

1998-1999-2000-2001

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*As read a third time*

**Petroleum (Submerged Lands)  
Legislation Amendment Bill 2001**

**No.     , 2001**

**A Bill for an Act to amend the *Petroleum  
(Submerged Lands) Act 1967*, and for other  
purposes**

ISBN: 0642 420920



---

## Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedule(s).....	2
<b>Schedule 1—Amendment of the Petroleum (Submerged Lands) Act 1967</b>		3
Part 1—Transfer of power to the Designated Authority		3
Part 2—Liability of officials etc.		7
Part 3—Removal of property by permittee etc.		9
Part 4—Datums		12
Part 5—Review of decisions		19
<b>Schedule 2—Amendment of the Petroleum (Submerged Lands) Fees Act 1994</b>		20
<b>Schedule 3—Amendment of the Primary Industries and Energy Legislation Amendment Act (No. 1) 1998</b>		21



1 This Bill originated in the House of  
2 Representatives; and, having this day passed,  
3 is now ready for presentation to the Senate  
4 for its concurrence.

5 B.C. WRIGHT  
6 *Acting Clerk of the House of Representatives*

7 House of Representatives  
8 3 April 2001  
9

10 **A Bill for an Act to amend the *Petroleum***  
11 ***(Submerged Lands) Act 1967, and for other***  
12 **purposes**

13 The Parliament of Australia enacts:

14 **1 Short title**

15 This Act may be cited as the *Petroleum (Submerged Lands)*  
16 *Legislation Amendment Act 2001*.

17 **2 Commencement**

- 18 (1) Subject to this section, this Act commences on the day on which it  
19 receives the Royal Assent.
- 20 (2) Part 1 of Schedule 1 commences on the 28th day after the day on  
21 which this Act receives the Royal Assent.

**Schedule 1** Amendment of the Petroleum (Submerged Lands) Act 1967

**Part 1** Transfer of power to the Designated Authority

---

1 (3) Part 3 of Schedule 1 is taken to have commenced on 7 March 2000,  
2 immediately after the commencement of the items in Schedule 1 to  
3 the *Petroleum (Submerged Lands) Legislation Amendment Act*  
4 (*No. 1*) 2000 that commenced on that day.

5 (4) Part 4 of Schedule 1 commences at the end of the period of 6  
6 months beginning on the day on which this Act receives the Royal  
7 Assent.

8 (5) Schedule 3 is taken to have commenced on 30 July 1998.

9 **3 Schedule(s)**

10 Subject to section 2, each Act that is specified in a Schedule to this  
11 Act is amended or repealed as set out in the applicable items in the  
12 Schedule concerned, and any other item in a Schedule to this Act  
13 has effect according to its terms.

1  
2 **Schedule 1—Amendment of the Petroleum**  
3 **(Submerged Lands) Act 1967**

