

NORTHERN TERRITORY OF AUSTRALIA

PETROLEUM (SUBMERGED LANDS) REGULATIONS

As in force at 1 July 2013

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2013

PETROLEUM (SUBMERGED LANDS) REGULATIONS

Regulations under the *Petroleum (Submerged Lands) Act*

1 Citation

These Regulations may be cited as the *Petroleum (Submerged Lands) Regulations*.

2 Form of instrument of transfer

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

3 Prescribed fees

For the purposes of each section of the Act specified in Column 1 of Schedule 2, the fee specified opposite in Column 2 is prescribed.

4 Instrument under section 81(4)(b) of Act

- (1) For the purposes of section 81(4)(b) of the Act, the following particulars are prescribed:
 - (a) the description and date of execution of the instrument evidencing the dealing referred to in section 81(4)(a) of the Act;
 - (b) details of the title (including the type and number of the title) to which the dealing relates;
 - (c) the full name and business address of each party to the dealing;
 - (d) details of the effect or effects, upon registration, of the dealing specified in terms of the relevant paragraph or paragraphs of section 81(1) of the Act;
 - (e) details of the interest or interests in the title of all parties to the dealing:
 - (i) before the registration of the dealing; and

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- (ii) in the event of approval of the dealing, after the registration of the dealing;
 - (f) in the case of a dealing to which section 92(5)(a) of the Act applies – the value of the consideration;
 - (g) in the case of a dealing relating to an interest in a licence or pipeline licence to which section 92(5)(b) of the Act applies – the value of the interest;
 - (h) whether or not the parties to the dealing have made or propose to make an application for the purposes of section 92(7) of the Act;
 - (j) in respect of any related dealing in relation to which an entry has been made in the Register or an application in writing for approval by the Minister has been lodged (whether before or after the commencement of the *Petroleum (Submerged Lands) Amendment Act 1989*):
 - (i) the description and date of execution of the instrument evidencing the dealing;
 - (ii) the date of approval by the Minister or Designated Authority (if appropriate); and
 - (iii) the registration number (if any).
- (2) In subregulation (1), **related dealing** means a dealing executed before the execution of the instrument evidencing the dealing referred to in subregulation (1)(a), by some or all of the parties to that instrument:
- (a) that affects the title which is the subject of the dealing to which the instrument referred to in subregulation (1)(a) relates; and
 - (b) that:
 - (i) creates or assigns an option to enter into the dealing referred to in subregulation (1)(a);
 - (ii) creates or assigns a right to enter into the dealing referred to in subregulation (1)(a); or
 - (iii) is altered or terminated by the dealing referred to in subregulation (1)(a),

and includes a transaction in respect of which an instrument was registered under section 81 of the Act before 3 September 1986.

5 Fees

- (1) For the purposes of section 86(1) of the Act, the fee payable is 19 revenue units.
- (2) For the purposes of section 87(2) of the Act, the fee is to be calculated at the rate of \$5.75 per page.
- (3) For the purposes of section 87(3) of the Act, the fee payable is 28 revenue units.

6 Amount of security

For the purposes of section 114(1)(a) of the Act, the prescribed amount of a security is:

- (a) in the case of a security referred to in Division 2 or 2A of Part II of the Act – \$30 000;
- (b) in the case of a security referred to in Division 3 of Part II of the Act – \$300 000; and
- (c) in the case of a security referred to in Division 4 of Part II of the Act – \$120 000.

7 Fees

- (1) For the purposes of section 118(1A)(b), (2)(b), (5)(c) and (5A)(b) of the Act, the fee payable is an amount equal to the sum of the following amounts:
 - (a) where the information requested is contained in a document and that document is lent to the person who made the request – an amount calculated at the rate of 35 revenue units per day or part of a day during which the document containing the information is on loan to that person;
 - (b) where the information requested is contained in a document and that document is not readily available and a search is necessary to locate the information – an amount calculated at the rate of 35 revenue units per hour or part of an hour after the first half-hour for the time taken to locate the information;
 - (c) where any information referred to in paragraphs (a) or (b) is, on the application of the person making the request:
 - (i) copied or reproduced; or
 - (ii) forwarded or consigned to that person,

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

- (2) For the purposes of section 118(3) and (5)(d) of the Act, the fee payable is an amount equal to the sum of the following amounts:
- (a) where the core, cutting or sample is lent to the person who made the request – an amount calculated at the rate of 35 revenue units per day or part of a day during which the core, cutting or sample is on loan to that person;
 - (b) where the core, cutting or sample is not readily available and a search is necessary to locate the core, cutting or sample – an amount calculated at the rate of 35 revenue units per hour or part of an hour after the first half-hour for the time taken to locate the core, cutting or sample;
 - (c) where the core, cutting or sample is, on the application of the person making the request, forwarded or consigned to that person – an amount equal to all costs incurred in the forwarding or consignment, including the costs of packaging where applicable.

