**Petroleum (Submerged Lands) Amendment Act 1980**

**No. 80 of 1980**

**An Act to amend the *Petroleum (Submerged Lands) Act* 1967**

[*Assented to 29 May 1980*]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title, &c.**

**1.** **(1)** This Act may be cited as the *Petroleum (Submerged Lands) Amendment Act* 1980.

**(2)** The *Petroleum (Submerged Lands) Act* 1967 is in this Act referred to as the Principal Act.

**Commencement**

**2.** This Act shall come into operation on a date to be fixed by Proclamation.

**Preamble**

**3.** The Preamble to the Principal Act is amended by omitting the third, fourth and fifth paragraphs and substituting the following paragraphs:

“AND WHEREAS, by the *Seas and Submerged Lands Act* 1973, it is declared and enacted that the sovereignty in respect of the territorial sea of Australia and in respect of the airspace over it and in respect of its sea-bed and subsoil, and the sovereignty in respect of certain internal waters of Australia, and in respect of the airspace over those waters and in respect of the sea-bed and subsoil beneath those waters is vested in and exercise able by the Crown in right of the Commonwealth:

“AND WHEREAS, the Parliaments of the States and the Legislative Assembly of the Northern Territory have certain legislative powers in respect of the sea-bed and subsoil referred to in the last preceding paragraph and the Parliament of the Commonwealth has vested in the Crown in right of each of the States and the Crown in right of the Northern Territory certain proprietary rights in respect of that sea-bed and subsoil:

“AND WHEREAS it has been agreed between the Commonwealth, the States and the Northern Territory that, in lieu of the scheme provided for by an agreement between the Commonwealth and the States dated 16 October, 1967—

(a) legislation of the Parliament of the Commonwealth in respect of the exploration for and the exploitation of the petroleum resources of submerged lands should be limited to the resources of lands beneath waters that are beyond the outer limits of the territorial sea adjacent to the States and the Northern Territory (being outer limits based, unless and until otherwise agreed, on the breadth of that sea being three nautical miles), and that the States and the Northern Territory should share, in the manner provided in this Act, in the administration of that legislation;

(b) legislation of the Parliament of each State should apply in respect of the exploration for and the exploitation of the petroleum resources of such part of the submerged lands in an area adjacent to the State as is on the landward side of the waters referred to in paragraph (a);

(c) legislation of the Legislative Assembly of the Northern Territory should apply in respect of the exploration for and the exploitation of the petroleum resources of such part of the submerged lands in an area adjacent to the Northern Territory as is on the landward side of the waters referred to in paragraph (a); and

(d) the Commonwealth, the States and the Northern Territory should endeavour to maintain, as far as practicable, common principles, rules and practices in the regulation and control of the exploration for and the exploitation of the petroleum resources of all the submerged lands referred to above that are on the seaward side of the inner limits of the territorial sea of Australia:”.

**Repeal**

**4.** The *Petroleum (Ashmore and Cartier Islands) Act* 1967 is repealed.

**Date of effect of certain provisions**

**5.** Section 3 of the Principal Act is repealed.

**Interpretation**

**6.** Section 5 of the Principal Act is amended—

(a) by omitting from sub-section (1) the definition of “adjacent area” and substituting the following definition:

“‘adjacent area’ means an adjacent area in respect of a State or Territory ascertained in accordance with section 5a and ‘the adjacent area’ means the adjacent area in respect of the State or Territory concerned;”;

(b) by omitting from sub-section (1) the definition of “the continental shelf and substituting the following definition:

“‘the continental shelf means the continental shelf, within the meaning of the Convention, adjacent to the coast of Australia (including the coast of any island forming part of a State or Territory) or of a Territory;”;

(c) by inserting after the definition of “the Convention” in sub-section (1) the following definition:

“‘the Commonwealth Minister’ means the Minister for the time being administering this Act, and includes another Minister for the time being acting for and on behalf of that Minister;”;

(d) by adding at the end of paragraph (a) of the definition of “the Designated Authority” in sub-section (1) the following paragraph:

“(iii) the construction or operation of pipelines in an adjacent area; or”;

(e) by inserting after the definition of “the Designated Authority” in sub-section (1) the following definition:

“‘the Joint Authority’, in relation to—

(a) an act, matter, circumstance or thing touching, concerning, arising out of or connected with—

(i) the exploration of the sea-bed or subsoil of an adjacent area, or of part of an adjacent area, for petroleum;

(ii) the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil; or

(iii) the construction or operation of pipelines in an adjacent area; or

(b) petroleum recovered in an adjacent area,

means the Joint Authority established by this Act in respect of that adjacent area;”; and

(f) by inserting after the definition of “the Royalty Act” in sub-section (1) the following definitions:

“‘the State Minister’, in relation to a State, means the Minister of the State who is for the time being authorized under the law of the State to perform the functions of a Designated Authority under this Act;

“‘the Northern Territory Minister’ means the Minister of the Northern Territory who is for the time being authorized under the law of the Northern Territory to perform the functions of a Designated Authority under this Act;”.

**7.** After section 5 of the Principal Act the following section is inserted:

**Adjacent areas**

“5a. (1) For the purposes of this Act, but subject to sub-section (2), the adjacent area in respect of a State or the Northern Territory is so much of the area described in Schedule 2 under the heading that refers to that State or Territory as comprises waters of the sea that—

(a) are not within the outer limits of the territorial sea of Australia (including the territorial sea adjacent to any island forming part of Australia); and

(b) are within the outer limits of the continental shelf.

“(2) If at any time the breadth of the territorial sea of Australia is determined or declared to be greater than 3 nautical miles, sub-section (1) continues to have effect as if the breadth of the territorial sea of Australia had continued to be 3 nautical miles.

“(3) For the purposes of this Act, the adjacent area in respect of the Territory of Ashmore and Cartier Islands is so much of the area described in Schedule 2 under the heading that refers to that Territory as comprises land and water within the outer limits of the continental shelf.

“(4) This Act, and any Act with which this Act is incorporated, have effect in relation to so much of the adjacent area in respect of the Territory of Ashmore and Cartier Islands as consists of land as though that land were beneath the sea and were a portion of the sea-bed and subsoil of that adjacent area.

“(5) For the purposes of this Act, the adjacent area in respect of Norfolk Island is the area the boundaries of which are—

(a) the coastline at mean low water of Norfolk Island; and

(b) the outer limit of the superjacent waters of the continental shelf adjacent to the coast of Norfolk Island.

“(6) For the purposes of this Act, the adjacent area in respect of the Territory of Heard and McDonald Islands is the area the boundaries of which are—

(a) the coast lines at mean low water of the islands comprising that Territory; and

(b) the outer limit of the superjacent waters of the continental shelf adjacent to the coasts of those islands.”.

**8.** After section 6 of the Principal Act the following section is inserted:

**Petroleum pool extending into two licence areas**

“6a. (1) The provisions of this section have effect for the purposes of this Act (including any Act with which this Act is incorporated) and of licences (whether granted before or after the commencement of this section).

“(2) Where a well-head is situated in a licence area and the well from that well-head is inclined so as to enter a petroleum pool, being a pool that does not extend to that licence area, at a place within an adjoining licence area of the same licensee, any petroleum recovered through that well shall be deemed to have been recovered in that adjoining licence area under the licence in respect of that area.

“(3) Where a petroleum pool is partly in one licence area and partly in an adjoining licence area of the same licensee (whether in the same adjacent area or not) and petroleum is recovered from that pool through a well or wells in one or both of the licence areas, there shall be deemed to have been recovered in each of the licence areas, under the licence in respect of that area, such proportion of all petroleum so recovered as may reasonably be treated as being derived from that area, having regard to the nature and probable extent of the pool, and the respective proportions shall be determined in accordance with sub-section (4).

“(4) The proportions to be determined for the purposes of sub-section (3) may be determined by agreement between the licensee and the Designated Authority or, if licence areas in two adjacent areas are involved, the two Designated Authorities, or, in the absence of agreement, may be determined by the Supreme Court of a State on the application of the licensee or the Designated Authority, or one of the Designated Authorities, concerned.

“(5) Where a petroleum pool is partly in a licence area and partly in an area (in this sub-section referred to as “the State licence area”) in which the licensee has authority under the law of a State to explore for, or recover, petroleum, and petroleum is recovered from that pool through a well or wells in the licence area, the State licence area or both, there shall be deemed to have been recovered in the licence area such proportion of all petroleum so recovered as may reasonably be treated as being derived from that area, having regard to the nature and probable extent of the pool, and that proportion shall be determined in accordance with sub-section (6).

“(6) The proportion to be determined for the purposes of sub-section (5) may be determined by agreement between the licensee, the Joint Authority and the State Minister administering the law of the State corresponding to this Act or, in the absence of agreement, may be determined by the Supreme Court of a State on the application of the licensee, the Designated Authority or that State Minister.

“(7) Where—

(a) a petroleum pool is partly in a licence area and partly in another area, whether in the adjacent area or not, in respect of which another person has authority, whether under this Act or under the law of a State or of the Northern Territory, to explore for or recover petroleum;

(b) a unit development agreement in accordance with section 59 is in force between the licensee and that other person; and

(c) petroleum is recovered from that pool through a well or wells in the licence area, the other area or both,

there shall be deemed to have been recovered in the licence area such proportion of all petroleum so recovered as is specified in, or determined in accordance with, the agreement.

“(8) In this section—

(a) a reference to a licence, a licensee or a licence area shall be read as including a reference to a permit, a permittee or a permit area;

(b) a reference to a State shall be read as including a reference to the Northern Territory; and

(c) a reference to the Supreme Court of a State shall be read as a reference to the Supreme Court of the State, or of one of the States, in the adjacent area in respect of which the petroleum pool is wholly or partly situated.”.

**9.** Section 7 of the Principal Act is repealed and the following section substituted:

**Extension to certain Territories**

“7. This Act extends to the Territory of Ashmore and Cartier Islands, Norfolk Island and the Territory of Heard and McDonald Islands.”.

**10.** After Part I of the Principal Act the following Part is inserted:

**“PART 1a—THE JOINT AUTHORITIES**

**Establishment of Joint Authorities**

“8a. (1) For the purposes of this Act, there is established in respect of the adjacent area in respect of each State a Joint Authority consisting of the Commonwealth Minister and the State Minister.

“(2) The Joint Authority in respect of the adjacent area in respect of New South Wales shall be known as the Commonwealth-New South Wales Offshore Petroleum Joint Authority, and the Joint Authority in respect of the adjacent area in respect of each other State shall have a corresponding name.

“(3) For the purposes of this Act, there is established in respect of the adjacent area in respect of the Northern Territory a Joint Authority consisting of the Commonwealth Minister and the Territory Minister, and that Joint Authority shall be known as the Commonwealth-Northern Territory Off-shore Petroleum Joint Authority.