4 **Part 1—Transfer of power to the Designated**  
5 **Authority**

6 **1 Subsection 22A(6)**

7 Omit “Joint Authority”, substitute “Designated Authority”.

8 **2 Paragraphs 22C(b) and (c)**

9 Omit “Joint Authority”, substitute “Designated Authority”.

10 **3 Subsections 36(6), (7), (8) and (9)**

11 Omit “Joint Authority” (wherever occurring), substitute “Designated  
12 Authority”.

13 **4 Section 37**

14 Omit “Joint Authority” (wherever occurring), substitute “Designated  
15 Authority”.

16 **5 Paragraph 38E(1)(a)**

17 Omit “Joint Authority”, substitute “Designated Authority”.

18 **6 Paragraph 38H(3)(b)**

19 Omit “Joint Authority” (wherever occurring), substitute “Designated  
20 Authority”.

21 **7 Subsection 38H(4)**

22 Omit “Joint Authority”, substitute “Designated Authority”.

23 **8 Paragraph 39A(5)(b)**

24 Omit “Joint Authority”, substitute “Designated Authority”.

25 **9 Paragraph 40(4)(b)**

26 Omit “Joint Authority”, substitute “Designated Authority”.

27 **10 Subsection 78(1)**

1 Omit “Joint Authority”, substitute “Designated Authority”.

2 **11 Subsection 78(2)**

3 Omit “by the Joint Authority”.

4 **12 Subsections 78(4), (6), (7), (9) and (11)**

5 Omit “Joint Authority” (wherever occurring), substitute “Designated  
6 Authority”.

7 **13 Subsections 81(2), (3), (5) and (6)**

8 Omit “Joint Authority” (wherever occurring), substitute “Designated  
9 Authority”.

10 **14 Subsections 81(10), (11), (12) and (14)**

11 Omit “Joint Authority” (wherever occurring), substitute “Designated  
12 Authority”.

13 **15 Subsection 81A(1)**

14 Omit “Joint Authority” (wherever occurring), substitute “Designated  
15 Authority”.

16 **16 Subsection 84(1A)**

17 Omit “by the Joint Authority”.

18 **17 Subsection 85(1)**

19 Omit “him or make available for inspection by him or by or on behalf  
20 of the Joint Authority”, substitute “the Designated Authority or make  
21 available for inspection by or on behalf of the Designated Authority”.

22 **18 Section 92**

23 Omit “or the Joint Authority”.

24 **19 Transitional—acts of the Joint Authority to be attributed to**  
25 **the Designated Authority**

- 26 (1) This item applies to any thing done by, or in relation to, the Joint  
27 Authority under any of the following provisions of the *Petroleum*  
28 (*Submerged Lands*) Act 1967 before the commencement of this item:  
29 (a) subsection 22A(6);



- 1 (b) subsections 36(6) to (9) (inclusive);  
2 (c) section 37;  
3 (d) paragraph 38H(3)(b);  
4 (e) subsection 38H(4);  
5 (f) paragraph 39A(5)(b);  
6 (g) paragraph 40(4)(b);  
7 (h) section 78;  
8 (i) section 81;  
9 (j) subsection 81A(1);  
10 (k) subsection 85(1).
- 11 (2) The thing has effect, after the commencement of this item, as if it had  
12 been done by, or in relation to, the Designated Authority.

13 **20 Transitional—references in instruments to the Joint**  
14 **Authority become references to the Designated**  
15 **Authority**

- 16 (1) For the purposes of this item, an *eligible instrument* is an instrument  
17 that:  
18 (a) was in force immediately before the commencement of this  
19 item; and  
20 (b) contains a reference to the Joint Authority; and  
21 (c) arises out of, or is connected with, anything done by, or in  
22 relation to, the Joint Authority under any of the following  
23 provisions of the *Petroleum (Submerged Lands) Act 1967*  
24 before the commencement of this item:  
25 (i) subsection 22A(6);  
26 (ii) subsections 36(6) to (9) (inclusive);  
27 (iii) section 37;  
28 (iv) paragraph 38H(3)(b);  
29 (v) subsection 38H(4);  
30 (vi) paragraph 39A(5)(b);  
31 (vii) paragraph 40(4)(b);  
32 (viii) section 78;  
33 (ix) section 81;  
34 (x) subsection 81A(1);  
35 (xi) subsection 85(1).

**Schedule 1** Amendment of the Petroleum (Submerged Lands) Act 1967

**Part 1** Transfer of power to the Designated Authority

---

1 (2) The Minister may, by writing, declare that a specified eligible  
2 instrument has effect, after the commencement of this item, as if each  
3 reference in the instrument to the Joint Authority were a reference to the  
4 Designated Authority.

5 Note: An instrument may be specified by name, by inclusion in a specified class or in any  
6 other way.

7 (3) A declaration under subitem (2) has effect accordingly.

8 (4) In this item:  
9 *instrument* includes a document.

10 **21 Transitional—regulations**

11 The Governor-General may make regulations providing for matters of a  
12 transitional nature arising from the amendments made by this Part.

1

2 **Part 2—Liability of officials etc.**

3 **22 Section 89**

4 Repeal the section.

5 **23 Subsection 140AA(2)**

6 Omit “approval given in good faith under”, substitute “act or matter in  
7 good faith done or omitted to be done in the exercise, or purported  
8 exercise, of any power or authority conferred by”.

