

EXPOSURE DRAFT

2019-2020-2021

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES/THE SENATE

EXPOSURE DRAFT

Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles Administration and Other Measures) Bill 2021

No. , 2021

(Industry, Science, Energy and Resources)

**A Bill for an Act to amend the *Offshore Petroleum
and Greenhouse Gas Storage Act 2006*, and for
related purposes**

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1 column 2 of the table. Any other statement in column 2 has effect
2 according to its terms.

3

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
3. Schedule 2	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
4. Schedule 3	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
5. Schedule 4	The day after this Act receives the Royal Assent.	
6. Schedule 5	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	

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2 *Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles Administration and Other Measures) Bill 2021* No. , 2021

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Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
7. Schedule 6	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 18 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
8. Schedule 7	The day after this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

7 **3 Schedules**

8 Legislation that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.

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1 **Schedule 1—Change in control of registered**
2 **titleholders**

3 **Part 1—Main amendments**

4 *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

5 **1 After Chapter 5**

6 Insert:

7 **Chapter 5A—Change in control of a**
8 **registered holder of a title**
9
10

11 **Part 5A.1—Introduction**
12

13 **566 Simplified outline**

14 The following is a simplified outline of this Chapter:

- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- A person who begins to control, or ceases to control, a registered holder of a title may commit an offence or contravene a civil penalty provision if the change in control has not been approved by the Titles Administrator.
 - The Titles Administrator may obtain information, documents or evidence in relation to a change in control of a registered holder, or a possible change in control, in certain circumstances.

23 **566A Definitions**

24 In this Chapter:

1 **approval period**, for a change in control of a registered holder of a
2 title, means the period:

- 3 (a) starting on the day the notice of approval for the change in
4 control is given; and
5 (b) ending at the earliest of the following:
6 (i) immediately after the change in control takes effect;
7 (ii) if the approval of a change in control is revoked—when
8 the notice of revocation is given;
9 (iii) 6 months after the day the notice of approval is given.

10 **change in control**: see subsection 566B(4).

11 **control**: see subsection 566B(1).

12 **Register** means:

- 13 (a) in relation to a change in control of a registered holder of any
14 of the following, means the Register kept under section 469:
15 (i) a petroleum exploration permit;
16 (ii) a petroleum retention lease;
17 (iii) a petroleum production licence;
18 (iv) an infrastructure licence;
19 (v) a pipeline licence;
20 (b) in relation to a change in control of a registered holder of any
21 of the following, means the Register kept under section 521:
22 (i) a greenhouse gas assessment permit;
23 (ii) a greenhouse gas holding lease;
24 (iii) a greenhouse gas injection licence.

25 **title** means:

- 26 (a) a petroleum exploration permit; or
27 (b) a petroleum retention lease; or
28 (c) a petroleum production licence; or
29 (d) an infrastructure licence; or
30 (e) a pipeline licence; or
31 (f) a greenhouse gas assessment permit; or
32 (g) a greenhouse gas holding lease; or
33 (h) a greenhouse gas injection licence.

1 **566B Meaning of control and change in control of registered holder**

- 2 (1) A person *controls* the registered holder of a title if the person
3 (whether alone or together with one or more other persons the
4 person acts jointly with):
5 (a) holds the power to exercise, or control the exercise of, 20%
6 or more of the voting rights in the registered holder; or
7 (b) holds, or holds an interest in, 20% or more of the issued
8 securities in the registered holder.
- 9 (2) A person *acts jointly with* another person if the person acts or is
10 accustomed to acting in agreement with, or in accordance with the
11 wishes of, the other person.
- 12 (3) The regulations may prescribe a different percentage, or different
13 percentages, to the percentage specified in paragraph (1)(a) or (b).
- 14 (4) There is a *change in control* of a registered holder of a title if:
15 (a) one or more persons (an *original controller*) control the
16 registered holder of a title at a particular time; and
17 (b) either:
18 (i) one or more other persons begin to control the
19 registered holder (whether alone or together with one or
20 more other persons the person acts jointly with) after
21 that time; or
22 (ii) an original controller (whether alone or together with
23 one or more other persons the person acts jointly with)
24 ceases to control the registered holder after that time.

25 **Part 5A.2—Application and approval of change in**
26 **control of a registered holder**
27

28 **566C Application for approval**

- 29 (1) A person who:
30 (a) proposes to begin to control a registered holder of a title; or
31 (b) proposes to cease to control a registered holder of a title;

1 may apply to the Titles Administrator for approval of a change in
2 control of the registered holder of a title.

3 Note 1: A person who begins to control, or ceases to control, a registered
4 holder where the change in control has not been approved may
5 commit an offence or be liable to a civil penalty (see section 566N).

6 Note 2: Section 566M requires the application to be accompanied by an
7 application fee.

8 (2) An application under this section must:

- 9 (a) be made in the approved manner; and
10 (b) be in the approved form; and
11 (c) be accompanied by any information or documents required
12 by the form.

13 (3) If the approved form requires the application to be accompanied by
14 information or documents, an application under this section is
15 taken to be accompanied by the information or documents if the
16 information or documents are given to the Titles Administrator by
17 the end of the 10-day period that began on the day after the
18 application was made.

19 **566D Titles Administrator must decide whether to approve change**
20 **in control**

21 *Scope*

22 (1) This section applies if an application is made for approval of a
23 change in control of a registered holder of a title under section
24 566C.

25 *Decision*

26 (2) The Titles Administrator must decide:
27 (a) to approve the change in control; or
28 (b) to refuse to approve the change in control.

29 Note: The applicant must be notified of the decision (see section 566E).

30 (3) Before deciding whether to approve or refuse to approve a change
31 in control, the Titles Administrator may consult with one or more
32 of the following:

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- 1 (a) the Cross-boundary Authority;
2 (b) the Joint Authority;
3 (c) NOPSEMA;
4 (d) the responsible Commonwealth Minister.
- 5 (4) In deciding whether to approve or refuse to approve a change in
6 control, the Titles Administrator:
7 (a) must have regard to the matters specified in subsection (5);
8 and
9 (b) may have regard to the following matters:
10 (i) matters raised in consultations (if any) under
11 subsection (3);
12 (ii) any other matters the Titles Administrator considers
13 relevant.
- 14 (5) The matters are as follows:
15 (a) whether the technical advice and financial resources available
16 to the registered holder after the change in control takes
17 effect are sufficient to:
18 (i) carry out the operations and works that are authorised
19 by the titles held by the registered holder; and
20 (ii) discharge the obligations that are imposed under this
21 Act, or a legislative instrument under this Act, in
22 relation to those titles;
23 (b) the matters specified in section 695YB as they apply to a
24 person who will begin to control the registered holder;
25 (c) if a person who will begin to control the registered holder is a
26 body corporate—the matters specified in section 695YB as
27 they apply to an officer of the body corporate;
28 (d) any other matters prescribed by the regulations.

29 **566E Notice of decision**

30 *Notice of approval*

- 31 (1) If the Titles Administrator approves a change in control of a
32 registered holder of a title, the Titles Administrator must give the
33 applicant written notice of the approval.

1 *Notice of refusal*

- 2 (2) If the Titles Administrator refuses to approve the change in control
3 of a registered holder of a title, the Titles Administrator must give
4 the applicant written notice of the refusal.

5 **566F Retention and return of instrument**

6 If an application under section 566C was accompanied by the
7 original instrument or proposed instrument effecting a change in
8 control of a registered holder of a title, the Titles Administrator
9 must, after making a decision under subsection 566D(2):

- 10 (a) make and retain a copy of the instrument or proposed
11 instrument; and
12 (b) return the original instrument or proposed instrument to the
13 applicant.

14 **566G Limit of effect of approval**

15 The approval of a change in control of a registered holder of a title
16 does not give the transaction or proposed transaction effecting the
17 change in control any force, effect or validity that the transaction
18 would not have had if this Chapter had not been enacted.

19 **566H Notification of change in circumstances before or during**
20 **approval period**

- 21 (1) A person contravenes this subsection if:
22 (a) an application is made for approval of a change in control of
23 a registered holder of a title under section 566C; and
24 (b) the person proposes to:
25 (i) begin to control the registered holder; or
26 (ii) cease to control the registered holder; and
27 (c) there is a change in circumstances in relation to the person
28 that materially affects any of the matters the Titles
29 Administrator must have regard to under subsection 566D(4);
30 and
31 (d) the change in circumstances occurs either:

- 1 (i) before the Titles Administrator makes a decision under
2 subsection 566D(2); or
3 (ii) if the change in control is approved—during the
4 approval period for the change in control; and
5 (e) the person does not notify the Titles Administrator of the
6 matters in paragraph (c) as soon as practicable after the
7 change in circumstances occurs.

8 Note 1: Under subsection 566D(4), the Titles Administrator must have regard
9 to various matters when deciding whether to approve or refuse to
10 approve a change in control of a registered holder of a title.

11 Note 2: Contravention of this subsection is also a ground for cancellation of
12 title (see paragraphs 274(e) and 446(da)).

13 *Civil penalty provision*

- 14 (2) A person is liable to a civil penalty if the person contravenes
15 subsection (1).

16 Civil penalty: 480 penalty units.

17 **566J Revocation of approval**

18 *Revocation*

- 19 (1) The Titles Administrator may revoke an approval of a change in
20 control of a registered holder of a title in the approval period for
21 the change in control if:
22 (a) there is a change in the circumstances of a person who is
23 approved to:
24 (i) begin to control the registered holder; or
25 (ii) cease to control the registered holder; and
26 (b) the Titles Administrator considers it appropriate to revoke the
27 approval.

28 *Notice of revocation*

- 29 (2) If the Titles Administrator revokes an approval of a change in
30 control, the Titles Administrator must give written notice of the
31 revocation to the person given notice of the approval of the change
32 in control.

1 **566K Notification of change in control**

- 2 (1) A person contravenes this subsection if:
3 (a) the Titles Administrator approves a change in control of a
4 registered holder of a title; and
5 (b) the change in control takes effect within the approval period
6 for the change in control; and
7 (c) the person given notice of the approval of the change in
8 control does not notify the Titles Administrator of the matter
9 in paragraph (b) within 10 days after the end of the approval
10 period.

11 *Civil penalty provision*

- 12 (2) A person is liable to a civil penalty if the person contravenes
13 subsection (1).

14 Civil penalty: 480 penalty units.

- 15 (3) The maximum civil penalty for each day that a contravention of
16 subsection (2) continues is 10% of the maximum civil penalty that
17 can be imposed in respect of that contravention.

18 Note: Subsection (2) is a continuing civil penalty provision under section 93
19 of the Regulatory Powers Act.

20 **566L Change in control information to be entered in Register**

- 21 (1) If the Titles Administrator is notified of a change in control of a
22 registered holder of a title, the Titles Administrator must make a
23 notation of the matters set out in subsection (2) in the Register on:
24 (a) the memorial relating to any title held by the registered
25 holder; or
26 (b) a copy of that title.
- 27 (2) The matters are the following:
28 (a) the date of any application made under section 566C;
29 (b) the date of any decision made under subsection 566D(2);
30 (c) the date the change in control took effect.

- 1 (3) The Titles Administrator may make such other notation in the
2 Register as the Titles Administrator considers appropriate.

3 **566M Application fee**

- 4 (1) An application for an approval under section 566C must be
5 accompanied by the fee (if any) prescribed by the regulations.
6 (2) The fee must not be such as to amount to taxation.
7 (3) An application is taken to be accompanied by the fee if the fee is
8 received by the end of the 10-day period that began on the day
9 after the application was made.

10 **Part 5A.3—Change in control must be approved**
11

12 **566N Change in control must be approved by Titles Administrator**

- 13 (1) A person contravenes this subsection if:
14 (a) there is a change in control of a registered holder of a title;
15 and
16 (b) the person:
17 (i) begins to control the registered holder; or
18 (ii) ceases to control the registered holder; and
19 (c) either:
20 (i) the Titles Administrator has not approved the change in
21 control; or
22 (ii) the Titles Administrator has approved the change in
23 control, but the change in control took effect after the
24 end of the approval period for the change in control.

25 Note: Contravention of this subsection is also a ground for cancellation of
26 title (see paragraphs 274(e) and 446(da)).

27 *Fault-based offence*

- 28 (2) A person commits an offence if the person contravenes
29 subsection (1).

1 Penalty: Imprisonment for 5 years or 1,200 penalty units, or both.

2 *Civil penalty provision*

- 3 (3) A person is liable to a civil penalty if the person contravenes
4 subsection (1).

5 Civil penalty: 2,400 penalty units.

6 **566P Notification of change in control that takes effect without**
7 **approval**

- 8 (1) A person contravenes this subsection if:
9 (a) there is a change in control of a registered holder of a title;
10 and
11 (b) the person:
12 (i) begins to control the registered holder; or
13 (ii) ceases to control the registered holder; and
14 (c) either:
15 (i) the Titles Administrator has not approved the change in
16 control; or
17 (ii) the Titles Administrator has approved the change in
18 control, but the change in control took effect after the
19 end of the approval period for the change in control; and
20 (d) the person does not notify the Titles Administrator of the
21 change in control within 30 days of the change taking effect.

22 Note: Contravention of this subsection is also a ground for cancellation of
23 title (see paragraphs 274(e) and 446(da) of the Act).

24 *Civil penalty provision*

- 25 (2) A person is liable to a civil penalty if the person contravenes
26 subsection (1).

27 Civil penalty: 480 penalty units.

- 28 (3) The maximum civil penalty for each day that a contravention of
29 subsection (2) continues is 10% of the maximum civil penalty that
30 can be imposed in respect of that contravention.

1 Note: Subsection (2) is a continuing civil penalty provision under section 93
2 of the Regulatory Powers Act.

3 **566Q Notification of change in control by registered holder**

- 4 (1) A registered holder of a title contravenes this section if:
5 (a) there is a change in control of the registered holder; and
6 (b) either:
7 (i) the Titles Administrator has not approved the change in
8 control; or
9 (ii) the Titles Administrator has approved the change in
10 control, but the change in control took effect after the
11 end of the approval period for the change in control; and
12 (c) the registered holder knows or ought reasonably to know the
13 change in control has taken effect; and
14 (d) the registered holder does not notify the Titles Administrator
15 of the change in control within 30 days of the change taking
16 effect.

17 *Civil penalty provision*

- 18 (2) A person is liable to a civil penalty if the person contravenes
19 subsection (1).

20 Civil penalty: 480 penalty units.

21 **Part 5A.4—Information-gathering powers**
22

23 **566R Titles Administrator may obtain information and documents**

24 *Scope*

- 25 (1) This section applies if:
26 (a) one of the following applies:
27 (i) the Titles Administrator believes on reasonable grounds
28 that there has been, or that there will be, a change in
29 control of a registered holder of a title;

- 1 (ii) an application is made under section 566C for an
2 approval of a change in control of a registered holder;
3 (iii) the approval period for the change in control of a
4 registered holder of a title has not ended and the Titles
5 Administrator believes on reasonable grounds that there
6 has been, or will be, a change in the circumstances of a
7 person approved to begin to control the registered
8 holder or cease to control the registered holder; and
9 (b) the Titles Administrator believes on reasonable grounds that
10 a person has information or a document, or is capable of
11 giving evidence, that is relevant to the matter in
12 subparagraph (a)(i), (ii) or (iii).

13 *Requirement*

- 14 (2) The Titles Administrator may, by notice in writing given to the
15 person, require the person:
16 (a) to give the Titles Administrator within the period and in the
17 manner specified in the notice, any such information; or
18 (b) to produce to the Titles Administrator, within the period and
19 in the manner specified in the notice, any such documents; or
20 (c) if the person is an individual—to appear before the Titles
21 Administrator at a time and place specified in the notice to:
22 (i) give any such evidence, either orally or in writing; and
23 (ii) produce any such documents; or
24 (d) if the person is a body corporate—to cause a competent
25 officer of the body to appear before the Titles Administrator
26 at a time and place specified in the notice to:
27 (i) give any such evidence, either orally or in writing; and
28 (ii) produce any such documents.
- 29 (3) The period specified under paragraph (2)(a) or (b) must not be
30 shorter than 14 days after the notice is given.
- 31 (4) A time specified under paragraph (2)(c) or (d) must not be earlier
32 than 14 days after the notice is given.
- 33 (5) A person contravenes this subsection if:
34 (a) a person is subject to a requirement under subsection (2); and

1 (b) the person fails to comply with the requirement.

2 *Fault-based offence*

3 (6) A person commits an offence if the person contravenes
4 subsection (5).

5 Penalty: 100 penalty units.

6 *Civil penalty provision*

7 (7) A person is liable to a civil penalty if the person contravenes
8 subsection (5).

9 Civil penalty: 150 penalty units.

10 *Continuing offences and continuing contraventions of civil penalty*
11 *provisions*

12 (8) The maximum penalty for each day that an offence under
13 subsection (6) continues is 10% of the maximum penalty that can
14 be imposed in respect of that offence.

15 Note: To the extent that subsection (10) provides, subsection (6) is a
16 continuing offence under section 4K of the *Crimes Act 1914*.

17 (9) The maximum civil penalty for each day that a contravention of
18 subsection (7) continues is 10% of the maximum civil penalty that
19 can be imposed in respect of that contravention.

