



New South Wales

Petroleum (Onshore) Regulation 1997

under the
Petroleum (Onshore) Act 1991

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Petroleum (Onshore) Act 1991*.

BOB MARTIN, MP,
Minister for Mineral Resources

Explanatory note

The object of this Regulation is to repeal and remake the provisions of the *Petroleum (Onshore) Regulation 1992*. The new Regulation deals with the following matters:

- (a) plans and programs for petroleum titles (Part 2),
- (b) reports to be furnished with respect to petroleum exploration operations (Part 3),
- (c) compensation to persons affected by petroleum exploration operations (Part 4),
- (d) the appointment of agents (Part 5),
- (e) the fees payable under the Act (Part 6),
- (f) rates of royalty payable on petroleum (Part 7),
- (g) other matters of a minor, consequential or ancillary nature (Parts 1 and 8).

This Regulation adopts the following codes of practice:

- *Code of Environmental Practice—Onshore*, published by the Australian Petroleum Production and Exploration Association Limited

1997 No 462

Petroleum (Onshore) Regulation 1997

Explanatory note

- *Schedule of Onshore Petroleum Exploration and Production Safety Requirements*, published by the Department of Mineral Resources

This Regulation is made under the Petroleum (Onshore) Act 1991, including section 138 (the general regulation-making power) and sections 12, 13, 14, 23, 69G, 85, 93, 101, 108, 110, 118, 119, 120, 131 and 134.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

Contents

| | Page |
|---|------|
| Part 1 Preliminary | |
| 1 Name of Regulation | 4 |
| 2 Commencement | 4 |
| 3 Definitions | 4 |
| 4 Notes | 4 |
| Part 2 Petroleum titles | |
| 5 Drawing of plans: section 13 | 5 |
| 6 Work programs: section 14 | 5 |
| 7 Progressive agendas | 6 |
| 8 Details to be provided | 6 |
| 9 Commencement of exploration activity | 6 |
| 10 Work program to be adhered to | 6 |
| 11 Variation of work program | 7 |
| Part 3 Reports | |
| 12 Report on operations in accordance with agenda | 8 |
| 13 Geological plans and records: section 131 | 8 |
| 14 Scale of plans accompanying annual record of operations: section 131 | 9 |

Petroleum (Onshore) Regulation 1997

Contents

| | Page |
|---|------|
| Part 4 Compensation | |
| 15 Time allowed for parties to agree: section 108 | 10 |
| 16 Manner of assessing and determining compensation: section 110 | 10 |
| 17 Manner of payment | 10 |
| <hr/> | |
| Part 5 Agents | |
| 18 Agents: section 134 | 11 |
| <hr/> | |
| Part 6 Fees | |
| 19 Fees | 12 |
| 20 Remission or waiver | 12 |
| <hr/> | |
| Part 7 Royalty | |
| 21 Rate of royalty: section 85 | 13 |
| <hr/> | |
| Part 8 Miscellaneous | |
| 22 Non-compliance notices | 14 |
| 23 Environmental practices | 14 |
| 24 Safety practices | 14 |
| 25 Certificates of authority: section 101 | 15 |
| 26 Delegation by Director-General | 15 |
| 27 Repeal | 15 |
| <hr/> | |
| Schedules | |
| 1 Fees | 16 |

1997 No 462

Clause 1 Petroleum (Onshore) Regulation 1997

Part 1 Preliminary

Petroleum (Onshore) Regulation 1997

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Petroleum (Onshore) Regulation 1997*.

2 Commencement

This Regulation commences on 1 September 1997.

3 Definitions

In this Regulation:

fixed agenda means a fixed agenda referred to in clause 6 (3) or 7 (1) or (2).

the Act means the *Petroleum (Onshore) Act 1991*.

work program means a work program referred to in section 14 of the Act.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

Part 2 Petroleum titles

5 Drawing of plans: section 13

- (1) A map or plan accompanying an application for a petroleum exploration licence must be drawn on or overlay the Department of Mineral Resources New South Wales Block Identification Map Series 1 (1:1 500 000) showing blocks.
- (2) A map or plan accompanying an application for any other petroleum title or otherwise prepared for the purposes of the Act must be drawn on or overlay:
 - (a) the Identification Map referred to in subclause (1), if the area to which the proposed title relates is larger than one block, or
 - (b) the Department of Mineral Resources New South Wales Block Identification Map Series 3 (1:100 000) showing units, or
 - (c) a standard topographical map or maps at a scale of 1 : 100 000) 1:50 000 or 1:25 000 or at such larger scale as the Minister may determine for that application, showing the co-ordinates (by reference to Integrated Survey Grid co-ordinates) of all points where there is a change in direction of the boundaries of the land concerned.

