

South Australia

# **Petroleum and Geothermal Energy Regulations 2013**

under the *Petroleum and Geothermal Energy Act 2000*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Interpretation

### **Part 2—Licence applications**

- 4 General requirements
- 5 Preliminary survey and speculative survey licences
- 6 Exploration licences
- 7 Retention licences
- 8 Production licences
- 9 Pipeline licences

### **Part 3—Environment protection**

- 10 Environmental impact report
- 11 Classification of regulated activities
- 12 Preparation of statement of environmental objectives
- 13 Requirements for environmental objectives and assessment criteria
- 14 Review of statements of environmental objectives
- 15 Form of information

### **Part 4—Operator classification and activity notification**

- 16 Preliminary
- 17 Operator classification—section 74
- 18 Activity notification—low level official surveillance
- 19 Activity notification—high level official surveillance
- 20 Detailed activity information
- 21 Assessment to be registered

### **Part 5—Notice of entry on land**

- 22 Notice of entry on land

### **Part 6—Operational issues**

#### **Division 1—Geophysical surveys**

- 23 Naming conventions
- 24 Permanent markers

#### **Division 2—Drilling**

- 25 Naming of wells
-

- 26 Location surveys
- 27 Well evaluation
- 28 Deviation

### Division 3—Pipelines and flowlines

- 29 Pipelines and flowlines

### Division 4—Fitness-for-purpose assessments

- 30 Fitness-for-purpose assessments

### Division 5—Emergency response procedures

- 31 Emergency response procedures

## Part 7—Reports and information

### Division 1—Incident reports

- 32 Incident reports

### Division 2—Performance and technical reports

- 33 Annual reports
- 34 Geophysical progress reports
- 35 Geophysical operations reports
- 36 Geophysical interpretation reports
- 37 Geophysical data
- 38 Daily drilling reports
- 39 Wireline logs
- 40 Well completion reports
- 41 Quarterly cased-hole well activity report
- 42 Well test analysis reports
- 43 Petroleum reservoir fluid analysis reports
- 44 Downhole diagrams
- 45 Production reports
- 46 Facility construction reports
- 47 Other technical reports

### Division 3—Samples and analysis of cores and cutting

- 48 Well samples
- 49 Report on analysis of core or cuttings

### Division 4—General provisions

- 50 Form of reports
- 51 Form of information in reports and corrections
- 52 Availability of information

## Part 8—Miscellaneous

- 53 Fees
- 54 Definition of transmission pipeline
- 55 Penalty interest
- 56 Mediation of dispute over entry to land
- 57 Provision of information
- 58 General offence

---

59 Administrative penalties

Schedule 1—Fees

Schedule 2—Administrative penalties

Schedule 3—Revocation and transitional provisions

1 Revocation of *Petroleum and Geothermal Energy Regulations 2000*

2 Transitional provisions

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Petroleum and Geothermal Energy Regulations 2013*.

### 2—Commencement

These regulations will come into operation on 15 March 2013.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

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

*consequence* means the outcome or outcomes of an event (from either a qualitative or quantitative perspective);

*Core Library* means the facility of that name within the department;

*event* means an incident or situation which occurs in a particular place at a particular time as a result of a regulated activity;

*facility* means—

- (a) a pipeline or flowline; or
- (b) a road or access track; or
- (c) a borrow pit for construction purposes; or
- (d) any equipment to be used in the production or processing of a regulated substance (including a drilling rig and production testing equipment); or
- (e) a water disposal pond; or
- (f) a camp, other than a camp set up for drilling or geophysical operations; or
- (g) an airstrip; or
- (h) a powerline; or
- (i) telecommunications infrastructure, other than mobile telecommunications equipment; or
- (j) permanent fencing; or

- (k) any other permanent equipment, structure or site specified by the Minister for the purposes of this definition;

**GDA 94** means the *Geocentric Datum of Australia 94*;

**quarter** means a period of 3 months ending on 30 September, 31 December, 31 March or 30 June.

## **Part 2—Licence applications**

### **4—General requirements**

An application for a licence, or for the renewal of a licence, under the Act—

- (a) must be addressed to the Minister; and
- (b) must be signed or executed by the applicant; and
- (c) must include, or be accompanied by, the following information or material (in addition to the material required by the Act):
  - (i) the full name, business address and telephone number of the applicant;
  - (ii) the name and telephone number of a person who can be contacted about the application;
  - (iii) a description of the area or route to which the application relates, using co-ordinates in a form determined or approved by the Minister and, if available, cadastral boundaries;
  - (iv) in the case of an application for a licence—a map indicating the area or route to which the application relates and, in the case of an application for a pipeline licence, indicating significant topographical, environmental and cultural features;
  - (v) information on the size of the area or length of the route to which the application relates, expressed in square kilometres or kilometres (as appropriate);
  - (vi) in the case of an application for a licence—
    - (A) in the case of an incorporated body—a copy of the body's most recent audited annual financial statements;
    - (B) in any other case—statements that demonstrate the expected financial position of the applicant over the anticipated term of the licence (or a shorter term determined by the Minister);
  - (vii) in the case of an application for a licence—a statement of the technical qualifications and experience of the applicant;
  - (viii) in the case of an application for a licence—if the application is being made by more than one person—information on the interest that each person will have in the licence (which may be expressed as a percentage).

## 5—Preliminary survey and speculative survey licences

An application for a preliminary survey licence or a speculative survey licence, or for the renewal of a preliminary survey licence or a speculative survey licence, must also include, or be accompanied by, the following information or material:

- (a) if relevant, material identifying any existing licences that are wholly or partially contained within the proposed area of the licence;
- (b) a description of the regulated activities to be carried out under the licence.

## 6—Exploration licences

An application for an exploration licence, or for the renewal of an exploration licence, must also include, or be accompanied by, the following information or material:

- (a) the proposed work program and information as to the approximate cost of operations to be carried out under the program in each year of the licence;
- (b) a technical report that assesses the prospectivity of the area and how the proposed work program relates to this prospectivity;
- (c) if applications have been invited by public advertisement—a statement that addresses the stated criteria.

## 7—Retention licences

An application for a retention licence, or for the renewal of a retention licence, must also include, or be accompanied by, the following information or material:

- (a) the proposed work program and information as to the approximate cost of operations to be carried out under the program in each year of the licence;
- (b) in the case of an application that relates to a proposed or existing petroleum retention licence or geothermal retention licence—all information reasonably required to enable the Minister to assess whether a regulated resource has been discovered in the licence area and the potential of the discovery to be brought to commercial production within 15 years, including an assessment of the factors and risks that may influence predicted outcomes;
- (c) in the case of an application that relates to a proposed gas storage retention licence—all information reasonably required to enable the Minister to assess whether—
  - (i) the grant of the licence is reasonable to facilitate the testing of the relevant natural reservoir for the storage of petroleum or another regulated resource; or
  - (ii) the grant of the licence may proceed because the use of the relevant natural reservoir for the storage of petroleum or another regulated substance is not currently commercially feasible or reasonable (including by virtue of the fact that production of petroleum or another regulated substance from a related area is not currently commercially feasible);

- (d) in the case of an application that relates to an existing gas storage retention licence in circumstances where the Minister has determined that it appears the natural reservoir is more likely than not to be used in connection with the production of petroleum—all information reasonably required for the Minister to assess whether the natural reservoir is more likely than not to be used in connection with the production of petroleum within the next 15 years, including an assessment of the factors and risks that may influence predicted outcomes;
- (e) a map showing an outline of the proposed area for the purposes of the Act, the location of the relevant natural resource and, in the case of a petroleum retention licence, setting out the area of the discovery in square kilometres together with a technical justification for the area that has been chosen.

## **8—Production licences**

An application for a production licence must also include, or be accompanied by, the following information or material:

- (a) in the case of an application that relates to a petroleum production licence or a geothermal production licence—all information reasonably required to enable the Minister to assess whether a regulated resource has been discovered in the licence area and that production is currently commercially feasible or more likely than not to become commercially feasible within the next 24 months;
- (b) a map showing an outline of the proposed area for the purposes of the Act, the location of the relevant natural resource and, in the case of a petroleum production licence, setting out the area of the discovery in square kilometres together with a technical justification for the area that has been chosen;
- (c) information on the day on which operations would commence under the licence and the anticipated monthly production, injection or utilisation of the resource under the licence for the first 12 months following the commencement of operations.

## **9—Pipeline licences**

An application for a pipeline licence, or for an authorisation to alter or modify a pipeline or pipeline licence, must also include, or be accompanied by, the following information or material:

- (a) technical details concerning the proposed pipeline, alteration or modification (including (if relevant) diameter, wall thickness, length, design pressure and design flow rate);
- (b) if relevant, the type and location of all tanks, plant, equipment, machinery and other infrastructure that the applicant proposes to use or install;
- (c) information on any public or private interest known to the applicant that would be affected by the grant of the licence or the making of the alteration or modification;
- (d) unless an existing statement of environmental objectives applies—an environmental impact report and a draft statement of environmental objectives.

