



Petroleum (Submerged Lands) Regulations 1985

Statutory Rules 1985 No. 174 as amended

made under the

Petroleum (Submerged Lands) Act 1967

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taking into account amendments up to SR 2004 No. 326

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1 Name of Regulations [see Note 1]

These Regulations are the *Petroleum (Submerged Lands) Regulations 1985*.

2 Interpretation

In these Regulations, *the Act* means the *Petroleum (Submerged Lands) Act 1967*.

2A Particulars relating to a petroleum discovery

- (1) If petroleum is discovered in a permit area or a lease area, the Designated Authority by written notice may require the permittee or lessee to give to the Designated Authority particulars in writing of 1 or more of the following:
 - (a) the chemical composition and physical properties of the petroleum;
 - (b) the nature of the subsoil in which the petroleum occurs;
 - (c) any other matter relating to the discovery that:
 - (i) the Designated Authority has reason to believe is within the knowledge of the permittee or lessee; and
 - (ii) is specified by the Designated Authority in the notice.
- (2) A permittee or lessee must not:
 - (a) fail to comply with a requirement made and notified in accordance with this regulation; or
 - (b) in purported compliance with a requirement, give information that is false or misleading in a material particular.

Penalty: 100 penalty units.

- (2A) An offence against paragraph (2) (a) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Regulation 2B

- (3) A permittee or lessee is not excused from complying with a requirement in a notice under subregulation (1) to give particulars of a matter on the ground that any information so given might tend to incriminate the permittee or lessee or expose the permittee or lessee to a penalty.
- (4) However, any information given in compliance with a requirement in a notice, and any information or thing (including any document) obtained by the Designated Authority as a direct or indirect consequence of giving such information, is not admissible in evidence against the permittee or lessee in any civil or criminal proceedings other than proceedings for an offence against subregulation (2).
- (5) A notice under subregulation (1):
 - (a) must specify:
 - (i) for particulars of a matter mentioned in paragraph (1) (a) or (b) — a reasonable period within which the particulars must be given; and
 - (ii) for particulars of a matter mentioned in paragraph (1) (c) — a period of at least 14 days within which the particulars must be given; and
 - (b) must be served on the permittee or lessee.

2B Determination of the composition and quantity of petroleum discovered

- (1) If petroleum is discovered in a permit area or a lease area, the Designated Authority by written notice may require the permittee or lessee to do such things as are reasonably necessary and are set out in the notice to determine:
 - (a) the chemical composition and physical properties of the petroleum; and
 - (b) the quantity of petroleum in the petroleum pool to which the discovery relates or, if only part of the petroleum pool is within the permit area or lease area, in the part of the petroleum pool that is within the permit area or lease area.
- (2) A permittee or lessee must not fail to comply with a requirement made and notified in accordance with this regulation.

Penalty: 100 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) A notice under subregulation (1) must:
- (a) specify a reasonable period within which the things must be done; and
 - (b) be served on the permittee or lessee.

2C Survey of wells, structures or equipment

- (1) The Designated Authority by written notice may require a person who is a permittee, lessee, licensee, infrastructure licensee or pipeline licensee to:
- (a) survey the position of the well, pipeline, infrastructure facility, structure or equipment specified in the notice; and
 - (b) give a written report of the survey to the Designated Authority.
- (2) If the Designated Authority is not satisfied with a report given by a person under subregulation (1), the Designated Authority by written notice may require the person to give further information, in writing, about the survey to the Designated Authority.
- (3) A person must not:
- (a) fail to comply with a requirement made and notified in accordance with this regulation; or
 - (b) in purported compliance with a requirement, give information that is false or misleading in a material particular.

Penalty: 100 penalty units.

- (3A) An offence against paragraph (3) (a) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) A notice under subregulation (1) or (2) must:

- (a) specify a reasonable period within which:
 - (i) for a notice under subregulation (1) — the survey must be done and the report given; or
 - (ii) for a notice under subregulation (2) — the information must be given; and
- (b) be served on the person.

3 Form of instrument of transfer

For the purposes of paragraph 78 (3) (a) of the Act, an instrument of transfer shall be in the form specified in Schedule 1.