6 Work programs: section 14

- (1) The work program supporting an application for an exploration licence or assessment lease may be prepared in either of two formats.
- (2) Under one format, it may consist of a fixed agenda describing in detail the nature and extent of operations to be carried on under the licence or lease during the whole of its term.
- (3) Under the other format (the *two-part format*), it may be divided into two parts, namely:
 - (a) a fixed agenda describing in detail the nature and extent of operations to be carried on during an initial period (at least the first two years) of the term of the licence or lease, and
 - (b) a summary of intended operations during the remainder of the term.

1997 No 462

Clause 6 Petroleum (Onshore) Regulation 1997

Part 2 Petroleum titles

- (4) If prepared in the two-part format, it is a condition of the petroleum title, if granted, that the holder of the title will provide progressive agendas in accordance with clause 7.
- (5) The work program for a special prospecting authority is to be a fixed agenda describing in detail the nature and extent of operations to be carried on under the authority during the whole of its term.

7 Progressive agendas

- (1) If the work program supporting the application for a petroleum title was prepared using the two-part format, the holder of the title must, not later than 30 days before the end of the period covered by the fixed agenda supporting the application, lodge another fixed agenda of operations for the next period of two years or for the remainder of the term of the title.
- (2) In the same way, further fixed agendas must be lodged, each not later than 30 days before the end of the period covered by the last agenda, until the entire term of the petroleum title is accounted for.

8 Details to be provided

A fixed agenda must include details of

- (a) the objectives of any proposed exploration, and
- (b) the methods of exploration proposed to be employed, and
- (c) the expenditure, estimated on a yearly basis, required by the relevant work program.

9 Commencement of exploration activity

Not later than 14 days before starting work on any exploration borehole, seismic survey or other exploration within the area of a petroleum title, the holder of the title must advise the Minister of the intention to commence it.

Maximum penalty: 20 penalty units.

10 Work program to be adhered to

It is a condition of every petroleum title that the holder of the title will carry out the operations described in the work program, as for the time being in force, in respect of the title.

11 Variation of work program

- (1) The holder of a petroleum title who wishes to vary the work program in force in respect of the title must lodge a submission with the Minister providing adequate details of the variation proposed to be made and setting out the reasons for making it.
- (2) The Minister may approve of the variation if the Minister is satisfied that there is just and sufficient cause for making the variation and if the revised work program meets the Minister's requirements.
- (3) The variation becomes effective when the Minister signifies approval of it by a notice in writing served on the holder of the title.
- (4) The Minister's approval of a variation may also, to any extent the Minister considers necessary or convenient, vary the requirements of this Division in so far as it applies to the holder of the title concerned.

1997 No 462

Clause 12 Petroleum (Onshore) Regulation 1997

Part 3 Reports

Part 3 Reports

12 Report on operations in accordance with agenda

- (1) Within 6 months after the completion of
 - (a) a seismic program, or
 - (b) the drilling of an exploration borehole, or
 - (c) any activity described in the conditions of the title as a significant component of a work program,the holder of a petroleum title must forward to the Director-General, in the format specified in the conditions of the title, a report on operations carried out in the activity concerned, together with all raw and processed data and the main conclusions drawn from it.
- (2) After the end of the period covered by a fixed agenda, the holder of the title must forward to the Director-General:
 - (a) within 30 days, a summary of operations carried out during the period covered by the agenda, and
 - (b) within 6 months, a full report on operations carried out during that period.

