

PETROLEUM (ONSHORE) ACT 1991
and
PETROLEUM (ONSHORE) REGULATION 2007
and
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**INSTRUMENT OF DELEGATION
(DIRECTOR GENERAL)**

NOTE: This document **MUST** be read in conjunction with the *Petroleum (Onshore) Act 1991*, the *Petroleum (Onshore) Regulation 2007* and the *Environmental Planning and Assessment Act 1979*

**PETROLEUM (ONSHORE) ACT 1991 and PETROLEUM (ONSHORE) REGULATION 2007
and
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

INSTRUMENT OF DELEGATION

I, **Mark I Paterson AO**, Director General Department of Trade and Investment, Regional Infrastructure and Services (NSW Trade & Investment), hereby –

- 1) revoke all delegations previously made pursuant to section 126A of the *Petroleum (Onshore) Act 1991* ("the Act") and clause 28 of the *Petroleum (Onshore) Regulation 2002*, being delegations of functions contained in provisions of the Act or functions under conditions of petroleum titles; and
- 2) subject to paragraphs (a)–(g) below, delegate:
 - (i) pursuant to section 126A of the Act, the functions (including powers, authorities and duties) conferred or imposed on the Director General under the provisions and conditions identified in Column 1 of Schedule 2 and Schedule 3 of this Instrument; and
 - (ii) pursuant to section 153A of the *Environmental Planning and Assessment Act 1979*, the functions (including powers, authorities and duties) conferred or imposed under the *Environmental Planning and Assessment Act 1979*, or the *Environmental Planning and Assessment Regulation 2000* that are concurrent to the exercise of any function delegated in (i) above;

In this Instrument (which includes Schedule 1, Schedule 2 and Schedule 3):

- a) a delegate category referred to in Column 2 of Schedule 1 consists of the offices listed for that category in Column 1 of Schedule 1 and, where any such office is replaced in future by another office ("the replacement office"), the delegate category includes the replacement office;
- b) in any case where a note of limit included in column 2 of Schedule 2 and Schedule 3 states that the functions of the Director General under a provision specified for that item in column 1 of Schedule 2 and Schedule 3 is not delegated to the holder of a particular office within the delegate category specified for that item in column 3 of those Schedules or not delegated in other respects, the delegation of the Director General's functions in that case is subject to the limit so stated;
- c) subject to paragraph (b) above, each holder of an office within the delegate category for an item in Schedule 2 and Schedule 3 is delegated all aspects of the functions of the Director General under the provision or condition concerned and the summary of functions in column 2 of Schedule 2 and Schedule 3 (which is included for information only) is not to be read as limiting the delegation;
- d) if there are either 2 or more offices, or 2 or more holders of an office, within the delegate category for a function, the function is separately delegated to each holder of such an office;
- e) the reference in column 1 of Schedule 2 and Schedule 3 to functions of the Director General under conditions of a petroleum title includes cases where a petroleum title was granted, or a condition was imposed, before the making of this delegation;
- f) words and expressions used in this Instrument have the same meaning as in the relevant

provisions of the Act and *Petroleum (Onshore) Regulation 2007*, and where applicable, of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*;

- g) if, after this delegation is made, the *Environmental Planning and Assessment Regulation 2000* is repealed and replaced by another regulation (the "replacement EP&A Regulation") references in this instrument to the former Regulation are to be read as references to the replacement EP&A Regulation.

The delegations made in relation to sections 76(2), 76A(1) and 76A(2) in Schedule 2 take effect on commencement of Schedule 6.1[9] to the *State Revenue and Other Legislation (Budget Measures) Act 2012* or on the date inserted below, whichever is later. In all other respects, this instrument of delegation takes effect on the date inserted below.

This instrument of delegation takes effect on the date inserted below.

