



Department of **Energy, Mines,  
Industry Regulation and Safety**

**Guideline**

# Applying for Ministerial consent to access reserved land

*Petroleum and Geothermal Energy Resources Act 1967  
Section 15A*

**April 2025**

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## 1. Purpose

The purpose of this document is to guide Registered Holders of a title in seeking Ministerial consent to undertake an exploration or recovery operation under the *Petroleum and Geothermal Energy Resources Act 1967* (the Act) on reserved, declared or otherwise dedicated land.

## 2. Definitions

<b>Area of operations</b>	Means the area of land within Reserved Lands within which the Registered Holder is proposing to undertake specific exploration or recovery operations.
<b>Registered Holder</b>	Means a permittee, lessee, licensee or holder of a drilling reservation, access authority or special prospecting authority who requires Ministerial consent to undertake the operation.
<b>Operation</b>	Any activity undertaken to explore for or recover petroleum or geothermal energy.
<b>Reserved Lands</b>	Means any land that is reserved, declared, or otherwise dedicated under the <i>Land Administration Act 1997</i> or any other written law.

## 3. Regulatory framework

In accordance with section 15A of the Act, the Minister for Mines and Petroleum must grant prior written consent of entry for all operations intended to be carried out on Reserved Lands.

Before granting consent, the Minister for Mines and Petroleum must consult with the responsible Minister for those Reserved Lands and obtain that Minister's recommendations on the conditions, if any, which should be included on the section 15A Consent Instrument to appropriately manage the proposed operation.

Delegated officers from the Department of Energy, Mines, Industry Regulation and Safety (the department) will refer an application to the relevant government agency to allow that agency to assess the proposed access and brief the responsible Minister for those Reserved Lands.

The Minister for Mines and Petroleum receives the recommendations on the conditions to be included on the title, specific to the proposed operation. The Minister for Mines and Petroleum, or a delegated officer of the department, determines the grant or refusal of the consent to access the Reserved Lands.

Consent is specific to the proposed operation, however, any conditions imposed on the section 15A Consent Instrument, are legally binding and enforceable with penalties applying to a breach of a condition.

Applicants should note that this referral process may take a minimum of four months to complete, and this should be considered when scheduling proposed operations on Reserved Lands.

### 3.1 Reserved, declared or dedicated lands

A reserve is a form of tenure of Crown land. It is not an interest in land.

Under section 41 of the *Land Administration Act 1997* (LAA) the Minister for Lands may set aside Crown land as a reserve for a particular purpose in the public interest.

Each reservation has a land description and designated purpose. Reserve tenure is typically applied to land:

- that holds intrinsic community value or is of high conservation value that should be preserved and maintained for the benefit of future generations; or
- is for core business/service delivery needs of general sector State agencies and local governments.

Reserves are not usually granted for long-term economic development or for a commercial purpose or benefit.

The following list, whilst not exhaustive, provides examples of Reserved Lands requiring Ministerial consent:

- State forest and timber reserves;
- conservation parks;
- national parks;
- nature reserves;
- road reserves;
- water reserves or catchment areas; or
- any other land reserved or declared under any other written law.

### 3.2 Aerial operations

The department will refer all aerial operations to the relevant government agencies when proposed to intersect Reserved Lands. Reserved Lands can be created for a range of purposes and since the department is not responsible for the management of all Reserved Lands, consultation with other agencies on proposed aerial surveys must be undertaken to understand the potential impact on the Reserved Land.

This allows the relevant government agency/agencies to consider the proposed operations and whether it may impact on the purpose of the Reserved Lands. Where it is deemed that the operation will not impact on the purpose of the Reserved Lands, the Ministerial consent process, if commenced, will be terminated by the department, and the proponent notified.

Where it is determined that the operation has the potential to or will impact on the purpose of the Reserved Lands, the Ministerial consent process will continue to progress until completed.



## 4. Applying for Ministerial consent

A Registered Holder must secure Ministerial consent prior to commencing exploration or recovery operations within Reserved Lands. To secure Ministerial consent a Registered Holder should apply in writing to the Minister for Mines and Petroleum, through the department.

Registered Holders are advised to identify and consult with all relevant stakeholders, including relevant government agencies, as early as possible in the planning process.

