

South Australia

# **Petroleum and Geothermal Energy (Energy Resources) Amendment Act 2023**

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 (Energy Resources) Amendment Act 2023*.

#### 2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

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

### **3—Amendment of long title**

Long title—delete "or commercial utilisation of, petroleum and certain other resources;" and substitute:

, production, transmission, storage and management of certain energy resources,

### **4—Amendment of section 1—Short Title**

Section 1—delete "*Petroleum and Geothermal Energy*" and substitute:

*Energy Resources*

### **5—Substitution of section 3**

Section 3—delete the section and substitute:

#### **3—Objects**

The objects of this Act are—

- (a) to establish an effective, efficient and flexible regulatory scheme to enable the exploration for, and the recovery, production, transmission, storage and management of, energy resources that encourages and maintains an appropriate level of competition; and
- (b) to ensure that energy rights and resources are managed for the benefit of the State; and
- (c) to ensure that the exploration for, and the recovery, production, transmission, storage and management of, energy resources is carried out safely and is ecologically sustainable; and
- (d) to ensure that regulated activities that may have adverse effects on the environment—
  - (i) are properly managed to reduce environmental damage; and
  - (ii) are carried out in a way that eliminates or limits the risk of significant long term environmental damage; and
- (e) to ensure as far as reasonably practicable, security of supply for users of natural gas; and
- (f) to ensure that land adversely affected by regulated activities is properly rehabilitated; and
- (g) to establish appropriate consultative processes with people directly affected by regulated activities including Aboriginal people and the public generally; and

- (h) to protect the public from risks inherent in regulated activities.

## 6—Amendment of section 4—Interpretation

- (1) Section 4(1), definition of ***authorised officer***—delete "authorised in writing by the Minister to exercise the powers of an authorised officer under this Act" and substitute:

appointed as an authorised officer under section 8;

- (2) Section 4(1), definition of ***business day***—delete the definition
- (3) Section 4(1), definition of ***contravention***—delete the definition
- (4) Section 4(1), definition of ***environment***—delete the definition and substitute:  
***energy resource*** means—
  - (a) a regulated substance; or
  - (b) a regulated resource; or
  - (c) a resource reasonably necessary for, or incidental to, undertaking a regulated activity;

***environment*** includes—

- (a) land, air, water (including both surface and underground water and sea water), organisms, ecosystems, flora and fauna; and
  - (b) buildings, structures and other forms of infrastructure and cultural artefacts; and
  - (c) existing and potential land use; and
  - (d) public health, safety or amenity; and
  - (e) the heritage, aesthetic or cultural values of an area; and
  - (f) the economic or social impact on an area;
- (5) Section 4(1)—after the definition of ***ERD Court*** insert:

***facility*** means any of the following that are reasonably necessary for, or incidental to, undertaking a regulated activity:

- (a) a pipeline or flowline;
- (b) a road or access track;
- (c) a borrow pit for construction purposes;
- (d) any equipment to be used in undertaking a regulated activity (including production testing equipment);
- (e) a water disposal pond;
- (f) a well;
- (g) an airstrip;
- (h) a power line;
- (i) telecommunications infrastructure, other than mobile telecommunications equipment;

- (j) permanent fencing;
- (k) drilling and well intervention equipment;
- (l) a camp;
- (m) any other thing brought within the ambit of this definition by the regulations,

but does not include any thing excluded from the ambit of this definition by the regulations;

- (6) Section 4(1), definition of ***geothermal energy***—delete "which is extracted or released by a means other than as part of the production of a naturally occurring underground accumulation of a substance"
- (7) Section 4(1)—after the definition of ***land*** insert:

***leading performance criteria*** means criteria used to give an early warning that a control or other strategy necessary for compliance with a statement of environmental objectives—

  - (a) is absent; or
  - (b) may fail or be failing;
- (8) Section 4(1), definition of ***licence***, (b), (c) and (d)—delete "3 categories" wherever occurring and substitute in each case:

4 categories
- (9) Section 4(1), definition of ***natural reservoir***—delete "petroleum or some other regulated substance" wherever occurring and substitute in each case:

a regulated substance
- (10) Section 4(1), definition of ***pipeline***—delete the definition and substitute:

***pipeline*** means a pipe or system of pipes for conveying a regulated substance from place to place and includes—

  - (a) tanks, machinery and equipment necessary for, or associated with, its operation; and
  - (b) a part of a pipeline;
- (11) Section 4(1), definition of ***produce***—delete the definition and substitute:

***producing a regulated resource*** means—

  - (a) in the case of geothermal energy—releasing geothermal energy for an industrial or commercial purpose; and
  - (b) in the case of a natural reservoir—using the natural reservoir for the storage of a regulated substance;

***producing a regulated substance*** means recovering or releasing a regulated substance from a natural reservoir in which it has been contained in the course, or as a result, of operations carried out by a person (and production is taken to occur when it reaches ground level);
- (12) Section 4(1), definition of ***prospectivity***—delete "petroleum or other"

- (13) Section 4(1), definition of ***record***—delete the definition and substitute:

***record*** includes the following:

- (a) a document;
- (b) geological samples;
- (c) samples of water or a regulated substance;

- (14) Section 4(1), definition of ***regulated resource***—after paragraph (c) insert:

or

- (d) any other thing brought within the ambit of this definition by the regulations;

- (15) Section 4(1), definition of ***regulated substance***—after paragraph (b) insert:

- (ba) hydrogen, including a hydrogen compound or other substance that is a by-product of the creation of hydrogen; or

- (16) Section 4(1), definition of ***transmission pipeline***—delete the definition and substitute:

***transmission pipeline*** means a pipeline for conveying a regulated substance from place to place, but does not include—

- (a) a pipeline located within the site of an industrial plant; or
- (b) a pipeline that forms part of a gas distribution system within a city, town or other centre of population or industry; or
- (c) if a pipeline extends beyond State boundaries—the parts of the pipeline located outside the State; or
- (d) a pipeline of a kind excluded from the ambit of this definition by the regulations;

- (17) Section 4(2)—delete "petroleum or another" and substitute:

a

- (18) Section 4(2)—delete "petroleum or the other relevant substance" and substitute:

the regulated substance

## **7—Amendment of section 5—Rights of the Crown**

- (1) Section 5(1)—delete "petroleum and other"
- (2) Section 5(2)—delete "On the production of petroleum, or some other regulated substance, by a person lawfully entitled to produce the petroleum or other regulated substance" and substitute:

On the production of a regulated substance by a person lawfully entitled to produce the regulated substance

## **8—Substitution of section 8**

Section 8—delete the section and substitute:

### **8—Authorised officers**

- (1) The Minister may, by instrument in writing, appoint a person to be an authorised officer under this Act.
- (2) An appointment under this section may be subject to conditions set out in the instrument of appointment.
- (3) Without limiting this section, a person appointed as an inspector under the *Work Health and Safety Act 2012* will be taken to have been appointed as an authorised officer under this section.

