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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Greater Sunrise Unitisation Agreement Implementation Bill 2004

No. , 2004

(Industry, Tourism and Resources)

**A Bill for an Act to amend the *Petroleum
(Submerged Lands) Act 1967* and other legislation to
give effect to the Greater Sunrise unitisation
agreement, and for other purposes**

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1 **A Bill for an Act to amend the *Petroleum***
2 ***(Submerged Lands) Act 1967* and other legislation to**
3 **give effect to the Greater Sunrise unitisation**
4 **agreement, and for other purposes**

5 The Parliament of Australia enacts:

6 **1 Short title**

7 This Act may be cited as the *Greater Sunrise Unitisation*
8 *Agreement Implementation Act 2004*.

9 **2 Commencement**

10 (1) Each provision of this Act specified in column 1 of the table
11 commences, or is taken to have commenced, in accordance with
12 column 2 of the table. Any other statement in column 2 has effect
13 according to its terms.

1

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Section 4	At the same time as the provision(s) covered by table item 3.	
3. Schedule 1, items 1 to 86	A single day to be fixed by Proclamation.	
4. Schedule 1, items 87 and 88	The later of: (a) immediately after the commencement of section 4 of this Act; and (b) immediately after the commencement of item 1 of Schedule 3 to the <i>Petroleum (Submerged Lands) Amendment Act 2003</i> .	
5. Schedule 1, items 89 to 110	At the same time as the provision(s) covered by table item 3.	
6. Schedule 1, Part 2	Immediately after the commencement of item 47 of Schedule 1 to the <i>Petroleum (Submerged Lands) Legislation Amendment Act (No. 1) 2000</i> .	7 March 2000
7. Schedule 2	At the same time as the provision(s) covered by table item 3.	

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Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

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7

(2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

8

3 Schedule(s)

9

10

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule

2

1 concerned, and any other item in a Schedule to this Act has effect
2 according to its terms.

3 **4 Regulations**

4 (1) The Governor-General may make regulations in relation to
5 transitional matters arising out of the amendments made by this
6 Act.

7 (2) The Governor-General may make regulations making provision
8 (including provision by way of modification or adaptation of any
9 Act) for or in relation to matters consequential on amendments
10 made by this Act.

11 (3) The Governor-General may make regulations that:
12 (a) in the Minister's opinion, are necessary or convenient for
13 giving effect to any provision of the Greater Sunrise
14 unitisation agreement; and
15 (b) are not inconsistent with any amendment made by this Act.

16 (4) In this section:

17 ***Greater Sunrise unitisation agreement*** means the Agreement
18 between the Government of Australia and the Government of the
19 Democratic Republic of Timor-Leste relating to the Unitisation of
20 the Sunrise and Troubadour Fields done at Dili on 6 March 2003.

21 Note: In 2004, the text of the agreement was available in the Australian
22 Treaties Database of the Department of Foreign Affairs and Trade,
23 accessible on the Internet through that Department's world-wide web
24 site.

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

4 **Part 1—Amendments implementing the Greater**
5 **Sunrise unitisation agreement**

6 **1 Subsection 5(1)**

7 Insert:

8 *Eastern Greater Sunrise area* means the part of the adjacent area
9 in respect of the Northern Territory that is described in Schedule 8
10 under the heading that refers to the Eastern Greater Sunrise area.

11 **2 Subsection 5(1)**

12 Insert:

13 *Greater Sunrise unit area* means the area described in Schedule 8
14 under the heading that refers to the Greater Sunrise unit area.

15 **3 Subsection 5(1)**

16 Insert:

17 *Greater Sunrise unitisation agreement* means the Agreement
18 between the Government of Australia and the Government of the
19 Democratic Republic of Timor-Leste relating to the Unitisation of
20 the Sunrise and Troubadour Fields done at Dili on 6 March 2003.

21 Note: In 2004, the text of the agreement was available in the Australian
22 Treaties Database of the Department of Foreign Affairs and Trade,
23 accessible on the Internet through that Department's world-wide web
24 site.

25 **4 Subsection 5(1)**

26 Insert:

27 *Greater Sunrise unit reservoir licence* means a licence in respect
28 of one or more blocks within the Eastern Greater Sunrise area that
29 would allow the licensee to recover petroleum from either or both
30 of the Greater Sunrise unit reservoirs.

31 **5 Subsection 5(1)**

1 Insert:

2 ***Greater Sunrise unit reservoirs*** means the Unit Reservoirs within
3 the meaning of the Greater Sunrise unitisation agreement.

4 **6 Subsection 5(1)**

5 Insert:

6 ***Greater Sunrise visiting inspector*** means an inspector who is
7 specified in the certificate given to that inspector under subsection
8 125(2) as being a Greater Sunrise visiting inspector.

9 **7 Subsection 5(1)**

10 Insert:

11 ***Principal Northern Territory PSL area*** means the part of the
12 adjacent area in respect of the Northern Territory that is comprised
13 of all of that adjacent area apart from the Eastern Greater Sunrise
14 area.

15 **8 Subsection 5(1) (definition of *Register*)**

16 After “adjacent area”, insert “, or a part of an adjacent area”.

17 **9 Subsection 5(1) (at the end of subparagraph (a)(iii) of the**
18 **definition of *the Designated Authority*)**

19 Add “, or a part of an adjacent area”.

20 **10 Subsection 5(1) (at the end of paragraph (b) of the**
21 **definition of *the Designated Authority*)**

22 Add “, or a part of an adjacent area”.

23 **11 Subsection 5(1) (at the end of the definition of *the***
24 ***Designated Authority*)**

25 Add “, or that part of an adjacent area”.

26 **12 Subsection 5(1) (at the end of subparagraph (a)(iii) of the**
27 **definition of *the Joint Authority*)**

28 Add “, or a part of an adjacent area”.

1 **13 Subsection 5(1) (at the end of paragraph (b) of the**
2 **definition of *the Joint Authority*)**

3 Add “, or a part of an adjacent area”.

4 **14 Subsection 5(1) (at the end of the definition of *the Joint***
5 ***Authority*)**

6 Add “, or that part of an adjacent area”.

7 **15 Subsection 5(1)**

8 Insert:

9 *Timor Sea Treaty* means the Timor Sea Treaty between Australia
10 and East Timor done on 20 May 2002 as amended from time to
11 time.

