



Government of Western Australia
Department of Mines and Petroleum

Petroleum Division

WA PETROLEUM GUIDELINE – CRITERIA FOR ASSESSMENT



A guideline in relation to the *Petroleum and Geothermal Energy Resources Act 1967 (PGERA67)* and the *Petroleum (Submerged Lands) Act 1982 (PSLA82)*.

Informing the assessment of:

- applications for the award of petroleum exploration permits, under section 31 of the PGERA67 and section 21 of the PSLA82
- applications for the award of petroleum drilling reservations, under section 43B of the PGERA67
- transfer applications to become a registered holder of a petroleum title in Western Australia, under section 72 of the PGERA67 and section 78 of the PSLA82.

By way of background, section 30 and section 43A of the PGERA67 and section 20 of the PSLA82 provide the legislative mechanisms for the Minister to invite applications for the grant of a petroleum exploration permit or petroleum drilling reservation by way of a competitive application process (bidding). Under section 105(3(a)(ii) of the PGERA67, the Minister may authorise the registered holder of a special prospecting authority to apply for the grant of a petroleum exploration permit or petroleum drilling reservation, commonly called the acreage option.

This guideline, in respect of:

- Petroleum exploration permits – clarifies the requirements under section 31(1)(d) of the PGERA67 and section 21(1)(d) of the PSLA82. These sections provide that an application for a petroleum exploration permit shall be accompanied by particulars of:
 - (i) the proposals of the applicant for work and expenditure in respect of the blocks specified in the application
 - (ii) the technical qualifications of the applicant and of its employees
 - (iii) the technical advice available to the applicant
 - (iv) the financial resources available to the applicant.
- Petroleum drilling reservation – clarifies the requirements under section 43B(1)(d) of the PGERA67. This section provides that an application for a drilling reservation shall be accompanied by:
 - (i) the proposals of the applicant for the drilling of a well, or wells, and other work in respect of the block, or blocks, specified in the application
 - (ii) the technical qualifications of the applicant and of the employees of the applicant
 - (iii) the technical advice available to the applicant
 - (iv) a statement as to the size and configuration of the potential petroleum deposit as the case requires and a geological prognosis of the well
 - (v) a statement of the approximate time of the completion of the well
 - (vi) the financial resources available to the applicant.
- How to Apply – specifies the approved manner for making an application for the purposes of section 31(1)(b) and section 43B(1)(b) of the PGERA67 and section 21(1)(b) of the PSLA82.
- Overview of Criteria for Assessment – provides guidance on other matters that an applicant may include in its application for the Minister's consideration in accordance with section 31(1)(e) and section 43B(1)(e) of the PGERA67 and section 21(1)(e) of the PSLA82. If the suggested information is not volunteered in an application, the Minister may request this information be provided, under section 31(4) and section 43B(4) of the PGERA67 and section 21(4) of PSLA82. The information provided may then be used to assist with the assessment of the application.
- Assessment – sets out the methodology which the Minister may regard when considering which of several competing applications for the same block, or blocks (release area), is the most deserving of the grant of a petroleum exploration permit for the purposes of section 32A(2) of the PGERA67 and section 22A(2) of the PSLA82 and for a petroleum drilling reservations under section 43CA(2) of the PGERA67.
- Approval of Transfers – will be of assistance to parties making an application for approval of a transfer of title, under section 72 of the PGERA67 and section 78 of the PSLA82. For transfer applications, the details to be submitted are limited to technical qualifications, technical advice and financial resources available to new market entrants, in accordance with section 72(3)(b) of the PGERA67 and section 78(3)(b) of the PSLA82.

This guideline has been made and approved by the Executive Director, Petroleum, Department of Mines and Petroleum, under delegation from the Minister for Mines and Petroleum.

Notes:

- Unless otherwise defined, terms used in this guideline are consistent with those defined in the PGERA67 and PSLA82.
- This guideline does not provide for the assessment of applications for the award of geothermal exploration permits or geothermal drilling reservations under the PGERA67.
- A reference to the 'Minister' means the Minister for Mines and Petroleum or the Executive Director, Petroleum as the Minister's Delegate.
- Information required to be submitted to the Minister is to be addressed to the Executive Director, Petroleum at the Department of Mines and Petroleum as the Minister's Delegate.
- A reference to release area means an invitation for applications, in respect to the block, or blocks, published by instrument in the Government Gazette under section 30 and section 43A of the PGERA67 and section 20 of the PSLA82.
- A reference to permittee means the registered holder of a petroleum exploration permit.
- A reference to a holder means the registered holder of a petroleum drilling reservation.
- A reference to a registered holder, in the context of approval of transfers, means the registered holder of any petroleum title under the PGERA67 and PSLA82.
- A year of a work program is referred to as a "permit year". The first two permit years are collectively referred to as the "firm period" and represent a guaranteed minimum work commitment by the permittee.
- This guideline will be updated as required from time to time.
- It is at all times the responsibility of the applicant to ensure that it complies with and is familiar with the requirements and obligations of the PGERA67 and the PSLA82 and any subsidiary legislation made under these acts, in force from time to time.

