

**Version No. 004**  
**Petroleum (Submerged Lands) Regulations**  
**2001**

**S.R. No. 98/2001**

Version incorporating amendments as at 1 July 2004

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
1. Objective	1
2. Authorising provision	1
3. Commencement	1
4. Revocations	1
5. Definition	1
6. General fees	2
7. Form of transfer of a title	2
8. Application for approval of dealing	2
9. Fees for Register extracts, documents or certificates	4
10. Release of information and samples	4
11. Permit fees	5
12. Lease fees	5
13. Licence fees	6
14. Pipeline licence fees	6
15. Infrastructure licence fees	6
16. Particulars relating to a petroleum discovery	6
17. Determination of the composition and quantity of petroleum discovered	7
18. Survey of wells, structures or equipment	8
<hr/>	
<b>SCHEDULES</b>	<b>10</b>
SCHEDULE 1—Regulations Revoked	10
SCHEDULE 2—Prescribed Fees	11
SCHEDULE 3—Transfer of Title	13

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<i>Regulation</i>	<i>Page</i>
<b>ENDNOTES</b>	<b>14</b>
1. General Information	14
2. Table of Amendments	15
3. Explanatory Details	16

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**1. Objective**

The objective of these Regulations is to prescribe—

- (a) fees for the purposes of the **Petroleum (Submerged Lands) Act 1982**; and
- (b) a form of transfer of a title; and
- (c) particulars for an application for approval of a dealing; and
- (d) other matters authorised by the **Petroleum (Submerged Lands) Act 1982**.

**2. Authorising provision**

These Regulations are made under section 152 of the **Petroleum (Submerged Lands) Act 1982**.

**3. Commencement**

These Regulations come into operation on 21 October 2001.

**4. Revocations**

The Regulations set out in Schedule 1 are **revoked**.

**5. Definition**

In these Regulations—

**"Act"** means the **Petroleum (Submerged Lands) Act 1982**.

**6. General fees**

For the purposes of those sections of the Act specified in Column 1 of Schedule 2, the prescribed fees are specified in Column 3 of that Schedule.

**7. Form of transfer of a title**

For the purposes of section 78(3) of the Act, the prescribed form of transfer is set out in Schedule 3.

**8. Application for approval of dealing**

- (1) For the purposes of section 81(4)(b) of the Act, the prescribed particulars are—
  - (a) a description and date of execution of the instrument evidencing the dealing referred to in section 81(4)(a) of the Act;
  - (b) details of each title (including the type and number of each title) to which the dealing relates;
  - (c) the 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 paragraphs of section 81(1) of the Act;
  - (e) details of the interest or interests in each 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;

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- (f) in the case of a dealing to which section 92(5)(a) of the 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 section 92(5)(b) of the Act applies—the value of that interest;
  - (h) whether or not the parties to the dealing have made or propose to make an application for the purposes of section 92(7) of the Act;
  - (i) details of any exploration works referred to in section 92(8) of the Act;
  - (j) in respect of any related dealing under the Act—
    - (i) description and date of execution of the instrument evidencing the dealing;
    - (ii) the date of approval by the Minister;
    - (iii) registration number, if any.
- (2) For the purposes of sub-regulation (1)(j), "**related dealing**" means any dealing executed, before the execution of the instrument referred to in sub-regulation (1)(a) by some or all of the parties to that instrument—
- (a) that relates to the title which is the subject of the dealing to which the instrument relates; and
  - (b) that—
    - (i) creates or assigns an option to enter into the dealing referred to in sub-regulation (1)(a); or
-

(ii) creates or assigns a right to enter into the dealing referred to in sub-regulation (1)(b); or

(iii) is altered or terminated by the dealing referred to in sub-regulation (1)(a)—

and includes any transaction in respect of which an instrument was registered under section 81 of the Act after 14 February 1983.

#### **9. Fees for Register extracts, documents or certificates**

Reg. 9(1)  
amended by  
S.R. No.  
13/2004  
reg. 5(a).

(1) For the purposes of section 87(2) of the Act, the fee must be calculated at the rate of \$3 per page.

Reg. 9(2)  
amended by  
S.R. No.  
13/2004  
reg. 5(b).

(2) For the purposes of section 87(3) of the Act, the fee must be calculated at \$39 per certificate.

#### **10. Release of information and samples**

Reg. 10  
substituted by  
S.R. No.  
134/2002  
reg. 5.

(1) For the purposes of sections 151L(4), 151N(3) and 151O(b) of the Act, the fee payable for information contained in a document is to be calculated in accordance with the following—

Reg. 10(1)(a)  
amended by  
S.R. No.  
13/2004 reg. 6.