20 Note: To the extent that subsection (10) provides, subsection (7) is a
21 continuing civil penalty provision under section 93 of the Regulatory
22 Powers Act.

23 (10) Subsections (8) and (9) apply only in relation to a contravention of
24 a requirement to which paragraph (2)(a) or (b) applies.

25 *Notice to set out the effect of offence and civil penalty provisions*

26 (11) A notice under subsection (2) must set out the effect of the
27 following provisions:

28 (a) subsection (6);

29 (b) subsection (7);

- 1 (c) subsection (8);
2 (d) subsection (9);
3 (e) section 566W;
4 (f) section 566X;
5 (g) section 566Y.

6 Note 1: Section 566W is about giving false or misleading information.

7 Note 2: Section 566X is about giving false or misleading documents.

8 Note 3: Section 566Y is about giving false or misleading evidence.

9 **566S Power to examine on oath or affirmation**

10 The Titles Administrator may:

- 11 (a) administer an oath or affirmation to a person required to
12 appear before the Titles Administrator under section 566R;
13 and
14 (b) examine that person on oath or affirmation.

15 **566T Self-incrimination**

- 16 (1) An individual is not excused from giving information or evidence
17 or producing a document under section 566R on the ground that
18 the information or evidence or the production of the document
19 might tend to incriminate the individual in relation to an offence.

20 Note: A body corporate is not entitled to claim the privilege against
21 self-incrimination.

22 (2) However:

- 23 (a) the information or evidence given or the document produced;
24 and
25 (b) the giving of the information or evidence or the production of
26 the document; and
27 (c) any information, document or thing obtained as a direct or
28 indirect consequence of the giving of the information or
29 evidence or the production of the document;
30 are not admissible in evidence against the individual in any
31 criminal proceedings, other than:

- 1 (d) proceedings for an offence against subsection 566R(6) or
2 section 566W, 566X or 566Y; or
3 (e) proceedings for an offence against section 137.1 or 137.2 of
4 the *Criminal Code* that relates to this Part.

- 5 (3) If, at general law, an individual would otherwise be able to claim
6 the privilege against self-exposure to a penalty (other than a
7 penalty for an offence) in relation to giving information or
8 evidence or producing a document under section 566R, the
9 individual is not excused from giving the information or evidence
10 or producing the document under those provisions on that ground.

11 Note: A body corporate is not entitled to claim the privilege against
12 self-exposure to a penalty.

13 **566U Copies of documents**

14 The Titles Administrator may inspect a document produced under
15 this Part and may make and retain copies of, or take and retain
16 extracts from, such a document.

17 **566V Titles Administrator may retain documents**

- 18 (1) The Titles Administrator may take possession of a document
19 produced under this Part, and retain it for as long as is reasonably
20 necessary.
- 21 (2) The person otherwise entitled to possession of the document is
22 entitled to be supplied, as soon as practicable, with a copy certified
23 by the Titles Administrator to be a true copy.
- 24 (3) The certified copy must be received in all courts and tribunals as
25 evidence as if it were the original.
- 26 (4) Until a certified copy is supplied, the Titles Administrator must
27 provide the person otherwise entitled to possession of the
28 document, or a person authorised by that person, reasonable access
29 to the document for the purposes of inspecting and making copies
30 of, or taking extracts from, the document.

1 **566W False or misleading information**

2 A person commits an offence if:

- 3 (a) the person gives information in compliance or purported
4 compliance with subsection 566R(2); and
5 (b) the person does so knowing that the information:
6 (i) is false or misleading in a material particular; or
7 (ii) omits any matter or thing without which the information
8 is misleading in a material particular.

9 Note: The same conduct may be an offence against both this section and
10 section 137.1 of the *Criminal Code*.

11 Penalty: 100 penalty units.

12 **566X False or misleading documents**

13 A person commits an offence if:

- 14 (a) the person produces a document in compliance or purported
15 compliance with subsection 566R(2); and
16 (b) the person does so knowing that the document is false or
17 misleading in a material particular.

18 Note: The same conduct may be an offence against both this section and
19 section 137.2 of the *Criminal Code*.

20 Penalty: 100 penalty units.

21 **566Y False or misleading evidence**

22 A person commits an offence if:

- 23 (a) the person gives evidence in compliance or purported
24 compliance with subsection 566R(2); and
25 (b) the person does so knowing that the evidence is false or
26 misleading in a material particular.

27 Penalty: Imprisonment for 12 months.

Part 5A.5—Tracing and anti-avoidance

566Z Tracing

(1) Subsection (5) applies if a person (whether alone or together with one or more other persons the person acts jointly with):

(a) holds the power to exercise, or control the exercise of, 20% or more of the voting rights in:

(i) a corporation (*higher party*); or

(ii) a partnership (a general partner of which is a *higher party*); or

(b) holds, or holds an interest in, 20% or more of the issued securities in a corporation (*higher party*); or

(c) holds 20% or more of the interests in:

(i) a trust (a trustee of which is a *higher party*); or

(ii) a partnership (a general partner of which is a *higher party*);

including because of one or more applications of this section; and

(d) the higher party (whether alone or together with one or more other persons the person acts jointly with) holds the power to exercise, or control the exercise of, 20% or more of the voting rights in:

(i) a corporation (*lower party*); or

(ii) a partnership (*lower party*) other than the partnership mentioned in subparagraph (a)(ii) or subparagraph (c)(ii) (if either of those subparagraphs apply); or

(e) the higher party holds, or holds an interest in, 20% or more of the issued securities in a corporation (*lower party*); or

(f) the higher party holds 20% or more of the interests in:

(i) a trust (*lower party*); or

(ii) a partnership (*lower party*) other than the partnership mentioned in subparagraph (a)(ii) or subparagraph (c)(ii) (if either of those subparagraphs apply).

- 1 (2) A person **acts jointly with** another person if the person acts or is
2 accustomed to acting in agreement with, or in accordance with the
3 wishes of, the other person.
- 4 (3) A person **holds 20% or more of the interests** in a trust if the person
5 holds 20% or more of:
6 (a) the beneficial interest in the income or property of the trust;
7 or
8 (b) the interest in units in a unit trust.
- 9 (4) A person **holds 20% or more of the interests** in a partnership if the
10 person is entitled to 20% or more of any of the distributions of
11 capital, assets or profits of the partnership, either on dissolution of
12 the partnership or otherwise.
- 13 (5) For the purposes of this Chapter:
14 (a) if paragraph (1)(d) applies, the person is taken to hold the
15 power to exercise, or control the exercise of, the voting rights
16 in the lower party that the higher party holds the power to
17 exercise or control; or
18 (b) if paragraph (1)(e) applies, the person is taken to hold, or
19 hold an interest in, the issued securities in the lower party
20 that the higher party holds or holds an interest in; or
21 (c) if paragraph (1)(f) applies, the person is taken to hold the
22 interests in the lower party that the higher party holds.
- 23 (6) The regulations may prescribe a different percentage, or different
24 percentages, to the percentage specified in paragraphs (1)(a) to (f)
25 and subsection (3) or (4).
- 26 (7) In this section:
27 **general partner** means a partner of a partnership whose liability in
28 relation to the partnership is not limited.

29 **566ZA Anti-avoidance**

- 30 (1) A person contravenes this subsection if:
31 (a) the person, either alone or with one or more other persons:
32 (i) enters into a scheme; or

- 1 (ii) begins to carry out a scheme; or
2 (iii) carries out a scheme; and
3 (b) the person does so for the sole or dominant purpose of
4 avoiding the application of Part 5A.3 in relation to any
5 person or persons (whether or not those persons are the same
6 persons mentioned in paragraph (a)); and
7 (c) as a result of that scheme or part of that scheme, a person
8 avoided the application of Part 5A.3.

9 Note: Contravention of this subsection is also a ground for cancellation of
10 title (see paragraphs 274(e) and 446(da) of the Act).

11 *Fault-based offence*

- 12 (2) A person commits an offence if the person contravenes
13 subsection (1).

14 Penalty: 1,200 penalty units.

15 *Civil penalty provision*

- 16 (3) A person is liable to a civil penalty if the person contravenes
17 subsection (1).

18 Civil penalty: 2,400 penalty units.

- 19 (4) In this section:

20 *scheme* means:

- 21 (a) any agreement, arrangement, understanding, promise or
22 undertaking, whether express or implied and whether or not
23 enforceable, or intended to be enforceable, by legal
24 proceedings; and
25 (b) any scheme, plan, proposal, action, course of action or course
26 of conduct, whether unilateral or otherwise.

1 **Part 2—Consequential amendments**

2 ***Offshore Petroleum and Greenhouse Gas Storage Act 2006***

3 **2 Section 7**

4 Insert:

5 *acts jointly with* has the meaning given by subsection 566B(2).

6 **3 Section 7 (at the end of paragraph (b) of the definition of**
7 ***Register*)**

8 Add:

9 ; or (c) when used in Chapter 5A—has the meaning given by section
10 566A.

11 **4 Section 7 (after paragraph (ga) of the definition of *title*)**

12 Insert:

13 (gb) when used in Chapter 5A—has the meaning given by section
14 566A; or

15 **5 Paragraph 125(2)(b)**

16 After “Chapter 4,” insert “Chapter 5A,”.

17 **6 Subparagraphs 125(3)(a)(ii), 126(2)(a)(ii), 154(2)(a)(ii) and**
18 **(3)(a)(ii), 155(2)(a)(ii), 185(2)(a)(ii), (3)(a)(ii) and (4)(a)(ii),**
19 **186(2)(a)(ii), 221(3)(c)(ii) and (4)(c)(ii), 222(3)(d)(ii) and**
20 **(4)(d)(ii)**

21 After “Chapter 4,” insert “Chapter 5A,”.

22 **7 Subparagraphs 222(6)(d)(ii) and (7)(d)(ii)**

23 After “Chapter 5” insert “Chapter 5A”.

24 **8 Subparagraphs 223(2)(c)(ii), and 224(2)(d)(ii)**

25 After “Chapter 4,” insert “Chapter 5A,”.

1 **9 Subparagraph 224(4)(d)(ii)**

2 After “Chapter 5”, insert “Chapter 5A”.

3 **10 After subparagraph 270(3)(b)(ii)**

4 Insert:

5 (ia) Chapter 5A; and

6 **11 Subparagraph 270(5)(a)(ii)**

7 After “Chapter 4,”, insert “Chapter 5A,”.

8 **12 After subparagraph 274(c)(ii)**

9 Insert:

10 (ia) Chapter 5A; or

11 **13 After paragraph 274(d)**

12 Add:

13 ; (e) a person has contravened subsection 566H(1), 566N(1),
14 566P(1) or 566ZA(1) in relation to the registered holder.

15 **14 After subparagraph 277(1)(a)(ii)**

16 Insert:

17 (ia) Chapter 5A; or

18 **15 After subsection 277(1)**

19 Insert:

20 (1A) If:

21 (a) a person has not complied with subsection 566N(1) or
22 566ZA(1) in relation to the registered holder of a petroleum
23 exploration permit, petroleum retention lease, petroleum
24 production licence, infrastructure licence or pipeline licence;
25 and

26 (b) the person has been convicted of an offence relating to that
27 non-compliance;

28 the Joint Authority may exercise a power of cancellation under
29 subsection 275(1) on the ground of that non-compliance, even
30 though the person has been convicted of that offence.

1 **16 After subparagraph 277(2)(a)(ii)**

2 Insert:

3 (ia) Chapter 5A; or

4 **17 After subsection 277(2)**

5 Insert:

6 (2A) If:

7 (a) a person (the *first person*) has not complied with subsection
8 566N(1) or 566ZA(1) in relation to a person who was the
9 registered holder of a petroleum exploration permit,
10 petroleum retention lease, petroleum production licence,
11 infrastructure licence or pipeline licence; and

12 (b) the Joint Authority has exercised a power of cancellation
13 under subsection 275(1) on the ground of that
14 non-compliance;

15 the first person may be convicted of an offence relating to the
16 non-compliance, even though the Joint Authority has exercised that
17 power of cancellation.

18 **18 Subparagraphs 309(2)(a)(ii), 309(3)(a)(ii), 309(4)(a)(ii),**
19 **310(2)(a)(ii) and 310(3)(a)(ii)**

20 After “Chapter 5,” insert “Chapter 5A,”.

21 **19 Paragraph 311B(2)(b)**

22 After “Chapter 5,” insert “Chapter 5A,”.

23 **20 Subparagraphs 311B(3)(a)(ii), 311C(2)(a)(ii), 348(2)(a)(ii)**
24 **and (3)(a)(ii), 349(2)(a)(ii), 350B(2)(a)(ii) and (3)(a)(ii) and**
25 **350C(2)(a)(ii)**

26 After “Chapter 5,” insert “Chapter 5A,”.

27 **21 Paragraph 388(7)(b)**

28 After “Chapter 5,” insert “Chapter 5A,”.

29 **22 After subparagraph 430(5)(c)(ii)**

30 Insert:

1 (ia) Chapter 5A; or

2 **23 After subparagraph 442(3)(b)(ii)**

3 Insert:

4 (ia) Chapter 5A; and

5 **24 Subparagraph 442(7)(a)(ii)**

6 After “Chapter 5,” insert “Chapter 5A,”.

7 **25 After subparagraph 446(c)(ii)**

8 Insert:

9 (ia) Chapter 5A; or

10 **26 After paragraph 446(d)**

11 Insert:

12 (da) a person has contravened subsection 566H(1), 566N(1),
13 566P(1) or 566ZA(1) in relation to the registered holder;

14 **27 After subparagraph 449(1)(a)(ii)**

15 Insert:

16 (ia) Chapter 5A; or

17 **28 After subsection 449(1)**

18 Insert:

19 (1A) If:

20 (a) a person has not complied with subsection 566N(1), 566P(1)
21 or 566ZA(1) in relation to the registered holder of a
22 greenhouse gas assessment permit, greenhouse gas holding
23 lease or greenhouse gas injection licence; and

24 (b) the person has been convicted of an offence relating to that
25 non-compliance;

26 the responsible Commonwealth Minister may exercise a power of
27 cancellation under subsection 447(1) on the ground of that
28 non-compliance, even though the person has been convicted of that
29 offence.

1 **29 After subparagraph 449(2)(a)(ii)**

2 Insert:

3 (ia) Chapter 5A; or

4 **30 After subsection 449(2)**

5 Insert:

6 (2A) If:

7 (a) a person (the *first person*) has not complied with subsection
8 566N(1), 566P(1) or 566ZA(1) in relation to a person who
9 was the registered holder of a greenhouse gas assessment
10 permit, greenhouse gas holding lease or greenhouse gas
11 injection licence; and

12 (b) the responsible Commonwealth Minister has exercised a
13 power of cancellation under subsection 447(1) on the ground
14 of that non-compliance;

15 the first person may be convicted of an offence relating to the
16 non-compliance, even though the responsible Commonwealth
17 Minister has exercised that power of cancellation.

18 **31 After subparagraph 454(3)(c)(ii)**

19 Insert:

20 (ia) Chapter 5A; or

21 **32 After subsection 478(2)**

22 Insert:

23 (3) Before deciding whether to approve or refuse to approve a transfer,
24 the Titles Administrator may consult with one or more of the
25 following:

26 (a) the Joint Authority;

27 (b) NOPSEMA;

28 (c) the responsible Commonwealth Minister.

29 (3A) In deciding whether to approve or refuse to approve a transfer, the
30 Titles Administrator may have regard to the following matters:

31 (a) matters raised in consultations (if any) under subsection (3);

32 (b) any other matters the Titles Administrator considers relevant.

1 **33 Subsection 516(1)**

2 After “this Chapter”, insert “or Chapter 5A”.

3 **34 After subsection 529(2)**

4 Insert:

5 (2A) Before deciding whether to approve or refuse to approve a transfer,
6 the Titles Administrator may consult with one or more of the
7 following:

- 8 (a) the Cross-boundary Authority;
9 (b) NOPSEMA;
10 (c) the responsible Commonwealth Minister.

11 (2B) In deciding whether to approve or refuse to approve a transfer, the
12 Titles Administrator may have regard to the following matters:

- 13 (a) matters raised in consultations (if any) under
14 subsection (2A);
15 (b) any other matters the Titles Administrator considers relevant.

16 **35 Subsection 565(1)**

17 After “this Chapter”, insert “or Chapter 5A”.

18 **36 Subsection 601(1) (after table item 2A)**

19 Insert:

20 2B Chapter 5A Change in control of a registered holder of a title

21 **37 After subparagraph 611(1)(a)(iv)**

22 Insert:

(iva) Chapter 5A; or

23 **38 Subsection 611B(2) (table item 3, column headed “is an**
24 ***authorised applicant* in relation to the following civil**
25 **penalty provisions in this Act (to the extent indicated)**
26 **...”, after paragraph (g))**

27 Insert:

28 (ga) subsection 566H(2);

29 (gb) subsection 566K(2);

- 1 (gc) subsection 566N(3);
- 2 (gd) subsection 566P(2);
- 3 (ge) subsection 566Q(2);
- 4 (gf) subsection 566R(7);
- 5 (gg) subsection 566ZA(3);

6 **39 After subsection 611B(2)**

7 Insert:

8 *No time limit for certain applications*

9 (2A) Subsection 82(2) of the Regulatory Powers Act does not apply to
10 an application made under section 82 of that Act in relation to an
11 alleged contravention of the following provisions of this Act:

- 12 (a) subsection 566H(2);
- 13 (b) subsection 566K(2);
- 14 (c) subsection 566N(3);
- 15 (d) subsection 566P(2);
- 16 (e) subsection 566Q(2);
- 17 (f) subsection 566R(7);
- 18 (g) subsection 566ZA(3).

