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# Notice of Entry for Regulated Activities Template

The Energy Resources Division has created a template for the Notice of Entry for regulated activities. The Notice of Entry is primarily aimed at providing detailed information to landholders on regulated activities as required by Regulation 22 under the *Petroleum and Geothermal Energy Regulations 2013*.

The attached template is designed to serve as a guide to the information that should be contained within the Notice of Entry document.

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.

**NOTICE OF ENTRY ON LAND**

**PETROLEUM AND GEOTHERMAL ENERGY ACT 2000**

**(The Act)**

**(Part 10)**

**PETROLEUM AND GEOTHERMAL ENERGY REGULATIONS 2013**

**(Regulation 22 and Regulation 56)**

**TO:** Landowner

1. **Notice of Entry on Land (“Notice”)**

Pursuant to the requirements of Part 10 of the Act, this Notice is to inform you that [Company of Address] (hereinafter referred to as **“the Licensee”**) being the holder of Petroleum Exploration License [number] issued under the Act intends to enter your property/ies in the areas depicted on the attached map (Attachment A) to carry out the activities described in paragraph 2 of this Notice.

1. **Contact Details for Person(s) for Matters relating to the Notice**
2. **Type of Activity**

## (a) Description of Activity

**(b) Methodology**

1. **Environmental Impact of Activity**
2. **Objections**

### The Acthas specific requirements with regard to the rights of landowners.

If you object to the Licensee’s entry on to your Land, you must within 14 days after the service of this Notice on you, provide the Licensee with a notice of your objection.

Note that dissatisfaction with any compensation payable in accordance with section 63 of the Act is not a ground for objecting to the Licensee’s entry on to your Land.

1. **Disputed entry**

If you lodge a notice of objection with the Licensee, the Licensee is legally obliged to notify the Minister for Energy and Mining that entry is disputed.

The Minister may act as a mediator in the dispute in order to achieve mutually satisfactory terms of entry.

If the Minister decides against mediating the dispute or an attempt to reach settlement of the dispute by mediation is unsuccessful in achieving agreed terms within 2 months (this period is fixed in Regulation 56), the dispute may be referred by either you or the Licensee to the appropriate court for resolution.

Any dispute over access or compensation may ultimately be resolved by application to:

1. the Warden’s Court where the amount or value of the claim is $100,000 or less; or
2. the Land and Valuation Court in all other cases.
3. **Compensation**

Under section 63 of the Act, you are entitled to compensation from the Licensee as a result of its entry/activities on your Land to cover:

a) Deprivation or impairment of your use and enjoyment of your Land;

b) Damage to your Land (not including any damage that will be made good by the Licensee);

c) Damage to, or disturbance of, any business or other activity lawfully conducted on your Land; and

d) Consequential loss suffered or incurred on account of the entry/activities (such as profits, loss or expenses incurred as a result of, for example, some impairment of the use and enjoyment of your Land).

Compensation under the Act may also include an additional component to cover reasonable costs reasonably incurred in connection with negotiating and resolving issues associated with gaining access to the land, undertaking activities on the land, and determining appropriate levels of compensation to be paid under the Act.

Any compensation payable under the Act cannot include the value or possible value of regulated resources contained in your Land.

In assessing compensation, any other compensation you may have received or are entitled to receive is taken into account.

1. **Assistance of the Department**

The activities to which this notice relates are conducted under the Act. Any concerns or issues associated with the conduct of the activities may be raised with:-

Director

Engineering Operations

Energy Resources Division

Department for Energy and Mining

7th Floor, 11 Waymouth Street, Adelaide

GPO Box 320, Adelaide SA 5001

Phone 08 8429 2470

1. **Part 10 of the Act**

A copy of Part 10 of the Act must be provided as part of the notice of entry. This part of the Act is attached for your information.

SIGNED BY: Company Representative

Insert address and contact details

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 each 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 owner 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—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 payable to an owner of land must be directly related to the owner and will be 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 this Act.

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

 (3aa) Compensation is not payable under this section to the holder of a tenement under the [*Mining Act 1971*](http://www.legislation.sa.gov.au/index.aspx?action=legref&type=act&legtitle=Mining%20Act%201971) in relation to—

 (a) any loss represented by a reduction in the value of any minerals that may be recovered under that tenement; or

 (b) any other loss, deprivation or impairment of a prescribed kind.

 (3a) The compensation may include an additional component to cover reasonable costs reasonably incurred by an owner of land 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)](file:///C%3A%5CUsers%5Canneaj20%5CUserData%5CDownloads%5C2000.60.UN.RTF#id99ca894e_0775_48f7_a402_1a23bbf16eed).

 (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)](file:///C%3A%5CUsers%5Canneaj20%5CUserData%5CDownloads%5C2000.60.UN.RTF#idb8a6f387_5840_45a2_9631_5abb327e3d1b), costs in connection with any negotiation or dispute will not be 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 land.

 (6) In assessing compensation payable to an owner of land 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

 (ii) a further amount the court considers just by way of compensation for disturbance.