12 Note: The text of the Treaty is set out in the Australian Treaty Series at
13 [2003] ATS 13. In 2004 this was available in the Australian Treaties
14 Database of the Department of Foreign Affairs and Trade, accessible
15 on the Internet through that Department’s world-wide web site.

16 **16 Subsection 5(1)**

17 Insert:

18 *Timor Sea Treaty Designated Authority* means the Designated
19 Authority within the meaning of the *Petroleum (Timor Sea Treaty)*
20 *Act 2003*.

21 **17 Subsection 5(1)**

22 Insert:

23 *Western Greater Sunrise area* means the area described in
24 Schedule 8 under the heading that refers to the Western Greater
25 Sunrise area.

26 Note: Activities occurring in the Western Greater Sunrise area in relation to
27 the exploration, development and exploitation of the Greater Sunrise
28 unit reservoirs are dealt with under the *Petroleum (Timor Sea Treaty)*
29 *Act 2003*.

30 **18 Subsection 8A(3)**

31 Repeal the subsection, substitute:

32 (3) For the purposes of this Act, the Joint Authority:

- 1 (a) in respect of the adjacent area in respect of the Northern
2 Territory; and
3 (b) consisting of the Commonwealth Minister and the Territory
4 Minister; and
5 (c) known as the Commonwealth-Northern Territory Off-shore
6 Petroleum Joint Authority; and
7 (d) that was established by this section before the
8 commencement of Part 1 of Schedule 1 to the *Greater*
9 *Sunrise Unitisation Agreement Implementation Act 2004*;
10 is continued in existence under that name as the Joint Authority in
11 respect of the Principal Northern Territory PSL area.
- 12 (4) For the purposes of this Act, there is established in respect of the
13 Eastern Greater Sunrise area a Joint Authority consisting of the
14 Commonwealth Minister, and that Joint Authority is to be known
15 as the Greater Sunrise Off-shore Petroleum Joint Authority.

16 **19 Section 8C**

17 After “adjacent area”, insert “, or the part of an adjacent area,”.

18 **20 Subsection 8D(1)**

19 After “a Joint Authority”, insert “consisting of 2 members”.

20 **21 Subsection 8D(2)**

21 Omit “If the members of a Joint Authority”, substitute “If a Joint
22 Authority consists of 2 members and they”.

23 **22 Subsection 8D(3)**

24 Omit “A”, substitute “If a Joint Authority consists of 2 members, a”.

25 **23 Before subsection 8H(1)**

26 Insert:

27 (1A) This section only applies in respect of a Joint Authority consisting
28 of 2 members.

29 Note: The heading to section 8H is altered by adding at the end “—**other than Greater**
30 **Sunrise Off-shore Petroleum Joint Authority**”.

31 **24 Subsection 8H(1)**

32 Omit “two persons together.”, substitute:

- 1 two persons together, each of whom is one of the following:
2 (a) an APS employee who is an SES employee or acting SES
3 employee;
4 (b) an employee of a State, or of the Northern Territory.

5 Note 1: The expressions *APS employee*, *SES employee* and *acting SES*
6 *employee* are defined in section 17AA of the *Acts Interpretation Act*
7 *1901*.

8 Note 2: See also sections 34AA and 34AB of the *Acts Interpretation Act 1901*.

9 **25 Subsection 8H(2A)**

10 Omit “Without”, substitute “Subject to subsection (1), and without”.

11 **26 At the end of Part IA**

12 Add:

13 **8J Greater Sunrise Off-shore Petroleum Joint Authority—**
14 **consultations**

15 The Greater Sunrise Off-shore Petroleum Joint Authority may
16 consult with the Timor Sea Treaty Designated Authority before
17 exercising any power, or performing any function, that is conferred
18 on it under this Act, under an Act that incorporates this Act or
19 under the regulations.

20 **8K Delegation by Greater Sunrise Off-shore Petroleum Joint**
21 **Authority**

- 22 (1) The Greater Sunrise Off-shore Petroleum Joint Authority may, by
23 written instrument, delegate to:
24 (a) an APS employee who is an SES employee or acting SES
25 employee; or
26 (b) an employee of the Northern Territory;
27 any or all of the powers or functions of the Joint Authority under
28 this Act, under an Act that incorporates this Act or under the
29 regulations.

30 Note 1: The expressions *APS employee*, *SES employee* and *acting SES*
31 *employee* are defined in section 17AA of the *Acts Interpretation Act*
32 *1901*.

33 Note 2: See also sections 34AA and 34AB of the *Acts Interpretation Act 1901*.

- 1 (2) If the Greater Sunrise Off-shore Petroleum Joint Authority
2 delegates a power or function under this section, the delegation
3 continues in force despite:
4 (a) a vacancy in the office of Joint Authority; or
5 (b) a change in the identity of the holder of the office of Joint
6 Authority.
- 7 (3) Despite subsection (2), a delegation under this section may be
8 revoked by the Greater Sunrise Off-shore Petroleum Joint
9 Authority in accordance with subsection 33(3) of the *Acts*
10 *Interpretation Act 1901*.
- 11 (4) A copy of each instrument making, varying or revoking a
12 delegation under this section must be published in the *Gazette*.