Dated this 8th day of May 2013



MARK I PATERSON AO

DIRECTOR GENERAL

SCHEDULE 1	
COLUMN 1 - OFFICES	COLUMN 2 – DELEGATE CATEGORY
THE DEPUTY DIRECTOR GENERAL, RESOURCES AND ENERGY THE EXECUTIVE DIRECTOR, MINERAL RESOURCES THE DIRECTOR, MINERALS OPERATIONS THE DIRECTOR, OFFICE OF COAL SEAM GAS	B
THE DEPUTY DIRECTOR GENERAL, RESOURCES AND ENERGY THE EXECUTIVE DIRECTOR, MINERAL RESOURCES THE DIRECTOR, MINERALS OPERATIONS THE DIRECTOR, OFFICE OF COAL SEAM GAS (OCSG) THE MANAGER, LICENSING & APPROVALS (OCSG) THE MANAGER, COAL & PETROLEUM TITLES AND SYSTEMS	C
THE DEPUTY DIRECTOR GENERAL, RESOURCES AND ENERGY THE EXECUTIVE DIRECTOR, MINERAL RESOURCES THE DIRECTOR, MINERALS OPERATIONS THE DIRECTOR, OFFICE OF COAL SEAM GAS THE MANAGER LICENSING & APPROVALS (OCSG) THE MANAGER, COAL & PETROLEUM TITLES AND SYSTEMS THE TEAM LEADER, COAL & PETROLEUM TITLES	D
THE DEPUTY DIRECTOR GENERAL, RESOURCES AND ENERGY THE EXECUTIVE DIRECTOR, MINERAL RESOURCES THE DIRECTOR, MINERALS OPERATIONS THE DIRECTOR, OFFICE OF COAL SEAM GAS THE MANAGER LICENSING & APPROVALS (OCSG) THE MANAGER, COAL & PETROLEUM TITLES AND SYSTEMS THE TEAM LEADER, COAL & PETROLEUM TITLES THE SENIOR TITLES OFFICER THE SENIOR TITLES ADMINISTRATOR THE TITLES ADMINISTRATOR THE TITLES OFFICER THE TITLES OFFICER (OCSG) THE LAND INFORMATION OFFICER (OCSG)	E

SCHEDULE 1	
COLUMN 1 - OFFICES	COLUMN 2 – DELEGATE CATEGORY
THE DEPUTY DIRECTOR GENERAL, RESOURCES AND ENERGY THE EXECUTIVE DIRECTOR, MINERAL RESOURCES THE DIRECTOR, MINERALS OPERATIONS THE DIRECTOR, OFFICE OF COAL SEAM GAS THE MANAGER, ROYALTY	F
THE DEPUTY DIRECTOR GENERAL, RESOURCES AND ENERGY THE EXECUTIVE DIRECTOR, MINERAL RESOURCES THE DIRECTOR, ENVIRONMENTAL SUSTAINABILITY & LAND USE THE DIRECTOR, OFFICE OF COAL SEAM GAS	G
THE DEPUTY DIRECTOR GENERAL, RESOURCES AND ENERGY THE EXECUTIVE DIRECTOR, MINERAL RESOURCES THE DIRECTOR, ENVIRONMENTAL SUSTAINABILITY & LAND USE THE DIRECTOR, OFFICE OF COAL SEAM GAS THE MANAGER, LICENSING & APPROVALS (OCSG) THE MANAGER, ENVIRONMENTAL OPERATIONS THE MANAGER, STAKEHOLDER LIAISON THE MANAGER, SYSTEMS AND PROCESSES THE MANAGER, TECHNICAL SUPPORT AND PETROLEUM OPERATIONS	H
THE DEPUTY DIRECTOR GENERAL, RESOURCES AND ENERGY THE EXECUTIVE DIRECTOR, MINERAL RESOURCES THE DIRECTOR, ENVIRONMENTAL SUSTAINABILITY & LAND USE THE DIRECTOR, OFFICE OF COAL SEAM GAS THE MANAGER, LICENSING & APPROVALS (OCSG) THE MANAGER, ENVIRONMENTAL OPERATIONS THE MANAGER, STAKEHOLDER LIAISON THE MANAGER, SYSTEMS AND PROCESSES THE MANAGER, TECHNICAL SUPPORT AND PETROLEUM OPERATIONS THE PRINCIPAL OPERATIONS OFFICER (OCSG) THE TEAM LEADER, ENVIRONMENT (BROKEN HILL) THE TEAM LEADER, ENVIRONMENT (ORANGE) THE TEAM LEADER, ENVIRONMENT (SINGLETON) THE TEAM LEADER, ENVIRONMENT (WOLLONGONG)	I

