

Factsheet 3

Petroleum and Gas (Production & Safety) Act Appeals

Any person having an interest affected by certain decisions under the *Petroleum and Gas (Production & Safety) Act 2004* (the Act) may appeal against that decision to the LRT (s 823(3)).

Appeal Procedures

The appeal must be started within 20 business days of receiving an information notice about the decision or the day the person otherwise becomes aware of the decision (s 824(1)(b)). An appeal is started by filing a written notice of appeal with the LRT using prescribed Form 2 Application (s 825(1)). A copy of the notice of appeal must be lodged with the Department (s 825(2)).

The LRT may grant a stay of the decision to secure the effectiveness of the appeal (s 826(1)). Lodging an appeal only affects the decision if a stay is granted (s 826(4)).

Hearings

The Tribunal will be constituted by the President or a Deputy President (LRT Act, sch 1). In deciding the appeal, the LRT has the same powers as the original decision-maker and the appeal is a re-hearing unaffected by the original decision (s 827). The LRT may confirm the decision or set it aside and either substitute another decision or return the issue to the original decision-maker with directions the Tribunal considers appropriate (s 828). The LRT will prepare written reasons for its decision (LRT Act, s 55).

Decisions that May be Appealed to the LRT

The Act (Schedule 1, Table 2) provides that appeals against the following decisions may be lodged with the LRT:

Section – Decision

- 57 Refusal to approve proposed later work program
- 62 Refusal to approve amendment to work program
- 84 Refusal to renew authority to prospect
- 90 Refusal of app. for declaration of potential commercial area
- 93 Refusal of app. to extend term of declaration of potential commercial area
- 97 Decision to take proposed action under s 96 for ATP
- 120 Decision not to grant a petroleum lease on ATP related app.
- 147 Refusal to approve proposed later development plan
- 148 Deferral of approval of later development plan
- 164 Refusal to renew petroleum lease
- 215 Decision that claimant does not own stored petroleum or prescribed storage gas
- 203 Decision to refuse amendment of water monitoring authority or to grant water monitoring authority subject to the applicant's written agreement to the Minister amending

the authority in a stated way that the Minister considers appropriate

- 260 Rejection of underground water impact report
- 263 Requirement to lodge amended pre-closure report
- 271 Requirement to lodge an amended review report
- 242 Cancellation of coordination arrangement
- 410 Refusal to grant pipeline licence
- 431 Decision to give works direction
- 436(3) Amendment of pipeline licence condition
- 446 Refusal to grant petroleum facility licence
- 473 Decision to cancel part 5 permission
- 477 Refusal of licence amendment application
- 482 Refusal to renew licence
- 488 Decision to require security
- 489 Decision to require additional security
- 517(1) Decision to give road use direction
- 526 Refusal to give public land authority approval
- 527(1) Imposition of condition on public land authority approval, other than a condition agreed to or requested by the relevant petroleum authority holder
- 573(1) Refusal to approve permitted dealing
- 578 Refusal to approve surrender of petroleum authority
- 578(3) Decision to approve partial surrender of petroleum authority subject to the applicant's written agreement to the Minister amending the conditions applying to the rest of the authority in a stated way, if the applicant has not agreed in writing to the amendment
- 587(2) Decision to take action to ensure compliance with a requirement under this Act of a petroleum authority holder, other than action to which the holder has agreed
- 798 Decision to take non-compliance action (petroleum authority)
- 592 Decision about required measurement or information
- 604 Decision that an amount for petroleum royalty is payable and unpaid by petroleum producer
- 849 Refusal of application to replace instrument if decision was made by the Minister

For further information

Phone: (07) 3406 7777
after hours 0409 472 736

Email: lrt@justice.qld.gov.au

Website: www.lrt.qld.gov.au

For feedback on this or any other Fact Sheet or service provided by the Land and Resources Tribunal please complete the survey overleaf and forward it to the address supplied or send an email to the registry or access the LRT website and complete the survey on line at www.lrt.qld.gov.au.

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Client Feedback

Your feedback is valuable to the Land and Resources Tribunal. It will be used to assist the Tribunal to improve the service it offers. Please answer the questions below:

1. Is the content of this Fact Sheet helpful and informative (1 = Low to 5 = High)?

1 2 3 4 5

2. How do you suggest this Fact Sheet may be improved?

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3. What other information do you think would be helpful as the subject of a Land and Resources Tribunal Fact Sheet?

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4. In the last 12 months, have you tried to obtain information about the Land and Resources Tribunal?

Yes / No

5. If you answered yes to question 4, did you obtain the information you needed about the Land and Resources Tribunal?

Yes / No

6. How did you become aware of the services provided by the Land and Resources Tribunal?

Mining Registry Office	<input type="checkbox"/>	Private Legal Advisor	<input type="checkbox"/>
Land and Resources Tribunal Website	<input type="checkbox"/>	Other- Please specify:	

7. If you wanted to obtain information about the Land and Resources Tribunal, which of the following would you be likely to use?

Mining Registry Office	<input type="checkbox"/>	Internet	<input type="checkbox"/>
Land and Resources Tribunal Registry by phone	<input type="checkbox"/>	Barrister/Solicitor	<input type="checkbox"/>
Email to Land and Resources Tribunal Registry	<input type="checkbox"/>	Information/Fact Sheets	<input type="checkbox"/>
Other (please specify):			

Completed surveys should be posted to:

Registrar
 Land and Resources Tribunal
 PO Box 12539
 George Street Post Shop
 Brisbane QLD 4003

Alternatively, fax survey results to the Land and Resources Tribunal Registry on (07) 3406 7780.

PRIVACY STATEMENT: This information is used solely for the purpose of the Land and Resources Tribunal and is not passed on to any other person or agency for another purpose.