The guideline should be read in conjunction with the following documents:

- **WA Petroleum and Geothermal Guideline for Exploration Permit Management**
- **Western Australia's Petroleum and Geothermal Explorer's Guide.**

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1. PETROLEUM EXPLORATION PERMITS

- 1.1. Western Australian petroleum exploration permits are granted in accordance with the provisions of the PGERA67 in respect of land and water extending to the baseline from which Australia's territorial sea is measured, and the PSLA82 in respect of Western Australia's coastal waters (three nautical miles seaward of the baseline).
- 1.2. Petroleum exploration permits authorise the permittee to explore for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the permit area and for the term of the permit.
 - 1.2.1. Permits are granted for an initial period of six years and are subject to conditions requiring work to be carried out by the permittee in accordance with a work program, and subject to an application and approval process.
 - 1.2.2. Each year of a work program is referred to as a "permit year". The first two permit years are collectively referred to as the "firm period" and represent a guaranteed minimum work commitment by the permittee.
- 1.3. In undertaking petroleum operations, the permittee must comply with the provisions of any other applicable legislation and all other relevant laws. Work must be carried out with due regard to public and worker safety, protection of the environment and the interests of others who also have an interest in the lands.
 - 1.3.1. At times, competing and conflicting interests may occur and it is the permittee's responsibility to conduct its operations in a manner that does not prejudice its future interest and that of others.

2. PETROLEUM DRILLING RESERVATIONS

- 2.1. A petroleum drilling reservation granted under PGERA67 is a title predominantly for the purpose of drilling a prospective target.
- 2.2. A petroleum drilling reservation title also authorises the holder to undertake other exploration work in support of drilling.
- 2.3. Petroleum drilling reservations are granted, subject to conditions, for a period of up to a maximum of three years (at the discretion of the Minister).
- 2.4. Under section 43A of the PGERA67, release areas for petroleum drilling reservations may be advertised, assessed and ranked in the same competitive way as release areas for petroleum exploration permits.
- 2.5. The block, or blocks, subject of an application made under section 43B must contain details of the potential petroleum deposits and identify the location of a drillable target.
- 2.6. Petroleum drilling reservations are not available under the PSLA82.
- 2.7. For consistency, the overview at clause 4 of this guideline may be of assistance in the preparation of applications for petroleum drilling reservations made under section 43B(1)(d)(i-vi), including other matters that the applicant wishes the Minister to consider under section 43B(1)(e).
- 2.8. If other matters, described in Clause 4, are not included in an application for a petroleum drilling reservation, the Minister may request this information be provided under section 43B(4) of the PGERA67.
- 2.9. Petroleum drilling reservation applications should give early consideration to the contents of a well management plan, which is a post grant requirement, under Part 3 and Schedule 1 of the Petroleum and Geothermal Energy Resources (Resource Management and Administration) Regulations 2015.
- 2.10. In undertaking petroleum operations, the holder of a petroleum drilling reservation must comply with the provisions of any other applicable legislation and all other relevant laws. Work must be carried out with due regard to public and worker safety, protection of the environment and the interests of others who also have an interest in the lands.
 - 2.10.1. At times, competing and conflicting interests may occur and it is the holder's responsibility to conduct its operations in a manner that does not prejudice its future interest and that of others.

3. HOW TO APPLY

For the purpose of section 31(1)(b) and section 43B(1)(b) of the PGERA67 and section 21(1)(b) of the PSLA82 – from an invitation to apply, for a petroleum exploration permit or petroleum drilling reservation, from an acreage release –

- 3.1. The approved manner for lodgement of an application is through the department's secure online Petroleum and Geothermal Register (PGR) by the closing date and time stipulated in the Government Gazette notice inviting applications for the grant of a petroleum exploration permit or petroleum drilling reservation, and payment of the prescribed application fee.
 - 3.1.1. Applications will no longer be accepted by hand delivery or post.
 - 3.1.2. Applicants are advised to register for access to PGR at least two business days in advance of the closing date and time.
 - 3.1.3. Lodgement of applications using PGR will be available from the date of the Government Gazette notice inviting applications. Applicants should note that PGR will prevent lodgement of applications after the closing date and time.
 - 3.1.4. Payment of the prescribed application fee must be made through PGR for the application to be considered lodged.