**Acting Ministers**

“8b. (1) The functions and powers of the Commonwealth Minister under this Part, including his functions and powers as a member of a Joint Authority, may be performed and exercised by another Minister of the Commonwealth acting for and on behalf of the Commonwealth Minister, and references in this Part to the Commonwealth Minister or to the members of a Joint Authority shall be read as including references to a Minister so acting.

“(2) The functions and powers of the State Minister of a State or of the Northern Territory Minister under this Part as a member of a Joint Authority may be performed and exercised by a Minister of the State or of the Northern Territory acting for and on behalf of the State Minister or the Northern Territory Minister, and references in this Part to the State Minister, the Northern Territory Minister or the Members of a Joint Authority shall be read as including references to a Minister so acting.

**Functions of Joint Authorities**

“8c. A Joint Authority has such functions as are conferred on it by this Act in relation to the operation of this Act in respect of the adjacent area in respect of which the Joint Authority is established.

**Procedure of Joint Authorities**

“8d. (1) The business of a Joint Authority may be conducted at meetings of the Joint Authority or by written or other communication between the members of the Joint Authority.

“(2) If the members of a Joint Authority disagree with respect to the decision to be made on a matter within the functions of the Joint Authority or the State Minister or the Northern Territory Minister (as the case may be) has not stated to the Commonwealth Minister his opinion as to the decision to be made on such a matter after having been given by the Commonwealth Minister not less than 30 days notice in writing of the opinion of the Commonwealth Minister as to the decision that should be made on the matter, the Commonwealth Minister may decide the matter and that decision shall have effect as the decision of the Joint Authority.

“(3) A reference in this Act to the opinion or state of mind of the Joint Authority shall be read as a reference to the opinion or state of mind of the two members of the Joint Authority or, in the event of their disagreement, the opinion or state of mind of the Commonwealth Minister.

“(4) The Designated Authority shall cause written records to be kept of the decisions of a Joint Authority and such a record, if signed by a person who was a member of the Joint Authority at the time of the decision, is *prima facie* evidence that the decision, as recorded, was duly made.

“(5) A document signed, on behalf of the Joint Authority, by the Designated Authority shall be deemed to be duly executed by the Joint Authority and, unless the contrary is proved, shall be deemed to be in accordance with a decision of the Joint Authority.

“(6) All communications to or by the Joint Authority shall be made through the Designated Authority.

“(7) All courts shall take judicial notice of the signature of a person who is or has been a member of a Joint Authority and of the fact that he is, or was at a particular time, such a member.

“(8) In this section, ‘court’ includes any Federal or State court or a court of a Territory and all persons authorized by the law of the Commonwealth, of a State, or of a Territory or by consent of parties to receive evidence.

“(9) Notwithstanding sub-section (2), the provisions of the agreement between the Government of the Commonwealth and the Government of Western Australia a copy of which is set out in Schedule 4 have the force of law under and for the purposes of this Act.

**Reference of certain matters by Designated Authority to Joint Authority**

“8e. (1) This section applies to such functions of the Designated Authority as are specified in Schedule 5.

“(2) If the Designated Authority proposes to take any action in the performance of a function to which this section applies otherwise than in accordance with a request of the Commonwealth Minister, he shall, by notice in writing served on the Commonwealth Minister, inform him of the proposed action and of all particulars of that action and shall not take the proposed action before the expiration of 30 days from the day on which the notice is so served unless the Commonwealth Minister has informed the Designated Authority that the Commonwealth Minister does not object to the proposed action.

“(3) Where notice of proposed action is served on the Commonwealth Minister in accordance with sub-section (2), he may, within 30 days from the date on which the notice is so served, inform the Designated Authority that he wishes the proposed action to be considered by the Joint Authority and in that event the proposed action shall be considered by the Joint Authority and the Designated Authority shall not take the action before the Joint Authority has completed that consideration.

“(4) Where, in accordance with sub-section (3), the Joint Authority has considered proposed action of the Designated Authority, the Joint Authority may, subject to sub-section (5), give any direction that it thinks fit to the Designated Authority with respect to the proposed action, including a direction not to take the action or a direction to vary the action.

“(5) For the purpose of considering the giving of a direction under this section, the Joint Authority shall proceed as if—

(a) the relevant function of the Designated Authority were a function of the Joint Authority and the Joint Authority were considering an exercise by itself of that function; and

(b) references in the relevant provisions of this Act to the opinion or state of mind of the Designated Authority were references to the opinion or state of mind of the Joint Authority.

“(6) A reference in this section to the taking of action or to action shall be read as including a reference to refusal to take action.

**Notification by Designated Authority of decisions by Joint Authority**

“8f. Where, under this Act, any instrument is required or permitted to be executed or issued by the Joint Authority or any action is required or permitted to be taken by the Joint Authority by way of notification, communication or service of any matter or instrument, that instrument shall be executed or issued, or that action shall be taken, by the Designated Authority on behalf of the Joint Authority in accordance with a decision of the Joint Authority and, for the purposes of any proceedings, any instrument executed or issued by the Designated Authority, or any action taken by the Designated Authority by way of notification, communication or service on any matter or instrument, purporting to be executed, issued or taken on behalf of the Joint Authority, shall, unless the contrary is proved, be deemed to be in accordance with a decision of the Joint Authority.

**Certain Territories**

“8g. In relation to the adjacent area in respect of a Territory referred to in section 7—

(a) the functions and powers of the Joint Authority shall be performed and exercised by the Designated Authority, and the provisions of this Act relating to those functions and powers apply, *mutatis mutandis,* accordingly; and

(b) section 8e has no application.”.

**11.** Sections 9 to 13 (inclusive) of the Principal Act are repealed and the following sections inserted in their stead:

**Application of laws in areas adjacent to States**

“9. (1) Subject to this Act and the regulations, the provisions of the laws, whether written or unwritten, in force in a State for the time being (other than laws of the Commonwealth) and the provisions of any instrument having effect under any of those laws, apply, as provided by this section, in the adjacent area and so apply as if that area were part of that State and of the Commonwealth.

“(2) The laws referred to in sub-section (1) do not include laws that are criminal laws within the meaning of the *Crimes at Sea Act* 1979, but nothing in this Act derogates from the operation of that Act.

“(3) A law shall be taken to be a law in force in a State notwithstanding that that law applies to part only of the State.

“(4) The provisions referred to in sub-section (1) apply to and in relation to all acts, omissions, matters, circumstances and things touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for petroleum and the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil.

“(5) Without limiting the operation of sub-section (4), the provisions referred to in sub-section (1) apply—

(a) to and in relation to—

(i) an act or omission that takes place in, on, above, below or in the vicinity of; and

(ii) a matter, circumstance or thing that exists or arises with respect to or in connection with,

a vessel, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for any reason touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for petroleum or the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil;

(b) to and in relation to a person who—

(i) is in the adjacent area for a reason of the kind referred to in paragraph (a); or

(ii) 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 the kind referred to in paragraph (a); and

(c) to and in relation to a person in respect of his carrying on any operation or doing any work in the adjacent area for a reason of the kind referred to in paragraph (a).

“(6) This section does not—

(a) give to the provisions of a law of a State an operation, as law of the Commonwealth, that they would not have, as law of the State, if the adjacent area were within the part of the area described in Schedule 2 under the heading that refers to that State that is on the landward side of the adjacent area;

(b) extend to the provisions of any law or instrument in so far as those provisions, as applied by this Act, would be inconsistent with a law of the Commonwealth, including this Act;

(c) apply so as to impose any tax;

(d) apply so as to confer or purport to confer any part of the judicial power of the Commonwealth on a court, tribunal, authority or officer of a State; or

(e) apply so as to purport to confer on a court of a State any power that cannot, under the Constitution, be conferred by the Parliament on such a Court.

“(7) This section does not limit the operation that any law or instrument has apart from this section.

“(8) The regulations may provide that such of the provisions referred to in sub-section (1) as are specified in the regulations do not apply by reason of this section or so apply with such modifications as are specified in the regulations.

“(9) For the purposes of sub-section (8), ‘modification’ includes the omission or addition of a provision or the substitution of a provision for another provision.

“(10) Notwithstanding anything in this section or in section 10, the regulations that may be made for the purposes of sub-section (8) include regulations having the effect that provisions as modified by the regulations make provision for and in relation to investing a court of a State with federal jurisdiction.

**Jurisdiction of State courts**

“10. (1) Except as otherwise prescribed, the several courts of a State are invested with federal jurisdiction in all matters arising under the applied provisions having effect in accordance with section 9 in the adjacent area.

“(2) The jurisdiction with which courts are invested by sub-section (1) is invested within the limits, other than limits having effect by reference to localities of their several jurisdictions (whether those limits are as to subject-matter or otherwise).

**Application of laws in areas adjacent to Territories**

“11. (1) Subject to this Act, the laws, whether written or unwritten, in force in a Territory for the time being (other than laws of the Commonwealth), and any instrument having effect under any of those laws, apply, as provided by this section, in the adjacent area and so apply as if that area were part of that Territory.

“(2) The laws referred to in sub-section (1) do not include laws that are criminal laws within the meaning of the *Crimes at Sea Act* 1979, but nothing in this Act derogates from the operation of that Act.

“(3) A law shall be taken to be a law in force in a Territory notwithstanding that that law applies to part only of that Territory.

“(4) The laws and instruments referred to in sub-section (1) apply to and in relation to all acts, omissions, matters, circumstances and things touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for petroleum and the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil.

“(5) Without limiting the operation of sub-section (4), the laws and instruments referred to in sub-section (1) apply—

(a) to and in relation to—

(i) an act or omission that takes place in, on, above, below or in the vicinity of; and

(ii) a matter, circumstance or thing that exists or arises with respect to or in connection with,

a vessel, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for any reason touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for petroleum or the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil;

(b) to and in relation to a person who—

(i) is in the adjacent area for a reason of the kind referred to in paragraph (a); or

(ii) 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 the kind referred to in paragraph (a); and

(c) to and in relation to a person in respect of his carrying on any operation or doing any work in the adjacent area for a reason of the kind referred to in paragraph (a).

“(6) This section does not—

(a) give to the provisions of a law of the Northern Territory an operation, as law of the Commonwealth, that they would not have, as law of the Territory, if the adjacent area were within the part of the area described in Schedule 2 under the heading that refers to that Territory that is on the landward side of the adjacent area;

(b) extend to any law or instrument in so far as those provisions, as applied by this Act, would be inconsistent with a law of the Commonwealth, including this Act;

(c) apply so as to impose any tax;

(d) apply so as to appropriate any public moneys of a Territory; or

(e) apply so as to confer or purport to confer any part of the judicial power of the Commonwealth on a court, tribunal, authority or officer of a Territory.

“(7) This section does not limit the operation that any law or instrument has apart from this section.

“(8) The regulations may provide that such of the laws or instruments referred to in sub-section (1) as are specified in the regulations do not apply by reason of this section or so apply with such modifications as are specified in the regulations.