13 **27 Subsection 14(1)**

14 After “adjacent area”, insert “(other than the adjacent area in respect of
15 the Northern Territory)”.

16 Note: The heading to section 14 is altered by adding at the end “—**adjacent areas other than**
17 **the Northern Territory adjacent area**”.

18 **28 Subsections 14(5) and (6)**

19 Repeal the subsections.

20 **29 After section 14**

21 Insert:

22 **14A Designated Authorities—Northern Territory adjacent area**

23 *Principal Northern Territory PSL area*

- 24 (1) For the purposes of this Act, the Designated Authority:
25 (a) in respect of the adjacent area in respect of the Northern
26 Territory; and
27 (b) consisting of the Northern Territory Minister; and
28 (c) that was established by subsection 14(1) of this Act before
29 the commencement of Part 1 of Schedule 1 to the *Greater*
30 *Sunrise Unitisation Agreement Implementation Act 2004*;
31 is continued in existence as the Designated Authority in respect of
32 the Principal Northern Territory PSL area.

- 1 (2) The functions and powers of the Northern Territory Minister as the
2 Designated Authority in respect of the Principal Northern Territory
3 PSL area may be performed and exercised by another Northern
4 Territory Minister acting for and on behalf of that Minister.

5 *Eastern Greater Sunrise area*

- 6 (3) For the purposes of this Act, there is to be a Designated Authority
7 in respect of the Eastern Greater Sunrise area.
- 8 (4) The Designated Authority in respect of the Eastern Greater Sunrise
9 area is the Commonwealth Minister.

10 **14B Eastern Greater Sunrise Designated Authority—consultations**

11 The Designated Authority in respect of the Eastern Greater Sunrise
12 area may consult with the Timor Sea Treaty Designated Authority
13 before exercising any power, or performing any function, that is
14 conferred on it under this Act, under an Act that incorporates this
15 Act or under the regulations.

16 **30 Subsection 15(1)**

17 Repeal the subsection, substitute:

- 18 (1) A Designated Authority may, by written instrument, delegate to:
19 (a) an APS employee who is an SES employee or acting SES
20 employee; or
21 (b) an employee of a State, or of the Northern Territory;
22 any or all of the powers or functions of the Designated Authority
23 under this Act, under an Act that incorporates this Act or under the
24 regulations.

25 Note 1: The expressions *APS employee*, *SES employee* and *acting SES*
26 *employee* are defined in section 17AA of the *Acts Interpretation Act*
27 *1901*.

28 Note 2: See also sections 34AA and 34AB of the *Acts Interpretation Act 1901*.

29 **31 After subsection 41(1)**

30 Insert:

- 31 (1A) An application under section 39A or 40A for the grant of a Greater
32 Sunrise unit reservoir licence must also:

- 1 (a) nominate a person to be the unit operator, as defined in the
2 Greater Sunrise unitisation agreement; and
3 (b) be accompanied by each Joint Venturers' Agreement, as
4 defined in the Greater Sunrise unitisation agreement; and
5 (c) be accompanied by a copy of the proposed Development
6 Plan, as defined in the Greater Sunrise unitisation agreement.

7 **32 Subsection 43(1A)**

8 After "must," insert "subject to subsection (1B),".

9 **33 After subsection 43(1A)**

10 Insert:

- 11 (1B) The Greater Sunrise Off-shore Petroleum Joint Authority must not
12 tell an applicant for the grant of a Greater Sunrise unit reservoir
13 licence that the Joint Authority is prepared to grant to the applicant
14 such a licence unless:
15 (a) the Joint Authority has given to the Timor Sea Treaty
16 Designated Authority a written notice that:
17 (i) states that the Joint Authority is considering granting the
18 licence to the applicant and naming the person who the
19 applicant has nominated to be the unit operator; and
20 (ii) is accompanied by a copy of each Joint Venturers'
21 Agreement that accompanied the application; and
22 (iii) is accompanied by a copy of the proposed Development
23 Plan that accompanied the application; and
24 (b) the Joint Authority has approved:
25 (i) a unit operator in respect of the development of the
26 Greater Sunrise unit reservoirs in the blocks to which
27 the licence relates; and
28 (ii) each Joint Venturers' Agreement in respect of that
29 development; and
30 (iii) the Development Plan in respect of that development;
31 and is satisfied that the Timor Sea Treaty Designated
32 Authority has approved the same unit operator, Joint
33 Venturers' Agreements and Development Plan in respect of
34 that development; and
35 (c) the Joint Authority has determined the conditions subject to
36 which the licence is to be granted.

1 **34 After paragraph 43(3)(b)**

2 Insert:

3 or (c) in the case of an application for the grant of a Greater Sunrise
4 unit reservoir licence—the Joint Authority is not satisfied
5 that the Timor Sea Treaty Designated Authority has given the
6 approvals mentioned in paragraph (1B)(b);