For the purpose of section 31(1)(b) and section 43B(1)(b) of the PGERA67, when exercising the acreage option of a special prospecting authority, for a petroleum exploration permit or petroleum drilling reservation –

- 3.2. The approved manner for lodgement of an application is via the Department's secure online Petroleum and Geothermal Register ("PGR") by the date specified in the special prospecting authority instrument of grant, and payment of the prescribed application fee.
 - 3.2.1. Applications will no longer be accepted by hand delivery or post.
 - 3.2.2. Applicants are advised to register for access to PGR at least two business days in advance of the date specified in the special prospecting authority instrument of grant.
 - 3.2.3. Payment of the prescribed fee must be made via PGR for the application to be considered lodged.
- 3.3. For the purposes of section 72(3)(a) of the PGERA67 and section 78(3)(a) of the PSLA82 the lodgement of an application for transfer of a title is via the department's secure online PGR, including the lodgement of the application and the prescribed form of instrument of transfer.

4. OVERVIEW OF CRITERIA FOR ASSESSMENT

An application shall be accompanied by particulars of the proposals for work and expenditure, the technical and financial resources available to the applicant, and may set out any other matters for consideration by the Minister.

To meet the requirements of:		The applicant should provide:			
	Applicant Profile	Geological Evaluation and Exploration Rationale	Environmental Management	Native Title and Heritage Management	Land Access Management
	Who is the applicant?	What minimum work – commensurate with the size of the release area – does the applicant propose to undertake for the work program of a six year permit, or well/s and/or work for a drilling reservation?	How does the applicant intend to manage environmental risks and impacts in respect of commitments in the firm period of the proposed work program for a permit, or in the time specified for the drilling application?	How will the applicant fulfil the future act provisions of the Commonwealth Native Title Act 1993 prior to the grant of a permit or drilling reservation?	How does the applicant intend to manage land access to ensure that it secures and maintains the right to access the area the subject of a permit or drilling reservation?
section 31(1)(e) of the PGERA67 section 43B(1)(e) of the PGERA67 section 21(1)(e) of the PSLA82 ...set out other matters for consideration	Details of the applicant and its relationship to any major corporation or group, substantial shareholding, directors, principal business activity and place of incorporation/business (including addressing FRB requirements and/or registration of an Australian entity, where applicable). Particulars of the applicant's current and prior involvement in petroleum exploration and development in Australia. Details of the applicant's past performance in respect of matters of compliance (or failure to comply) under the PGERA67 and/or PSLA82.	Details of the applicant's past performance in respect to compliance with commitments under a work program in Australia. Details of any potential barriers that may impact the undertaking of the proposed work program. Early consideration to the contents of a well management plan for a drilling reservation.	Details of the applicant's past performance in respect to matters of assessment and compliance against relevant State and Commonwealth environmental legislation.	Details of the applicant's past performance in respect to working with Aboriginal communities in respect to Aboriginal cultural material, protected areas or other places or objects of importance and significance to persons of Aboriginal descent. Demonstrated implementation of site identification and, where required, site avoidance strategies for management of Aboriginal heritage. Alternatively, previous evidence from the Minister for Aboriginal Affairs for consent to use Aboriginal Heritage land.	Details of the applicant's past performance in negotiating private land access agreements. Details of any industry standards and/or codes of conduct/practice that will be utilised to guide private negotiations, consultation, and engagement. Details of any potential barriers that may impact the undertaking of the proposed work program. Details of pre-grant stakeholder identification and an engagement strategy in relation to the work program.
section 31(1)(d)(i) of the PGERA67 section 43B(1)(d)(i),(iv) and (v) of the PGERA67 section 21(1)(d)(i) of the PSLA82 ...proposals for work and expenditure		Details of the exploration rationale guiding a six year proposed work program including logistics required to successfully undertake the proposed work. Proposal for well/s and/or work for a drilling reservation including a statement as to the size and configuration of petroleum prospect and a geological prognosis.	Details of the expertise available to the applicant to identify, understand, and manage the environment (including sensitive areas and aspects) for the purpose of the commitments in the firm period of the proposed work program, or time specified in a drilling reservation application.	Details of the expertise available to the applicant to manage native title and Aboriginal heritage proceedings prior to the grant of a permit or drilling reservation.	Details of the expertise available to the applicant to manage stakeholder engagement prior to the grant of a permit and for the firm period of the proposed work program, or time specified in a drilling reservation application.
sections 31(1)(d)(ii-iii) of the PGERA67 section 43B(1)(d)(i),(iv) and (v) of the PGERA67 section 72(3)(b)(i) and (ii) of the PGERA67 sections 21(1)(d)(ii-iii) of the PSLA82 section 78(3)(b)(i) and (ii) of the PSLA82 ...technical resources available	Details of the technical qualifications of, and technical advice available to, the applicant.	Details of the expertise available to the applicant to undertake the commitments in the firm period of the proposed work program for a permit, or time specified in a drilling reservation application.	Details of the expertise available to the applicant to identify, understand, and manage the environment (including sensitive areas and aspects) for the purpose of the commitments in the firm period of the proposed work program, or time specified in a drilling reservation application.	Evidence of the applicant's financial capacity to manage native title and Aboriginal heritage proceedings prior to the grant of a permit or drilling reservation.	Evidence of the applicant's financial capacity to manage stakeholder engagement prior to the grant of a permit and for the firm period of the work program, or time specified in a drilling reservation application.
section 31(1)(d)(iv) of the PGERA67 section 43B(1)(d)(vi) of the PGERA67 section 72(3)(b)(iii) of the PGERA67 section 21(1)(d)(iv) of the PSLA82 section 78(3)(b)(iii) of the PSLA82 ...financial resources available	Evidence of the applicant's financial capacity and resources. Details of any proposed consortium arrangements, including the future viability of the consortium lodging the application, and evidence that a satisfactory settlement has been, or can be reached on a joint operating agreement	Evidence of the applicant's financial capacity to undertake the commitments in the firm period of the proposed work program or drilling reservation.	Evidence of the applicant's financial capacity to manage environmental risks and impacts (including large scale incident responses) for the purpose of the commitments in the firm period of the proposed work program, or time specified in a drilling reservation application.	Evidence of the applicant's financial capacity to manage native title and Aboriginal heritage proceedings prior to the grant of a permit or drilling reservation.	Evidence of the applicant's financial capacity to manage stakeholder engagement prior to the grant of a permit and for the firm period of the work program, or time specified in a drilling reservation application.
Find details in this Guideline:	Clause 6	Clause 7	Clause 8	Clause 9	Clause 10