“(9) For the purposes of sub-section (8), ‘modification’ includes the omission or addition of a provision or the substitution of a provision for another provision.

**Jurisdiction of Territory courts**

“12. (1) Jurisdiction is conferred on the several courts having jurisdiction in a Territory in all matters arising under the applied provisions having effect in accordance with section 11 in the adjacent area.

“(2) The jurisdiction conferred on courts by sub-section (1) is conferred within the limits, other than limits having effect by reference to localities, of their several jurisdictions, whether those limits are as to subject-matter or otherwise.

**Parts III and IV not affected by this Part**

“13. Parts III and IV have effect notwithstanding anything in this Part.”.

**12.** Sections 14, 15 and 16 of the Principal Act are repealed and the following sections substituted:

**Designated Authorities**

“14. (1) For the purposes of this Act, there shall be, in respect of each adjacent area, a Designated Authority.

“(2) The Designated Authority in respect of the adjacent area in respect of a State is the State Minister.

“(3) The functions and powers of a State Minister as Designated Authority may be performed and exercised by another State Minister acting for and on behalf of that Minister.

“(4) The Designated Authority in respect of the adjacent area in respect of a Territory referred to in section 7 is the Minister.

“(5) The Designated Authority in respect of the adjacent area in respect of the Northern Territory is the Northern Territory Minister.

“(6) The functions and powers of the Northern Territory Minister as Designated Authority may be performed and exercised by another Northern Territory Minister acting for and on behalf of that Minister.

**Delegation**

“15. (1) A Designated Authority may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person any of his powers under this Act (including the Acts with which this Act is incorporated) or the regulations, other than this power of delegation.

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, or of an Act with which this Act is incorporated or the regulations, be deemed to have been exercised by the Designated Authority.

“(3) A delegation under this section may be expressed as a delegation to the person for the time being holding, or performing the duties of, a specified office under the Commonwealth, a State or a Territory.

“(4) A delegation under this section made by a person holding an office of Designated Authority continues in force notwithstanding a vacancy in that office or change in the identity of the holder of that office, but such a delegation may be revoked by the same or a subsequent holder of that office.

“(5) A delegation under this section does not prevent the exercise of a power by the Designated Authority.

“(6) A copy of each instrument making, varying or revoking a delegation under this section shall be published in the *Gazette”.*

**13.** Section 19 of the Principal Act is repealed and the following section substituted:

**Exploration for petroleum**

“19. A person shall not explore for petroleum in an adjacent area except—

(a) under and in accordance with a permit; or

(b) as otherwise permitted by this Part.

Penalty: $50,000 or imprisonment for 5 years, or both.”.

**Advertisement of blocks**

**14.** Section 20 of the Principal Act is amended by inserting in sub-section (1) “, of his own motion or at the request of the Commonwealth Minister” after “may” (first occurring).

**Term of permit**

**15.** **(1)** Section 29 of the Principal Act is amended—

(a) by omitting from paragraph (a) “the day from which the permit has effect” and substituting “the day on which the permit is granted”; and

(b) by omitting from paragraph (b) “the day after the day on which the last previous permit in respect of blocks specified in the permit so granted ceases to have effect” and substituting “the day on which the permit is granted”.

(2) A permit granted before the commencement of this section is not invalidated by reason of any error that may have occurred in specifying the date of commencement of the permit and the term of such a permit shall be deemed to have commenced on the date of commencement specified in it.

**Application for renewal of permit to be in respect of reduced area**

**16.** Section 31 of the Principal Act is amended—

(a) by omitting from sub-section (1) “The number” and substituting “Subject to sub-section (2a), the number”;

(b) by inserting after sub-section (2) the following sub-section:

“(2a) An application for the renewal of a permit may include, in addition to the blocks referred to in sub-section (1), a block that is, or is included in, a location and in respect to which the permit is in force, or two or more such blocks.”; and

(c) by omitting from sub-section (5) “, in relation to a proposed application for the renewal of a permit, the number calculated in accordance with sub-section (1)” and substituting “the maximum number of blocks in respect of which an application for renewal of a permit may be made in accordance with the preceding provisions”.

**Conditions of permit**

**17.** Section 33 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-sections:

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

“(3) A permit (whether granted before or after the commencement of this sub-section) shall be deemed to contain a condition that the permittee will comply with the provisions of the Royalty Act as in force from time to time.”.

**18.** Section 39 of the Principal Act is repealed and the following section substituted:

**Recovery of petroleum in adjacent area**

“39. A person shall not carry on operations for the recovery of petroleum in an adjacent area except—

(a) under and in accordance with a licence; or

(b) as otherwise permitted by this Part.

Penalty: $50,000 or imprisonment for 5 years, or both.”.

**Application for licence**

**19.** Section 41 of the Principal Act is amended by omitting from paragraph (c) of sub-section (1) “each block” and substituting “the area comprised in the blocks”.

**Request by applicant for grant of licence**

**20.** Section 49 of the Principal Act is amended by adding at the end of sub-section (2) “and that he will be required to pay the amount specified in the application, royalty at the rate specified in the application, or royalty at the rate specified in the application and the amount specified in the instrument, as the case requires”.

**Rights conferred by licence**

**21.** Section 52 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

“(a) to recover petroleum in the licence area and to recover petroleum from the licence area in another area to which he has lawful access for that purpose;”.

**22.** **(1)** Section 53 of the Principal Act is repealed and the following section substituted:

**Term of licence**

“53. Subject to this Part, a licence remains in force—

(a) in the case of a licence granted otherwise than by way of renewal of a licence—for a period of 21 years commencing on the day on which the licence is granted;

(b) in the case of a licence granted by way of the first renewal of a licence —for the period of 21 years commencing on the day on which the licence is granted; and

(c) in the case of a licence granted by way of the renewal, other than the first renewal, of a licence—for such period, not exceeding 21 years, as the Joint Authority determines and is specified in the licence, commencing on the day on which the licence is granted.”.

**(2)** A licence granted before the commencement of this section is not invalidated by reason of any error that may have occurred in specifying the date of commencement of the licence and the term of such a licence shall be deemed to have commenced on the date of commencement specified in it.

**Conditions of Licences**

**23.** Section 56 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(2) A licence (whether granted before or after the commencement of this sub-section) shall be deemed to contain a provision that the licensee will comply with the provisions of the Royalty Act, as in force from time to time.”.

**Works to be carried out**

**24.** Section 57 of the Principal Act is amended:

(a) by inserting in sub-sections (1) and (2) “or from” after “petroleum in” (wherever occurring); and

(b) by inserting in sub-section (2) “or in relation to” after “carry out in”;

(c) by inserting in sub-section (3) “or in relation to” after “carry out in” and after “carried out by the licensee in”; and

(d) by omitting sub-section (5) and substituting the following sub-section:

“(5) For the purposes of this section—

(a) the quantity of any petroleum recovered by a licensee from a well during a year shall be ascertained in accordance with section 10 of the Royalty Act; and

(b) the value of any petroleum is the value at the well-head of that petroleum ascertained in accordance with the Royalty Act.”.

**Unit development**

**25.** Section 59 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“59. (1) In this section, the expression “unit development”—

(a) applies in relation to a petroleum pool that is partly in a particular licence area of a licensee and partly in a licence area of another licensee or in an area that is not within an adjacent area but in which a person other than the first-mentioned licensee is lawfully entitled to carry on operations for the recovery of petroleum from the pool; and

(b) means the carrying on of operations for the recovery of petroleum from that pool under co-operative arrangements between the persons entitled to carry on such operations in each of those areas.”;

(b) by adding at the end of sub-section (2) “but such an agreement does not have any force or effect unless it has been approved by the Designated Authority”; and

(c) by adding at the end thereof the following sub-sections:

“(11) If a petroleum pool extends, or is reasonably believed by the Designated Authority to extend, from the adjacent area in respect of a State or Territory into—

(a) lands to which the laws of that State or Territory or of another State or Territory relating to the exploitation of petroleum resources apply; or

(b) the adjacent area of an adjoining State or Territory,

each Designated Authority concerned shall consult concerning the exploitation of the petroleum pool with any other Designated Authority concerned and with the appropriate authority of a State or Territory referred to in paragraph (a).

“(12) Where sub-section (11) applies in relation to a petroleum pool, a Designated Authority shall not approve an agreement under this section, or give a direction under this section, in relation to that petroleum pool except with the approval of any other Designated Authority concerned and any State or Territory authority concerned.”.

**26.** Section 60 of the Principal Act is repealed and the following section substituted:

**Construction, &c, of pipelines, &c.**

“60. (1) A person shall not, in the adjacent area—

(a) commence or continue the construction of, or the alteration or reconstruction of, a pipeline; or

(b) operate a pipeline,

except under and in accordance with a pipeline licence.

“(2) A person shall not, in the adjacent area—

(a) commence or continue the construction of, or the alteration or reconstruction of, a secondary line or water line; or

(b) operate a secondary line or water line,

except with and in accordance with a consent in writing of the Designated Authority.

“(3) A person shall not, in the adjacent area—

(a) commence or continue the construction of, or the alteration or reconstruction of, a pumping station, tank station or valve station; or

(b) operate a pumping station, tank station or valve station,

except under and in accordance with a pipeline licence or with and in accordance with a consent in writing of the Designated Authority.

“(4) A person shall not, in the adjacent area, commence to operate a pipeline, a secondary line or a water line unless—

(a) in the case of a pipeline, it has been constructed and tested in accordance with a pipeline licence;

(b) in the case of a secondary line or water line, it has been constructed and tested in accordance with a consent in writing of the Designated Authority; and

(c) the Designated Authority has certified in writing that the Designated Authority is satisfied that the pipeline, secondary line or water line, as the case may be, has been so constructed and tested and is fit to be operated.

“(5) A person shall not, in the adjacent area, recommence to operate a pipeline, a secondary line or a water line the previous operation of which was discontinued except with and in accordance with a consent in writing of the Designated Authority.

“(6) The Designated Authority may, for reasons that he thinks sufficient, refuse to give his consent or certificate for the purposes of this section or attach conditions to such a consent.

Penalty: $50,000 or imprisonment for 5 years, or both.”.

**Term of pipeline licence**

**27.** **(1)** Section 67 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) The period for which a pipeline licence remains in force commences on the day on which the pipeline licence is granted.”.

**(2)** A pipeline licence granted before the commencement of this section is not invalidated by reason of any error that may have occurred in specifying the date of commencement of the licence and the term of such a licence shall be deemed to have commenced on the date of commencement specified in it.

**Conditions of pipeline licence**

**28.** Section 70 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(3) This section extends to a pipeline licence granted by way of the renewal of a pipeline licence and, in the case of a pipeline licence so granted, the conditions may include conditions varying or adding to the conditions of the previous licence and conditions requiring reconstruction or modification of the pipeline or of associated works.”.

**Variation of pipeline licence on application by pipeline licensee**

**29.** Section 71 of the Principal Act is amended by inserting in sub-section (5)”, by instrument under his hand,” after “may” (first occurring).