## Part 3—Environment protection

### 10—Environmental impact report

- (1) For the purposes of any environmental impact report required under Part 12 of the Act, a licensee (or, in the case of a preliminary survey licence, pipeline licence, associated activities licence or special facilities licence, a person applying for a licence) must provide the following information or material:
  - (a) a description of the regulated activities to be carried out under the licence (including their location);
  - (b) —
    - (i) a description of the specific features of the environment that can reasonably be expected to be affected by the activities, with particular reference to the physical and biological aspects of the environment and existing land uses; and
    - (ii) an assessment of the cultural values of Aboriginal and other Australians which could reasonably be foreseen to be affected by the activities in the area of the licence, and the public health and safety risks inherent in those activities (insofar as these matters are relevant in the particular circumstances); and
    - (iii) if required by the Minister—a prudential assessment of the security of natural gas supply;
  - (c) a description of the reasonably foreseeable events associated with the activities that could pose a threat to the relevant environment, including—
    - (i) information on the following:
      - (A) events during the construction stage (if any), the operational stage and the abandonment stage;
      - (B) events due to atypical circumstances (including human error, equipment failure or emissions, or discharges above normal operating levels); and
    - (ii) information on the estimated frequency of these events; and
    - (iii) an explanation of the basis on which these events and frequencies have been predicted;
  - (d) an assessment of the potential consequences of these events on the environment, including—
    - (i) information on the following:
      - (A) the extent to which these consequences can be managed or addressed;
      - (B) the action proposed to be taken to manage or address these consequences;
      - (C) the anticipated duration of these consequences;
      - (D) the size and scope of these consequences;

- (E) the cumulative effects (if any) of these consequences when considered in conjunction with the consequences of other events that may occur on the relevant land (insofar as this is reasonably practicable); and
    - (ii) an explanation of the basis on which these consequences have been predicted;
  - (e) a list of all owners of the relevant land;
  - (f) information on any consultation that has occurred with the owner of the relevant land, any Aboriginal groups or representatives, any agency or instrumentality of the Crown, or any other interested person or parties, including specific details about relevant issues that have been raised and any response to those issues, but not including confidential information.
- (2) The Minister may require that a person provide further information or materials (verified, if the Minister so requires, in a manner determined by the Minister) to assist in assessing potential events and consequences that may arise from particular activities.
- (3) Information and material provided under subregulation (1) or (2) must—
  - (a) be balanced, objective and concise; and
  - (b) state any limitations that apply, or should apply, to the use of the information and material; and
  - (c) identify any matter in relation to which there is a significant lack of relevant information or a significant degree of uncertainty; and
  - (d) so far as is relevant, identify the sensitivity to change of any assumption that has been made and any significant risks that may arise if an assumption is later found to be incorrect; and
  - (e) so far as is reasonably practicable, be presented in a way that allows a person assessing the information or material to understand how conclusions have been reached and allows the information or material to be used to make an informed decision on the level of environmental impact of particular activities without the need to obtain additional technical advice.
- (4) Information or material provided under this regulation must be accompanied by a declaration signed or executed by a person (being either the licensee or applicant or a person authorised by the licensee or applicant) who has taken reasonable steps to review the information and material to ensure its accuracy.
- (5) Information and material provided under this regulation must be kept available for public inspection in accordance with directions of the Minister.

## **11—Classification of regulated activities**

- (1) For the purposes of section 98 of the Act, the criteria for the assessment of the environmental impact of regulated activities must address—
  - (a) the reasonably foreseeable events associated with the activities that could pose a threat to the environment; and
  - (b) the potential consequences of those events on the environment; and



- (c) the degree of confidence in the accuracy of any assessment of—
    - (i) the occurrence of the events and their consequences; and
    - (ii) the size and scope of the consequences; and
    - (iii) the frequency of the events; and
    - (iv) the duration of the consequences; and
    - (v) the extent to which the consequences can be managed; and
    - (vi) the cumulative effects (if any) of these consequences when considered in conjunction with the consequences of other events that may occur on the relevant land; and
  - (d) the action or measures proposed to be taken to reduce or avoid these consequences; and
  - (e) the interests and views (if any) of any interested person or party; and
  - (f) other relevant issues.
- (2) The Minister must review the criteria under section 98 of the Act at least once in every 5 years.
  - (3) The Minister must, in establishing or reviewing the criteria under section 98 of the Act, consult with relevant Government departments, agencies and instrumentalities, and other relevant persons or groups, as determined by the Minister.

## **12—Preparation of statement of environmental objectives**

- (1) Unless otherwise determined by the Minister, the person proposing to undertake the relevant activities must prepare a draft statement of environmental objectives for the purposes of section 99 of the Act.
- (2) A draft statement of environmental objectives must include an identification of the events which could arise from the relevant regulated activities and (if not properly managed or avoided) cause a serious incident or a reportable incident within the meaning of section 85 of the Act.
- (3) Objectives or criteria may—
  - (a) relate to regulated activities of a particular licensee (or potential licensee);
  - (b) relate to regulated activities of a particular kind.
- (4) For the purposes of section 101(2) of the Act, the following Government agencies must be consulted:
  - (a) the Department of Environment, Water and Natural Resources;
  - (b) the Environment Protection Authority;
  - (c) SafeWork SA;
  - (d) the Department of Planning, Transport and Infrastructure.
- (5) The Minister is not required to consult with a particular agency under subregulation (4) if the Minister determines that such consultation would not be relevant in the circumstances of the particular case.

- (6) For the purposes of section 102(4) of the Act, a licensee (or potential licensee) must, at the request of the Minister, furnish to the Minister a response to each submission made in response to an invitation under that section.
- (7) A copy of written submissions made to the Minister in response to an invitation under section 102 of the Act, and of any responses furnished to the Minister under subregulation (6), must be included on the environmental register.

### **13—Requirements for environmental objectives and assessment criteria**

- (1) A statement of environmental objectives must include objectives that relate to the following matters:
  - (a) construction activities;
  - (b) operational activities;
  - (c) emergency response and management;
  - (d) rehabilitation in cases involving a serious incident or reportable incident under section 85 of the Act;
  - (e) decommissioning, abandonment and rehabilitation;
  - (f) dealing with the consequences of events associated with the relevant activities on the various aspects of the environment.
- (2) The following provisions apply in relation to the criteria to be applied to determine whether the stated environmental objectives have been achieved in a particular case:
  - (a) the criteria must be described in specific terms which clearly define the outcomes upon which achievement of the objectives can be measured;
  - (b) outcomes may be expressed in quantitative or qualitative terms but must clearly define what is acceptable and what is not acceptable (in the particular context);
  - (c) to the extent (if any) required by the Minister, the criteria must include provisions with respect to assessing the on-going fitness-for-purpose of facilities, plant, equipment, machinery or other infrastructure, and management systems, to ensure security of production or supply of natural gas (if relevant), the protection of public safety, and the protection of the environment;
  - (d) the criteria may include provisions with respect to—
    - (i) the gathering of information and the conduct and timing of studies; and
    - (ii) the conduct and timing of management system audits.

### **14—Review of statements of environmental objectives**

- (1) An approved statement of environmental objectives under the Act must be reviewed at least once in every 5 years.
- (2) A review must take into account, or address—
  - (a) changes in information or knowledge in relevant areas; and
  - (b) community expectations in relation to relevant environmental issues; and

- (c) changes in the use of land; and
  - (d) changes in operational practices; and
  - (e) other matters determined to be relevant by the Minister.
- (3) If, as the result of a review, the Minister considers that a statement of environmental objectives should be revised, the Minister will undertake the revision (or cause the revision to be undertaken by the licensee) and then submit the statement for consideration under the Act.

### **15—Form of information**

Any information or material provided by a person for the purposes of an environmental impact report or a statement of environmental objectives under Part 12 of the Act must, unless the Minister otherwise determines, be provided in written form and, if reasonably practicable, in electronic form in a form approved by the Minister.

## **Part 4—Operator classification and activity notification**

### **16—Preliminary**

- (1) In this Part—
- regulatory objectives* are the objectives that must be achieved under the Act, these regulations and the conditions of a licence;
- regulatory requirements* means the requirements imposed by the Act, these regulations or the conditions of a licence.
- (2) For the purposes of this Part, the following are operator assessment factors:
- (a) a licensee's corporate policies that address the achievement of regulatory objectives;
  - (b) a licensee's procedures or practices to achieve compliance with regulatory requirements and objectives;
  - (c) the extent to which a licensee has adopted and implemented a comprehensive and effective risk-management system;
  - (d) the extent to which a licensee has established systems to monitor, evaluate, audit and review compliance against regulatory requirements and objectives;
  - (e) a licensee's systems to identify and report serious and reportable incidents under the Act;
  - (f) the extent to which a licensee has established a comprehensive and effective emergency response plan;
  - (g) a licensee's practices and procedures to provide appropriate communication of regulatory requirements to employees, contractors and visitors, including site induction, ongoing training and supervision;
  - (h) a licensee's mechanisms to respond to, and communicate with, external parties on compliance matters;
  - (i) a licensee's record in achieving regulatory objectives and regulatory requirements;

- (j) the extent to which a licensee has allocated resources to compliance systems.