(a) if the document is lent to the person who made the request—an amount calculated at the rate of \$33 per day or part of a day during which the document is on loan to that person;

Reg. 10(1)(b)  
amended by  
S.R. No.  
13/2004 reg. 6.

(b) if the document is not readily available and a search is necessary to locate the information—an amount calculated at the rate of \$33 per hour or part of an hour after the first half hour for the time taken to locate the information;

(c) if any document referred to in paragraphs (a) or (b) is, on the application of the person making the request—

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- (i) copied or reproduced; or
- (ii) forwarded or consigned to that person—

an amount equal to all reasonable costs incurred in the copying or reproduction or forwarding or consignment (including the costs of packaging where applicable).

- (2) For the purposes of section 151L(4) and 151N(3) of the Act, the fee payable for inspection of a petroleum mining sample is to be calculated in accordance with the following—

- (a) an amount calculated at the rate of \$33 per day or part of a day during which the sample is being inspected by the person who made the request;

Reg. 10(2)(a)  
amended by  
S.R. No.  
13/2004 reg. 6.

- (b) if the petroleum mining sample is not readily available and a search is necessary to locate the sample—an amount calculated at the rate of \$33 per hour after the first half hour for the time taken to locate the sample.

Reg. 10(2)(b)  
amended by  
S.R. No.  
13/2004 reg. 6.

#### **11. Permit fees**

For the purposes of section 139 of the Act, the fee payable is—

- (a) \$1100; or
- (b) an amount calculated at a rate of \$55 for each block to which the permit relates at the commencement of the relevant year—

whichever is the greater.

#### **12. Lease fees**

For the purposes of section 139A(1) of the Act, the fee payable must be calculated at the rate of \$6600 for each block to which the lease relates at the commencement of the relevant year.

**13. Licence fees**

For the purposes of section 140 of the Act, the fee payable must be calculated at the rate of \$19 800 for each block to which the licence relates at the commencement of the relevant year.

**14. Pipeline licence fees**

For the purposes of section 141 of the Act, the fee payable must be calculated at the rate of \$88 per kilometre or part of a kilometre, of the length of the pipeline as at the commencement of the relevant year.

**15. Infrastructure licence fees**

For the purposes of section 140A of the Act, the fee for an infrastructure licence for a year of the term of the licence is \$19 800.

**16. Particulars relating to a petroleum discovery**

- (1) If petroleum is discovered in a permit area or a lease area, the Minister by written notice may require the permittee or lessee to give to the Minister 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 Minister has reason to believe is within the knowledge of the permittee or lessee; and
    - (ii) is specified by the Minister in the notice.

Reg. 15  
inserted by  
S.R. No.  
134/2002  
reg. 6.

Reg. 16  
inserted by  
S.R. No.  
134/2002  
reg. 6.



(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.

Reg. 16(2)  
amended by  
S.R. No.  
88/2004  
reg. 5(Sch. 2  
item 1(a)(b)).

Penalty: \$11 000, in the case of a natural person;  
\$55 000, in the case of a body  
corporate.

(3) A notice under sub-regulation (1) must—

- (a) specify—
  - (i) for particulars of a matter mentioned in sub-regulation (1)(a) or (b)—a reasonable period within which the particulars must be given; and
  - (ii) for particulars of a matter mentioned in sub-regulation (1)(c)—a period of at least 14 days within which the particulars must be given; and
- (b) be served on the permittee or lessee.

**17. Determination of the composition and quantity of petroleum discovered**

Reg. 17  
inserted by  
S.R. No.  
134/2002  
reg. 6.

- (1) If petroleum is discovered in a permit area or a lease area, the Minister 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.

Reg. 17(2)  
amended by  
S.R. No.  
88/2004  
reg. 5(Sch. 2  
item 1(a)(b)).

- (2) A permittee or lessee must not fail to comply with a requirement made and notified in accordance with this regulation.

Penalty: \$11 000, in the case of a natural person;  
\$55 000, in the case of a body  
corporate.

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

Reg. 18  
inserted by  
S.R. No.  
134/2002  
reg. 6.

## **18. Survey of wells, structures or equipment**

- (1) The Minister 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 Minister.
- (2) If the Minister is not satisfied with a report given by a person under sub-regulation (1), the Minister by written notice may require the person to give further information, in writing, about the survey to the Minister.

Reg. 18(3)  
amended by  
S.R. No.  
88/2004  
reg. 5(Sch. 2  
item 1(a)(b)).

- (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: \$11 000, in the case of a natural person;  
\$55 000, in the case of a body  
corporate.