**Repeal of section 75**

**30.** Section 75 of the Principal Act is repealed.

**Approval of registration of transfers**

**31.** Section 78 of the Principal Act is amended—

(a) by omitting from sub-section (6) “application” (first and third occurring) and substituting “transfer”; and

(b) by omitting from sub-sections (7), (8) and (9) “application” (wherever occurring) and substituting “transfer”.

**Approval of instruments creating, &c, interests**

**32.** Section 81 of the Principal Act is amended—

(a) by omitting from sub-section (6) “the application” and substituting “to approve the instrument”; and

(b) by omitting from sub-section (7) “application” and substituting “instrument”.

**The Supreme Court**

**33.** Section 92 of the Principal Act is amended by omitting “an adjacent area that is an area specified in Schedule 2 as being adjacent to a State or Territory, the Supreme Court of that State or Territory” and substituting “the adjacent area in respect of a State or Territory, the Supreme Court of, or having jurisdiction in, that State or Territory”.

**Form of permit, &c.**

**34.** Section 93 of the Principal Act is repealed.

**Notice of grants of permits, &c, to be published**

**35.** Section 94 of the Principal Act is amended by inserting “notice of, and” after “cause”.

**Work practices**

**36.** Section 97 of the Principal Act is amended by inserting in sub-section (2) “but subject to any authorization or requirement given or made by or under this Act or regulations or directions under this Act” after “sub-section”.

**37.** After section 97 of the Principal Act the following section is inserted:

**Conditions relating to insurance**

“97a. Without limiting the generality of any provision of this Act relating to conditions, the conditions subject to which a permit, licence, pipeline licence, special prospecting authority or access authority is granted may include a condition requiring the holder to effect and maintain, to the satisfaction of the Designated Authority, insurance against expenses or liabilities or specified things arising in connection with, or as a result of, the carrying out of work, or the doing of any other thing, in pursuance of the permit, licence or authority, including expenses of complying with directions with respect to the clean-up or other remedying of the effects of the escape of petroleum.”.

**Drilling near boundaries**

**38.** Section 100 of the Principal Act is amended by omitting from sub-section (1) “one thousand feet” and substituting “300 metres”.

**39.** Section 101 of the Principal Act is repealed and the following section substituted:

**Directions**

“101. (1) The Designated Authority may, by instrument in writing served on a person referred to in sub-section (2), give to that person a direction as to any matter with respect to which regulations may be made under section 157.

“(2) Directions under sub-section (1) may be given to the following persons:

(a) a permittee, licensee, pipeline licensee, or the holder of a special prospecting authority or access authority;

(b) a servant, agent or person acting on behalf of a person referred to in paragraph (a);

(c) a person performing work or services under a contract with a person referred to in paragraph (a);

(d) a servant or agent of a person referred to in paragraph (c).

“(3) The Designated Authority shall not give a direction under sub-section (1) of a standing or permanent nature except with the approval of the Joint Authority, but the validity of a direction of the Designated Authority shall not be called in question by reason of this sub-section.

“(4) A direction under this section has effect and shall be complied with notwithstanding any previous direction under this section.

“(5) A direction under this section has effect and shall be complied with notwithstanding anything in the regulations or the applied provisions.

“(6) A direction under this section may be expressed to apply to every person included in a specified class of persons referred to in sub-section (2) and the instrument by which a direction so expressed is given shall be deemed to be served on a person included in that class if a copy of the instrument was, at the time of the alleged failure of that person to comply with the direction, exhibited in a prominent position at a place in an adjacent area frequented by that person.

“(7) A person to whom a direction in force under sub-section (1) is applicable shall comply with the direction.

Penalty: $10,000.”.

**Exemption**

**40.** Section 103 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-sections:

“(2) Sub-section (1) does not authorize the making of an instrument to the extent that it would affect—

(a) a condition of a permit or licence included in the permit or licence in compliance with the Royalty Act; or

(b) the term of a permit, licence or pipeline licence.

“(3) Where, in pursuance of sub-section (1), the Designated Authority suspends, or exempts the permittee from compliance with, any of the conditions to which a permit is subject, the Joint Authority may, if it considers the circumstances make it reasonable to do so, in the instrument of suspension or exemption or by a later instrument in writing served on the permittee, extend the term of the permit by a period not exceeding the period of the suspension or exemption.”.

**41.** After section 103 of the Principal Act the following section is inserted:

**Suspension of rights conferred by permit**

“103a. (1) Where the Joint Authority is satisfied that it is necessary to do so in the national interest, it shall, by instrument in writing served on the permittee, suspend, either for a specified period or indefinitely, all or any of the rights conferred by the permit.

“(2) Where any rights are suspended in accordance with sub-section (1), any conditions required to be complied with in the exercise of those rights are also suspended.

“(3) The Joint Authority may, by instrument in writing served on the permittee, terminate a suspension of rights under sub-section (1).

“(4) Where rights conferred by a permit are suspended in accordance with sub-section (1), the Joint Authority may, by the instrument of suspension or by a later instrument in writing served on the permittee, extend the term of the permit by a period not exceeding the period of the suspension.

“(5) If an instrument under this section results in the acquisition of property from a person, being an acquisition of property within the meaning of paragraph 51(xxxi) of the Constitution, the Commonwealth is liable to pay to that person such compensation as is determined by agreement between the Commonwealth and that person or, in the absence of agreement, by action brought by that person against the Commonwealth in the High Court or the Supreme Court of the State or Territory in relation to which the Joint Authority concerned is established.”.

**Surrender of permits, &c.**

**42.** Section 104 of the Principal Act is amended by adding “, but, if the registered holder has complied with those requirements, the Designated Authority shall not unreasonably refuse consent to the surrender” after paragraph (f) of sub-section (2).

**Payments by instalments**

**43.** Section 109 of the Principal Act is amended by omitting from sub-section (1) “at the specified rate” and substituting “at the rate that is the specified rate from time to time”.

**Special prospecting authorities**

**44.** Section 111 of the Principal Act is amended by inserting in paragraph (b) of sub-section (10) “a direction or” before “an arrangement” (twice occurring).

**Access authorities**

**45.** Section 112 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section: “(1) A permittee or licensee may make an application to the Designated Authority for the grant of an access authority to enable him to carry on, in an area, being part of the adjacent area that is not part of the permit area or licence area, petroleum exploration operations or operations related to the recovery of petroleum in or from the permit area or licence area.”;

(b) by omitting “petroleum exploration” from paragraph (c) of sub-section (2);

(c) by omitting “petroleum exploration” from sub-section (5);

(d) by adding at the end of sub-section (7) “but may be extended by the Designated Authority for a further specified period”;

(e) by omitting from paragraph (b) of sub-section (8) “petroleum exploration”;

(f) by omitting from sub-section (11) “petroleum exploration”; and

(g) by inserting in paragraph (b) of sub-section (12) “a direction or” before “an arrangement” (twice occurring).

**Release of information**

**46.** Section 118 of the Principal Act is amended—

(a) by inserting after sub-section (1) the following sub-section:

“(1a) The Designated Authority shall, as and when required by the Commonwealth Minister, make available to the Commonwealth Minister any information or thing referred to in sub-section (1) and copies of any correspondence with, or document received or issued by, the Designated Authority in connection with this Act.”; and

(b) by adding at the end thereof the following sub-section:

“(8) For the purposes of this section—

(a) cores and cuttings, and well data, logs, sample descriptions and other documents, relating to the drilling of a well, shall be deemed to have been furnished to the Designated Authority not later than one month after the drilling of the well was, in the opinion of the Designated Authority, substantially completed; and

(b) geophysical or geochemical data relating to geophysical or geochemical surveys shall be deemed to have been furnished to the Designated Authority not later than one year after the geophysical or geochemical field work was, in the opinion of the Designated Authority, substantially completed.”.

**Provisions to prevent double payment of royalty**

**47.** Section 128 of the Principal Act is repealed.

**Certain payments to be made by Commonwealth to States and Northern Territory**

**48.** Section 129 of the Principal Act is amended—

(a) by inserting after sub-section (1) the following sub-section:

“(1a) The Commonwealth shall, in accordance with arrangements approved by the Minister, pay to each State amounts equal to all moneys, other than royalties, payable to the Designated Authority, on behalf of the Commonwealth, under Part III in relation to the adjacent area in respect of the State.”;

(b) by omitting from sub-section (2) “the last preceding sub-section” and substituting “sub-section (1) of this section”; and

(c) by inserting after sub-section (2) the following sub-section:

“(2a) In this section, a reference to a State shall be read as including a reference to the Northern Territory.”.

**Prosecution of offences**

**49.** Section 132 of the Principal Act is amended by omitting sub-section (8) and substituting the following sub-section:

“(8) In this section, ‘the Supreme Court’ means the Supreme Court of, or having jurisdiction in, the State or Territory in respect of which the adjacent area in, or in relation to, which the offence is alleged to have been committed is the adjacent area.”.

**Service**

**50.** Section 138 of the Principal Act is amended—

(a) by inserting in sub-section (1) “or permitted” after “required”; and

(b) by omitting sub-section (2) and substituting the following sub-sections:

“(2) A document required or permitted by this Act to be served on the Designated Authority shall be served—

(a) by prepaying and posting the document as a letter addressed to the Designated Authority at a place of business of the Designated Authority; or

(b) by leaving it at a place of business of the Designated Authority with some person apparently employed in connection with the business of the Designated Authority and apparently not less than 16 years of age.

“(2a) A document required or permitted by this Act to be served on the Joint Authority shall be deemed to be duly served if it is served on the Designated Authority.”.

**Repeal**

**51.** Sections 141, 142, 143, 144 and 145 of the Principal Act are repealed.

**Barracouta and Marlin fields petroleum production licences**

**52.** Section 146 of the Principal Act is amended by omitting sub-section (4) and substituting the following sub-section:

“(4) In the provisions of a licence that have effect by reason of this section—

(a) except as otherwise provided in this sub-section, a reference to the Minister shall be read as a reference to the Designated Authority;

(b) the first reference to the Minister in sub-clause (1) of clause 2 of the licence shall be read as a reference to the Joint Authority in respect of the adjacent area in respect of Victoria;

(c) that sub-clause shall have effect as if there were substituted for the words ‘as the Minister in his discretion determines’ the words ‘as are determined in accordance with the law for the time being in force’; and

(d) the reference to the Minister in sub-clause (1) of clause 27 shall be read as a reference to the Joint Authority in respect of the adjacent area in respect of Victoria.”.

**Licence to replace the Barrow Island lease**

**53.** Section 148 of the Principal Act is amended by omitting “specified in the Second Schedule to this Act as being adjacent to” from the definition of “the adjacent area” in sub-section (1) and substituting “in respect of “.

