

PETROLEUM (PROSPECTING AND MINING) ORDINANCE 1968

No. 12 of 1968

An Ordinance to amend the *Petroleum (Prospecting and Mining) Ordinance 1954-1966*, and for other purposes

[Reserved 20 March, 1968]

[Assented to 29 March, 1968]*

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1967* as follows:—

PART I.—PRELIMINARY

Short title
and citation

1.—(1.) This Ordinance may be cited as the *Petroleum (Prospecting and Mining) Ordinance 1968*.

(2.) The *Petroleum (Prospecting and Mining) Ordinance 1954-1966* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Petroleum (Prospecting and Mining) Ordinance 1954-1968*.

Commencement

2.—(1.) Subject to the next succeeding sub-section this Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.†

(2.) Part II. or Part III. does not have effect—

(a) in respect of the Northern Territory, until the date from and including which Part III. of the *Petroleum (Submerged Lands) Act 1967* has effect in respect of the area specified in the Second Schedule to that Act as being adjacent to the Northern Territory; or

(b) in respect of the Territory of Ashmore and Cartier Islands, until the date from and including which Part III. of that Act has effect in respect of the area specified in that Schedule as being adjacent to the Territory of Ashmore and Cartier Islands.

Parts

3. This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-3)

* Notified in the *Northern Territory Government Gazette* dated 1 April, 1968.

† The Date fixed was 1 April, 1968 (see *Northern Territory Government Gazette* No. 14A of 1 April, 1968, page 87).

Part II.—Amendments of the Principal Ordinance

(Sections 4-7)

Part III.—Transitional Provisions (Sections 8-11).

PART II.—AMENDMENTS OF THE PRINCIPAL
ORDINANCE

4. The Principal Ordinance is amended by omitting from section 4 the definition of “land” and inserting in its stead the following definition:— **Definitions**

“land” includes the bed of a river, estuary, lake or swamp and such portion of the sea-bed as adjoins the coast of the Territory and is not within the area specified in the Second Schedule to the *Petroleum (Submerged Lands) Act 1967* as being adjacent to the Northern Territory;”.

5. After section 4 of the Principal Ordinance the following section is inserted:—

“4A. This Ordinance does not apply to the Territory of Ashmore and Cartier Islands.”. **Non-application of Ordinance**

6. Section 14 of the Principal Ordinance is amended by omitting sub-section (3.). **Limitation of permits, &c.**

7. Section 21 of the Principal Ordinance is amended by omitting paragraph (b) of sub-section (3.) and inserting in its stead the following paragraph:— **Issue of permit**

“(b) so far as is practicable, in respect of one area only;”.

PART III.—TRANSITIONAL PROVISIONS

8.—(1.) In this Part, unless the contrary intention appears— **Interpretation**
“submerged land” means that portion of the sea-bed—

(a) within the area specified in the Second Schedule to the Act as being adjacent to the Northern Territory; or

(b) within the area specified in that Schedule as being adjacent to the Territory of Ashmore and Cartier Islands;

“the Act” means the *Petroleum (Submerged Lands) Act 1967*;

“the commencing day” means—

(a) in relation to the Northern Territory, the date from and including which Part III. of the Act has effect in respect of the area specified in the Second Schedule to

the Act as being adjacent to the Northern Territory; and

- (b) in relation to the Territory of Ashmore and Cartier Islands, the date from and including which Part III. of the Act has effect in respect of the area specified in that Schedule as being adjacent to the Territory of Ashmore and Cartier Islands.

(2.) Expressions used in this Part that are also used in the Principal Ordinance have, in this Part, unless the contrary intention appears, the same respective meanings as they have in the Principal Ordinance.

(3.) For the purposes of this Part, the Principal Ordinance has effect in relation to the Territory of Ashmore and Cartier Islands as though the area specified in the Second Schedule to the Act as being adjacent to that Territory included the area, whether land or water, of that Territory above mean low water and as though the land within that last mentioned area were beneath the sea and were submerged land.

Existing permits,
&c., to continue
in force

9. Subject to the next two succeeding sections, on and after the commencing day—

- (a) a permit or licence that was, immediately before that day, in force in respect of land that is, or includes, submerged land shall continue to have the same force and effect as it had immediately before that day; and
- (b) the *Petroleum (Prospecting and Mining) Ordinance* 1954, as amended before that day, shall continue to have the same application to and in relation to the permit or licence and to and in relation to anything done or authorized or required to be done by, under or in connexion with the permit or licence as it had immediately before that day.

Existing permits,
&c., not to be
extended, &c., in
respect of
submerged land

10. The Administrator shall not, on or after the commencing day—

- (a) extend, in respect of any submerged land, the term of a permit or licence continued in force by the last preceding section;
- (b) vary the area of the land to which such a permit or licence applies by adding to that area any submerged land;
- (c) amend such a licence by including in it a further area that is or includes submerged land; or
- (d) grant to the holder of such a permit or licence a lease in respect of an area that is, or includes,

the whole or a part of the submerged land in respect of which the permit or licence is in force.

11.—(1.) Where—

Determination
of permit, &c.

(a) an exploration permit for petroleum is granted on an application under section 144 of the Act; or

(b) a production licence for petroleum is granted on an application under section 145 of the Act,

in respect of the whole or a part of the submerged land in respect of which a permit or licence is in force, the permit or licence ceases, from and including the day on which the exploration permit for petroleum, or the production licence for petroleum, as the case may be, has effect, to be in force in respect of so much of that submerged land as is the subject of the exploration permit for petroleum, or production licence for petroleum, as the case may be.

(2.) Where a permit or licence has ceased, by reason of the last preceding sub-section, to be in force in respect of any submerged land, the Administrator may, if the permit or licence remains in force in respect of any other land (whether submerged land or not) vary the terms and conditions to which the permit or licence is subject to such extent as he thinks necessary in the circumstances.

(3.) The last preceding sub-section does not authorize the making of a variation of the terms and conditions of a permit or licence that would have the effect of extending the term of the permit or licence in respect of any submerged land.
