the Minister for the grant of an access authority to enable the applicant to carry on, in a block or blocks within an adjoining adjacent area:  
(a) petroleum exploration operations; or  
(b) where the applicant is the holder of a permit, lease or licence, operations related to the recovery of petroleum in or from any block within the New South Wales adjacent area that is the subject of the permit, lease or licence.
- (b) In section 113 (3) (a) after "licensee", insert ", holder of a special prospecting authority".
- (c) From section 113 (4), omit "this section", insert instead "a provision of this section other than subsection (1C)".
- (d) From section 113 (4), omit "or licence" wherever occurring, insert instead ", licence or special prospecting authority".
- (e) In section 113 (4), after "vary" where firstly occurring, insert "such".
- (f) After section 113 (4), insert:  
(4A) The Minister shall not grant or vary an access authority on an application under subsection (1C) without the approval of the Designated Authority for the adjoining adjacent area within which the block or blocks to be specified in the access authority are situated.

SCHEDULE—AMENDMENTS—*continued*

(4B) Where the approval of the Minister is sought in respect of:

- (a) an application under a corresponding law ~~for~~ the grant of an access authority in respect of a block within the New South Wales adjacent area that is the subject of a permit, lease, licence or special prospecting authority of which the registered holder is a person other than the applicant; or
- (b) a proposal to vary an access authority granted on an application under a corresponding law, in respect of a block within the New South Wales adjacent area that is the subject of a permit, lease, licence or special prospecting authority of which the registered holder is a person other than the registered holder of the access authority,

the Minister shall not approve the grant or the variation unless:

- (c) the Minister has, by instrument in writing served on that person, given not less than 1 month's notice of the intention to grant, or vary, as the case may be, the access authority, and
- (d) a copy of the instrument has been served:
  - (i) on such other persons, if any, as the Minister thinks fit; and
  - (ii) where it is proposed to vary an access authority - on the registered holder of the access authority, and
- (e) the instrument gives:
  - (i) particulars of the access authority that it is proposed to grant or vary, as the case may be; and
  - (ii) notice that a person on whom the instrument, or a copy of the instrument, has been served may, by instrument in writing served on the Minister on or before the date specified in the instrument, submit any

*Petroleum (Submerged Lands) Amendment 1991*SCHEDULE I — AMENDMENT ~~S~~ continued

matters that the person wishes the Minister to consider, and

- (f) the Minister has taken into account any matters submitted in accordance with the notice referred to in paragraph (e) (ii).
- (g) Omit section 113 (13), insert instead:
- (13) In this section:
- "adjoining adjacent area"** means an adjacent area (within the meaning of a corresponding law) that adjoins the New South Wales adjacent area;
- "Designated Authority"**, in relation to an adjoining adjacent area, means the Minister of State administering the corresponding law in respect of the adjoining adjacent area;
- "extra-State title"** means an authority, however described, granted under a corresponding law in respect of the exploration for, or the recovery of, petroleum
- (29) Section 115 (**Securities**):
- Omit section 115 (1) (a), insert instead
- (a) shall be in such amount as is prescribed; and
- (30) Section 119 (**Release of information**):
- From section 119 (1A), (2), (3), (S) and (SA), omit "of \$15 per day" wherever occurring, insert instead "calculated in accordance with the regulations".
- (31) Section 137:
- Omit the section, insert instead:
- Permit fees**
137. There is payable to the Minister by a permittee, in respect of each year of the term of the permit, a fee calculated in accordance with the regulations.

SCHEDULE 1 - AMENDMENTS - continued

(32) Section 137A:

Omit the section, insert instead:

**Lease fees**

137A There is payable to the Minister by a lessee, in respect of each year of the term of the lease, a fee calculated in accordance with the regulations.

(33) Section 138:

Omit the section, insert instead:

**Licence fees**

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

(34) Section 139

Omit the section, insert instead

**Pipeline licence fees**

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

---

*[Minister's second reading speech made in -  
Legislative Assembly on 27 February 1991  
Legislative Council on 11 April 1991]*