### 4.1 Application requirements

Registered Holders are expected to provide the following information when applying for Ministerial consent.

#### 4.1.1 Description of operations

The Registered Holder should provide a detailed description of the activities they intend to undertake during the operation, including but not limited to the following:

- location(s) of activities;
- details of the construction and layout of any facility;
- details of any equipment to be brought into the Reserved Lands;
- description of the activities proposed to be undertaken as part of the operation, including details of the various stages of the activity (such as care and maintenance, decommissioning, remediation, rehabilitation);
- timeframes and schedules; and
- whether an Access Authority is required.

For example, when proposing to drill an exploration well the following activities may be undertaken:

- civil works/construction, including clearing;
- drilling;
- well testing (may include extended flaring);
- decommissioning; and
- rehabilitation.

Furthermore, the proposed operation may include:

- onsite accommodation or offices;
- lighting to allow for 24-hour operations; and
- storage of chemicals and wastewater.

### 4.1.2 Access authorities

An access authority is a title that enables the holder of an exploration permit, drilling reservation, retention lease, production licence or special prospecting authority to extend limited exploration activities into vacant acreage or acreage held under a different title.

Activities could include seismic lines tying into another survey in a different title, or the drilling of deviated wells which target a formation inside the relevant title but has the well pad located outside of the title.

Where access to acreage held under a different title is required, the impacted title holders must be consulted regarding the proposed access.

An access authority is generally limited in time to the period in which the exploration activity can be completed. The type of proposed activity to be undertaken within the access authority area determines the level of referral under the *Native Title Act 1993* required prior to grant.

Ministerial consent is required if the proposed operation within the access authority intersects with Reserved Lands.

### 4.1.3 Mapping/spatial data

The following mapping/spatial data should be provided:

- a map of appropriate and legible scale showing the proposed area of operations and any underlying tenure; and
- shapefiles, in ArcGIS format and stating the datum, depicting the following:
  - the area of operations;
  - specified locations of the proposed activities to be undertaken (such as a well pad, access road, laydown area, or seismic lines); and
  - the location of any proposed clearing and/or ground disturbance within the operational area.

Buffers of appropriate size should be included in shapefile data. For well applications a minimum buffer of 300m is required, and for flight lines there is a minimum buffer requirement of 50m.

## 4.2 Timeframes

The Act does not establish statutory timeframes for the consideration of an application for Ministerial consent. However, regulation 7 of the Petroleum and Geothermal Energy Resources (Resource Management and Administration) Regulations 2015 (RMA Regulations) requires that an instrument holder apply (under regulation 6 of the RMA Regulations) at least 90 days before the proposed start date of the survey, if the survey is intended to be undertaken on Reserved Lands.

To meet this timeframe, the department will:

- refer the application to relevant government agencies within two weeks of receiving all relevant information (see 4.1 Application Requirements);
- seek to obtain an update on progress of the review of the application by relevant government agencies at regular intervals of not more than 30 days; and
- finalise consideration of the application within two weeks of receiving responses from all relevant government agencies.

In most circumstances, depending on the operations proposed, and the purpose of the Reserved Lands, it may not be possible to determine the application for Ministerial consent within 90 days.



## 4.3 Process

### 4.3.1 Assessment

In accordance with the application requirements listed under 4.1, the department will review the following when assessing an application for Ministerial consent:

- whether the proponent has provided sufficient and accurate information to describe the scope of the proposed operation;
- whether the proponent can undertake the proposed operation within the rights afforded by the title;
- whether Reserved Lands are affected by the application; and
- confirm the government agencies responsible for the Reserved Lands, and the referrals required for the responsible Minister to provide recommendations on conditions (if any), to which Ministerial consent may be subject.

### 4.3.2 Referral

The department will provide the following information to relevant government agencies to facilitate sufficient briefing of the responsible Minister:

- a referral letter outlining the proposed operation (including timeframes and schedules), the relevant Reserved Lands, and a contact within the department;
- a copy of the application for Ministerial consent, including spatial data; and
- a copy of any relevant mapping undertaken by the department.

### 4.3.3 Local government

Where it is identified that Reserved Lands have been vested with local government, the department will notify the local government authority of the proposed operation to seek their comments.