9 Note: The heading to section 140AA is altered by omitting “**approvals given**” and  
10 substituting “**acts or matters done or omitted to be done**”.

11 **24 At the end of section 140AA**

12 Add:

13 (4) This section has effect subject to section 88.

14 (5) This section does not affect:

15 (a) any rights conferred on a person by the *Administrative*  
16 *Decisions (Judicial Review) Act 1977* to make an application  
17 to a court in respect of:

18 (i) a decision; or

19 (ii) conduct engaged in for the purpose of making a  
20 decision; or

21 (iii) a failure to make a decision; or

22 (b) any other rights that a person has to seek a review by a court  
23 or tribunal in respect of:

24 (i) a decision; or

25 (ii) conduct engaged in for the purpose of making a  
26 decision; or

27 (iii) a failure to make a decision.

28 (6) An expression used in subsection (5) has the same meaning as in  
29 section 10 of the *Administrative Decisions (Judicial Review) Act*  
30 *1977*.

31 **25 Application of amendments**

---

**Schedule 1** Amendment of the Petroleum (Submerged Lands) Act 1967

**Part 2** Liability of officials etc.

---

- 1           The amendments made by this Part apply to acts or matters done or  
2           omitted to be done after the commencement of this item.

1

2 **Part 3—Removal of property by permittee etc.**

3 **26 Subsections 107(1) and (1A)**

4 Repeal the subsections, substitute:

5 (1) If:

6 (a) a permit has been wholly or partly determined or wholly or  
7 partly cancelled, or has expired; or

8 (b) a lease has been wholly or partly determined or wholly  
9 cancelled, or has expired; or

10 (c) a licence has been wholly or partly determined or wholly or  
11 partly cancelled, has been terminated or has expired; or

12 (d) an infrastructure licence has been cancelled or has been  
13 terminated; or

14 (e) a pipeline licence has been wholly or partly determined or  
15 wholly or partly cancelled, or has been terminated;

16 the Designated Authority may, by written notice served on the  
17 person who was, or is, as the case may be, the permittee, licensee,  
18 lessee, infrastructure licensee or pipeline licensee, direct the person  
19 to do any one or more of the following:

20 (f) to remove or cause to be removed from the relinquished area  
21 all property brought into the area by any person engaged or  
22 concerned in the operations authorised by the permit, lease,  
23 licence, infrastructure licence or pipeline licence or to make  
24 arrangements that are satisfactory to the Designated  
25 Authority with respect to the property;

26 (g) to plug or close off, to the satisfaction of the Designated  
27 Authority, all wells made in that area by any person engaged  
28 or concerned in those operations;

29 (h) subject to this Part and to the regulations, to make provision,  
30 to the satisfaction of the Designated Authority, for the  
31 conservation and protection of the natural resources in that  
32 area;

33 (i) to make good, to the satisfaction of the Designated Authority,  
34 any damage to the sea-bed or subsoil in that area caused by  
35 any person engaged or concerned in those operations.

36 **27 Paragraph 107(3)(b)**

---

- 1 Repeal the paragraph, substitute:  
2 (b) in the case of a direction given under subsection (2) in  
3 respect of:  
4 (i) a permit; or  
5 (ii) a lease; or  
6 (iii) a licence granted before the commencement of  
7 subsection 53(2) that has not been renewed more than  
8 once;  
9 on or before the date of expiration of the permit, lease or  
10 licence; or  
11 (c) in the case of a direction given under subsection (2) in  
12 respect of:  
13 (i) a licence (other than a licence to which paragraph (b)  
14 applies); or  
15 (ii) an infrastructure licence; or  
16 (iii) a pipeline licence;  
17 on or before the first date on which the licence, infrastructure  
18 licence or pipeline licence can be terminated under this Part.

19 **28 Transitional—section 107 of the *Petroleum (Submerged***  
20 ***Lands) Act 1967***

- 21 (1) This item applies if the Designated Authority purported to give a notice  
22 under subsection 107(1A) of the *Petroleum (Submerged Lands) Act*  
23 *1967* during the period:  
24 (a) beginning at the commencement of this item; and  
25 (b) ending immediately before the day on which this Act  
26 received the Royal Assent.
- 27 (2) The *Petroleum (Submerged Lands) Act 1967* has effect, after the  
28 commencement of this item, as if the notice had been given under  
29 subsection 107(1) of that Act as amended by this Part.

