



# Government of **Western Australia**

## Department of **Mines and Petroleum**

### **GEOHERMAL PERMIT CONDITIONS AND ADMINISTRATION**

The conditions applying to a permit granted under Section 32 of the *Petroleum and Geothermal Energy Resources Act 1967* and the continuing administration of those conditions will be as follows.

- (a) The permittee will be required to undertake within the permit boundary each component of the program in the designated year or earlier and failure to do so may result in cancellation of the permit.

Permit holders are expected to fulfil the minimum work commitment for the first two years without variation. This is known as the firm commitment phase, however the balance of the work program may be renegotiated based on or taking into consideration the results of prior exploration.

Surrender of the permit in good standing may be agreed providing that all conditions relevant to the year in which the surrender is sought have been met.

- (b) Permittees may apply at any time for a variation or suspension of permit conditions on the grounds of *force majeure*. *Force majeure* refers to an event or effect that cannot be reasonably anticipated or controlled via experience or care. Commercial circumstances that are common risks in the industry would not normally be considered as a basis for *force majeure*. Factors such as difficulty in attracting farm-ins, disappointing drilling results, poor quality seismic data or the failure to prove up a geothermal energy resource would not normally be considered as *force majeure*. Such factors may influence the perceived commercial viability of an activity, but would not normally prevent the explorer from adhering to their bid commitment.

When applying for a suspension of permit conditions, permittees may also apply for an extension of the permit term.

- (c) Permittees may seek at any time to have an alternative work activity credited as meeting a work program commitment. Whether an alternative work activity meets a work program commitment will be considered on a case-by-case basis, with the criteria for approval being to ensure that the alternative work activity is a similar technique and meets or exceeds the objective of the original work commitment.

- (d) Permittees will be required to comply with the provisions of the Act, the Regulations and Directions issued under the Act, and with any special conditions associated with the permit area.

### **Permit Cancellation**

Permit holders are expected to maintain permits in good standing and ensure that all obligations under the legislation, Directions and permit conditions, including any special conditions associated with the permit area, are met within the due time frame. Failure to undertake each component of the work program in the designated year or earlier may result in cancellation of the permit.

Where the Minister believes cancellation of the permit is the appropriate course of action; the permit holder will be served notice of intention to cancel the permit in accordance with the provisions of the legislation. Generally, permit holders will be given five weeks within which to submit matters they wish to be considered and taken into account by the Minister reaching its final decision on permit cancellation.

### **Permit Surrender**

Once a permit holder applies to the Minister for consent to surrender the permit, the Minister will consider the application in the context of the requirements of the Geothermal Legislation before giving or refusing consent to surrender the permit. The Minister's consent to surrender will be conditional on the surrender taking effect in the permit year in which the consent is given. Otherwise additional rental payments and work program commitments could be incurred.

In considering whether the permit holder "has complied with the conditions to which the permit is subject and the provisions of Part 111 of the Act and of the Regulations", account will be taken of all relevant requirements, particularly:

- the status of the permit (including fees and monies due) and whether all due work program commitments have been completed;
- the reporting requirements contained in the Directions given to the permit holder and whether all reports and data have been lodged (eg. reports on specified activities, quarterly reports, annual reports);
- the action taken by the permit holder to ensure that the permit area is clear of all debris resulting from operations and that all wells have been plugged or closed.

To facilitate consideration of applications for consent to surrender, it is expected that permit holders will ensure that the permit is in good standing and that any outstanding reports and data are lodged with the application.

## **DRILLING RESERVATION CONDITIONS AND ADMINISTRATION**

Geothermal Drilling Reservation (GDR) conditions and administration follow closely those for permits. The essential difference is that a well cannot be varied out of the work program and that the GDR can only be extended (a further 12 months) if a well is in progress or to enable the conversion of any discovery made to a Geothermal Production Licence or Geothermal Retention Lease.