5. BASIS FOR ASSESSMENT

- 5.1. Applications are assessed by a panel of departmental staff on the basis of the information submitted in the application together with any additional information requested by the Minister.
- 5.2. The basis for assessment for each criterion is that the Minister must be reasonably satisfied that the applicant has adequately addressed the criteria with consideration to the requirements of this guideline.
 - 5.2.1. The Minister will not consider applications that fail to address, at a minimum, the requirements in respect to section 31(1)(d)(i-iv) and section 43B(d)(i-vi) of the PGERA67 and sections 21(1)(d)(i-iv) of the PSLA82 (proposals for work and expenditure, technical resources and advice available and financial resources available).
 - 5.2.2. Where more than one application is received for a petroleum exploration permit release area or petroleum drilling reservation release area, the Minister may offer the grant to whichever applicant, in his opinion, is the most deserving (see Clause 14 – Assessment).
 - 5.2.3. Information provided under section 31(1)(e) and 43B(1)(e) of the PGERA67 and section 21(1)(e) of the PSLA82 may be utilised to identify the most deserving applicant.
 - 5.2.4. For the avoidance of doubt, the Minister will refuse an application where he considers the applicant is not deserving of the grant of a petroleum exploration permit or petroleum drilling reservation, having regard to the criteria in this guideline.
- 5.3. In accordance with section 31(4) and section 43B(4) of the PGERA67 and section 21(4) of the PSLA82, the Minister may at any time request further information in connection with an application.
 - 5.3.1. Applicants may be invited to attend an interview with the panel to clarify information submitted.
 - 5.3.2. It should be noted that the composition and timing of the proposed work program may be clarified but cannot be amended by the provision of additional information or through the interview process.
 - 5.3.3. An applicant for the award of a petroleum exploration permit or petroleum drilling reservation may be required to furnish the Minister with evidence of its continued suitability in respect to the criteria outlined in this guideline, until such time as the petroleum exploration permit or petroleum drilling reservation may be offered for grant.

6. CRITERIA FOR ASSESSMENT – APPLICANT PROFILE

For the purpose of section 31(1)(d) and section 43B(1)(d)(ii) and(iii) of the PGERA67 and section 21(1)(d) of the PSLA82 –

- 6.1. Applicants must provide an applicant profile with particulars of:
 - 6.1.1. the technical qualifications of the applicant and of its employees
 - 6.1.2. the technical advice/expertise available to the applicant
 - 6.1.3. the financial resources available to the applicant, including evidence of the applicant's ability to fund the proposed work program
 - 6.1.4. where relevant, the future viability of the consortium lodging the application, including evidence that a satisfactory settlement has been, or can be reached on a joint operating agreement
 - 6.1.5. the percentage participating interest of each applicant
 - 6.1.6. a single contact in respect to the application.
- 6.2. All technical and financial information supplied in the applicant profile must be consistent across each of the assessment criteria.