30 **28A Transitional—acts or omissions that happen before**  
31 **Royal Assent**

- 32 (1) For the purposes of this item, the *transitional period* is the period:  
33 (a) beginning at the commencement of this item; and  
34 (b) ending immediately before the day on which this Act  
35 received the Royal Assent.

- 1 (2) This Part does not have the effect of making a person liable to  
2 prosecution for an offence constituted by an act or omission that  
3 happens during the transitional period.
- 4 (3) Paragraph 108(2)(b) of the *Petroleum (Submerged Lands) Act 1967*  
5 does not apply to a failure to remove property during the transitional  
6 period in accordance with a direction under section 107 of that Act.
- 7 (4) Paragraphs 113(2)(b) and (3)(b) of the *Petroleum (Submerged Lands)*  
8 *Act 1967* do not apply in relation to the doing of any thing required to  
9 be done during the transitional period by a direction under section 107  
10 of that Act.

1

## 2 **Part 4—Datums**

2

### 3 **29 Subsection 5(1)**

3

4 Insert:

4

5 *datum* means a reference frame for defining geographic  
6 co-ordinates.

5

6

7 Note: If the position on the surface of the Earth of a particular point is  
8 identified by a co-ordinate that is determined by reference to a  
9 particular datum, the use of a different datum will result in the same  
10 point being identified by a different co-ordinate.

7

8

9

10

### 11 **30 Subsection 5(1)**

11

12 Insert:

12

13 *geographic co-ordinate* includes:

13

14 (a) a meridian of longitude by itself; and

14

15 (b) a parallel of latitude by itself.

15

### 16 **31 At the end of subsection 5A(7)**

16

17 Add:

17

18 Note: For datum, see section 150M.

18

### 19 **32 At the end of section 17**

19

20 Add:

20

21 Note: For datum, see section 150M.

21

### 22 **33 After Part IIIA**

22

23 Insert:

23

## 24 **Part IIIB—Datums**

24

### 25 **Division 1—Points etc. to be ascertained by reference to** 26 **certain datums**

25

26

#### 27 **150L Objects**

27

28 The main objects of this Division are:

28



- 1 (a) to maintain the use of the Australian Geodetic Datum to  
2 determine the position of blocks and certain other areas; and  
3 (b) to enable the position of a point, line, block or other area to  
4 be described, in a title or other instrument under this Act,  
5 using another datum (but not so as to change the position of a  
6 point, line, block or area).

7 **150M Australian Geodetic Datum**

- 8 (1) For the purposes of this Act, the position on the surface of the  
9 Earth of:  
10 (a) a graticular section or block; or  
11 (b) a parallel of latitude described in subsection 5A(7); or  
12 (c) an area described in Schedule 2; or  
13 (d) an area described in Schedule 6;  
14 is to be determined by reference to the Australian Geodetic Datum.  
15 Note: *Australian Geodetic Datum* is defined in section 150W.
- 16 (2) Subject to subsection (3), subsection (1) does not apply for the  
17 purposes of describing, in a title or other instrument under this Act,  
18 the position on the surface of the Earth of a point, line or area.
- 19 (3) Until a declaration under subsection 150N(1) takes effect, the  
20 Australian Geodetic Datum applies for the purposes of describing,  
21 in a title or other instrument under this Act, the position on the  
22 surface of the Earth of a point, line or area.

23 **150N Current datum, previous datum and changeover time**

- 24 (1) The regulations may declare that, for the purposes of describing, in  
25 a title or other instrument under this Act, the position on the  
26 surface of the Earth of a point, line or area:  
27 (a) a specified datum is the *current datum*; and  
28 (b) that datum replaces the previous datum.
- 29 (2) The *previous datum* is:  
30 (a) if a datum is the first datum declared to be the current datum  
31 under subsection (1)—the Australian Geodetic Datum; or  
32 (b) in any other case—the datum that was the current datum  
33 immediately before the changeover time.

