



ANNO TRICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1987

No. 4 of 1987

An Act to amend the Petroleum (Submerged Lands) Act, 1982.

[Assented to 5 March 1987]

The Parliament of South Australia enacts as follows:

Short title.

1. (1) This Act may be cited as the "Petroleum (Submerged Lands) Act Amendment Act, 1987".

(2) The Petroleum (Submerged Lands) Act, 1982, is in this Act referred to as "the principal Act".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
s. 3—
Arrangement.

3. Section 3 of the principal Act is amended—

(a) by inserting after the item:

DIVISION II—EXPLORATION PERMITS FOR PETROLEUM

the item:

DIVISION IIA—RETENTION LEASES FOR PETROLEUM;

and

(b) by inserting after the item:

DIVISION VI—GENERAL

the item:

DIVISION VIA—POWERS OF AUTHORIZED PERSONS.

Amendment of
s. 4—
Interpretation.

4. Section 4 of the principal Act is amended—

(a) by inserting at the end of the definition of "application for a primary licence" in subsection (1) "or under section 39a (1) or (2)";

(b) by inserting at the end of the definition of "application for a secondary licence" in subsection (1) "or under section 39a (3)";

(c) by inserting after "section" in the definition of "block" in subsection (1) "7a or";

- (d) by inserting after the definition of “inspector” in subsection (1) the following definitions:
- “lease” means a retention lease under Part III:
- “lease area” means the area constituted by the blocks that are the subject of a lease:
- “lessee” means the registered holder of a lease;:
- (e) by inserting “or lease” after “permit” wherever occurring in the definition of “partly determined” in subsection (1);
- (f) by striking out from subsection (1) the definition of “primary entitlement” and substituting the following definition:
- “primary entitlement” means—
- (a) in relation to a permittee—the number of blocks forming part of a location in the permit area in respect of which that permittee may make an application under section 39 (1);
- and
- (b) in relation to a lessee—the number of blocks in the lease area in respect of which that lessee may make an application under section 39a (1);”;
- (g) by inserting at the end of the definition of “primary licence” in subsection (1) “or under section 39a (1) or (2)”;
- (h) by inserting at the end of the definition of “secondary licence” in subsection (1) “or under section 39a (3)”;
- (i) by inserting “lease,” after “permit,” wherever occurring in the definition of “registered holder” in subsection (1);
- (j) by inserting “, special prospecting authority” after “pipeline licence” wherever occurring in the definition of “registered holder” in subsection (1);
- (k) by striking out from the definition of “the adjacent area”—
- (i) “and includes, subject to subsection (3), an area which—”;
- and
- (ii) paragraphs (a), (b) and (c);
- (l) by inserting “, lease” after “permit” wherever occurring in paragraph (a) of the definition of “the relinquished area” in subsection (1);
- (m) by inserting “or lease” after “permit” wherever occurring in paragraph (b) of the definition of “the relinquished area” in subsection (1);
- (n) by inserting after paragraph (c) of the definition of “the relinquished area” in subsection (1) the following paragraph:
- (ca) in relation to a lease that has been wholly cancelled—the area constituted by the blocks in respect of which the lease was in force;

- (o) by inserting "lease," after "permit," wherever occurring in the definition of "wholly cancelled" in subsection (1);
- (p) by inserting "or lease" after "permit" wherever occurring in the definition of "wholly determined" in subsection (1);
- (q) by striking out subsection (3);
- (r) by inserting in subsections (4) and (10) "lease," after "permit," wherever occurring;
- (s) by striking out from subsection (4) "ceases to have effect" and substituting "ceases to be in force";
- (t) by striking out subsection (5) and substituting the following subsection:

(5) In this Act, a reference to a year of the term of a permit, lease, licence or pipeline licence is a reference to a period of one year commencing on the day on which the permit, lease, licence or pipeline licence, as the case may be, comes into force or on any anniversary of that day.;

and

- (u) by inserting after subsection (6) the following subsection:

(6a) In this Act, a reference to the renewal, or the grant of a renewal, of a lease is a reference to the grant of a lease in respect of the blocks in respect of which the first mentioned lease was in force to commence on the day after the date of expiration of the first mentioned lease or on the day after the date of expiration of the lease granted upon a previous renewal of the first mentioned lease.

- 5. Section 6 of the principal Act is amended by striking out subsection (10) and substituting the following subsection:

(10) In this section a reference to a licence, a licensee or a licence area shall be read as including a reference to a permit and a lease, a permittee and a lessee or a permit area and a lease area.

- 6. The following section is inserted after section 7 of the principal Act:

7a. (1) Where the area in respect of which a permit, lease, licence or prescribed instrument is in force includes one or more portions of a block constituted as provided by section 16, then, for the purposes of this Part—

(a) the area of that portion or those portions constitutes a block;

and

(b) the area of the remaining portion or portions of the first mentioned block (but not including any part of that area in respect of which a permit, lease, licence or prescribed instrument is in force) constitutes a block.

(2) Where a permit, lease, licence or prescribed instrument ceases to be in force in respect of an area that constitutes a block as provided by subsection (1) (a), the Minister may, by instrument in writing, if the Minister considers it desirable to do so, determine that that block

Amendment of
s. 6—
Petroleum pool
extending into 2
licence areas.

Insertion of new
section.

Certain portions
of blocks to be
blocks.

shall be amalgamated with another block or blocks, being a block or blocks—

- (a) constituted as provided by this section;
 - (b) forming part of the graticular section of which that first mentioned block forms part;
- and
- (c) in respect of which a permit, lease or licence is in force.

(3) Where such a determination is made, then, for the purposes of this Part—

- (a) the blocks the subject of the determination cease to constitute blocks and the areas of those blocks together constitute a block;

and

- (b) the block constituted by reason of the determination is, subject to this Part, for the remainder of the term of the permit, lease or licence concerned, a block in respect of which the permit, lease or licence is in force.

(4) The Minister shall not make a determination under subsection (2) except with the consent of the permittee, lessee or licensee concerned.

(5) In this section—

“prescribed instrument” means a special prospecting authority, an access authority and any other instrument prescribed by regulation.

7. Section 17 of the principal Act is amended—

- (a) by inserting “, lease” after “permit” in subsection (1);
 - (b) by inserting “lease,” after “permit,” in subsection (1);
- and
- (c) by inserting “lease,” after “permit,” in subsection (2).

Amendment of
s. 17—
Reservation of
blocks.

8. Section 22 of the principal Act is amended by striking out paragraph (a) of subsection (1) and substituting the following paragraphs:

- (a) a lease is surrendered, cancelled or determined as to a block or blocks;
- (aa) a licence is surrendered or cancelled as to a block or blocks;

Amendment of
s. 22—
Application for
permit in respect
of surrendered,
etc., blocks.

9. Section 28 of the principal Act is amended by inserting after “the day on which the permit is granted” wherever occurring “or, if a later day is specified in the permit as being the day on which the permit is to come into force, on that later day”.

Amendment of
s. 28—
Term of permit.

10. Section 34 of the principal Act is amended by striking out “specified” secondly occurring in subsection (1) and substituting “specifies”.

Amendment of
s. 34—
Directions by
Minister on
discovery of
petroleum.

11. Section 35 of the principal Act is amended by inserting after “section” in subparagraph (ii) of paragraph (b) of subsection (5) “37b (7) or”.

Amendment of
s. 35—
Nomination of
block for
purposes of
declaring location.

Amendment of
s. 36—
Declaration of
location.

12. Section 36 of the principal Act is amended—

- (a) by inserting in subsection (2) “in respect of that block or one or more of those blocks” after “the declaration be revoked”;
- and
- (b) by inserting in subsection (2) “in the manner requested” after “revoke the declaration”.

Insertion of new
Division IIA in
Part III.

13. The following Division is inserted into Part III of the principal Act after Division II:

DIVISION IIA—RETENTION LEASES FOR PETROLEUM

Application by
permittee for
lease.

37a. (1) A permittee whose permit is in force in respect of a block that constitutes, or the blocks that constitute, a location may, within the application period, make an application to the Minister for the grant of a lease in respect of that block, or in respect of one or more of those blocks, as the case may be.

(2) An application under subsection (1)—

- (a) shall be in accordance with an approved form;
- (b) shall be made in an approved manner;
- (c) shall be accompanied by particulars of—

- (i) the proposals of the applicant for work and expenditure in respect of the area comprised in the blocks specified in the application;

and

- (ii) the commercial viability of the recovery of petroleum from the area comprised in the blocks specified in the application at the time of the application, and particulars of the possible future commercial viability of the recovery of petroleum from that area;

- (d) may set out any other matters that the applicant wishes to be considered;

and

- (e) shall be accompanied by a fee of \$600.

(3) The Minister may, at any time, by instrument in writing served on the applicant, require the applicant to furnish, within the time specified in the instrument, further information in writing in connection with the application.

(4) The application period in respect of an application under this section by a permittee is—

- (a) the period of 2 years after the date on which the block that constitutes the location concerned was, or the blocks that constitute the location concerned were, declared to be a location;

or

- (b) such other period, not less than 2 years or more than 4 years after that date, as the Minister, on application in

writing by the permittee, served on the Minister before the end of the first mentioned period of 2 years, allows.

37b. (1) Where—

- (a) an application has been made under section 37a;
- (b) the applicant has furnished any further information as and when required by the Minister under section 37a (3);

and

- (c) the Minister is satisfied that recovery of petroleum from the area comprised in the blocks specified in the application—

- (i) is not, at the time of the application, commercially viable;

and

- (ii) is likely to become commercially viable within the period of 15 years after that time,

the Minister shall, by instrument in writing served on the applicant, inform the applicant—

- (d) that the Minister is prepared to grant to the applicant a lease in respect of the block or blocks specified in the application;

and

- (e) that the applicant will be required to lodge a security for compliance with the conditions to which the lease, if granted, will from time to time be subject and with the provisions of this Part and the regulations.

(2) Where an application has been made under section 37a and—

- (a) the applicant has not furnished any further information as and when required by the Minister under section 37a (3);

or

- (b) the Minister is not satisfied as to the matters referred to in subsection (1) (c) in relation to the blocks specified in the application,

the Minister shall, by instrument in writing served on the applicant, refuse to grant a lease to the applicant.