7 **35 Paragraph 59(1)(a)**

8 After “petroleum pool”, insert “(other than either of the Greater Sunrise
9 unit reservoirs)”.

10 **36 Subsection 59B(1)**

11 After “Designated Authority”, insert “in respect of an adjacent area or a
12 part of an adjacent area”.

13 **37 Subsection 59B(1)**

14 After “Joint Authority”, insert “in respect of the adjacent area or the
15 part of an adjacent area”.

16 **38 Paragraph 59B(2)(b)**

17 After “adjacent area,”, insert “or a part of an adjacent area,”.

18 **39 Subsection 60(1)**

19 Omit “the adjacent area”, substitute “an adjacent area, or a part of an
20 adjacent area”.

21 **40 Subsection 60(4)**

22 Omit “the adjacent area”, substitute “an adjacent area, or a part of an
23 adjacent area”.

24 **41 Subsection 60(5)**

25 Omit “the adjacent area”, substitute “an adjacent area, or a part of an
26 adjacent area”.

27 **42 Subsection 60(6)**

28 Omit “The”, substitute “A”.

29 **43 Subsection 62(1)**

1 After “Designated Authority”, insert “in respect of an adjacent area, or a
2 part of an adjacent area,”.

3 **44 At the end of paragraph 62(1)(d)**

4 Add “, or the part of an adjacent area”.

5 **45 Section 63**

6 After “Designated Authority”, insert “in respect of an adjacent area, or a
7 part of an adjacent area,”.

8 **46 Section 63**

9 Omit “in an adjacent area”, substitute “in the adjacent area, or the part
10 of an adjacent area,”.

11 **47 Subsection 65(1)**

12 After “an adjacent area”, insert “, or a part of an adjacent area,”.

13 **48 Subsection 65(1)**

14 After “, adjacent area”, insert “, or a part of an adjacent area”.

15 **49 Subsection 65(2)**

16 After “an adjacent area”, insert “, or a part of an adjacent area,”.

17 **50 Subsection 65(2A)**

18 After “an adjacent area”, insert “, or a part of an adjacent area,”.

19 **51 Subsection 65(3)**

20 After “an adjacent area”, insert “, or a part of an adjacent area,”.

21 **52 Paragraph 66(a)**

22 Omit “an adjacent area”, substitute “the adjacent area, or the part of an
23 adjacent area, specified in the pipeline licence”.

24 **53 Subparagraph 66(a)(i)**

25 After “that adjacent area”, insert “, or that part of an adjacent area,”.

26 **54 Paragraph 66(c)**

27 After “adjacent area”, insert “, or that part of an adjacent area,”.

1 **55 At the end of subsection 76(1)**

2 Add “, or the part of the adjacent area, in respect of which the
3 Designated Authority is the Designated Authority”.

4 **56 Section 92**

5 After “adjacent area”, insert “, or a part of the adjacent area,”.

6 **57 Subsection 101(1)**

7 Omit “The Designated Authority”, substitute “A Designated Authority
8 in respect of an adjacent area, or a part of an adjacent area,”.

9 **58 Paragraph 101(2)(b)**

10 After “the adjacent area” (wherever occurring), insert “, or the part of
11 the adjacent area,”.

12 **59 Subsection 101(2)**

13 After “person who is in the adjacent area”, insert “, or the part of the
14 adjacent area,”.

15 **60 Subsection 101(2C)**

16 After “Designated Authority”, insert “in respect of an adjacent area, or a
17 part of an adjacent area,”.

18 **61 Subsection 101(2C)**

19 Omit “in an adjacent area”, substitute “in the adjacent area, or the part
20 of an adjacent area”.

21 **62 Subsection 102(1A)**

22 Omit “by the Joint Authority”, substitute “by a Joint Authority
23 comprised of 2 members”.

24 **63 At the end of section 103A**

25 Add:

26 (6) For the purposes of subsection (5):

27 (a) the Commonwealth-Northern Territory Off-shore Petroleum
28 Joint Authority; and

29 (b) the Greater Sunrise Off-shore Petroleum Joint Authority;

1 are taken to have been established in relation to the Northern
2 Territory.

3 **64 Subsection 107(2)**

4 After “The Designated Authority”, insert “, in respect of an adjacent
5 area, or a part of an adjacent area,”.

6 **65 Subsection 107(2)**

7 Omit “is a permittee, lessee, licensee, infrastructure licensee or pipeline
8 licensee”, substitute “holds a permit, lease, licence, infrastructure
9 licence, or pipeline licence, in respect of one or more blocks in that
10 adjacent area, or that part of an adjacent area”.

11 **66 Paragraph 107(2)(a)**

12 Omit “part of”, substitute “area in”.

13 **67 Paragraph 107(2)(a)**

14 Omit “or part by”, substitute “by”.

15 **68 Paragraph 107(2)(b)**

16 Omit “or part”.

17 **69 Paragraph 107(2)(c)**

18 Omit “or part”.

19 **70 Paragraph 107(2)(d)**

20 Omit “or part”.

21 **71 Subsection 112(1)**

22 After “Designated Authority”, insert “in respect of the adjacent area, or
23 the part of the adjacent area, in which the blocks that the permit, lease
24 or licence relates to are located,”.

25 **72 Subsection 112(1)**

26 Omit “being part of the adjacent area”, substitute “being part of that
27 adjacent area, or that part of an adjacent area,”.