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

**SCHEDULES****SCHEDULE 1**

Regulation 4

**REGULATIONS REVOKED**

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<i>S.R. No</i>	<i>Title</i>
284/1990	Petroleum (Submerged Lands) Regulations 1990
84/1991	Petroleum (Submerged Lands) (Fees) Regulations 1991

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*Petroleum (Submerged Lands) Regulations 2001*

*S.R. No. 98/2001*

Sch. 2
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**SCHEDULE 2**

Regulation 6

Sch. 2  
amended by  
S.R. No.  
134/2002  
regs 7(a)(b),  
8(a)(b),  
substituted by  
S.R. No.  
13/2004 reg. 7.

**PRESCRIBED FEES**

Column 1 <i>Section of Act</i>	Column 2 <i>Description</i>	Column 3 <i>Fee</i>
		\$
21(1)(f)	Application for permit	3900
24(1)(a)	Application for permit in respect of surrendered etc. blocks	3900
30(2)(c)	Application for renewal of permit	1560
38A(2)(e)	Application by permittee for lease	1560
38BB(2)(d)	Application by licensee for lease	1560
38F(2)(d)	Application for renewal of lease	1560
41(1)(e)	Application for licence	1560
48(1)(a)	Application for licence in respect of surrendered etc. blocks	3900
51(2)(e)	Application for licence in respect of individual blocks	780
59B(2)(d)	Application for infrastructure licence	1560
59K(2)(d)	Application for variation of infrastructure licence	780
64(1)(f)	Application for pipeline licence	3900
71(2)(e)	Application for variation of pipeline licence	780
79(2)	Entries in Register on devolution of title	78
79(3)(b)	Substitution of company name on Register	78
86	Inspection of Register and documents	16
92(2)	Entry in Register and transfer of a title	780
92(3)	Entry in Register of transfer of a title giving effect to a dealing	780

**Sch. 2***Petroleum (Submerged Lands) Regulations 2001**S.R. No. 98/2001*

Column 1 <i>Section of Act</i>	Column 2 <i>Description</i>	Column 3 <i>Fee</i>
		\$
92(4)	Entry in Register and transfer of a title by related corporations	3900
92(6)	Entry in Register of approval of a dealing under section 81 of the Act	780
92(7)	Entry in Register for approval of a dealing by related corporations	3900
111(2)	Application for special prospecting authority	780

**SCHEDULE 3**

Regulation 7

**Petroleum (Submerged Lands) Act 1982**

Petroleum (Submerged Lands) Regulations 2001

**TRANSFER OF TITLE**

\*I/We (*insert name of transferor(s)*)

being the registered \*holder/holders of (*insert type and number of permit, lease, licence, pipeline licence or access authority*)

in consideration of (*insert the value of the consideration for the transfer or the value of the title transferred and reference to any dealing registered under section 81 of the Act which the transfer gives effect to*)

hereby transfer all rights, title and interest in (*insert type and number of permit, lease, licence, pipeline licence or access authority*) to (*insert the name and address of the transferee(s)*)

IN WITNESS of this transfer the parties to the transfer have affixed their respective common seals or signatures below on (*insert date*).

Common Seal and signature(s) of  
transferee

Common Seal and signature(s) of  
transferor

\*Delete whichever is inapplicable.

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## ENDNOTES

### 1. General Information

The Petroleum (Submerged Lands) Regulations 2001, S.R. No. 98/2001 were made on 9 October 2001 by the Lieutenant-Governor as the Governor's Deputy with the advice of the Executive Council under section 152 of the **Petroleum (Submerged Lands) Act 1982**, No. 9772/1982 and came into operation on 21 October 2001: regulation 3.

The Petroleum (Submerged Lands) Regulations 2001 will sunset 10 years after the day of making on 9 October 2011 (see section 5 of the **Subordinate Legislation Act 1994**).



## **2. Table of Amendments**

This Version incorporates amendments made to the Petroleum (Submerged Lands) Regulations 2001 by statutory rules, subordinate instruments and Acts.

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Petroleum (Submerged Lands) (Amendment) Regulations 2002,  
S.R. No. 134/2002

*Date of Making:* 17.12.02

*Date of Commencement:* 1.1.03: reg. 3

Petroleum (Submerged Lands) (Amendment) Regulations 2004,  
S.R. No. 13/2004

*Date of Making:* 17.2.04

*Date of Commencement:* 23.2.04: reg. 3

Monetary Units Regulations 2004, S.R. No. 88/2004

*Date of Making:* 29.6.04

*Date of Commencement:* 1.7.04: reg. 3

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**3. Explanatory Details**

No entries at date of publication.