(3) An instrument under subsection (1) shall contain—

- (a) a summary of the conditions subject to which the lease is to be granted;

and

- (b) a statement to the effect that the application will lapse if the applicant does not make a request under subsection (4) in respect of the grant of the lease and lodge with the Minister the security referred to in the instrument.

(4) An applicant on whom there has been served an instrument under subsection (1) may, within a period of one month after the

Grant or refusal
of lease in
relation to
application.

date of service of the instrument, or within such further period, not exceeding one month, as the Minister, on application in writing served on the Minister before the end of the first mentioned period of one month, allows—

(a) by instrument in writing served on the Minister, request the Minister to grant to the applicant the lease;

and

(b) lodge with the Minister the security referred to in the first mentioned instrument.

(5) Where an applicant on whom there has been served an instrument under subsection (1)—

(a) has made a request under subsection (4);

and

(b) has lodged with the Minister the security referred to in the instrument,

within the period applicable under subsection (4), the Minister shall grant to the applicant a retention lease in respect of the block or blocks specified in the instrument.

(6) Where an applicant on whom there has been served an instrument under subsection (1)—

(a) has not made a request under subsection (4);

or

(b) has not lodged with the Minister the security referred to in the instrument,

within the period applicable under subsection (4), the application lapses upon the expiration of that period.

(7) On the day on which a lease granted under this section in respect of a block or blocks comes into force, the permit in respect of the block or blocks ceases to be in force in respect of those blocks.

Rights conferred
by lease.

37c. A lease, while it remains in force, authorizes the lessee, subject to this Act and in accordance with the conditions to which the lease is subject, to explore for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the lease area.

Term of lease.

37d. Subject to this Part, a lease (whether granted by way of renewal of a lease or otherwise) remains in force for a period of 5 years commencing on the day on which the lease was granted or, if a later day is specified in the lease as being the day on which the lease is to come into force, on that later day.

Notice of
intention to
cancel lease.

37e. (1) Where—

(a) a lessee has been given a notice of the kind referred to in section 37h (3) (b) during the term of the lease and has carried out, and has informed the Minister of the results of, the re-evaluation required by the notice;

(b) the lessee has not made an application for the renewal of the lease;

and

- (c) after consideration of the results of the re-evaluation referred to in paragraph (a) and such other matters as the Minister thinks fit, the Minister is of the opinion that recovery of petroleum from the lease area is commercially viable,

the Minister may serve on the lessee and on such other persons as the Minister thinks appropriate an instrument in writing—

- (d) informing the lessee or the other person that the Minister has formed that opinion and that the Minister intends to cancel the lease;

and

- (e) stating that the lessee or the other person may serve an instrument in writing on the Minister within the period specified in the first mentioned instrument, not being a period ending earlier than one month after the date of service of the first mentioned instrument, setting out any matters that the lessee or the other person, as the case may be, wishes to be considered.

(2) Where—

- (a) an instrument under subsection (1) is served on a lessee;

and

- (b) the lessee does not, within the period referred to in subsection (1) (e), serve on the Minister an instrument setting out matters that the lessee wishes to be considered or the Minister, after consideration of matters set out in an instrument served on the Minister by the lessee within that period, determines that the lease should be cancelled,

the Minister shall, by instrument in writing served on the lessee, cancel the lease.

(3) The cancellation of a lease under subsection (2) has effect—

- (a) in a case to which paragraph (b) does not apply—at the end of the period of 12 months commencing on the date of service of the instrument of cancellation;

or

- (b) in a case where the lessee makes an application for a licence in respect of one or more of the blocks comprised in the lease within the period referred to in paragraph (a)—when the Minister grants, or refuses to grant, the licence or when the application lapses, whichever first happens.

(4) Where a lease is cancelled under subsection (2), the lease shall be deemed to continue in force in all respects until the cancellation has effect in accordance with subsection (3).

37f. (1) A lessee may, from time to time, make an application to the Minister for the renewal of the lease. Application for renewal of lease.

(2) An application for the renewal of a lease—

- (a) shall be in accordance with an approved form;
- (b) subject to subsection (3), shall be made in an approved manner not less than 6 months or more than 12 months before the day on which the lease ceases to be in force;
- (c) shall be accompanied by particulars of—
 - (i) the proposals of the applicant for work and expenditure in respect of the lease area;
 and
 - (ii) particulars of the commercial viability of recovery of petroleum from the lease at the time of the application and particulars of the possible future commercial viability of recovery of petroleum from the lease area;
 and
 - (d) shall be accompanied by a fee of \$600.

(3) The Minister may, for reasons that the Minister thinks sufficient, receive an application for the renewal of the lease less than 6 months before, but not in any case after, the day on which the lease ceases to be in force.

(4) Where a lessee makes an application for the renewal of a lease, the Minister may, at any time, by instrument in writing served on the lessee, require the lessee to furnish, within the time specified in the instrument, further information in writing in connection with the application.

Grant or refusal
of renewal of
lease.

37g. (1) Where—

- (a) a lessee makes an application for the renewal of a lease;
 - (b) the applicant has furnished any further information as and when required by the Minister under section 37f (4);
- and
- (c) the Minister is satisfied that recovery of petroleum from the lease area—
 - (i) is not, at the time of the application, commercially viable;
 and
 - (ii) is likely to become commercially viable within the period of 15 years after that time,

the Minister—

- (d) shall, if the lessee has complied with the conditions to which the lease is subject and with the provisions of this Part and of the regulations;

or

- (e) may, if the lessee has not so complied but the Minister is satisfied that special circumstances exist that justify the granting of the renewal of the lease,

inform the lessee, by instrument in writing served on the lessee, that the Minister is prepared to grant to the lessee the renewal of the lease and that the lessee will be required to lodge a security for compliance with the conditions to which the lease, if the renewal is granted, will from time to time be subject and with the provisions of this Part and of the regulations.

(2) Subject to subsection (3), where—

(a) a lessee makes an application for the renewal of a lease;

and

(b) either—

(i) the applicant has not furnished any further information as and when required by the Minister under section 37f (4);

(ii) the Minister is not satisfied as to the matters referred to in subsection (1) (c);

or

(iii) the lessee has not complied with the conditions to which the lease is subject and with the provisions of this Part and of the regulations and the Minister is not satisfied that special circumstances exist that justify the granting of the renewal of the lease,

the Minister shall, by instrument in writing served on the lessee, refuse to grant the renewal of the lease.

(3) The Minister shall not refuse to grant the renewal of the lease unless—

(a) the Minister has, by instrument in writing served on the lessee, given not less than one month's notice of his or her intention to refuse to grant the renewal of the lease;

(b) the Minister has served a copy of the instrument on such other persons, if any, as he or she thinks fit;

(c) the Minister has, in the instrument—

(i) given particulars of the reasons for the intention;
and

(ii) specified a date on or before which the lessee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Minister, submit any matters that the lessee wishes to be considered;

and

(d) the Minister has taken into account any matters so submitted on or before the specified date by the lessee or by a person on whom a copy of the first mentioned instrument has been served.

(4) An instrument referred to in subsection (1) shall contain—

(a) a summary of the conditions to which the lease, on the grant of the renewal, is to be subject;

and

(b) a statement to the effect that the application will lapse if the lessee does not make a request under subsection (6) and lodge with the Minister the security referred to in the instrument.

(5) An instrument under subsection (2) shall, where the Minister refuses to grant the renewal of a lease by reason only that he or she is not satisfied as to the matter referred to in subsection (1) (c) (i), contain a statement to the effect that the lessee may, within the period of 12 months after the date of service of the instrument, make an application for a licence in respect of one or more of the blocks comprised in the lease.

(6) A lessee on whom there has been served an instrument under subsection (1) may, within a period of one month after the date of service of the instrument on the lessee—

(a) by instrument in writing served on the Minister, request the Minister to grant the lessee the renewal of the lease;

and

(b) lodge with the Minister the security referred to in the first mentioned instrument.

(7) Where a lessee on whom there has been served an instrument under subsection (1)—

(a) has made a request under subsection (6);

and

(b) has lodged with the Minister the security referred to in the instrument,

within the period referred to in subsection (6), the Minister shall grant to the lessee the renewal of the lease.

(8) Where a lessee on whom there has been served an instrument under subsection (1)—

(a) has not made a request under subsection (6);

or

(b) has not lodged with the Minister the security referred to in the instrument,

within the period referred to in subsection (6), the application lapses upon the expiration of that period.

(9) Where—

(a) an application for the renewal of a lease has been made;

and

(b) the lease expires—

(i) before the Minister grants, or refuses to grant, the renewal of the lease;

or

(ii) before the application lapses as provided by subsection (8),

the lease shall be deemed to continue in force in all respects—

(c) until the Minister grants, or refuses to grant, the renewal of the lease;

or

(d) until the application so lapses,

whichever first happens.

(10) Where the Minister refuses to grant the renewal of a lease by reason only that the Minister is not satisfied as to the matter referred to in subsection (1) (c) (i), the lease shall be deemed to continue in force in all respects—

(a) in a case to which paragraph (b) does not apply—until 12 months after the date of service of the instrument under subsection (2);

or

(b) in a case where the lessee makes an application for a licence in respect of one or more of the blocks comprised in the lease within the period of 12 months after the date referred to in paragraph (a)—until the Minister grants, or refuses to grant, the licence or until the application lapses, whichever first happens.

37h. (1) A lease may be granted subject to such conditions as the Minister thinks fit and are specified in the lease. Conditions of lease.

(2) The conditions referred to in subsection (1) may include conditions with respect to work to be carried out by the lessee in or in relation to the lease area during the term of the lease, or amounts to be expended by the lessee in the carrying out of such work, or conditions with respect to both of those matters, including conditions requiring the lessee to comply with directions given in accordance with the lease concerning those matters.

(3) A lease shall be deemed to contain—

(a) a condition that the lessee will comply with the provisions of this Act;

and

(b) a condition that the lessee will, within the period of 3 months after the receipt of a written notice from the Minister requesting the lessee to do so or within such further period as the Minister, on application in writing served on the Minister before the end of the first mentioned period, allows, re-evaluate the commercial viability of petroleum production in the lease area (otherwise than by the drilling of wells) and inform the Minister in writing of the results of the re-evaluation.