SCHEDULE 1	
COLUMN 1 - OFFICES	COLUMN 2 – DELEGATE CATEGORY
THE DEPUTY DIRECTOR GENERAL, RESOURCES AND ENERGY THE EXECUTIVE DIRECTOR, MINERAL RESOURCES THE DIRECTOR, ENVIRONMENTAL SUSTAINABILITY & LAND USE THE DIRECTOR, OFFICE OF COAL SEAM GAS THE MANAGER, LICENSING & APPROVALS (OCSG) THE MANAGER, ENVIRONMENTAL OPERATIONS THE MANAGER, STAKEHOLDER LIAISON THE MANAGER, SYSTEMS AND PROCESSES THE MANAGER, TECHNICAL SUPPORT AND PETROLEUM OPERATIONS THE PRINCIPAL OPERATIONS OFFICER (OCSG) THE TEAM LEADER, ENVIRONMENT (BROKEN HILL) THE TEAM LEADER, ENVIRONMENT (ORANGE) THE TEAM LEADER, ENVIRONMENT (SINGLETON) THE TEAM LEADER, ENVIRONMENT (WOLLONGONG) SENIOR OPERATIONS OFFICER (OCSG) SENIOR ENVIRONMENT OFFICER ENVIRONMENT OFFICER OPERATIONS OFFICER (OCSG)	J
THE DEPUTY DIRECTOR GENERAL, RESOURCES AND ENERGY THE EXECUTIVE DIRECTOR, MINERAL RESOURCES THE DIRECTOR, GEOLOGICAL SURVEY NSW THE DIRECTOR, OFFICE OF COAL SEAM GAS	K
THE DEPUTY DIRECTOR GENERAL, RESOURCES AND ENERGY THE EXECUTIVE DIRECTOR, MINERAL RESOURCES THE DIRECTOR, MINERALS OPERATIONS THE DIRECTOR, OFFICER OF COAL SEAM GAS THE MANAGER, PETROLEUM GEOLOGY (RESOURCES & ENERGY)	L
THE FINANCE PROCESSING SUPERVISOR THE DIRECTOR, OFFICE OF COAL SEAM GAS THE ACCOUNTS RECEIVABLE SUPERVISOR THE ACCOUNTS PROCESSING OFFICER	M

SCHEDULE 1	
COLUMN 1 - OFFICES	COLUMN 2 – DELEGATE CATEGORY
THE DIRECTOR, MINE SAFETY OPERATIONS THE SENIOR CSG SAFETY INSPECTOR (OCSG)	N