**Operation of other laws not affected**

**54.** Section 150 of the Principal Act is repealed.

**Jurisdiction of courts**

**55.** Section 151 of the Principal Act is amended by omitting sub-sections (2), (3) and (4) and substituting the following sub-section:

“(2) The jurisdiction vested in or conferred on courts by sub-section (1) is invested or conferred within the limits, other than limits having effect by reference to localities, of their several jurisdictions, whether those limits are as to subject-matter or otherwise.”.

**Repeal of certain sections**

**56.** Sections 152, 153 and 154 of the Principal Act are repealed.

**57.** **(1)** Section 155 of the Principal Act is repealed and the following section substituted:

**Validation of certain acts**

“155. Where a person or court has done an act in the purported exercise of the power or function under the law of a State or Territory and that act could have been done by that person or court in the exercise of a power or function under the applied provisions, that act shall be deemed to have been done by that person or court in the exercise of the power or function under those provisions.”.

**(2)** Sub-section (1) does not affect the operation of section 155 of the Principal Act in relation to acts done before the commencement of this section.

**Regulations**

**58.** Section 157 of the Principal Act is amended by omitting paragraphs (f) and (g) of sub-section (2) and substituting the following paragraphs:

“(f) the control of the flow or discharge, and the prevention of the escape, of petroleum, water or drilling fluid, or a mixture of water or drilling fluid with petroleum or any other matter;

“(g) the clean-up or other remedying of the effects of the escape of petroleum;”.

**Amendments to Schedule 2**

**59. (1)** Schedule 2 to the Principal Act is amended—

(a) by omitting the heading “AREAS ADJACENT TO STATES AND TERRITORIES” and the paragraph immediately under that heading;

(b) by omitting the heading “AREA ADJACENT TO THE STATE OF VICTORIA” and substituting the heading “AREA THAT INCLUDES THE ADJACENT AREA IN RESPECT OF VICTORIA”;

(c) by omitting the heading “AREA ADJACENT TO THE STATE OF QUEENSLAND” and substituting the heading “AREA THAT INCLUDES THE ADJACENT AREA IN RESPECT OF QUEENSLAND”;

(d) by omitting the heading “AREA ADJACENT TO THE STATE OF SOUTH AUSTRALIA” and substituting the heading “AREA THAT INCLUDES THE ADJACENT AREA IN RESPECT OF SOUTH AUSTRALIA”;

(e) by omitting the heading “AREA ADJACENT TO THE STATE OF WESTERN AUSTRALIA” and substituting the heading “AREA THAT INCLUDES THE ADJACENT AREA IN RESPECT OF WESTERN AUSTRALIA”;

(f) by omitting the heading “AREA ADJACENT TO THE STATE OF TASMANIA” and substituting the heading “AREA THAT INCLUDES THE ADJACENT AREA IN RESPECT OF TASMANIA”;

(g) by omitting the heading “AREA ADJACENT TO THE NORTHERN TERRITORY OF AUSTRALIA” and substituting the heading “AREA THAT INCLUDES THE ADJACENT AREA IN RESPECT OF THE NORTHERN TERRITORY”; and

(h) by omitting the heading “AREA ADJACENT TO THE TERRITORY OF ASHMORE AND CARTIER ISLANDS” and substituting the heading “AREA THAT INCLUDES THE ADJACENT AREA IN RESPECT OF THE TERRITORY OF ASHMORE AND CARTIER ISLANDS”.

**(2)** Schedule 2 to the Principal Act is amended by omitting the heading “AREA ADJACENT TO THE STATE OF NEW SOUTH WALES” and the description of an area under that heading and substituting the following heading and description:

“AREA THAT INCLUDES THE ADJACENT AREA IN RESPECT OF NEW SOUTH WALES

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the geodesic between the trigonometrical station known as Point Danger near Point Danger and a point of Latitude 27° 58’ South, Longitude 154° East and runs thence north-easterly along that geodesic to the last-mentioned point, thence north-easterly along the geodesic to a point of Latitude 27° 48’ South, Longitude 154° 22’ East, thence easterly along the geodesic to a point of Latitude 26° 59’ 05” South, Longitude 165° 40’ East, thence southerly along the meridian of Longitude 165° 40’ East to its intersection by the parallel of Latitude 34° 03’ 30” South, thence south-westerly along the geodesic to a point of Latitude 34° 16’ South, Longitude 165° 16’ East, thence south-westerly along the geodesic to a point of Latitude 37° 21’ 30” South, Longitude 164° 23’ East, thence southwesterly along the geodesic to a point of Latitude 37° 32’ South, Longitude 164° 11’ East, thence south-westerly along the geodesic to a point of Latitude 37° 59’ South, Longitude 163° 47’ East, thence south-westerly along the geodesic to a point of Latitude 38° 58’ South, Longitude 161° 15’ 30” East, thence south-westerly along the geodesic to a point of Latitude 39° 12’ South, Longitude 160° East, thence south-westerly along the geodesic to a point of Latitude 40° 40’ South, Longitude 158° 53’ East, thence north-westerly along the geodesic to a point of Latitude 37° 35’ South, Longitude 150° 10’ East, thence north-westerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the States of New South Wales and Victoria, thence generally northerly along the coastline of Australia at mean low water to the point of commencement.”.

**60.** The Principal Act is amended by adding at the end thereof the following Schedules:

“**SCHEDULE 4** Section 8d(9)

AGREEMENT BETWEEN THE GOVERNMENT OF THE COMMONWEALTH AND THE GOVERNMENT OF WESTERN AUSTRALIA RELATING TO LEGISLATION IN RESPECT OF OFF-SHORE PETROLEUM RESOURCES

THIS AGREEMENT is made the 23rd day of April, 1980, between the Government of the Commonwealth of Australia and the Government of Western Australia.

WHEREAS the Governments of the Commonwealth and the States have agreed on certain arrangements with respect to the regulation and control of the exploration for, and exploitation of, the petroleum resources of the sea-bed adjacent to Australia:

AND WHEREAS the legislation of the Commonwealth to give effect to those arrangements is to establish a Joint Authority in respect of each State, consisting of a Commonwealth Minister and a Minister of the relevant State:

AND WHEREAS that legislation is to provide that, in the event of disagreement between the Commonwealth Minister and the State Minister on a matter before the Joint Authority, the Commonwealth Minister is to have power to decide the matter:

AND WHEREAS, by reason of special considerations affecting Western Australia, the parties to this agreement consider it desirable that special provisions should apply in relation to the exercise of that power of the Commonwealth Minister as a member of the Joint Authority in respect of Western Australia:

NOW IT IS HEREBY AGREED as follows:—

**Interpretation**

1. In this agreement—

“the Act” means the *Petroleum (Submerged Lands) Act* 1967 of the Parliament of the Commonwealth, as amended to give effect to the arrangements between the Commonwealth and the States referred to in the preamble to this agreement;

“the Commonwealth Minister” means the Commonwealth Minister performing functions as a member of the Joint Authority;

“the Joint Authority” means the Joint Authority established by the Act in relation to Western Australia;

“the State” means Western Australia;

**SCHEDULE 4**—continued

“the State Minister” means the State Minister performing functions as a member of the Joint Authority.

**Exercise of certain powers of Commonwealth Minister**

2. (1) If the members of the Joint Authority disagree with respect to the decision to be made on a matter within the functions of that Joint Authority, the Commonwealth Minister shall not exercise his power under the Act to decide the matter unless—

(a) he is satisfied that the decision proposed by the State Minister would endanger or prejudice the national interest;

(b) he has, within 30 days after he has been informed of the decision proposed by the State Minister, or within such longer period as is, before the expiration of that period, agreed on between the Commonwealth Minister and the State Minister, informed the State Minister—

(i) of his intention to exercise that power;

(ii) of the decision which he proposes to make in the exercise of that power; and

(iii) in what respect he is satisfied that the national interest would be endangered or prejudiced by the decision proposed by the State Minister; and

(c) no representations of the Premier in accordance with sub-clause (2) of this clause have been received by the Prime Minister or, if such representations have been so received, sub-clause (4) of this clause has become applicable.

(2) If the Commonwealth Minister has informed the State Minister as referred to in paragraph (b) of sub-clause (1) of this clause, the Premier of the State may, within the period of 30 days from the day on which the State Minister was so informed, or within such longer period as is, before the expiration of that period, agreed upon between the Premier of the State and the Prime Minister, make representations in writing to the Prime Minister concerning the matter.

(3) Where representations are made by the Premier in accordance with sub-clause (2) of this clause, the Prime Minister shall, after consideration of the matter by the Government of the Commonwealth, take such action as he thinks appropriate with a view to resolution of the matter by a decision of the Joint Authority in accordance with the Act and concurred in by both members of the Joint Authority.

(4) Where representations have been made in accordance with sub-clause (2) of this clause, the Commonwealth Minister may exercise his power under the Act to decide the matter if, within 30 days after the representations were received by the Prime Minister, the Prime Minister has informed the Premier that he is satisfied that the matter cannot be resolved by a decision of the Joint Authority in accordance with the Act and concurred in by both members of the Joint Authority and that the decision that was proposed by the State Minister would endanger or prejudice the national interest.

(5) If—

(a) the Commonwealth Minister has been informed of the decision proposed by the State Minister as referred to in paragraph (b) of sub-clause (1) of this clause, but the Commonwealth Minister has not informed the State Minister in accordance with that paragraph; or

(b) at the expiration of the period of 40 days after representations have been made by the Premier in accordance with sub-clause (2) of this clause a decision on the matter has not been made consistently with the foregoing provisions of this clause,

the State Minister may cause the decision that was proposed by him to be recorded as the decision of the Joint Authority, and the decision so recorded shall be deemed to be a decision of the Joint Authority and to be as valid as if references in the Act to the opinion or state of mind of the Joint Authority were references to the opinion or state of mind of the State Minister.

**Act to give effect to agreement**

3. The Government of the Commonwealth will include in the Bill presented to the Parliament of the Commonwealth for giving effect to the arrangements referred to in the preamble to this agreement provision for giving the provisions of this agreement the force of law under and for the purposes of the Act.

**SCHEDULE 4***—*continued

|  |  |
| --- | --- |
| SIGNED on behalf of THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA by the Right Honourable MALCOLM FRASER, the Prime Minister of the Commonwealth, in the presence of— | Malcolm Fraser |
| Ian McCay |  |
| SIGNED on behalf of the GOVERNMENT OF WESTERN AUSTRALIA by the Honourable SIR CHARLES COURT, the Premier of the State, in the presence of— | Charles Court |
| Brian V. Johnson |  |

“**SCHEDULE 5** Section 8e

The functions of the Designated Authority under the following provisions:

Sub-section 20(1)

Sub-section 20(2)

Sub-section 23(1)

Sub-section 31(5)

Sub-section 36(2)

Sub-section 36(3)

Sub-section 36(5)

Sub-section 36(6)

Sub-section 37(2)

Paragraph 40(4)(b)

Sub-sections 47(1), (2) and (3)

Sub-section 71(5)

Sub-section 74(1)

Sub-section 103(1), in respect only of such variations, suspensions or exemptions in respect of permits, licences or pipeline licences as are included in a class of variations, suspensions or exemptions specified in writing by the Commonwealth Minister to the Designated Authority as being of a major kind

Sub-section 125(1).”.