4 Instrument under paragraph 81 (4) (b) of the Act

- (1) For the purposes of paragraph 81 (4) (b) of the Act, the following particulars are prescribed:
 - (a) description and date of execution of the instrument evidencing the dealing referred to in paragraph 81 (4) (a) of the Act;
 - (b) details of the title (including the type and number of the title) to which the dealing relates;
 - (c) full name and business address of each party to the dealing;
 - (d) details of the effect or effects, upon registration, of the dealing specified in terms of the relevant paragraph or paragraphs of subsection 81 (1) of the Act;
 - (e) details of the interest or interests in the title of all parties to the dealing:
 - (i) before the registration of the dealing; and
 - (ii) in the event of approval of the dealing, after the registration of the dealing;
 - (f) in the case of a dealing to which paragraph 4 (5) (a) of the Registration Fees Act applies — the value of the consideration;
 - (g) in the case of a dealing relating to an interest in a licence or pipeline licence to which paragraph 4 (5) (b) of the Registration Fees Act applies — the value of the interest;

- (h) whether or not the parties to the dealing have made or propose to make an application for the purposes of subsection 4 (6A) of the Registration Fees Act;
 - (j) in respect of any related dealing in relation to which an entry has been made in the Register or an application in writing for approval by the Joint Authority has been lodged (whether before or after the commencement of the *Petroleum (Submerged Lands) Legislation Amendment Act 1987*):
 - (i) description and date of execution of the instrument evidencing the dealing;
 - (ii) date of approval by the Joint Authority or Designated Authority (if appropriate);
 - (iii) registration number (if any).
- (2) In subregulation (1), ***related dealing*** means any dealing executed, before the execution of the instrument evidencing the dealing referred to in paragraph (1) (a), by some or all of the parties to that instrument:
- (a) that affects the title which is the subject of the dealing to which the instrument referred to in paragraph (1) (a) relates; and
 - (b) that:
 - (i) creates or assigns an option to enter into the dealing referred to in paragraph (1) (a);
 - (ii) creates or assigns a right to enter into the dealing referred to in paragraph (1) (a); or
 - (iii) is altered or terminated by the dealing referred to in paragraph (1) (a);

and includes any transaction in respect of which an instrument was registered under section 81 of the Act before 22 July 1985.

5 Prescribed fees

For the purposes of each subsection or paragraph of the Act specified in column 2 of an item in Schedule 2, the fee specified in column 3 of that item is prescribed.

6 Fees — subsection 86 (1) of the Act

For the purposes of subsection 86 (1) of the Act, the fee payable is \$17.

7 Fees — section 87 of the Act

- (1) For the purposes of subsection 87 (2) of the Act, the fee shall be calculated at the rate of \$3.10 per page.
- (2) For the purposes of subsection 87 (3) of the Act, the fee payable is \$40.

9 Fees — section 118 of the Act

For the purposes of each of subsections 118 (1B), (2) and (5A) and paragraph 118 (5) (c) of the Act, the fee payable is an amount equal to the sum of the following amounts:

- (a) where the information requested is contained in a document and that document is lent to the person who made the request — an amount calculated at the rate of \$34 per day or part of a day during which the document containing the information is on loan to that person;
- (b) where the information requested is contained in a document and that document is not readily available and a search is necessary to locate the information — an amount calculated at the rate of \$34 per hour or part of an hour after the first half hour for the time taken to locate the information;
- (c) where any information referred to in (a) or (b) is, on the application of the person making the request:
 - (i) copied or reproduced; or
 - (ii) forwarded or consigned to that person;an amount equal to all costs incurred in the copying or reproduction or forwarding or consignment including the costs of packaging where applicable.

Note Section 118 of the Act was repealed by the *Petroleum (Submerged Lands) Legislation Amendment Act (No.1) 2000*. However, under item 142 of Schedule 1 to that Act, section 118 of the Act continues to apply in respect of certain information.

