

LEGISLATIVE ASSEMBLY

Petroleum (Onshore) Amendment Bill 2013

First print

Proposed amendments

No. 1 Page 4, Schedule 1. Insert after line 11:

[5] Section 45F Access arrangement required for prospecting operations under low-impact prospecting titles

Omit “, or that is determined for them by an arbitrator in accordance with that Part” from section 45F (2) (a).

[6] Sections 69B, 69D (2), 69E (4) and 69F–69S

Omit the sections and subsections.

[7] Section 69C Prospecting to be carried out with consent and in accordance with access arrangement

Omit section 69C (1). Insert instead:

(1) The holder of a prospecting title must not carry out prospecting operations on any particular area of land without the consent of each landholder of that area of land.

(1A) The holder of a prospecting title must not carry out prospecting operations on any particular area of land except in accordance with an access arrangement or arrangements applying to that area of land agreed (in writing) between the holder of the prospecting title and each landholder of that area of land.

[8] Section 69C (2)

Omit “or determined”.

No. 2 Page 4, Schedule 1. Insert after line 13:

[6] Section 69D (4)

Omit the subsection. Insert instead:

(4) If the holder of a prospecting title contravenes an access arrangement, a landholder of the land concerned may deny the holder access to the land

until the holder ceases the contravention or the contravention is remedied to the reasonable satisfaction of the landholder.

No. 3 Page 4, Schedule 1 [6], lines 24–26. Omit “The amount is not to cover costs for any legal services in connection with arbitration relating to the access arrangement.”.

No. 4 Page 4, Schedule 1 [6], lines 27–33. Omit all words on those lines.

No. 5 Page 5, Schedule 1. Insert after line 19:

[7] Section 69T Variation of access arrangements

Omit section 69T (2). Insert instead:

- (2) An access arrangement may also be varied by the agreement of the parties to the arrangement.

[8] Section 69U Change in landholders

Omit “or determined” wherever occurring in section 69U (2), (3), (4) and (6).

[9] Section 69U (5)

Omit the subsection. Insert instead:

- (5) If the new landholder objects to the access arrangement within 28 days after being given a copy of the arrangement, the access arrangement ceases to apply to the new landholder unless the new landholder agrees to an access arrangement with the holder of the prospecting title concerned in accordance with this Part.

No. 6 Page 51, Schedule 1. Insert after line 13:

[19] Section 136 Other offences

Insert after section 136 (3):

- (4) Subsection (3) (a) does not apply in respect of anything done by a landholder or any other person in relation to a person prospecting on the landholder’s land if there is no access arrangement in force for the carrying out of the prospecting operations on the land.

No. 7 Page 51, Schedule 1. Insert before line 14:

[19] Section 138 Regulations

Omit section 138 (1) (q).

No. 8 Page 51, Schedule 1 [19]. Insert after line 28:

Application of amendments to existing access arrangements determined by arbitrator

The amendments made by the *Petroleum (Onshore) Amendment Act 2013* to the provisions of this Act about access arrangements do not apply to prospecting operations in relation to which an access arrangement determined by an arbitrator was in force immediately before the commencement of that amending Act.

No. 9 Page 53, Schedule 2.3. Insert after line 33:

[2] Section 32F Access arrangement required for prospecting operations under low-impact licences

Omit “, or that is determined for them by an arbitrator in accordance with that Division” from section 32F (2) (a).

No. 10 Page 54, Schedule 2.3. Insert after line 4:

[3] Sections 139, 141 (2), 142 (4), 143–156, 263 (4), 264 (4) and 276 (3)

Omit the sections and subsections.

[4] Section 140 Prospecting to be carried out with consent and in accordance with access arrangement

Omit section 140 (1). Insert instead:

- (1) The holder of a prospecting title must not carry out prospecting operations on any particular area of land without the consent of each landholder of that area of land.
- (1A) The holder of a prospecting title must not carry out prospecting operations on any particular area of land except in accordance with an access arrangement or arrangements applying to that area of land agreed (in writing) between the holder of the prospecting title and each landholder of that area of land.

[5] Section 140 (2)

Omit “or determined”.

No. 11 Page 54, Schedule 2.3. Insert after line 6:

[4] Section 141 (4)

Omit the subsection. Insert instead:

- (4) If the holder of a prospecting title contravenes an access arrangement, a landholder of the land concerned may deny the holder access to the land until the holder ceases the contravention or the contravention is remedied to the reasonable satisfaction of the landholder.

No. 12 Page 54, Schedule 2.3 [4], lines 17–19. Omit “The amount is not to cover costs for any legal services in connection with arbitration relating to the access arrangement.”.

No. 13 Page 54, Schedule 2.3 [4], lines 20–26. Omit all words on those lines.

No. 14 Page 54, Schedule 2.3. Insert after line 26:

[5] Section 157 Variation of access arrangements

Omit section 157 (2). Insert instead:

- (2) An access arrangement may also be varied by the agreement of the parties to the arrangement.

[6] Section 158 Change in landholders

Omit “or determined” wherever occurring in section 158 (2), (3), (4) and (6).

[7] Section 158 (5)

Omit the subsection. Insert instead:

- (5) If the new landholder objects to the access arrangement within 28 days after being given a copy of the arrangement, the access arrangement ceases to apply to the new landholder unless the new landholder agrees to an access arrangement with the holder of the prospecting title concerned in accordance with this Division.

No. 15 Page 56, Schedule 2.3. Insert after line 24:

[17] Section 293 Jurisdiction of Land and Environment Court

Omit “an arbitrator’s determination under Division 2 of Part 8 or of” from section 293 (1) (u).

No. 16 Page 60, Schedule 2.3. Insert after line 19:

[28] Section 383B Consent of landholders and others

Omit “or determined by an arbitrator as referred to in section 140 (1) (b)” from section 383B (1) (c).

No. 17 Page 61, Schedule 2.3 [29]. Insert after line 11:

Application of amendments to existing access arrangements determined by arbitrator

The amendments made by the *Petroleum (Onshore) Amendment Act 2013* to provisions of this Act about access arrangements do not apply to prospecting operations in relation to which an access arrangement determined by an arbitrator was in force immediately before the commencement of that amending Act.

No. 18 Page 61, Schedule 2.3. Insert after line 26:

[31] Dictionary

Omit the definitions of *Arbitration Panel*, *arbitrator* and *party*.