## **9—Amendment of section 9—Identity cards**

- (1) Section 9(1)—delete "The Minister" and substitute:

Subject to subsection (3), the Minister

- (2) Section 9—after subsection (2) insert:

- (3) If an authorised officer is an inspector under the *Work Health and Safety Act 2012*—
  - (a) the Minister is not required to issue an identity card to the inspector; and
  - (b) for the purposes of subsection (2), a reference to an identity card will be taken to include an identity card issued to the inspector under section 157 of that Act.

## **10—Insertion of Part 2 Division 3**

After section 9 insert:

### **Division 3—Authorised investigation or survey**

#### **9A—Authorised investigation or survey**

- (1) Subject to this section, an authorised person may, for the purpose of making any geological, geophysical or geochemical investigation or survey—
  - (a) enter and remain on any land with such assistants, vehicles and equipment as may be necessary or expedient for the purposes of the investigation or survey; and
  - (b) conduct such an investigation or survey on the land; and
  - (c) take, and remove from the land, any geological specimens or samples.



- (2) An authorised person must not undertake an investigation or survey under this section unless the authorised person has, at least 14 days before entering the land, given written notice, in a manner and form determined by the Minister, to the owner of land and any licensee in respect of an area of land in which the investigation or survey will be undertaken—
  - (a) describing the area of land in which the investigation or survey will be undertaken; and
  - (b) setting a completion date in respect of the investigation or survey.
- (3) An authorised person—
  - (a) must not recover from any land more material than is reasonably necessary for the purpose of making the relevant investigation or survey; and
  - (b) must not unnecessarily impede or obstruct the lawful use or enjoyment of any land by an owner of the land; and
  - (c) if the authorised person is not the Minister—must provide the Minister with the results of the investigation or survey conducted by the person in a manner, and within a period, specified by the Minister in the notice of authorisation.
- (4) The Minister must, at least 14 days before an authorised person undertakes an investigation or survey under this section, by notice in the Gazette—
  - (a) describe the area of land in which the investigation or survey will be undertaken; and
  - (b) set a completion date in respect of the investigation or survey.
- (5) The Minister may vary the completion date set under subsection (4)(b) by further notice in the Gazette, and must notify the owner of land and any licensee in respect of the area of land in which the investigation or survey is being undertaken of the varied completion date.
- (6) The Minister may refuse to receive and consider an application for a licence under this Act in respect of the land described in a notice under subsection (4) until the completion date set by the Minister.
- (7) The Minister may publish, in a manner the Minister thinks fit, the results of an investigation or survey made under this section.
- (8) A person must not, without reasonable excuse, hinder or obstruct a person exercising a power under this section.

Maximum penalty: \$20 000 or imprisonment for 6 months.

(9) In this section—

***authorised person*** means a person authorised by the Minister by notice in the Gazette to undertake an investigation or survey under subsection (1).

## **11—Amendment of section 10—Regulated activities**

(1) Section 10(1)—delete subsections (1) and (2) and substitute:

(1) Subject to subsection (2), the following are ***regulated activities***:

- (a) exploring for a regulated resource;
- (b) operations to establish the nature and extent of a discovery of a regulated resource, and to establish the commercial feasibility of production and the appropriate production techniques;
- (c) producing or processing a regulated substance;
- (d) utilising a natural reservoir to store a regulated substance (including in a case where a trace element naturally occurs with the regulated substance);
- (e) producing geothermal energy;
- (f) producing or generating energy from a source of geothermal energy;
- (g) constructing, operating, maintaining, modifying or decommissioning a transmission pipeline;
- (h) activities for the rehabilitation of land on account of the impact of activities under a preceding paragraph;
- (i) any other activity brought within the ambit of this definition by the regulations;

(2) The following are not regulated activities:

- (a) an authorised investigation or survey under section 9A;
- (b) exploratory operations conducted at a height of 500m or more above the surface of the ground;
- (c) producing hydrogen—
  - (i) by means of natural gas reformation; or
  - (ii) by means of electrolysis of water;
- (d) processing petroleum into a refined petroleum product such as motor fuel, diesel or lubricating oils;
- (e) processing a regulated substance into urea, ammonia or a synthetic polymer.

(2) Section 10(3)(a)—after "land" insert:

(other than as authorised under section 9A)

(3) Section 10(3)(b)—delete paragraph (b)

- (4) Section 10(3)(c)—delete "petroleum or another" and substitute:

a

- (5) Section 10(3)(f) to (h) (inclusive)—delete paragraphs (f) to (h) and substitute:

- (f) constructing, operating, maintaining, modifying or decommissioning a facility;

- (6) Section 10(3)(j)—delete paragraph (j)

## **12—Amendment of section 13—Licence classes**

Section 13(c), (d) and (e)—delete "3 categories" wherever occurring and substitute in each case:

4 categories

## **13—Substitution of section 16—Competitive tender regions**

Section 16—delete the section and substitute:

### **16—Minister may declare competitive tender region**

- (1) The Minister may, by notice in the Gazette, declare the whole or an area of the State specified in the notice as a competitive tender region in respect of exploration for energy resources.
- (2) A declaration under subsection (1)—
  - (a) must specify the energy resource in relation to which the competitive tender region is to be declared; and
  - (b) must specify whether the declaration is in respect of the whole State or a designated area specified in the notice; and
  - (c) has effect from the day or for the period specified in the notice.
- (3) If a declaration of a competitive tender region under this section is in force—
  - (a) an application for an exploration licence for an energy resource specified in the declaration in respect of the declared area must not be made except in response to a call for tenders under section 22; and
  - (b) a right of exploration must not be granted for exploration for an energy resource not specified in the declaration in respect of the declared area.

## **14—Amendment of section 21—Exploration licences**

- (1) Section 21(1)—delete "3 categories" and substitute:

4 categories

- (2) Section 21(1)—after paragraph (c) insert:

- (d) a *regulated substance exploration licence*.

- (3) Section 21(2)(a)—delete "regulated resources of the kind relevant to the category of licence" and substitute:

energy resources of the kind specified in the licence

- (4) Section 21(2)(b)—delete "regulated resources of the kind relevant to the category of licence" and substitute:

the energy resources so specified

- (5) Section 21(3)—delete "a regulated resource" and substitute:

an energy resource

### **15—Amendment of section 22—Call for tenders**

Section 22(1)—delete subsection (1) and substitute:

- (1) If an exploration licence is to be granted for an area within a competitive tender region, the Minister must call for tenders for an exploration licence of the relevant category (taking into account the regulated resources with respect to which the region has been declared).