19 **40 After paragraph 636(ec)**

20 Insert:

21 (ed) a fee under subsection 566M(1);

EXPOSURE DRAFT**Schedule 2—Trailing liability*****Offshore Petroleum and Greenhouse Gas Storage Act 2006*****1 Section 14**

Repeal the section, substitute:

14 Vacated area for a permit, lease, licence or authority

- (1) The following table sets out the *vacated area* for a permit, lease, licence or authority that has ceased to be in force, either in whole or in part.

Vacated area		
Item	In the case of ...	the vacated area is ...
1	a petroleum exploration permit, petroleum retention lease or petroleum production licence that has expired	the area constituted by the blocks over which the permit, lease or licence was in force.
2	a petroleum exploration permit, petroleum retention lease or petroleum production licence that has been wholly revoked or partly revoked	the area constituted by the blocks as to which the permit, lease or licence was so revoked.
3	a petroleum exploration permit or petroleum production licence that has been wholly cancelled or partly cancelled	the area constituted by the blocks as to which the permit or licence was so cancelled.
4	a petroleum exploration permit or petroleum production licence that has been wholly surrendered or partly surrendered	the area constituted by the blocks as to which the permit or licence was so surrendered.
5	a petroleum retention lease that has been surrendered or cancelled	the lease area.
6	a petroleum production licence that has been terminated	the licence area.

EXPOSURE DRAFT

Vacated area		
Item	In the case of ...	the vacated area is ...
7	an infrastructure licence that has been cancelled or terminated	the licence area.
8	an infrastructure licence that has been surrendered	the licence area.
9	a pipeline licence that has been wholly or partly terminated	the part of the offshore area in which the pipeline or the part of the pipeline was constructed.
10	a pipeline licence that has been wholly cancelled or partly cancelled	the part of the offshore area in which the pipeline or the part of the pipeline was constructed.
11	a pipeline licence that has been wholly or partly surrendered	the part of the offshore area in which the pipeline or the part of the pipeline was constructed.
12	a petroleum special prospecting authority that: (a) has been surrendered or cancelled; or (b) has expired	the authority area.
13	a petroleum access authority that: (a) has been revoked or surrendered; or (b) has expired	the authority area.
14	a greenhouse gas assessment permit that has expired	the area constituted by the blocks over which the permit was in force.
15	a greenhouse gas holding lease (other than a special greenhouse gas holding lease) that has expired	the area constituted by the blocks over which the lease was in force.
16	a greenhouse gas assessment permit that has been cancelled or surrendered	the permit area.
17	a greenhouse gas holding lease that has been cancelled or surrendered	the lease area.

EXPOSURE DRAFT

EXPOSURE DRAFT**Vacated area**

Item	In the case of ...	the <i>vacated area</i> is ...
18	a greenhouse gas injection licence that has been cancelled or terminated	the licence area.
19	a greenhouse gas injection licence that has been wholly or partly surrendered	the area constituted by the blocks as to which the licence was so surrendered.
20	a greenhouse gas search authority that: (a) has been surrendered or cancelled; or (b) has expired	the authority area.
21	a greenhouse gas special authority that: (a) has been revoked or surrendered; or (b) has expired	the authority area.

1 (2) To avoid doubt, an area is a *vacated area* for a permit, lease,
2 licence or authority that has ceased to be in force even if the title
3 area (within the meaning of section 572) of another title overlaps,
4 in whole or in part, the vacated area for the permit, lease, licence or
5 authority.

2 Subparagraph 577(1)(a)(ii)

6 After “Chapter”, insert “(other than Part 6.3, section 587 or Division 2
7 of Part 6.4)”.

3 At the end of subsection 577(1)

9 Add:

11 Note: See sections 582A, 588, 589, 595A and 596A for action that may be
12 taken if a direction is given under Part 6.3, section 587 or Division 2
13 of Part 6.4.

4 Paragraph 577A(1)(a)

14 After “Part”, insert “or section 586A”.

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1 **5 Subparagraph 578(2)(a)(ii)**

2 After “Chapter”, insert “(other than Part 6.3 or Division 2 of Part 6.4)”.

3 **6 Subparagraph 582A(1)(a)(i)**

4 After “Part 6.2”, insert “, Division 1 of Part 6.4 or section 594A”.

5 **7 At the end of subsection 582A(1)**

6 Add:

7 Note: See sections 577, 588, 589, 595A and 596A for action that may be
8 taken if a direction is given under Part 6.2, Division 1 of Part 6.4 or
9 section 594A.

10 **8 Subparagraph 583(1)(a)(ii)**

11 After “Part 6.2”, insert “, Division 1 of Part 6.4 or section 593 or 595”.

12 **9 At the end of subsection 583(1)**

13 Add:

14 Note: See sections 577A, 590A, 596 and 597 for action that may be taken if
15 a direction is given under Part 6.2, Division 1 of Part 6.4 or
16 section 593 or 595.

17 **10 Section 585**

18 Omit “or former petroleum titleholders” (wherever occurring),
19 substitute “, former petroleum titleholders or certain other persons”.

20 **11 Section 586 (heading)**

21 Repeal the heading, substitute:

22 **586 Remedial directions in relation to permits, leases and licences**
23 **that are in force—NOPSEMA**

24 **12 Subsection 586(2)**

25 Omit “given to the registered holder of the permit, lease or licence,
26 direct the holder”, substitute “given to a person referred to in
27 subsection (2A), direct the person”.

EXPOSURE DRAFT

1 **13 Before subsection 586(3)**

2 Insert:

3 (2A) The persons are:

- 4 (a) the registered holder of the permit, lease or licence; or
5 (b) a related body corporate of the registered holder of the
6 permit, lease or licence; or
7 (c) any former registered holder of the permit, lease or licence;
8 or
9 (d) a person who was a related body corporate of any former
10 registered holder of the permit, lease or licence at the time
11 the permit, lease or licence was in force; or
12 (e) a person to whom a determination under subsection (2B)
13 applies.

14 (2B) NOPSEMA may make a written determination that this subsection
15 applies to a person if, having regard to the following matters, it is
16 satisfied on reasonable grounds that it is appropriate to do so:

- 17 (a) whether the person is capable of significantly benefiting
18 financially, or has significantly benefited financially, from
19 the operations authorised by the permit, lease or licence;
20 (b) whether the person is, or has been at any time, in a position to
21 influence the way in which, or the extent to which, a person
22 is complying, or has complied, with the person's obligations
23 under this Act;
24 (c) whether the person acts or acted jointly with the registered
25 holder, or a former holder, of the permit, lease or licence in
26 relation to the operations authorised by the permit, lease or
27 licence.

28 (2C) A determination under subsection (2B) is not a legislative
29 instrument.

30 (2D) If a direction is given under subsection (2) to a person referred to
31 in paragraph (2A)(b), (c), (d) or (e), NOPSEMA must give a copy
32 of the direction to the registered holder of the permit, lease or
33 licence as soon as practicable after the direction is given.

EXPOSURE DRAFT

1 **14 Section 586A (heading)**

2 Repeal the heading, substitute:

3 **586A Remedial directions in relation to permits, leases and licences**
4 **that are in force—responsible Commonwealth Minister**

5 **15 Subsection 586A(2)**

6 Omit “given to the registered holder of the permit, lease or licence,
7 direct the holder”, substitute “given to a person referred to in
8 subsection (2A), direct the person”.

9 **16 Before subsection 586A(3)**

10 Insert:

11 (2A) The persons are:

- 12 (a) the registered holder of the permit, lease or licence; or
13 (b) a related body corporate of the registered holder of the
14 permit, lease or licence; or
15 (c) any former registered holder of the permit, lease or licence;
16 or
17 (d) a person who was a related body corporate of any former
18 registered holder of the permit, lease or licence at the time
19 the permit, lease or licence was in force; or
20 (e) a person to whom a determination under subsection (2B)
21 applies.

22 (2B) The responsible Commonwealth Minister may make a written
23 determination that this subsection applies to a person if, having
24 regard to the following matters, the responsible Commonwealth
25 Minister is satisfied on reasonable grounds that it is appropriate to
26 do so:

- 27 (a) whether the person is capable of significantly benefiting
28 financially, or has significantly benefited financially, from
29 the operations authorised by the permit, lease or licence;
30 (b) whether the person is, or has been at any time, in a position to
31 influence the way in which, or the extent to which, a person
32 is complying, or has complied, with the person’s obligations
33 under this Act;

EXPOSURE DRAFT

1 (c) whether the person acts or acted jointly with the registered
2 holder, or a former holder, of the permit, lease or licence in
3 relation to the operations authorised by the permit, lease or
4 licence.

5 (2C) A determination under subsection (2B) is not a legislative
6 instrument.

7 (2D) If a direction is given under subsection (2) to a person referred to
8 in paragraph (2A)(b), (c), (d) or (e), the responsible
9 Commonwealth Minister must give a copy of the direction to the
10 registered holder of the permit, lease or licence as soon as
11 practicable after the direction is given.

12 **17 Section 587 (heading)**

13 Repeal the heading, substitute:

14 **587 Remedial directions in relation to permits, leases, licences and**
15 **authorities that have wholly or partly ceased to be in**
16 **force—NOPSEMA**

17 **18 Subsections 587(1) and (2)**

18 Repeal the subsections, substitute:

19 *Scope*

20 (1) This section applies if any of the following permits, leases, licences
21 or authorities (each of which is a *title*) cease to be in force, in
22 whole or in part:

- 23 (a) a petroleum exploration permit;
- 24 (b) a petroleum retention lease;
- 25 (c) a petroleum production licence;
- 26 (d) an infrastructure licence;
- 27 (e) a pipeline licence;
- 28 (f) a petroleum special prospecting authority;
- 29 (g) a petroleum access authority.

EXPOSURE DRAFT

1

Direction

2

(2) NOPSEMA may, by written notice given to a person referred to in subsection (2A), direct the person to do one or more of the following things within the period specified in the notice:

3

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5

(a) to remove, or cause to be removed, from the vacated area all property (the *relevant property*) brought into that area by any person engaged or concerned in the operations authorised by the title;

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(b) to make arrangements that are satisfactory to NOPSEMA in relation to the relevant property;

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(c) to plug or close off, to the satisfaction of NOPSEMA, all wells made in the vacated area by any person engaged or concerned in the operations authorised by the title;

14

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16

(d) to provide, to the satisfaction of NOPSEMA, for the conservation and protection of the natural resources in the vacated area;

17

18

19

20

(e) to make good, to the satisfaction of NOPSEMA, any damage to the seabed or subsoil in the vacated area caused by any person engaged or concerned in the operations authorised by the title.

21

22

23

Note 1: A direction under this section has no effect to the extent of any inconsistency with a direction under section 587A: see subsection 587A(8).

24

25

Note 2: Breach of a direction may attract a criminal or civil penalty: see section 587B.

26

(2A) The persons are:

27

(a) if the title ceased to be in force in part:

28

29

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(i) the registered holder of the title; or

(ii) a related body corporate of the registered holder of the title; or

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(b) if the title ceased to be in force in whole or in part:

(i) any former registered holder of the title; or

(ii) a person who was a related body corporate of any former registered holder of the title at the time the title was in force; or

EXPOSURE DRAFT

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(iii) a person to whom a determination under subsection (2B) applies.

(2B) NOPSEMA may make a written determination that this subsection applies to a person if, having regard to the following matters, it is satisfied on reasonable grounds that it is appropriate to do so:

- (a) whether the person is capable of significantly benefiting financially, or has significantly benefited financially, from the operations authorised by the title;
- (b) whether the person is, or has been at any time, in a position to influence the way in which, or the extent to which, a person is complying, or has complied, with the person's obligations under this Act;
- (c) whether the person acts or acted jointly with the registered holder, or a former holder, of the title in relation to the operations authorised by the title.

(2C) A determination under subsection (2B) is not a legislative instrument.

(2D) If:

- (a) a direction is given under subsection (2) to a person referred to in subparagraph (2A)(a)(ii) or (b)(i), (ii) or (iii); and
- (b) the direction requires the person to take an action in, or in relation to, the title area (within the meaning of section 572) of a title that is in force;

NOPSEMA must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given.

19 Subsection 587(4)

Omit "(2)(b)", substitute "(2)(c)".

20 Subsection 587(5)

Omit "(2)(c)", substitute "(2)(d)".

21 Section 587A (heading)

Repeal the heading, substitute:

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- 1 (d) resource management; or
2 (e) resource security.

3 Note: Breach of a direction may attract a criminal or civil penalty: see
4 section 587B.

5 (2A) The persons are:

- 6 (a) if the title ceased to be in force in part:
7 (i) the registered holder of the title; or
8 (ii) a related body corporate of the registered holder of the
9 title; or
10 (b) if the title ceased to be in force in whole or in part:
11 (i) any former registered holder of the title; or
12 (ii) a person who was a related body corporate of any
13 former registered holder of the title at the time the title
14 was in force; or
15 (iii) a person to whom a determination under
16 subsection (2B) applies.

17 (2B) The responsible Commonwealth Minister may make a written
18 determination that this subsection applies to a person if, having
19 regard to the following matters, the responsible Commonwealth
20 Minister is satisfied on reasonable grounds that it is appropriate to
21 do so:

- 22 (a) whether the person is capable of significantly benefiting
23 financially, or has significantly benefited financially, from
24 the operations authorised by the title;
25 (b) whether the person is, or has been at any time, in a position to
26 influence the way in which, or the extent to which, a person
27 is complying, or has complied, with the person's obligations
28 under this Act;
29 (c) whether the person acts or acted jointly with the registered
30 holder, or a former holder, of the title in relation to the
31 operations authorised by the title.

32 (2C) A determination under subsection (2B) is not a legislative
33 instrument.

34 (2D) If:

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- 1 (a) a direction is given under subsection (2) to a person referred
2 to in subparagraph (2A)(a)(ii) or (b)(i), (ii) or (iii); and
3 (b) the direction requires the person to take an action in, or in
4 relation to, the title area (within the meaning of section 572)
5 of a title that is in force;
6 the responsible Commonwealth Minister must give a copy of the
7 direction to the registered holder of the title as soon as practicable
8 after the direction is given.

9 **23 Subsection 587B(6) (definition of *remedial direction*)**

10 Repeal the definition (not including the notes), substitute:

11 *remedial direction* means a direction under any of the following
12 provisions:

- 13 (a) section 586 (directions in relation to current titles—
14 NOPSEMA direction);
15 (b) section 586A (directions in relation to current titles—
16 responsible Commonwealth Minister direction);
17 (c) section 587 (directions in relation to titles that have ceased to
18 be in force in whole or part—NOPSEMA direction);
19 (d) section 587A (directions in relation to titles that have ceased
20 to be in force in whole or part—responsible Commonwealth
21 Minister direction).

22 **24 Subsection 589(5)**

23 Omit “who is or was the registered holder of a petroleum exploration
24 permit, petroleum retention lease, petroleum production licence,
25 infrastructure licence, pipeline licence, petroleum special prospecting
26 authority or petroleum access authority”, substitute “who is or was
27 subject to the direction”.

28 **25 At the end of section 590A**

29 Add:

30 *Recovery of costs and expenses*

- 31 (3) Costs or expenses incurred by the responsible Commonwealth
32 Minister under subsection (2) are:

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- 1 (a) a debt due to the Commonwealth by the person who breached
2 the direction or did not carry out the arrangement; and
3 (b) recoverable in:
4 (i) the Federal Court; or
5 (ii) the Federal Circuit Court; or
6 (iii) a court of a State or Territory that has jurisdiction in
7 relation to the matter.

8 **26 Section 591**

9 Omit “or former greenhouse gas titleholders”, substitute “, former
10 greenhouse gas titleholders or certain other persons”.

11 **27 Section 591B (heading)**

12 Repeal the heading, substitute:

13 **591B Remedial directions in relation to permits, leases and licences**
14 **that are in force—NOPSEMA**

15 **28 Subsection 591B(2)**

16 Omit “the registered holder of the permit, lease or licence, direct the
17 holder”, substitute “a person referred to in subsection (2A), direct the
18 person”.

19 **29 Before subsection 591B(3)**

20 Insert:

- 21 (2A) The persons are:
22 (a) the registered holder of the permit, lease or licence; or
23 (b) a related body corporate of the registered holder of the
24 permit, lease or licence; or
25 (c) any former registered holder of the permit, lease or licence;
26 or
27 (d) a person who was a related body corporate of any former
28 registered holder of the permit, lease or licence at the time
29 the permit, lease or licence was in force; or
30 (e) a person to whom a determination under subsection (2B)
31 applies.

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1 (2B) NOPSEMA may make a written determination that this subsection
2 applies to a person if, having regard to the following matters, it is
3 satisfied on reasonable grounds that it is appropriate to do so:

- 4 (a) whether the person is capable of significantly benefiting
5 financially, or has significantly benefited financially, from
6 the operations authorised by the permit, lease or licence;
7 (b) whether the person is, or has been at any time, in a position to
8 influence the way in which, or the extent to which, a person
9 is complying, or has complied, with the person’s obligations
10 under this Act;
11 (c) whether the person acts or acted jointly with the registered
12 holder, or a former holder, of the permit, lease or licence in
13 relation to the operations authorised by the permit, lease or
14 licence.