For the purpose of section 31(1)(e) and section 43B(1)(e) of the PGERA67 and section 21(1)(e) of the PSLA82 –

- 6.3. Applicants may include the following particulars in its applicant profile:
 - 6.3.1. details of the applicant and its relationship to any major corporation or group, substantial shareholding, directors, principal business activity, and place of incorporation/business
 - 6.3.2. where the applicant is a foreign company, its acknowledgement of the requirements for approval by the Australian Foreign Investment Review Board (FIRB), and/or proposal for registering an Australian entity
 - 6.3.3. the applicant's current and prior involvement in petroleum exploration and development in other national or international jurisdictions, including work commitments for other petroleum tenure
 - 6.3.4. the applicant's past performance in respect of matters of compliance (or failure to comply) under the PGERA67 and/or PSLA82.

- 6.4. Where relevant, it is the responsibility of the applicant to provide sufficient compelling evidence to justify why the circumstances leading to poor past performance have been mitigated or resolved such that the chance of reoccurrence is as low as reasonably practicable.

7. CRITERIA FOR ASSESSMENT – GEOLOGICAL EVALUATION AND EXPLORATION RATIONALE

For the purpose of sections 31(1)(d)(ii-iii) of the PGERA67 and sections 21(1)(d)(ii-iii) of the PSLA82 –

- 7.1. Applicants must provide a geological evaluation and exploration rationale linked to a six year proposed work program commensurate with the size of the release area, detailing:
 - 7.1.1. the applicant's geological evaluation of the release area, including potential petroleum systems and plays
 - 7.1.2. the applicant's assessment of existing data, where relevant.
 - 7.1.3. the rationale underlying the proposed work program with sufficient detail to support that program
 - 7.1.4. how the commitments in the proposed work program will investigate the plays, prospects, and/or leads identified in the geological evaluation of the release area.
- 7.2. Applicants must demonstrate that the proposed work program will significantly progress the assessment of the petroleum potential and/or develop the geological knowledge of the release area.
 - 7.2.1. The proposed work program must be credible, coherent and supportable, and must not contain any contingent work.
 - 7.2.2. The firm period commitments are sufficient to enable later work program commitments.
 - 7.2.3. Each commitment expressed in the proposed work program must be accompanied by an indicative cost expressed in Australian dollars. This is for assessment purposes only and does not imply any obligation on the part of the applicant to expend such amounts.
 - 7.2.3.1. Applicants should note that the indicative cost will be taken into account in the assessment of the applicant's knowledge of exploration techniques.
 - 7.2.4. Only work proposed to be undertaken within, or in respect to, the area the subject of a petroleum exploration permit will be considered as part of the work program.

The proposed work program will be assessed having regard to:

- 7.2.5. the quantity, type, and timing of any new geochemical, geological, and/or geophysical surveying to be undertaken
- 7.2.6. the quantity, type, and timing of geochemical, geological, and/or geophysical survey data to be purchased or licenced, and/or reprocessed or reinterpreted.
 - 7.2.6.1. It is expected that purchased or licenced reprocessed data will have been reprocessed from raw data.
 - 7.2.6.2. Pre-purchased, non-exclusive survey data cannot form part of the proposed work program; but, any interpretation of that data will be taken into account in assessing the relative merits of the proposed work program.
 - 7.2.6.3. Non-exclusive survey data proposed to be purchased after the award of a petroleum exploration permit may form part of the work program provided that this will not disadvantage other applicants who have purchased the data prior to making an application.
- 7.2.7. the number, type (slim-hole, stratigraphic, open-hole, cased, etc.), and timing of exploration wells to be drilled, provided there is a coherent rationale
- 7.2.8. work intended to appraise a known petroleum resource cannot form part of the proposed work program unless it can be demonstrated to have a significant exploration component
- 7.2.9. proposed work considered equivalent or inferior to work previously carried out will not be considered exploration work for the purpose of progressing the assessment of the petroleum potential of the release area.

For the purpose of sections 31(1)(d)(ii-iii) of the PGERA67 and sections 21(1)(d)(ii-iii) of the PSLA82 –

- 7.3. Applicants must provide details of its technical expertise available (through employees/consultants/contractors) to be used to ensure the minimum commitments in the firm period (only) of the proposed work program may be successfully undertaken.