28 **73 Subsection 112(1C)**

29 After “within an adjacent area”, insert “, or a part of an adjacent area,”.

1 **74 Subsection 112(1C)**

2 After “that adjacent area”, insert “, or that part of an adjacent area,”.

3 **75 Subsection 112(1C)**

4 After “in an adjacent area”, insert “, or a part of an adjacent area,”.

5 **76 Subsection 112(1C)**

6 After “first-mentioned adjacent area”, insert “, or part of an adjacent
7 area”.

8 **77 Subsection 112(4)**

9 After “the Designated Authority”, insert “, in respect of an adjacent
10 area, or a part of an adjacent area,”.

11 **78 Subsection 112(4)**

12 After “block” (wherever occurring), insert “in that adjacent area, or that
13 part of an adjacent area,”.

14 **79 Subsection 112(4A)**

15 After “adjacent area”, insert “, or the part of an adjacent area,”.

16 **80 Subsection 112(4B)**

17 After “adjacent area”, insert “, or the part of an adjacent area,”.

18 **81 Subsection 115(1)**

19 After “an adjacent area”, insert “, or a part of an adjacent area,”.

20 **82 Subsection 115(1)**

21 After “recovery of petroleum”, insert “(including the measurement of
22 the amount of petroleum recovered)”.

23 **83 Subsection 115(1)**

24 After “that adjacent area,”, insert “or that part of an adjacent area,”.

25 **84 Subsection 119(1)**

26 After “an adjacent area”, insert “, or a part of an adjacent area”.

27 **85 Subsection 122(1)**

1 After “Designated Authority”, insert “ in respect of an adjacent area, or
2 a part of an adjacent area,”.

3 **86 Subsection 122(1)**

4 Omit “in an adjacent area”, substitute “in the adjacent area, or the part
5 of an adjacent area,”.

6 **87 Paragraph 122A(1)(a)**

7 After “adjacent area”, insert “, or a part of an adjacent area,”.

8 **88 Paragraph 122A(2)(a)**

9 After “adjacent area”, insert “, or a part of an adjacent area,”.

10 **89 Subsection 123(1)**

11 Omit “The Designated Authority”, substitute “A Designated Authority
12 in respect of an adjacent area, or a part of an adjacent area,”.

13 **90 Subsection 123(1)**

14 Omit “in an adjacent area”, substitute “in the adjacent area, or the part
15 of an adjacent area,”.

16 **91 Subsection 123(3)**

17 After “the adjacent area”, insert “, or the part of the adjacent area,”.

18 **92 Subsection 125(1)**

19 After “adjacent area” (first occurring), insert “, or a part of an adjacent
20 area,”.

21 **93 At the end of subsection 125(1)**

22 Add “, or that part of an adjacent area”.

23 **94 After subsection 125(2)**

24 Insert:

25 (2A) The Designated Authority in respect of the Eastern Greater Sunrise
26 area may specify in a certificate given to an inspector under
27 subsection (2) that the inspector is a Greater Sunrise visiting
28 inspector.

29 **95 Subsection 126(1)**

1 After “an inspector”, insert “(other than a Greater Sunrise visiting
2 inspector)”.

3 **96 Paragraph 126(1)(a)**

4 After “the adjacent area”, insert “or the part of an adjacent area,”.

5 **97 Paragraph 126(1)(a)**

6 After “that area” (wherever occurring), insert “or part”.

7 **98 Paragraph 126(1)(b)**

8 After “that area”, insert “or part”.

9 **99 Paragraph 126(1)(c)**

10 After “in that area”, insert “or part”.

11 **100 After subsection 126(1)**

12 Insert:

13 (1A) For the purposes of paragraph (1)(c), the Eastern Greater Sunrise
14 area is taken to be specified in Schedule 2 as being an adjacent area
15 in respect of the Northern Territory.

16 (1B) For the purposes of this Act and the regulations, a Greater Sunrise
17 visiting inspector who produces, at a reasonable time, a certificate
18 given to him or her under section 125:

19 (a) is to be given access to the regions in:

20 (i) the Eastern Greater Sunrise area; or

21 (ii) the Principal Northern Territory PSL area;

22 specified in the certificate; and

23 (b) is to be given access to any structure, ship, aircraft or
24 building in that region that, in his or her opinion, contains
25 any equipment used to measure amounts of petroleum
26 recovered from one or more of the Greater Sunrise unit
27 reservoirs; and

28 (c) may inspect and test any equipment that, in his or her
29 opinion, is being used in that region to measure amounts of
30 petroleum recovered from one or more of the Greater Sunrise
31 unit reservoirs.

32 **101 Subsection 126(2)**

1 After “subsection (1)”, insert “or (1B)”.

2 **102 Section 127**

3 After “if petroleum”, insert “, other than petroleum from the Greater
4 Sunrise unit reservoirs,”.

5 **103 At the end of section 127**

6 Add:

7 (2) Subject to this Act, if an amount of petroleum is recovered at a
8 particular time from one of the Greater Sunrise unit reservoirs by a
9 permittee, lessee or licensee in the permit area, lease area or licence
10 area:

- 11 (a) the current apportionment percentage of the amount of the
12 petroleum becomes the property of the permittee, lessee or
13 licensee; and
14 (b) property in the remainder of the amount of petroleum is
15 determined under the Timor Sea Treaty; and
16 (c) the amount of petroleum is not subject to any rights of other
17 persons (other than any person to whom the person whose
18 property the petroleum becomes, under paragraph (a) or (b),
19 assigns or otherwise disposes of the petroleum or an interest
20 in the petroleum).

21 (3) In this section:

22 ***current apportionment percentage***, in relation to an amount of
23 petroleum recovered at a particular time, means 79.9% unless,
24 before that time, the Apportionment Ratio set out in article 7 of the
25 Greater Sunrise unitisation agreement has changed, at least once,
26 because it has been:

- 27 (a) redetermined due to a technical redetermination undertaken
28 in accordance with paragraph 8(1) of the agreement; or
29 (b) altered due to an agreement in accordance with paragraph
30 8(2) of the Greater Sunrise unitisation agreement;

31 in which case it means the percentage of the production of
32 petroleum from the Greater Sunrise unit reservoirs that is
33 apportioned to Australia under the Greater Sunrise unitisation
34 agreement immediately after the most recent change to the
35 Apportionment Ratio.