**Amendments relating to administration**

**61.** The Principal Act is amended as set out in Schedule 1.

**Amendments relating to monetary amounts and penalties**

**62.** (1) The Principal Act is amended as set out in Schedules 2 and 3.

**(2)** The amendments made by this section to section 57 of the Principal Act apply in relation to licences granted after the commencement of this section.

**(3)** The amendments made by this section in respect of penalties apply in relation to offences committed on or after the date of commencement of this section.

**Transitional provisions**

**63.** (1) A permit or licence granted by a Designated Authority under the Principal Act and in force immediately before the commencement of this Act in respect of an area that is wholly within an adjacent area within the meaning of the Principal Act as amended by this Act continues in force and is subject to the Principal Act as amended by this Act as if granted under the Principal Act as so amended by the Joint Authority in respect of that adjacent area.

**(2)** The Scheme agreed on between the Governments of the Commonwealth, the States and the Northern Territory with respect to certain transitional arrangements, being the scheme set out in Schedule 4, so far as that scheme relates to the operation of the Principal Act, as amended by this Act, has the force of law by virtue of this section.

**(3)** The amendments made to section 78 of the Principal Act by this Act do not affect a transfer of a permit, licence, pipeline licence or access authority approved by the Designated Authority before the commencement of this Act and the provisions of section 78 of the Principal Act continue to apply in relation to an application for approval lodged with the Designated Authority before the commencement of this Act.

**(4)** The amendments made to section 81 of the Principal Act by this Act do not affect an instrument approved by the Designated Authority before the commencement of this Act and the provisions of section 81 of the Principal Act continue to apply in relation to an application with approval of an instrument lodged with the Designated Authority before the commencement of this Act.

**(5)** Where a function of the Designated Authority under the Principal Act has become a function of the Joint Authority under the Principal Act as amended by this Act, anything done before the commencement of this Act in relation to the performance of that function in a particular case as a function of the Designated Authority shall, for the purpose of the performance of the function in that case by the Joint Authority, be deemed to have been done in relation to the function as a function of the Joint Authority.

**(6)** A direction under a provision of the Principal Act in force immediately before the commencement of this Act continues in force as if made under that provision of the Principal Act, as amended by this Act.

**(7)** Where, before the commencement of this Act, the Designated Authority had, under sub-section 103 (1) of the Principal Act, suspended, or exempted the permittee from compliance with, any of the conditions to which a permit was subject, and the permit continues in force after that commencement (whether or not the suspension or exemption so continues), the Joint Authority may, at any time before the permit ceases to be in force, by instrument in writing served on the permittee, extend the term of the permit by a period not exceeding the period of the suspension or exemption.

**(8)** The provisions of section 128 of the Principal Act continue to have effect in relation to payments made to a State before the commencement of this Act and for that purpose payments made to a State as interim payments on account of royalty shall be deemed to have been payments of royalty.

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**SCHEDULE 1** Section 61

AMENDMENTS RELATING TO ADMINISTRATION

|  |  |
| --- | --- |
| Provision | Amendment |
| Sub-section 18(1)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Paragraph 20(1)(a)  | Insert “by the Joint Authority” after “grant”. |
| Sub-section 20(3)  | Insert “by the Joint Authority” after “grant”. |
| Paragraph 21(1)(e)  | Omit “the Designated Authority to consider”, substitute “to be considered”. |
| Sub-section 22(1)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-paragraph 22(1)(a)(i) | Omit “he”, substitute “it”. |
| Paragraph 22(3)(a)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Sub-section 22(4)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Sub-section 23(1)  | Insert “by the Joint Authority” after “grant”. |
| Sub-section 23(2)  | Insert “by the Joint Authority” after “grant”. |
| Paragraph 23(4)(e)  | Omit “the Designated Authority to consider”, substitute “to be considered”. |
| Sub-section 24(3)  | Omit “Designated Authority” (first occurring), substitute “Joint Authority”. |
| Sub-section 25(1)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he”, substitute “it”. |
| Sub-section 25(2)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he” (first and last occurring), substitute “it”. |
| Sub-section 25(3)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he”, substitute “it”. |
| Sub-section 25(4)  | Omit “Where the Designated Authority serves on an applicant an instrument under this section, he shall by the instrument,”, substitute “An instrument served on an applicant under this section shall”. |
| Paragraph 26(1)(a)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Section 27  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Sub-section 30(1)  | After “renewal”, insert “by the Joint Authority”. |
| Sub-section 32(1)  | Omit “Designated Authority” (wherever occurring), substitute “Joint Authority”. |
| Paragraph 32(1)(c)  | Omit “he”, substitute “it”. |
| Sub-section 32(2)  | Omit “Designated Authority” (wherever occurring), substitute “Joint Authority”. |
| Sub-section 32(3)  | (a) Omit “Designated Authority” (first occurring), substitute “Joint Authority”.(b) Omit “he” (wherever occurring, except in sub-paragraph (c)(ii)), substitute “it”. |
| Paragraph 32(3)(a)  | Omit “his”, substitute “its”. |
| Sub-paragraph 32(3)(c)(ii) | (a) Omit “Designated Authority” (second occurring), substitute “Joint Authority”.(b) Omit “the Designated Authority to consider”, substitute “to be considered”. |
| Paragraph 32(3)(d)  | Omit “to him”. |
| Paragraph 32(5)(a)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Sub-section 32(6)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |

**SCHEDULE 1**—continued

|  |  |
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| Provision | Amendment |
| Sub-section 32(8)  | Omit “Designated Authority” (wherever occurring), substitute “Joint Authority”. |
| Sub-section 33(1)  | Omit “Designated Authority thinks fit and specifies”, substitute “Joint Authority thinks fit and are specified”. |
| Paragraph 36(1)(b)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-section 40(1)  | Insert “by the Joint Authority” after “grant”. |
| Paragraph 40(2)(a)  | Insert “by the Joint Authority” after “grant”. |
| Sub-section 40(3)  | Insert “by the Joint Authority” after “grant”. |
| Paragraph 41(1)(d)  | Omit “the Designated Authority to consider”, substitute “to be considered”. |
| Sub-section 42(1)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-section 42(2)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he”, substitute “it”.(c) Omit “him”, substitute “the Designated Authority”.(d) Add “and the Designated Authority has reported to it concerning any such conferring”. |
| Sub-section 43(1)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Paragraph 43(1)(a)  | Omit “he”, substitute “it”. |
| Paragraph 43(2)(b)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-paragraph 43(2)(c)(ii) | Omit “Designated Authority” (first occurring), substitute “Joint Authority”. |
| Paragraph 44(1)(a)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Paragraph 44(1)(b)  | Omit “Designated Authority” (first occurring), substitute “Joint Authority”. |
| Sub-section 44(2)  | (a) Omit “Designated Authority” (first occurring), substitute “Joint Authority”.(b) Omit “Designated Authority” (last occurring), substitute “Joint Authority”. |
| Paragraph 44(4)(b)  | Omit “Designated Authority” (first occurring), substitute “Joint Authority”. |
| Paragraph 47(1)(c)  | Insert “by the Joint Authority” after “grant”. |
| Sub-section 47(3)  | Omit “he is prepared to grant a licence”, substitute “a licence is to be granted”. |
| Sub-section 47(4)  | Insert “by the Joint Authority” after “grant”. |
| Paragraph 47(6)(f)  | Omit “the Designated Authority to consider”, substitute “to be considered”. |
| Sub-section 48(3)  | Omit “request the Designated Authority, under sub-section (6) of that section, to grant to him”, substitute “, under sub-section (6) of that section, request the grant to him or”. |
| Sub-section 49(1)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he”, substitute “it”. |
| Sub-section 49(2)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he”, substitute “it”. |
| Sub-section 49(3)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he”, substitute “it”. |
| Sub-section 49(4)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-paragraph 49(5)(c)(iii) | Omit “Designated Authority” (first occurring), substitute “Joint Authority”. |
| Paragraph 49(6)(a)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Paragraph 49(6)(c)  | Omit “Designated Authority” (first occurring), substitute “Joint Authority”. |

**SCHEDULE 1**—continued

|  |  |
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| Provision | Amendment |
| Paragraph 49(7)(c)  | Omit “Designated Authority” (first occurring), substitute “Joint Authority”. |
| Section 50  | Omit “Designated Authority” (first occurring and last occurring), substitute “Joint Authority”. |
| Sub-section 51(1)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-section 51(4)  | Omit “Designated Authority” (last occurring), substitute “Joint Authority”. |
| Sub-section 54(1)  | Insert “by the Joint Authority” after “renewal”. |
| Sub-section 55(1)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he”, substitute “it”. |
| Sub-section 55(2)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he” (wherever occurring), substitute “it”. |
| Sub-section 55(3)  | Omit “Designated Authority” (wherever occurring), substitute “Joint Authority”. |
| Sub-section 55(4)  | Omit “Designated Authority” (first occurring), substitute “Joint Authority”. |
| Paragraph 55(4)(a)  | (a) Omit “he”, substitute “it”.(b) Omit “his”, substitute “its”. |
| Paragraph 55(4)(b)  | Omit “he” (wherever occurring), substitute “it”. |
| Paragraph 55(4)(c)  | (a) Omit “he” (first occurring), substitute “it”.(b) Omit “the Designated Authority to consider”, substitute “to be considered”. |
| Paragraph 55(4)(d)  | (a) Omit “he”, substitute “it”.(b) Omit “to him”. |
| Sub-section 55(5)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-section 55(6)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-paragraph 55(7)(b)(ii) | Omit “Designated Authority” (first occurring), substitute “Joint Authority”. |
| Paragraph 55(8)(a)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Paragraph 55(8)(b)  | Omit “Designated Authority” (first occurring), substitute “Joint Authority”. |
| Sub-section 55(9)  | Omit “Designated Authority” (first and last occurring), substitute “Joint Authority”. |
| Paragraph 55(10)(b)  | Omit “Designated Authority” (first occurring), substitute “Joint Authority”. |
| Sub-section 55(11)  | Omit “Designated Authority” (wherever occurring), substitute “Joint Authority”. |
| Section 56  | Omit “the Designated Authority thinks fit and specifies”, substitute “the Joint Authority thinks fit and are specified”. |
| Sub-section 58(1)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he”, substitute “it”. |
| Sub-section 58(2)  | Omit “Designated Authority” (wherever occurring), substitute “Joint Authority”. |
| Paragraph 64(1)(e)  | Omit “the Designated Authority to consider”, substitute “to be considered”. |
| Sub-section 64(3)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-section 65(1)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he”, substitute “it”. |
| Sub-section 65(2)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he” (twice occurring), substitute “it”. |
| Sub-section 65(3)  | Omit “Designated Authority”, (twice occurring), substitute “Joint Authority”. |