15 (2C) A determination under subsection (2B) is not a legislative
16 instrument.

17 (2D) If a direction is given under subsection (2) to a person referred to
18 in paragraph (2A)(b), (c), (d) or (e), NOPSEMA must give a copy
19 of the direction to the registered holder of the permit, lease or
20 licence as soon as practicable after the direction is given.

21 **30 Section 592 (heading)**

22 Repeal the heading, substitute:

23 **592 Remedial directions in relation to permits, leases and licences** 24 **that are in force—responsible Commonwealth Minister**

25 **31 Subsection 592(2)**

26 Omit “the registered holder of the permit, lease or licence, direct the
27 holder”, substitute “a person referred to in subsection (2A), direct the
28 person”.

29 **32 Before subsection 592(3)**

30 Insert:

31 (2A) The persons are:

- 32 (a) the registered holder of the permit, lease or licence; or

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- 1 (b) a related body corporate of the registered holder of the
2 permit, lease or licence; or
3 (c) any former registered holder of the permit, lease or licence;
4 or
5 (d) a person who was a related body corporate of any former
6 registered holder of the permit, lease or licence at the time
7 the permit, lease or licence was in force; or
8 (e) a person to whom a determination under subsection (2B)
9 applies.
- 10 (2B) The responsible Commonwealth Minister may make a written
11 determination that this subsection applies to a person if, having
12 regard to the following matters, the responsible Commonwealth
13 Minister is satisfied on reasonable grounds that it is appropriate to
14 do so:
- 15 (a) whether the person is capable of significantly benefiting
16 financially, or has significantly benefited financially, from
17 the operations authorised by the permit, lease or licence;
18 (b) whether the person is, or has been at any time, in a position to
19 influence the way in which, or the extent to which, a person
20 is complying, or has complied, with the person's obligations
21 under this Act;
22 (c) whether the person acts or acted jointly with the registered
23 holder, or a former holder, of the permit, lease or licence in
24 relation to the operations authorised by the permit, lease or
25 licence.
- 26 (2C) A determination under subsection (2B) is not a legislative
27 instrument.
- 28 (2D) If a direction is given under subsection (2) to a person referred to
29 in paragraph (2A)(b), (c), (d) or (e), the responsible
30 Commonwealth Minister must give a copy of the direction to the
31 registered holder of the permit, lease or licence as soon as
32 practicable after the direction is given.

33 Section 594A (heading)

34 Repeal the heading, substitute:

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1 **594A Remedial directions in relation to permits, leases, licences and**
2 **authorities that have wholly or partly ceased to be in**
3 **force—NOPSEMA**

4 **34 Subsections 594A(1) and (2)**

5 Repeal the subsections, substitute:

6 *Scope*

- 7 (1) This section applies if any of the following permits, leases, licences
8 or authorities (each of which is a *title*) cease to be in force, in
9 whole or in part:
- 10 (a) a greenhouse gas assessment permit;
 - 11 (b) a greenhouse gas holding lease;
 - 12 (c) a greenhouse gas injection licence;
 - 13 (d) a greenhouse gas search authority;
 - 14 (e) a greenhouse gas special authority.

15 *Direction*

- 16 (2) NOPSEMA may, by written notice given to a person referred to in
17 subsection (2A), direct the person to do one or more of the
18 following things within the period specified in the notice:
- 19 (a) to remove, or cause to be removed, from the vacated area all
20 property (the *relevant property*) brought into that area by any
21 person engaged or concerned in the operations authorised by
22 title;
 - 23 (b) to make arrangements that are satisfactory to NOPSEMA in
24 relation to the relevant property;
 - 25 (c) to plug or close off, to the satisfaction of NOPSEMA, all
26 wells made in the vacated area by any person engaged or
27 concerned in the operations authorised by title;
 - 28 (d) to provide, to the satisfaction of NOPSEMA, for the
29 conservation and protection of the natural resources in the
30 vacated area;
 - 31 (e) to make good, to the satisfaction of NOPSEMA, any damage
32 to the seabed or subsoil in the vacated area caused by any

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1 person engaged or concerned in the operations authorised by
2 the title.

3 (2A) The persons are:

4 (a) if the title ceased to be in force in part:

5 (i) the registered holder of the title; or

6 (ii) a related body corporate of the registered holder of the
7 title; or

8 (b) if the title ceased to be in force in whole or in part:

9 (i) any former registered holder of the title; or

10 (ii) a person who was a related body corporate of any
11 former registered holder of the title at the time the title
12 was in force; or

13 (iii) a person to whom a determination under
14 subsection (2B) applies.

15 (2B) NOPSEMA may make a written determination that this subsection
16 applies to a person if, having regard to the following matters, it is
17 satisfied on reasonable grounds that it is appropriate to do so:

18 (a) whether the person is capable of significantly benefiting
19 financially, or has significantly benefited financially, from
20 the operations authorised by the title;

21 (b) whether the person is, or has been at any time, in a position to
22 influence the way in which, or the extent to which, a person
23 is complying, or has complied, with the person's obligations
24 under this Act;

25 (c) whether the person acts or acted jointly with the registered
26 holder, or a former holder, of the title in relation to the
27 operations authorised by the title.

28 (2C) A determination under subsection (2B) is not a legislative
29 instrument.

30 (2D) If:

31 (a) a direction is given under subsection (2) to a person referred
32 to in subparagraph (2A)(a)(ii) or (b)(i), (ii) or (iii); and

33 (b) the direction requires the person to take an action in, or in
34 relation to, the title area (within the meaning of section 572)
35 of a title that is in force;

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1 NOPSEMA must give a copy of the direction to the registered
2 holder of the title as soon as practicable after the direction is given.

3 **35 Subsection 594A(4)**

4 Omit “(2)(c)”, substitute “(2)(d)”.

5 **36 Subsection 594A(5)**

6 Omit “(2)(b)”, substitute “(2)(c)”.

7 **37 Section 595 (heading)**

8 Repeal the heading, substitute:

9 **595 Remedial directions in relation to permits, leases, licences and**
10 **authorities that have wholly or partly ceased to be in**
11 **force—responsible Commonwealth Minister**

12 **38 Subsections 595(1) and (2)**

13 Repeal the subsections, substitute:

14 *Scope*

- 15 (1) This section applies if any of the following permits, leases, licences
16 or authorities (each of which is a *title*) cease to be in force, in
17 whole or in part:
- 18 (a) a greenhouse gas assessment permit;
 - 19 (b) a greenhouse gas holding lease;
 - 20 (c) a greenhouse gas injection licence;
 - 21 (d) a greenhouse gas search authority;
 - 22 (e) a greenhouse gas special authority.

23 *Direction*

- 24 (2) The responsible Commonwealth Minister may, by written notice
25 given to a person referred to in subsection (2A), direct the person
26 to do one or more of the following things within the period
27 specified in the notice:
- 28 (a) to remove, or cause to be removed, from the vacated area all
29 property (the *relevant property*) brought into that area by any

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- 1 person engaged or concerned in the operations authorised by
2 the title;
- 3 (b) to make arrangements that are satisfactory to the responsible
4 Commonwealth Minister in relation to the relevant property;
- 5 (c) to plug or close off, to the satisfaction of the responsible
6 Commonwealth Minister, all wells made in the vacated area
7 by any person engaged or concerned in the operations
8 authorised by the title;
- 9 (d) to provide, to the satisfaction of the responsible
10 Commonwealth Minister, for the conservation and protection
11 of the natural resources in the vacated area;
- 12 (e) to make good, to the satisfaction of the responsible
13 Commonwealth Minister, any damage to the seabed or
14 subsoil in the vacated area caused by any person engaged or
15 concerned in the operations authorised by the title;
- 16 so long as the direction is given for a purpose that relates to:
- 17 (f) resource management; or
18 (g) resource security; or
19 (h) decommissioning.
- 20 (2A) The persons are:
- 21 (a) if the title ceased to be in force in part:
- 22 (i) the registered holder of the title; or
23 (ii) a related body corporate of the registered holder of the
24 title; or
- 25 (b) if the title ceased to be in force in whole or in part:
- 26 (i) any former registered holder of the title; or
27 (ii) a person who was a related body corporate of any
28 former registered holder of the title at the time the title
29 was in force; or
30 (iii) a person to whom a determination under
31 subsection (2B) applies.
- 32 (2B) The responsible Commonwealth Minister may make a written
33 determination that this subsection applies to a person if, having
34 regard to the following matters, the responsible Commonwealth
35 Minister is satisfied on reasonable grounds that it is appropriate to
36 do so:

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- 1 (a) whether the person is capable of significantly benefiting
2 financially, or has significantly benefited financially, from
3 the operations authorised by the title;
- 4 (b) whether the person is, or has been at any time, in a position to
5 influence the way in which, or the extent to which, a person
6 is complying, or has complied, with the person's obligations
7 under this Act;
- 8 (c) whether the person acts or acted jointly with the registered
9 holder, or a former holder, of the title in relation to the
10 operations authorised by the title.

11 (2C) A determination under subsection (2B) is not a legislative
12 instrument.

13 (2D) If:

- 14 (a) a direction is given under subsection (2) to a person referred
15 to in subparagraph (2A)(a)(ii), (b)(i), (b)(ii) or (b)(iii); and
16 (b) the direction requires the person to take an action in, or in
17 relation to, the title area (within the meaning of section 572)
18 of a title that is in force;

19 the responsible Commonwealth Minister must give a copy of the
20 direction to the registered holder of the title as soon as practicable
21 after the direction is given.

22 **39 Subsection 595(4)**

23 Omit "(2)(c)", substitute "(2)(d)".

24 **40 Subsection 595(5)**

25 Omit "(2)(b)", substitute "(2)(c)".

26 **41 Subsection 596A(7)**

27 Repeal the subsection (not including the heading), substitute:

28 (7) If NOPSEMA incurs costs or expenses in relation to the doing of
29 anything required by a direction under section 594A to be done by
30 a person who is or was subject to the direction, the costs or
31 expenses:

- 32 (a) are a debt due by the person to NOPSEMA; and

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- 1 (b) to the extent to which they are not recovered under
2 subsection (2)—are recoverable in:
3 (i) the Federal Court; or
4 (ii) the Federal Circuit Court; or
5 (iii) a court of a State or Territory that has jurisdiction in
6 relation to the matter.

7 **42 Subsection 597(5)**

8 Omit “a person who is or was the registered holder of a greenhouse gas
9 assessment permit, greenhouse gas holding lease, greenhouse gas
10 injection licence, greenhouse gas search authority or greenhouse gas
11 special authority”, substitute “a person who is or was subject to the
12 direction”.

13 **43 At the end of Part 6.4 of Chapter 6**

14 Add:

15 **Division 3—Obligations etc. if remedial direction is in force**

16 **598A Obligations etc. if remedial direction is in force**

- 17 (1) This section applies if:
18 (a) a direction (a *petroleum remedial direction*) is in force under
19 section 586, 586A, 587 or 587A; or
20 (b) a direction (a *greenhouse gas remedial direction*) is in force
21 under section 591B, 592, 594A or 595.
- 22 (2) The following provisions apply as if a reference to a registered
23 holder of a title, or to a titleholder, included a reference to a person
24 who is subject to a petroleum remedial direction:
25 (a) section 569;
26 (b) section 571;
27 (c) Part 6.1A;
28 (d) Part 6.2;
29 (e) Part 6.5;
30 (f) Schedule 2A;
31 (g) Schedule 2B;

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- 1 (h) clause 13A of Schedule 3;
2 (i) Part 4 of Schedule 3.
- 3 (3) The following provisions apply as if a reference to a petroleum
4 activity included a reference to an activity carried out for the
5 purpose of complying with a petroleum remedial direction:
6 (a) section 571, other than subsection 571(1);
7 (b) section 572C;
8 (c) Schedule 2A.
- 9 (4) The following provisions apply as if a reference to a registered
10 holder of a title, or to a titleholder, included a reference to a person
11 who is subject to a greenhouse gas remedial direction:
12 (a) section 570;
13 (b) section 571A;
14 (c) Part 6.3;
15 (d) Part 6.5;
16 (e) Schedule 2A;
17 (f) Schedule 2B;
18 (g) clause 13B of Schedule 3;
19 (h) Part 4 of Schedule 3.
- 20 (5) The following table has effect:
21

Modifications of specified provisions if remedial direction is in force

Item	For the purposes of this Act, the following provisions ...	apply as if ...
1	Section 280	subsection (1) provided that that section also applied to a petroleum remedial direction and subsection (2) included a reference to a person carrying on activities in an offshore area for the purposes of complying with the direction.
2	Section 460	subsection (1) provided that that section also applied to a greenhouse gas remedial direction and subsection (2) included a reference to a person carrying on activities in an offshore area for the purposes of complying with the

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EXPOSURE DRAFT**Modifications of specified provisions if remedial direction is in force**

Item	For the purposes of this Act, the following provisions ...	apply as if ...
		direction.
3	Section 571	subsection (1) provided that that section also applied to an activity carried out for the purpose of complying with a petroleum remedial direction and a reference to the time when a title is in force included a reference to the time when the direction is in force.
4	Section 571A	that section included the following subsection after subsection (1): (1A) The responsible Commonwealth Minister may direct a person subject to a greenhouse gas remedial direction to maintain insurance against: (a) expenses; or (b) liabilities; or (c) specified things; arising in connection with, or as a result of: (d) activities carried out for the purpose of complying with a greenhouse gas remedial direction; or (e) the doing of any other thing for the purpose of the greenhouse gas remedial direction; including insurance against expenses of complying with directions relating to the clean-up or other remediation of the effects of the escape of a greenhouse gas substance.
5	Section 572C	subsection (1) provided that that section also applied in the event of an escape of petroleum occurring as a result of, or in connection with, an activity carried out for the purpose of complying with a petroleum remedial direction.
6	Section 572J	that section included the following subsection

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Modifications of specified provisions if remedial direction is in force

Item	For the purposes of this Act, the following provisions ...	apply as if ...
		<p>after subsection (2):</p> <p>(2A) This Part also has the effect it would have if a reference to an escape of petroleum were expressly confined to an escape of petroleum occurring as a result of, or in connection with, an activity carried out for the purpose of a constitutional corporation complying with a petroleum remedial direction.</p>
7	Section 574B	<p>that section included the following subsections after subsection (2):</p> <p>(2A) A direction under this Division may require the person who is subject to a petroleum remedial direction to take an action (or not to take an action) anywhere in an offshore area.</p> <p>(2B) If a direction under this Division requires a person who is subject to a petroleum remedial direction to take an action in, or in relation to, the title area of a title, NOPSEMA must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given to the person.</p>
8	Section 576A	<p>the definition of <i>significant offshore petroleum incident</i> included a reference to a significant incident or occurrence that relates to the carrying out of activities in an offshore area for the purposes of complying with a petroleum remedial direction.</p>
9	Section 576B	<p>a reference to a title area included a reference to the area in which activities are being carried out for the purposes of complying with a petroleum remedial direction, and that section included the following subsections after</p>

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EXPOSURE DRAFT**Modifications of specified provisions if remedial direction is in force**

Item	For the purposes of this Act, the following provisions ...	apply as if ...
		<p>subsection (6B):</p> <p>(7) If the direction requires a person who is subject to a petroleum remedial direction to take an action in, or in relation to, the title area of a title, NOPSEMA must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given to the person.</p> <p>(7A) If the direction requires a person who is subject to a petroleum remedial direction to take an action in, or in relation to, the area of:</p> <p>(a) a State/Territory petroleum exploration title held by another person; or</p> <p>(b) a State/Territory petroleum production title held by another person; or</p> <p>(c) a State/Territory petroleum retention title held by another person; or</p> <p>(d) a State/Territory petroleum infrastructure title held by another person; or</p> <p>(e) a State/Territory petroleum pipeline title held by another person;</p> <p>NOPSEMA must give a copy of the direction to the other person as soon as practicable after the direction is given to the person who is subject to the petroleum remedial direction.</p>
10	Section 576G	<p>that section included the following subsection after subsection (2):</p> <p>(2A) This Division also has the effect it would have if a reference to a significant offshore petroleum incident were expressly confined to a significant offshore petroleum incident that has occurred in the area in which activities are being carried out for the purposes of complying with a petroleum remedial direction, where the person subject to the</p>

EXPOSURE DRAFT

Modifications of specified provisions if remedial direction is in force

Item	For the purposes of this Act, the following provisions ...	apply as if ...
		direction is a constitutional corporation.
11	Division 2 of Part 6.3	a reference to a greenhouse gas matter included a reference to a matter that relates to activities carried out for the purposes of complying with a greenhouse gas remedial direction.
12	Section 580A	<p>that section included the following subsections after subsection (2):</p> <p>(2A) A direction under this Division may require the person who is subject to a greenhouse gas remedial direction to take an action (or not to take an action) anywhere in an offshore area.</p> <p>(2B) If a direction under section 579A requires a person who is subject to a greenhouse gas remedial direction to take an action in, or in relation to, the title area of a title, NOPSEMA must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given to the person.</p> <p>(2C) If a direction under section 580 requires a person who is subject to a greenhouse gas remedial direction to take an action in, or in relation to, the title area of a title, the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given to the person.</p>
13	Clause 2 of Schedule 2A	<p>the definition of <i>regulated business premises</i> included the following paragraphs after paragraph (d):</p> <p>(e) eligible premises that are:</p> <p style="margin-left: 20px;">(i) on land; and</p> <p style="margin-left: 20px;">(ii) occupied by a person who is subject</p>