### **17—Operator classification—section 74**

- (1) For the purposes of section 74 of the Act, the operator assessment factors are relevant to determining whether a licensee can be classified as a licensee who is carrying out activities requiring low level official surveillance.
- (2) The Minister must publish guidelines relating to the criteria that will be used in assessing a licensee's operator assessment factors.

### **18—Activity notification—low level official surveillance**

- (1) For the purposes of section 74(3) of the Act, notice of activities requiring low level official surveillance is to be given to the Minister at least 21 days before the proposed commencement of the activities or within such shorter period as the Minister may, in a particular case, allow.  
Administrative penalty.
- (2) A notice under subregulation (1) must comply with the requirements of regulation 20.

### **19—Activity notification—high level official surveillance**

- (1) For the purposes of section 74(3) of the Act, an application for the Minister's approval for activities requiring high level official surveillance is to be given to the Minister at least 35 days before the proposed commencement of the activities or within such shorter period as the Minister may, in a particular case, allow.  
Administrative penalty.
- (2) A notice under subregulation (1)—
  - (a) must include, or be accompanied by, detailed information on the licensee's proposals in respect of the operator assessment factors; and
  - (b) must comply with the requirements of regulation 20.
- (3) The Minister must, in determining whether to grant an approval under section 74(3)(a) of the Act, consider the operator assessment factors.
- (4) The Minister must not grant an approval under section 74(3)(a) of the Act unless or until the Minister is satisfied that the requirements of Part 12 of the Act have been complied with.

### **20—Detailed activity information**

- (1) A notice under regulation 18(1) or 19(1) must include, or be accompanied by, the following information or material:
  - (a) the licence number and the name of the licensee;
  - (b) a description of the relevant activity;
  - (c) information on the proposed location of the relevant activity, using co-ordinates in the GDA 94 datum (which may be in digital format), and including a map of the relevant area showing the proposed location of the relevant activity and significant topographical, environmental and cultural features;

- (d) the full name and business address of any contractor who will be involved to a significant degree in carrying out the activity;
  - (e) the proposed commencement date and the estimated duration of the activity;
  - (f) the name and address of the owner of the relevant land, a declaration concerning compliance with Part 10 of the Act and a copy of any notice provided under that Part, and (if relevant) information on any scheme or process that will be put in place for giving or providing notices or information to owners of the land as the activity progresses;
  - (g) an assessment as to whether the relevant activity is covered by an existing statement of environmental objectives under Part 12 of the Act;
  - (h) if the relevant activity involves a geophysical survey—
    - (i) proposed geophysical techniques; and
    - (ii) the length or area of the survey (in kilometres or square kilometres); and
    - (iii) in the case of a seismic survey—the energy source proposed to be used and a list of proposed line names;
  - (i) if the relevant activity involves well drilling—
    - (i) the type of well to be drilled; and
    - (ii) the proposed well name; and
    - (iii) the expected depth of any well; and
    - (iv) a geological prognosis; and
    - (v) maps showing significant structural horizons; and
    - (vi) information on primary and secondary targets, and an estimate of the hydrocarbon potential of each target; and
    - (vii) information on any relevant evaluation program, including a program for acquiring cuttings samples according to the expected geological formations; and
    - (viii) a target weight for each cutting's sample to be provided to the department under these regulations;
  - (j) an assessment that indicates that any facility, equipment or management system that is to be used for undertaking any drilling, production or pipeline related activity is fit-for-purpose so as to ensure compliance with the regulatory requirements of the Act.
- (2) The notice must include the full name, business address and telephone number of a person who can be contacted about the matters contained in the notice.
- (3) The Minister may require that a licensee provide further information or material in order to ensure that the department has comprehensive information on the proposed activities.
- (4) If a requirement is imposed under subregulation (3), the licensee must not commence the relevant activities until the Minister is satisfied that appropriate information has been provided.

- (5) The Minister may, if the Minister thinks fit, publicly release information on the location and type of any activity to be carried out under a licence.

## **21—Assessment to be registered**

If the Minister determines that activities are to be classified as requiring low level official surveillance, a note relating to that determination must be included on the environmental register.

## **Part 5—Notice of entry on land**

### **22—Notice of entry on land**

For the purposes of section 61 of the Act, a notice must—

- (a) state the full name and business address of the licensee; and
- (b) provide the name and telephone number of a person who can be contacted about the notice; and
- (c) provide a reasonable description of the types of activities proposed to be carried out on the land; and
- (d) identify the place or places where the activities are to be carried out and indicate the proposed duration of the activities; and
- (e) insofar as is relevant to the particular land—provide reasonable information on the anticipated events and consequences associated with the activities, and on the action that is proposed to be taken to manage and address those events and consequences, in order to enable the occupier to make an informed decision about the impact or potential impact of the activities on the land; and
- (f) if it is proposed to commence negotiations for an easement in connection with the construction of a pipeline while activities are being carried out under a preliminary survey licence—
  - (i) provide reasonable information about the proposed construction and operation of the pipeline that may be relevant to the owner; and
  - (ii) provide reasonable information about the scheme under the Act for the compulsory acquisition of an interest in land (including with rights to compensation); and
- (g) state whether the owner may object to the proposed entry under the Act and, if so, the fact that a notice of objection must be given to the licensee within 14 days after service of the notice of entry; and
- (h) provide reasonable information on the rights of an owner of land to claim compensation under the Act to cover—
  - (i) deprivation or impairment of the use and enjoyment of the land; and
  - (ii) damage to the land (not including damage that will be made good by the licensee); and
  - (iii) damage to, or disturbance of, any business or other activity lawfully conducted on the land; and

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- (iv) consequential loss suffered or incurred by the owner on account of the licensee entering the land and carrying out regulated activities under the Act; and
  - (i) state that compensation under the Act is not to be related to the value or possible value of resources contained in the land and that dissatisfaction with any compensation is not a ground for objecting to any entry on to the land; and
  - (j) state that compensation under the Act may include an additional component to cover reasonable costs reasonably incurred in connection with negotiating and resolving issues associated with gaining access to the land, undertaking activities on the land, and determining appropriate levels of compensation under the Act; and
  - (k) state that any dispute over access or compensation may ultimately be resolved by application to the relevant court; and
  - (l) inform the person that the activities to which the notice relates are conducted under the Act and that any concerns or issues associated with the conduct of the activities may be raised with the department; and
  - (m) be accompanied by a copy of Part 10 of the Act.

## **Part 6—Operational issues**

### **Division 1—Geophysical surveys**

#### **23—Naming conventions**

- (1) A licensee who carries out a geophysical survey must assign a distinguishing name or code to the survey, and to each line that makes up the survey.
- (2) A name or code assigned under subregulation (1) must not be the same, or substantially the same, as a name or code that has already been assigned to another survey (whether current or past) undertaken in Australia.

#### **24—Permanent markers**

- (1) The Minister may require a licensee who carries out a geophysical survey to set in place permanent markers at survey base stations so as to provide survey location control.
- (2) A licensee must comply with a requirement under subregulation (1).  
Administrative penalty.
- (3) Subject to complying with subregulation (1), a licensee must ensure that permanent markers are set so that they are—
  - (a) unlikely to be disturbed by normal use of the land by others; and
  - (b) unlikely to interfere with the normal activities of other users of the land; and
  - (c) easily accessible.

## **Division 2—Drilling**

### **25—Naming of wells**

- (1) A licensee who drills a well must assign a distinguishing name and number to the well.  
Administrative penalty.
- (2) A name assigned under subregulation (1)—
  - (a) must not be the same, or substantially the same, as a name that has already been assigned to another well in Australia (whether on-shore or off-shore); and
  - (b) must conform with naming conventions recognised by the Minister.
- (3) A well (other than an abandoned well) must be clearly marked in a permanent manner with its name and well number.  
Administrative penalty.

### **26—Location surveys**

The licensee must, as soon as practicable after the location of a well is established, but in any event not later than 6 months after the drilling rig is released (or such longer period as the Minister may allow), determine the location and elevation of the well in accordance with requirements determined by the Minister for the purposes of this regulation.

Administrative penalty.

### **27—Well evaluation**

A licensee who drills a well must evaluate the geology through which the well passes, and the likelihood of occurrences of petroleum or some other regulated resource for which the licence is held—

- (a) in accordance with good industry practice; and
- (b) in accordance with any program specified for the purposes of regulation 20 subject to the qualification that the licensee may substitute another form of wireline logs that provide an outcome that is at least equivalent to the outcome that would be provided by the wireline logs originally specified in the program under that regulation; and
- (c) if required by the Minister—in accordance with an evaluation program specified by the Minister.