### **16—Amendment of section 24—Areas for which licence may be granted**

Section 24(2)(c)—after "petroleum exploration licence" insert:

or a regulated substance exploration licence

### **17—Amendment of section 26—Term and renewal of exploration licence**

Section 26(1)—after "5 years" insert:

or such term of less than 5 years as specified by the Minister in a particular case

### **18—Amendment of section 27—Production of regulated resource under exploration licence**

- (1) Section 27(1)—after "petroleum exploration licence" insert:

or a regulated substance exploration licence

- (2) Section 27(2a)—delete "petroleum or another" and substitute:

a

### **19—Amendment of section 28—Retention licences**

- (1) Section 28(1)—delete "3 categories" and substitute:

4 categories

- (2) Section 28(1)—after paragraph (c) insert:

(d) a *regulated substance retention licence*.

- (3) Section 28(2)(a)(iii)—delete "petroleum or another" and substitute:

a

## **20—Amendment of section 30—Grant of retention licence**

- (1) Section 30(1)—after "petroleum retention licence" insert:  
    , a regulated substance retention licence
- (2) Section 30(1a)(a) and (b)—delete "petroleum or another" wherever occurring and substitute in each case:  
    a

## **21—Amendment of section 31—Area of retention licence**

Section 31(1)—delete subsection (1) and substitute:

- (1) The area of a petroleum retention licence or regulated substance retention licence must not exceed—
  - (a) twice the area under which (according to a reasonable estimate at the time when the licence was granted or last renewed) the discovery is likely to extend; or
  - (b) 10 000 km<sup>2</sup>,whichever is the lesser.

## **22—Amendment of section 32—Term of retention licence**

Section 32(1)—after "5 years" insert:

or such term of less than 5 years as specified by the Minister in a particular case

## **23—Amendment of section 34—Production licences**

- (1) Section 34(1)—delete "3 categories" and substitute:  
    4 categories
- (2) Section 34(1)—after paragraph (c) insert:  
    (d) *a regulated substance production licence.*
- (3) Section 34(4)—delete subsection (4) and substitute:
  - (4) A gas storage licence authorises, subject to its terms—
    - (a) operations for the use of a natural reservoir for the storage of a regulated substance; and
    - (b) operations for the withdrawal of that substance from a natural reservoir.
  - (4a) A regulated substance production licence authorises, subject to its terms, operations of a kind prescribed by the regulations associated with the production of a regulated substance.

## **24—Amendment of section 35—Grant of production licence**

- (1) Section 35(1)(b)(ii)—delete "mining" and substitute:  
    mineral

- (2) Section 35(1)(c)(ii)—delete "mining" and substitute:  
mineral
- (3) Section 35—after subsection (3) insert:
  - (3a) Subsection (3) does not apply if the Minister has entered into a safety net agreement under section 94 in relation to a production licence in respect of a regulated resource in the particular area referred to in subsection (3)(a)(i).
- (4) Section 35—after subsection (4) insert:
  - (5) If a person applies for a gas storage licence that is within the area of an existing production licence (the *first application*), the Minister must—
    - (a) as soon as practicable after receiving the first application, give written notice of the application to the holder of the existing production licence; and
    - (b) if the holder of the existing production licence applies for a gas storage licence within the area of their licence within a period (which must be at least 6 months) specified by the Minister in the notice given under paragraph (a)—consider the application made by the holder of the existing production licence before considering the first application.

## **25—Amendment of section 37—Area of production licence**

Section 37(1)—after "petroleum production licence" insert:  
or regulated substance production licence

## **26—Amendment of section 43—Royalty on regulated resources**

- (1) Section 43(4)—delete "within 30 days after the end of each month" and substitute:  
by the last day of the month immediately following each month
- (2) Section 43—after subsection (12) insert:
  - (13) The Treasurer may, after consultation with the Minister, reduce or waive royalty payable by a licensee under this section—
    - (a) in respect of a regulated substance or a regulated resource prescribed by the regulations; or
    - (b) in prescribed circumstances.

## **27—Insertion of Part 7A**

After section 45 insert:

### **Part 7A—Rental**

#### **45A—Rental payable for utilising natural reservoir for storage**

- (1) This section applies to the holder of a licence who utilises a natural reservoir to store a regulated substance.

- (2) Subject to this section, the holder of a licence to whom this section applies must pay to the Minister, by way of rental, a prescribed amount to be calculated in accordance with the regulations.
- (3) The holder of a licence to whom this section applies is not liable to pay an amount by way of rental under this section to the extent that the licensee utilises a natural reservoir to store—
  - (a) a regulated substance that is to be used in the course of productive operations, or for purposes incidental to productive operations, that the producer carries out in the State and are associated with the production of a regulated substance in the State; or
  - (b) carbon dioxide that has been produced or sourced within Australia and is not imported.
- (4) The Minister may reduce or waive rental payable by a licensee under this section—
  - (a) in respect of a regulated substance or a regulated resource prescribed by the regulations; or
  - (b) in prescribed circumstances.
- (5) The Minister must, on the tenth anniversary of the commencement of subsection (3)(b), cause a review of the operation of that subsection to be conducted and a report on the review to be prepared and submitted to the Minister.
- (6) The Minister must cause a copy of the report submitted under subsection (5) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

#### **45B—Rental return**

- (1) The holder of a licence to whom section 45A applies must, at the end of each prescribed period, provide the Minister with a return for the relevant period setting out—
  - (a) the quantity of natural reservoir used for storage for which the licensee is liable to pay rental under section 45A; and
  - (b) any matter prescribed by the regulations; and
  - (c) any other relevant information required by the Minister.Administrative penalty.
- (2) A return must be accompanied by the rental payable by the licensee in respect of the prescribed period to which the return relates.
- (3) The Minister may—
  - (a) determine that a requirement of subsection (1) or (2) will not apply to a particular licensee or class of licensee; and
  - (b) impose, by notice to the particular licensee or by notice in the Gazette, such other requirements on the licensee or those licensees as may be appropriate in the circumstances.

- (4) The Minister may, by further notice, vary or revoke requirements imposed under subsection (3), or impose new requirements.

#### **45C—Penalty for late payment**

If a licensee fails to pay rental as and when required by or under this Part—

- (a) the amount in arrears will, unless the Minister determines otherwise, be increased by penalty interest at the prescribed rate; and
- (b) the Minister may impose on the licensee a fine of an amount fixed by the Treasurer up to a limit of \$1 000 or 10% of the outstanding rental, whichever is the greater.

#### **45D—Recovery of rental**

Rental payable by a licensee under this Part, and any penalty interest or fine imposed by the Minister under this Part, may be recovered as a debt due to the Crown.