EXPOSURE DRAFT

EXPOSURE DRAFT**Modifications of specified provisions if remedial direction is in force**

Item	For the purposes of this Act, the following provisions ...	apply as if ...
		<p>to a petroleum remedial direction or a greenhouse gas remedial direction; and</p> <p>(iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; or</p> <p>(f) eligible premises that are:</p> <p>(i) on land; and</p> <p>(ii) occupied by a related body corporate of a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction; and</p> <p>(iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; or</p> <p>(g) eligible premises that are:</p> <p>(i) on land; and</p> <p>(ii) occupied by a person who, under a contract, arrangement or understanding with a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction, has carried out, is carrying out, or is to carry out one or more activities for the purpose of complying with the petroleum remedial direction or the</p>

EXPOSURE DRAFT

Modifications of specified provisions if remedial direction is in force

Item	For the purposes of this Act, the following provisions ...	apply as if ...
		greenhouse gas remedial direction; and (iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and (iv) not used as a residence; or (h) eligible premises that are: (i) on land; and (ii) occupied by a person who, under a contract, arrangement or understanding with a related body corporate of a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction, has carried out, is carrying out, or is to carry out one or more activities for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and (iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and (iv) not used as a residence.
14	Clause 2A of Schedule 2A	that clause included the following subclauses: (7A) If: (a) a declaration under subclause (1) relates to an emergency that is attributable to an

EXPOSURE DRAFT

EXPOSURE DRAFT**Modifications of specified provisions if remedial direction is in force**

Item	For the purposes of this Act, the following provisions ...	apply as if ...
		<p>activity carried out for the purpose of complying with a petroleum remedial direction; and</p> <p>(b) the petroleum remedial direction requires the person to take an action in, or in relation to, the title area (within the meaning of section 572) of a title that is in force;</p> <p>NOPSEMA must give a copy of the declaration to the registered holder of the title as soon as practicable after the declaration is made.</p> <p>(14A) If:</p> <p>(a) a declaration under subclause (1) relates to an emergency that is attributable to an activity carried out for the purpose of complying with a petroleum remedial direction; and</p> <p>(b) the petroleum remedial direction requires the person to take an action in, or in relation to, the title area (within the meaning of section 572) of a title that is in force; and</p> <p>(c) the declaration is revoked under subclause (8);</p> <p>NOPSEMA must give a copy of the instrument of revocation to the registered holder of the title as soon as practicable after the instrument of revocation is made.</p>
15	Clause 5 of Schedule 2A	a reference to operations conducted for the purposes of a petroleum title or a greenhouse gas title included a reference to activities carried out for the purpose of complying with a petroleum remedial direction or a greenhouse gas remedial direction.

EXPOSURE DRAFT

Modifications of specified provisions if remedial direction is in force

Item	For the purposes of this Act, the following provisions ...	apply as if ...
16	Clause 7 of Schedule 2A	a reference to a petroleum title or a greenhouse gas title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
17	Clause 8 of Schedule 2A	a reference to a petroleum title or a greenhouse gas title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
18	Clause 9 of Schedule 2A	a reference to a petroleum title or a greenhouse gas title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
19	Subclause 11(1) of Schedule 2A	that subclause included the following paragraph after paragraph (c): (d) in a case where the notice is issued to a person subject to a petroleum remedial direction or a greenhouse gas remedial direction that requires the person to take an action in, or in relation to the title area (within the meaning of section 572) of a title that is in force—the registered holder of the title.
20	Subclause 11B(2) of Schedule 2A	that subclause included the following paragraph after paragraph (c): (d) in a case where the notice is issued to a person subject to a petroleum remedial direction or a greenhouse gas remedial direction that requires the person to take an action in, or in relation to the title area (within the meaning of section 572) of a title that is in force—the registered holder of the title.
21	Clause 13 of Schedule 2A	a reference to a petroleum title or a greenhouse gas title included a reference to a petroleum remedial direction or a greenhouse

EXPOSURE DRAFT

EXPOSURE DRAFT**Modifications of specified provisions if remedial direction is in force**

Item	For the purposes of this Act, the following provisions ...	apply as if ...
		gas remedial direction.
22	Clause 2 of Schedule 2B	<p>the definition of <i>regulated business premises</i> included the following paragraphs after paragraph (d):</p> <p>(e) eligible premises that are:</p> <p>(i) on land; and</p> <p>(ii) occupied by a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction; and</p> <p>(iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; or</p> <p>(f) eligible premises that are:</p> <p>(i) on land; and</p> <p>(ii) occupied by occupied by a related body corporate of a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction; and</p> <p>(iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; or</p> <p>(g) eligible premises that are:</p> <p>(i) on land; and</p> <p>(ii) occupied by a person who, under a contract, arrangement or understanding with a person who is</p>

EXPOSURE DRAFT

Modifications of specified provisions if remedial direction is in force

Item	For the purposes of this Act, the following provisions ...	apply as if ...
		<p>subject to a petroleum remedial direction or a greenhouse gas remedial direction, has carried out, is carrying out, or is to carry out one or more activities for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and</p> <p>(iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and</p> <p>(iv) not used as a residence; or</p> <p>(h) eligible premises that are:</p> <p>(i) on land; and</p> <p>(ii) occupied by a person who, under a contract, arrangement or understanding with a related body corporate of a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction, has carried out, is carrying out, or is to carry out one or more activities for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and</p> <p>(iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction;</p>

EXPOSURE DRAFT

EXPOSURE DRAFT**Modifications of specified provisions if remedial direction is in force**

Item	For the purposes of this Act, the following provisions ...	apply as if ...
		and (iv) not used as a residence.
23	Clause 5 of Schedule 2B	a reference to operations conducted for the purposes of a title included a reference to activities carried out for the purpose of complying with a petroleum remedial direction or a greenhouse gas remedial direction.
24	Clause 7 of Schedule 2B	a reference to a title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
25	Clause 8 of Schedule 2B	a reference to a title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
26	Clause 9 of Schedule 2B	a reference to a title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
27	Subclause 11(1) of Schedule 2B	that subclause included the following paragraph after paragraph (b): (c) in a case where the notice is issued to a person subject to a petroleum remedial direction or a greenhouse gas remedial direction that requires the person to take an action in, or in relation to the title area (within the meaning of section 572) of a title that is in force—the registered holder of the title.
28	Clause 13 of Schedule 2B	that clause included the following subclause after subclause (2): (2A) If the notice is issued to a person subject to a petroleum remedial direction or a greenhouse gas remedial direction that requires the person to take an action in, or in relation to the title area (within the meaning of section 572) of a title that is in force, the

EXPOSURE DRAFT

Trailing liability Schedule 2

EXPOSURE DRAFT

Modifications of specified provisions if remedial direction is in force

Item	For the purposes of this Act, the following provisions ...	apply as if ...
		NOPSEMA inspector must take reasonable steps to give a copy of the notice to the registered holder of that title as soon as practicable after issuing the notice.
29	Clause 18 of Schedule 2B	a reference to a title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
30	Clause 13A of Schedule 3	a reference to operations authorised by a petroleum title included a reference to activities carried out for the purpose of complying with a petroleum remedial direction.
31	Clause 13B of Schedule 3	a reference to operations authorised by a greenhouse gas title included a reference to activities carried out for the purpose of complying with a greenhouse gas remedial direction.
32	Subclause 76A(2) of Schedule 3	that subclause included the following paragraph after paragraph (b): (c) in a case where the notice is issued to a person subject to a petroleum remedial direction or a greenhouse gas remedial direction that requires the person to take an action in, or in relation to the title area (within the meaning of section 572) of a title that is in force—the registered holder of the title.
33	Subclause 77A(2) of Schedule 3	that subclause included the following paragraph after paragraph (b): (c) in a case where the notice is issued to a person subject to a petroleum remedial direction or a greenhouse gas remedial direction that requires the person to take an action in, or in relation to the title area (within the meaning of section 572) of a

EXPOSURE DRAFT

EXPOSURE DRAFT**Modifications of specified provisions if remedial direction is in force**

Item	For the purposes of this Act, the following provisions ...	apply as if ...
-------------	---	------------------------

		title that is in force—the registered holder of the title.
--	--	--

- 1 (6) The regulations may provide that this Act has effect for the
2 purposes of this section with any modifications that are prescribed.
- 3 (7) Without limiting subsection (6), the regulations may:
4 (a) prescribe additional provisions of this Act that:
5 (i) apply to persons who are subject to a petroleum
6 remedial direction or a greenhouse gas remedial
7 direction; or
8 (ii) do not apply to persons who are subject to a remedial
9 direction; or
10 (iii) that apply to persons subject to a remedial direction
11 with modifications that are prescribed; or
12 (b) make further modifications of provisions already modified by
13 subsections (2) to (5).

598B Consent to enter premises

If:

- 15 (a) a direction given under Division 1 or 2 of this Part requires a
16 person to enter premises; and
17 (b) the person is not the occupier of the premises;
18 the direction applies only to the extent that the occupier consents to
19 entry.
20

44 Section 780 (heading)

Repeal the heading, substitute:

780 Acquisition of property**45 After subsection 780(2)**

Insert:

EXPOSURE DRAFT

- 1 (2A) Despite subsection (1), the following sections have no effect to the
2 extent (if any) to which their operation would result in the
3 acquisition of property otherwise than on just terms:
4 (a) section 586;
5 (b) section 586A;
6 (c) section 587;
7 (d) section 587A;
8 (e) section 591B;
9 (f) section 592;
10 (g) section 594A;
11 (h) section 595.

12 **46 Application and transitional provisions**

- 13 (1) In this item:

14 *Act* means the *Offshore Petroleum and Greenhouse Gas Storage Act*
15 *2006*.

16 *commencement* means the commencement of this Schedule.

- 17 (2) The amendment of section 14 of the Act made by this Schedule applies
18 in relation to permits, leases, licences and authorities that ceased to be
19 in force, in whole or in part, on or after 1 January 2021.

- 20 (3) The amendments of sections 577, 577A, 578, 582A and 583 of the Act
21 made by this Schedule apply in relation to directions given on or after
22 commencement.

- 23 (4) A direction may be given after commencement under section 586,
24 586A, 591B and 592 of the Act, as amended by this Schedule, to a
25 former registered holder of a permit, lease or licence only if the permit,
26 lease or licence ceased to be in force on or after 1 January 2021.

- 27 (5) A direction may be given after commencement under section 586,
28 586A, 591B and 592 of the Act, as amended by this Schedule, to a
29 person who was a related body corporate of a former registered holder
30 of the permit, lease or licence at the time the permit, lease or licence
31 was in force only if the permit, lease or licence ceased to be in force on
32 or after 1 January 2021.

EXPOSURE DRAFT

- 1 (6) The amendments of sections 587, 587A, 594A and 595 of the Act made
2 by this Schedule do not affect a direction given under those sections if
3 notice of the direction was given before commencement.
- 4 (7) A direction may be given after commencement under section 587,
5 587A, 594A or 595 of the Act, as amended by this Schedule:
- 6 (a) if the direction is proposed to be given to the registered
7 holder of a title—only if the title ceased to be in force in part
8 on or after 1 January 2021; and
- 9 (b) if the direction is proposed to be given to a related body
10 corporate of the registered holder of a title—only if the title
11 ceased to be in force in part on or after 1 January 2021; and
- 12 (c) if the direction is proposed to be given to a former registered
13 holder of a title—only if the title ceased to be in force in
14 whole or in part on or after 1 January 2021; and
- 15 (d) if the direction is proposed to be given to a person who was,
16 at the time the title was in force, a related body corporate of a
17 former registered holder of a title—only if the title ceased to
18 be in force, in whole or in part, on or after 1 January 2021.
- 19 (8) Subsection 590A(3) of the *Offshore Petroleum and Greenhouse Gas*
20 *Storage Act 2006*, as inserted by this Schedule, applies in relation to
21 costs and expenses incurred after commencement, whether the direction
22 was breached, or the arrangement had not been carried out, before or
23 after that commencement.

EXPOSURE DRAFT

EXPOSURE DRAFT**Schedule 3—Applications and
decision-making*****Offshore Petroleum and Greenhouse Gas Storage Act 2006*****1 Section 7 (at the end of the definition of *approved*)**

Add:
; or (g) section 695YC.

2 Section 7

Insert:

civil penalty provision has the same meaning as in the *Regulatory Powers Act*.

3 Subsection 104(3)

Repeal the subsection (not including the notes), substitute:

Application for petroleum exploration permit

(3) An application under this section must:

- (a) be in the approved form; and
- (b) be accompanied by any information or documents required by the form.

(3A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Joint Authority by the end of the period specified in the notice published under subsection (1).

4 At the end of section 105

Add:

(3) In deciding whether to give the applicant an offer document, the Joint Authority:

EXPOSURE DRAFT

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- 1 (a) must have regard to the matters specified in subsection (4);
2 and
3 (b) may have regard to any other matters the Joint Authority
4 considers relevant.
- 5 (4) The matters are as follows:
6 (a) whether the technical advice and financial resources available
7 to the applicant are sufficient to:
8 (i) carry out the operations and works that will be
9 authorised by the permit; and
10 (ii) discharge the obligations that will be imposed under this
11 Act, or a legislative instrument under this Act, in
12 relation to the permit;
13 (b) the matters specified in section 695YB as they apply to the
14 applicant;
15 (c) if the applicant is a body corporate—the matters specified in
16 section 695YB as they apply to an officer of the body
17 corporate;
18 (d) any other matters prescribed by the regulations.

5 Subsection 110(6)

19 Repeal the subsection (not including the notes), substitute:
20

- 21 (6) An application under this section must:
22 (a) be in the approved form; and
23 (b) be accompanied by any information or documents required
24 by the form.
- 25 (7) If the approved form requires the application to be accompanied by
26 information or documents, an application under this section is
27 taken to be accompanied by the information or documents if the
28 information or documents are given to the Joint Authority by the
29 end of the period specified in the notice published under
30 subsection (1).

6 Subsection 111(1)

31 Omit “, taking into account the matters specified in the notice under
32 paragraph 110(3)(c),”.
33

EXPOSURE DRAFT

EXPOSURE DRAFT**7 After subsection 111(1)**

Insert:

(1A) In making a decision under subsection 111(1), the Joint Authority:

(a) must take into account:

(i) the matters specified in the notice under paragraph 110(3)(c); and

(ii) the matters specified in subsection (1B); and

(b) may take into account any other matters the Joint Authority considers relevant.

(1B) The matters are as follows:

(a) whether the technical advice and financial resources available to the applicant are sufficient to:

(i) carry out the operations and works that will be authorised by the permit; and

(ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit;

(b) the matters specified in section 695YB as they apply to the applicant;

(c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;

(d) any other matters prescribed by the regulations.

8 After subsection 111(3)

Insert:

(3A) A notice under subsection (2) is taken to be accompanied by a deposit of 10% of the cash bid if the deposit is received by the Titles Administrator, on behalf of the Commonwealth, by the end of the period stated in the invitation.

9 Subsection 115(4)

Repeal the subsection (not including the heading or the notes), substitute:

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- 1 (4) An application under this section must:
2 (a) be in the approved form; and
3 (b) specify the amount that the applicant would be prepared to
4 pay for the grant of the permit; and
5 (c) be accompanied by any information or documents required
6 by the form.

7 (4A) If the approved form requires the application to be accompanied by
8 information or documents, an application under this section is
9 taken to be accompanied by the information or documents if the
10 information or documents are given to the Joint Authority by the
11 end of the period specified in the notice published under
12 subsection (1).

13 **10 Before subsection 115(5)**

14 Insert:

15 *Deposit*

16 **11 After subsection 115(5)**

17 Insert:

18 (5A) An application under this section is taken to be accompanied by a
19 deposit of 10% of the amount that the applicant has specified under
20 paragraph (4)(b) if the deposit is received by the Titles
21 Administrator, on behalf of the Commonwealth, by the end of the
22 period specified in the notice published under subsection (1).

23 **12 At the end of section 116**

24 Add:

- 25 (3) In deciding whether to give the applicant an offer document, the
26 Joint Authority:
27 (a) must have regard to the matters specified in subsection (4);
28 and
29 (b) may have regard to any other matters the Joint Authority
30 considers relevant.

31 (4) The matters are as follows:

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- 1 (a) whether the technical advice and financial resources available
 2 to the applicant are sufficient to:
 3 (i) carry out the operations and works that will be
 4 authorised by the permit; and
 5 (ii) discharge the obligations that will be imposed under this
 6 Act, or a legislative instrument under this Act, in
 7 relation to the permit;
 8 (b) the matters specified in section 695YB as they apply to the
 9 applicant;
 10 (c) if the applicant is a body corporate—the matters specified in
 11 section 695YB as they apply to an officer of the body
 12 corporate;
 13 (d) any other matters prescribed by the regulations.

