

South Australia

# **Petroleum and Geothermal Energy (Transitional Licences) Amendment Act 2012**

An Act to amend the *Petroleum and Geothermal Energy Act 2000*.

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Petroleum and Geothermal Energy (Transitional Licences) Amendment Act 2012*.

### **2—Commencement**

- (1) Subject to subsection (2), this Act will come into operation on assent.
- (2) Section 6 will be taken to have come into operation on 25 September 2000.

### **3—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Petroleum and Geothermal Energy Act 2000***

### **4—Amendment of section 82—Consolidation of licence areas**

Section 82(2)—delete subsection (2) and substitute:

- (2) If a licence or licences have already been issued for 1 or more of the licence areas to be consolidated, the Minister may—
  - (a) vary the licence or licences, and provide for or vary such terms and conditions attaching to the licence or licences as the Minister considers appropriate in view of the consolidation; or
  - (b) amalgamate 2 or more licences, and provide for such terms and conditions attaching to the amalgamated licence as the Minister considers appropriate in view of the consolidation.
- (2a) The rights of the holder of a licence under subsection (2) are not to be more extensive than those existing under the relevant licence or licences immediately before any variation or amalgamation under that subsection.

### **5—Amendment of section 83—Division of licence areas**

Section 83—after subsection (2) insert:

- (2a) The rights of the holder of the licence issued under subsection (2) are not to be more extensive than those existing under the relevant licence immediately before any division under this section.

### **6—Amendment of Schedule—Transitional provisions**

Schedule, section 4—after subsection (3) insert:

- (4) Without limiting a preceding subsection—
  - (a) the provisions of section 32 of the repealed Act will apply in relation to the renewal of a transitional licence; and
  - (b) if a transitional licence is—
    - (i) amalgamated or replaced under section 82; or
    - (ii) divided under section 83,then—
    - (iii) any licence arising from the action taken under the relevant section will be taken to be a transitional licence; and
    - (iv) the provisions of section 32 of the repealed Act will apply in relation to the renewal of any licence arising from the action taken under the relevant section.

- (5) The following additional provisions will apply in relation to a petroleum production licence to which the *Cooper Basin (Ratification) Act 1975* applies:
- (a) the term of a licence is 31 years with a right of renewal from time to time of 21 years; and
  - (b) subsection (4) will apply in relation to the amalgamation, replacement or division of any such licence.

## **Schedule 1—Transitional provisions**

### **1—Transitional provisions**

- (1) In this clause—
- principal Act* means the *Petroleum and Geothermal Energy Act 2000*.
- (2) Subsection (2a) of section 82 of the principal Act, as enacted by this Act, will be taken to extend to a consolidation of adjacent licence areas that occurred before the commencement of this Act and accordingly to any licence that relates to a consolidated licence area issued under that section before the commencement of this Act.
- (3) Subsection (2a) of section 83 of the principal Act, as enacted by this Act, will be taken to extend to a division of a licence area that occurred before the commencement of this Act and accordingly to any licence that relates to any new licence area issued under that section before the commencement of this Act.
- (4) The term of a licence within the ambit of subsection (4) of section 4 of the Schedule of the principal Act, as enacted by this Act, renewed or issued under the principal Act before the commencement of this Act will be 21 years (subject to any right of renewal under section 32 of the repealed Act and despite any provision made by regulation under the principal Act before the commencement of this Act).