1 **104 Subsection 137(1)**

2 After “adjacent area”, insert “, or a part of an adjacent area,”.

3 **105 At the end of subsection 137(1)**

4 Add “, or that part of an adjacent area”.

5 **106 Subsection 157(3)**

6 After “rights”, insert “, and compliance with Australia’s obligations,”.

7 **107 At the end of subsection 157(3)**

8 Add “(whether in an adjacent area or not)”.

9 **108 Subclause 29(1) of Schedule 7**

10 After “an inspector”, insert “(other than a Greater Sunrise visiting
11 inspector)”.

12 **109 Subclause 29(1) of Schedule 7**

13 After “adjacent area”, insert “, or a part of an adjacent area,”.

14 **110 At the end of the Act**

15 Add:

16 **Schedule 8—Greater Sunrise areas**

17 Note 1: See subsection 5(1) (definitions of *Greater Sunrise unit area*, *Western Greater Sunrise*
18 *area* and *Eastern Greater Sunrise area*).

19 Note 2: For datum, see section 150M.
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21

22 **Greater Sunrise unit area**

23 The Greater Sunrise unit area is the area the boundary of which
24 commences at the point of Latitude 9° 50′ 00″ South, Longitude
25 127° 55′ 00″ East and runs:

- 26 (a) thence easterly along the rhumb line to the point of
27 Latitude 9° 50′ 00″ South, Longitude 128° 20′ 00″ East;
28 (b) thence northerly along the rhumb line to the point of
29 Latitude 9° 40′ 00″ South, Longitude 128° 20′ 00″ East;

- 1 (c) thence easterly along the rhumb line to the point of
2 Latitude 9° 40' 00'' South, Longitude 128° 25' 00'' East;
3 (d) thence northerly along the rhumb line to the point of
4 Latitude 9° 30' 00'' South, Longitude 128° 25' 00'' East;
5 (e) thence westerly along the rhumb line to the point of
6 Latitude 9° 30' 00'' South, Longitude 128° 20' 00'' East;
7 (f) thence northerly along the rhumb line to the point of
8 Latitude 9° 25' 00'' South, Longitude 128° 20' 00'' East;
9 (g) thence westerly along the rhumb line to the point of
10 Latitude 9° 25' 00'' South, Longitude 128° 00' 00'' East;
11 (h) thence south-westerly along the rhumb line to the point of
12 Latitude 9° 30' 00'' South, Longitude 127° 53' 20'' East;
13 (i) thence westerly along the rhumb line to the point of
14 Latitude 9° 30' 00'' South, Longitude 127° 52' 30'' East;
15 (j) thence southerly along the rhumb line to the point of
16 Latitude 9° 35' 00'' South, Longitude 127° 52' 30'' East;
17 (k) thence westerly along the rhumb line to the point of
18 Latitude 9° 35' 00'' South, Longitude 127° 50' 00'' East;
19 (l) thence southerly along the rhumb line to the point of
20 Latitude 9° 37' 30'' South, Longitude 127° 50' 00'' East;
21 (m) thence westerly along the rhumb line to the point of
22 Latitude 9° 37' 30'' South, Longitude 127° 45' 00'' East;
23 (n) thence southerly along the rhumb line to the point of
24 Latitude 9° 45' 00'' South, Longitude 127° 45' 00'' East;
25 (o) thence easterly along the rhumb line to the point of
26 Latitude 9° 45' 00'' South, Longitude 127° 50' 00'' East;
27 (p) thence southerly along the rhumb line to the point of
28 Latitude 9° 47' 30'' South, Longitude 127° 50' 00'' East;
29 (q) thence easterly along the rhumb line to the point of
30 Latitude 9° 47' 30'' South, Longitude 127° 55' 00'' East;
31 (r) thence southerly along the rhumb line to the point of
32 commencement.

33 **Eastern Greater Sunrise area**

34 The Eastern Greater Sunrise area is the area the boundary of which
35 commences at the point of Latitude 9° 50' 00'' South, Longitude
36 128° 03' 22.51'' East and runs:

- 1 (a) thence easterly along the rhumb line to the point of
2 Latitude 9° 50' 00'' South, Longitude 128° 20' 00'' East;
- 3 (b) thence northerly along the rhumb line to the point of
4 Latitude 9° 40' 00'' South, Longitude 128° 20' 00'' East;
- 5 (c) thence easterly along the rhumb line to the point of
6 Latitude 9° 40' 00'' South, Longitude 128° 25' 00'' East;
- 7 (d) thence northerly along the rhumb line to the point of
8 Latitude 9° 30' 00'' South, Longitude 128° 25' 00'' East;
- 9 (e) thence westerly along the rhumb line to the point of
10 Latitude 9° 30' 00'' South, Longitude 128° 20' 00'' East;
- 11 (f) thence northerly along the rhumb line to the point of
12 Latitude 9° 25' 00'' South, Longitude 128° 20' 00'' East;
- 13 (g) thence westerly along the rhumb line to the point of
14 Latitude 9° 25' 00'' South, Longitude 128° 00' 00'' East;
- 15 (h) thence south-westerly along the rhumb line to the point of
16 Latitude 9° 28' 00'' South, Longitude 127° 56' 00'' East;
- 17 (i) thence south-easterly along the geodesic to the point of
18 Latitude 9° 29' 57'' South, Longitude 127° 58' 47'' East;
- 19 (j) thence south-easterly along the geodesic to the point of
20 commencement.