(4) Where a lessee has complied with 2 notices of the kind referred to in paragraph (3) (b) during the term of the lease, the Minister shall not give to the lessee during that term a further notice of that kind.

37j. (1) Where petroleum is discovered in a lease area, the lessee— Discovery of petroleum to be notified.

(a) shall forthwith inform the Minister of the discovery;

and

(b) shall, within a period of 3 days after the date of the discovery, furnish to the Minister particulars in writing of the discovery.

(2) Where petroleum is discovered in a lease area, the Minister may, from time to time, by instrument in writing served on the lessee, direct the lessee to furnish to the Minister, within the period specified in the instrument, particulars in writing of any one or more of the following:

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

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

(c) any other matters relating to the discovery that are specified by the Minister in the instrument.

(3) A person to whom a direction is given under subsection (2) shall comply with the direction.

Penalty: \$10 000.

Directions by
Minister on
discovery of
petroleum.

37k. (1) Where petroleum is discovered in a lease area, the Minister may, by instrument in writing served on the lessee, direct the lessee to do, within the period specified in the instrument, such things as the Minister thinks necessary and specifies in the instrument to determine the chemical composition and physical properties of that petroleum and to determine the quantity of petroleum in the petroleum pool to which the discovery relates or, if part only of that petroleum pool is within the lease area, in such part of that petroleum pool as is within the lease area.

(2) A person to whom a direction is given under subsection (1) shall comply with the direction.

Penalty: \$10 000.

Amendment of
s. 39—
Application by
permittee for
licence.

14. Section 39 of the principal Act is amended—

(a) by striking out from subsection (4) “The application period” and substituting “Subject to subsection (5), the application period”;

and

(b) by inserting after subsection (4) the following subsection:

(5) Where—

(a) a permittee applies for the grant by the Minister of a licence in respect of a block or blocks in respect of which the permittee has applied for a lease under section 37a;

and

(b) an instrument refusing to grant the lease is served on the permittee pursuant to section 37b (2),

the application period is whichever of the following periods last expires:

- (c) the period that is applicable under subsection (4);
- (d) the period of 12 months after the day of service of the instrument.

15. The following section is inserted after section 39 of the principal Act:

Insertion of new ss. 39a and 39b.

39a. (1) A lessee whose lease is in force may make an application to the Minister for the grant of a licence—

Application for licence by lessee.

- (a) where the lease is in respect of 9 blocks—in respect of 5 of those blocks;
- (b) where the lease is in respect of 8 or 7 blocks—in respect of 4 of those blocks;
- (c) where the lease is in respect of 6 or 5 blocks—in respect of 3 of those blocks;
- (d) where the lease is in respect of 4 or 3 blocks—in respect of 2 of those blocks;
- (e) where the lease is in respect of 2 blocks—in respect of one of those blocks;

or

- (f) where the lease is in respect of one block—in respect of that block.

(2) At any time while a lease is in force, the lessee may, instead of making an application under subsection (1) in respect of the lessee's primary entitlement, make an application to the Minister for the grant of a licence in respect of a number of blocks that is less than the lessee's primary entitlement.

(3) Where a lessee makes an application under subsection (1) in respect of the lessee's primary entitlement, the lessee may, at any time while the lease concerned is in force, make an application to the Minister for the grant of a licence in respect of any of the other blocks forming part of the lease.

16. Section 40 of the principal Act is amended by striking out from subsection (1) "section 39" and substituting "section 39 or 39a".

Amendment of s. 40—
Application for licence.

17. Section 42 of the principal Act is amended—

- (a) by striking out from subsection (1) "section 39" and substituting "section 39 or 39a";

Amendment of s. 42—
Notification as to grant of licence.

and

- (b) by inserting in subsection (1) "as and when" after "information".

18. Section 43 of the principal Act is amended—

Amendment of s. 43—
Grant of licence.

- (a) by inserting after "permittee" in subsection (3) "or lessee";
- (b) by inserting after "permittee's" in paragraph (b) of subsection (3) "or lessee's";

and

- (c) by striking out from subsection (5) "From and including the day on which a licence granted under this section has effect, the

permit” and substituting “On the day on which a licence granted under this section comes into force, the permit or lease”.

Amendment of
s. 44—
Variation of
licence area.

19. Section 44 of the principal Act is amended by striking out from subsection (2) “From and including the day from and including which” and substituting “On and from the day on and from which”.

Amendment of
s. 45—
Determination of
permit or lease as
to block not taken
up.

20. Section 45 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection:

(1a) Subject to subsection (2), where all applications made by a lessee under section 39a in respect of a block have lapsed, the lease is determined as to that block and the determination has effect upon the lapsing of the last of those applications.;

(b) by inserting after “permittee” in subsection (2) “or lessee”;

(c) by inserting after “permit” in subsection (2) “or lease”;

and

(d) by striking out subsection (3) and substituting the following subsections:

(3) Subject to subsection (4), where a block or blocks constituting or forming part of a location is or are no longer the subject of a permit or lease, the Minister shall, by instrument published in the *Gazette*—

(a) in a case where that block or those blocks constitutes or constitute that location—revoke the declaration made under section 36 (1) in respect of that location;

or

(b) in a case where that block or those blocks form part of that location—revoke the declaration made under section 36 (1) in respect of that location to the extent that it relates to that block or those blocks.

(4) Subsection (3) does not apply in relation to a block—

(a) in respect of which an application for the grant of a lease or licence has been made, being an application that has not lapsed and in relation to which a decision has not been made by the Minister;

or

(b) in respect of which a lease or licence is in force.

(5) Where a lease is granted in respect of a block or blocks forming part of a location, the Minister shall, by instrument published in the *Gazette*, revoke the declaration made under section 36 (1) to the extent that it relates to the block or blocks that is or are not within the lease area.

(6) Where—

(a) the Minister refuses to grant a lease in respect of a block or blocks constituting or forming part of a location;

and

(b) the reason, or one of the reasons, for the refusal is that the Minister is not satisfied as to the matter referred to in section 37b (1) (c) (ii),

the Minister shall, by instrument published in the *Gazette*, revoke the declaration made under section 36 (1) in respect of that location.

21. Section 46 of the principal Act is amended by inserting after “permit” in paragraph (b) of subsection (1) “or lease”.

Amendment of s. 46—
Application for licence in respect of surrendered, etc., blocks.

22. Section 50 of the principal Act is amended by striking out from paragraph (b) of subsection (6) “from and including the day on which those licences have effect” and substituting “on and from the day on which those licences come into force”.

Amendment of s. 50—
Grant of licences in respect of individual blocks.

23. Section 52 of the principal Act is amended—

Amendment of s. 52—
Term of licence.

(a) by inserting in paragraphs (a) and (b) “or, if a later day is specified in the licence as being the day on which the licence is to come into force, on that later day” after “the day on which the licence is granted”;

and

(b) by inserting in paragraph (c) “(or, if a later day is specified in the licence as being the day on which the licence is to come into force, on that later day)” after “the day on which the licence is granted”.

24. Section 53 of the principal Act is amended by striking out from paragraph (b) of subsection (2) and from subsection (3) “have effect” and substituting, in each case, “be in force”.

Amendment of s. 53—
Application for renewal of licence.

25. Section 57 of the principal Act is amended—

Amendment of s. 57—
Directions as to recovery of petroleum.

(a) by striking out subsections (3) and (4) and substituting the following subsections:

(3) Where petroleum is being recovered in a licence area, the Minister may, for reasons that the Minister thinks sufficient, by instrument in writing served on the licensee, direct the licensee to take all necessary and practicable steps to increase or reduce the rate at which petroleum is being recovered in the licence area or from a petroleum pool in the licence area to such rate as the Minister specifies in the instrument.

(4) Where the Minister is not satisfied with the steps taken or being taken by a licensee to whom a direction has been given under subsection (3), the Minister may, by instrument in writing served on the licensee, give to the licensee such directions as the Minister thinks necessary for or in relation to the increase or reduction of the rate at which

petroleum is being recovered in the licence area or from a petroleum pool in the licence area.

(5) Without limiting the matters that may be taken into account by the Minister in determining whether to give a direction under subsection (3) or (4), the Minister may take into account matters relating to the effects on South Australian revenue of the proposed direction, but the Minister shall not give a direction under subsection (3) or (4) if the direction would require action to be taken that is contrary to good oil-field practice.

Amendment of
s. 58—
Unit
development.

26. Section 58 of the principal Act is amended—

- (a) by striking out from subsection (2) “such an agreement does not have any force or effect unless it has been approved by the Minister” and substituting “nothing in this subsection derogates from the operation of section 80 (2)”;
- (b) by inserting in subsection (3) “, by instrument in writing served on the licensee” after “part of the petroleum pool”;
- (c) by striking out from subsection (3) “the agreement with him forthwith in accordance with section 80” and substituting “an application in accordance with section 80 for approval of any dealing to which the agreement relates”;
- (d) by striking out paragraph (b) of subsection (4) and substituting the following paragraph:
 - (b) the licensee enters into such an agreement but an application for approval of a dealing to which the agreement relates is not lodged with the Minister or, if an application is so lodged, the dealing is not approved under section 80,;

and

- (e) by striking out subsection (10) and substituting the following subsection:

(10) In this section—

“dealing” means a dealing to which section 80 applies.

Amendment of
s. 66—
Term of pipeline
licence.

27. Section 66 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) A pipeline licence comes into force on the day on which the pipeline licence is granted or, if a later day is specified in the pipeline licence as being the day on which the pipeline licence is to come into force, on that later day.

Amendment of
s. 67—
Application for
renewal of
pipeline licence.

28. Section 67 of the principal Act is amended by striking out from paragraph (b) of subsection (2) and from subsection (3) “have effect” and substituting, in each case, “be in force”.

Insertion of new
s. 73a.

29. The following section is inserted in Division V of Part III of the principal Act before section 74:

Interpretation.

73a. In this Division—

“title” means a permit, lease, licence, pipeline licence or access authority.

30. Section 74 of the principal Act is amended by striking out “permits, licences, pipeline licences and access authorities” and substituting “titles and special prospecting authorities”.