For the purpose of section 31(1)(d)(iv) of the PGERA67 and section 21(1)(d)(iv) of the PSLA82 –

- 7.4. Applicants must provide evidence as assurance of its financial capacity to undertake the commitments in the firm period (only) of the proposed work program, including experience raising capital to successfully undertake exploration (where relevant).

For the purpose of section 31(1)(e) of the PGERA67 and section 21(1)(e) of the PSLA82 –

- 7.5. Applicants may include in its rationale details of any potential barriers that may impact the proposed work program and how such barriers could be overcome; e.g. land use, infrastructure or seasonal restrictions.

For the purpose of section 43B(1)(d)(i), (iv) and (v) of the PGERA67 –

- 7.6. Applicants must provide a geological evaluation and exploration rationale linked to the proposed work program commensurate with the size of the application area, detailing:
- 7.6.1. the applicant's geological evaluation of the release area, including potential petroleum systems and plays
 - 7.6.2. the applicant's assessment of existing data, where relevant
 - 7.6.3. the rationale underlying the proposed work program with sufficient detail to support that program
 - 7.6.4. how the proposed work program will investigate the plays, prospects and/or leads identified in the geological evaluation
 - 7.6.5. the size and configuration of the petroleum deposit and geological prognosis
 - 7.6.6. the type (slim-hole, stratigraphic, open-hole, cased, etc.) and approximate timing of the completion of the well.
- 7.7. Each well, or other work commitment expressed in the proposed work program must be accompanied by an indicative cost expressed in Australian dollars. This is for assessment purposes only and does not imply any obligation on the part of the applicant to expend such amounts.
- 7.7.1. Applicants should note that the indicative cost will be taken into account in the assessment of the applicant's knowledge of exploration techniques.

For the purpose of section 43B(1)(d)(ii) and (iii) of the PGERA67 –

- 7.8. Applicants must provide details of its technical expertise available (through employees/consultants/contractors) to be utilised to ensure the proposed work program may be successfully undertaken.

For the purpose of section 43B(1)(d)(vi) of the PGERA67 –

- 7.9. Applicants must provide evidence as assurance of its financial capacity to undertake the proposed work program.

For the purpose of section 43B(1)(e) of the PGERA67 –

- 7.10. Applicants may include in its rationale details of any potential barriers that may impact the proposed work program and how such barriers could be overcome such as land use, infrastructure or seasonal restrictions.

8. CRITERIA FOR ASSESSMENT – ENVIRONMENTAL MANAGEMENT

For the purpose of sections 31(1)(d)(ii-iii) and section 43B(1)(d)(ii-iii) of the PGERA67 and sections 21(1)(d)(ii-iii) of the PSLA82 –

- 8.1. Applicants must provide details of its technical expertise available (through employees/consultants/contractors) to identify, understand and manage the potential environmental risks and impacts to as low as reasonably practicable, for the purpose of the commitments in the firm period (only) of the proposed work program for a petroleum exploration permit or the wells to be drilled under a petroleum drilling reservation.
- 8.2. Where applicable, the spatial relationship between the commitments in the firm period of the proposed work program for a petroleum exploration permit, or wells to be drilled under a petroleum drilling reservation, and identified sensitive environmental areas and aspects within the defined area and in the surrounding area, should be demonstrated.
- 8.3. Sensitive environmental areas and aspects may include (but are not limited to):
- 8.3.1. cultural and heritage sites
 - 8.3.2. public drinking water source areas (and other sensitive water resources)
 - 8.3.3. marine and terrestrial protected areas
 - 8.3.4. areas of protected or rare and endangered flora or fauna
 - 8.3.5. areas of significant habitat (including corals, seagrasses, mangroves, and wetlands)
 - 8.3.6. areas of temporal significance (including breeding grounds, migration routes and resting and aggregation areas).
- 8.4. For the purpose of clauses 9.1 and 9.2, in areas with known sensitive environmental areas and aspects, applicants should undertake desktop surveys to clarify sensitivities for submission in the application.

For the purpose section 31(1)(d)(iv) and section 43B(1)(d)(vi) of the PGERA67 and section 21(1)(d)(iv) of the PSLA82 –

- 8.5. Applicants must provide evidence as assurance of its financial capacity to manage the potential worst case risks and impacts to the environment associated with undertaking the commitments in the firm period (only) of the proposed work program for a petroleum exploration permit or the wells to be drilled under a petroleum drilling reservation.