21 **Western Greater Sunrise area**

22 The Western Greater Sunrise area is the area the boundary of
23 which commences at the point of Latitude 9° 28' 00'' South,
24 Longitude 127° 56' 00'' East and runs:

- 25 (a) thence south-westerly along the rhumb line to the point of
26 Latitude 9° 30' 00'' South, Longitude 127° 53' 20'' East;
- 27 (b) thence westerly along the rhumb line to the point of
28 Latitude 9° 30' 00'' South, Longitude 127° 52' 30'' East;
- 29 (c) thence southerly along the rhumb line to the point of
30 Latitude 9° 35' 00'' South, Longitude 127° 52' 30'' East;
- 31 (d) thence westerly along the rhumb line to the point of
32 Latitude 9° 35' 00'' South, Longitude 127° 50' 00'' East;
- 33 (e) thence southerly along the rhumb line to the point of
34 Latitude 9° 37' 30'' South, Longitude 127° 50' 00'' East;
- 35 (f) thence westerly along the rhumb line to the point of
36 Latitude 9° 37' 30'' South, Longitude 127° 45' 00'' East;

- 1 (g) thence southerly along the rhumb line to the point of
2 Latitude 9° 45' 00'' South, Longitude 127° 45' 00'' East;
3 (h) thence easterly along the rhumb line to the point of
4 Latitude 9° 45' 00'' South, Longitude 127° 50' 00'' East;
5 (i) thence southerly along the rhumb line to the point of
6 Latitude 9° 47' 30'' South, Longitude 127° 50' 00'' East;
7 (j) thence easterly along the rhumb line to the point of
8 Latitude 9° 47' 30'' South, Longitude 127° 55' 00'' East;
9 (k) thence southerly along the rhumb line to the point of
10 Latitude 9° 50' 00'' South, Longitude 127° 55' 00'' East;
11 (l) thence easterly along the rhumb line to the point of
12 Latitude 9° 50' 00'' South, Longitude 128° 03' 22.51'' East;
13 (m) thence north-westerly along the geodesic to the point of
14 Latitude 9° 29' 57'' South, Longitude 127° 58' 47'' East;
15 (n) thence north-westerly along the geodesic to the point of
16 commencement.

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2 **Part 2—Technical corrections**

3 **111 Subsection 44(1)**

4 Omit “an instrument under subsection 43(1)”, substitute “a notice under
5 subsection 43(1A)”.

6 **112 Subsection 44(1)**

7 Omit “instrument on”, substitute “notice on”.

8 **113 Subsection 44(1)**

9 Omit “first-mentioned instrument”, substitute “notice”.

10 **114 Subsection 44(2)**

11 Omit “an instrument under subsection 43(1)”, substitute “a notice under
12 subsection 43(1A)”.

13 **115 Subsection 44(4)**

14 Omit “an instrument under subsection 43(1)”, substitute “a notice under
15 subsection 43(1A)”.

16 **116 Paragraph 44A(b)**

17 Omit “subsection 43(1)”, substitute “subsection 43(1A)”.

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Schedule 2—Amendment of other Acts

Petroleum Resource Rent Tax Assessment Act 1987

1 Section 2

Insert:

apportionment percentage figure has the meaning given by subsection 2C(2).

2 Section 2

Insert:

current apportionment percentage has the meaning given by subsection 2C(1).

3 Section 2

Insert:

Greater Sunrise project means a petroleum project for the recovery of petroleum from one or more of the Greater Sunrise unit reservoirs.

4 Section 2

Insert:

Greater Sunrise unit area has the same meaning as in the *Petroleum (Submerged Lands) Act 1967*.

5 Section 2

Insert:

Greater Sunrise unit reservoirs has the same meaning as in the *Petroleum (Submerged Lands) Act 1967*.

6 Section 2 (definition of *production licence*)

Repeal the definition, substitute:

production licence means:

- 1 (a) a production licence for petroleum under Part III of the
2 *Petroleum (Submerged Lands) Act 1967*; or
3 (b) a lawful authority or right (however described) to undertake
4 activities in the Western Greater Sunrise area for the recovery
5 of petroleum from one or more of the Greater Sunrise unit
6 reservoirs.

7 **7 Section 2 (definition of *production licence area*)**

8 Repeal the definition, substitute:

9 *production licence area* means a licence area within the meaning
10 of the *Petroleum (Submerged Lands) Act 1967* and, in relation to a
11 Greater Sunrise project, includes the Western Greater Sunrise area.

12 **8 Section 2 (note at the end of the definition of *transferable***
13 ***exploration expenditure*)**

14 Omit “Note”, substitute “Note 1”.

15 **9 Section 2 (at the end of the definition of *transferable***
16 ***exploration expenditure*)**

17 Add:

18 Note 2: Special rules apply in relation to the transfer of Greater Sunrise
19 exploration expenditure: see Part 1A of the Schedule.

20 **10 Section 2**

21 Insert:

22 *Western Greater Sunrise area* has the same meaning as in the
23 *Petroleum (Submerged Lands) Act 1967*.

24 **11 After section 2B**

25 Insert:

26 **2C Greater Sunrise apportionments**

- 27 (1) For the purposes of this Act, *current apportionment percentage*
28 means the percentage applying from time to time under the
29 definition of *current apportionment percentage* in subsection
30 127(3) of the *Petroleum (Submerged Lands) Act 1967*.

1 (2) For the purposes of this Act, **apportionment percentage figure**, in
2 relation to a year of tax, means:

- 3 (a) if the current apportionment percentage did not change
4 during the year of tax—the numerator of the fraction with a
5 denominator of 100 that represents the current apportionment
6 percentage that applied during that year; or
7 (b) if the current apportionment percentage changed during the
8 year of tax—means the amount worked out using the
9 following formula:

$$10 \frac{\left(\text{First \% figure} \times \text{Prior days} \right) + \left(\text{Second \% figure} \times \text{Subsequent days} \right)}{\text{Days in tax year}}$$

11 where:

12 **days in tax year** means the number of days in the year of tax.
13 **first % figure**, in relation to a year of tax in which the current
14 apportionment percentage changed, means the numerator of
15 the fraction with a denominator of 100 that represents the
16 current apportionment percentage applying before the
17 change.
18

19 **prior days**, in relation to a year of tax in which the current
20 apportionment percentage changed, means the number of
21 days in that year before the current apportionment percentage
22 changed.