Administrative penalty.

### **28—Deviation**

A licensee must not, without the approval of the Minister, allow a well to be drilled so as to enter an area outside the area of the licence.

Administrative penalty.



## Division 3—Pipelines and flowlines

### 29—Pipelines and flowlines

Unless otherwise approved by the Minister, the design, manufacture, construction, operation, maintenance, testing and abandonment of pipelines and flowlines must be carried out in accordance with the relevant requirements of AS 2885 *Pipelines—Gas and Liquid Petroleum* as in force from time to time.

## Division 4—Fitness-for-purpose assessments

### 30—Fitness-for-purpose assessments

- (1) This regulation prescribes the requirements envisaged by section 86A of the Act.
- (2) An assessment under this regulation must specifically address—
  - (a) the physical condition of each facility; and
  - (b) the effectiveness of management systems for the operation and maintenance of each facility; and
  - (c) the potential for the environment to affect the safe and effective operation of each facility; and
  - (d) the potential for serious incidents to occur at each facility, including the potential for hazardous materials or substances stored at or near the facility to affect the safe or effective operation of the facility; and
  - (e) the adequacy and reliability of the utilities required in order to enable the effective operation of each facility (so far as this may be relevant).
- (3) For the purposes of section 86A(2) of the Act, the following intervals are prescribed:
  - (a) the first assessment must be carried out within—
    - (i) in the case of a report that relates to a production facility or pipeline—within 5 years after commissioning; or
    - (ii) in any other case—within 5 years after the completion of a statement of environmental objectives under the Act, or an environmental impact statement or public environmental report under the *Development Act 1993* (as the case may be);
  - (b) each subsequent assessment must be carried out within 5 years after the completion of the previous assessment.

Administrative penalty.

- (4) For the purposes of section 86A(4) of the Act, a report must be furnished to the Minister within 2 months after the completion of the assessment.

Administrative penalty.

- (5) A report must include, in relation to each facility to which the report relates—
  - (a) a name and description of the facility; and
  - (b) the date on which the assessment occurred, or was completed (as the case may be); and

- (c) a summary of the assessment of the risks associated with the operation of the facility; and
  - (d) a statement of the state of the current, and expected (over an ensuing 5 year period), fitness-for-purpose of the facility, setting out the grounds on which the statement is made and including—
    - (i) an assessment of the physical condition of the facility; and
    - (ii) an assessment of the effectiveness of management systems for the operation and management of the facility; and
    - (iii) information on any other factor that may adversely affect or compromise the fitness-for-purpose of the facility; and
  - (e) any other information requested by the Minister,
- and a report may include other information thought to be relevant by the licensee.
- Administrative penalty.
- (6) A licensee may, with the approval of the Minister, group various facilities for the purposes of an assessment or report under this subregulation.
  - (7) Information provided in a report must—
    - (a) be balanced, objective and concise; and
    - (b) state any limitations that apply, or should apply, to the use of the information; and
    - (c) identify any matter in relation to which there is a significant lack of relevant information or a significant degree of uncertainty; and
    - (d) so far as is relevant, identify the sensitivity to change of any assumption that has been made and any significant risks that may arise if an assumption is later found to be incorrect; and
    - (e) so far as is reasonably practicable, be presented in a way that allows a person assessing the information to understand how conclusions have been reached.
  - (8) A report under this regulation—
    - (a) must be provided by the licensee or a person specifically authorised to provide the report for the purposes of this regulation; and
    - (b) must contain a declaration signed or executed by the person providing the report that he or she has taken reasonable steps to review the report in order to ensure the accuracy of the information contained in the report.
  - (9) A licensee must promptly carry out any remedial action that is necessary or appropriate in view of a report under this regulation (and, in particular, must ensure that any identified risks are eliminated or reduced so far as is reasonably practicable).
  - (10) Subject to subregulation (11), a copy of a report provided under this regulation may be made available to members of the public with the approval of the Minister (and the Minister must consult with the relevant licensee before giving an approval under this subregulation).
  - (11) The Minister may, before giving an approval under subregulation (10), take steps to ensure that commercially sensitive information is not publicly disclosed.

- (12) An appropriate note relating to the availability of a report under subregulation (10) must be included on the environmental register.

## Division 5—Emergency response procedures

### 31—Emergency response procedures

- (1) A licensee must maintain procedures (*emergency response procedures*) to be followed in the event of an emergency at a facility operated on land within the area of the licence.

Administrative penalty.

- (2) Emergency response procedures under subregulation (1) must include—
- (a) measures to minimise the impact of an emergency situation on—
    - (i) the environment; and
    - (ii) public health and safety; and
    - (iii) the security of production or supply of natural gas (so far as this may be relevant); and
  - (b) measures to ensure that hazardous materials or substances that may cause or exacerbate damage to the facility if not managed in the event of an emergency are isolated, contained or controlled; and
  - (c) measures to rehabilitate any part of the environment that may be adversely affected by an emergency,

and may include other steps to be taken in the event of an emergency.

Administrative penalty.

- (3) A licensee must, at intervals not exceeding 2 years, conduct a practice drill of the emergency response procedures for all facilities operated on land within the area of the licence.
- Administrative penalty.
- (4) A licensee may group various facilities for the purposes of a drill under subregulation (3).
- (5) The licensee must prepare a report on the drill in a manner and form determined by the Minister and furnish a copy of the report to the Minister within 2 months after the drill.
- (6) A report under subregulation (5) must include—
- (a) an assessment of the adequacy of the emergency response procedures; and
  - (b) an assessment of the competency of personnel to execute procedures; and
  - (c) information on any deficiencies in any management systems, or operating or maintenance procedures, identified by the drill; and
  - (d) details of any remedial action taken, or proposed to be taken, to correct any deficiencies.

- (7) Information provided in a report under subregulation (5) must—
  - (a) be balanced, objective and concise; and
  - (b) so far as is relevant, identify the sensitivity to change of any assumption that has been made and any significant risks that may arise if an assumption is later found to be incorrect; and
  - (c) so far as is reasonably practicable, be presented in a way that allows a person assessing the information to understand how conclusions have been reached.
- (8) A report under this regulation—
  - (a) must be provided by the licensee or a person specifically authorised to provide the report for the purposes of this regulation; and
  - (b) must contain a declaration signed or executed by the person providing the report that he or she has taken reasonable steps to review the report in order to ensure the accuracy of the information contained in the report.
- (9) A licensee must promptly carry out any remedial action that is necessary or appropriate in view of the outcomes of a drill under this regulation.
- (10) Subject to subregulation (11), a copy of a report under subregulation (5) may be made available to members of the public with the approval of the Minister (and the Minister must consult with the relevant licensee before giving an approval under this regulation).
- (11) The Minister may, before giving an approval under subregulation (10), take steps to ensure that commercially sensitive information is not publicly disclosed.
- (12) An appropriate note relating to the availability of a report under subregulation (10) must be included on the environmental register.

## **Part 7—Reports and information**

### **Division 1—Incident reports**

#### **32—Incident reports**

- (1) For the purposes of section 85 of the Act, the following are classified as reportable incidents:
  - (a) an escape of petroleum, a processed substance, a chemical or a fuel that affects an area that has not been specifically designed to contain such an escape;
  - (b) an incident identified as a reportable incident under the relevant statement of environmental objectives.
- (2) A serious incident must be reported to the Minister—
  - (a) initially—
    - (i) by telephone or fax (using a number determined by the Minister for the purposes of this regulation); or
    - (ii) by email (using an email address determined by the Minister for the purposes of this regulation); and

- (b) by providing a written report on the incident within 3 months after the occurrence of the incident.
- (3) The initial report of a serious incident must include the following information:
  - (a) the name and business address of the licensee;
  - (b) the name and telephone number of a person who can be contacted about the matter;
  - (c) the time and date of the occurrence of the incident;
  - (d) the place where the incident occurred (using appropriate co-ordinates or distances from significant topographical features);
  - (e) in a case involving a spillage—the approximate quantity of the spillage;
  - (f) the approximate size of any area affected by the incident (if relevant);
  - (g) the nature and extent of any injury to a person and, if death has occurred, the cause and place of death;
  - (h) the steps that have been taken to control, minimise or address any damage to any area affected by the incident.
- (4) A comprehensive report of a serious incident must be made in a manner and form determined by the Minister and include the following information:
  - (a) the results of any assessment or investigation of the conditions or circumstances that caused or contributed to the occurrence of the incident, including an assessment of the effectiveness of the design, procedures and management systems that were in place to prevent the incident occurring;
  - (b) the nature and extent of any damage to the environment that occurred as a result of the incident;
  - (c) the steps that have been taken, or are proposed to be taken, to clean up and rehabilitate any area affected by the incident;
  - (d) the steps that have been taken, or are proposed to be taken, to prevent a recurrence of the incident.
- (5) Reportable incidents are to be reported on a quarterly basis within 1 month after the end of each quarter.
- (6) A report on reportable incidents must be made in a manner and form determined by the Minister and include the following information in relation to each incident to which the report relates:
  - (a) the time and date of the occurrence of the incident and the time and date of detection;
  - (b) the place where the incident occurred (using appropriate co-ordinates or distances from significant topographical features);
  - (c) in the case of a spillage—the approximate quantity of the spillage;
  - (d) the approximate size of any area affected by the incident (if relevant);
  - (e) the cause of the incident, including an assessment of the effectiveness of the design, procedures and management systems that were in place to prevent the incident occurring;