13 Geological plans and records: section 131

- (1) The holder of a petroleum title must, in accordance with directions issued from time to time by the Director-General, keep geological plans and records relating to work carried out in connection with the title.
- (2) For the purposes of section 131 (1) of the Act, the prescribed form is any form that shows a summary of the operations conducted during the period to which the record relates, together with details of expenditure in respect of each such operation.
- (3) The requirements of this clause are in addition to the other requirements of this Part.
- (4) The holder of a petroleum title who does not keep geological plans and records as required by this clause, or who does not furnish to the Minister any record required to be furnished under section 131 of the Act within the time allowed under that section, commits an offence.

Maximum penalty (subclause (4)): 5 penalty units.

**14 Scale of plans accompanying annual record of operations:
section 131**

For the purposes of section 131 (1) of the Act, the prescribed scale for any plan accompanying an annual record of operations is any of the following scales, namely, 1:25 000, 1:100 000 or 1:250000.

1997 No 462

Clause 15 Petroleum (Onshore) Regulation 1997

Part 4 Compensation

Part 4 Compensation

15 Time allowed for parties to agree: section 108

For the purposes of section 108 (2) of the Act, the prescribed time is 30 days after the service by either party on the other of a notice requiring an agreement as to the amount of compensation payable.

16 Manner of assessing and determining compensation: section 110

- (1) If compensation is to be assessed by the warden, 7 days' notice must be given to all persons appearing to the warden to be interested in the assessment.
- (2) Proceedings may be conducted for the purposes of the assessment in the warden's court or on the land concerned.

17 Manner of payment

- (1) The warden may order that compensation be paid into court in one amount or in instalments.
- (2) The order is to fix the time within which any such payment is required to be made.

Part 5 Agents

18 Agents: section 134

- (1) The following persons may appoint one or more agents for the purposes of the Act and this Regulation:
 - (a) the holder of a petroleum title,
 - (b) an applicant for a petroleum title,
 - (c) any person who owns or occupies land over which a petroleum title is in force or to which an application for a petroleum title relates.
- (2) The Director-General may refuse to deal with a person who claims to be acting as an agent unless notice of the person's appointment as an agent, and of the agent's powers and functions in relation to the Act and this Regulation, have been served on the Director-General.
- (3) The appointment of a person as an agent for the service of documents on the principal does not render invalid the service of any document otherwise than on the agent.

1997 No 462

Clause 19 Petroleum (Onshore) Regulation 1997

Part 6 Fees

Part 6 Fees

19 Fees

- (1) The fees prescribed in Schedule 1 are payable in connection with the matters indicated in that Schedule.
- (2) Copies of or extracts from any record may be obtained from the Department on payment of such charge as the Director-General may determine.

20 Remission or waiver

The Minister may remit or waive payment of the whole or part of any fee payable under this Regulation in relation to a particular person or class of persons, but only if the Minister is satisfied that there is sufficient cause to do so.

Part 7 Royalty

21 Rate of royalty: section 85

For the purposes of section 85 (2) of the Act, the prescribed annual rate of royalty is as follows:

- (a) for the first 5 years of commercial production—nil,
- (b) for the 6th, 7th, 8th and 9th years of commercial production—6%, 7%, 8% and 9%, respectively, of the value at the well-head of the petroleum,
- (c) for the 10th and subsequent years of production—10% of the value at the well-head of the petroleum.

1997 No 462

Clause 22 Petroleum (Onshore) Regulation 1997

Part 8 Miscellaneous

Part 8 Miscellaneous

22 Non-compliance notices

- (1) If the Director-General is of the opinion that the holder of a petroleum title has contravened a provision of this Regulation in relation to the title, the Director-General may serve a notice (a *non-compliance notice*) requiring the holder of the title to comply with the provision within the time limited by the notice.
- (2) It is a condition of every petroleum title that the holder of the title must comply with the terms of any non-compliance notice.
- (3) The provisions of this clause are in addition to any provision of this Regulation imposing a penalty for its contravention, and do not affect the liability of any person to pay any such penalty.