#### **28—Amendment of section 48—Alteration of pipeline**

Section 48, penalty provision—delete "\$120 000" and substitute:  
\$250 000

#### **29—Amendment of section 59—Relationship with other licences**

Section 59(3)(b)—after "licence" insert:  
(unless the existing licensee is the person applying for the associated activities licence)

#### **30—Repeal of section 59A**

Section 59A—delete the section

#### **31—Amendment of section 59B—Special facilities licence**

- (1) Section 59B(1)(a)—delete "(within a declared area)" and substitute:  
within an area specified in the licence (that must not exceed 5 km<sup>2</sup>)
- (2) Section 59B(2)—after paragraph (b) insert:
  - (ba) a direct air capture and storage facility for the purposes of capturing carbon dioxide and storing it in a natural reservoir;

#### **32—Repeal of section 59C**

Section 59C—delete the section

#### **33—Amendment of section 59D—Term of special facilities licence**

- (1) Section 59D(2)(a)—delete "extend the term of" and substitute:  
renew



- (2) Section 59D(2)(a)—after "time to time" insert:

for a term determined by the Minister and notified to the licensee

### **34—Amendment of section 59E—Relationship with other licences**

Section 59E(3)(b)—after "licence" insert:

(unless the existing licensee is the person applying for the special facilities licence)

### **35—Amendment of section 65—Application for licence**

- (1) Section 65(1)(a)—delete "an approved form" and substitute:

a manner and form determined by the Minister

- (2) Section 65(1)(d)—delete "in the approved form" and substitute:

by the Minister

- (3) Section 65(1)(e)—delete "fee prescribed by the regulations" and substitute:

prescribed fee

- (4) Section 65(2)(a)—delete "an approved form" and substitute:

a manner and form determined by the Minister

- (5) Section 65(2)(d)—delete "fee prescribed by the regulations" and substitute:

prescribed fee

### **36—Amendment of section 69—Grant of compatible licence to area already under licence**

Section 69(1)—delete "(unless the existing licensee is the person seeking the compatible licence) and substitute:

unless—

- (a) the existing licensee is the person applying for the compatible licence; or
- (b) the existing licensee's licence, on the day on which the application for the relevant licence is made, had been offered but not yet granted to them by the Minister in accordance with section 66.

### **37—Insertion of section 73A**

After section 73 insert:

#### **73A—Mandatory condition as to management system**

It is a mandatory condition of every licence that the licensee must establish and maintain a management system that complies with any requirements prescribed by the regulations in relation to the regulated activities to be carried out under the licence.

### **38—Amendment of section 77—Non-compliance with licence conditions**

Section 77, penalty provision—delete "\$120 000" and substitute:

\$250 000

### **39—Amendment of section 84—Records to be kept by the licensee**

Section 84(1)—after paragraph (c) insert:

- (ca) a record of their approved statement of environmental objectives under section 99; and

### **40—Substitution of section 85**

Section 85—delete the section and substitute:

#### **85—Reporting of certain incidents**

- (1) A licensee must report an immediately reportable incident to the Minister as follows:
  - (a) an initial report must be provided to the Minister, in a manner and form prescribed by the regulations, within 24 hours after the licensee becomes aware of the occurrence of the incident;
  - (b) a comprehensive report must be provided to the Minister, in a manner and form prescribed by the regulations—
    - (i) unless subparagraph (ii) applies—within 3 months after the licensee becomes aware of the occurrence of the incident; or
    - (ii) within a period specified by the Minister and notified to the licensee in a particular case.

Administrative penalty.

- (2) A licensee must, in a manner and form, and within the period, prescribed by the regulations, report a reportable incident to the Minister.

Administrative penalty.

- (3) In this section—

***immediately reportable incident*** means—

- (a) an incident arising from activities conducted under a licence specified in the relevant statement of environmental objectives to be an immediately reportable incident; or
- (b) any other matter brought within the ambit of this definition by the regulations;

*reportable incident* means—

- (a) an incident (not being an immediately reportable incident) arising from activities conducted under a licence specified in the statement of environmental objectives to be a reportable incident; or
- (b) any other matter brought within the ambit of this definition by the regulations.

#### **41—Amendment of section 86—Information to be provided by licensee**

- (1) Section 86(1)—delete subsection (1) and substitute:

- (1) A licensee must, if requested to do so by the Minister by written notice, in the manner specified in the notice, provide to the Minister information or material relevant to carrying out regulated activities under this Act as specified in the notice.

Administrative penalty.

- (2) Section 86—after subsection (5) insert:

- (5a) Any cost associated with complying with a requirement under this section is to be borne by the licensee.

#### **42—Insertion of Part 11 Division 9A**

After Part 11 Division 9 insert:

### **Division 9A—Change in control of holder of licence**

#### **86AA—Interpretation**

- (1) In this Division—

- (a) a person *acts jointly with* another person if the person acts or is accustomed to acting, in agreement with, or in accordance with the wishes of, the other person; and
- (b) the *approval period* for a change in control of the holder of a licence is the period—
  - (i) commencing on the day on which notice of approval of an application for the change in control is given; and
  - (ii) ending—
    - (A) immediately after the change in control takes effect; or
    - (B) if the approval of a change in control is revoked—on the day on which notice of the revocation of the change in control is given; or
    - (C) 9 months after the day on which notice of approval of the change in control is given,

whichever is the earlier; and

- (c) there is a ***change in control*** of the holder of a licence if—
  - (i) 1 or more persons (the ***original controllers***) control the holder of the licence at a particular time; and
  - (ii) either—
    - (A) 1 or more other persons begin to control the holder of the licence (whether alone or together with 1 or more other persons the person or persons act jointly with) after that time; or
    - (B) an original controller (whether alone or together with 1 or more other persons the person acts jointly with) ceases to control the holder of the licence after that time; and
- (d) a person ***controls*** the holder of a licence if the person (whether alone or together with 1 or more other persons the person acts jointly with)—
  - (i) holds the power to exercise, or control the exercise of, 20% (or such other percentage as may be prescribed by the regulations for the purposes of this subparagraph) or more of the voting rights in the holder of the licence; or
  - (ii) holds, or holds an interest in, 20% (or such other percentage as may be prescribed by the regulations for the purposes of this subparagraph) or more of the issued securities in the holder of the licence.
- (2) It is the intention of the Parliament that this Division apply within the State and outside the State to the full extent of the extraterritorial legislative capacity of the Parliament.

#### **86AAB—Approval of change in control of holder of licence**

- (1) An application for approval for a change in control of the holder of a licence must—
  - (a) be made in a manner and form determined by the Minister; and
  - (b) be accompanied by the prescribed fee; and
  - (c) be accompanied by such information as the Minister may require (which must be provided within a period determined by the Minister and notified to the applicant).