For the purpose of section 31(1)(e) and section 43B(1)(e) of the PGERA67 and section 21(1)(e) of the PSLA82 –

- 8.6. Applicants may provide details of past performance in respect to matters of assessment and compliance against State legislation, such as the *Environmental Protection Act 1986* (and associated Regulations), *Contaminated Sites Act 2003*, PGERA67, Petroleum and Geothermal Energy Resources (Environment) Regulations 2012, PSLA82, and the Petroleum (Submerged Lands) (Environment) Regulations 2012.
- 8.7. Applicants may provide details of its past performance in respect to matters of assessment and compliance under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

9. CRITERIA FOR ASSESSMENT – NATIVE TITLE AND HERITAGE MANAGEMENT

- 9.1. Before a petroleum exploration permit or petroleum drilling reservation may be offered for grant, the applicant must first comply with the future act provisions of the Commonwealth *Native Title Act 1993* (“NTA93”).

For the purpose of sections 31(1)(d)(ii-iii) and section 43B(1)(d)(ii-iii) of the PGERA67 and sections 21(1)(d)(ii-iii) of the PSLA82 –

- 9.2. Applicants must provide details of the technical expertise available to the applicant (through employees/consultants/contractors) to be used to fulfil the future act provisions of the NTA93.

For the purpose of section 31(1)(d)(iv) and section 43B(1)(d)(vi) of the PGERA67 and section 21(1)(d)(iv) of the PSLA82 –

- 9.3. Applicants must provide evidence as assurance of its financial capacity to manage proceedings required to meet the future act provisions of the NTA93.

For the purpose of section 31(1)(e) and section 43B(1)(e) of the PGERA67 and 21(1)(e) of the PSLA82 –

- 9.4. Applicants may provide details of past performance in respect to:
 - 9.4.1. working with Aboriginal stakeholders on sites, objects or cultural heritage matters
 - 9.4.2. negotiating ‘in good faith’ under the NTA93
 - 9.4.3. the *Aboriginal Heritage Act 1972*
 - 9.4.4. reserved land under the *Aboriginal Affairs Planning Authority Act 1972*.
- 9.5. Applicants may provide a statement of commitment to undertake due diligence in preserving and protecting Aboriginal heritage, including its intention to commission cultural heritage surveys (if required), and commission heritage monitors (where applicable) during on-ground operational activities in respect of the commitments in the firm period (only) of the proposed work program.

10. CRITERIA FOR ASSESSMENT – LAND ACCESS MANAGEMENT

- 10.1. Early and ongoing engagement with relevant stakeholders will assist in ensuring local and regional values and sensitivities are adequately considered, particularly in the context of overlapping land uses.
- 10.2. With reference to section 117 of the PGERA67 and section 124 of the PSLA82, the registered holder of a petroleum exploration permit or petroleum drilling reservation must adopt a good neighbour philosophy and carry out all operations in a manner that does not interfere with others’ rights to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of the registered holder.
- 10.3. Applicants should be aware of the provisions of section 15A of the PGERA67 and note that consent of the Minister is required for entry on reserves for the purposes of exploration.
- 10.4. Applicants should be aware of the provisions of section 91B of the PGERA67 and note that the Minister may grant a petroleum exploration permit or petroleum drilling reservation subject to a condition prohibiting entry onto specified land.
- 10.5. In addressing the criteria, applicants for a petroleum exploration permit should focus on stakeholder identification and, where applicable, stakeholder engagement prior to the grant of a petroleum exploration permit and during the firm period of the proposed work program.
- 10.6. In addressing the criteria, applicants for a petroleum drilling reservation should focus on the periods prior to the grant and during the term of a petroleum drilling reservation.

For the purpose of sections 31(1)(d)(ii-iii) and section 43B(1)(d)(ii-iii) of the PGERA67 and sections 21(1)(d)(ii-iii) of the PSLA82 –

- 10.7. An applicant must provide details of its technical expertise available (through employees/consultants/contractors) to be utilised for the management of land access, consultation and stakeholder engagement, and having regard to clause 10.2.
- 10.8. Where applicable, applicants must also provide details of its technical capacity to satisfy the requirements of sections 16 through 20 of the PGERA67 with respect to consent and compensation for accessing certain lands.

For the purpose of section 31(1)(d)(iv) and section 43B(1)(d)(vi) of the PGERA67 and section 21(1)(d)(iv) of the PSLA82 –

- 10.9. Applicants must provide evidence as assurance of its financial capacity to manage land access, consultation and stakeholder engagement, and having regard to clause 10.2.
- 10.10. Where applicable, applicants must also provide details of its financial capacity to satisfy the requirements of sections 16 through 20 of the PGERA67 with respect to consent and compensation for accessing certain lands.

