# Notice of Entry for Petroleum Exploration Activities Template

The Energy Resources Division has created a template for the initial Notice of Entry for Petroleum Exploration Activities. It is primarily aimed at providing the Department of Environment and Water with appropriate notification for reconnaissance surveys and for Work Area Clearance activities, for native title or heritage purposes and environmental survey, within regional reserves. Whilst these activities are low environmental impact, they are still regulated activities under the *Petroleum and Geothermal Energy Act 2000*, and as such are subject to notice of entry requirements under Part 10 of the Act.

The attached template is designed to serve as a guide to the information that should be contained within the initial Notice of Entry document. This template has been created by Energy Resources Division and has undergone an internal consultation process and is of a form that the Department of Environment and Water Resources is comfortable with.

It should be noted that the use or application of this document does not guarantee compliance with Part 10 of the *Petroleum and Geothermal Energy Act 2000*. The operator must ensure that all available, relevant information is transcribed into this template document. It should be noted that this is only a precursory document to the actual Notice of Entry that is required once details of geophysical or drilling activities have been better defined.

[Insert name and address details]

Dear [insert name]

**Notice of Entry for Petroleum Exploration Activities**

[Insert Company] intends to undertake exploratory activities within the **[insert name]** Regional Reserve/Park as part of its PEL **[insert number]** licence commitments during [insert date]. These commitments include **[insert number]** km of seismic surveying and **[insert number]** exploratory wells to be drilled. Whilst the final locations of these activities are yet to be determined, the general areas of work are indicated in the attached map. To enable the clear identification of the area of concern, the map also includes named surface features, pastoral tenure names and their boundaries and any national park reserve boundaries. Factors that influence the final locations include the physical, cultural, social and logistical aspects of the area. To clarify these aspects, it is normal practice to reconnoitre the area in light of the activity proposed and to undertake cultural Work Area Clearances by heritage or native title claimant representatives and environmental inspections by environmental personnel.

These field activities usually involve cross-country traverse by 4WD vehicles to inspect the land to identify matters of logistical, environmental or cultural significance. There may also be some bush camping involved, depending on the remoteness of the area. Aerial reconnaissance may also complement the ground inspections.

This letter is intended to provide appropriate notification of these proposed field activities in PEL **[insert number]** pursuant to Part 10 of the *Petroleum and Geothermal Energy Act 2000* (PGE Act).

A copy of this part of the PGE Act is attached for your information, as required under the PGE Act.

If you require any further details or have any concernsregarding the proposed reconnaissance or Work Area Clearance activities in these general areas, please contact **[insert contact person and company details]**.

When final locations of geophysical or drilling activities are resolved, a more specific and detailed Notice of Entry will be provided for these activities.

Any concerns or issues associated with these activities may also be raised with:

Michael Malavazos

Director Engineering Operations

Energy Resources Division

Department for Energy and Mining

Via (08) 8463 3245 or Michael.malavazos@sa.gov.au

Yours sincerely

Licensee/Operator Representative

Title

Company

Date:

Attach:

**Petroleum and Geothermal Energy Act 2000**

**Part 10—Entry to and use of land**

60—Right of entry to land

A licensee may, subject to this Part—

 (a) enter land to carry out authorised activities on the land; or

 (b) enter land for the purpose of gaining access to adjacent land on which the licensee proposes to carry out authorised activities.

61—Notice of entry on land

 (1) A licensee must, at least 21 days before entering land under this Part, give written notice to the owner of the land, in the form required by the regulations—

 (a) of the licensee's intention to enter the land; and

 (b) if the licensee proposes to carry out regulated activities on the land—of the nature of the activities to be carried out on the land.

Maximum penalty: $20 000.

 (2) Once notice of entry has been given, a further notice for re-entry of the land is not necessary unless the activities to be carried out on the land differ significantly, in nature or extent, from the activities as described in the previous notice.

 (3) An owner of land who is entitled to receive a notice under this section may, by written notice furnished to the licensee, reduce the required period of notice.

62—Disputed entry

 (1) An owner of the land may, by giving notice of objection to the licensee, object to the licensee's proposed entry.

 (2) A notice of objection must be given within 14 days after the licensee's notice of the proposed entry.

 (3) If an occupier gives notice of objection, the licensee must notify the Minister that entry is disputed.

 (4) When notice of disputed entry is given, the Minister may attempt to mediate between the parties in order to arrive at mutually satisfactory terms under which the licensee may enter the land and (if relevant) carry out regulated activities on the land.

 (5) If—

 (a) the Minister decides against attempting to reach a settlement of the dispute by mediation; or

 (b) an attempt is made but the dispute is not resolved within a period fixed in the regulations for the purposes of this paragraph,

either the licensee or the owner may apply to the Warden's Court for a resolution of the dispute.

 (6) The Warden's Court may, on an application under this section, determine terms on which the licensee may enter the land and carry out regulated activities on the land.

63—Landowner's right to compensation

 (1) The owner of land is entitled to compensation from a licensee who enters the land and carries out regulated activities under this Act.

 (2) The compensation is to cover—

 (a) deprivation or impairment of the use and enjoyment of the land; and

 (b) damage to the land (not including damage that has been made good by the licensee); and

 (c) damage to, or disturbance of, any business or other activity lawfully conducted on the land; and

 (d) consequential loss suffered or incurred by the owner on account of the licensee entering the land and carrying out regulated activities under the Act.

 (3) The compensation is not to be related to the value or possible value of regulated resources contained in the land.

 (3a) The compensation may include an additional component to cover reasonable costs reasonably incurred by an owner in connection with any negotiation or dispute related to-

 (a) the licensee gaining access to the land; and

 (b) the activities to be carried out on the land; and

 (c) the compensation to be paid under subsection (2).

 (4) The compensation is to be determined by agreement or in default of agreement by the relevant court.

 (5) In assessing compensation under subsection (3a), costs in connection with any negotiation or dispute will not taken to be reasonably incurred if they arise during any period when a reasonable offer of compensation is open to be accepted by the relevant owner of the land.

 (6) In assessing compensation payable under this section, any other compensation paid or payable under this or any other Act or law to the owner or any other owner, insofar as is fair, reasonable and appropriate to do so and to the extent that the compensation relates to the same matter, damage or loss (as the case may require), must be taken into account.

64—Right to require acquisition of land

 (1) If the activities of a licensee on land substantially impair the owner's use and enjoyment of the land, the owner may apply to the relevant court for an order under this section.

 (2) The court may, on an application under this section—

 (a) make an order transferring the owner's land to the licensee; and

 (b) order the licensee to pay to the owner, by way of compensation—

 (i) an amount equivalent to the market value of the land; and

1. a further amount the court considers just by way of compensation for disturbance.