Petroleum (Submerged Lands) (Amendment) Regulations 2002
S.R. No. 134/2002

TABLE OF PROVISIONS

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Objective</td>
<td>1</td>
</tr>
<tr>
<td>2. Authorising provision</td>
<td>2</td>
</tr>
<tr>
<td>3. Commencement</td>
<td>2</td>
</tr>
<tr>
<td>4. Principal Regulations</td>
<td>2</td>
</tr>
<tr>
<td>5. New regulation 10 substituted</td>
<td>2</td>
</tr>
<tr>
<td>10. Release of information and samples</td>
<td>2</td>
</tr>
<tr>
<td>6. Insertion of regulations 15, 16, 17 and 18</td>
<td>4</td>
</tr>
<tr>
<td>15. Infrastructure licence fees</td>
<td>4</td>
</tr>
<tr>
<td>16. Particulars relating to a petroleum discovery</td>
<td>4</td>
</tr>
<tr>
<td>17. Determination of the composition and quantity of petroleum discovered</td>
<td>5</td>
</tr>
<tr>
<td>18. Survey of wells, structures or equipment</td>
<td>6</td>
</tr>
<tr>
<td>7. Omit fees for renewal of licences and pipelines licences</td>
<td>7</td>
</tr>
<tr>
<td>8. Application fees for leases and infrastructure licences</td>
<td>8</td>
</tr>
</tbody>
</table>

ENDNOTES 9
The objective of these Regulations is to amend the Petroleum (Submerged Lands) Regulations 2001—

(a) to prescribe fees for release of information under provisions inserted in the Petroleum (Submerged Lands) Act 1982 by the Petroleum (Submerged Lands) (Amendment) Act 2001; and

(b) to mirror Commonwealth provisions for fees for a new class of licence for infrastructure; and

(c) to mirror Commonwealth provisions for particulars relating to a petroleum discovery, determination of the composition and quantity of petroleum discovered and the survey of wells, structure or equipment; and
(d) to omit provisions for fees for renewal of production licences and pipeline licences; and
(e) for other purposes.

2. Authorising provision

These Regulations are made under section 152 of the Petroleum (Submerged Lands) Act 1982.

3. Commencement

These Regulations come into operation on 1 January 2003.

4. Principal Regulations

In these Regulations, the Petroleum (Submerged Lands) Regulations 2001¹ are called the Principal Regulations.

5. New regulation 10 substituted

For regulation 10 of the Principal Regulations substitute—

"10. Release of information and samples

(1) For the purposes of sections 151L(4), 151N(3) and 151O(b) of the Act, the fee payable for information contained in a document is to be calculated in accordance with the following—

(a) if the document is lent to the person who made the request—an amount calculated at the rate of $25 per day or part of a day during which the document is on loan to that person;
(b) if the document is not readily available and a search is necessary to locate the information—an amount calculated at the rate of $25 per hour or part of an hour after the first half hour for the time taken to locate the information;

(c) if any document referred to in paragraphs (a) or (b) is, on the application of the person making the request—

   (i) copied or reproduced; or

   (ii) forwarded or consigned to that person—

   an amount equal to all reasonable costs incurred in the copying or reproduction or forwarding or consignment (including the costs of packaging where applicable).

(2) For the purposes of section 151L(4) and 151N(3) of the Act, the fee payable for inspection of a petroleum mining sample is to be calculated in accordance with the following—

   (a) an amount calculated at the rate of $25 per day or part of a day during which the sample is being inspected by the person who made the request;

   (b) if the petroleum mining sample is not readily available and a search is necessary to locate the sample—an amount calculated at the rate of $25 per hour after the first half hour for the time taken to locate the sample.".
6. Insertion of regulations 15, 16, 17 and 18

After regulation 14 of the Principal Regulations insert—

"15. Infrastructure licence fees

For the purposes of section 140A of the Act, the fee for an infrastructure licence for a year of the term of the licence is $19 800.

16. Particulars relating to a petroleum discovery

(1) If petroleum is discovered in a permit area or a lease area, the Minister by written notice may require the permittee or lessee to give to the Minister particulars in writing of 1 or more of the following—

(a) the chemical composition and physical properties of the petroleum;

(b) the nature of the subsoil in which the petroleum occurs;

(c) any other matter relating to the discovery that—

(i) the Minister has reason to believe is within the knowledge of the permittee or lessee; and

(ii) is specified by the Minister in the notice.

(2) A permittee or lessee must not—

(a) fail to comply with a requirement made and notified in accordance with this regulation; or
(b) in purported compliance with a requirement, give information that is false or misleading in a material particular.

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

(3) A notice under sub-regulation (1) must—

(a) specify—

(i) for particulars of a matter mentioned in sub-regulation (1)(a) or (b)—a reasonable period within which the particulars must be given; and

(ii) for particulars of a matter mentioned in sub-regulation (1)(c)—a period of at least 14 days within which the particulars must be given; and

(b) be served on the permittee or lessee.

17. Determination of the composition and quantity of petroleum discovered

(1) If petroleum is discovered in a permit area or a lease area, the Minister by written notice may require the permittee or lessee to do such things as are reasonably necessary and are set out in the notice to determine—

(a) the chemical composition and physical properties of the petroleum; and

(b) the quantity of petroleum in the petroleum pool to which the discovery relates or, if only part of the petroleum pool is within the permit area or lease
area, in the part of the petroleum pool that is within the permit area or lease area.

(2) A permittee or lessee must not fail to comply with a requirement made and notified in accordance with this regulation.

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

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

(3) A notice under sub-regulation (1) must—

(a) specify a reasonable period within which the things must be done; and

(b) be served on the permittee or lessee.

18. **Survey of wells, structures or equipment**

(1) The Minister by written notice may require a person who is a permittee, lessee, licensee, infrastructure licensee or pipeline licensee to—

(a) survey the position of the well, pipeline, infrastructure facility, structure or equipment specified in the notice; and

(b) give a written report of the survey to the Minister.

(2) If the Minister is not satisfied with a report given by a person under sub-regulation (1), the Minister by written notice may require the person to give further information, in writing, about the survey to the Minister.
(3) A person must not—

(a) fail to comply with a requirement made and notified in accordance with this regulation; or

(b) in purported compliance with a requirement, give information that is false or misleading in a material particular.

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

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

(4) A notice under sub-regulation (1) or (2) must—

(a) specify a reasonable period within which—

(i) for a notice under sub-regulation (1)—the survey must be done and the report given; or

(ii) for a notice under sub-regulation (2)—the information must be given; and

(b) be served on the person.”.

7. Omit fees for renewal of licences and pipelines licences

In the table in Schedule 2 to the Principal Regulations—

(a) omit—

“54(2)(d) Application for renewal of licence 1200”;

(b) omit—

“68(2)(c) Application for renewal of pipeline licence 1200”.
8. Application fees for leases and infrastructure licences

In the table in Schedule 2 to the Principal Regulations—

(a) after the item relating to section 38A(2)(e),
   insert—
   "38BB(2)(d) Application by licensee for lease 1200";

(b) after the item relating to section 51(2)(e),
   insert—
   "59B(2)(d) Application for infrastructure licence 1200";
   59K(2)(d) Application for variation of infrastructure licence 600".
1 Reg. 4: S.R. No. 98/2001.