



Native Title (Approved Exploration etc. Acts — New South Wales) (Petroleum) Determination 2000¹

I, DARYL ROBERT WILLIAMS, Attorney-General, acting under subsection 26A (1) of the *Native Title Act 1993*, determine that each act included in the class of acts mentioned in Part 2 of Schedule 1 is an approved exploration etc. act.

Dated 17 October 2000

Daryl Williams

Attorney-General

Schedule 1 Approved exploration etc. acts

Part 1 Interpretation

1. In clause 5, 6 or 9 in Part 2 of this Schedule, a reference to a low-impact exploration licence is a reference to a low-impact exploration licence:
 - (a) that is subject to the condition that the holder of the licence is not authorised to carry out prospecting operations on any land in relation to which there are any registered native title bodies corporate or registered native title claimants otherwise than in accordance with an access arrangement between the holder of the licence and each registered native title body corporate or each registered native title claimant; and
 - (b) in relation to which each registered native title body corporate, or each registered native title claimant, has the same rights (including procedural rights) regarding the making and enforcement of the access arrangement as that body corporate or claimant would have if the body corporate or claimant were the holder of an estate in fee simple in relation to the land concerned; and

- (c) in relation to which (in the case of the acts mentioned in clauses 5 and 9 in Part 2) notice of the application for the grant of the licence or for the variation of conditions of an exploration licence to convert it to the licence, as the case may be, was served on any representative Aboriginal/Torres Strait Islander body for the area that includes the land covered by the licence not less than 4 months before the grant or variation.
2. In clause 7, 8 or 9 in Part 2 of this Schedule, a reference to a low-impact special prospecting authority is a reference to a low-impact special prospecting authority:
- (a) that is subject to the condition that the holder of the authority is not authorised to carry out prospecting operations on any land in relation to which there are any registered native title bodies corporate or registered native title claimants otherwise than in accordance with an access arrangement between the holder of the authority and each registered native title body corporate or each registered native title claimant; and
- (b) in relation to which each registered native title body corporate, or each registered native title claimant, has the same rights (including procedural rights) regarding the making and enforcement of the access arrangement as that body corporate or claimant would have if the body corporate or claimant were the holder of an estate in fee simple in relation to the land concerned; and
- (c) in relation to which (in the case of the acts mentioned in clauses 7 and 9 in Part 2) notice of the application for the grant of the authority or for the variation of the conditions of an exploration licence to convert it to the authority, as the case may be, was served on any representative Aboriginal/Torres Strait Islander body for the area that includes the land covered by the authority not less than 4 months before the grant or variation.
3. In this Part:
- access arrangement*** means an access arrangement under Part 4A of the *Petroleum (Onshore) Act 1991*² of New South Wales that is:
- (a) agreed between the holder of the licence or authority and each registered native title body corporate or each registered native title claimant; or
- (b) determined for those parties by an arbitrator who has the power to determine whether the holder of the licence or authority is entitled to a right of access to the land concerned.
4. The following expressions used in this Part have the same meaning as in the *Petroleum (Onshore) Act 1991* of New South Wales:
- (a) prospecting operations;
- (b) registered native title body corporate;
- (c) registered native title claimant;
- (d) representative Aboriginal/Torres Strait Islander body.

Part 2 Class of acts

5. The grant of a petroleum title under section 9 of the *Petroleum (Onshore) Act 1991* of New South Wales that is an exploration licence to which Division 2 of Part 3 of that Act applies and that is a low-impact exploration licence under, and in accordance with, Division 6 of Part 3 of that Act.
6. The renewal of a petroleum title under section 19 of the *Petroleum (Onshore) Act 1991* of New South Wales that is an exploration licence to which Division 2 of Part 3 of that Act applies and that is a low-impact exploration licence under, and in accordance with, Division 6 of Part 3 of that Act.
7. The grant of a petroleum title under section 9 of the *Petroleum (Onshore) Act 1991* of New South Wales that is a special prospecting authority to which Division 4 of Part 3 of that Act applies and that is a low-impact special prospecting authority under, and in accordance with, Division 6 of Part 3 of that Act.
8. The renewal of a petroleum title under section 19 of the *Petroleum (Onshore) Act 1991* of New South Wales that is a special prospecting authority to which Division 4 of Part 3 of that Act applies and that is a low-impact special prospecting authority under, and in accordance with, Division 6 of Part 3 of that Act.
9. The variation of conditions under clause 15 in Part 3 of Schedule 1 to the *Petroleum (Onshore) Act 1991* of New South Wales to convert an exploration licence under Division 2 of Part 3 of that Act that was in force immediately before the commencement of Division 6 of Part 3 of that Act to a low-impact prospecting title (being either a low-impact exploration licence or a low-impact special prospecting authority) under, and in accordance with, Division 6 of Part 3 of that Act.

Notes

1. This Determination commences on gazettal: see *Acts Interpretation Act 1901*, section 48 and *Native Title Act 1993*, section 214.
2. Paragraph 10A (a) of the *Acts Interpretation Act 1901* provides that a reference to the short title of a State Act is to be construed as a reference to the Act as originally enacted or made and as amended from time to time.