

**PETROLEUM AND GEOTHERMAL ENERGY RESOURCES AMENDMENT
(VETO POWERS) BILL 2017.**

EXPLANATORY MEMORANDUM

OVERVIEW OF THE BILL

The *Petroleum and Geothermal Energy Resources Amendment Bill (Veto Powers) 2017* makes amendments to the *Petroleum and Geothermal Energy Resources Act 1967* (WA).

The Bill seeks to give the power of veto for the owner of private land that is subject to petroleum and geothermal permitted activities, as long as it is in bona fide and regular use for agricultural or horticultural purposes, or as a garden, orchard, plant nursery, plantation, stockyard, vineyard, or yard.

NOTES ON CLAUSES

Clause 1. Short Title

Clause 2. Commencement

Provides for sections 1 and 2 of the Act to come into operation on the day on which this Act receives Royal Assent, with the rest of the Act coming into operation 28 days after the day the Act receives Royal Assent.

Clause 3. Act amended

This states that the amendments in the Bill are to the *Petroleum and Geothermal Energy Resources Act 1967*.

Clause 4. Section 16 replaced

This section requires the consent of the owner of certain lands before authority can be exercised under the Act

Section 16 (1) defines agricultural purposes to include the grazing of stock on uncleared land, and the meaning of reservoirs as defined in section 16 (2) (a) of the current Act.

Section 16 (2) contains the existing provisions of section 16 (2) (b) of the current Act that relate to Ministerial powers with respect to improvements upon private land.

Section 16 (3) contains the existing provisions of section 16 (1a) of the current Act, but extended to provide for private land, of no matter what area, that is in bona fide and regular use for agricultural and horticultural purposes or as a garden, orchard, plant nursery, plantation, stockyard, vineyard, or yard.

Section 16 (4) makes clear that for certain lands, the rights conferred by permit, by drilling reservation, by lease, by license, by special prospecting authorities, and by access authorities, cannot be exercised without obtaining the written consent of the owner.

Nor can permittees, holders of a drilling reservation, access authorities or special prospecting authorities, lessees or licensees enter land to exercise these authorities without obtaining the written consent of the owner.