- (f) the steps that have been taken, or are proposed to be taken, to clean up and rehabilitate any area affected by the incident;
  - (g) the steps that have been taken, or are proposed to be taken, to prevent a recurrence of the incident.
- (7) A report under subregulation (4) or (6) must be signed by a person (being either the licensee or a person authorised by the licensee) who has taken reasonable steps to review the report to ensure the accuracy of the information contained in the report.
- (8) Subject to subregulation (9), a copy of the report under subregulation (4) or (6) may be made available to members of the public with the approval of the Minister (and the Minister must consult with the relevant licensee before giving an approval under this regulation).
- (9) The Minister may, before giving an approval under subregulation (8), take steps to ensure that commercially sensitive information is not publicly disclosed.
- (10) An appropriate note relating to the availability of a report under subregulation (8) must be included in the environmental register.

## **Division 2—Performance and technical reports**

### **33—Annual reports**

- (1) A licensee must, within 2 months after the end of each licence year, furnish to the Minister a report for the relevant licence year (an *annual report*).
- Administrative penalty.
- (2) An annual report must be provided in a manner and form determined by the Minister.
- (3) An annual report must include—
- (a) a summary of the regulated activities conducted under the licence during the year; and
  - (b) a report for the year on compliance with the Act, these regulations, the licence and any relevant statement of environmental objectives; and
  - (c) a statement concerning any action to rectify non-compliance with obligations imposed by the Act, these regulations or the licence, and to minimise the likelihood of the recurrence of any such non-compliance; and
  - (d) a summary of any management system audits undertaken during the relevant licence year, including information on any failure or deficiency identified by the audit and any corrective action that has, or will be, taken; and
  - (e) a list of—
    - (i) unless subparagraph (ii) applies—all reports and data relevant to the operation of the Act generated by the licensee during the relevant licensing year; or
    - (ii) with the approval of the Minister—the technical reports required to be provided to the Minister under regulation 47 during the relevant licensing year; and
  - (f) in relation to any incidents reported to the Minister under the Act and these regulations during the relevant licensing year—

- (i) an overall assessment and analysis of the incidents, including the identification and analysis of any trends that have emerged; and
  - (ii) an overall assessment of the effectiveness of any action taken to rectify non-compliance with obligations imposed by the Act, these regulations or the licence, or to minimise the risk of recurrence of any such non-compliance; and
- (g) a report on any reasonably foreseeable threats (other than threats previously reported on) that reasonably present, or may present, a hazard to facilities or activities under the licence, and a report on any corrective action that has, or will be, taken; and
- (h) unless the relevant licence year is the last year in which the licence is to remain in force—a statement outlining operations proposed for the ensuing year; and
- (i) in the case of a petroleum production licence or a gas storage production licence—an estimate of the volume of petroleum likely to be produced, wasted, stored or sold under the licence during the ensuing year, or such longer period as the Minister may require; and
- (j) in the case of a production licence—an assessment of the development activities proposed to be undertaken under the licence, including the number of completions that are expected to occur, during the ensuing year, or such longer period as the Minister may require; and
- (k) in the case of a pipeline licence—the volume of any regulated substance transported through the pipeline during the relevant licence year.

Administrative penalty.

- (4) An annual report must be accompanied by a statement of expenditure on regulated activities conducted under the licence for the relevant licence year.

Administrative penalty.

- (5) An annual report for an associated activities licence may be included as part of the annual report for the primary licence.
- (6) Without limiting subregulation (5), a licensee may, with the approval of the Minister, amalgamate the annual reports with respect to 2 or more licences.
- (7) If a licence is surrendered or cancelled, the person who held the licence immediately before the surrender or cancellation must, within 2 months after the surrender or cancellation, furnish a final annual report under this regulation for the period starting at the end of the last full licence year.
- (8) A copy of an annual report provided to the Minister under this regulation must be kept available for public inspection in a manner determined by the Minister.
- (9) However, a member of the public is not entitled to inspect a statement of expenditure provided under subregulation (4).

### **34—Geophysical progress reports**

- (1) A licensee who is conducting geophysical activities, or activities involving the reprocessing of geophysical data, must furnish to the Minister, on a periodic basis determined by the Minister after consultation with the licensee, a report (a *geophysical progress report*) which includes—
- (a) a list of activities conducted on each day during the reporting period including, if applicable, the lines prepared, the data recorded, and the rehabilitation undertaken; and
  - (b) a cumulative tally of activities from the start of the relevant survey, including, for three-dimensional seismic surveys, the total number of source line kilometres and the total number of recorded square kilometres; and
  - (c) the location of any campsites used during the reporting period; and
  - (d) the status of any processing or reprocessing of geophysical data; and
  - (e) a specific report on any reportable incident under section 85 of the Act that has occurred during the reporting period.

Administrative penalty.

- (2) A copy of a report under this regulation will not be available for public inspection.

### **35—Geophysical operations reports**

- (1) A licensee who—
- (a) records any geophysical field data (other than wireline data in a well); or
  - (b) reprocesses any geophysical field data (other than wireline data from a well),
- must furnish to the Minister—
- (c) in a case where paragraph (a) applies—within 12 months after the completion of the recording of the data;
  - (d) in a case where paragraph (b) applies—within 12 months after the completion of the reprocessing of the data,

a *geophysical operations report* in accordance with the requirements of these regulations.

Administrative penalty.

- (2) A geophysical operations report must include—
- (a) the name of the survey during which the data was obtained; and
  - (b) in a case where subregulation (1)(a) applies—information on the following:
    - (i) the location of the survey, including the licence area in which the survey was conducted;
    - (ii) significant dates relating to survey activities, including recording, starting and finishing dates and processing completion dates;



- (iii) the operations carried out in acquiring the data, including a description of the equipment used for positioning, surveying, navigation or other purposes, and a description of the geophysical techniques and equipment used;
  - (c) a description of the processing or reprocessing carried out on the data, and the products of those processes;
  - (d) information on the geodetic and geophysical datum employed;
  - (e) information on any stations, lines or areas recorded under the survey;
  - (f) a recording parameter summary;
  - (g) information on the location of survey control points and permanent markers;
  - (h) if relevant—information on uphole locations;
  - (i) a list of tapes and cartridges that have been generated including (where appropriate)—
    - (i) recorded field data, including line and station range details; and
    - (ii) processed data, including details on the lines, station range, Common Depth Point range and forms of processing.
- (3) A copy of a report under this regulation will be available for public inspection—
  - (a) in the case of a report involving speculative survey data—after the expiry of the period (not being more than 15 years) specified in the speculative survey licence; or
  - (b) in any other case—
    - (i) after the expiration of 2 years from the date of substantial completion of the recording of the data; or
    - (ii) if the data has been reprocessed—after the expiration of 2 years from the date of substantial completion of the reprocessing of the data.

### 36—Geophysical interpretation reports

- (1) A licensee who—
  - (a) records any geophysical data (other than wireline data in a well); or
  - (b) reprocesses any geophysical field data (other than wireline data from a well),
 must furnish to the Minister, within 12 months after the completion of the processing or reprocessing of the data (as the case may be), a ***geophysical interpretation report*** in accordance with the requirements of these regulations.  
 Administrative penalty.
- (2) A geophysical interpretation report must provide a representative evaluation of the data according to good industry practice and in any event information on the following:
  - (a) the interpretation of horizons;
  - (b) structural mapping;
  - (c) any leads or prospects arising from the data.

- (3) The report must identify the interpretation methods and techniques used in the interpretation of the data.
- (4) The report must include maps and show other identifying features to a reasonable scale, detail and extent.
- (5) A copy of a report under this regulation will be available for public inspection—
  - (a) in the case of a report involving speculative survey data—after the expiry of the period (not being more than 15 years) specified in the speculative survey licence; or
  - (b) in any other case—
    - (i) if the licence is surrendered or cancelled—after the surrender or cancellation of the licence; or
    - (ii) if the licence expires—after the expiry of the licence.

### **37—Geophysical data**

- (1) A licensee must, at the time the licensee provides a geophysical operations report to the Minister, also provide to the Minister the following geophysical data:
  - (a) in relation to seismic data—
    - (i) recorded field data; and
    - (ii) observers logs; and
    - (iii) station locations, including elevation and bathymetry data; and
    - (iv) field statics data; and
    - (v) processed two-dimensional seismic reflection sections; and
    - (vi) processed three-dimensional data volumes and velocities; and
    - (vii) processed three-dimensional time slices (if they have been produced);
  - (b) in relation to aeromagnetic or other airborne data—
    - (i) location data, including flight location data and flight logs; and
    - (ii) raw and edited field data; and
    - (iii) quality control plots or calibrations; and
    - (iv) processed data; and
    - (v) processed files;
  - (c) any other data relevant to field acquisition in the possession of the licensee or required by the Minister.