Schedule 1

(regulation 4)

Commonwealth of Australia

Petroleum (Submerged Lands) Regulations transfer of title under section 78 of the *Petroleum (Submerged Lands) Act 1967*

I/We ⁽¹⁾ ⁽²⁾

being the registered holder/holders ⁽¹⁾ of ⁽³⁾

in consideration of ⁽⁴⁾

hereby transfer all right, title and interest in that ⁽³⁾

to ⁽⁵⁾

IN WITNESS of this transfer the parties to the transfer have affixed their respective common seals or signatures below on this day of 19 .

(6)

(7)

- (1) *Delete whichever is inapplicable.*
- (2) *Here insert the name of the transferor, or where there are two or more transferors, the name of each transferor.*
- (3) *Here insert the type (e.g. exploration permit, production licence), and number, of the property transferred that is a title within the meaning of section 78 of the Act.*
- (4) *Here insert the value of the consideration for the transfer or the value of the title transferred. Where the transfer of the title is pursuant to a dealing which has been approved and registered under the Act, insert a reference that is sufficient to identify that dealing.*
- (5) *Here insert the name and address of the transferee, or where there are two or more transferees, the name and address of each transferee.*
- (6) *Here affix the common seal or signature of the transferor or of each transferor, as the case may be.*
- (7) *Here affix the common seal or signature of the transferee or of each transferee, as the case may be.*

Schedule 2 Prescribed fees

(regulation 5)

Item	Subsection or paragraph	Fee (\$)
1	Paragraph 21 (1) (f)	4 040
2	Paragraph 22A (5) (h)	1 615
3	Paragraph 24 (1) (a)	4 040
4	Paragraph 30 (2) (c)	1 615
5	Paragraph 38A (2) (e)	1 615
6	Paragraph 38BB (2) (e)	1 615
7	Paragraph 38F (2) (d)	1 615
8	Paragraph 41 (1) (e)	1 615
9	Paragraph 48 (1) (a)	4 040
10	Paragraph 51 (2) (e)	810
11	Paragraph 54 (2) (d)	1 615
12	Paragraph 59B (2) (d)	1 615
13	Paragraph 64 (1) (f)	4 040
14	Paragraph 71 (2) (e)	810
15	Subsection 79 (2)	81
16	Paragraph 79 (3) (b)	81
17	Paragraph 111 (2) (d)	810

Table of Statutory Rules**Notes to the *Petroleum (Submerged Lands) Regulations 1985*****Note 1**

The *Petroleum (Submerged Lands) Regulations 1985* (in force under the *Petroleum (Submerged Lands) Act 1967*) as shown in this compilation comprise Statutory Rules 1985 No. 174 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
1985 No. 174	19 July 1985	22 July 1985 (see <i>Gazette</i> 1985, No. S275)	
1987 No. 293	17 Dec 1987	1 Jan 1988 (see <i>Gazette</i> 1987, No. S347)	—
1990 No. 54	27 Feb 1990	1 Mar 1990 (see <i>Gazette</i> 1990, No. S52)	—
2000 No. 248	5 Sept 2000	7 Sept 2000 (see r. 2)	—
2001 No. 346	21 Dec 2001	21 Dec 2001	—
2003 No. 23	27 Feb 2003	1 Mar 2003	—
2004 No. 326	25 Nov 2004	1 Jan 2005	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	rs. 2000 No. 248
Rr. 2A–2C	ad. 2000 No. 248 am. 2001 No. 346
R. 3	am. 2000 No. 248
R. 4	ad. 1987 No. 293
R. 5	ad. 1990 No. 54
Rr. 6–7	ad. 1990 No. 54 am. 2003 No. 23; 2004 No. 326
R. 8	ad. 1990 No. 54 rep. 2003 No. 23
R. 9	ad. 1990 No. 54 am. 2003 No. 23; 2004 No. 326
Note to r. 9 (1).....	ad. 2004 No. 326
R. 10	ad. 2003 No. 23 rep. 2004 No. 326
Heading to Schedule.....	rep. 1990 No. 54
Heading to Schedule 1.....	ad. 1990 No. 54
Schedule 2	
Heading to Schedule 2.....	rs. 2000 No. 248
Schedule 2.....	ad. 1990 No. 54 am. 2000 No. 248; rs. 2003 No. 23 am. 2004 No. 326
