



Australian Government
Department of Resources
Energy and Tourism

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Amendment to Datum Provisions in the Offshore Petroleum Act

The Department of Resources, Energy and Tourism (RET) has recently been alerted to an error in the Datum Provisions in the *Offshore Petroleum Act 2006* (OPA) resulting from an amendment in the *Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008* to implement part of the Government's Australia Spatial Data Infrastructure Program.

Included in the *Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008* were amendments to specify use of the Geocentric Datum of Australia (GDA94) to replace the Australian Geodetic Datum (AGD66). The amendments inadvertently replaced all references to AGD66 with GDA94. However, if graticular sections or blocks are determined by reference to GDA94 (as the OPA currently states) the grid used to determine the position of titles will move about 200 metres in a north easterly direction from a grid that refers to AGD66. This was not the intention of the amendment and, if not corrected, would create uncertainty for existing titles and risk future titles moving out of alignment with existing titles.

The OPA needs to be amended to specify use of AGD66 to determine the position of graticular sections or blocks. It is proposed that the amendment will be retrospective to 1 July 2008 to ensure there is no adverse impact on industry. As you would be aware, the OPA, entered into force on 1 July 2008 and the *Petroleum (Submerged Lands) Act 1967* was repealed.

Until the Datum Provisions in the OPA are corrected it is necessary to temporarily suspend the release of new exploration areas and the offer and award of new and renewed petroleum titles. A special single purpose Bill has been prepared for urgent introduction into the Parliament to rectify the Datum provisions. It is proposed to introduce the Bill in the first week of the spring session of Parliament (that is, the sitting week commencing Tuesday 26 August) with the objective of its passage during September 2008. After the amendments have received Royal Assent, the formal release, offer and award of areas and titles can resume.

Successful applicants for exploration release areas for which bidding closed on 18 April 2008 will be notified and informed of the Joint Authority's intention to formally offer them an exploration permit as soon the Datum Provision have been corrected.

The contact officer on this matter in RET is Mr Peter Livingston, Manager Legislation Review and Timor Sea Section, Department of Resources, Energy and Tourism on telephone +61 2 6213 7974 or e-mail peter.livingston@ret.gov.au.