- (2) In considering an application for approval for a change in control under this section, the Minister must have regard to—
  - (a) whether the technical capability and financial resources available to the holder of the licence after the change in control takes effect are sufficient to—
    - (i) carry out the operations and works that are authorised under the licence; and
    - (ii) discharge the obligations that are imposed under this Act in relation to the licence; and
  - (b) any other matters prescribed by the regulations, and may have regard to any other matters the Minister thinks relevant.
- (3) The Minister may, by written notice to an applicant under this section—
  - (a) approve the application; or
  - (b) refuse the application.
- (4) The Minister may, during the approval period for a change in control of the holder of a licence, by written notice to an applicant under this section, revoke the approval.

#### **86AAC—Offences**

- (1) If—
  - (a) there is a change in control of the holder of a licence; and
  - (b) —
    - (i) the Minister has not approved the change in control under this section; or
    - (ii) the Minister has given an approval under this section but the change in control took effect after the end of the approval period for the change in control,

the person who begins to control, or ceases to control, the holder of the licence is guilty of an offence.

Maximum penalty: \$250 000.
- (2) A person does not commit an offence against subsection (1) if the person did not know, and could not reasonably be expected to have known, that the change in control had taken effect.
- (3) If—
  - (a) there is a change in control of the holder of a licence; and
  - (b) —
    - (i) the Minister has not approved the change in control under this section; or

- (ii) the Minister has given an approval under this section but the change in control took effect after the end of the approval period for the change in control; and
    - (c) the holder of the licence knows or ought reasonably to know that the change in control has taken effect; and
    - (d) the holder of the licence does not notify the Minister of the change in control within 30 days of the change taking effect,
- the holder of the licence is guilty of an offence.
- Maximum penalty: \$250 000.
- (4) If a person commits an offence against subsection (1), the Minister may, by written notice to the holder of the licence to which the change in control took effect, cancel the licence.

#### **43—Amendment of section 86A—Fitness-for-purpose assessment**

- (1) Section 86A, heading—delete "Fitness-for-purpose" and substitute:  
Fitness for purpose
- (2) Section 86A(1) and (2)—delete subsections (1) and (2) and substitute:
  - (1) A licensee must carry out a fitness for purpose assessment of prescribed facilities operated on land within the area of the licence at intervals prescribed by the regulations in order to assess the risk imposed by the prescribed facilities on—
    - (a) public health and safety; and
    - (b) the environment; and
    - (c) the security of production or supply of natural gas (so far as this may be relevant).
- (3) Section 86A—after subsection (7) insert:
  - (8) In this section—  
*prescribed facility* means—
    - (a) a transmission pipeline; or
    - (b) a pipeline or flowline; or
    - (c) a road or access track; or
    - (d) any equipment to be used in the production, generation or processing of a regulated substance or a regulated resource; or
    - (e) a water disposal pond; or
    - (f) a well; or
    - (g) an airstrip; or
    - (h) a power line; or

- (i) telecommunications infrastructure, other than mobile telecommunications equipment; or
- (j) permanent fencing; or
- (k) any other thing brought within the ambit of this definition by the regulations.

**44—Amendment of section 87—Activities to be carried out with due care and in accordance with good industry practice**

Section 87, penalty provision—delete "\$120 000" and substitute:

\$250 000

**45—Amendment of section 88—Ministerial direction**

- (1) Section 88(1)—after paragraph (a) insert:
  - (ab) to take specified action required to ensure obligations under this Act or the licence are met; or
- (2) Section 88—after subsection (1) insert:
  - (1a) A notice under subsection (1)—
    - (a) must specify the Minister's reasons for giving the direction; and
    - (b) must allow a reasonable time for compliance with the direction.
- (3) Section 88(2), penalty provision—delete "\$120 000" and substitute:

\$250 000

**46—Insertion of section 91A**

After section 91 insert:

**91A—Assignment of liability or obligation of licensee on surrender or cancellation of licence**

- (1) The Minister may, on application by a licensee before a licence is surrendered or cancelled under this Division, agree to the assignment of a liability or obligation of the licensee under this Act to a third party on terms and conditions determined by the Minister.
- (2) An agreement under subsection (1) must be in a form, and address any matter, determined by the Minister.

## **47—Insertion of Part 11 Division 12A**

After Part 11 Division 12 insert:

### **Division 12A—Extension of term or reinstatement of licence**

#### **91B—Extension of term of licence**

- (1) This section applies in relation to—
  - (a) an exploration licence; or
  - (b) a retention licence; or
  - (c) a production licence; or
  - (d) a pipeline licence; or
  - (e) an associated activities licence; or
  - (f) a special facilities licence.
- (2) Without limiting any other provision of this Act, the Minister may at any time extend the term of a licence to which this section applies if the Minister considers—
  - (a) that the holder of a licence to which this section applies has contravened a provision of this Act; and
  - (b) that the term of the licence should be extended in order to support the requirement that the licensee take action—
    - (i) to rehabilitate land in accordance with the requirements of a statement of environmental outcomes; or
    - (ii) to rehabilitate land to a standard required to secure compliance with a condition of the relevant licence; or
    - (iii) to prevent or address undue damage to the environment,(including to the land or environment outside the area of the licence).
- (3) If the Minister extends the term of a licence to which this section applies under subsection (2), the licensee must only undertake activities during the extended term that give effect to the requirements referred to in subsection (2)(b).
- (4) The Minister must take reasonable steps to consult with the relevant licence holder before acting under subsection (2).
- (5) The Minister may, in acting under this section—
  - (a) reduce the area of the licence to an area that is smaller than the area of the original licence at the time of its expiry; and



- (b) confer rights of access to, and use of, land to which the licence relates on terms and conditions specified in the licence.
- (6) The Minister must ensure that a notice of the extension of the term of a licence under this section is given to the licence holder and the owner of the land.

### **91C—Reinstatement of licence**

- (1) This section applies in relation to—
  - (a) an exploration licence; or
  - (b) a retention licence; or
  - (c) a production licence; or
  - (d) a pipeline licence; or
  - (e) an associated activities licence; or
  - (f) a special facilities licence,(being a licence that has expired).
- (2) This section sets out a scheme that will allow the Minister to reinstate a licence to which this section applies that has expired.
- (3) The Minister may act under this section if the Minister considers—
  - (a) that the holder of a licence to which this section applies has contravened a provision of this Act; and
  - (b) that the licence should be reinstated in order to support the requirement that the licensee take action—
    - (i) to rehabilitate land in accordance with the requirements of a statement of environmental objectives; or
    - (ii) to rehabilitate land to a standard required to secure compliance with a condition of the licence; or
    - (iii) to prevent or address undue damage to the environment,(including to the land or environment outside the area of the licence).
- (4) In connection with subsection (3), the only activities that the licensee may undertake during the period of the reinstatement are activities to give effect to the requirement referred to in subsection (3)(b).
- (5) The Minister may act under this section despite the cessation of regulated activities under a licence on or before the expiration of the relevant licence.