1                   (3) The *changeover time* is the time when the declaration takes effect.

2                   **150P Use of current datum**

3                   For the purposes of this Act, the position on the surface of the  
4                   Earth of the following:

- 5                   (a) the permit area of a permit granted or renewed after the  
6                   changeover time;
- 7                   (b) the lease area of a lease granted or renewed after the  
8                   changeover time;
- 9                   (c) the licence area of a licence granted or renewed after the  
10                  changeover time;
- 11                  (d) the infrastructure licence area of an infrastructure licence  
12                  granted after the changeover time;
- 13                  (e) the area in respect of which a special prospecting authority  
14                  granted after the changeover time is in force;
- 15                  (f) the area in respect of which an access authority granted after  
16                  the changeover time is in force;
- 17                  (g) the route of a pipeline authorised by a pipeline licence  
18                  granted after the changeover time;
- 19                  (h) a point, line or area set out in any other instrument under this  
20                  Act made after the changeover time;

21                  is to be described by reference to the current datum, and the title or  
22                  instrument may be annotated accordingly.

23                  **150Q Use of previous datum**

24                  (1) For the purposes of this Act, the position on the surface of the  
25                  Earth of the following:

- 26                  (a) the permit area of a permit in force immediately before the  
27                  changeover time;
- 28                  (b) the lease area of a lease in force immediately before the  
29                  changeover time;
- 30                  (c) the licence area of a licence in force immediately before the  
31                  changeover time;
- 32                  (d) the infrastructure licence area of an infrastructure licence in  
33                  force immediately before the changeover time;
- 34                  (e) the area in respect of which a special prospecting authority in  
35                  force immediately before the changeover time is in force;

- 1 (f) the area in respect of which an access authority in force  
2 immediately before the changeover time is in force;  
3 (g) the route of a pipeline authorised by a pipeline licence in  
4 force immediately before the changeover time;  
5 (h) a point, line or area set out in any other instrument under this  
6 Act in force immediately before the changeover time;  
7 is to be described by reference to the previous datum.
- 8 (2) Subsection (1) has effect subject to section 150R.

9 **150R Variation of titles etc.**

- 10 (1) The regulations may authorise the Designated Authority to issue an  
11 instrument varying a permit in force immediately before the  
12 changeover time for the sole purpose of relabelling the permit area  
13 using geographic co-ordinates based on the current datum.
- 14 (2) The regulations may authorise the Designated Authority to issue an  
15 instrument varying a lease in force immediately before the  
16 changeover time for the sole purpose of relabelling the lease area  
17 using geographic co-ordinates based on the current datum.
- 18 (3) The regulations may authorise the Designated Authority to issue an  
19 instrument varying a licence in force immediately before the  
20 changeover time for the sole purpose of relabelling the licence area  
21 using geographic co-ordinates based on the current datum.
- 22 (4) The regulations may authorise the Designated Authority to issue an  
23 instrument varying an infrastructure licence in force immediately  
24 before the changeover time for the sole purpose of relabelling the  
25 infrastructure licence area using geographic co-ordinates based on  
26 the current datum.
- 27 (5) The regulations may authorise the Designated Authority to issue a  
28 special prospecting authority or an access  
29 authority in force immediately before the changeover time for the  
30 sole purpose of relabelling the area in respect of which the  
31 authority is in force using geographic co-ordinates based on the  
32 current datum.
- 33 (6) The regulations may authorise the Designated Authority to issue an  
34 instrument varying a pipeline licence in force immediately before

1 the changeover time for the sole purpose of relabelling the route of  
2 the pipeline using geographic co-ordinates based on the current  
3 datum.

4 (7) The regulations may authorise the Designated Authority to issue an  
5 instrument varying any other instrument under this Act that:

6 (a) sets out a point, line or area; and

7 (b) is in force immediately before the changeover time;

8 for the sole purpose of relabelling the point, line or area using  
9 geographic co-ordinates based on the current datum.

10 (8) The regulations may authorise the Designated Authority to issue an  
11 instrument varying a title or other instrument under this Act for the  
12 sole purpose of inserting an annotation about the applicable datum.