**SCHEDULE 1**—continued

|  |  |
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| Provision | Amendment |
| Sub-section 65(4)  | (a) Omit “Designated Authority” (first occurring), substitute “Joint Authority”.(b) Omit “he” (first, second, third, fourth and sixth occurring), substitute “it”. |
| Paragraph 65(4)(a)  | Omit “his”, substitute “its”. |
| Sub-paragraph 65(4)(c)(ii) | Omit “the Designated Authority to consider”, substitute “to be considered”. |
| Paragraph 65(4)(d)  | Omit “to him”. |
| Sub-section 65(5)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Paragraph 65(8)(b)  | Omit “Designated Authority” (twice occurring), substitute “Joint Authority”. |
| Paragraph 65(9)(a)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Sub-section 65(10)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Paragraph 67(1)(b)  | (a) Omit “Designated Authority” (twice occurring), substitute “Joint Authority”.(b) Omit “and specifies”, substitute “and is specified”. |
| Sub-section 68(1)  | Insert “by the Joint Authority”, after “renewal”. |
| Sub-section 69(1)  | Omit “Designated Authority” (twice occurring), substitute “Joint Authority”. |
| Paragraph 69(1)(c)  | Omit “he”, substitute “it”. |
| Sub-section 69(2)  | Omit “Designated Authority” (twice occurring), substitute “Joint Authority”. |
| Sub-section 69(3)  | (a) Omit “Designated Authority” (first occurring), substitute “Joint Authority”.(b) Omit “he” (first, second, third, fourth and sixth occurring), substitute “it”. |
| Paragraph 69(3)(a)  | Omit “his”, substitute “its”. |
| Sub-paragraph 69(3)(c)(ii) | Omit “the Designated Authority to consider”, substitute “to be considered”. |
| Paragraph 69(3)(d)  | Omit “to him”. |
| Paragraph 69(5)(a)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Sub-section 69(6)  | Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Paragraph 69(8)(b)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Paragraph 69(8)(c)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-section 70(1)  | Omit “the Designated Authority thinks fit and specifies”, substitute “the Joint Authority thinks fit and are specified”. |
| Sub-section 72(1)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Paragraph 72(1)(b)  | Omit “his”, substitute “its”. |
| Sub-section 72(3)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Section 73  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-section 76(1)  | Omit “by him”, substitute “under this Act relating to the adjacent area”. |
| Sub-section 78(1)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-section 78(2)  | Insert “by the Joint Authority”, after “approval”. |
| Sub-section 78(5)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-section 78(6)  | Omit “Designated Authority”, substitute “Joint Authority”. |

**SCHEDULE 1**—continued

|  |  |
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| Provision | Amendment |
| Sub-paragraph 78(6)(a)(i) | Omit “he”, substitute “it”. |
| Sub-section 78(7)  | Omit “Designated Authority” (first and third occurring), substitute “Joint Authority”. |
| Sub-section 78(8)  | Omit “Designated Authority” (twice occurring), substitute “Joint Authority”. |
| Sub-section 78(9)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he”, substitute “the Designated Authority”. |
| Paragraph 81(2)(a)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-section 81(3)  | Insert “by the Joint Authority”, after “approval”. |
| Sub-section 81(6)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Sub-section 81(7)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he”, substitute “the Designated Authority”. |
| Sub-section 81(10)  | (a) Omit “Designated Authority”, substitute “Joint Authority”.(b) Omit “he”, substitute “the Designated Authority”. |
| Section 83  | Omit all words to and including “him”, substitute “The Joint Authority, the Designated Authority, and any person acting under the direction or authority of the Joint Authority or the Designated Authority, is not concerned with the effect in law of an instrument lodged”. |
| Sub-section 85(1)  | Insert “or by or on behalf of the Joint Authority” after “him”. |
| Section 89  | Omit “neither the Designated Authority nor a person acting under his direction or authority is”, substitute “the Joint Authority, a member of the Joint Authority, the designated Authority or a person acting under the direction or authority of the Joint Authority or the Designated Authority is not”. |
| Section 92  | Insert “or the Joint Authority”, after “the Designated Authority”. |
| Section 102  | (a) After sub-section (1) insert: “(1a) Where the direction was given by the Joint Authority, the Designated Authority shall not take action under sub-section (1) except with the approval of the Joint Authority.”.(b) Omit “the last preceding sub-section”, substitute “sub-section (1) of this section”. |
| Paragraph 103(1)(a)  | Omit “Designated Authority”, substitute “Joint Authority”. |
| Paragraph 103(1)(k)  | Insert “or the Joint Authority” after “Designated Authority”. |
| Sub-section 105(1)  | (a) Add “or the Joint Authority” at the end of paragraph (b).(b) Omit “Designated Authority” (second occurring), substitute “Joint Authority”. |
| Sub-section 105(2)  | (a) Omit “Designated Authority” (first occurring), substitute “Joint Authority”.(b) Omit “he” (first, second, third, fourth and sixth occurring), substitute “it”.(c) Omit from paragraph (a) “his”, substitute “its”.(d) Omit from paragraph (c) “the Designated Authority to consider”, substitute “to be considered”.(e) Omit from sub-paragraph (d)(ii) “to him”. |
| Sub-section 129(2)  | Omit “by the Designated Authority”. |
| Section 139  | Insert”, the Joint Authority”, after “the Designated Authority”. |

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**SCHEDULE 2** Section 62

AMENDMENTS RELATING TO MONETARY AMOUNTS

|  |  |
| --- | --- |
| Provision | Amendment |
| Paragraph 21(1)(f)  | Omit “One thousand dollars”, substitute “$3,000”. |
| Sub-section 21(5)  | Omit “Nine hundred dollars”, substitute “an amount equal to nine-tenths of the fee paid in accordance with sub-section (1)”. |
| Paragraph 24(1)(a)  | Omit “One thousand dollars”, substitute “$3,000”. |
| Paragraph 24(2)(a)  | Omit “Nine hundred dollars”, substitute “an amount equal to nine-tenths of the fee paid in accordance with sub-section (1)”. |
| Paragraph 30(2)(c)  | Omit “One hundred dollars”, substitute “$300”. |
| Paragraph 41(1)(e)  | Omit “Two hundred dollars”, substitute “$600”. |
| Paragraph 48(1)(a)  | Omit “One thousand dollars”, substitute “$3,000”. |
| Paragraph 48(2)(a)  | Omit “Nine hundred dollars”, substitute “an amount equal to nine-tenths of the fee paid in accordance with sub-section (1)”. |
| Paragraph 51(2)(e)  | Omit “One hundred dollars”, substitute “$300”. |
| Paragraph 54(2)(d)  | Omit “Two hundred dollars”, substitute “$600”. |
| Sub-section 57(1)  | Omit “One hundred thousand dollars”, substitute “$300,000”. |
| Paragraph 57(2)(a)  | Omit “One hundred thousand dollars”, substitute “$300,000”. |
| Paragraph 64(1)(f)  | Omit “One thousand dollars”, substitute “$3,000”. |
| Sub-section 65(12)  | Omit “Nine hundred dollars”, substitute “an amount equal to nine-tenths of the fee paid in accordance with paragraph (f) of sub-section (1) of section 64”. |
| Paragraph 68(2)(c)  | Omit “Two hundred dollars”, substitute “$600”. |
| Paragraph 71(2)(e)  | Omit “One hundred dollars”, substitute “$300”. |
| Sub-section 79(2)  | Omit “Ten dollars”, substitute “$30”. |
| Sub-section 86(1)  | Omit “Two dollars”, substitute “$6”. |
| Sub-section 87(2)  | Omit “Fifty cents”, substitute “$1.50”. |
| Sub-section 87(3)  | Omit “Five dollars”, substitute “$15”. |
| Sub-section 109(2)  | Omit “six per centum”, substitute “10 per centum”. |
| Sub-paragraph 111(1)(a)(i) | Omit “Five thousand dollars”, substitute “$15,000”. |
| Sub-paragraph 114(1)(a)(ii) | Omit “Fifty thousand dollars”, substitute “$150,000”. |
| Sub-paragraph 114(1)(a)(iii) | Omit “Twenty thousand dollars”, substitute “$60,000”. |
| Paragraph 118(2)(b)  | Omit “Five dollars”, substitute “$15”. |
| Paragraph 118(3)(b)  | Omit “Five dollars”, substitute “$15”. |
| Paragraph 118(5)(c)  | Omit “Five dollars”, substitute “$15”. |
| Paragraph 118(5)(d)  | Omit “Five dollars”, substitute “$15”. |
| Paragraph 144(3)(b)  | Omit “One hundred dollars”, substitute “$300”. |

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**SCHEDULE 3** Section 62

AMENDMENTS RELATING TO PENALTIES

|  |  |
| --- | --- |
| Provision | Amendment |
| Section 34  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Section 35  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Section 60  | Omit “Two thousand dollars for each day on which the offence occurs”, substitute “$50,000 or imprisonment for 5 years, or both”. |
| Sub-section 72(2)  | Omit “Two thousand dollars”, substitute “$50,000 or imprisonment for 5 years, or both”. |
| Sub-section 74(1)  | Omit “Two thousand dollars”, substitute “$50,000 or imprisonment for 5 years, or both”. |
| Sub-section 82 (1)  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Section 84  | Omit “One thousand dollars”, substitute “$5,000”. |
| Section 85  | Omit “One thousand dollars”, substitute “$5,000”. |
| Section 90  | Omit “Imprisonment for two years”, substitute “$5,000”. |
| Section 96  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Section 97  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Section 98  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Section 100  | Omit “Two thousand dollars for each day on which the offence occurs”, substitute “$10,000”. |
| Section 107  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Section 111  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Sub-section 112(10)  | Add “Penalty: $10,000”. |
| Sub-section 112(11)  | Add “Penalty: $5,000”. |
| Section 112  | Omit “Penalty: $2,000”. |
| Section 117  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Sub-section 119(3)  | Omit “not exceeding a fine of Ten thousand dollars”, substitute “of a fine not exceeding $100,000 or imprisonment for a term not exceeding 10 years, or both”. |
| Section 120  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Section 121  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Section 122  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Section 124  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Section 125  | Omit “Five hundred dollars”, substitute “$500”. |
| Section 126  | Omit “Two thousand dollars”, substitute “$5,000”. |
| Sub-section 131(3)  | Omit “Two thousand dollars”, substitute “$10,000”. |
| Sub-section 132(2)  | Omit “One thousand dollars”, substitute “$5,000”. |
| Paragraph 157(5)(a)  | Omit “Two thousand dollars”, substitute “$10,000”. |

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**SCHEDULE 4** Section 63(2)