Amendment of s. 74—
Register of certain instruments to be kept.

31. Section 75 of the principal Act is amended—

Amendment of s. 75—
Particulars to be entered in register.

- (a) by striking out from subsection (1) “permit, licence, pipeline licence or access authority” wherever occurring and substituting, in each case, “title or special prospecting authority”;
 - (b) by striking out from paragraph (b) of subsection (1) “permit or” and substituting “permit, lease or”;
 - (c) by inserting in paragraph (b) of subsection (1) “, lease area” after “permit area”;
 - (d) by inserting before “an access authority” in paragraph (c) of subsection (1) “a special prospecting authority or”;
 - (e) by inserting before “access authority” second occurring in paragraph (c) of subsection (1) “special prospecting authority or”;
 - (f) by striking out from paragraph (a) of subsection (2) “permit, licence, pipeline licence or access authority” and substituting “title or special prospecting authority”;
 - (g) by striking out from subsection (3) “permit, licence, pipeline licence, access authority” and substituting “title, special prospecting authority”;
 - (h) by striking out subsection (4);
- and
- (i) by striking out from subsection (5) “permit, licence, pipeline licence, access authority” and substituting “title, special prospecting authority”.

32. (1) Section 76 of the principal Act is amended—

Amendment of s. 76—
Memorials to be entered of permits, etc., determined, etc.

- (a) by inserting in paragraphs (a) and (b) “or lease” after “permit”;
- (b) by inserting after paragraph (a) the following paragraph:
 - (aa) a permit ceases to be in force in respect of a block in respect of which a lease is granted;;
- (c) by striking out from paragraph (c) “permit, licence, pipeline licence or access authority” and substituting “title or special prospecting authority”.

33. Section 77 of the principal Act is repealed and the following section is substituted:

Repeal of s. 77 and substitution of new section.

77. (1) A transfer of a title is of no force until it has been approved by the Minister and an instrument of transfer is registered as provided by this section.

Approval and registration of transfers.

(2) Where it is desired that a title be transferred, one of the parties to the proposed transfer may make an application in writing to the Minister for approval of the transfer.

(3) An application for approval of a transfer of a title shall be accompanied by—

(a) an instrument of transfer in the prescribed form executed by the registered holder or, if there are 2 or more registered holders, by each registered holder and by the transferee or, if there are 2 or more transferees, by each transferee;

(b) in a case where the transferee or one or more of the transferees is not a registered holder or are not registered holders of the title, an instrument setting out—

(i) the technical qualifications of that transferee or those transferees;

(ii) details of the technical advice that is or will be available to that transferee or those transferees;

and

(iii) details of the financial resources that are or will be available to that transferee or those transferees;

and

(c) two copies of the application and of the instruments referred to in paragraphs (a) and (b).

(4) The Minister shall not approve the transfer of a title unless the application was lodged with the Minister within 3 months after the day on which the party who last executed the instrument of transfer so executed the instrument of transfer or within such longer period as the Minister, in special circumstances, allows.

(5) Where an application for approval of a transfer is made in accordance with this section, the Minister shall enter a memorandum in the register of the date on which the application was lodged and may make such other notation in the register as the Minister considers appropriate.

(6) The Minister shall—

(a) consider each application for approval of the transfer of a title and determine whether to approve the transfer;

and

(b) in the case of a transfer of a permit, lease, licence or pipeline licence, determine whether approval of the transfer should be made subject to a security being lodged by the transferee or transferees for compliance with the provisions of this Act and of any conditions to which the permit, lease, licence or pipeline licence may, from time to time, be subject.

(7) Where an application for approval of the transfer of a title is made in accordance with this section, the Minister shall, by notice in writing served on the person who made the application, inform the person of the Minister's decision and shall set out in the notice details of any security required to be lodged by the transferee or transferees.

(8) Where—

(a) the Minister has served a notice on a person under subsection (7) stating that the transfer of a permit, lease, licence or pipeline licence will be approved subject to a security being lodged;

and

(b) that security is lodged with the Minister,

the Minister shall be deemed to have approved the transfer.

(9) Where the Minister approves the transfer of a title, the Minister shall forthwith endorse on the instrument of transfer and on one copy of the instrument a memorandum of approval and shall, on payment of the prescribed fee, enter in the register a memorandum of the transfer and the name of the transferee or of each transferee.

(10) Upon the entry in the register of a memorandum of the transfer of a title and of the name of the transferee or each transferee in accordance with subsection (9)—

(a) the transfer shall be deemed to be registered;

and

(b) the transferee becomes the registered holder, or the transferees become the registered holders, of the title.

(11) Where the Minister refuses to approve the transfer of a title, the Minister shall make a notation of the refusal in the register.

(12) Where a transfer is registered—

(a) the copy of the instrument of transfer endorsed with the memorandum of approval shall be retained by the Minister and made available for inspection in accordance with this Division;

and

(b) the instrument of transfer endorsed with the memorandum of approval shall be returned to the person who lodged the application for approval of the transfer.

(13) The mere execution of an instrument of transfer of a title creates no interest in the title.

34. Section 78 of the principal Act is amended—

(a) by striking out from subsection (1) “permit, licence, pipeline licence or access authority” (first occurring) and substituting “particular title”;

(b) by striking out from subsection (1) “permit, licence, pipeline licence or access authority” (second occurring) and substituting “title”;

(c) by striking out from subsection (2) “permit, licence, pipeline licence or access authority” wherever occurring and substituting, in each case, “title”;

and

(d) by inserting after subsection (2) the following subsection:

Amendment of
s. 78—
Entries in register
on devolution of
title, etc.

(3) Where a company that is the registered holder of a particular title has changed its name, it may apply in writing to the Minister to have its new name substituted for its previous name in the register in relation to that title and, if—

(a) the Minister is satisfied that the company has so changed its name;

and

(b) the company has paid a fee of \$30,

the Minister shall make the necessary alterations in the register.

Repeal of ss. 79 and 80 and substitution of new sections.

35. (1) Sections 79 and 80 of the principal Act are repealed and the following sections are substituted:

Approval of dealings creating, etc., interests, etc., in existing titles.

80. (1) This section applies to a dealing that would, but for subsection (2), have one or more of the following effects:

- (a) the creation or assignment of an interest in an existing title;
- (b) the creation or assignment of a right (conditional or otherwise) to the assignment of an interest in an existing title;
- (c) the determining of the manner in which persons may exercise the rights conferred by, or comply with the obligations imposed by or the conditions of, an existing title (including the exercise of those rights or the compliance with those obligations or conditions under co-operative arrangements for the recovery of petroleum);
- (d) the creation or assignment of—
 - (i) an interest in relation to an existing permit, lease or licence, being an interest known as an overriding royalty interest, a production payment, a net profits interest or a carried interest;

or

 - (ii) any other interest that is similar to an interest referred to in subparagraph (i), being an interest relating to petroleum produced from operations authorized by an existing permit, lease or licence or relating to revenue derived as a result of the carrying out of operations of that kind;
- (e) the creation or assignment of an option (conditional or otherwise) to enter into a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b) (c) and (d);
- (f) the creation or assignment of a right (conditional or otherwise) to enter into a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c) and (d);
- (g) the alteration or termination of a dealing, being a dealing that has one or more of the effects referred to in paragraphs (a), (b), (c), (d), (e) and (f),

but this section does not apply to a transfer to which section 77 applies.

(2) A dealing to which this section applies is of no force insofar as the dealing would, but for this subsection, have an effect of a kind referred to in subsection (1) in relation to a particular title until—

(a) the dealing, insofar as it relates to that title, has been approved by the Minister;

and

(b) an entry has been made in the register in relation to the dealing by the Minister in accordance with subsection (12).

(3) A party to a dealing to which this section applies may lodge with the Minister—

(a) in a case where the dealing relates to only one title, an application in writing for approval of the dealing;

or

(b) in any other case, a separate application in writing for approval of the dealing in relation to each title to which the dealing relates.

(4) An application under subsection (3) for approval of a dealing shall be accompanied by—

(a) the instrument evidencing the dealing or, if that instrument has already been lodged with the Minister for the purposes of another application, a copy of that instrument;

(b) an instrument setting out such particulars (if any) as are prescribed for the purposes of an application for approval of a dealing of that kind;

and

(c) two copies of the application and of the instruments referred to in paragraphs (a) and (b).

(5) Subject to subsection (6), the Minister shall not approve a dealing unless the application for approval of the dealing is lodged with the Minister within 3 months after the day on which the party who last executed the instrument evidencing the dealing so executed the instrument or such longer period as the Minister, in special circumstances, allows.

(6) Where a dealing relating to a title was, immediately before the title came into existence, a dealing referred to in section 80a (1), the Minister shall not approve the dealing unless—

(a) a provisional application for approval of the dealing was lodged in accordance with section 80a (1);

or

(b) an application for approval of the dealing is lodged with the Minister in accordance with this section within 3 months after the day on which the title came into existence or such longer period as the Minister, in special circumstances, allows.

(7) Where a dealing to which this section applies forms a part of the issue of a series of debentures, all the dealings constituting the issue of that series of debentures shall, for the purposes of this section, be taken to be one dealing.

(8) Where a dealing to which this section applies (including a dealing referred to in subsection (7)) creates a charge over some or all of the assets of a body corporate, the person lodging the application for approval of the dealing shall be deemed to have complied with subsection (4) (a), and with subsection (4) (c) insofar as that subsection requires 2 copies of the document referred to in subsection (4) (a) to accompany the application, if the person lodges with the application 3 copies of each document required to be lodged with the National Companies and Securities Commission relating to the creation of that charge pursuant to section 201 of the *Companies (South Australia) Code* or pursuant to the corresponding provision of a law of a State or Territory.

(9) On receipt of an application made under this section, the Minister shall enter a memorandum in the register of the date on which the application was lodged and may make such other notation in the register as the Minister considers appropriate.

(10) The Minister may approve or refuse to approve a dealing to which this section applies insofar as the dealing relates to a particular title.

(11) The Minister shall, by notice in writing served on the person who made an application for approval of a dealing, inform the person of the decision of the Minister.