### 4.3.4 On hold

During the review process an application will be placed on hold for the following reasons:

- the applicant needs to provide further information;
- the application has been referred externally to another government agency; or
- consideration of the application can only be made after other government approvals have been secured, for example an assessment decision is finalised by the Environmental Protection Authority, Department of Water and Environmental Regulation, under the *Environmental Protection Act 1986*.

### 4.3.5 Consideration of recommendations

The department will consider all recommendations received from responsible Ministers in determining the conditions upon which Ministerial consent may be granted.

If the recommendations are addressed by a separate regulatory mechanism, a condition will not be duplicated on the section 15A Consent Instrument regarding that recommendation. The department will manage compliance with that aspect through the existing regulatory framework.

Some examples are listed below:

- traffic management is considered under the Work Health and Safety (General) Regulations 2022;
- public liability insurance is considered under section 91A of the Act, whereby a direction can be issued regarding insurance requirements;
- oil spill response is managed through the Petroleum and Geothermal Energy Resources (Environment) Regulations 2012 and the requirement for an operator to obtain approval of an oil spill contingency plan; and
- considerations of the *Native Title Act 1993* (Cth) are dealt with via the future act regime for the parent title and not through the 15A process.

### 4.3.6 Consent instrument

Where it has been determined that Ministerial consent will be granted, the department will draft a consent instrument. Where the department intends to provide conditional Ministerial consent, the conditions will be included in the consent instrument and provided to the proponent for consideration prior to grant.

The consent instrument is then executed with a memorial of the grant of Ministerial consent entered into the Petroleum and Geothermal Register (PGR).





## 5. Consultation with government agencies

When seeking access to Reserved Lands managed by:

- Department of Biodiversity, Conservation and Attractions\*
- Department of Planning, Lands and Heritage
- Department of Water and Environmental Regulation
- Dampier to Bunbury Natural Gas Pipeline Corridor
- Department of Transport
- Main Roads WA
- local government authorities

the department recommends the following information is submitted with the request for Ministerial consent:

- a referral letter outlining the proposed operation (including timeframes and schedules), the relevant Reserved Lands, and if available, the consultation contact within the agency;
- spatial data (shapefiles) of activity area(s) such as the survey lines or soil sampling locations;
- relevant mapping of the Area of Operation and activity; and
- any other information that may be relevant to the referral application (for example, an applicant presentation).

Prior to submitting a request for Ministerial consent, it is recommended that applicants undertake early consultation with relevant government agencies to determine the level of specific information required by that agency to assess a proposal to undertake exploration or recovery operations on Reserved Lands.

\* The Department of Biodiversity, Conservation and Attractions may also seek a current Environment Plan ready for approval by the department, in order to finalise a recommendation to the Minister for Environment.

## 6. Variation of proposed operation(s)

Changes to the proposed operation which may influence the scope or impacts of that operation should be submitted to the department prior to being implemented and will require liaison between the department and any agencies which have assessed an earlier version of the proposed operation.

Registered Holders should consult with the department to determine the most appropriate format, where changes to approval documents are required.

The following matters will trigger the need for the department to undertake a review of a Ministerial consent, with the potential for a new section 15A consent process to be initiated:

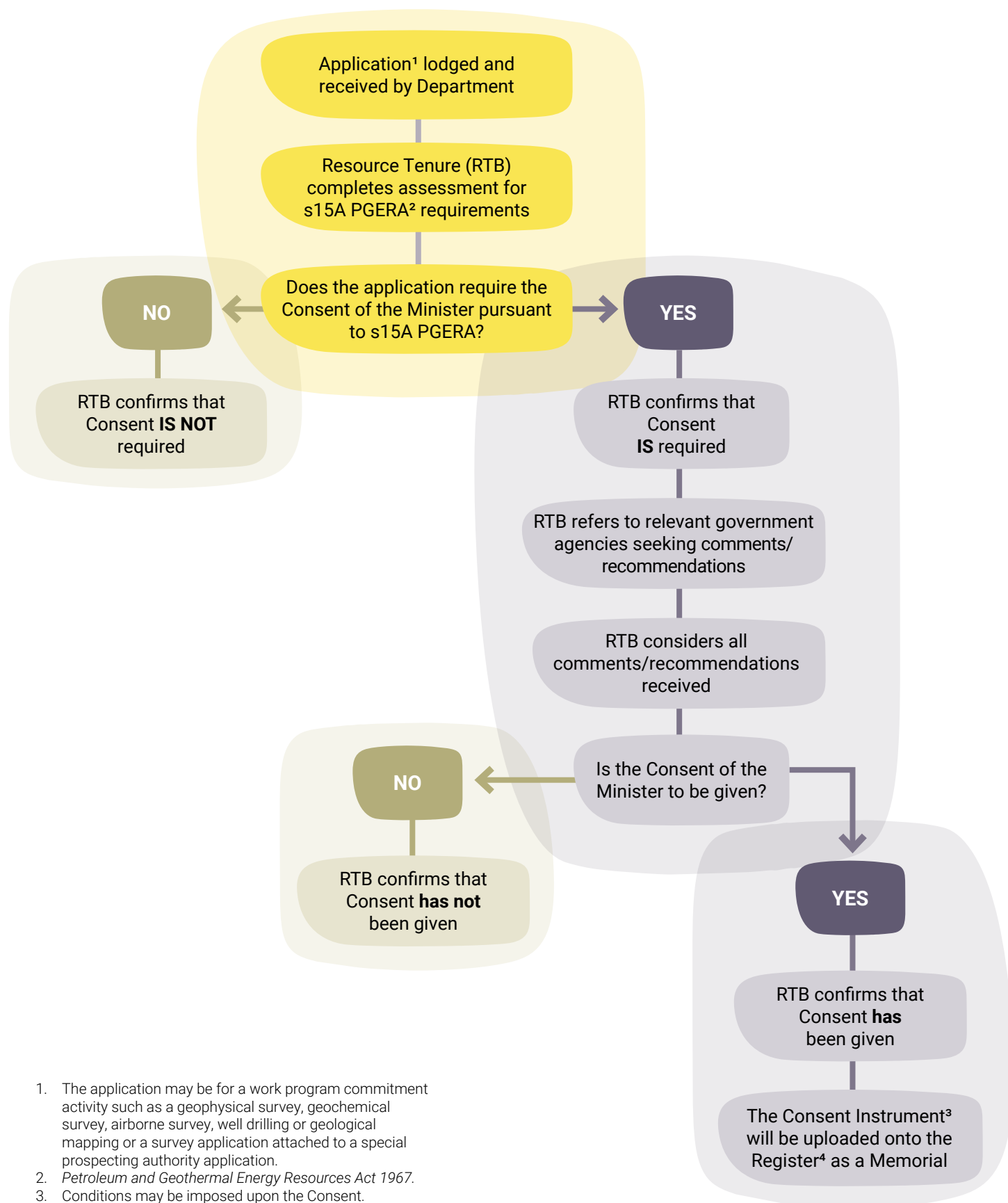
- there is a change to the Area of Operations;
- there is a change to the location, or amount of ground disturbance/clearing required within the Area of Operations that falls within Reserved Lands; or
- a new operation is proposed within the Area of Operations of an existing Ministerial consent.  
For example:
  - if the Registered Holder applied to drill one well at the specified location but now seeks to drill a second (even if this second well is on the same well pad as the first); or
  - if the Registered Holder intends to add or move a seismic line within the Reserved Lands; or
  - if the Registered Holder requires more ground disturbing/clearing than initially proposed or needs to change the location of the intended ground disturbance/clearing within the Area of Operations.

### 6.1 Re-assessment

The department will re-assess an application for Ministerial consent in accordance with the requirements of this guideline, in particular:

- 4.3.1 (Assessment);
- consideration of recommendations previously received for the operation (if any); and
- consideration of the impact of the changes to the operation.

## Appendix 1: Process flowchart



1. The application may be for a work program commitment activity such as a geophysical survey, geochemical survey, airborne survey, well drilling or geological mapping or a survey application attached to a special prospecting authority application.
2. *Petroleum and Geothermal Energy Resources Act 1967*.
3. Conditions may be imposed upon the Consent.
4. Petroleum and Geothermal Register (PGR).

Government of Western Australia

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