Administrative penalty.

- (2) If data has been reprocessed, the following must also be provided to the Minister:
  - (a) a transcribed copy of the field data;
  - (b) the field tape transcription log;
  - (c) a tape and file listing of the field data that has been copied and reprocessed.

Administrative penalty.

- (3) Unless otherwise determined by the Minister, all location data must use GDA 94 co-ordinates.
- (4) Data provided under this regulation will be available for public inspection—
  - (a) in the case of a report involving speculative survey data (whether or not including reprocessed data)—after the expiry of the period (not being more than 15 years) specified in the speculative survey licence; or
  - (b) in any other case—
    - (i) after the expiration of 2 years from the date of substantial completion of the recording of the data; or
    - (ii) if the data has been reprocessed—after the expiration of 2 years from the date of substantial completion of the reprocessing of the data.

### 38—Daily drilling reports

- (1) A licensee who undertakes any drilling on any day must furnish to the Minister a *daily drilling report* in accordance with the requirements of these regulations.

Administrative penalty.

- (2) A daily drilling report—
  - (a) must relate to a period not exceeding 24 hours, calculated from the end of the period reported on in the immediately preceding daily drilling report (unless the report is the first report for the well); and
  - (b) must be provided to the Minister—
    - (i) unless subparagraph (ii) applies—within 12 hours after the end of the period to which it relates;
    - (ii) if the end of the period of 12 hours under subparagraph (i) would fall on a Saturday, Sunday or public holiday—by 10 am on the first business day following the end of that 12 hour period.
- (3) A daily drilling report must include the following:
  - (a) the name and number of the well;
  - (b) a report number or the number of days from spud;
  - (c) the time and date of well spud and rig release;
  - (d) the depth of the well at the end of the reporting period (in metres);
  - (e) information on operations carried out during the reporting period;
  - (f) the mudlog for the reporting period;
  - (g) resource show descriptions;
  - (h) a description of the formations, and the depth of any geological formation tops, encountered during the reporting period;
  - (i) well logs acquired during the reporting period;

- (j) the drill stem test intervals and results, including recoveries and the API gravity of any liquid hydrocarbons recovered during the reporting period, and the resistivity of any water recovered during the reporting period;
  - (k) results of cement calculation;
  - (l) results of formation integrity tests (including leak off tests).
- (4) A copy of a report under this regulation will be available for public inspection when the relevant well completion report is made available for such inspection.
- (5) However, the location, spud date, rig release date, total depth, datum heights and status of a well may be made available to the public at any time.

### **39—Wireline logs**

- (1) A licensee who acquires any open hole or cased hole logs must furnish copies of the logs to the Minister within 2 months of acquisition.
- Administrative penalty.
- (2) However—
- (a) if a log is acquired at more than one scale, the larger scale log need only be submitted; and
  - (b) drill stem test correlations and sidewall core records need not be furnished to the Minister; and
  - (c) a log that is primarily a record of the completion of an operation need not be furnished to the Minister.
- (3) All depth references for the purposes of any logs provided under this regulation must be in metres (unless otherwise approved by the Minister).
- Administrative penalty.
- (4) The data contained in logs furnished under this regulation will be available for public inspection—
- (a) after the expiration of 2 years from the date of rig release; or
  - (b) if acquired after rig release—after the expiration of 2 years from the date of acquisition.

### **40—Well completion reports**

- (1) A licensee who undertakes any drilling must furnish to the Minister, within 6 months after rig release, a *well completion report* in accordance with the requirements of these regulations.
- Administrative penalty.
- (2) A well completion report must include the following:
- (a) the name and number of the well;
  - (b) a summary page or pages, located at the beginning of the report, which set out in a concise form basic information relating to the well found in the report;
  - (c) a diagram that shows the following:

- (i) the latitude and longitude of the well in GDA 94 values, computed within accuracy levels approved by the Minister;
  - (ii) the direction of true north;
  - (iii) any other well and all roads, access tracks, public utilities or substantial buildings or other structures within 300 metres of the site of the well, and any significant topographical, environmental or cultural features;
  - (iv) where applicable, the boundaries and legal description of the section of land within which the well is situated;
- (d) the name of any drilling contractor;
- (e) the spud date, the date of rig release, and the total depth drilled (to drillers and loggers depths, in metres);
- (f) a summary of the lithologies encountered during the drilling, and a summary of the geological formations taken to have been encountered during drilling;
- (g) a composite log, formulated to a scale comparable with the wireline logs used in connection with the drilling, that includes the following:
  - (i) the bit record;
  - (ii) the penetration rate;
  - (iii) the casing record;
  - (iv) a lithological summary;
  - (v) geological formation tops;
  - (vi) representative open hole and cased hole logs;
  - (vii) sidewall core points;
  - (viii) palaeontological analysis results;
  - (ix) hydrocarbon shows;
  - (x) the drill stem test intervals and results;
  - (xi) core intervals and recoveries;
  - (xii) the log analysis result;
- (h) core and sidewall sample descriptions, and an analysis of these;
  - (i) relevant petrographic descriptions;
  - (j) the palaeontological analysis results and interpretation;
  - (k) the formation test reports, charts and interpretation;
  - (l) log interpretations;
- (m) details of hole sizes, casings and cementing that has been undertaken;
- (n) details of well completion or abandonment;
- (o) a velocity survey;
- (p) for exploration and appraisal wells—an interpreted post drill structure map of the primary objective and an interpreted seismic section;

- (q) a location survey.
- (3) For the purposes of subregulation (2), all depth references for a well must be in metres.
- (4) A copy of a report under this regulation will be available for public inspection after the expiration of 2 years from the date of rig release.

#### **41—Quarterly cased-hole well activity report**

- (1) A licensee who undertakes any activity on a cased-hole well in any quarter must furnish to the Minister, within 30 days after the end of the quarter, a ***quarterly cased-hole well activity report*** in accordance with the requirements of these regulations.

Administrative penalty.

- (2) A quarterly cased-hole well activity report must include the following:
  - (a) the name and number of the well;
  - (b) the dates on which any activity occurred;
  - (c) information (in a form determined by the Minister) on all pressure tests, recompletions, perforations, fluid sampling and cased hole logging activities conducted during the quarter.
- (3) A copy of a report under this regulation will not be available for public inspection.

#### **42—Well test analysis reports**

- (1) A licensee who undertakes a well test for the purpose of determining reservoir pressure, or reservoir characteristics or flow characteristics within the vicinity of the well bore, must furnish to the Minister, within 6 months after the well test is completed, a ***well test analysis report*** in accordance with the requirements of these regulations.

Administrative penalty.

- (2) A well test analysis report must include the following:
  - (a) the name and number of the well;
  - (b) information on the type of test that was carried out;
  - (c) the date of the test;
  - (d) the interval tested;
  - (e) the quantity of any regulated substance produced;
  - (f) a description of the analysis or interpretation that has been undertaken;
  - (g) the results of the test (including all interpreted results);
  - (h) any raw data obtained from the test.
- (3) A copy of a report under this regulation will be available for public inspection after the expiration of 2 years from the date on which the relevant test was carried out.

### 43—Petroleum reservoir fluid analysis reports

- (1) A licensee who samples reservoir fluid (including water) must furnish to the Minister, within 6 months after the date of sampling, a *petroleum reservoir fluid analysis report* in accordance with the requirements of these regulations.

Administrative penalty.

- (2) A petroleum reservoir fluid analysis report must include the following:
- (a) the name and number of the well;
  - (b) the date on which the reservoir fluid was sampled;
  - (c) the interval from which the sample was obtained;
  - (d) a description of any analysis or test that has been performed on the sample;
  - (e) the results of any analysis or test;
  - (f) the name of the laboratory or other place at which any analysis or test was undertaken.
- (3) A copy of a report under this regulation will be available for public inspection after the expiration of 2 years from the date on which the sampling was carried out.

### 44—Downhole diagrams

- (1) A licensee who installs or alters downhole equipment must furnish to the Minister, within 2 months after the installation or alteration, a *downhole diagram* in accordance with the requirements of these regulations.

Administrative penalty.

- (2) A downhole diagram must—
- (a) include details on the equipment that has been installed, or information on the alterations; and
  - (b) show the perforated intervals; and
  - (c) state the date on which the particular equipment became operable, or on which the alteration occurred; and
  - (d) state the status of the well; and
  - (e) include details of any reservoir stimulation treatments that have been undertaken.
- (3) A copy of the diagram under this regulation will be available for public inspection after the expiration of 6 months from the date of the installation or alteration of the equipment (as the case may be).