For the purpose of section 31(1)(e) and section 43B(1)(e) of the PGERA67 and section 21(1)(e) of the PSLA82 –

- 10.11. Applicants may provide details of past performance in respect to:
 - 10.11.1. negotiating private land access agreements
 - 10.11.2. negating potential barriers to land access that may impact the proposed work program such as land use, infrastructure or seasonal restrictions
 - 10.11.3. utilising industry standards and/or codes of conduct/practice for management of land access, consultation, and stakeholder engagement.
- 10.12. Applicants should note that post grant of a petroleum exploration permit or petroleum drilling reservation, the Petroleum and Geothermal Energy Resources (Environment) Regulations 2012 require an appropriate level of consultation with relevant authorities, interested persons and organisations for the approval of an environment plan for petroleum operations.

11. APPROVAL OF TRANSFERS

- 11.1. Section 72 of the PGERA67 and section 78 of the PSLA82 provide for the approval and registration of a transfer of a title.
- 11.2. In a case where the transferee, or one or more of the transferees, is not a registered holder, or are not registered holders of the title, an application must include:
 - (i) the technical qualifications of that transferee or those transferees.
 - (ii) details of the technical advice that is or will be available to that transferee or those transferees.
 - (iii) details of the financial resources that are or will be available to that transferee or those transferees.
- 11.3. For consistency, the overview at Clause 5 of this Guideline will be of assistance to transferees in respect to 11.2 above.

12. RE-RELEASE OF ACREAGE

- 12.1. The re-release of a release area will be at the discretion of the Minister and will usually occur once in the same graticular block configuration.
- 12.2. It is generally intended that an area will be re-released if the Minister does not receive an application considered deserving of the award of a petroleum exploration permit or petroleum drilling reservation.
- 12.3. A release area may also be re-released if a most deserving application is refused prior to the grant of a petroleum exploration permit.
- 12.4. Where possible, the closing date and time for lodgement of applications in respect of re-release areas will coincide with the normal acreage release process.

13. MOST DESERVING APPLICANT

- 13.1. The Minister will employ the methodology provided in Clause 14 – Assessment – to determine the most deserving applicant for the purposes of section 32A and section 43CA of the PGERA67 and section 22A of the PSLA82.
- 13.2. The Minister may also invite applicants to meet with the department for interview for the purpose of clause 13.1. Once applications are received they cannot be amended; with the exception of clause 13.5.
- 13.3. The Minister may request further information, in relation to an application, in accordance with section 31(4) and section 43B(4) of the PGERA67 or section 21(4) of the PSLA82.
- 13.4. New market entrants to Western Australia may be asked to provide information as to past performance from other national or international jurisdictions.
- 13.5. If the Minister is of the opinion that two or more applicants are equally deserving of the grant of a petroleum exploration permit or petroleum drilling reservation after assessment against the methodology, the Minister may request additional work and expenditure, within the firm period, to determine the most deserving applicant for the purpose of section 32A(5) and section 43CA(5) of the PGERA67 and section 22A(5) of the PSLA82).

14. ASSESSMENT

- 14.1. The Minister will employ a two-step methodology to determine the most deserving applicant for the purposes of section 32A and section 43CA of the PGERA67 and section 22A of the PSLA82.
- 14.2. Table 1 below provides for the initial application assessment for both sole and competitive bids.
- 14.3. Table 2 below provides for an applicant comparative assessment of competing bids to identify the most deserving applicant.
- 14.4. As stated above in clause 13.5, If the Minister is of the opinion that two or more applicants are equally deserving of the grant of a petroleum exploration permit or petroleum drilling reservation after assessment against the methodology, the Minister may request additional work and expenditure to determine the most deserving applicant for the purpose of section 32A(5) and section 43CA(5) of the PGERA67 and section 22A(5) of the PSLA82).

Table 1 – Application assessment (for sole and competitive bids) – e.g. ‘Application A’– refer to Clause 4 of Guideline Overview of Criteria for Assessment.

To meet the requirements of:						
	Applicant profile	Geological evaluation and exploration rationale	Environmental management	Native Title and Heritage management	Land access management	Comment/s
Work and expenditure	N/A		N/A	N/A	N/A	
Technical resources						
Financial resources						
Other matters of consideration						

N/A = not applicable (see Clause 4 – Overview of Criteria for Assessment)

Table 2 – Comparative assessment for competitive bids

Application	A	B
Work and expenditure		
Technical resources		
Financial resources		
Other matters of consideration		
Comment		
Most deserving rank		

Key: Superior Relevant but inferior Significantly Inferior Equal