**SCHEDULE 2 - DELEGATION OF THE DIRECTOR GENERAL'S FUNCTIONS UNDER THE
PETROLEUM (ONSHORE) ACT 1991**

Column 1 PROVISION	Column 2 SUMMARY OF FUNCTIONS and LIMITS ON DELEGATIONS	Column 3 DELEGATE CATEGORY
Section 11	The Director General may approve an application for a petroleum title being delivered electronically.	E
Section 28 (1)	If petroleum is discovered in land comprised in a petroleum title, the Director General, from time to time, by instrument in writing served on the holder of the title, may direct the holder to furnish to the Director General, within the period specified in the instrument, particulars in writing of any one or more of the following: <ul style="list-style-type: none"> a) the chemical composition and the physical properties of the petroleum, and b) the nature of the stratum in which the petroleum occurs, and c) any other matters relating to the discovery that are specified by the Director General in the instrument. 	L
Section 28(2)	The Director General, by instrument in writing served on the holder of the title, may direct the holder to do, within the period specified in the instrument, such things as the Director General thinks necessary and specifies in the instrument to determine the chemical composition and physical properties of the petroleum and to determine the quantity of petroleum in the petroleum deposit to which the discovery relates or, if part only of that petroleum deposit is within the land comprised in the title, in the part of the petroleum deposit that is within that land.	L
Section 69D(4)(b)	The Director General may appoint an arbitrator.	C
Section 69G(3)	The Director General, after consultation with the Heads of the Departments of Aboriginal Affairs and Agriculture, is to appoint a member of the Arbitration Panel as an arbitrator.	D
Section 76(2)*	Approval of person able to certify correctness of report required to be provided by condition of petroleum title.	B
Section 76A(1)*	Taking documents and information provided under reporting conditions into consideration and using them for the purposes of the Act.	J
Section 76A(2)*	Provision of reports and information to certain other Government agencies.	J
Section 83(3)(d)	The Director General certifies any other amount be a deductible amount to be deducted from the proceeds of sale of petroleum plant. Limit: Delegation is subject to the financial delegation of the office delegated.	H

* Upon commencement of Schedule 6.1[9] to the *State Revenue and Other Legislation (Budget Measures) Act 2012*

**SCHEDULE 2 - DELEGATION OF THE DIRECTOR GENERAL'S FUNCTIONS UNDER THE
PETROLEUM (ONSHORE) ACT 1991**

Column 1 PROVISION	Column 2 SUMMARY OF FUNCTIONS and LIMITS ON DELEGATIONS	Column 3 DELEGATE CATEGORY
Section 94G	A title fee for which a person is liable must be paid within the period (of not less than 7 days) specified by the Director-General by notice in writing served on a person liable.	E and M
Section 94H(4)	An annual rental fee for which liability arises on a grant anniversary date must be paid within the period (of not less than 7 days) specified by the Director-General by notice in writing served on a person liable.	E and M
Section 94K(5)	An administrative levy for which liability arises on a grant anniversary date must be paid within the period (of not less than 7 days) specified by the Director-General by notice in writing served on a person liable.	E and M
Section 94N(1)	The Director-General is to assess the liability of a person for a fee payable under Part 7A.	E
Section 94N(2)	The Director-General may reassess the liability of a person for a fee payable under Part 7A if: (a) it appears that a previous assessment was incorrect, or (b) a reassessment is otherwise authorised or required by this Act or the regulations.	D
Section 94Q(1)	If a fee payable under this Part is not paid within the time required under this Part, the Director-General may charge a late payment fee in respect of the fee, calculated at the rate of 15% of the overdue amount per annum compounded quarterly (or, where another rate is prescribed by the regulations, that other rate).	D
Section 95(1)	The Director General is to cause a record to be kept of: a) every application for a petroleum title that is duly made under this Act, and b) every title that is granted, renewed, transferred or cancelled under this Act, and c) every other matter in relation to which the Director-General is required to keep a record by the regulations.	E
Section 96A(3)	On receipt of the application, the Director General must register the transferee as the holder of the petroleum title.	D
Section 96B	A person claiming a legal or equitable interest in a petroleum title may lodge with the Director General a caveat directing the Director General not to register any transfer of the petroleum title otherwise than in accordance with the provisions of the caveat.	E
Section 97(1)	The Director General is to keep a register of legal and equitable interests in petroleum titles.	E
Section 97(4)	The Director General, if satisfied that the applicant holds the interest concerned, may register the interest or the document by which the interest is evidenced.	D