### 45—Production reports

- (1) A licensee who produces a regulated substance in any month must furnish to the Minister, within 2 months after the end of the month, a *production report* in accordance with the requirements of these regulations.

Administrative penalty.

- (2) A production report must include the following:
- (a) the name and number of the well;
  - (b) in relation to each producing completion—
    - (i) identifying information as to completion interval; and
    - (ii) the number of days on which the producing completion was on line during the month; and
    - (iii) the quantity of regulated resource produced or injected during the month; and
    - (iv) the quantity of water (if any) produced during the month.
- (3) A copy of a report under this regulation will be available for public inspection after the expiration of 6 months after the month to which it relates.

#### **46—Facility construction reports**

- (1) The Minister may require that a report (a *facilities construction report*) be provided to the Minister, at regular intervals determined by the Minister, on the progress of the construction of any facility (and the person to whom that requirement is directed must comply with the requirement).

Administrative penalty.

- (2) A facilities construction report must include the following:
- (a) the name of the facility, or other information that identifies the facility;
  - (b) the effective date of the report;
  - (c) the progress that has been achieved since the effective date of the last report;
  - (d) the current construction time-table.

Administrative penalty.

- (3) A licensee who has completed the construction of a facility must furnish to the Minister, within 2 months after completion of the construction, a report on the facility containing information determined by the Minister.

Administrative penalty.

- (4) A licensee who alters or modifies a pipeline must furnish to the Minister, within 2 months after completion of the work, drawings which show the pipeline as altered or modified.

Administrative penalty.

#### **47—Other technical reports**

- (1) A licensee who prepares or commissions any other technical report in connection with an activity conducted under the licence must furnish a copy of the report to the Minister within 2 months after the report is in a reasonable state of completion or received by the licensee (as the case may be).

Administrative penalty.



- (2) Information contained in a report provided under this regulation will be available for public inspection—
- (a) in the case of analytical laboratory data, field survey data or general technical data (in any form)—after the expiration of the prescribed period;
  - (b) in any other case—on the expiration of the relevant licence.
- (3) In subregulation (2)—
- prescribed period*** means—
- (a) in the case of analytical data or general technical data—the period of 2 years from the time at which the report is first received from the licensee (including in a case where the report is first received without being fully completed);
  - (b) in any other case—the period of 2 years from the date on which the report is provided to the Minister.

### **Division 3—Samples and analysis of cores and cutting**

#### **48—Well samples**

- (1) Subject to this regulation, a licensee must provide all cuttings and core obtained from a well to the Core Library within 6 months after rig release.
- Administrative penalty.
- (2) Each cutting sample must—
- (a) be washed and dry; and
  - (b) be contained in a container suitable for long-term storage, as determined by the Minister; and
  - (c) be clearly and permanently marked with the well name and number and the depth interval represented by the cutting (in metres).
- Administrative penalty.
- (3) A licensee may, with the approval of the Minister, retain a  $\frac{2}{3}$  proportion of a core (split length wise) for analysis.
- (4) Cuttings and core provided under this regulation must be accompanied by a form approved by the Minister that includes—
- (a) the name and number of the relevant well; and
  - (b) the depth ranges from which the samples were obtained; and
  - (c) the cuttings sample interval for each depth range; and
  - (d) a statement identifying any variation from an evaluation program previously proposed under these regulations; and
  - (e) a statement as to whether the core is complete and, if it is not complete—
    - (i) a list of the intervals that are not complete; and
    - (ii) a statement as to why the core is not complete.

Administrative penalty.

- (5) Cuttings and core provided under this regulation will be available—
  - (a) to the public for analysis after the expiration of 2 years from rig release; and
  - (b) to the licensee for analysis at any time during the currency of the licence and, after the licence has come to an end, at the discretion of the Minister.
- (6) The Minister may, after the relevant licence has come to an end, refuse to allow access to cuttings or core for destructive sampling.

#### **49—Report on analysis of core or cuttings**

- (1) An application for approval to remove any cuttings or core held by the Core Library must be made in a form determined by the Minister and include the following information:
  - (a) the full name, business address and telephone number of the person who will be responsible for the relevant sample and for reporting the results of any analysis under subregulation (3);
  - (b) the date on which it is proposed to remove the sample from the Core Library;
  - (c) the name and number of the relevant well;
  - (d) the depth or interval from which a sample is sought;
  - (e) the type of sample;
  - (f) details on the type of analysis that is to be performed on the sample.
- (2) The Minister may, in the Minister's discretion, refuse an application for approval.
- (3) It will be a condition of the removal of any cuttings or core—
  - (a) that the person responsible for the relevant sample will furnish to the Minister a report of the results of the analysis carried out on the relevant sample; and
  - (b) that the Minister is authorised to make copies of the report as the Minister thinks fit.
- (4) The report must be furnished within 6 months of removal, or within such longer period as the Minister may allow.

Administrative penalty.

- (5) The report must include the following:
  - (a) the name and number of the well;
  - (b) the date of removal from the Core Library;
  - (c) the date of the completion of the analysis;
  - (d) a description of the analysis and the results of the analysis;
  - (e) information on how any residues or processed material arising from the analysis have been dealt with.

Administrative penalty.

- (6) The Minister may specify other conditions that will apply to the removal of any cuttings or core from the Core Library.

- (7) A condition under subregulation (6) may include a condition that the applicant enter into a bond in such sum (not exceeding \$10 000), and subject to such terms and conditions, as the Minister may determine to be appropriate.
- (8) If any samples remain after the completion of an analysis, the person responsible for the samples must immediately return them to the Core Library.  
Administrative penalty.
- (9) A copy of a report provided to the Minister under this regulation will be available for public inspection after the expiration of 2 years from the date on which the sample is removed from the Core Library.

## **Division 4—General provisions**

### **50—Form of reports**

- (1) Subject to any specific requirement in another regulation, a report or other information required under this Part (including information referred to in a report under this Part) must be provided in a manner and form determined or approved by the Minister.  
Administrative penalty.
- (2) If a report or other information is provided in electronic form, the person providing the report or other information must also, at the same time, provide a transmittal note in a form determined by the Minister that—
  - (a) identifies the activity to which the report or information relates, including the name and number of the well, and the date of data acquisition (if relevant); and
  - (b) in the case of seismic data, identifies the seismic survey name and the seismic line names; and
  - (c) provides an electronic file name and a relevant file date, and identifies the relevant electronic format, in order to facilitate electronic access to the report or other information; and
  - (d) describes the information or data contained in the relevant file or files.

### **51—Form of information in reports and corrections**

- (1) Information provided in or in association with a report under this Part must—
  - (a) be balanced, objective and concise; and
  - (b) state any limitations that apply, or should apply, to the use of the information; and
  - (c) identify any matter in relation to which there is a significant lack of relevant information or a significant degree of uncertainty; and
  - (d) so far as is relevant, identify the sensitivity to change of any assumption that has been made and any significant risks that may arise if an assumption is later found to be incorrect; and
  - (e) so far as is reasonably practicable, be presented in a way that allows a person assessing the information to understand how conclusions have been reached.

- (2) If information provided in or in association with a report is found to contain errors or omissions, the person who provided the information must immediately correct or provide the information (as the case may require).

Administrative penalty.

## **52—Availability of information**

- (1) The Minister will determine the places where documents available for public inspection under this Part will be so available.
- (2) The Minister will determine whether a document available for public inspection under this Part may be copied and, if so, the amount of a copying fee.
- (3) Despite a preceding provision of this Part, a report that is to be made available for public inspection after a specified period may, in any event, be made available for public inspection if or when the relevant licence expires or is surrendered or cancelled under the Act.
- (4) Without limiting any other provision, the Minister may make available for public inspection (or otherwise release) production, sales and value statistics provided to the Minister as part of the royalty returns furnished under Part 7 of the Act if the information is released on a consolidated basis (according to each form of product or more generally).

## **Part 8—Miscellaneous**

### **53—Fees**

- (1) The fees set out in Schedule 1 are payable as specified in that Schedule.
- (2) The Minister may, on application or on the Minister's own initiative, in the Minister's discretion, waive payment of the whole or a part of a fee, or refund a fee in whole or in part.

### **54—Definition of transmission pipeline**

- (1) The following are excluded from the ambit of the definition of *transmission pipeline* under the Act:
  - (a) flowlines in the State located within the Cooper Basin region;
  - (b) other pipelines in the State located within the Cooper Basin region that are used solely for the transport of unprocessed or minimally processed regulated substances.
- (2) In this regulation—

*Cooper Basin region* means the area bounded on the north by latitude 26° south, on the south by latitude 29° 30' south, on the west by longitude 139° east and on the east by longitude 144° east.

### **55—Penalty interest**

For the purposes of sections 44(1)(a) and 78(2)(a) of the Act, the rate of penalty interest will be 10% per year.

## 56—Mediation of dispute over entry to land

For the purposes of paragraph (b) of section 62(5) of the Act, the period of 2 months is fixed.