- (6) If the Minister decides to act under this section—
  - (a) the licence will be taken to have been reinstated from the date on which the licence expired or from a later date determined by the Minister; but
  - (b) any section of this Act prescribed by the regulations will not apply in relation to the licence.
- (7) The Minister may, in acting under this section—
  - (a) reinstate a licence in relation to an area that is smaller than the area of the original licence at the time of its expiry; and
  - (b) confer rights of access to and use of land to which the licence relates on terms and conditions specified in the licence.
- (8) The term of the licence, as reinstated under this section, will be—
  - (a) a term determined by the Minister; or
  - (b) a term that expires at some later time on a date to be determined by the Minister.
- (9) The Minister reinstates a licence under this section by notice in the Gazette.
- (10) The Minister must ensure that a notice of the reinstatement of a licence under this section is given to the licensee and the owner of the land.

**48—Amendment of section 93—Obligation not to interfere with regulated activities**

Section 93, penalty provision—delete "\$60 000" and substitute:

\$150 000

**49—Amendment of section 96—Pre-conditions of regulated activities**

Section 96, penalty provision—delete "\$120 000" and substitute:

\$250 000

**50—Insertion of Part 12 Division 2A**

After section 96 insert:

**Division 2A—Environmental impact assessment criteria**

**96A—Environmental impact assessment criteria**

- (1) The Minister must, by notice in the Gazette, determine criteria (the *environmental impact assessment criteria*) against which the environmental impact of regulated activities is to be assessed for the purposes of this Part.

- (2) The Minister may, in accordance with any requirements prescribed by the regulations, undertake a review of the environmental impact assessment criteria determined under this section.

### **51—Amendment of heading to Part 12 Division 3**

Heading to Part 12 Division 3—delete "and classification of regulated activities"

### **52—Amendment of section 97—Environmental impact report**

Section 97—after subsection (3) insert:

- (4) An environmental impact report must include an assessment of the environmental impact of regulated activities to which the report applies against the environmental impact assessment criteria.
- (5) An assessment under subsection (4) must be made in a manner, and comply with any requirements, determined by the Minister or prescribed by the regulations.
- (6) A licensee must undertake consultation on the proposed environmental impact report in accordance with the requirements of the regulations.

### **53—Repeal of section 98**

Section 98—delete the section

### **54—Substitution of section 99**

Section 99—delete the section and substitute:

#### **99—Statement of environmental objectives**

- (1) A statement of environmental objectives for regulated activities—
  - (a) must be prepared in accordance with the requirements prescribed by the regulations; and
  - (b) must be submitted to the Minister for approval.
- (2) If the Minister directs that an approved statement of environmental objectives should be revised, a revised statement of environmental objectives—
  - (a) must be prepared in accordance with the requirements prescribed by the regulations; and
  - (b) must be submitted to the Minister for approval.
- (3) A licensee must undertake consultation on the proposed statement of environmental objectives in accordance with the requirements prescribed by the regulations.

### **55—Amendment of section 100—Content of statement of environmental objectives**

- (1) Section 100(1)(c) and (d)—delete paragraphs (c) and (d) and substitute:
  - (c) must set out—

- (i) leading performance criteria; and
    - (ii) immediately reportable incidents and reportable incidents (both within the meaning of section 85); and
  - (d) must contain such other information as prescribed by the regulations.
- (2) Section 100(3)—delete subsection (3)

## **56—Substitution of sections 101 to 103**

Sections 101 to 103 (inclusive)—delete the sections and substitute:

### **101—Approval of statement of environmental objectives**

- (1) The Minister may—
  - (a) approve a statement (or revised statement) of environmental objectives without amendment; or
  - (b) after consultation with the licensee—require amendment to a statement (or revised statement) of environmental objectives or the environmental impact report on which the statement is based.
- (2) If a statement (or revised statement) of environmental objectives is required to be amended under subsection (1)(b), but not substantially, the Minister may approve it in its amended form but, if it is substantially amended, the Minister must undertake public consultation in accordance with section 105A until it is approved without further substantial amendment.
- (3) When the Minister approves a statement (or revised statement) of environmental objectives, the Minister must give notice of the approval in the Gazette.
- (4) The statement (or revised statement) of environmental objectives comes into force when notice of its approval is published in the Gazette or on a later date specified in the notice of approval.
- (5) When a revised statement of environmental objectives comes into force it supersedes the previous statement of environmental objectives for the relevant regulated activities.

### **102—Review of statement of environmental objectives**

- (1) An approved statement of environmental objectives must be reviewed—
  - (a) if the Minister directs that the statement of environmental objectives be reviewed; or
  - (b) if a review is required at a time, or in circumstances, prescribed by the regulations.
- (2) A review must be conducted—
  - (a) in accordance with any requirements prescribed by the regulations; and

- (b) taking into account the requirements of section 100; and
  - (c) within a period prescribed by the regulations.
- (3) A statement of environmental objectives that is revised as a result of a review undertaken under this section must be submitted to the Minister in accordance with any requirements prescribed by the regulations.
- (4) The Minister may, on receipt of a revised statement of environmental objectives submitted to the Minister under this section—
  - (a) approve the revised statement of environmental objectives without amendment; or
  - (b) require amendments to the revised statement of environmental objectives after consultation with the licensee.
- (5) If a revised statement of environmental objectives submitted to the Minister under this section is required to be amended under subsection (4)(b), but not substantially, the Minister may approve it in its amended form but, if it is substantially amended, the Minister must undertake public consultation in accordance with section 105A until it is approved without further substantial amendment.

**57—Amendment of section 105—Enforcement of requirements etc of statement of environmental objectives**

- (1) Section 105, heading—delete "Enforcement of requirements etc of" and substitute:

Licensee must comply with
- (2) Section 105(2) to (4) (inclusive)—delete subsections (2) to (4)

**58—Insertion of Part 12 Division 4A**

After section 105 insert:

**Division 4A—Consultation by Minister**

**105A—Consultation by Minister on environmental impact report and statement of environmental objectives**

- (1) Subject to this Part, the Minister must, in accordance with the requirements prescribed by the regulations, undertake public consultation on—
  - (a) the environmental impact report; and
  - (b) a statement (or revised statement) of environmental objectives.
- (2) Without limiting subsection (1), regulations made under this section may address the following:
  - (a) the manner and form in which the Minister is to give notice to members of the public that consultation is to occur;

- (b) the manner in which the environmental impact report or statement (or revised statement) of environmental objectives may be made available to members of the public;
  - (c) the manner in which submissions are to be made to the Minister and the time before which submissions must be provided to the Minister (which must be not less than 30 business days from the day on which notice is given under paragraph (a));
  - (d) the publication of submissions by the Minister (including that the Minister may refuse to publish submissions on grounds that the submissions are irrelevant, offensive or on any other grounds that the Minister thinks fit);
  - (e) any action that must be undertaken by the licensee as a result of, or in response to, the consultation.
- (3) Subject to the regulations, in determining whether or not to approve a statement (or revised statement) of environmental objectives, the Minister must have regard to any submissions received under this section.