(12) If the Minister approves a dealing, the Minister shall endorse on the original instrument evidencing the dealing and on one copy of that instrument or, if the original instrument was not lodged with the application, on 2 of the copies of that instrument a memorandum of approval and, on payment of the prescribed fee make an entry of the approval of the dealing in the register on the memorial relating to, or on the copy of, the title in respect of which the approval is sought.

(13) Where an entry is made in the register in relation to a dealing in accordance with subsection (12)—

(a) one copy of an instrument evidencing the dealing endorsed with a memorandum of approval shall be retained by the Minister and made available for inspection in accordance with this Division;

and

(b) the original instrument, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval shall be returned to the person who made the application for approval.

(14) Where the Minister refuses to approve a dealing, the Minister shall make a notation of the refusal in the register.

(15) In this section—

“charge” and “debenture” have the same respective meanings as they have for the purposes of section 201 of the *Companies (South Australia) Code*.

80a. (1) Where two or more persons enter into a dealing relating to a title that may come into existence in the future and that dealing would, if the title came into existence, become a dealing to which section 80 applies, a person who is a party to the dealing may, during the prescribed period in relation to the title, lodge with the Minister—

Approval of dealings in future interests, etc.

(a) in a case where the dealing relates to only one title that may come into existence in the future, a provisional application in writing for approval by the Minister of the dealing;

or

(b) in any other case, a separate provisional application in writing for approval by the Minister of the dealing in relation to each title that may come into existence in the future and to which the dealing relates.

(2) Sections 80 (4), (7) and (8) apply to a provisional application lodged under subsection (1) as if that provisional application were an application lodged under section 80 (3).

(3) Where—

(a) the title to which a dealing referred to in subsection (1) relates comes into existence;

and

(b) upon that title coming into existence, the dealing becomes a dealing to which section 80 applies,

the provisional application lodged under subsection (1) in relation to the dealing shall be treated as if it were an application lodged under section 80 (3) on the day on which that title came into existence.

(4) A reference in subsection (1) to the prescribed period, in relation to a title, is a reference to the period—

(a) commencing—

(i) in the case of a permit, lease, licence or pipeline licence—on the day of service of an instrument informing the applicant for the permit, lease, licence or pipeline licence that the Minister is prepared to grant the permit, lease, licence or pipeline licence;

or

(ii) in the case of an access authority—on the day on which the application for the grant of the access authority is made;

and

(b) ending on the day on which the title comes into existence.

36. Section 81 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

Amendment of s. 81—
True consideration to be shown.

(1) A person who is a party to a transfer referred to in section 77, a dealing to which section 80 applies or a dealing

referred to in section 80a (1) shall not lodge with the Minister—

(a) an instrument of transfer;

(b) an instrument evidencing the dealing;

or

(c) an instrument of the kind referred to in section 80 (4) (b),

that contains a statement relating to the consideration for the transfer or dealing, or to any other fact or circumstance affecting the amount of the fee payable in respect of the transfer or dealing, being a statement that is, to the knowledge of the person, false or misleading in a material particular.

Penalty: \$10 000.;

and

(b) by striking out “instrument” from subsection (2) and substituting “dealing”.

Amendment of
s. 82—
Minister not
concerned with
certain matters.

37. Section 82 of the principal Act is amended—

(a) by striking out “such an instrument” and substituting “a transfer or dealing”;

and

(b) by striking out “it” wherever occurring and substituting, in each case, “the transfer or dealing”.

Amendment of
s. 83—
Power of Minister
to require
information as to
dealings.

38. Section 83 of the principal Act is amended—

(a) by striking out from subsection (1) “an instrument for approval” and substituting “an application for approval of a transfer or dealing or a provisional application for approval of a dealing”;

(b) by striking out from subsection (1) “the instrument, or the transaction to which the instrument relates,” and substituting “the transfer or dealing”;

and

(c) by inserting after subsection (1) the following subsections:

(1a) The Minister may require a person who is a party to a dealing approved by the Minister under section 80 to furnish to the Minister a statement in writing setting out such information concerning alterations in the interests or rights existing in relation to the title to which the approved dealing relates as the Minister considers necessary or advisable.

(1b) The Minister may require a person making an application under section 78 (1) or (3) or 86a (2) to furnish to the Minister in writing such information concerning the matter to which the application relates as the Minister considers necessary or advisable.

(1c) A person shall not fail or refuse to comply with a requirement given to the person under subsection (1), (1a) or (1b).

39. Section 84 of the principal Act is amended—

Amendment of s. 84—
Production and inspection of documents.

(a) by striking out from subsection (1) “an instrument lodged with the Minister for approval under this Division or to the transaction to which such an instrument relates” and substituting “a transfer or dealing in relation to which approval is sought under this Division”;

(b) by inserting after subsection (1) the following subsection:

(1a) The Minister may require any person to produce to the Minister or to make available for inspection by the Minister any documents in the possession or under the control of that person and relating to an application made to the Minister under section 78 (1) or (3) or 86a (2);

and

(c) by striking out “subsection (1)” from subsection (2) and substituting “subsection (1) or (1a)”.

40. Section 85 of the principal Act is amended—

Amendment of s. 85—
Inspection of register and documents.

(a) by striking out from subsection (1) “Subject to subsection (2), the” and substituting “The”;

(b) by striking out from subsection (1) “registered, or subject to inspection,” and substituting “subject to inspection”;

and

(c) by striking out subsection (2).

41. The following section is inserted after section 86 of the principal Act:

Insertion of new s. 86a.

86a. (1) The Minister may alter the register for the purposes of correcting a clerical error or an obvious defect in the register.

Minister may make corrections to register.

(2) Subject to subsection (3), the Minister may, on application being made in writing to the Minister by a person or of the Minister’s own motion, make such entries in the register as the Minister considers appropriate for the purposes of ensuring that the register accurately records the interests and rights existing in relation to a title.

(3) Where the Minister proposes to make an entry in the register in accordance with subsection (2), the Minister shall cause to be published in the *Gazette* a notice—

(a) setting out the terms of the entry that the Minister proposes to make in the register;

and

(b) inviting interested persons to give to the Minister, by such day as is specified in the notice, being a day not earlier than 45 days after the publication of the notice, submissions in writing relating to the making of the entry.

(4) Where submissions are, in accordance with a notice under subsection (3), given to the Minister in relation to the proposed making of an entry in the register, the Minister shall—

(a) take those submissions into account before making an entry in the register;

and

(b) after making an entry in the register, cause to be published in the *Gazette* a notice setting out the terms of the entry.

Repeal of s. 91
and substitution
of new section.

42. Section 91 of the principal Act is repealed and the following section is substituted:

Registration fees.

91. (1) Subject to this section, there is payable to the Minister in respect of an entry in the register of a memorandum of the transfer of a title under section 77 a fee at the rate of 1.5 per cent of—

(a) the value of the consideration for the transfer;

or

(b) the value of the title transferred, whichever is the greater or, if the amount of that fee is less than \$300, a fee of \$300.

(2) Where—

(a) a fee imposed by subsection (4) in respect of an entry of approval of a dealing, being a dealing pursuant to which the transfer of a title is agreed to, has been paid;

and

(b) but for this subsection, the amount of the fee imposed by subsection (1) in respect of the entry of a memorandum of the transfer of the title, being a transfer executed for the purpose of giving effect to the dealing referred to in paragraph (a), would be greater than \$300, the amount of the fee imposed by subsection (1) in respect of the entry of the memorandum of the transfer is \$300.

(3) Where—

(a) the parties to a transfer of a title lodged for approval under section 77 satisfy the Minister that—

(i) those parties are related corporations within the meaning of the *Companies (South Australia) Code*;

(ii) the transfer was executed solely for the purpose of a reorganization of the corporations concerned or any of them or solely for the purpose of securing the better administration of the corporations concerned or any of them;

and

(iii) the transfer was not executed substantially for the purpose of avoiding or reducing the registration fees that would, but for this subsection, be pay-

able under subsection (1) in respect of the entry of a memorandum of the transfer;

and

- (b) but for this subsection, the amount of the fee imposed by subsection (1) in respect of the entry of the memorandum of the transfer of the title would be more than \$3 000,

the amount of the fee imposed by subsection (1) in respect of the entry of the memorandum of the transfer is \$3 000.

(4) Subject to this section, there is payable to the Minister in respect of an entry in the register of the approval of a dealing under section 80 a fee at the rate of 1.5 per cent of—

- (a) the value of the consideration for the dealing or, if the Minister approves the dealing in relation to another title or titles, an amount equal to the value of the consideration for the dealing divided by the number of titles in relation to which the dealing is approved;

or

- (b) in a case where—

- (i) the entry of approval relates to an interest in a licence or pipeline licence;
- (ii) the value of the interest is greater than the amount applicable under paragraph (a);
- (iii) the dealing has an effect of the kind referred to in section 80 (1) (a), (b) or (d);

and

- (iv) the Minister is satisfied that the dealing was not made pursuant to another dealing, being a dealing that relates to that title and in respect of an entry of approval of which a fee imposed by this subsection has been paid,

the value of the interest.

(5) Where—

- (a) but for this subsection, the amount of the fee imposed by subsection (4) in relation to an entry of approval of a dealing would be less than \$300;

or

- (b) an approval under section 80 is given in respect of a dealing that is a dealing to which that section applies by reason only that the dealing creates, varies or terminates a charge over some or all of the assets of a body corporate,

the amount of the fee imposed by subsection (4) in respect of the entry of that approval is \$300.

(6) Where—

- (a) the parties to a dealing lodged for approval under section 80 satisfy the Minister that—

(i) those parties are related corporations within the meaning of the *Companies (South Australia) Code*;

(ii) the dealing was entered into solely for the purpose of a reorganization of the corporations concerned or any of them or solely for the purpose of securing the better administration of the corporations concerned or any of them;

and

(iii) the dealing was not entered into substantially for the purpose of avoiding or reducing the registration fees that would, but for this subsection, be payable under subsection (4) in respect of the entry of approval of the dealing;

and

(b) but for this subsection, the amount of the fee imposed by subsection (4) in relation to the entry of approval of the dealing would be more than \$3 000,

the amount of the fee imposed by subsection (4) in respect of the entry of approval of that dealing is \$3 000.