SCHEME FOR TRANSITIONAL ARRANGEMENTS

**Interpretation**

1. (1) In this scheme—

“altered arrangements” means the arrangements agreed on between the Commonwealth, the States and the Northern Territory with respect to the exploration for, and the exploitation of, the petroleum resources of certain submerged lands in lieu of the arrangements provided for by the agreement between the Commonwealth and the States dated 16 October, 1967;

“commencing day” means the day on which the Commonwealth Act for giving effect to the altered arrangements comes into operation;

“Commonwealth Act” means the *Petroleum (Submerged Lands) Act* 1967 of the Commonwealth, as amended from time to time;

“Commonwealth jurisdiction” means the areas comprised in the adjacent areas under the Commonwealth Act, as amended to give effect to the altered arrangements;

“new permit” means a permit that is to be deemed, under clause 2 of this scheme, to be in force on and after the commencing day;

“new pipeline licence” means a pipeline licence that is to be deemed, under clause 4 of this scheme, to be in force on and after the commencing day;

“pipeline” includes pumping stations, tank stations or valve stations related to a pipeline;

“State Act” means the Act of a State corresponding to the *Petroleum (Submerged Lands) Act* 1967 of the Commonwealth, being that State Act as amended from time to time, or the Act of the Northern Territory enacted to give effect to the altered arrangements, as amended from time to time;

“State jurisdiction” in relation to a State, means the area comprised in the adjacent area under the State Act of that State, as amended to give effect to the altered arrangements;

“subsisting permit” means an exploration permit for petroleum subsisting under the Commonwealth Act immediately before the commencing day, being a permit in respect of an area that is partly in the Commonwealth jurisdiction and partly in a State jurisdiction;

“subsisting pipeline licence” means a pipeline licence subsisting under the Commonwealth Act immediately before the commencing day, being a pipeline licence in respect of a pipeline that is, or is to be, partly in the Commonwealth jurisdiction and partly in a State jurisdiction;

(2) References in this scheme to a State shall, unless the contrary intention appears, be read as including references to the Northern Territory.

**Subsisting permits to be deemed to be 2 permits**

2. (1) On and after the commencing day but subject to the law relating to surrender, cancellation, variation or suspension of permits, each subsisting permit shall be deemed to comprise 2 permits, being—

(a) a permit under the Commonwealth Act, in respect of the portion of the permit area that is within the Commonwealth jurisdiction, for the balance of the period of the subsisting permit but otherwise in the same terms as the subsisting permit; and

(b) a permit under the State Act, in respect of the portion of the permit area that is within the State jurisdiction of a State, for the balance of the period of the subsisting permit but otherwise in the same terms as the subsisting permit.

(2) .The carrying out of work or the expenditure of money by the permittee in or in relation to the permit area of either of the new permits (whether before or after the commencing day) is to be taken into account as performance to the extent of that work or expenditure of the conditions of both the new permits.

(3) For the purposes of any condition of a new permit relating to the carrying out of work or the expending of moneys by the permittee—

(a) a reference in that condition to a year of the permit shall be read as a reference to a year that was, or would have been, that year of the subsisting permit; and

(b) the new permits shall be deemed to have been in force during the whole of the year of the subsisting permit that is current on the commencing day.

**SCHEDULE 4**—continued

(4) A variation or suspension of, or an exemption from compliance with, any of the conditions of a new permit arising out of a subsisting permit shall not have effect unless the same variation, suspension or exemption is effected in respect of the other new permit arising out of the same subsisting permit.

(5) In a matter arising under a State Act in relation to a new permit, being a matter of a kind that, if it arose under the Commonwealth Act, would be a matter for decision by, or could be referred to, a Joint Authority established under the Commonwealth Act, the Designated Authority under the State Act shall not take action except after consultation with the Commonwealth Minister.

**Renewal of permits**

3. (1) A person who holds 2 new permits arising out of a subsisting permit may apply under the Commonwealth Act for renewal of the new permit under that Act and may apply under the State Act for renewal of the new permit under that Act, or may make either of such applications.

(2) If a person who was the holder of 2 new permits arising out of a subsisting permit has ceased to be the holder of one of those permits, he may apply under the Commonwealth Act or the State Act, whichever is appropriate, for renewal of the other new permit, and the relevant Act shall apply in relation to such an application as if the new permit had been a permit granted under that Act in respect of the blocks that are comprised in the new permit.

(3) Where the holder of 2 new permits arising out of a subsisting permit wishes to apply for renewal of either or both of the new permits, the blocks that were comprised in the subsisting permit that may be included, in whole or in part, in the application or applications shall be selected in accordance with the Commonwealth Act as if the new permits were one permit under the Commonwealth Act and the application or applications were an application under that Act for renewal of that permit.

(4) For the purposes of sub-clause (3) of this clause, the Designated Authority under the Commonwealth Act may exercise his powers under sub-sections (5) and (6) of section 31 of the Commonwealth Act.

(5) An application referred to in sub-clause (3) of this clause under the Commonwealth Act shall relate to the blocks selected in accordance with that sub-clause, and parts of those blocks, that are within the Commonwealth jurisdiction and an application referred to in that sub-clause under the State Act shall relate to the blocks so selected, and parts of those blocks, that are within the State jurisdiction.

(6) Subject to the foregoing provisions of this clause, an application under the Commonwealth Act made in accordance with this clause shall be dealt with under the Commonwealth Act and an application under the State Act made in accordance with this clause shall be dealt with under the State Act.

(7) For the purposes of the application, in accordance with this clause, of the provisions of the Commonwealth Act or of a State Act relating to the renewal of permits, a reference in those provisions to compliance with the conditions to which the permit is subject shall be read as including a reference to compliance with the conditions to which the subsisting permit was subject before the commencing day.

**Subsisting pipeline licences to be deemed to be 2 licences**

4. (1) On and after the commencing day but subject to the law relating to surrender, cancellation or variation of pipeline licences, each subsisting pipeline licence shall be deemed to comprise 2 pipeline licences, being—

(a) a pipeline licence under the Commonwealth Act, in respect of the portion of the pipeline that is, or is to be, within the Commonwealth jurisdiction, for the balance of the period of the subsisting pipeline licence but otherwise in the same terms as the subsisting pipeline licence, but so that those terms shall have effect only to the extent that they are applicable to or in relation to the portion of the pipeline that is, or is to be, within the Commonwealth jurisdiction; and

(b) a pipeline licence under the State Act, in respect of the portion of the pipeline that is, or is to be, within the State jurisdiction of a State, for the balance of the period of the subsisting pipeline licence but otherwise in the same terms as the subsisting pipeline licence, but so that those terms shall have effect only to the extent that they are applicable to or in relation to the portion of the pipeline that is, or is to be, within that State jurisdiction.

**SCHEDULE 4**—continued

(2) For the purposes of the application, in relation to a new pipeline licence, of the provisions of the Commonwealth Act or of a State Act relating to the renewal of pipeline licences, a reference in those provisions to compliance with the conditions to which the pipeline licence is subject shall be read as including a reference to compliance with the conditions to which the subsisting permit was subject before the commencing day.

**Transfer of permits and pipeline licences**

5. A transfer of a new permit arising out of a subsisting permit or of a new pipeline licence arising out of a subsisting pipeline licence shall not be made unless a transfer to the same transferee of the other new permit or new pipeline licence arising out of that subsisting permit or subsisting pipeline licence (if that other permit or licence is still in force) is made at the same time and neither of such transfers has effect before the other transfer has been approved in accordance with the Commonwealth Act, or the relevant State Act, as the case requires.

**Preservation of existing interests and rights**

6. All legal and equitable interests and rights that existed immediately before the commencing day in or in relation to a subsisting permit or subsisting pipeline licence, to the extent that those interests or rights were applicable in relation to the permit area of a new permit arising out of that subsisting permit, or to the portion of the pipeline to which a new pipeline licence arising out of that subsisting pipeline licence relates, shall be deemed to continue in or in relation to that new permit or new pipeline licence.

**Saving of approvals, etc.**

7. Every approval, consent or direction given before the commencing day under or in relation to a subsisting permit or subsisting pipeline licence has effect, on and after the commencing day, in relation to each new permit or new pipeline licence arising out of that subsisting permit or subsisting pipeline licence, as if it were a corresponding approval, consent or direction given under or in relation to that new permit or new pipeline licence.

**Existing register**

8. The Register kept and maintained by the Designated Authority for the purposes of the Commonwealth Act immediately before the commencing day shall continue to be the Register for the purposes of the Commonwealth Act and, except as provided in clause 9, shall cease on that day to be the Register for the purposes of a State Act.

**Registration of, and of instruments relating to, subsisting permits and pipeline licences**

9. (1) This clause applies to—

(a) every instrument being a subsisting permit or subsisting pipeline licence; and

(b) any instrument by which such a permit or licence has been transferred or by which a legal or equitable interest in or affecting such a permit or licence has or may have been created, assigned, affected or dealt with, being an instrument in respect of which an entry or notation has been made before the commencing day in the Register kept for purposes of the Commonwealth Act.

(2) On the commencing day, the Designated Authority under the Commonwealth Act shall forthwith make such entries in the Register referred to in sub-clause (1) and on copies of instruments to which this clause applies that are kept by him as he thinks appropriate to indicate that instruments to which this clause applies have effect subject to the provisions of this Scheme.

(3) For the purposes of a State Act but subject to sub-clause (4), the Commonwealth Register shall be deemed to be the State Register in relation to instruments to which this clause applies to the extent that they have effect under a State Act in accordance with this Scheme, transfers of interests under such instruments, and instruments by which legal or equitable interests in or affecting interests under such instruments are or may be created.

**SCHEDULE 4**—continued

(4) The Designated Authority under a State Act may, if he thinks fit to do so, make entries to the Register kept by him under the State Act, in accordance with the State Act, in respect of a subsisting permit or substituting pipeline licence that has effect, in accordance with this Scheme, under the law of the State, and if he does so—

(a) he shall make an appropriate entry of the kind referred to in sub-clause (2); and

(b) the Commonwealth Register shall cease to be deemed to be the State Register in relation to that permit or licence to the extent that it has effect under the State Act in accordance with this Scheme, or in relation to instruments of the kind referred to in sub-section (3) affecting that permit or licence as so having effect.”.

**Fees**

10. In the application in relation to, or to transactions in respect of, a new permit or new pipeline licence of the laws of the Commonwealth and of the States relating to fees—

(a) a reference to a year of the term of the permit or licence shall be read as a reference to a year that would have been a year of the term of the subsisting permit or subsisting pipeline licence commencing on or after the commencing day;

(b) fees in respect of a year of the term of the subsisting permit or subsisting pipeline licence that commenced before the commencing day and not paid before the commencing day shall be payable in accordance with the law that was in force immediately before that day; and

(c) a person is not liable to pay by way of such fees in respect of any year or transaction, a greater total amount than would have been payable if the subsisting permit or subsisting licence had continued in force and the whole of the permit area, or the whole of the pipeline, had been within the Commonwealt