#### **59—Amendment of section 106—Environmental register**

Section 106(2)—delete subsection (2) and substitute:

- (2) The register must contain—
- (a) a copy of every environmental impact report prepared for the purposes of this Act; and
  - (b) a copy of the current environmental impact assessment criteria; and
  - (c) a copy of every current statement of environmental objectives approved under this Act and a copy of the environmental impact report on which the statement is based; and
  - (d) a copy of a report of a prescribed kind submitted by the licensee in connection with a statement (or revised statement) of environmental objectives; and
  - (e) any other document prescribed by the regulations.

#### **60—Substitution of sections 108 and 109**

Sections 108 and 109—delete the sections and substitute:

##### **108—Environmental directions**

- (1) If, in the Minister's opinion, regulated activities are being conducted in a way that results in, or that is reasonably likely to result in—
- (a) undue damage to the environment; or
  - (b) a breach of a statement of environmental objectives; or
  - (c) any other breach of this Act,

the Minister may, by written notice given to a licensee (an ***environmental direction***), direct that action be taken to comply with specified requirements to prevent or minimise damage to the environment (to the extent necessary to address the relevant matter arising under paragraph (a), (b) or (c)).

- (2) An environmental direction may impose any requirement reasonably required for the purpose for which the direction is issued including 1 or more of the following:
- (a) a requirement that a person specified or identified in the direction discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from the Minister or an authorised officer;
  - (b) a requirement that a person specified or identified in the direction take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;
  - (c) a requirement that a person specified or identified in the direction take action to prevent or minimise any damage to the environment, or to control any specified activity;
  - (d) a requirement that a person specified or identified in the direction undertake specified tests or monitoring and, in relation to such a requirement—
    - (i) a requirement that the tests or monitoring be carried out by a person with specified qualifications or experience; or
    - (ii) a requirement that a report or reports be provided to the Minister, or to any other specified person;
  - (e) a requirement that a person specified or identified in the direction take specified action to rehabilitate or restore any land;
  - (f) a requirement that a person specified or identified in the direction prepare a plan of action (that complies with any specified requirements and to the satisfaction of the Minister) to prevent or address—
    - (i) undue damage to the environment; or
    - (ii) a breach of a statement of environmental objectives; or
    - (iii) any other breach of this Act;
  - (g) a requirement that a person specified or identified in the direction provide the Minister with specified results or reports.
- (3) An environmental direction must—
- (a) specify the grounds on which the direction is issued; and

- (b) allow a reasonable time for compliance with the direction.
- (4) A person to whom an environmental direction relates must comply with the direction within the time specified in the direction.  
Maximum penalty: \$250 000.
- (5) The Minister may, after giving an environmental direction, review the adequacy of the relevant statement of environmental objectives and, if it appears on the review that a revised statement of environmental objectives is appropriate, the Minister may take the necessary steps to have a revised statement of environmental objectives prepared and brought into force.
- (6) The Minister must ensure that the owner of land is notified of an environmental direction.

### **109—Rehabilitation directions**

- (1) The Minister may direct, by written notice given to a licensee (a *rehabilitation direction*), that action be taken—
  - (a) —
    - (i) to rehabilitate land in accordance with the requirements of a statement of environmental objectives; or
    - (ii) to rehabilitate land to a standard required to secure compliance with a condition of the relevant licence,  
(including land outside the area of the licence); or
  - (b) to remove decommissioned equipment and facilities.
- (2) A rehabilitation direction—
  - (a) must specify the grounds on which the direction is issued; and
  - (b) must allow a reasonable time for compliance with the direction.
- (3) A licensee must comply with a rehabilitation direction within the time allowed in the direction.  
Maximum penalty: \$250 000.
- (4) For the purposes of this section, a rehabilitation direction may be issued at any time (including after a licence has expired or been cancelled or surrendered) and a reference to a licensee extends (in all cases) to the holder of a licence that has since expired, or has been cancelled or surrendered (but, in such a case, a notice may only be given to the person who was the holder of the licence immediately before its expiration, cancellation or surrender).
- (5) The Minister must ensure that the owner of land is notified of a rehabilitation direction.



**61—Amendment of section 110—Application for review of environmental direction**

- (1) Section 110, heading—delete "environmental"
- (2) Section 110—delete "an environmental direction" wherever occurring and substitute in each case:  
a direction under this Division

**62—Amendment of section 111—Liability for damage caused by authorised activities**

Section 111—after subsection (2) insert:

- (2a) A report under subsection (2) must be made in a manner, and comply with any requirements, determined by the Minister and notified to the licensee.

**63—Amendment of section 120—Powers of entry and inspection**

- (1) Section 120(2), penalty provision—delete "\$4 000" and substitute:  
\$10 000
- (2) Section 120—after subsection (2) insert:
  - (3) A person must give an authorised officer such assistance as is reasonably required for the effective exercise of a power conferred by this section.  
Maximum penalty: \$10 000 or imprisonment for 6 months.

**64—Amendment of section 121—Power to gather information**

- (1) Section 121(2), penalty provision—delete "\$4 000" and substitute:  
\$10 000
- (2) Section 121(3), penalty provision—delete "\$4 000" and substitute:  
\$10 000

**65—Amendment of section 122—Production of records**

- (1) Section 122(1)—after paragraph (d) insert:  
or
  - (e) matters relevant to the calculation of rent payable by the holder of a licence under this Act.
- (2) Section 122(2), penalty provision—delete "\$4 000" and substitute:  
\$10 000

**66—Amendment of section 124—Decisions etc subject to review**

- (1) Section 124—after paragraph (e) insert:
  - (ea) a decision to refuse an application, or revoke an approval, for a change in control in the holder of a licence under section 86AA;

- (2) Section 124(i)—after "royalty" insert:  
    , rent

## **67—Substitution of sections 129 and 130**

Sections 129 and 130—delete the sections and substitute:

### **129—False or misleading information**

A person who gives information to the Minister, an authorised officer or any other person involved in the administration of this Act that is false or misleading in a material particular is guilty of an offence.

Maximum penalty: \$150 000.

### **130—Self-incrimination**

- (1) It is not an excuse for an individual to refuse to provide information required by, or under a direction under, this Act on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.
- (2) However, if compliance with a requirement to provide information might tend to incriminate the person or make the person liable to a penalty, then the fact of the provision of the information is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of giving false or misleading information).