**SCHEDULE 2 - DELEGATION OF THE DIRECTOR GENERAL'S FUNCTIONS UNDER THE
PETROLEUM (ONSHORE) ACT 1991**

Column 1 PROVISION	Column 2 SUMMARY OF FUNCTIONS and LIMITS ON DELEGATIONS	Column 3 DELEGATE CATEGORY
Section 97(5)	The Director General, on application by the holder of an interest or otherwise, may make such amendments to the register kept under this section as are appropriate to reflect dealings in the interest.	E
Section 97(6)	Without limiting the generality of subsection (5), the Director General may cancel the registration of an interest if of the opinion that the interest has ceased to exist.	D
Section 98(1)	The Director General and any inspector, geologist or other officer authorised by the Director General for the purposes of this Part is to have access, at all reasonable hours, to: (a) land subject to a petroleum title, or the subject of an easement or right of way under this Act, and to all buildings, structures and equipment and works situated on the land, and (b) all books, accounts, documents and other records, whether in or on such land or any other land, relating to any such title or easement or right of way and the operations carried on under the title, easement or right of way.	B
Section 99(1)	An officer of the Department authorised by the Director General for the purposes of this Part, or a registered surveyor so authorised, may at all reasonable times enter any land with such assistants as he or she may think necessary: (a) for the purpose of carrying out any survey, or (b) for the purpose of defining any road, or (c) for the purpose of carrying out a geological or geophysical survey, or (d) for any other purpose authorised by this Act or the regulations.	B
Section 100	A geologist, geophysicist or geochemist employed in the Department and authorised by the Director General for the purposes of this Part may, at all reasonable times, enter any land with such assistants as he or she may think necessary for the purpose of removing any sample of petroleum, water or strata.	B
Section 106E(1)	The Director-General may assess the amount of the security deposit that may be required by a security deposit condition for a particular petroleum title or, in the case of a group security deposit, for a particular group of petroleum titles. Limit: delegation only applicable where the security amount is equal to or less than \$200,000.	I
Section 106E(1)	The Director-General may assess the amount of the security deposit that may be required by a security deposit condition for a particular petroleum title or, in the case of a group security deposit, for a particular group of petroleum titles.	H
Section 106E(3)	The Director-General must make an assessment if required by the regulations.	I

**SCHEDULE 2 - DELEGATION OF THE DIRECTOR GENERAL'S FUNCTIONS UNDER THE
PETROLEUM (ONSHORE) ACT 1991**

Column 1 PROVISION	Column 2 SUMMARY OF FUNCTIONS and LIMITS ON DELEGATIONS	Column 3 DELEGATE CATEGORY
Section 106E(4)	The Director-General may make an assessment at any other time: (a) at the request of the Minister, or (b) on the Director-General's own initiative.	G
Section 106E(8)	After an assessment is made, the Director-General must give written notice of the assessment: (a) to the holder of an affected petroleum title, and (b) to the Minister.	J
Section 106E(12)	The Director-General may revise his or her assessment under this section. For that purpose, the Director-General may amend, revoke or replace a previous assessment. Limit: delegation only applicable where the security amount is equal to or less than \$200,000.	I
Section 106E(12)	The Director-General may revise his or her assessment under this section. For that purpose, the Director-General may amend, revoke or replace a previous assessment.	H
Clause 30(3), Schedule 1	The Director General may specify a period (of not less than 7 days) by notice in writing served on a person liable.	E and M