23 **second % figure**, in relation to a year of tax in which the
24 current apportionment percentage changed, means the
25 numerator of the fraction with a denominator of 100 that
26 represents the current apportionment percentage applying
27 after the change.

28 **subsequent days**, in relation to a year of tax in which the
29 current apportionment percentage changed, means the
30 number of days in that year from and including the day on
31 which the current apportionment percentage changed.

32 **12 At the end of section 22 (after the note)**

33 Add:

1 *Allowing for Greater Sunrise apportionments*

2 (2) However, if the petroleum project is a Greater Sunrise project, the
3 person is taken for the purposes of this Act to have a taxable profit
4 in relation to the project and the year of tax of an amount worked
5 out using the following formula:

6
$$\frac{\text{Initial taxable profit} \times \text{Apportionment percentage figure}}{100}$$

7 where:

8 *apportionment percentage figure* has the meaning given by
9 subsection 2C(2).

10 *initial taxable profit* means the amount of taxable profit worked
11 out under subsection (1) ignoring this subsection.

12 **13 Subsection 23(1)**

13 Omit “subsection (2)”, substitute “subsections (2) and (3)”.

14 **14 At the end of section 23**

15 Add:

16 (3) For the purposes of this Act, assessable receipts, in relation to a
17 Greater Sunrise project, are to be calculated as if each amount of
18 the petroleum recovered from a Greater Sunrise unit reservoir
19 became the property of the person who recovered that amount as
20 soon as it was recovered.

21 (4) Subsection (3) has effect despite subsection 127(2) of the
22 *Petroleum (Submerged Lands) Act 1967*.

23 **15 At the end of section 46**

24 Add:

25 *Greater Sunrise closing-down credits*

26 (2) However, for the purposes of the operation of paragraph (1)(a) in
27 relation to a Greater Sunrise project, the amount that is so much of
28 the excess as does not exceed the amount of the closing-down
29 expenditure is taken to be the amount worked out using the
30 following formula:

$$\frac{\text{Initial excess} \times \text{Apportionment percentage figure}}{100}$$

where:

apportionment percentage figure has the meaning given by subsection 2C(2).

initial excess means the amount that is so much of the excess as does not exceed the amount of the closing-down expenditure under paragraph (1)(a) ignoring this subsection.

16 After Part 1 of the Schedule

Insert:

Part 1A—Special rules relating to the transfer of Greater Sunrise expenditure

4A Certain Greater Sunrise expenditure is not transferable

Despite paragraphs 7(b), 8(5)(c), 11(b), 12(4)(c) and 18(3)(e) of this Schedule and subclauses 18(1) and 18(2) of this Schedule, amounts of exploration expenditure incurred in relation to the Western Greater Sunrise area before 6 March 2003 are not transferable under section 45A, 45B or 45C.

4B Greater Sunrise transferable exploration expenditure must be adjusted

Transfers from a Greater Sunrise project

- (1) If, in relation to a year of tax, transferable exploration expenditure is transferred from a Greater Sunrise project to a petroleum project other than a Greater Sunrise project, the amount of that expenditure for the purposes of the other petroleum project is taken to be the amount worked out using the following formula:

$$\frac{\text{Amount transferred} \times \text{Apportionment percentage figure}}{100}$$

where:

1 **amount transferred** means the amount transferred, in relation to
2 the year of tax, from the Greater Sunrise project before that amount
3 is reduced by the operation of this subclause.

4 **apportionment percentage figure** has the meaning given by
5 subsection 2C(2).

6 *Transfers to a Greater Sunrise project*

7 (2) If, in relation to a year of tax, transferable exploration expenditure
8 is transferred to a Greater Sunrise project from a petroleum project
9 other than a Greater Sunrise project, the amount of that expenditure
10 for the purposes of the Greater Sunrise project is taken to be the
11 amount worked out using the following formula:

12
$$\frac{\text{Amount transferred} \times 100}{\text{Apportionment percentage figure}}$$

13 where:

14 **amount transferred** means the amount transferred, in relation to
15 the year of tax, from the project other than the Greater Sunrise
16 project before that amount is increased by the operation of this
17 subclause.

18 **apportionment percentage figure** has the meaning given by
19 subsection 2C(2).

20 **17 At the end of clause 20 of the Schedule**

21 Add:

22 Note: Special rules apply in relation to the transfer of Greater Sunrise
23 exploration expenditure: see Part 1A of this Schedule.

24 **18 At the end of clause 29 of the Schedule**

25 Add:

26 Note: Special rules apply in relation to the transfer of Greater Sunrise
27 exploration expenditure: see Part 1A of this Schedule.

28 ***Radiocommunications Act 1992***

29 **19 At the end of paragraph 16(1)(d)**

30 Add “or 17A”.

1 **20 After section 17**

2 Insert:

3 **17A Western Greater Sunrise area**

4 (1) Subject to subsection (2), this Act applies in relation to the Western
5 Greater Sunrise area as if references in this Act to Australia, when
6 used in a geographical sense, included references to the Western
7 Greater Sunrise area.

8 (2) The extended application given to this Act by subsection (1)
9 extends only in relation to:

10 (a) acts, matters and things directly or indirectly connected with
11 exploration of, or exploitation of the resources of, either or
12 both of the Greater Sunrise unit reservoirs; and

13 (b) acts done by or in relation to, and matters, circumstances and
14 things affecting, any person who is in the Western Greater
15 Sunrise area for a reason directly or indirectly connected with
16 such exploration or exploitation.

17 (3) In this section:

18 ***Greater Sunrise unit reservoirs*** has the same meaning as in the
19 *Petroleum (Submerged Lands) Act 1967*.

20 ***Western Greater Sunrise area*** has the same meaning as in the
21 *Petroleum (Submerged Lands) Act 1967*.