(7) For the purposes of calculating the amount of the fee imposed by subsection (4) in respect of an entry of approval of a dealing, the value, as determined by the Minister, of any exploration works to be carried out pursuant to the dealing, being works that were, at the time when the application for approval of the dealing was lodged, required or permitted to be carried out by or under the relevant title, shall be deducted from the value of the consideration for the dealing or from the value of the interest in the relevant licence as the case requires.

Amendment of
s. 92—
Exemption from
stamp duty.

43. Section 92 of the principal Act is amended by inserting “lease,” after “permit,” wherever occurring.

Amendment of
s. 93—
Notice of grants
of permits, etc.,
to be published.

44. Section 93 of the principal Act is amended—

(a) by inserting in paragraph (a) “lease,” after “permit,”;

(b) by inserting in paragraph (c) “, lease” after “permit” first occurring;

(c) by inserting in paragraph (c) “, lease area” after “permit area”;

(d) by inserting in paragraph (d) “or lease” after “permit”;

and

(e) by inserting in paragraph (g) “lease,” after “permit.”

Amendment of
s. 94—
Date of effect of
surrender, etc., of
permits, etc.

45. Section 94 of the principal Act is amended—

(a) by striking out subsection (1);

(b) by inserting in subsection (2) “, lease” after “permit” first occurring;

(c) by inserting in subsection (2) “, lease area” after “permit area”;

and

(d) by striking out from subsections (2), (3) and (4) “from and including” and substituting, in each case, “on and from”.

46. Section 95 of the principal Act is amended—

Amendment of
s. 95—
Commencement
of works.

(a) by inserting in subsection (1) “lease,” after “permit,” wherever occurring;

(b) by inserting in subsection (1) “lessee,” after “permittee,”;

(c) by striking out from subsection (1) and from paragraph (b) of subsection (2) “has effect” and substituting, in each case, “comes into force”;

(d) by inserting in subsection (2) “lessee,” after “permittee,”;

and

(e) by inserting in subsection (2) “lease,” after “permit,” wherever occurring.

47. Section 96 of the principal Act is amended—

Amendment of
s. 96—
Work practices.

(a) by inserting after “permittee” wherever occurring in subsections (1) and (2) “, lessee”;

(b) by inserting after “permit area” wherever occurring in subsections (1) and (2) “, lease area”;

(c) by inserting in paragraph (c) of subsection (2) “, lease” after “permit”;

and

(d) by inserting in subsection (6) “lease,” after “permit,” wherever occurring.

48. Section 97 of the principal Act is amended—

Amendment of
s. 97—
Maintenance, etc.,
of property.

(a) by inserting in the definition of “operator” in subsection (1) “lessee,” after “permittee,”;

(b) by inserting in paragraph (a) of the definition of “the operations area” in subsection (1) “, lessee” after “permittee”;

and

(c) by inserting in paragraph (a) of the definition of “the operations area” in subsection (1) “, lease area” after “permit area”;

49. Section 99 of the principal Act is amended—

Amendment of
s. 99—
Drilling near
boundaries.

(a) by inserting in subsections (1) and (2) “, lessee” after “permittee” wherever occurring;

and

(b) by inserting in subsection (1) “, lease area” after “permit area”;

50. (1) Section 100 of the principal Act is amended—

Amendment of
s. 100—
Directions.

(a) by striking out subsections (1) and (2) and substituting the following subsections:

(1) The Minister may, by instrument in writing served on the registered holder of a permit, lease, licence, pipeline licence, special prospecting authority or access authority, give to the registered holder a direction as to any matter with respect to which regulations may be made.

(2) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to—

(a) a specified class of persons, being a class constituted by or included in one or both of the following classes of persons:

(i) servants or agents of, or persons acting on behalf of, the registered holder;

(ii) persons performing work or services, whether directly or indirectly, for the registered holder;

or

(b) any person (not being a person to whom the direction applies otherwise than in accordance with this paragraph) who is in the adjacent area for any reason touching, concerning, arising out of or connected with the exploration of the seabed or subsoil of the adjacent area for petroleum or the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil or is in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for a reason of that kind,

and where a direction so expressed is given, the direction shall be deemed to apply to each person included in that specified class or to each person who is in the adjacent area as mentioned in paragraph (b), as the case may be.

(2a) Where a direction under this section applies to a registered holder and to a person referred to in paragraph (2) (a), the registered holder shall cause a copy of the instrument by which the direction was given to be given to that other person or to be exhibited at a prominent position at a place in the adjacent area frequented by that other person.

Penalty: \$5 000.

(2b) Where a direction under this section applies to a registered holder and to a person referred to in paragraph (2) (b), the registered holder shall cause a copy of the instrument by which the direction was given to be exhibited at a prominent position at a place in the adjacent area.

Penalty: \$5 000.

(2c) Where a direction under this section applies to a registered holder and to a person referred to in paragraph (2) (b), the Minister may, by notice in writing given to the registered holder, require the registered holder to cause to be

displayed at such places in the adjacent area, and in such manner, as are specified in the notice, copies of the instrument by which the direction was given, and the registered holder shall comply with that requirement.

Penalty: \$5 000.;

(b) by striking out subsections (6) and (7) and substituting the following subsections:

(6) Section 151 (2a) and (2b) apply in relation to directions made under this section in like manner as that section applies to the regulations.

(7) A person who fails to comply with a direction in force under subsection (1) that applies to him or her is guilty of an offence.

Penalty: \$10 000.

(8) Where—

(a) a direction given under this section applies to a registered holder and another person and that other person is prosecuted for an offence against subsection (7) in relation to the direction;

and

(b) the person adduces evidence that the person did not know, and could not reasonably be expected to have known, of the existence of the direction,

the person shall not be convicted of the offence unless the prosecutor proves that the person knew, or could reasonably be expected to have known, of the existence of the direction.

51. Section 101 of the principal Act is amended—

(a) by striking out from subsections (1) and (3) “given to him” and substituting “given or applicable to the person”;

Amendment of
s. 101—
Compliance with
directions.

(b) by inserting in subsection (2) “or was applicable” after “was given”;

and

(c) by inserting after subsection (2) the following subsection:

(2a) Where—

(a) a direction given under section 100 applies to a permittee, lessee, licensee, pipeline licensee or the holder of a special prospecting authority or access authority and another person and an action under subsection (2) relating to the direction is brought against that other person;

and

(b) the person adduces evidence that the person did not know, and could not reasonably be expected to have known, of the existence of the direction,

the person is not liable under subsection (2) unless the plaintiff proves that the person knew, or could reasonably be expected to have known, of the existence of the direction.

Amendment of
s. 102—
Exemption.

52. Section 102 of the principal Act is amended—

- (a) by inserting in subsections (1) and (2) “lease,” after “permit,” wherever occurring;
 - (b) by striking out from subsection (1) “permit or licence” wherever occurring and substituting, in each case, “permit, lease or licence”;
 - (c) by inserting in subsection (1) “lessee,” after “permittee,” wherever occurring;
 - (d) by inserting after paragraph (g) of subsection (1) the following paragraph:
 - (ga) a permittee, lessee or licensee consents to the making of a determination under section 7a.;
 - (e) by inserting in subsection (3) “or lessee” after “permittee” wherever occurring;
- and
- (f) by inserting in subsection (3) “or lease” after “permit” wherever occurring.

Amendment of
s. 103—
Surrender of
permits, etc.

53. Section 103 of the principal Act is amended—

- (a) by inserting in subsections (1) and (3) “lease,” after “permit,” wherever occurring;
 - (b) by inserting after paragraph (a) of subsection (1) the following paragraph:
 - (aa) in the case of a lease—as to all of the blocks in respect of which it is in force;;
- and
- (c) by inserting in paragraph (a) of subsection (5) “, lease” after “permit” wherever occurring.

Amendment of
s. 104—
Cancellation of
permits, etc.

54. Section 104 of the principal Act is amended—

- (a) by inserting “lessee,” after “permittee,” wherever occurring;
 - (b) by inserting in subsection (1) and in paragraph (a) of subsection (2) “lease,” after “permit,” wherever occurring;
 - (c) by inserting after paragraph (e) of subsection (1) the following paragraph:
 - (ea) in the case of a lease—cancel the lease as to all of the blocks in respect of which it is in force;;
- and
- (d) by inserting in subsection (2) “, or cancel a lease as to all of the blocks in respect of which it is in force,” after “in force”.

Amendment of
s. 105—
Cancellation of
permit, etc., not
affected by other
provisions.

55. Section 105 of the principal Act is amended—

- (a) by inserting in subsection (1) “, and a lease may be wholly cancelled,” after “partly cancelled”;
- (b) by inserting in subsection (1) “lease,” after “permit,” secondly occurring;

- (c) by inserting in subsection (2) “lease,” after “permit,” firstly and thirdly occurring;
 - (d) by inserting in subsection (3) “, and a lease may be wholly cancelled,” after “partly cancelled”;
 - (e) by inserting in subsection (3) “lease,” after “permit,” secondly occurring;
- and
- (f) by inserting in subsection (4) “lease,” after “permit,” firstly and thirdly occurring.

56. Section 106 of the principal Act is amended—

- (a) by inserting in subsection (1) “or a lease has been wholly determined, partly determined or wholly cancelled or has expired” after “expired”;
 - (b) by inserting in subsections (1) and (2) “lessee,” after “permittee,” wherever occurring;
 - (c) by inserting in paragraph (a) of subsection (1), subsection (2) and paragraph (b) of subsection (3) “lease,” after “permit,” wherever occurring;
- and
- (d) by inserting in paragraph (a) of subsection (2) “lease area,” after “permit area,”.

Amendment of
s. 106—
Removal of
property, etc., by
permittee, etc.

57. Section 107 of the principal Act is amended—

- (a) by inserting “or a lease has been wholly determined, partly determined or wholly cancelled or has expired,” after “expired,”;
- (b) by inserting in paragraph (b) “lease,” after “permit,”.

Amendment of
s. 107—
Removal of
property, etc., by
Minister.