### 13 **150S Variation of applications for titles**

14 The regulations may authorise the Designated Authority to issue an  
15 instrument varying an application for a title for the sole purpose of  
16 relabelling a point, line or area by reference to geographic  
17 co-ordinates based on the current datum.

### 18 **150T No change to actual position of point, line or area**

19 This Division does not authorise any change to the position on the  
20 surface of the Earth of a point, line or area.

### 21 **150U Transitional regulations**

22 The regulations may make provision for matters of a transitional  
23 nature arising from the change from the previous datum to the  
24 current datum.

### 25 **150V Division has effect subject to section 150X**

26 This Division has effect subject to section 150X.

27 Note: Section 150X deals with International Sea-bed Agreements.

### 28 **150W Definitions**

29 In this Division:

---

1 *Australian Geodetic Datum* means the Australian Geodetic Datum  
2 as defined in *Gazette* No. 84 of 6 October 1966.

3 *instrument under this Act* does not include the regulations.

4 *this Act* includes the regulations.

5 *title* means a permit, lease, licence, infrastructure licence, pipeline  
6 licence, special prospecting authority or access authority.

7 **Division 2—Certain points etc. specified in an**  
8 **International Sea-bed Agreement to be**  
9 **ascertained by other means**

10 **150X Certain points etc. specified in an International Sea-bed**  
11 **Agreement to be ascertained by other means**

12 (1) In this section:

13 *International Sea-bed Agreement* means:

- 14 (a) the Agreement between Australia and Indonesia establishing  
15 certain sea-bed boundaries signed at Canberra on 18th May,  
16 1971; or  
17 (b) the Agreement between Australia and Indonesia establishing  
18 certain sea-bed boundaries in the area of the Timor and  
19 Arafura Seas supplementary to the Agreement referred to in  
20 paragraph (a) and signed at Jakarta on 9 October, 1972; or  
21 (c) the Agreement between Australia and Indonesia concerning  
22 certain boundaries between Papua New Guinea and  
23 Indonesia signed at Jakarta on 12 February, 1973; or  
24 (d) the Treaty between Australia and the Independent State of  
25 Papua New Guinea concerning sovereignty and maritime  
26 boundaries in the area between the 2 countries, including the  
27 area known as the Torres Strait, and related matters that was  
28 signed at Sydney on 18 December 1978.

29 (2) If, for the purposes of this Act or the regulations, or for the  
30 purposes of an instrument under this Act or the regulations, it is  
31 necessary to determine the position on the surface of the Earth of a  
32 point or line specified in an International Sea-bed Agreement, or of  
33 a point on, or part of, such a line, that position must be determined

1                           in accordance with that Agreement or, if that Agreement is varied,  
2                           in accordance with that Agreement as varied for the time being.

3           **34 Sections 156 and 156A**

4                           Repeal the sections.

5           **35 Schedule 2**

6                           Omit “Section 5”, substitute “Section 5A (for datum, see  
7                           section 150M)”.

8           **36 Schedule 6**

9                           Omit “Section 140A”, substitute “Section 140A (for datum, see  
10                           section 150M)”.

1

2 **Part 5—Review of decisions**

3 **37 Subsection 152(1) (definition of *relevant decision*)**

4 After “this Act”, insert “or the regulations”.

5 **38 Subsection 152(1) (paragraph (a) of the definition of**  
6 ***reviewable decision*)**

7 After “this Act”, insert “or the regulations”.

8 **39 Application of amendments**

9 The amendments made by this Part apply to decisions made after the  
10 commencement of this item.

1  
2  
3  
4

## **Schedule 2—Amendment of the Petroleum (Submerged Lands) Fees Act 1994**

5  
6  
7  
8

### **1 Paragraph 4(2)(b)**

After “is to be”, insert “specified in, or”.

### **2 Paragraph 4(2)(b)**

Omit “with”, substitute “with,”.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

---

**Schedule 3—Amendment of the Primary  
Industries and Energy Legislation  
Amendment Act (No. 1) 1998**

**1 Paragraph 47(1)(a) of Schedule 1**

Omit “items 39A to 39G”, substitute “items 40 to 46”.

(189/00)