13 After subsection 117(3)

14
 15 Insert:

- 16 (3A) In deciding whether to give an offer document to the person
 17 referred to in column 3 of the table in subsection (3), the Joint
 18 Authority:
 19 (a) must have regard to the matters specified in subsection (3B);
 20 and
 21 (b) may have regard to any other matters the Joint Authority
 22 considers relevant.
- 23 (3B) The matters are as follows:
 24 (a) whether the technical advice and financial resources available
 25 to the person are sufficient to:
 26 (i) carry out the operations and works that will be
 27 authorised by the permit; and
 28 (ii) discharge the obligations that will be imposed under this
 29 Act, or a legislative instrument under this Act, in
 30 relation to the permit;
 31 (b) the matters specified in section 695YB as they apply to the
 32 person;
 33 (c) if the person is a body corporate—the matters specified in
 34 section 695YB as they apply to an officer of the body
 35 corporate;

EXPOSURE DRAFT

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1 (d) any other matters prescribed by the regulations.

2 **14 After subsection 119(2)**

3 Insert:

4 (2A) An application under this section must:

- 5 (a) be in the approved form; and
6 (b) be accompanied by any information or documents required
7 by the form.

8 (2B) If the approved form requires the application to be accompanied by
9 information or documents, an application under this section is
10 taken to be accompanied by the information or documents if the
11 information or documents are given to the Titles Administrator
12 before the expiry date of the permit.

13 (2C) For the purposes of subsection (2B), disregard the effect of
14 subsection (5).

15 **15 Subsection 125(2)**

16 Repeal the subsection (not including the heading or the note):

17 (2) If:

18 (a) each of the following has been complied with:

- 19 (i) the conditions to which the petroleum exploration
20 permit is, or has from time to time been, subject;
21 (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and
22 Part 7.1;
23 (iii) the regulations; and

24 (b) the Joint Authority is satisfied that the technical advice and
25 financial resources available to the applicant are sufficient to:

- 26 (i) carry out the operations and works that will be
27 authorised by the permit; and
28 (ii) discharge the obligations that will be imposed under this
29 Act, or a legislative instrument under this Act, in
30 relation to the permit; and

31 (c) the Joint Authority is satisfied of the matters (if any)
32 prescribed by the regulations;

EXPOSURE DRAFT

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1 the Joint Authority must give the applicant a written notice (called
2 an *offer document*) telling the applicant that the Joint Authority is
3 prepared to renew the permit.

16 At the end of section 125

4 Add:

- 5 (4) Without limiting paragraph (3)(b), in deciding whether the Joint
6 Authority is satisfied that there are sufficient grounds to warrant
7 the granting of the renewal of the permit, the Joint Authority must
8 have regard to:
9 (a) whether the technical advice and financial resources available
10 to the applicant are sufficient to:
11 (i) carry out the operations and works that will be
12 authorised by the permit; and
13 (ii) discharge the obligations that will be imposed under this
14 Act, or a legislative instrument under this Act, in
15 relation to the permit; and
16 (b) any other matters prescribed by the regulations.
17

17 At the end of section 126

18 Add:

Refusal on other grounds

- 19
20
21 (3) The Joint Authority must, by written notice given to the applicant,
22 refuse to renew the permit if the Joint Authority is not satisfied that
23 the technical advice and financial resources available to the
24 applicant are sufficient to:
25 (a) carry out the operations and works that will be authorised by
26 the permit; and
27 (b) discharge the obligations that will be imposed under this Act,
28 or a legislative instrument under this Act, in relation to the
29 permit.

30 Note: Consultation procedures apply—see section 262.

- 31 (4) The Joint Authority may, by written notice given to the applicant,
32 refuse to renew the permit if the Joint Authority is not satisfied of
33 the matters (if any) prescribed by the regulations.

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EXPOSURE DRAFT

1 Note: Consultation procedures apply—see section 262.

2 **18 Subsection 141(2)**

3 Repeal the subsection (not including the notes), substitute:

4 (2) An application under this section must:

5 (a) be in the approved form; and

6 (b) be accompanied by any information or documents required
7 by the form.

8 (2A) If the approved form requires the application to be accompanied by
9 information or documents, an application under this section is
10 taken to be accompanied by the information or documents if the
11 information or documents are given to the Titles Administrator by
12 the end of the application period.

13 **19 After paragraph 142(b)**

14 Insert:

15 ; (c) the Joint Authority is satisfied that the technical advice and
16 financial resources available to the applicant are sufficient to:

17 (i) carry out the operations and works that will be
18 authorised by the lease; and

19 (ii) discharge the obligations that will be imposed under this
20 Act, or a legislative instrument under this Act, in
21 relation to the lease; and

22 (d) the Joint Authority is satisfied of the matters (if any)
23 prescribed by the regulations;

24 **20 At the end of section 143**

25 Add:

26 (4) If the Joint Authority is not satisfied as to one or more of the
27 matters in paragraph 142(c), the Joint Authority must, by written
28 notice given to the applicant, refuse to grant a petroleum retention
29 lease to the applicant.

30 (5) If the Joint Authority is not satisfied of the matters (if any)
31 prescribed by the regulations, the Joint Authority may, by written

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1 notice given to the applicant, refuse to grant a petroleum retention
2 lease to the applicant.

21 Subsection 147(2)

4 Repeal the subsection (not including the notes), substitute:

5 (2) An application under this section must:

- 6 (a) be in the approved form; and
7 (b) be accompanied by any information or documents required
8 by the form.

9 (2A) If the approved form requires the application to be accompanied by
10 information or documents, an application under this section is
11 taken to be accompanied by the information or documents if the
12 information or documents are given to the Joint Authority before
13 the end of the application period.

22 After paragraph 148(b)

15 Insert:

- 16 ; (c) the Joint Authority is satisfied that the technical advice and
17 financial resources available to the applicant are sufficient to:
18 (i) carry out the operations and works that will be
19 authorised by the lease; and
20 (ii) discharge the obligations that will be imposed under this
21 Act, or a legislative instrument under this Act, in
22 relation to the lease; and
23 (d) the Joint Authority is satisfied of the matters (if any)
24 prescribed by the regulations;

23 Section 149

26 Before “If”, insert “(1)”.

24 At the end of section 149 (after the note)

28 Add:

29 (2) If the Joint Authority is not satisfied as to one or more of the
30 matters in paragraph 148(c), the Joint Authority must, by written

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1 notice given to the applicant, refuse to grant a petroleum retention
2 lease to the applicant.

3 Note: Consultation procedures apply—see section 262.

4 (3) If the Joint Authority is not satisfied of the matters (if any)
5 prescribed by the regulations, the Joint Authority may, by written
6 notice given to the applicant, refuse to grant a petroleum retention
7 lease to the applicant.

8 Note: Consultation procedures apply—see section 262.

25 Subsection 153(4)

9 Repeal the subsection (not including the notes), substitute:

10 (4) An application under this section must:

11 (a) be in the approved form; and

12 (b) be accompanied by any information or documents required
13 by the form.

14 (4A) If the approved form requires the application to be accompanied by
15 information or documents, an application under this section is
16 taken to be accompanied by the information or documents if the
17 information or documents are given to the Joint Authority before
18 the expiry date of the lease.

19 (4B) For the purposes of subsection (4A), disregard the effect of
20 subsection (5).
21

26 After paragraph 154(2)(b)

22 Insert:

23 ; and (c) the Joint Authority is satisfied that the technical advice and
24 financial resources available to the applicant are sufficient to:

25 (i) carry out the operations and works that will be
26 authorised by the lease; and

27 (ii) discharge the obligations that will be imposed under this
28 Act, or a legislative instrument under this Act, in
29 relation to the lease; and

30 (d) the Joint Authority is satisfied of the matters (if any)
31 prescribed by the regulations;
32

EXPOSURE DRAFT

EXPOSURE DRAFT**27 At the end of section 154**

Add:

- (4) Without limiting paragraph (3)(b), in deciding whether the Joint Authority is satisfied that there are sufficient grounds to warrant the granting of the renewal of the lease, the Joint Authority must have regard to:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
 - (i) carry out the operations and works that will be authorised by the lease; and
 - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
 - (b) any other matters prescribed by the regulations.

28 After subsection 155(4)

Insert:

Refusal on other grounds

- (4A) The Joint Authority must, by written notice given to the applicant, refuse to renew the lease if the Joint Authority is not satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (a) carry out the operations and works that will be authorised by the lease; and
 - (b) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease.

Note: Consultation procedures apply—see section 262.

- (4B) The Joint Authority may, by written notice given to the applicant, refuse to renew the lease if the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations.

Note: Consultation procedures apply—see section 262.

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1 **29 After subsection 168(5)**

2 Insert:

3 (5A) The Titles Administrator must publish on the Titles
4 Administrator's website a copy of the instrument of approval
5 referred to in subsection (4).

6 **30 Subsection 168(6)**

7 Repeal the subsection, substitute:

8 (6) An application or a variation of an application under this section
9 must:

- 10 (a) be in the approved form; and
11 (b) be accompanied by any information or documents required
12 by the form.

13 (6A) If the approved form requires the application to be accompanied by
14 information or documents, an application under this section is
15 taken to be accompanied by the information or documents if the
16 information or documents are given to the Titles Administrator:

- 17 (a) for an application—by the end of the application period; or
18 (b) for a variation—within 10 days after the variation is made.

19 **31 Subsection 170(3)**

20 Repeal the subsection, substitute:

21 (3) An application under this section must:

- 22 (a) be in the approved form; and
23 (b) be accompanied by any information or documents required
24 by the form.

25 (3A) If the approved form requires the application to be accompanied by
26 information or documents, an application under this section is
27 taken to be accompanied by the information or documents if the
28 information or documents are given to the Titles Administrator by
29 the end of the 10-day period that began on the day after the
30 application was made.

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EXPOSURE DRAFT**32 After paragraph 171(1)(b)**

Insert:

(ba) the Joint Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:

(i) carry out the operations and works that will be authorised by the licence; and

(ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and

33 After paragraph 171(1)(e)

Insert:

; and (f) the Joint Authority is satisfied of the matters (if any) prescribed by the regulations;

34 After subsection 173(4)

Insert:

Technical advice and financial resources

(4A) If the Joint Authority is not satisfied as to one or more of the matters in paragraph 171(1)(ba), the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum production licence to the applicant.

35 After subsection 173(7)

Add:

Other prescribed matters

(7A) If the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations, the Joint Authority may, by written notice given to the applicant, refuse to grant a petroleum production licence to the applicant.

36 Subsection 178(3)

Repeal the subsection (not including the heading or the notes), substitute:

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- 1 (3) An application under this section must:
2 (a) be in the approved form; and
3 (b) specify the amount that the applicant would be prepared to
4 pay for the grant of the licence; and
5 (c) be accompanied by any information or documents required
6 by the form.

7 (3A) If the approved form requires the application to be accompanied by
8 information or documents, an application under this section is
9 taken to be accompanied by the information or documents if the
10 information or documents are given to the Joint Authority by the
11 end of the period specified in the notice published under
12 subsection (1).

13 **37 After subsection 178(4)**

14 Insert:

15 (4A) An application under this section is taken to be accompanied by a
16 deposit of 10% of the amount that the applicant has specified under
17 paragraph (3)(b) if the deposit is received by the Titles
18 Administrator, on behalf of the Commonwealth, by the end of the
19 period specified in the notice published under subsection (1).

20 **38 At the end of section 179**

21 Add:

- 22 (3) In deciding whether to give the applicant an offer document, the
23 Joint Authority:
24 (a) must have regard to the matters specified in subsection (4);
25 and
26 (b) may have regard to any other matters the Joint Authority
27 considers relevant.
- 28 (4) The matters are as follows:
29 (a) whether the technical advice and financial resources available
30 to the applicant are sufficient to:
31 (i) carry out the operations and works that will be
32 authorised by the licence; and

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- 1 (ii) discharge the obligations that will be imposed under this
 2 Act, or a legislative instrument under this Act, in
 3 relation to the licence;
- 4 (b) the matters specified in section 695YB as they apply to the
 5 applicant;
- 6 (c) if the applicant is a body corporate—the matters specified in
 7 section 695YB as they apply to an officer of the body
 8 corporate;
- 9 (d) any other matters prescribed by the regulations.

39 After subsection 180(2)

10 Insert:

11 (2A) In deciding whether to reject an application, the Joint Authority:

- 12 (a) must have regard to the matters specified in subsection (2B);
 13 and
 14 (b) may have regard to any other matters the Joint Authority
 15 considers relevant.
 16

17 (2B) The matters are as follows:

- 18 (a) whether the technical advice and financial resources available
 19 to the applicant are sufficient to:
 20 (i) carry out the operations and works that will be
 21 authorised by the licence; and
 22 (ii) discharge the obligations that will be imposed under this
 23 Act, or a legislative instrument under this Act, in
 24 relation to the licence;
- 25 (b) the matters specified in section 695YB as they apply to the
 26 applicant;
- 27 (c) if the applicant is a body corporate—the matters specified in
 28 section 695YB as they apply to an officer of the body
 29 corporate;
- 30 (d) any other matters prescribed by the regulations.

40 Subsection 184(5)

31 Repeal the subsection (not including the notes), substitute:

32 (5) An application under this section must:
 33

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- 1 (a) be in the approved form; and
2 (b) be accompanied by any information or documents required
3 by the form.

4 (5A) If the approved form requires the application to be accompanied by
5 information or documents, an application under this section is
6 taken to be accompanied by the information or documents if the
7 information or documents are given to the Titles Administrator
8 before the expiry date of the licence.

9 (5B) For the purposes of subsection (5A), disregard the effect of
10 subsection (6).

11 **41 After paragraphs 185(2)(b) and (3)(b)**

12 Insert:

- 13 (c) the Joint Authority is satisfied that the technical advice and
14 financial resources available to the applicant are sufficient to:
15 (i) carry out the operations and works that will be
16 authorised by the licence; and
17 (ii) discharge the obligations that will be imposed under this
18 Act, or a legislative instrument under this Act, in
19 relation to the licence; and
20 (d) the Joint Authority is satisfied of the matters (if any)
21 prescribed by the regulations;

22 **42 At the end of section 185 (before the note)**

23 Add:

- 24 (5) Without limiting paragraph (4)(b), in deciding whether the Joint
25 Authority is satisfied that there are sufficient grounds to warrant
26 the granting of the renewal of the licence, the Joint Authority must
27 have regard to:
28 (a) whether the technical advice and financial resources available
29 to the applicant are sufficient to:
30 (i) carry out the operations and works that will be
31 authorised by the licence; and
32 (ii) discharge the obligations that will be imposed under this
33 Act, or a legislative instrument under this Act, in
34 relation to the licence; and

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1 (b) any other matters prescribed by the regulations.

2 **43 At the end of section 186**

3 Add:

4 *Refusal on other grounds*

5 (4) The Joint Authority must, by written notice given to the applicant,
6 refuse to renew the licence if the Joint Authority is not satisfied
7 that the technical advice and financial resources available to the
8 applicant are sufficient to:

9 (a) carry out the operations and works that will be authorised by
10 the licence; and

11 (b) discharge the obligations that will be imposed under this Act,
12 or a legislative instrument under this Act, in relation to the
13 licence.

14 Note: Consultation procedures apply—see section 262.

15 (5) The Joint Authority may, by written notice given to the applicant,
16 refuse to renew the permit if the Joint Authority is not satisfied of
17 the matters (if any) prescribed by the regulations.

18 Note: Consultation procedures apply—see section 262.

19 **44 Subsection 198(2)**

20 Repeal the subsection (not including the notes), substitute:

21 (2) An application under this section must:

22 (a) be in the approved form; and

23 (b) describe the place (which must be in an offshore area) at
24 which the proposed infrastructure facilities will be
25 constructed and operated; and

26 (c) be accompanied by any information or documents required
27 by the form.

28 (3) If the approved form requires the application to be accompanied by
29 information or documents, an application under this section is
30 taken to be accompanied by the information or documents if the
31 information or documents are given to the Titles Administrator by

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1 the end of the 10-day period that began on the day after the
2 application was made.

3 **45 Section 199**

4 Before “If”, insert “(1)”.

5 **46 At the end of section 199**

6 Add:

7 (2) In deciding whether to give the applicant an offer document, the
8 Joint Authority:

9 (a) must have regard to the matters specified in subsection (3);
10 and

11 (b) may have regard to any other matters the Joint Authority
12 considers relevant.

13 (3) The matters are as follows:

14 (a) whether the technical advice and financial resources available
15 to the applicant are sufficient to:

16 (i) carry out the operations and works that will be
17 authorised by the licence; and

18 (ii) discharge the obligations that will be imposed under this
19 Act, or a legislative instrument under this Act, in
20 relation to the licence;

21 (b) the matters specified in section 695YB as they apply to the
22 applicant;

23 (c) if the applicant is a body corporate—the matters specified in
24 section 695YB as they apply to an officer of the body
25 corporate;

26 (d) any other matters prescribed by the regulations.

27 **47 Subsection 204(2)**

28 Repeal the subsection (not including the notes), substitute:

29 (2) An application under this section must:

30 (a) be in the approved form; and

31 (b) be accompanied by any information or documents required
32 by the form.

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- 1 (3) If the approved form requires the application to be accompanied by
 2 information or documents, an application under this section is
 3 taken to be accompanied by the information or documents if the
 4 information or documents are given to the Titles Administrator by
 5 the end of the 10-day period that began on the day after the
 6 application was made.