**SCHEDULE 3 - DELEGATION OF THE MINISTER'S FUNCTIONS UNDER THE
PETROLEUM (ONSHORE) REGULATION 2007**

Column 1 PROVISION	Column 2 SUMMARY OF FUNCTIONS and LIMITS ON DELEGATIONS	Column 3 DELEGATE CATEGORY
Clause 15(1)	The holder of a petroleum title must, in accordance with directions issued from time to time by the Director General, keep geological plans and records relating to work carried out in connection with the title.	L
Clause 20(2)	The Director General may refuse to deal with a person who claims to be acting as an agent unless notice of the person's appointment as an agent, and of the agent's powers and functions in relation to the Act and this Regulation, have been served on the Director General.	E
Clause 21(2)	The Director General may determine a charge for obtaining copies of or extracts from any record.	B
Clause 22B(1)	The Director-General is to determine an annual rental fee area for any petroleum title that is granted or proposed to be granted on or after 1 July 2012.	E
Clause 22B(2)	The Director-General may determine (and must determine, if required to do so by this Division) an annual rental fee area for a petroleum title granted before 1 July 2012.	D
Clause 22B(5)	The Director-General is required to record an annual rental fee area determined under this clause in the record kept by the Director-General under section 95 of the Act.	E
Clause 22B(6)	The Director-General may, if the Director-General considers it is fair and reasonable to do so, revise his or her determination of the annual rental fee area for a petroleum title by varying the determination or substituting a new determination.	D
Clause 22B(7)	If the Director-General revises his or her determination of the annual rental fee area for a petroleum title, the Director-General is to update the record of the annual rental fee area kept under section 95 of the Act to reflect that revision.	E
Clause 22F(1)	The amount of the annual rental fee payable under Part 7A of the Act in respect of a grant anniversary date that occurs during a period in which a petroleum title is taken to continue in force under section 20 of the Act is to be reassessed if the Minister finally disposes of an application for renewal of the petroleum title by refusing it.	D
Clause 22F(4)	A refund is to be provided, as necessary, in accordance with the reassessment.	D
Clause 22G(3)	If an application is made in accordance with this clause, the Director-General must: (a) determine an annual rental fee area for the petroleum title, and (b) reassess any annual rental fee for which liability arose before the determination in accordance with the determination.	D
Clause 22G(4)(e)	An application under clause 22G must be accompanied by any information or documents required in relation to the request by the Director-General (which requirement may be specified on the Department's website).	C

**SCHEDULE 3 - DELEGATION OF THE MINISTER'S FUNCTIONS UNDER THE
PETROLEUM (ONSHORE) REGULATION 2007**

Column 1 PROVISION	Column 2 SUMMARY OF FUNCTIONS and LIMITS ON DELEGATIONS	Column 3 DELEGATE CATEGORY
Clause 22I(4)(d)	An application under clause 22I must be accompanied by any information or documents required in relation to the application by the Director-General (which requirement may be specified on the Department's website).	H
Clause 22I(5)	If an application is made in accordance with clause 22I, the Director-General must assess the amount of the security deposit.	I
Clause 22I(8)	If the assessed deposit is less than the security deposit required to be given and maintained in respect of the petroleum title at the time the application is made, the Director-General is to reassess any liability for an administrative levy that arose before the assessment as if the amount of the security deposit required to be given and maintained had been, at the time that the liability arose, the assessed deposit.	D
Clause 26(1)	If the Director General is of the opinion that the holder of a petroleum title has contravened a provision of this Regulation in relation to the title, the Director General may serve a notice (a non-compliance notice) requiring the holder of the title to comply with the provision within the time limited by the notice.	C
Clause 27(1)	Any powers, authorities or duties of the Director General under the <i>Schedule of Onshore Petroleum Exploration and Production Safety Requirements</i>	N
Clause 27(3)	The Director General may appoint other offices as for inspection of a copy of the Schedule.	C
Clause 27(4)	The Director General fixes the fees for the making and taking of copies or extracts from the Schedule.	B
Clause 27A(1)	The Director General may by notice in writing direct the holder of a petroleum title to cause an audit to be carried out.	B
Clause 27A(2)(a)	The Director General may approve the persons who may carry out the audit.	F
Clause 28(2)	For the purpose of authorising a person to exercise a power conferred by Part 9 of the Act, the Director General may issue the person with a certificate of authority.	B