## 57—Provision of information

A person must not, in furnishing information under these regulations—

- (a) knowingly provide information that is inaccurate or incomplete in a material particular; or
- (b) make a statement that is false or misleading in a material particular.

## 58—General offence

A person must not contravene or fail to comply with these regulations.

Maximum penalty: \$10 000.

## 59—Administrative penalties

- (1) The amounts set out in Schedule 2 are fixed as the amounts for administrative penalties imposed under the relevant provisions of the Act and these regulations.
- (2) The Minister may, in the Minister's discretion, waive a part of an administrative penalty.

# Schedule 1—Fees

### Part 1—Application fees

1	Application for a licence under the Act	\$3 862.00
2	Application for the renewal of a licence under the Act	\$1 931.00
3	Application to vary or revoke a discretionary condition of a licence	\$1 931.00
4	Application for the approval of the Minister to vary a work program	\$1 931.00
5	Application to convert a production licence into a retention licence	\$1 931.00
6	Application for the authorisation of the Minister to alter or modify a pipeline	\$1 931.00
7	Application to the Minister to consolidate adjacent licence areas, or to divide a licence area	\$1 931.00
8	Application to the Minister to suspend a licence for a specified period	\$1 931.00
9	Application to the Minister for the approval and registration of a registrable dealing	\$1 931.00
10	Application to have access to material included in the commercial register	\$192.00

### Part 2—Annual licence fees (section 78 of Act)

11	Preliminary survey licence	\$3 267.00 or \$1.20 per km <sup>2</sup> of the total licence area, whichever is the greater
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**Petroleum and Geothermal Energy Regulations 2013**

## Schedule 1—Fees

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12	Speculative survey licence	\$3 267.00 or \$1.20 per km <sup>2</sup> of the total licence area, whichever is the greater
13	Exploration licence—	
	(a) in relation to the first term of the licence	\$3 267.00 or \$1.20 per km <sup>2</sup> of the total licence area, whichever is the greater
	(b) in relation to a licence granted on terms under which the licence is renewable for 1 further term—in relation to the second term	\$3 267.00 or \$1.80 per km <sup>2</sup> of the licence area during the second term, whichever is the greater
	(c) in relation to a licence granted on terms under which the licence is renewable for 2 further terms—	
	(a)	\$3 267.00 or \$1.45 per km <sup>2</sup> of the licence area during the second term, whichever is the greater
	(i) in relation to the second term	
	(a)	\$3 267.00 or \$2.95 per km <sup>2</sup> of the licence area during the third term, whichever is the greater
	(ii) in relation to the third term	
	(d) in relation to a licence granted on terms under which the licence is renewable for 3 further terms—	
	(a)	\$3 267.00 or \$1.35 per km <sup>2</sup> of the licence area during the second term, whichever is the greater
	(i) in relation to the second term	
	(a)	\$3 267.00 or \$1.80 per km <sup>2</sup> of the licence area during the third term, whichever is the greater
	(ii) in relation to the third term	
	(a)	\$3 267.00 or \$3.65 per km <sup>2</sup> of the licence area during the fourth term, whichever is the greater
	(iii) in relation to the fourth term	
14	Retention licence—	
	(a) in relation to a petroleum retention licence	\$3 267.00 or \$572.00 per km <sup>2</sup> of the total licence area, whichever is the greater
	(b) in relation to a geothermal retention licence or a gas storage retention licence	\$3 267.00 or \$142.00 per km <sup>2</sup> of the total licence area, whichever is the greater
15	Production licence—	
	(a) in relation to a petroleum production licence	\$3 267.00 or \$600.00 per km <sup>2</sup> of the total licence area, whichever is the greater
	(b) in relation to a geothermal production licence or a gas storage licence	\$3 267.00 or \$142.00 per km <sup>2</sup> of the total licence area, whichever is the greater
16	Pipeline licence	\$3 267.00 or \$329.00 per km, whichever is the greater

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17	Associated activities licence—	
	(a) in relation to a licence to which section 57(1)(a) of the Act applies	\$3 267.00 or \$1 745.00 per km <sup>2</sup> of the total licence area, whichever is the greater
	(b) in relation to a licence to which section 57(1)(b) of the Act applies	\$3 267.00
18	Special facilities licence	\$3 267.00 or \$1 635.00 per km <sup>2</sup> of the total licence area, whichever is the greater

## Schedule 2—Administrative penalties

<b>1—Act</b>	<b>Amount of administrative penalty</b>	
<b>Provision</b>	<b>Initial penalty</b>	<b>Daily penalty</b>
Section 43(4)	\$5 000	\$500
Section 81(2)	\$5 000	
Section 84(1)	\$10 000	
Section 84(2)	\$10 000	\$1 000
Section 85(2)	\$10 000	\$1 000
Section 85(3)	\$5 000	\$500
Section 86(1)	\$10 000	\$1 000
Section 86(2)	\$10 000	\$1 000
Section 86(4)	\$10 000	\$1 000
<b>2—Regulations</b>	<b>Amount of administrative penalty</b>	
<b>Provision</b>	<b>Initial penalty</b>	<b>Daily penalty</b>
Regulation 18(1)	\$1 000	\$100
Regulation 19(1)	\$2 000	\$200
Regulation 24(2)	\$1 000	
Regulation 25(1)	\$2 000	
Regulation 25(3)	\$2 000	
Regulation 26	\$5 000	
Regulation 27	\$10 000	
Regulation 28	\$10 000	
Regulation 30(4)	\$10 000	\$1 000
Regulation 30(5)	\$10 000	\$1 000
Regulation 30(6)	\$10 000	\$1 000
Regulation 31(1)	\$10 000	\$1 000
Regulation 31(2)	\$10 000	\$1 000
Regulation 31(3)	\$10 000	\$1 000
Regulation 32(2)	\$10 000	\$1 000

**Petroleum and Geothermal Energy Regulations 2013**

## Schedule 2—Administrative penalties

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<b>2—Regulations</b>	<b>Amount of administrative penalty</b>	
	<b>Initial penalty</b>	<b>Daily penalty</b>
<b>Provision</b>		
Regulation 32(3)	\$10 000	
Regulation 33(1)	\$10 000	\$1 000
Regulation 33(2)	\$10 000	\$1 000
Regulation 33(3)	\$1 000	
Regulation 34(1)	\$1 000	\$100
Regulation 35(1)	\$2 000	\$200
Regulation 36(1)	\$5 000	\$500
Regulation 37(1)	\$5 000	\$200
Regulation 37(2)	\$5 000	\$500
Regulation 38(1)	\$1 000	\$100
Regulation 39(1)	\$2 000	\$200
Regulation 39(3)	\$2 000	
Regulation 40(1)	\$5 000	\$500
Regulation 41(1)	\$5 000	\$500
Regulation 42(1)	\$2 000	\$200
Regulation 43(1)	\$2 000	\$200
Regulation 44(1)	\$2 000	\$200
Regulation 45(1)	\$5 000	\$500
Regulation 46(1)	\$5 000	\$500
Regulation 46(2)	\$2 000	
Regulation 46(3)	\$5 000	\$500
Regulation 46(4)	\$5 000	\$500
Regulation 47(1)	\$2 000	\$200
Regulation 48(1)	\$1 000	
Regulation 48(2)	\$2 000	
Regulation 48(4)	\$1 000	
Regulation 49(4)	\$2 000	\$200
Regulation 49(5)	\$5 000	\$500
Regulation 49(8)	\$2 000	\$200
Regulation 50(1)	\$2 000	
Regulation 51(2)	\$2 000	\$200

**Schedule 3—Revocation and transitional provisions****1—Revocation of *Petroleum and Geothermal Energy Regulations 2000***

The *Petroleum and Geothermal Energy Regulations 2000* are revoked.



## 2—Transitional provisions

Pursuant to clause 3(2) of the Schedule of the Act—

- (a) section 15 of the repealed Act applies, to the exclusion of the corresponding provisions of the Act, to an application for a petroleum exploration licence that was received by the Director-General under the repealed Act before 1 March 1999 and was not finally dealt with under that Act before the commencement of these regulations; and
- (b) section 18 of the repealed Act applies, to the exclusion of the corresponding provisions of the Act, in relation to the renewal of—
  - (i) an exploration licence granted as a petroleum exploration licence under the repealed Act before the commencement of these regulations; and
  - (ii) an exploration licence granted after the commencement of these regulations pursuant to an application received by the Director-General under the repealed Act before 1 March 1999; and
- (c) section 32 of the repealed Act continues to apply to a production licence granted as a petroleum production licence under the repealed Act before the commencement of these regulations so as to allow application to be made under that section for the renewal of the licence at the expiration of its term (but without derogating from the operation of section 41 of the *Petroleum and Geothermal Energy Act 2000*).

### Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### Made by the Governor

with the advice and consent of the Executive Council  
on 14 March 2013

No 25 of 2013

MRD12/010CS