48 After subsection 205(1)

7 Insert:

- 9 (1A) In deciding whether to vary the licence, the Joint Authority:
 10 (a) must have regard to the matters specified in subsection (1B);
 11 and
 12 (b) may have regard to any other matters the Joint Authority
 13 considers relevant.
- 14 (1B) The matters are as follows:
 15 (a) whether the technical advice and financial resources available
 16 to the applicant are sufficient to:
 17 (i) carry out the operations and works that will be
 18 authorised by the licence; and
 19 (ii) discharge the obligations that will be imposed under this
 20 Act, or a legislative instrument under this Act, in
 21 relation to the licence;
 22 (b) any other matters prescribed by the regulations.

49 Subsections 217(2) and (3)

23 Repeal the subsections (not including the notes), substitute:

- 25 (2) An application under this section must:
 26 (a) be in the approved form; and
 27 (b) be accompanied by any information or documents required
 28 by the form.
- 29 (3) If the approved form requires the application to be accompanied by
 30 information or documents, an application under this section is
 31 taken to be accompanied by the information or documents if the
 32 information or documents are given to the Titles Administrator by

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1 the end of the 10-day period that began on the day after the
2 application was made.

3 **50 After subsection 221(2)**

4 Insert:

5 (2A) In deciding whether to give the applicant an offer document under
6 subsection (2), the Joint Authority:

7 (a) must have regard to the matters specified in subsection (2B);
8 and

9 (b) may have regard to any other matters the Joint Authority
10 considers relevant.

11 (2B) The matters are as follows:

12 (a) whether the technical advice and financial resources available
13 to the applicant are sufficient to:

14 (i) carry out the operations and works that will be
15 authorised by the licence; and

16 (ii) discharge the obligations that will be imposed under this
17 Act, or a legislative instrument under this Act, in
18 relation to the licence;

19 (b) the matters specified in section 695YB as they apply to the
20 applicant;

21 (c) if the applicant is a body corporate—the matters specified in
22 section 695YB as they apply to an officer of the body
23 corporate;

24 (d) any other matters prescribed by the regulations.

25 **51 After paragraph 221(3)(c)**

26 Insert:

27 ; and (d) the Joint Authority is satisfied that the technical advice and
28 financial resources available to the applicant are sufficient to:

29 (i) carry out the operations and works that will be
30 authorised by the licence; and

31 (ii) discharge the obligations that will be imposed under this
32 Act, or a legislative instrument under this Act, in
33 relation to the licence; and

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- 1 (e) the Joint Authority is satisfied of the matters (if any)
2 prescribed by the regulations;

52 After subsection 221(4)

4 Insert:

- 5 (4A) Without limiting paragraph (4)(b), in deciding whether the Joint
6 Authority is satisfied that there are sufficient grounds to warrant
7 the granting of the licence, the Joint Authority must have regard to:
8 (a) whether the technical advice and financial resources available
9 to the applicant are sufficient to:
10 (i) carry out the operations and works that will be
11 authorised by the licence; and
12 (ii) discharge the obligations that will be imposed under this
13 Act, or a legislative instrument under this Act, in
14 relation to the licence; and
15 (b) any other matters prescribed by the regulations.

53 After subsection 221(5)

17 Insert:

- 18 (5A) In deciding whether to give the applicant an offer document under
19 subsection (5), the Joint Authority:
20 (a) must have regard to the matters specified in subsection (5B);
21 and
22 (b) may have regard to any other matters the Joint Authority
23 considers relevant.
- 24 (5B) The matters are as follows:
25 (a) whether the technical advice and financial resources available
26 to the applicant are sufficient to:
27 (i) carry out the operations and works that will be
28 authorised by the licence; and
29 (ii) discharge the obligations that will be imposed under this
30 Act, or a legislative instrument under this Act, in
31 relation to the licence;
32 (b) the matters specified in section 695YB as they apply to the
33 applicant;

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- 1 (c) if the applicant is a body corporate—the matters specified in
2 section 695YB as they apply to an officer of the body
3 corporate;
4 (d) any other matters prescribed by the regulations.

5 **54 Subsection 221(6)**

6 Repeal the subsection (not including the heading or the notes),
7 substitute:

- 8 (6) An offer document under this section must specify the route to be
9 followed by the petroleum pipeline.

10 **55 After subsection 222(2)**

11 Insert:

12 (2A) In deciding whether to give the applicant an offer document under
13 subsection (2), the Joint Authority:

- 14 (a) must have regard to the matters specified in subsection (2B);
15 and
16 (b) may have regard to any other matters the Joint Authority
17 considers relevant.

18 (2B) The matters are as follows:

- 19 (a) whether the technical advice and financial resources available
20 to the applicant are sufficient to:
21 (i) carry out the operations and works that will be
22 authorised by the licence; and
23 (ii) discharge the obligations that will be imposed under this
24 Act, or a legislative instrument under this Act, in
25 relation to the licence;
26 (b) the matters specified in section 695YB as they apply to the
27 applicant;
28 (c) if the applicant is a body corporate—the matters specified in
29 section 695YB as they apply to an officer of the body
30 corporate;
31 (d) any other matters prescribed by the regulations.

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EXPOSURE DRAFT**56 After paragraph 222(3)(d)**

Insert:

- ; and (e) the Joint Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (i) carry out the operations and works that will be authorised by the licence; and
 - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and
- (f) the Joint Authority is satisfied of the matters (if any) prescribed by the regulations;

57 After subsection 222(4)

Insert:

- (4A) Without limiting paragraph (4)(b), in deciding whether the Joint Authority is satisfied that there are sufficient grounds to warrant the granting of the licence, the Joint Authority must have regard to:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
 - (i) carry out the operations and works that will be authorised by the licence; and
 - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and
 - (b) any other matters prescribed by the regulations.

58 After subsection 222(5)

Insert:

- (5A) In deciding whether to give the applicant an offer document under subsection (5), the Joint Authority:
- (a) must have regard to the matters specified in subsection (5B); and
 - (b) may have regard to any other matters the Joint Authority considers relevant.
- (5B) The matters are as follows:

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- 1 (a) whether the technical advice and financial resources available
2 to the applicant are sufficient to:
3 (i) carry out the operations and works that will be
4 authorised by the licence; and
5 (ii) discharge the obligations that will be imposed under this
6 Act, or a legislative instrument under this Act, in
7 relation to the licence;
8 (b) the matters specified in section 695YB as they apply to the
9 applicant;
10 (c) if the applicant is a body corporate—the matters specified in
11 section 695YB as they apply to an officer of the body
12 corporate;
13 (d) any other matters prescribed by the regulations.

59 After paragraph 222(6)(d)

14
15 Insert:

- 16 ; and (e) the Joint Authority is satisfied that the technical advice and
17 financial resources available to the applicant are sufficient to:
18 (i) carry out the operations and works that will be
19 authorised by the licence; and
20 (ii) discharge the obligations that will be imposed under this
21 Act, or a legislative instrument under this Act, in
22 relation to the licence; and
23 (f) the Joint Authority is satisfied of the matters (if any)
24 prescribed by the regulations;

60 After subsection 222(7)

25
26 Insert:

- 27 (7A) Without limiting paragraph (7)(e), in deciding whether the Joint
28 Authority is satisfied that there are sufficient grounds to warrant
29 the granting of the licence, the Joint Authority must have regard to:
30 (a) whether the technical advice and financial resources available
31 to the applicant are sufficient to:
32 (i) carry out the operations and works that will be
33 authorised by the licence; and

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- 1 (ii) discharge the obligations that will be imposed under this
 2 Act, or a legislative instrument under this Act, in
 3 relation to the licence; and
 4 (b) any other matters prescribed by the regulations.

61 Subsection 222(8)

6 Repeal the subsection (not including the heading or the notes),
 7 substitute:

- 8 (8) An offer document under this section must specify the route to be
 9 followed by the greenhouse gas pipeline.

62 After subsection 223(2)

10 Insert:
 11

12 (2A) If:

- 13 (a) the application is for a pipeline licence in relation to the
 14 construction of a petroleum pipeline for the conveyance of
 15 petroleum recovered in a petroleum production licence area;
 16 and

17 (b) the applicant is the petroleum production licensee; and

18 (c) the Joint Authority is not satisfied of the matters (if any)
 19 prescribed by the regulations;

20 the Joint Authority may, by written notice given to the applicant,
 21 refuse to grant the pipeline licence.

22 Note: Consultation procedures apply—see section 262.

63 At the end of section 223

23 Add:
 24

25 *Refusal on other grounds*

26 (4) The Joint Authority must, by written notice given to the applicant,
 27 refuse to grant the pipeline licence if the Joint Authority is not
 28 satisfied that the technical advice and financial resources available
 29 to the applicant are sufficient to:

- 30 (a) carry out the operations and works that will be authorised by
 31 the licence; and

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- 1 (b) discharge the obligations that will be imposed under this Act,
2 or a legislative instrument under this Act, in relation to the
3 licence.

4 Note: Consultation procedures apply—see section 262.

5 **64 After subsection 224(2)**

6 Insert:

7 (2A) If:

- 8 (a) the application is for a pipeline licence in relation to the
9 construction, in an offshore area, of a greenhouse gas
10 pipeline for:
11 (i) the conveyance of a greenhouse gas substance within a
12 petroleum production licence area in that offshore area;
13 or
14 (ii) the conveyance of a greenhouse gas substance from a
15 place outside a petroleum production licence area to a
16 place in the petroleum production licence area; and
17 (b) either:
18 (i) if subparagraph (a)(i) applies—the greenhouse gas
19 substance is a by-product of petroleum recovery
20 operations carried on under the petroleum production
21 licence; or
22 (ii) if subparagraph (a)(ii) applies—the greenhouse gas
23 substance is to be injected into the seabed or subsoil for
24 the purpose of enhancing petroleum recovery operations
25 carried on under the petroleum production licence; and
26 (c) the applicant is the petroleum production licensee; and
27 (d) the Joint Authority is not satisfied of the matters (if any)
28 prescribed by the regulations;
29 the Joint Authority may, by written notice given to the applicant,
30 refuse to grant the pipeline licence.

31 Note: Consultation procedures apply—see section 262.

32 **65 After subsection 224(4)**

33 Insert:

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- 1 (4A) If:
- 2 (a) the application is for a pipeline licence in relation to the
- 3 construction, in an offshore area, of a greenhouse gas
- 4 pipeline for:
- 5 (i) the conveyance of a greenhouse gas substance within a
- 6 greenhouse gas injection licence area in that offshore
- 7 area; or
- 8 (ii) the conveyance of a greenhouse gas substance from a
- 9 place outside a greenhouse gas injection area to a place
- 10 in the greenhouse gas injection licence area; and
- 11 (b) the greenhouse gas substance is to be injected into an
- 12 identified greenhouse gas storage formation that is wholly
- 13 situated in the greenhouse gas injection licence area; and
- 14 (c) the applicant is the greenhouse gas injection licensee; and
- 15 (d) the Joint Authority is not satisfied of the matters (if any)
- 16 prescribed by the regulations;
- 17 the Joint Authority may, by written notice given to the applicant,
- 18 refuse to grant the pipeline licence.
- 19 Note: Consultation procedures apply—see section 262.

66 At the end of section 224

20 Add:

21

Refusal on other grounds

- 22
- 23 (6) The Joint Authority must, by written notice given to the applicant,
- 24 refuse to grant the pipeline licence if the Joint Authority is not
- 25 satisfied that the technical advice and financial resources available
- 26 to the applicant are sufficient to:
- 27 (a) carry out the operations and works that will be authorised by
- 28 the licence; and
- 29 (b) discharge the obligations that will be imposed under this Act,
- 30 or a legislative instrument under this Act, in relation to the
- 31 licence.

32 Note: Consultation procedures apply—see section 262.

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1 **67 Subsection 226(2)**

2 Repeal the subsection (not including the notes), substitute:

3 (2) An application under this section must:

4 (a) be in the approved form; and

5 (b) be accompanied by any information or documents required
6 by the form.

7 (2A) If the approved form requires the application to be accompanied by
8 information or documents, an application under this section is
9 taken to be accompanied by the information or documents if the
10 information or documents are given to the Titles Administrator by
11 the end of the 10-day period that began on the day after the
12 application was made.

13 **68 Subsection 226(4)**

14 Omit “After considering any submissions made to the Titles
15 Administrator under subsection (3)”, substitute “Subject to
16 subsection (4A)”.

17 **69 After subsection 226(4)**

18 Insert:

19 (4A) In deciding whether to vary the licence, the Joint Authority:

20 (a) must have regard to:

21 (i) any submissions made to the Titles Administrator under
22 subsection (3); and

23 (ii) the matters specified in subsection (4B); and

24 (b) may have regard to any other matters the Joint Authority
25 considers relevant.

26 (4B) The matters are as follows:

27 (a) whether the technical advice and financial resources available
28 to the applicant are sufficient to:

29 (i) carry out the operations and works that will be
30 authorised by the licence as varied; and

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- 1 (ii) discharge the obligations that will be imposed under this
 2 Act, or a legislative instrument under this Act, in
 3 relation to the licence as varied;
 4 (b) any other matters prescribed by the regulations.

70 After subsection 256(4)

5
 6 Insert:

- 7 (4A) The application is taken to be accompanied by a fee if the fee is
 8 received by the end of the 10-day period that began on the day
 9 after the application was made.

71 After subsection 264(2)

10
 11 Insert:

- 12 (2AA) In making a decision under subsection (2), the Joint Authority may
 13 have regard to:
 14 (a) whether the technical advice and financial resources available
 15 to the applicant are sufficient to:
 16 (i) carry out the operations and works that will be
 17 authorised by the permit, lease, or licence if the
 18 application is approved; and
 19 (ii) discharge the obligations that will be imposed under this
 20 Act, or a legislative instrument under this Act, in
 21 relation to the permit, lease, or licence if the application
 22 is approved; and
 23 (b) any other matters prescribed by the regulations; and
 24 (c) any other matters the Joint Authority considers relevant.

72 After subsection 478(2)

25
 26 Insert:

- 27 (2A) In deciding whether to approve a transfer of a title, the Titles
 28 Administrator:
 29 (a) must have regard to the matters specified in subsection (2B);
 30 and
 31 (b) may have regard to any other matters the Titles Administrator
 32 considers relevant.

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- (2B) The matters are as follows:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
 - (i) carry out the operations and works that are authorised by the title; and
 - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the title;
 - (b) the matters specified in section 695YB as they apply to the applicant;
 - (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
 - (d) any other matters prescribed by the regulations.

73 After subsection 493(2) (after the note)

Insert:

- (2A) In deciding whether to approve a dealing, the Titles Administrator:
- (a) must have regard to the matters (if any) prescribed by the regulations; and
 - (b) may have regard to any other matters the Titles Administrator considers relevant.

74 Subsection 611B(2) (table item 2, column headed “is an authorised applicant in relation to the following civil penalty provisions in this Act (to the extent indicated) ...”, after paragraph (j))

Insert:

(jaa) subsection 695YC(4);

75 Subsection 611B(2) (table item 3, column headed “is an authorised applicant in relation to the following civil penalty provisions in this Act (to the extent indicated) ...”, before paragraph (h))

Insert:

(gh) subsection 695YC(4);

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EXPOSURE DRAFT**76 At the end of Chapter 6**

2 Add:

Part 6.12—Other matters**Division 1—Simplified outline****695YA Simplified outline of this Part**

6 The following is a simplified outline of this Part:

7 For the purposes of making certain decisions under this Act, the
8 person making the decision must have regard to the matters set out
9 in Division 2.

10 Registered holders of titles and others are required to notify the
11 Titles Administrator and NOPSEMA if certain events occur. This
12 includes if they are found guilty of certain offences such as those
13 involving fraud or dishonesty, are ordered to pay a pecuniary
14 penalty for a contravention of such laws or become insolvent under
15 administration.

Division 2—Decision-making under this Act and matters to which a decision-maker must have regard**695YB Matters to which a decision-maker must have regard**

19 (1) This section sets out the matters in relation to which regard must be
20 had in making certain decisions under this Act.

21 Note: For example, the Joint Authority must have regard to these matters in
22 relation to a person when deciding whether the Joint Authority is
23 prepared to grant the person a petroleum exploration permit (see
24 subsection 105(4)).

