

Appendix C

FDP Legal Framework Checklist



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The checklist below is intended to be used as a guide for testing the robustness of the existing requirements related to FDP.

This checklist covers the key procedural matters as outlined in [Section 4.2](#) of the Commonwealth Secretariat's publication *Field Development Plans: A Handbook for Government Officials*.

Notification of Discovery	Yes/No	Instrument
Is there a stipulated time period for informing the regulator of the discovery?		
Is there a requirement to furnish the Regulator with copies of data, analysis and a technical assessment of the discovery?		
Is the timeframe for such reporting to the Regulator clearly specified?		
Is there an obligation for the operator to furnish additional information related to the discovery as requested by the Government?		
Is there a specified timeframe for the operator to notify the Regulator whether the discovery is of potential commercial interest and hence requires appraisal?		
If the operator notifies the regulator that it will not appraise the discovery, is there a clear linkage with relinquishment requirements?		
Appraisal		
Is there a specified time period within which the appraisal activities need to be completed? i.e. Is the duration of the Appraisal period clear?		
Is the process for extensions to the Appraisal period clear and transparent? Are the criteria, duration and conditions for extensions clearly established?		
Is there an obligation that an Operator shall not commence appraisal activities without an approved Appraisal Programme?		
Is there a requirement for the Operator to submit a proposed Appraisal Programme to the Regulator for approval within a specified timeframe? Is it clear what the consequences are if the Operator fails to submit in accordance with stipulated timeframe?		

Are the contents of an Appraisal programme clearly specified?		
Is there an obligation that the operator shall not vary an approved Appraisal programme without prior written approval from the Regulator ?		
Is there a requirement to furnish the Regulator with copies of samples, data and analysis?		
Is there a requirement to provide the Regulator an Appraisal Report, setting forth all relevant technical and economic information in evaluating whether the discovery can be technically and commercially viable?		
Is there a specified timeframe for notifying the Regulator whether the discovery is a commercial discovery? To be referred to as Declaration of Commercial Discovery.		
If the operator notifies the regulator that the discovery is not a commercial discovery, is there a clear linkage with relinquishment requirements?		
Is there an obligation for the operator to furnish additional information as requested?		
Field Development Plan (FDP)		
Is there an obligation that petroleum operations must be performed in accordance with an approved FDP?		
Is there a specified timeframe after Declaration of Commercial Discovery that an FDP must be submitted to the Regulator? Is it clear what the FDP submission timeframes and treatment is for Natural Gas? Is it clear what the consequences are if timelines are not adhered to?		
Is there a mechanism for ongoing engagement between the Government and Operator during the development of the FDP? Does it enable Government to be fully informed during the development of the proposed FDP		
Are the contents of an FDP clearly specified?		
Does the approval process provide for the use of independent specialists to support government’s review of the proposed FDP? Is it clear how this will be funded? Is it clear how independent advisers are treated for cost recovery and tax purposes?		
Is there a clear transparent process for the approval of FDP?		
<ul style="list-style-type: none"> • Are there conditions and criteria that must be met for approval? 		

<ul style="list-style-type: none"> Is there a specified timeframe for government to inform the operator on its decision? Does this timeframe enable Government to conduct independent review of the FDP? 		
<ul style="list-style-type: none"> Are there appropriate checks and balances on the decisions? For example, recommendations made by Regulator, approval by Minister. Or Cabinet or Parliament review? 		
Is there a process established to resolve disputes on the FDP if they arise?		
Ongoing FDP Monitoring and Compliance		
Are all future activities required to be consistent with the approved FDP? E.g. Are annual work programmes and budgets required to be in accordance with the FDP?		
Does any material deviation, or alteration to, an approved FDP require the Regulator's prior written approval?		
Is the Operator required to provide notification in writing of any material change or anticipated material change in an approved FDP?		
Is the form and contents of a request to vary or amend the FDP clearly specified?		
Is there a clear transparent process for the approval of FDP?		
<ul style="list-style-type: none"> Are there conditions and criteria that must be met for approval? 		
<ul style="list-style-type: none"> Is there a specified timeframe for government to inform the operator on its decision? Does this timeframe enable Government to conduct independent review of the FDP? 		
<ul style="list-style-type: none"> Are there appropriate checks and balances on the decisions? For example, recommendations made by Regulator, approval by Minister. Or Cabinet or Parliament review? 		
Does the approval process provide for the use of independent specialists to support government's review of the proposed variation? Is it clear how this will be funded? Is it clear how independent advisers are treated for cost recovery and tax purposes?		