23 Environmental practices

- (1) All exploration or other activity carried out under the authority of a petroleum title is to be carried out in conformity with the *Code of Environmental Practice – Onshore* published by the Australian Petroleum Production and Exploration Association Limited in 1996, as amended from time to time.
- (2) A copy of the Code, together with any amendments made to it from time to time, is to be made available at the main office of the Department of Mineral Resources in Sydney, and at such other offices as the Director-General may appoint, for inspection by any person without fee.
- (3) Copies of or extracts from the Code and any such amendments may be made or taken by any person on payment of the fee fixed by the Director-General.

24 Safety practices

- (1) Subject to section 128 of the Act, all exploration or other activity carried out under the authority of a petroleum title is to be carried out in conformity with the *Schedule of Onshore Petroleum Exploration and Production Safety Requirements* published by the Department of Mineral Resources in August 1992, as amended from time to time.

- (2) A copy of the Schedule, together with any amendments made to it from time to time, is to be made available at the main office of the Department of Mineral Resources in Sydney, and at such other offices as the Director-General may appoint, for inspection by any person without fee.
- (3) Copies of or extracts from the Schedule and any such amendments may be made or taken by any person on payment of the fee fixed by the Director-General.

25 Certificates of authority: section 101

- (1) For the purpose of authorising a person to exercise a power conferred by Part 9 of the Act, the Director-General may issue the person with a certificate of authority.
- (2) The certificate must be signed by the Director-General (or by the Director-General's delegate, if issued under delegation) and must include the following particulars:
 - (i) a statement to the effect that it is issued under the *Petroleum (Onshore) Act 1991*,
 - (ii) the name of the person to whom it is issued,
 - (iii) the nature of the powers it confers.
- (3) Such a certificate is the form of evidence required for the purposes of section 101 (1) (b) of the Act.

26 Delegation by Director-General

The Director-General may delegate any of the powers, authorities, duties and functions of the Director-General (other than this power of delegation) to the holder of any office in the Department of Mineral Resources.

27 Repeal

- (1) The *Petroleum (Onshore) Regulation 1992* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Petroleum (Onshore) Regulation 1992*, had effect under that Regulation continues to have effect under this Regulation.

1997 No 462

Petroleum (Onshore) Regulation 1997

Schedule 1 Fees

Schedule 1 Fees

(Clause 19)

| Matter | Fee |
|---|----------------|
| On application for a petroleum title (section 12) | \$1,000 |
| On grant of a petroleum exploration licence (section 93): | |
| (a) for a term of less than 3 years | \$10,000 |
| (b) for a term of not less than 3 years | \$15,000 |
| On renewal of a petroleum exploration licence (section 93): | |
| (a) for a term of less than 3 years | \$10,000 |
| (b) for a term of not less than 3 years | \$15,000 |
| On grant of a petroleum assessment lease (section 93): | |
| (a) for a term of less than 3 years | \$10,000 |
| (b) for a term of not less than 3 years | \$15,000 |
| On renewal of a petroleum assessment lease (section 93): | |
| (a) for a term of less than 3 years | \$10,000 |
| (b) for a term of not less than 3 years | \$15,000 |
| On grant of a petroleum production lease (section 93): | |
| (a) if associated with methane drainage in or over a colliery | \$5,000 |
| (b) in any other case | \$40,000 |
| On renewal of a petroleum production lease (section 93): | |
| (a) if associated with methane drainage in or over a colliery | \$5,000 |
| (b) in any other case | \$40,000 |
| On grant of a special prospecting authority (section 93) | \$1,000 |

Petroleum (Onshore) Regulation 1997

Fees

Schedule 1

| Matter | Fee |
|--|--|
| On application for the appointment of an arbitrator under section 69G | \$180 |
| On application for approval of a transfer of a title, for each title | \$1,000 |
| Registration of any instrument under section 97 | \$250 |
| Release of information in accordance with a request under section 118 | 120% of the cost to the Department of making available the information to which the request relates |
| Inspection of cores, cuttings or samples in accordance with a request under section 119 | 120% of the cost to the Department of making available the cores, cuttings or samples to which the request relates |
| Release of information in accordance with a request under section 120 | 120% of the cost to the Department of making available the information to which the request relates |
| On application by a person on whom the rights of the registered holder of a title have devolved by operation of law to have the person's name recorded as the registered holder of the title, for each title | \$250 |
| For noting a change of name of the registered holder of a title, for each title | \$250 |