25 (2) The matters are as follows:

26 (a) if the person is an individual—the person's experience in the
27 following:

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- 1 (i) petroleum exploration or recovery;
2 (ii) the injection or storage of greenhouse gas substances;
3 (b) if the person is a body corporate—the experience of the
4 officers (within the meaning of the *Corporations Act 2001*)
5 of the body corporate in the following:
6 (i) petroleum exploration or recovery;
7 (ii) the injection or storage of greenhouse gas substances;
8 (c) whether the person has been found guilty of an offence
9 against, or ordered to pay a pecuniary penalty under, any of
10 the following:
11 (i) this Act, including any regulations made under this Act;
12 (ii) any other law of the Commonwealth prescribed by the
13 regulations;
14 (iii) the *Criminal Code* or the *Crimes Act 1914*, to the extent
15 that it relates to this Act or a law prescribed for the
16 purposes of subparagraph (ii);
17 (d) whether the person has contravened this Act, including any
18 regulations made under this Act, or a law prescribed for the
19 purposes of subparagraph (a)(ii);
20 (e) whether in any criminal or civil proceedings against the
21 applicant, or in any action against the applicant by an agency
22 of the Commonwealth or a State or Territory, the person is
23 found to have engaged in conduct involving fraud or
24 dishonesty;
25 (f) whether the person has contravened a direction given under
26 Chapter 2, 3 or 6, Part 7.1 or Part 8.1 of this Act;
27 (g) if the person has made an application for any of the
28 following, whether the application was refused:
29 (i) a petroleum production licence;
30 (ii) an infrastructure licence;
31 (iii) a pipeline licence;
32 (iv) a greenhouse gas injection licence;
33 (h) if the person is or has been a registered holder of any of the
34 following titles, whether the title was cancelled or partly
35 cancelled:
36 (i) a petroleum exploration permit;

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- 1 (ii) a petroleum retention lease;
- 2 (iii) a petroleum production licence;
- 3 (iv) an infrastructure licence;
- 4 (v) a pipeline licence;
- 5 (vi) a greenhouse gas assessment permit;
- 6 (vii) a greenhouse gas holding lease;
- 7 (viii) a greenhouse gas injection licence;
- 8 (i) whether the person:
- 9 (i) has made a false or misleading statement in an
- 10 application under this Act or regulations made under
- 11 this Act; or
- 12 (ii) has given false or misleading information, documents or
- 13 evidence to the Joint Authority for an offshore area, the
- 14 responsible Commonwealth Minister, the Titles
- 15 Administrator, NOPSEMA or the Cross-boundary
- 16 Authority;
- 17 (j) whether a debt is due and payable by the person to the
- 18 Commonwealth under:
- 19 (i) this Act, including any regulations made under this Act;
- 20 or
- 21 (ii) another law of the Commonwealth prescribed by the
- 22 regulations;
- 23 (k) whether the person has been a Chapter 5 body corporate
- 24 (within the meaning of the *Corporations Act 2001*) or an
- 25 insolvent under administration;
- 26 (l) if the person is or has been an officer (within the meaning of
- 27 the *Corporations Act 2001*) of a body corporate—whether
- 28 the body corporate is or has been a Chapter 5 body corporate
- 29 (within the meaning of the *Corporations Act 2001*);
- 30 (m) if the person is an individual—whether the person has ever
- 31 been disqualified from managing corporations under
- 32 Part 2D.6 of the *Corporations Act 2001*;
- 33 (n) if the person is an individual—whether the person has been
- 34 found, in any criminal or civil proceedings against the
- 35 person, to have committed an offence against, or
- 36 contravened, a provision of Division 1 of Part 2D.1 of the
- 37 *Corporations Act 2001*;

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1 (o) any other matter prescribed by the regulations.

2 (3) Nothing in this section affects the operation of Part VIIC of the
3 *Crimes Act 1914*.

4 Note: Part VIIC of the *Crimes Act 1914* includes provisions that, in certain
5 circumstances, relieve persons from the requirement to disclose spent
6 convictions and require persons aware of such convictions to disregard
7 them.

8 **Division 3—Notification of events**

9 **695YC Requirement to give notice if certain events occur**

10 (1) This section applies to the following persons:

11 (a) an applicant for the grant, renewal or approval of a transfer of
12 any of the following titles (each of which is a *relevant title*):

13 (i) a petroleum exploration permit;

14 (ii) a petroleum retention lease;

15 (iii) a petroleum production licence;

16 (iv) an infrastructure licence;

17 (v) a pipeline licence;

18 (vi) a greenhouse gas assessment permit;

19 (vii) a greenhouse gas holding lease;

20 (viii) a greenhouse gas injection licence;

21 (b) a registered holder of a relevant title;

22 (c) if the person referred to in paragraph (a) or (b) is a body
23 corporate—a person who is an officer (within the meaning of
24 the *Corporations Act 2001*) of the body corporate.

25 (2) The person must give written notice to the Titles Administrator and
26 NOPSEMA if any of the following events occur, as soon as
27 practicable after the event occurs:

28 (a) the person is found guilty of an offence against a law of the
29 Commonwealth or of a State or Territory:

30 (i) involving fraud or dishonesty; or

31 (ii) prescribed by the regulations;

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- 1 (b) the person is ordered to pay a pecuniary penalty for the
 2 contravention of a civil penalty provision of a law of the
 3 Commonwealth or of a State or Territory:
 4 (i) involving fraud or dishonesty; or
 5 (ii) prescribed by the regulations;
 6 (c) if the person is an individual—the person becomes insolvent
 7 under administration;
 8 (d) if the person is an individual—the person is disqualified from
 9 managing corporations under Part 2D.6 of the *Corporations*
 10 *Act 2001*;
 11 (e) if the person is a body corporate—the person becomes a
 12 Chapter 5 body corporate (within the meaning of the
 13 *Corporations Act 2001*);
 14 (f) if the person is an officer (within the meaning of the
 15 *Corporations Act 2001*) of a body corporate—the body
 16 corporate becomes a Chapter 5 body corporate (within the
 17 meaning of the *Corporations Act 2001*);
 18 (g) if the person is an individual—the person is found, in any
 19 criminal or civil proceedings against the person, to have
 20 committed an offence against, or contravened, a provision of
 21 Division 1 of Part 2D.1 of the *Corporations Act 2001*;
 22 (h) an event of a kind prescribed by the regulations.
- 23 (3) The notice must be given in the approved form and the approved
 24 manner.
- 25 (4) A person is liable to a civil penalty if:
 26 (a) the person is subject to a requirement under subsection (2);
 27 and
 28 (b) the person omits to do an act; and
 29 (c) the omission breaches the requirement.
- 30 Civil penalty: 240 penalty units.
- 31 (5) The Titles Administrator must publish on the Titles
 32 Administrator's website:
 33 (a) the form approved for the purposes of subsection (3); and
 34 (b) a copy of the instrument approving the manner for the
 35 purposes of that subsection.

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1 (6) Nothing in this section affects the operation of Part VIIC of the
2 *Crimes Act 1914*.

3 Note: Part VIIC of the *Crimes Act 1914* includes provisions that, in certain
4 circumstances, relieve persons from the requirement to disclose spent
5 convictions and require persons aware of such convictions to disregard
6 them.

7 (7) In this section:

8 ***approved*** means approved, in writing, by the Titles Administrator
9 and the Chief Executive Officer of NOPSEMA.

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1 **Schedule 4—Information-gathering powers**
2

3 ***Offshore Petroleum and Greenhouse Gas Storage Act 2006***

4 **1 Paragraph 258(1)(a)**

5 Repeal the paragraph, substitute:

6 (a) the grant or renewal of a petroleum exploration permit; or

7 **2 Paragraph 258(1)(c)**

8 Repeal the paragraph, substitute:

9 (c) the grant or renewal of a petroleum production licence; or

10 **3 At the end of subsection 258(1)**

11 Add:

12 ; or (g) the variation or suspension of, or exemption from compliance
13 with, the conditions of a title under section 264.

14 **4 At the end of subsection 429(1)**

15 Add:

16 ; or (e) the variation or suspension of, or exemption from compliance
17 with, the conditions of a greenhouse gas title under
18 section 436.

19 **5 At the end of subsection 429A(1)**

20 Add:

21 ; or (d) the variation or suspension of, or exemption from compliance
22 with, the conditions of a greenhouse gas title under
23 section 439A.

24 **6 Subparagraph 699(1)(a)(v)**

25 Omit “or”.

26 **7 At the end of paragraph 699(1)(a)**

27 Add:

28 (vi) operations relating to decommissioning; or

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1 **8 At the end of paragraph 699(1)(b)**

2 Add:

3 ; (vi) operations relating to decommissioning.

4 **9 After paragraph 699(1)(b)**

5 Insert:

6 ; or (c) the Titles Administrator or a NOPSEMA inspector believes
7 on reasonable grounds that the person has information or a
8 document, or is capable of giving evidence, that relates to
9 any or all of the following:

- 10 (i) whether a person has complied or is complying with a
11 requirement under this Act, or a legislative instrument
12 under this Act;
- 13 (ii) whether a person has sufficient technical advice and
14 financial resources to carry out the operations referred
15 to in paragraphs (a) and (b) and discharge the
16 obligations imposed under this Act, or a legislative
17 instrument under this Act.

18 **10 Subsection 725(1)**

19 Omit all the words after “that relates to”, substitute:

20 : (c) any or all of the following operations in an offshore area:

- 21 (i) operations relating to exploration for a potential
22 greenhouse gas storage formation or a potential
23 greenhouse gas injection site;
- 24 (ii) operations relating to the injection of a greenhouse gas
25 substance into the seabed or subsoil;
- 26 (iii) operations relating to the storage of a greenhouse gas
27 substance in the seabed or subsoil;
- 28 (iv) operations relating to the processing, compression or
29 pre-injection storage of a greenhouse gas substance;
- 30 (v) operations relating to the preparation of a greenhouse
31 gas substance for transport;
- 32 (vi) operations relating to decommissioning; or
33 (d) any or all of the following:

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- 1 (i) whether a person has complied or is complying with a
2 requirement under this Act, or a legislative instrument
3 under this Act;
4 (ii) whether a person has sufficient technical advice and
5 financial resources to carry out the operations referred
6 to in paragraph (c) and discharge the obligations
7 imposed under this Act, or a legislative instrument
8 under this Act.

9 **11 Application provisions**

- 10 (1) The amendments of subsections 258(1), 429(1) and 429A(1) of the
11 *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by
12 this Schedule apply in relation to:
13 (a) an application made, but not determined, before the
14 commencement of this Schedule; and
15 (b) an application made on or after the commencement of this
16 Schedule.
- 17 (2) The amendments of sections 699 and 725 of the *Offshore Petroleum*
18 *and Greenhouse Gas Storage Act 2006* made by this Schedule apply in
19 relation to notices given on or after the commencement of this
20 Schedule, regardless of whether:
21 (a) the conduct to which the notice relates occurred or occurs
22 before, on or after that commencement; and
23 (b) the operations to which the notice relates begun before, on or
24 after that commencement.

EXPOSURE DRAFT

1 **Schedule 5—Digital readiness**
2

3 ***Offshore Petroleum and Greenhouse Gas Storage Act 2006***
4

5 **1 Subsection 286A(1)**

6 Repeal the subsection.

7 **2 Paragraph 286A(2)(a)**

8 Repeal the paragraph, substitute:

9 (a) give the Titles Administrator and NOPSEMA notice of the
10 following:

11 (i) that the person is a registered holder of the petroleum
12 title;

13 (ii) the person’s contact details; and

14 **3 Paragraph 286A(5)(b)**

15 Repeal the paragraph, substitute:

16 (b) the person has given notice under this section of one or more
17 contact details of the person; and

18 **4 Paragraph 286A(5)(d)**

19 Repeal the paragraph, substitute:

20 (d) give the Titles Administrator and NOPSEMA notice of the
21 following:

22 (i) that the relevant contact details have changed;

23 (ii) the changed contact details; and

24 **5 Subsection 286A(6)**

25 Repeal the subsection, substitute:

26 *Approved form and manner*

27 (6) A notice under this section must be given in the approved form and
28 the approved manner.

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1 (6A) The Titles Administrator must publish on the Titles
2 Administrator’s website:

- 3 (a) the form approved for the purposes of subsection (6); and
4 (b) a copy of the instrument approving the manner for the
5 purposes of that subsection.

6 **6 Paragraph 286A(7)(a)**

7 Omit “(1),”.

8 **7 Subsection 452A(1)**

9 Repeal the subsection.

10 **8 Paragraph 452A(2)(a)**

11 Repeal the paragraph, substitute:

- 12 (a) give the Titles Administrator and NOPSEMA notice of the
13 following:
14 (i) that the person is a registered holder of the greenhouse
15 gas title;
16 (ii) the person’s contact details; and

17 **9 Paragraph 452A(5)(b)**

18 Repeal the paragraph, substitute:

- 19 (b) the person has given notice under this section of one or more
20 contact details of the person; and

21 **10 Paragraph 452A(5)(d)**

22 Repeal the paragraph, substitute:

- 23 (d) give the Titles Administrator and NOPSEMA notice of the
24 following:
25 (i) that the relevant contact details have changed;
26 (ii) the changed contact details; and

27 **11 Subsection 452A(6)**

28 Repeal the subsection, substitute:

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1

Approved form and manner

2

(6) A notice under this section must be given in the approved form and the approved manner.

3

4

(6A) The Titles Administrator must publish on the Titles Administrator's website:

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6

(a) the form approved for the purposes of subsection (6); and

7

8

(b) a copy of the instrument approving the manner for the purposes of that subsection.

9

12 Paragraph 452A(7)(a)

10

Omit "(1),".

11

13 Application of amendments

12

(1) The amendment of subsection 286A(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule applies in relation to any person who becomes the registered holder, or one of the registered holders, of a petroleum title after the commencement of this item.

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(2) The amendments of subsection 286A(5) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to notices required to be given under paragraph (d) of that subsection after the commencement of this item, regardless of when the notice referred to in paragraph (b) of that subsection was given.

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(3) The amendment of subsection 452A(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule applies in relation to any person who becomes the registered holder, or one of the registered holders, of a greenhouse gas title after the commencement of this item.

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(4) The amendments of subsection 452A(5) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to notices required to be given under paragraph (d) of that subsection after the commencement of this item, regardless of when the notice referred to in paragraph (b) of that subsection was given.

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EXPOSURE DRAFT

1 **Schedule 6—Other amendments**
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3 ***Offshore Petroleum and Greenhouse Gas Storage Act 2006***

4 **1 Section 790C**

5 Omit “The *Offshore Petroleum and Greenhouse Gas Storage*
6 *(Environment) Regulations 2009*”, substitute “Prescribed regulations
7 made under this Act”.

8 **2 Subsection 790D(1)**

9 Omit “the *Offshore Petroleum and Greenhouse Gas Storage*
10 *(Environment) Regulations 2009*”, substitute “prescribed regulations
11 made under this Act”.

12 **3 Subsections 790D(2) and (3)**

13 Omit “The *Offshore Petroleum and Greenhouse Gas Storage*
14 *(Environment) Regulations 2009*”, substitute “Prescribed regulations
15 made under this Act”.

Schedule 7—Repeals1
2**1 Repeals of Acts**

3

4 Repeal the following Acts:

4

5 *Greater Sunrise Unitisation Agreement Implementation Act*
6 *2004*

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7 *Offshore Petroleum Amendment (Greater Sunrise) Act 2007*

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8 *Offshore Petroleum Amendment (Greenhouse Gas Storage)*
9 *Act 2008*

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10 *Offshore Petroleum Amendment (Miscellaneous Measures)*
11 *Act 2008*

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12 *Offshore Petroleum and Greenhouse Gas Storage*
13 *Amendment Act 2016*

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14 *Offshore Petroleum and Greenhouse Gas Storage*
15 *Amendment (Cash Bidding) Act 2013*

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16 *Offshore Petroleum and Greenhouse Gas Storage*
17 *Amendment (Miscellaneous Measures) Act 2015*

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18 *Offshore Petroleum and Greenhouse Gas Storage*
19 *Amendment (Petroleum Pools and Other*
20 *Measures) Act 2017*

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21 *Offshore Petroleum and Greenhouse Gas Storage*
22 *Amendment (Regulatory Powers and Other*
23 *Measures) Act 2014*

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EXPOSURE DRAFT Repeals Schedule 7

1 *Offshore Petroleum and Greenhouse Gas Storage*
2 *Amendment (Significant Incident Directions) Act*
3 *2012*

4 *Offshore Petroleum and Greenhouse Gas Storage*
5 *(Regulatory Levies) Amendment Act 2013*

6 *Offshore Petroleum and Greenhouse Gas Storage*
7 *(Regulatory Levies) Amendment (Designated*
8 *Coastal Waters) Act 2015*

9 *Offshore Petroleum and Greenhouse Gas Storage*
10 *(Regulatory Levies) Amendment (Miscellaneous*
11 *Matters) Act 2015*

12 *Offshore Petroleum and Greenhouse Gas Storage Regulatory*
13 *Levies (Consequential Amendments) Act 2011*

14 *Offshore Petroleum and Greenhouse Gas Storage Regulatory*
15 *Levies Legislation Amendment (2011 Measures*
16 *No. 1) Act 2011*

17 *Offshore Petroleum and Greenhouse Gas Storage Regulatory*
18 *Levies Legislation Amendment (2011 Measures*
19 *No. 2) Act 2011*

20 *Offshore Petroleum and Greenhouse Gas Storage (Safety*
21 *Levies) Amendment Act 2009*

22 *Offshore Petroleum and Greenhouse Gas Storage (Safety*
23 *Levies) Amendment Act 2010*

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1 *Offshore Petroleum (Annual Fees) Amendment (Greenhouse*
2 *Gas Storage) Act 2008*

3 *Offshore Petroleum (Registration Fees) Amendment*
4 *(Greenhouse Gas Storage) Act 2008*

5 *Offshore Petroleum (Safety Levies) Amendment (Greenhouse*
6 *Gas Storage) Act 2008*

7 *Offshore Resources Legislation Amendment (Personal*
8 *Property Securities) Act 2011*

9 *Timor Gap Treaty (Transitional Arrangements) Act 2000*

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