8 Exploration permit fees

For the purposes of section 138(1)(a) of the Act, the fee payable is:

- (a) \$1 500; or
- (b) an amount calculated at a rate of \$84 for each block to which the permit relates at the commencement of the year,

whichever is the greater.

9 Retention lease fees

For the purposes of section 138(1)(b) of the Act, the fee payable shall be calculated at the rate of \$12 075 for each block to which the lease relates at the commencement of the year.

10 Production licence fees

For the purposes of section 138(1)(c) of the Act, the fee payable is \$18 000 for each block to which the licence relates at the commencement of the year.

11 Pipeline licence fees

For the purposes of section 138(1)(d) of the Act, the fee payable is to be calculated at the rate of \$120 per kilometre or part of a kilometre of the length of the pipeline as at the commencement of the year.

12 Fee increase to cover GST

- (1) If an annual fee prescribed by regulation 8, 9, 10 or 11 is payable in respect of a period any of which is after 30 June 2000, the amount of the fee payable in respect of the period after 30 June 2000 is increased by the amount of the GST component.
- (2) Despite that the fee in respect of a period after 30 June 2000 may have been paid, the additional amount of the GST component may be separately charged and is payable by the permittee, licensee or lessee (as the case may be) within one month after the date the charge is made.
- (3) The GST component of a fee in respect of a period after 30 June 2000 is to be calculated in accordance with the formula:

$$\text{GST component} = (\text{AF}/10) \times (\text{GST period}/366)$$

where:

AF is the relevant annual fee prescribed; and

GST period is the number of days that are in the period after 30 June 2000.

- (4) In this regulation **GST** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

Schedule 1

NORTHERN TERRITORY OF AUSTRALIA

Petroleum (Submerged Lands) Act

TRANSFER OF TITLE UNDER SECTION 78

I/We⁽¹⁾⁽²⁾

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

in consideration of⁽⁴⁾

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

to⁽⁵⁾

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

(6)

(7)

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

Schedule 2 Prescribed fees

regulation 3

Column 1 Section	Column 2 Fee (revenue units)
Section 21(1)(f)	4 285
Section 24(1)(a)	4 285
Section 30(2)(c)	1 428
Section 38A(2)(e)	1 428
Section 38F(2)(d)	1 428
Section 41(1)(e)	1 428
Section 48(1)(a)	4 714
Section 51(2)(e)	857
Section 54(2)(d)	1 428
Section 64(1)(f)	4 285
Section 71(2)(e)	857
Section 79(2)	85
Section 79(3)(b)	85
Section 92(2)	857
Section 92(3)	857
Section 92(4)	4 285
Section 92(6)	857
Section 92(7)	4 285
Section 111(2)(d)	857

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
<i>Gaz</i> = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Petroleum (Submerged Lands) Regulations (SL No. 3, 1987)

Notified	11 February 1987
Commenced	11 February 1987

Amendment to the Petroleum (Submerged Lands) Regulations (SL No. 69, 1991)

Notified	18 December 1991
Commenced	18 December 1991 (r 1, s 2 <i>Petroleum (Submerged Lands) Amendment Act 1991</i> (Act No. 51, 1991) and <i>Gaz</i> G50, 18 December 1991, p 3)

Amendments of Petroleum (Submerged Lands) Regulations (SL No. 41, 1995)

Notified	19 December 1995
Commenced	19 December 1995 (r 1, s 2 <i>Petroleum (Submerged Lands) Amendment Act 1995</i> (Act No. 40, 1995) and <i>Gaz</i> S43, 19 December 1995)

Amendment of Petroleum (Submerged Lands) Regulations (SL No. 36, 2000)

Notified	30 June 2000
Commenced	30 June 2000

Petroleum (Submerged Lands) Amendment (Fees) Regulations 2013 (SL No. 14, 2013)

Notified	29 May 2013
Commenced	1 July 2013 (r 2)

3 LIST OF AMENDMENTS

rr 3 – 4	ins No. 69, 1991, r 2
rr 5 – 7	ins No. 69, 1991, r 2 amd No. 14, 2013, r 5
r 8	ins No. 69, 1991, r 2 amd No. 41, 1995, r 2; No. 14, 2013, r 5
r 9	ins No. 69, 1991, r 2 amd No. 41, 1995, r 3 No. 14, 2013, r 5
r 10	ins No. 69, 1991, r 2 amd No. 41, 1995, r 4 No. 14, 2013, r 5
r 11	ins No. 69, 1991, r 2 amd No. 41, 1995, r 5 No. 14, 2013, r 5
r 12	ins No. 36, 2000
sch 1	amd No. 69, 1991, r 3
sch 2	ins No. 69, 1991, r 4 sub No. 14, 2013, r 4