58. Section 110 of the principal Act is amended—

- (a) by striking out subsection (1) and substituting the following subsection:
 - (1) A person may make an application to the Minister for the grant of a special prospecting authority in respect of a block or blocks in respect of which a permit, lease or licence is not in force.;
 - (b) by striking out from subsection (6) “has effect from and including” and substituting “comes into force on”;
- and
- (c) by inserting after subsection (6) the following subsections:
 - (6a) A special prospecting authority is not capable of being transferred.
 - (6b) Where—
 - (a) a person holds a special prospecting authority in respect of a block;
- and

Amendment of
s. 110—
Special
prospecting
authorities.

(b) another special prospecting authority is granted to another person in respect of the block,

the Minister shall, by notice in writing served on each of those persons, inform each of them of—

(c) the petroleum exploration operations authorized by the special prospecting authority granted to the other person;

and

(d) the conditions to which the special prospecting authority granted to the other person is subject.

Amendment of
s. 111—
Access
authorities.

59. Section 111 of the principal Act is amended—

(a) by inserting in subsection (1) “, lessee” after “permittee”;

(b) by inserting in subsection (1) and paragraph (b) of subsection (8) “, lease area” after “permit area” wherever occurring;

(c) by inserting after subsection (1) the following subsection:

(1a) A holder of a Commonwealth title or a State title may make an application to the Minister for the grant of an access authority to enable the holder to carry on, in a part of the adjacent area, petroleum exploration operations or operations related to the recovery of petroleum in or from the area to which that Commonwealth or State title relates;

(d) by striking out from paragraph (a) of subsection (3) “a permittee or licensee” and substituting “a permittee, lessee, licensee or holder of a Commonwealth or State title”;

(e) by inserting in subsections (4) and (11) “, lease” after “permit” wherever occurring;

(f) by striking out from subsection (7) “has effect from and including” and substituting “comes into force on”;

and

(g) by inserting after subsection (12) the following subsection:

(13) In this section—

“Commonwealth title” means an authority, however described, under a law of the Commonwealth, to explore for, or to recover, petroleum:

“State title” means an authority, however described, under a law of Victoria or Western Australia to explore for, or to recover petroleum.

Amendment of
s. 112—
Sale of Property.

60. Section 112 of the principal Act is amended by inserting in paragraph (b) of subsection (3) “lessee,” after “permittee,”.

Amendment of
s. 113—
Securities.

61. Section 113 of the principal Act is amended by inserting in subparagraph (i) of paragraph (a) of subsection (1) “or Division IIA” after “Division II”.

Amendment of
s. 117—
Release of
information.

62. Section 117 of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

(a) any information contained in a document to which this section applies that has been furnished to the Minister;;

(b) by striking out subsection (2) and substituting the following subsections:

(1b) The Minister may, at any time after the grant or renewal, or refusal to grant or renew, a permit, lease, licence, pipeline licence, access authority or special prospecting authority—

(a) make publicly known;

or

(b) on request by a person and, if the Minister so requires, on payment of a fee of \$15 per day, make available to that person,

any information contained in, or accompanying, the application for the grant or renewal, as the case may be, but not including—

(c) information of a kind referred to in subsection (2) or (5a);

or

(d) particulars of—

(i) the technical qualifications of the applicant and of the employees of the applicant;

(ii) the technical advice available to the applicant;

or

(iii) the financial resources available to the applicant.

(2) The Minister may, at any time after the relevant day—

(a) make publicly known;

or

(b) on request by a person and, if the Minister so requires, on payment of a fee of \$15 per day, make available to that person,

any information contained in a document to which this section applies that has been furnished to the Minister, being information that relates to the sea-bed or subsoil, or to petroleum, in a block, but not including any matter contained in a document to which this section applies that, in the opinion of the Minister, is a conclusion drawn, in whole or in part, from, or an opinion based, in whole or in part, on, any such information.;

(c) by striking out subsection (4) and substituting the following subsection:

(4) For the purposes of subsections (2) and (3)—

(a) where—

(i) a permit or lease is in force in respect of the block;

and

(ii) the document, core, cutting or sample was furnished to the Minister during the period during which any of the following were in force in respect of the block:

(A) the permit or lease;

(B) in a case where a lease is in force in respect of the block—the permit that ceased to be in force in respect of the block by virtue of section 37b (7) on the day on which the lease came into force,

the relevant day is the day on which the period of 2 years that commenced on the day on which the document, core, cutting or sample was furnished to the Minister expires;

(b) where—

(i) a licence is in force in respect of the block;

and

(ii) the document, core, cutting or sample was furnished to the Minister during the period during which any of the following were in force in respect of the block:

(A) the licence;

(B) the permit or lease that ceased to be in force in respect of the block by virtue of section 43 (5) on the day on which the licence came into force,

the relevant day is the day on which the period of 12 months that commenced on the day on which the document, core, cutting or sample was furnished to the Minister expires;

(c) where the document, core, cutting or sample was furnished to the Minister during a period during which a permit, lease or licence was in force in respect of the block and—

(i) the permit, lease or licence is surrendered, cancelled or determined as to the block;

or

- (ii) the permit, lease or licence expires but is not renewed in respect of the block,

the relevant day is the day on which the permit, lease or licence is so surrendered, cancelled or determined or expires, as the case may be, whether another permit, lease or licence is subsequently in force in respect of the block or not;

and

- (d) where the document, core, cutting or sample was furnished to the Minister during the period during which a permit, lease or licence was not in force in respect of the block, the relevant day is such day as the Minister determines, being a day earlier than the day on which the period of 2 years that commenced on the day on which the document, core, cutting or sample was furnished to the Minister expires.;

- (d) by striking out from paragraph (a) of subsection (5) "report, return, other";
- (e) by inserting in paragraph (a) of subsection (5) ", lease" after "permit" wherever occurring;
- (f) by inserting in paragraph (b) of subsection (5) "lessee," after "permittee,";
- (g) by inserting in paragraph (b) of subsection (5) "lease," after "permit," wherever occurring;
- (h) by striking out from subparagraph (i) of paragraph (b) of subsection (5) "report, return or other";
- (i) by inserting after subsection (5) the following subsections:

(5a) Subject to subsection (5f), the Minister may, at any time after the end of the period of 5 years after a document to which this section applies was furnished to the Minister—

- (a) make publicly known;

or

- (b) on request by a person and, if the Minister so requires, on payment of a fee of \$15 per day, make available to that person,

any information contained in the document, being information that relates to the sea-bed or subsoil or to petroleum, in a block, and that, in the opinion of the Minister, is a conclusion drawn, in whole or in part, from, or an opinion based, in whole or in part, on any information contained in a document to which this section applies that has been furnished to the Minister under subsection (1).

(5b) Before the Minister makes available or publicly known any information pursuant to subsection (5a), the Minister shall—

- (a) cause to be published in the *Gazette* a notice—

- (i) stating that the Minister proposes to make the information available or publicly known;
- (ii) inviting interested persons to give to the Minister, by such day as is specified in the notice, being a day not earlier than 45 days after the publication of the notice, a notice objecting to the whole or any part of the information being made available or publicly known;

and

- (iii) stating that, if a person does not make an objection in accordance with the invitation, the person will be taken to have consented to the information being made available or publicly known;

and

- (b) if it is practicable to do so—cause a copy of the notice so published in the *Gazette* to be served on the person who furnished the document containing the information.

(5c) There shall be set out in the notice of objection the reasons for making the objection.

(5d) A person is not entitled to make an objection to information being made available or publicly known except on the grounds that to do so would disclose—

- (a) a trade secret;

or

- (b) any other information the disclosure of which would, or could reasonably be expected to, adversely affect the person in respect of the lawful business, commercial or financial affairs of the person.

(5e) Where a person makes an objection to the Minister in accordance with such an invitation, the Minister shall, within 45 days after the receipt of the notice of objection, consider the objection, and may either disallow it, or allow it in whole or in part, and shall cause to be served on the person written notice of the decision on the objection.

(5f) The Minister shall not make available or make publicly known any information pursuant to subsection (5a) if there is in force an objection made in relation to the information being made available or publicly known but, where such an objection is in force, nothing in this section shall be taken to preclude a further invitation under subsection (5b) being made in relation to the information;

- (j) by striking out from paragraph (a) of subsection (6) “report, return or other document referred to in any of those provisions” and substituting “document to which this section applies”;

and

(k) by inserting after subsection (6) the following subsection:

(6a) This section applies to the following documents:

- (a) an application made to the Minister under this Act or a document accompanying such an application;
- (b) a report, return or other document relating to a block that has been furnished to the Minister under this Act.

63. Section 119 of the principal Act is amended by striking out “or in a licence area, the permittee” and substituting “, a lease area or a licence area, the permittee, lessee”.

Amendment of s. 119—
Discovery and use of water.

64. Section 120 of the principal Act is amended by inserting “, lessee” after “permittee” wherever occurring.

Amendment of s. 120—
Survey of wells, etc.

65. Section 121 of the principal Act is amended by inserting in subsection (1) “lease,” after “permit,”.

Amendment of s. 121—
Records, etc., to be kept.

66. Section 123 of the principal Act is amended by inserting “lease,” after “permit,”.

Amendment of s. 123—
Interference with other rights.

67. Section 126 of the principal Act is amended—

- (a) by inserting “, lessee” after “permittee” wherever occurring;
- and
- (b) by inserting “, lease area” after “permit area”.

Amendment of s. 126—
Property in petroleum.

68. Section 127 of the principal Act is amended—

- (a) by inserting “or lessee” after “permittee” wherever occurring;
- and
- (b) by inserting “or lease” after “permit” wherever occurring.

Amendment of s. 127—
Suspension of right conferred by permit.

69. Section 128 of the principal Act is amended—

- (a) by inserting “, lessee” after “permittee” wherever occurring;
- and
- (b) by inserting “, lease” after “permit”.

Amendment of s. 128—
Certain payments to be made by State to Commonwealth.

70. Section 134 of the principal Act is amended by striking out “132” and substituting “133”.

Amendment of s. 134—
Disposal of forfeited goods.

71. The following section is inserted in Division VI of Part III of the principal Act after section 137:

Insertion of new s. 137a.

137a. (1) Where there are two or more registered holders of a title or special prospecting authority, those registered holders may, by notice in writing signed by each of them and served on the Minister,

Service of documents on two or more permittees, etc.

nominate one of the registered holders as being the person on whom documents relating to the title or special prospecting authority that are required or permitted by this Act to be served may be served.