## **68—Insertion of section 132**

After section 131 insert:

### **132—Charge on property if debt due to Crown**

- (1) This section applies to property (other than real property) if the owner of the property is liable to pay a debt due to the Crown under this Act.
- (2) A charge on the property to secure payment of the debt to the Crown is created by force of this section.
- (3) A charge created on property under subsection (2)—
  - (a) has priority over any other interest in the property (including a security interest within the meaning of the *Personal Property Securities Act 2009* of the Commonwealth); and
  - (b) has priority over all other encumbrances; and
  - (c) is not affected by a change in ownership of the property.
- (4) Section 73(2) of the *Personal Property Securities Act 2009* of the Commonwealth applies to the charge.
- (5) The charge remains in force until the debt is paid in full or otherwise discharged.

## **69—Substitution of section 135**

Section 135—delete the section and substitute:

### **135—Disclosure of information**

An authorised officer or any other person who carries out or has carried out duties related to the administration of this Act must not disclose confidential information obtained by them in the course of the administration of this Act except—

- (a) to another person in the course of the administration of this Act; or
- (b) as permitted by the person in whose favour the duty of confidentiality exists; or
- (c) as permitted by the Minister after consultation (where practicable) with the person in whose favour the duty of confidentiality exists; or
- (d) to a person for the purposes of ensuring compliance with a requirement of this Act or a prescribed Act; or
- (e) to a prescribed authority or an officer or employee of a prescribed authority; or
- (f) as required by law; or
- (g) as is otherwise necessary for the proper administration of this Act or a prescribed Act.

Maximum penalty: \$20 000.

## **70—Amendment of section 136—Administrative penalties**

Section 136(4)(a)—delete "\$10 000" and substitute:

\$15 000

## **71—Substitution of section 138**

Section 138—delete the section and substitute:

### **138—Regulations and fee notice**

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting the generality of subsection (1), the regulations may—
  - (a) regulate the conduct of operations involved in exploration for, or the production of, a regulated substance or a regulated resource; and
  - (b) prohibit or restrict activities that may result in waste—
    - (i) of a regulated resource or a regulated substance; or
    - (ii) associated with undertaking a regulated activity; and

- (c) require licensees generally or a particular class of licensee to provide prescribed information certified, if the regulations so require, by declaration under this Act; and
  - (d) provide that any matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister; and
  - (e) prescribe a penalty not exceeding \$20 000 for a contravention of any regulation.
- (3) A regulation may be of general or limited application and may vary in operation according to factors stated in the regulation.
- (4) The Governor may, by regulation, make provisions of a saving or transitional nature consequent on the amendment of this Act by another Act.
- (5) A provision made by a regulation under subsection (4) may be in addition to any provision of a saving or transitional nature made by the Act that makes the amendment.
- (6) A provision made by a regulation under subsection (4) may, if the regulations so provide, take effect from the commencement of the amendment or from a later day.
- (7) To the extent to which a provision takes effect under subsection (6) from a day earlier than the day of the publication of the regulation in the Gazette, the provision does not operate to the disadvantage of a person by—
  - (a) decreasing the person's rights; or
  - (b) imposing liabilities on the person.
- (8) The Minister may prescribe fees for the purposes of this Act by fee notice under the *Legislation (Fees) Act 2019*.

## **Schedule 1—Transitional and saving etc provisions**

### **1—Interpretation**

- (1) In this Schedule—

***principal Act*** means the *Petroleum and Geothermal Energy Act 2000*;

***relevant day*** means the day on which this Schedule comes into operation;

***relevant period*** means the period beginning on the relevant day and ending on the day on which a revised statement of environmental objectives comes into force;

***revised statement of environmental objectives*** means a statement of environmental objectives revised on or after the relevant day.

- (2) In this Schedule, terms used have the same meanings consistent with the meanings they have in the principal Act.

## **2—Serious incident**

A serious incident as defined in section 85 of the principal Act as in force immediately before the relevant day, will, during the relevant period, be taken to be an immediately reportable incident within the meaning of section 85 of the principal Act as in force on or after the relevant day.

## **3—Fitness for purpose assessment**

A fitness for purpose assessment carried out by a licensee under section 86A of the principal Act as in force immediately before the relevant day will, until 12 months after the relevant day, be taken to satisfy the requirements under section 86A of the principal Act as in force on or after the relevant day.

## **4—Statement of environmental objectives**

A statement of environmental objectives in force under Part 12 of the principal Act immediately before the relevant day will, during the relevant period—

- (a) continue to apply in relation to the carrying out of regulated activities by a licensee under the principal Act; and
- (b) be subject to the operation of Part 12 of the principal Act as in force immediately after the relevant day (including requirements that apply in relation to a statement of environmental objectives that is revised or reviewed on or after the relevant day); and
- (c) be taken to satisfy the requirements of Part 12 of the principal Act, subject to prescribed modifications.

## **5—Authorisation of withdrawal of regulated substance under gas storage licence**

- (1) The Minister may, on or after the relevant day—

- (a) on the Minister's own initiative; or
- (b) on application by the holder of a gas storage licence,

authorise the holder of a gas storage licence granted under the principal Act before the relevant day to undertake operations for the withdrawal of a regulated substance (other than a naturally occurring underground accumulation of a regulated substance) from the natural reservoir in which it has been stored.

- (2) An application under subclause (1)(b) must be made in a manner and form determined by the Minister.
- (3) An authorisation under subclause (1)—
- (a) must be issued to the holder of the relevant gas storage licence by written notice; and
  - (b) may be subject to such conditions specified in the notice of authorisation as the Minister thinks necessary consequent on the issuing of the authorisation.

## **6—Corresponding tenements**

- (1) The Minister may, on or after the relevant day—
- (a) on the Minister's own initiative; or

- (b) on application by the holder of a designated tenement,  
issue by written notice to the holder of a designated tenement a regulated substance  
tenement that corresponds to the designated tenement.
- (2) An application under subclause (1)(b) must be made in a manner and form determined  
by the Minister.
- (3) A regulated substance tenement issued under subclause (1) may be subject to such  
conditions as the Minister thinks necessary consequent on the issuing of the regulated  
substance tenement.
- (4) For the purposes of subclauses (1) to (3) (inclusive)—
- (a) a regulated substance exploration licence corresponds to an exploration  
licence; and
  - (b) a regulated substance retention licence corresponds to a retention licence; and
  - (c) a regulated substance production licence corresponds to a production licence.
- (5) In this clause—
- designated tenement*** means—
- (a) an exploration licence; or
  - (b) a retention licence; or
  - (c) a production licence,
- granted under the principal Act before the relevant day;
- regulated substance tenement*** means—
- (a) a regulated substance exploration licence; or
  - (b) a regulated substance retention licence; or
  - (c) a regulated substance production licence.