(2) Subject to subsections (3) and (4), where—

(a) a document relating to a title or special prospecting authority is required or permitted by this Act to be served on the registered holder;

(b) there are two or more registered holders of the title or special prospecting authority;

and

(c) the document is served on a person in respect of whom a nomination under subsection (1) is in force in relation to the title or special prospecting authority,

the document shall be deemed to have been served on each of those registered holders.

(3) Where—

(a) a person has been nominated under subsection (1) in relation to a title or special prospecting authority;

and

(b) one of the registered holders of the title or special prospecting authority, by notice in writing served on the Minister, revokes that nomination,

that nomination ceases to be in force.

(4) Where—

(a) a person has been nominated under subsection (1) in relation to a title or special prospecting authority;

and

(b) the person so nominated ceases to be one of the registered holders of the title or special prospecting authority,

that nomination ceases to be in force.

(5) In this section, "title" means a permit, lease, licence, pipeline licence or access authority.

Insertion of new
Division VIA in
Part III.

72. The following Division is inserted into Part III of the principal Act after Division VI:

DIVISION VIA—POWERS OF AUTHORIZED PERSONS

Interpretation.

137b. (1) In this Division, unless the contrary intention appears—

"authorized person" means—

(a) a member of the South Australian police force;

or

(b) a person, or a person included in a class of persons, authorized to perform duties under this Division in accordance with subsection (2):

"exempt vessel", in relation to a safety zone, means a vessel—

(a) that is excluded from the operation of section 118 in relation to that safety zone by virtue of the instrument establishing the safety zone;

or

(b) in respect of which there is in force a consent in writing of the Minister under section 118 (1) in relation to that safety zone:

“Government vessel” means a vessel that is beneficially owned by, or a vessel the whole possession and control of which is for the time being vested in, South Australia, another State, the Commonwealth, or a Territory of the Commonwealth or an authority of South Australia, another State, the Commonwealth or a Territory of the Commonwealth:

“master”, in relation to a vessel, means the person having command or charge of the vessel:

“relevant vessel” means a vessel—

(a) that is registered under the *Shipping Registration Act* 1981 of the Commonwealth and the gross tonnage of which specified in the certificate of registration of the vessel exceeds 200;

(b) that is not registered under the *Shipping Registration Act* 1981 of the Commonwealth but is permitted to be registered under that Act (other than a vessel that, under the law of another country, is entitled to fly the flag of that country and is flying that flag), being a vessel the tonnage length of which is equal to or exceeds 24 metres;

or

(c) not being a vessel to which paragraph (a) or (b) applies, that is in the adjacent area for the purpose of exploring the sea-bed or subsoil of the adjacent area for petroleum or minerals or for the purpose of exploiting the natural resources, being petroleum or minerals, of that sea-bed or subsoil,

but does not include a Government vessel:

“safety zone” means an area that is a safety zone for the purposes of section 118.

(2) The Minister may, by notice published in the *Gazette*, authorize a person, or a person included in a specified class of persons, to perform duties under this Division.

(3) The reference in the definition of “Government vessel” in subsection (1) to an authority of South Australia, another State, the Commonwealth or a Territory of the Commonwealth shall be read as a reference to a body corporate established for a public purpose by or under a law of South Australia, another State, the Commonwealth or a Territory of the Commonwealth, as the case may be, other than—

(a) the Australian Shipping Commission;

(b) the Western Australian Coastal Shipping Commission;

(c) the Transport Commission established under the *Transport Act 1938* of Tasmania;

or

(d) a body corporate that is declared by regulations made under the *Shipping Registration Act 1981* of the Commonwealth not to be a Government authority for the purposes of that Act.

(4) For the purposes of this Division, the tonnage length of a ship shall be determined in the same manner as it is determined for the purposes of the *Shipping Registration Act 1981* of the Commonwealth.

Powers of
authorized
persons.

137c. (1) Subject to subsection (3), an authorized person may—

(a) board a vessel that the person has reasonable grounds to believe has been used, is being used or is about to be used in contravention of section 118;

(b) where the person has boarded a vessel in the exercise of powers under paragraph (a)—

(i) require any person on board the vessel to answer questions relating to the vessel or to the movements of the vessel;

(ii) require the master of the vessel to state whether there is in force in respect of the vessel a consent under section 118 (1) and, if so, to produce the consent;

(iii) if the vessel is registered under the *Shipping Registration Act 1981* of the Commonwealth—require the master of the vessel to produce the certificate of registration of the vessel;

or

(iv) search the vessel for any documents relating to the vessel or to the movements of the vessel;

(c) require the master of a vessel, being a vessel that is in a safety zone and that is not an exempt vessel in relation to the safety zone, to take the vessel outside the safety zone;

(d) require the master of a disabled vessel—

(i) that is in a safety zone;

or

(ii) that is, or that the authorized person has reasonable grounds to believe is, a relevant vessel and that the person has reasonable grounds to believe is likely to cause damage to any well, pipeline, structure or equipment in the safety zone,

to permit the vessel to be towed away from the safety zone or to accept the giving of such other assistance to the vessel as the person considers necessary;

or

- (e) detain a vessel that the person has reasonable grounds to believe has been used in contravention of section 118.

(2) A person shall not—

- (a) fail to facilitate by all reasonable means the boarding of a vessel by an authorized person pursuant to subsection (1);
- (b) refuse to allow a search that is authorized under subsection (1) to be made by an authorized person;
- (c) refuse or neglect to comply with a requirement made by an authorized person under subsection (1);
- (d) when an authorized person requires the person to give information, pursuant to the powers of the authorized person under subsection (1)—give information that is, to the knowledge of the person, false or misleading in a material particular;

or

- (e) resist or obstruct an authorized person who is acting pursuant to subsection (1).

Penalty: \$5 000.

(3) The powers of an authorized person in relation to a vessel under subsection (1) (a), (b) and (e) shall not be exercised except—

- (a) pursuant to a warrant issued under section 137d;
- (b) after obtaining the consent of the master of the vessel;

or

- (c) in circumstances of seriousness and urgency, in accordance with section 137e.

137d. (1) Where an information on oath is laid before a magistrate alleging that there are reasonable grounds to believe that a vessel has been used, is being used or is about to be used in contravention of section 118, and the information sets out those grounds and identifies the vessel, a magistrate may issue a warrant authorizing an authorized person named in the warrant, with such assistance as the authorized person thinks necessary, to exercise all or any of the powers referred to in section 137c (1) (a), (b) and (e) in relation to that vessel.

Search warrants.

(2) A magistrate shall not issue a warrant under subsection (1) unless—

- (a) the informant or some other person has given to the magistrate either orally or by affidavit such further information (if any) as the magistrate requires concerning the grounds on which the issue of the warrant is being sought;

and

- (b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.

(3) A warrant shall—

- (a) specify the purpose for which the warrant is issued;
- (b) set out a description of the vessel in relation to which the warrant is issued;

and

- (c) specify a day, not being later than 7 days after the day on which the warrant is issued, as being the day on which the warrant ceases to have effect.

(4) In this section—

“magistrate” includes a justice of the peace.

Exercise of powers in serious circumstances.

137e. An authorized person may exercise, in relation to a vessel, all or any of the powers referred to in section 137c (1) (a), (b) and (e) where—

(a) the authorized person has reasonable grounds to believe that—

- (i) the vessel has been used, is being used or is about to be used in contravention of section 118;

or

- (ii) the exercise of those powers is necessary to prevent damage being caused to any well, pipeline, structure or equipment in a safety zone;

and

(b) the circumstances are of such a serious nature as to require and justify the immediate exercise of those powers without the authority of a warrant issued under section 137d.

Insertion of new s. 138a.

73. The following section is inserted after section 138 of the principal Act:

Lease fees.

138a. There is payable to the Minister by a lessee in respect of each year of the term of the lease a fee calculated at the rate of \$4 500 for each of the blocks to which the lease relates at the commencement of that year.

Amendment of s. 141—
Time for payment of fees.

74. Section 141 of the principal Act is amended—

(a) by inserting “138a,” after “138,”;

and

(b) by inserting “lease,” after “permit,” wherever occurring.

Amendment of s. 142—
Royalty.

75. Section 142 of the principal Act is amended—

(a) by inserting in subsection (1) “, lessee” after “permittee” wherever occurring;

(b) by inserting in subsection (1) “, lease area” after “permit area”;

and

(c) by inserting in subsections (2) and (8) “, lease” after “permit” wherever occurring.

76. Section 144 of the principal Act is amended by inserting “, lessee” after “permittee” wherever occurring. Amendment of s. 144—
Royalty not payable in certain cases.
77. Section 145 of the principal Act is amended by inserting “, lessee” after “permittee”. Amendment of s. 145—
Ascertainment of well-head.
78. Section 146 of the principal Act is amended by inserting “, lessee” after “permittee”. Amendment of s. 146—
Ascertainment of value.
79. Section 147 of the principal Act is amended by inserting “, lessee” after “permittee” wherever occurring. Amendment of s. 147—
Ascertainment of quantity of petroleum recovered.
80. Section 149 of the principal Act is amended by inserting “lessee,” after “permittee,”. Amendment of s. 149—
Penalty for late payment.
81. Section 150 of the principal Act is amended by inserting “lessee,” after “permittee,”. Amendment of s. 150—
Fees and penalties debts due to the State.
82. Section 151 of the principal Act is amended—
- (a) by inserting after “permit” in paragraph (h) of subsection (2) “, lease”;
 - (b) by inserting after “permit area” wherever occurring in paragraph (i) of subsection (2) “, lease area”;
 - (c) by inserting after subsection (2) the following subsections:
 - (2a) The regulations may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a code of practice or standard contained in an instrument (including an instrument issued or made outside Australia), as in force or existing at the time when the regulations take effect or as in force or existing from time to time, being a code of practice or standard that is relevant to that matter.
 - (2b) Regulations under this section may prohibit the doing of an act or thing either unconditionally or subject to conditions, including conditions requiring the grant, as prescribed by the regulations, of the consent or approval of a person specified in the regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor