Offshore Petroleum and Greenhouse Gas Storage Act 2006

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Volume 1:	sections 1–465
Volume 2:	**sections 466–791**
Volume 3:	Schedules
	Endnotes

Each volume has its own contents

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About this compilation

This compilation

This is a compilation of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that shows the text of the law as amended and in force on 30 August 2019 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Chapter 4—Registration of transfers of, and dealings in, petroleum titles

Part 4.1—Introduction

466 Simplified outline

The following is a simplified outline of this Chapter:

- The Titles Administrator must keep a Register, for each offshore area, of petroleum titles and petroleum special prospecting authorities that relate to that offshore area.
- A transfer of a petroleum title must be approved by the Titles Administrator, and an instrument of transfer must be registered under this Part.
- A dealing in a petroleum title must be approved by the Titles Administrator, and the approval must be entered in the relevant Register.

467 Definitions

In this Chapter:

Register means a Register kept under section 469.

relevant Register:

(a) in relation to a title or a petroleum special prospecting authority—means the Register for the offshore area to which the title or petroleum special prospecting authority relates; or

(b) in relation to a notice under subsection 191(5), (6) or (7) that relates to a petroleum pool that is wholly or partly situated in an offshore area—means the Register for the offshore area.

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title means:

(a) a petroleum exploration permit; or
(b) a petroleum retention lease; or
(c) a petroleum production licence; or
(d) an infrastructure licence; or
(e) a pipeline licence; or
(f) a petroleum access authority.

468 Dealing—series of debentures

For the purposes of this Chapter, if a dealing forms a part of the issue of a series of debentures, all of the dealings constituting the issue of that series of debentures are taken to be one dealing.

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Part 4.2—Register of titles and petroleum special prospecting authorities

469 Register to be kept

The Titles Administrator must keep a Register, for each offshore area, of:

(a) titles; and

(b) petroleum special prospecting authorities;

relating to the offshore area.

470 Entries in Register—general

Memorial

(1) The Titles Administrator must enter in the relevant Register a memorial for each title and petroleum special prospecting authority.

(2) The memorial must comply with the table:

Content of memorial

Item	In the case of...	the memorial must...
1	a title or petroleum special prospecting authority	specify the name of the holder of the title or petroleum special prospecting authority.
2	a petroleum exploration permit, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority	set out an accurate description (including, where convenient, a map) of the permit area, lease area, licence area or authority area.

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Content of memorial		
Item	**In the case of...**	**the memorial must...**
3	an infrastructure licence	set out details of the licence area.
4	a pipeline licence	set out an accurate description of the route of the pipeline.
5	a title or petroleum special prospecting authority	specify the term of the title or petroleum special prospecting authority.
6	a title or petroleum special prospecting authority	set out such other matters and things as are required by this Act to be entered in the Register.
7	a title or petroleum special prospecting authority	set out such further matters relating to the registered holder, or to the conditions of the title or petroleum special prospecting authority, as the Titles Administrator thinks proper and expedient in the public interest.

(3) The Titles Administrator must enter in the relevant Register a memorial of:

(a) a notice or instrument:

(i) varying; or

(ii) cancelling (to any extent); or

(iii) surrendering (to any extent); or

(iv) otherwise affecting;

a title or petroleum special prospecting authority; or

(b) a notice under subsection 191(5), (6) or (7); or

(c) a notice or instrument varying or revoking a notice or instrument referred to in paragraph (a) or (b).

Note 1: Subparagraph (a)(iv) would cover, for example, a notice terminating a petroleum production licence, infrastructure licence or pipeline licence, or a notice revoking a petroleum retention lease or petroleum access authority.

Note 2: Subsections 191(5), (6) and (7) deal with unit development.

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Copy of title may be entered instead of memorial

(4) It is a sufficient compliance with the requirements of subsection (1), (2) or (3) if the Titles Administrator enters a copy of the title, petroleum special prospecting authority, notice or instrument in the relevant Register.

Date of entry to be endorsed

(5) The Titles Administrator must endorse on:
  (a) the memorial; or
  (b) the copy of the title, petroleum special prospecting authority, notice or instrument;

a memorandum of the date on which the memorial or copy was entered in the relevant Register.

471 Entry in Register—cessation, revocation or expiry of title

If an event specified in the table happens, the Titles Administrator must enter in the relevant Register a memorial of the fact.

Cessation of title etc.

Item	Event
1	A petroleum exploration permit or petroleum retention lease ceases to be in force over a block in relation to which a petroleum production licence is granted.
2	A petroleum exploration permit ceases to be in force over a block in relation to which a petroleum retention lease is granted.
3	A petroleum exploration permit is wholly or partly revoked.
4	A petroleum retention lease is wholly or partly revoked otherwise than under section 158.
5	A petroleum exploration permit, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority expires.

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Section 471A

471A Notation in Register—applicable datum

The Titles Administrator may make a notation in the relevant Register about the applicable datum for a title, petroleum special prospecting authority, notice or instrument.

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Part 4.3—Transfer of titles

472 Approval and registration of transfers

A transfer of a title is of no force until:

(a) it has been approved by the Titles Administrator; and

(b) an instrument of transfer is registered as provided by this Part.

473 Application for approval of transfer

(1) One of the parties to a proposed transfer of a title may apply to the Titles Administrator for approval of the transfer.

(2) The application must be in writing.

Note: Section 516A requires the application to be accompanied by an application fee.

474 Documents to accompany application

An application for approval of a transfer must be accompanied by:

(a) an instrument of transfer in the prescribed form executed by:

(i) the registered holder or, if there are 2 or more registered holders, by each registered holder; and

(ii) the transferee or, if there are 2 or more transferees, by each transferee; and

(b) if the transferee, or one or more of the transferees, is not a registered holder or are not registered holders of the title—a document setting out:

(i) the technical qualifications of that transferee or those transferees; and

(ii) details of the technical advice that is or will be available to that transferee or those transferees; and

(iii) details of the financial resources that are or will be available to that transferee or those transferees; and

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(d) in any case—a copy of the instrument referred to in paragraph (a).

476 Time limit for application

(1) An application for approval of a transfer must be made within:
  (a) 90 days after the day on which the party who last executed the instrument of transfer so executed the instrument of transfer; or
  (b) such longer period as the Titles Administrator allows.

(2) The Titles Administrator may allow a longer period under paragraph (1)(b) only if there are sufficient grounds to warrant allowing the longer period.

477 Date of application to be entered in Register

If an application is made for approval of a transfer, the Titles Administrator:
  (a) must enter a memorandum in the relevant Register of the date on which the application was lodged; and
  (b) may make such other notation in the relevant Register as the Titles Administrator considers appropriate.

478 Approval of transfer

Scope

(1) This section applies if an application is made for approval of a transfer.

Decision

(2) The Titles Administrator must:
  (a) approve the transfer; or
  (b) refuse to approve the transfer.

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(4) The Titles Administrator must, by written notice given to the applicant, notify the applicant of the Titles Administrator's decision.

(5) If the Titles Administrator refuses to approve the transfer, the Titles Administrator must make a notation of the refusal in the relevant Register.

479 Registration of transfer

Scope

(1) This section applies if the Titles Administrator approves the transfer of a title.

Endorsement

(2) The Titles Administrator must immediately endorse on:
  (a) the instrument of transfer; and
  (b) the copy of the instrument of transfer;
a memorandum of approval.

(3) The Titles Administrator must enter in the relevant Register a memorandum of:
  (a) the transfer; and
  (b) the name of the transferee or of each transferee.

(4) On the entry in the relevant Register of the memorandum:
  (a) the transfer is taken to be registered; and
  (b) the transferee becomes the registered holder, or the transferees become the registered holders, of the title.

(5) If the transfer is registered:
  (a) the copy of the instrument of transfer endorsed with the memorandum of approval must be:
    (i) retained by the Titles Administrator; and
    (ii) made available for inspection in accordance with this Chapter; and

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(b) the instrument of transfer endorsed with the memorandum of approval must be returned to the person who applied for approval of the transfer.

480 Instrument of transfer does not create an interest in the title

The mere execution of an instrument of transfer of a title creates no interest in the title.

481 Limit on effect of approval of transfers

The approval of a transfer of a title does not give to the transfer any force, effect or validity that the transfer would not have had if this Chapter had not been enacted.

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Part 4.4—Devolution of title

482 Application to have name entered on the Register as the holder of a title

(1) If the rights of the registered holder of a particular title have devolved on a person by operation of law, the person may apply to the Titles Administrator to have the person's name entered in the relevant Register as the holder of the title.

(2) The application must be in writing.

483 Entry of name in the Register

Scope

(1) This section applies if an application is made under section 482 in relation to a title.

Entry in Register

(2) If:

(a) the Titles Administrator is satisfied that the rights of the holder have devolved on the applicant by operation of law; and

(b) the applicant has paid the prescribed fee;

the Titles Administrator must enter the name of the applicant in the relevant Register as the holder of the title.

(3) On that entry being made, the applicant becomes the registered holder of the title.

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Part 4.5—Change in name of company

484 Application to have new name entered on the Register

(1) If:

(a) a company is the registered holder of a particular title; and

(b) the company has changed its name;

the company may apply to the Titles Administrator to have its new name substituted for its previous name in the relevant Register in relation to that title.

(2) The application must be in writing.

485 Alteration in the Register

Scope

(1) This section applies if a company applies under section 484 to have its new name substituted for its previous name in the relevant Register in relation to a particular title.

Alteration

(2) If:

(a) the Titles Administrator is satisfied that the company has changed its name; and

(b) the company has paid the prescribed fee;

the Titles Administrator must make the necessary alterations in the relevant Register.

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Part 4.6—Dealings relating to existing titles

486 Dealings to which this Part applies

This Part applies to a dealing (other than a transfer of a title) that would have one or more of the effects set out in the table:

Effects of dealings

Item	Effect
1	The creation or assignment of an interest in an existing title.
2	The creation or assignment of a right (conditional or otherwise) to the assignment of an interest in an existing title.
3	The determination of the manner in which persons may: (a) exercise the rights conferred by an existing title; or (b) comply with the obligations imposed by an existing title; or (c) comply with the conditions of an existing title; (including the exercise of those rights, or the compliance with those obligations or conditions, under cooperative arrangements to recover petroleum).
4	The creation or assignment of an interest in relation to an existing petroleum exploration permit, petroleum retention lease or petroleum production licence, where the interest is known as: (a) an overriding royalty interest; or (b) a production payment; or (c) a net profits interest; or (d) a carried interest.

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Effects of dealings	
Item	**Effect**
5	The creation or assignment of an interest that is similar to an interest covered by item 4, where the interest relates to: (a) petroleum produced from operations authorised by an existing petroleum exploration permit, petroleum retention lease or petroleum production licence; or (b) revenue derived as a result of the carrying out of operations authorised by an existing petroleum exploration permit, petroleum retention lease or petroleum production licence.
6	The creation or assignment of an option (conditional or otherwise) to enter into a dealing, where the dealing would have one or more of the effects referred to in items 1, 2, 3, 4 and 5.
7	The creation or assignment of a right (conditional or otherwise) to enter into a dealing, where the dealing would have one or more of the effects referred to in items 1, 2, 3, 4 and 5.
8	The alteration or termination of a dealing, where the dealing would have one or more of the effects referred to in items 1, 2, 3, 4, 5, 6 and 7.

487 Approval and registration of dealings

A dealing is of no force, in so far as the dealing would have an effect of a kind referred to in the table in section 486 in relation to a particular title, until:

(a) the Titles Administrator has approved the dealing, in so far as it relates to that title; and

(b) the Titles Administrator has made an entry in the relevant Register in relation to the dealing under section 494.

488 Application for approval of dealing

(1) An application for approval of a dealing must be made in accordance with subsection (2) or (3).

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Application—dealing relates to only one title

(2) If a dealing relates to only one title, a party to the dealing may apply to the Titles Administrator for approval of the dealing in so far as it relates to that title.

Application—dealing relates to 2 or more titles

(3) If a dealing relates to 2 or more titles, a party to the dealing may make a separate application to the Titles Administrator for approval of the dealing in so far as it relates to each title.

Written application

(4) An application must be in writing.

Note: Section 516A requires the application to be accompanied by an application fee.

489 Documents to accompany application

Instrument evidencing dealing

(1) An application for approval of a dealing must be accompanied by:
(a) the instrument evidencing the dealing; or
(b) if that instrument has already been lodged with the Titles Administrator for the purposes of another application—a copy of that instrument.

Supplementary instrument

(2) An application for approval of a dealing may be accompanied by an instrument setting out such details (if any) as are prescribed for the purposes of an application for approval of a dealing of that kind.

(3) An instrument under subsection (2) is called a ***supplementary instrument***.

(4A) An application for approval of the dealing must be accompanied by:

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(b) a copy, or an additional copy, of the instrument referred to in subsection (1); and
(c) a copy of any supplementary instrument.

491 Timing of application

(1) An application for approval of a dealing must be made within:
(a) 90 days after the day on which the party who last executed the instrument evidencing the dealing so executed the instrument; or
(b) such longer period as the Titles Administrator allows.

(2) The Titles Administrator may allow a longer period under paragraph (1)(b) only if there are sufficient grounds to warrant allowing the longer period.

(3) This section has effect subject to section 503.

Note: Section 503 is about approval of a dealing that was entered into before the title came into existence.

492 Application date to be entered in Register

If an application is made for approval of a dealing, the Titles Administrator:
(a) must enter a memorandum in the relevant Register of the date on which the application was lodged; and
(b) may make such other notation in the relevant Register as the Titles Administrator considers appropriate.

493 Approval of dealing

Scope

(1) This section applies if an application is made for approval of a dealing in so far as it relates to a particular title.

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Decision

(2) The Titles Administrator must:
  (a) approve the dealing; or
  (b) refuse to approve the dealing;
in so far as it relates to that title.

Note: Section 503 limits the power conferred on the Titles Administrator by this section. Section 503 is about approval of a dealing that was entered into before the title came into existence.

Notification of decision

(4) The Titles Administrator must, by written notice given to the applicant, notify the applicant of the Titles Administrator's decision.

Refusal to approve dealing—notation in Register

(5) If the Titles Administrator refuses to approve the dealing in so far as it relates to that title, the Titles Administrator must make a notation of the refusal in the relevant Register.

494 Entry of dealing in Register

Scope

(1) This section applies if the Titles Administrator approves a dealing in so far as it relates to a particular title.

Endorsement

(2) The Titles Administrator must immediately endorse a memorandum of approval:
  (a) on the original instrument evidencing the dealing and on the copy of that instrument; or
  (b) if the original instrument was not lodged with the application for approval—on both of the copies of that instrument.

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Entry in Register

(3) The Titles Administrator must make an entry of the approval of the dealing in the relevant Register on:
  (a) the memorial relating to that title; or
  (b) the copy of that title.

495 Retention, inspection and return of instruments

Scope

(1) This section applies if the Titles Administrator makes an entry of the approval of a dealing in the relevant Register.

Application accompanied by supplementary instrument

(2) If the application for approval of the dealing was accompanied by a supplementary instrument:
  (a) a copy of the supplementary instrument, endorsed with a copy of the memorandum of approval, must be:
    (i) retained by the Titles Administrator; and
    (ii) made available for inspection in accordance with this Chapter; and
  (b) the supplementary instrument must be returned to the person who applied for approval; and
  (c) a copy of the instrument evidencing the dealing must not be made available for inspection in accordance with this Chapter; and
  (d) the original instrument evidencing the dealing, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval, must be returned to the person who applied for approval.

Note: For inspection, see section 515.

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Application not accompanied by supplementary instrument

(3) If the application for approval of the dealing was not accompanied by a supplementary instrument:

(a) one copy of the instrument evidencing the dealing, endorsed with a memorandum of approval, must be:

(i) retained by the Titles Administrator; and

(ii) made available for inspection in accordance with this Chapter; and

(b) the original instrument evidencing the dealing, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval, must be returned to the person who applied for approval.

Note: For inspection, see section 515.

Definition

(4) In this section:

supplementary instrument has the meaning given by subsection 489(3) or 499(3).

496 Strict compliance with application provisions not required

The approval of a dealing, or the making of an entry in a Register in relation to a dealing, is not made ineffective because of any failure to comply, in relation to the application for approval of the dealing, with the requirements of this Part.

497 Limit on effect of approval of dealing

The approval of a dealing does not give to the dealing any force, effect or validity that the dealing would not have had if this Chapter had not been enacted.

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Part 4.7—Dealings in future interests

498 Provisional application for approval of dealing

Scope

(1) This section applies if:
  (a) 2 or more persons enter into a dealing relating to a title that may come into existence in the future; and
  (b) that dealing would, if the title came into existence, become a dealing to which Part 4.6 applies.

Provisional application—dealing relates to only one title

(2) If the dealing relates to only one title that may come into existence in the future, a party to the dealing may make a provisional application to the Titles Administrator for approval of the dealing.

Provisional application—dealing relates to 2 or more titles

(3) If the dealing relates to 2 or more titles that may come into existence in the future, a party to the dealing may make a separate provisional application to the Titles Administrator for approval of the dealing in relation to each title that may come into existence in the future.

Written provisional application

(4) A provisional application must be in writing.

Note: Section 516A requires the provisional application to be accompanied by an application fee.

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499 Documents to accompany provisional application

Instrument evidencing dealing

(1) A provisional application for approval of a dealing must be accompanied by:
  (a) the instrument evidencing the dealing; or
  (b) if that instrument has already been lodged with the Titles Administrator for the purposes of another provisional application—a copy of that instrument.

Supplementary instrument

(2) A provisional application for approval of a dealing may be accompanied by an instrument setting out such details (if any) as are prescribed for the purposes of a provisional application for approval of a dealing of that kind.

(3) An instrument under subsection (2) is called a ***supplementary instrument***.

(4A) A provisional application for approval of the dealing must be accompanied by:
  (b) a copy, or an additional copy, of the instrument referred to in subsection (1); and
  (c) a copy of any supplementary instrument.

501 Timing of provisional application

A provisional application must be made within the period worked out using the table:

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Period for making a provisional application			
Item	**In this case...**	**the period begins on...**	**and ends on...**
1	a provisional application for approval of a dealing relating to any of the following titles that may come into existence in the future: (a) a petroleum exploration permit; (b) a petroleum retention lease; (c) a petroleum production licence; (d) an infrastructure licence; (e) a pipeline licence	the day on which an offer document that relates to the application for the title is given to the applicant for the title	the day on which the title comes into existence.
2	a provisional application for approval of a dealing relating to a petroleum access authority that may come into existence in the future	the day on which the application for the grant of the petroleum access authority is made	the day on which the petroleum access authority comes into existence.

502 Provisional application to be treated as an application under section 488 when title comes into existence

If:

(a) a provisional application is made for approval of a dealing; and

(b) the title to which the dealing relates comes into existence; and

(c) on that title coming into existence, the dealing becomes a dealing to which Part 4.6 applies;

the provisional application is to be treated as if it were an application made under section 488 on the day on which that title came into existence.

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503 Limit on approval of dealing

(1) If:

(a) Part 4.6 applies to a dealing relating to a title; and

(b) immediately before the title came into existence, the dealing was a dealing referred to in subsection 498(1);

the Titles Administrator may approve the dealing under section 493 only if:

(c) a provisional application for approval of the dealing was made under section 498; or

(d) an application for approval of the dealing was made under section 488 within:

(i) 90 days after the day on which the title came into existence; or

(ii) such longer period as the Titles Administrator allows.

(2) The Titles Administrator may allow a longer period under subparagraph (1)(d)(ii) only if there are sufficient grounds to warrant allowing the longer period.

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Part 4.8—Correction and rectification of Register

504 Corrections of clerical errors or obvious defects

The Titles Administrator may alter a Register for the purposes of correcting a clerical error or an obvious defect in the Register.

505 General power of correction of Register

Power of correction

(1) The Titles Administrator may make such entries in a Register as the Titles Administrator considers appropriate for the purposes of ensuring that the Register accurately records the interests and rights existing in relation to a title.

(2) The Titles Administrator may exercise the power conferred by subsection (1):
  (a) on written application being made to the Titles Administrator by a person; or
  (b) on the Titles Administrator's own initiative.

Consultation

(3) Before the Titles Administrator makes an entry in a Register under subsection (1), the Titles Administrator must cause to be published in the *Gazette* a notice:
  (a) setting out the terms of the entry that the Titles Administrator proposes to make in the Register; and
  (b) inviting interested persons to give the Titles Administrator written submissions about the making of the entry; and
  (c) specifying a time limit for the making of those submissions.

(4) The time limit must not be shorter than 45 days after the publication of the notice.

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(5) In deciding whether to make the entry in the Register, the Titles Administrator must take into account any submissions made in accordance with the notice.

Gazettal of terms of entry

(6) If the Titles Administrator makes an entry in a Register under subsection (1), the Titles Administrator must cause to be published in the *Gazette* a notice setting out the terms of the entry.

506 Rectification of Register

Application for rectification

(1) If a person is aggrieved by any of the following:
   (a) the omission of an entry from a Register;
   (b) an entry made in a Register without sufficient cause;
   (c) an entry wrongly existing in a Register;
   (d) an error or defect in an entry in a Register;

the person may apply to:
   (e) the Federal Court; or
   (f) the Supreme Court of, or having jurisdiction in, the State or Territory to which the relevant offshore area relates;

for the rectification of the Register.

Court orders

(2) If an application is made under subsection (1) to a court for the rectification of a Register, the court may make such order as it thinks fit directing the rectification of the Register.

(3) In proceedings under this section, the court may decide any question that it is necessary or expedient to decide in connection with the rectification of the Register.

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Appearance of Titles Administrator

(4) Notice of an application under this section must be given to the Titles Administrator concerned, who:
  (a) may appear and be heard; and
  (b) must appear if so directed by the court.

Copy of order to be given to Titles Administrator

(5) An office copy of an order made by the court may be given to the Titles Administrator.

Compliance with order

(6) The Titles Administrator must, on receipt of the order, rectify the Register accordingly.

Principal Northern Territory offshore area and Eastern Greater Sunrise offshore area

(7) For the purposes of paragraph (1)(f):
  (a) the Principal Northern Territory offshore area; and
  (b) the Eastern Greater Sunrise offshore area;

are taken to relate to the Northern Territory.

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Part 4.9—Information-gathering powers

507 Titles Administrator may obtain information from applicants

Scope

(1) This section applies if:
  (a) an application for approval of the transfer of a title is made under section 473; or
  (b) an application is made under section 482 or 484 in relation to a title; or
  (c) an application for approval of a dealing is made under section 488; or
  (d) a provisional application for approval of a dealing is made under section 498; or
  (e) an application is made under section 505 in relation to a title.

Requirement to give information

(2) The Titles Administrator may, by written notice given to the applicant, require the applicant to give the Titles Administrator, within the period and in the manner specified in the notice, such information about the matter to which the application relates as the Titles Administrator considers necessary or advisable.

(3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

Offences

(4) A person commits an offence if:
  (a) the person has been given a notice under subsection (2); and
  (b) the person omits to do an act; and
  (c) the omission contravenes a requirement in the notice.

Penalty: 50 penalty units.

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(5) A person commits an offence if:
  (a) the Titles Administrator requires the person to give information under subsection (2); and
  (b) the person gives information; and
  (c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: 50 penalty units.

Civil penalty

(5A) A person is liable to a civil penalty if the person contravenes a requirement in a notice under subsection (2).

Civil penalty: 90 penalty units.

Continuing offences and continuing contraventions of civil penalty provisions

(5B) The maximum penalty for each day that an offence under subsection (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (4) is a continuing offence under section 4K of the *Crimes Act 1914*.

(5C) The maximum civil penalty for each day that a contravention of subsection (5A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5A) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

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

(6) A notice under subsection (2) must set out the effect of the following provisions:
  (a) subsection (4);
  (b) subsection (5);
  (c) subsection (5A);
  (d) subsection (5B);

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(e) subsection (5C).

Note: The same conduct may be an offence against both subsection (5) of this section and section 137.1 of the *Criminal Code*.

508 Titles Administrator may obtain information from a party to an approved dealing

Scope

(1) This section applies if:
(a) a person is a party to a dealing relating to a title; and
(b) the dealing has been approved under section 493.

Requirement to give information

(2) The Titles Administrator may, by written notice given to the person, require the person to give to the Titles Administrator, within the period and in the manner specified in the notice, such information about alterations in the interests or rights existing in relation to the title as the Titles Administrator considers necessary or advisable.

(3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

Offences

(4) A person commits an offence of strict liability if:
(a) the person has been given a notice under subsection (2); and
(b) the person omits to do an act; and
(c) the omission contravenes a requirement in the notice.

Penalty: 50 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(5) A person commits an offence if:
(a) the Titles Administrator requires the person to give information under subsection (2); and

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(b) the person gives information; and
(c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: 50 penalty units.

Civil penalty

(5A) A person is liable to a civil penalty if the person contravenes a requirement in a notice under subsection (2).

Civil penalty: 90 penalty units.

Continuing offences and continuing contraventions of civil penalty provisions

(5B) The maximum penalty for each day that an offence under subsection (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (4) is a continuing offence under section 4K of the *Crimes Act 1914*.

(5C) The maximum civil penalty for each day that a contravention of subsection (5A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5A) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

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

(6) A notice under subsection (2) must set out the effect of the following provisions:
(a) subsection (4);
(b) subsection (5);
(c) subsection (5A);
(d) subsection (5B);
(e) subsection (5C).

Note: The same conduct may be an offence against both subsection (5) of this section and section 137.1 of the *Criminal Code*.

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509 Production and inspection of documents

Scope

(1) This section applies if the Titles Administrator has reason to believe that a document:
  (a) is in the possession or under the control of a person; and
  (b) relates to:
    (i) a transfer or dealing for which approval is sought under this Chapter; or
    (ii) an application under section 482, 484 or 505.

Requirement

(2) The Titles Administrator may, by written notice given to the person, require the person:
  (a) to produce the document to the Titles Administrator, within the period and in the manner specified in the notice; or
  (b) to make the document available for inspection by or on behalf of the Titles Administrator.

(3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

Offences

(4) A person commits an offence of strict liability if:
  (a) the person has been given a notice under subsection (2); and
  (b) the person omits to do an act; and
  (c) the omission contravenes a requirement in the notice.

Penalty: 50 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(6) A person commits an offence if:
  (a) the person has been given a notice under subsection (2); and
  (b) the person:
    (i) produces a document to the Titles Administrator; or

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(ii) makes a document available for inspection by or on behalf of the Titles Administrator; and

(c) the person does so knowing that the document is false or misleading in a material particular; and

(d) the document is produced or made available in compliance or purported compliance with the notice.

Penalty: 50 penalty units.

Civil penalty

(6A) A person is liable to a civil penalty if the person contravenes a requirement in a notice under subsection (2).

Civil penalty: 90 penalty units.

Continuing offences and continuing contraventions of civil penalty provisions

(6B) The maximum penalty for each day that an offence under subsection (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (4) is a continuing offence under section 4K of the *Crimes Act 1914*.

(6C) The maximum civil penalty for each day that a contravention of subsection (6A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (6A) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

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

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

(a) subsection (4);

(b) subsection (6);

(c) subsection (6A);

(d) subsection (6B);

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(e) subsection (6C).

Note: The same conduct may be an offence against both subsection (6) of this section and section 137.2 of the *Criminal Code*.

510 Titles Administrator may retain documents

(1) The Titles Administrator may take possession of a document produced under section 509, and retain it for as long as is necessary.

(2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Titles Administrator to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the Titles Administrator must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

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Part 4.10—Other provisions

511 Titles Administrator etc. not concerned with the effect of instrument lodged under this Chapter

None of the following is concerned with the effect in law of an instrument lodged under this Chapter:

(a) the Joint Authority;

(b) the Titles Administrator;

(c) a person acting under the direction or authority of the Joint Authority or the Titles Administrator.

513 Making a false entry in a Register

A person commits an offence if:

(a) the person:

(i) makes an entry in a Register; or

(ii) causes an entry to be made in a Register; or

(iii) concurs in the making of an entry in a Register; and

(b) the person does so knowing that the entry is false.

Penalty: 50 penalty units.

Note: The same conduct may be an offence against both this section and section 145.4 of the *Criminal Code*.

514 Falsified documents

(1) A person commits an offence if:

(a) the person produces or tenders in evidence a document; and

(b) the document falsely purports to be:

(i) a copy of or extract from an entry in a Register; or

(ii) a copy of or extract from an instrument given to the Titles Administrator under this Chapter.

Penalty: 50 penalty units.

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

(2) An offence against subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

515 Inspection of Register and instruments

Inspection of Register

(1) The Titles Administrator must ensure that each Register is open for inspection, at all convenient times, by any person on payment of a fee calculated under the regulations.

Instruments

(2) The Titles Administrator must ensure that all instruments, or copies of instruments, subject to inspection under this Chapter are open for inspection, at all convenient times, by any person on payment of a fee calculated under the regulations.

516 Evidentiary provisions

Register

(1) A Register is to be received in all courts and proceedings as prima facie evidence of all matters required or authorised by this Chapter to be entered in the Register.

Certified copies and extracts

(2) The Titles Administrator may, on payment of a fee calculated under the regulations, supply:

(a) a copy of or extract from a Register; or

(b) a copy of or extract from any instrument lodged with the Titles Administrator under this Chapter;

certified by the Titles Administrator to be a true copy or true extract, as the case may be.

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(3) The certified copy or extract is admissible in evidence in all courts and proceedings without further proof or production of the original.

Evidentiary certificate

(4) The Titles Administrator may, on payment of a fee calculated under the regulations, issue a written certificate:
  (a) stating that an entry, matter or thing required or permitted by or under this Chapter to be made or done:
    (i) has been made or done; or
    (ii) has not been made or done; or
  (b) stating that an entry, matter or thing required by or under this Chapter not to be made or done:
    (i) has not been made or done; or
    (ii) has been made or done.

(5) The certificate is to be received in all courts and proceedings as prima facie evidence of the statements in the certificate.

Criminal proceedings—copy of certificate to be given to defendant 14 days before certificate admitted in evidence

(6) A certificate must not be admitted in evidence under subsection (5) in proceedings for an offence unless:
  (a) the person charged with the offence; or
  (b) a barrister or solicitor who has appeared for the person in those proceedings;

has, at least 14 days before the certificate is sought to be so admitted, been given a copy of the certificate together with notice of the intention to produce the certificate as evidence in the proceedings.

Person signing the certificate may be called to give evidence

(7) If, under subsection (5), a certificate is admitted in evidence in proceedings for an offence, the person charged with the offence may require the person who signed the certificate to be:
  (a) called as a witness for the prosecution; and

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(b) cross-examined as if the person who signed the certificate had given evidence of the matters stated in the certificate.

(8) However, subsection (7) does not entitle the person charged to require the person who signed the certificate to be called as a witness for the prosecution unless:

(a) the prosecutor has been given at least 4 days notice of the person's intention to require the person who signed the certificate to be so called; or

(b) the court, by order, allows the person charged to require the person who signed the certificate to be so called.

Evidence in support, or in rebuttal, of matters in certificate to be considered on its merits

(9) Any evidence given in support, or in rebuttal, of a matter stated in a certificate issued under subsection (4) must be considered on its merits, and the credibility and probative value of such evidence must be neither increased nor diminished by reason of this section.

516A Application fee

(1) An eligible application must be accompanied by the fee (if any) prescribed by the regulations.

Note: For ***eligible application***, see subsection (4).

(2) Different fees may be prescribed for different eligible applications.

(3) A fee must not be such as to amount to taxation.

(4) For the purposes of this section, each of the following is an ***eligible application***:

(a) an application for the approval of the transfer of a title;

(b) an application for the approval of a dealing (other than an application covered by section 502);

(c) a provisional application for the approval of a dealing.

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Chapter 5—Registration of transfers of, and dealings in, greenhouse gas titles

Part 5.1—Introduction

518 Simplified outline

The following is a simplified outline of this Chapter:

- The Titles Administrator must keep a Register of greenhouse gas titles and greenhouse gas search authorities.
- A transfer of a greenhouse gas title must be approved by the Titles Administrator, and an instrument of transfer must be registered under this Part.
- A dealing in a greenhouse gas title must be approved by the Titles Administrator, and the approval must be entered in the Register.

519 Definitions

In this Chapter:

Register means the Register kept under section 521.

title means:

(a) a greenhouse gas assessment permit; or
(b) a greenhouse gas holding lease; or
(c) a greenhouse gas injection licence; or
(d) a greenhouse gas special authority.

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520 Dealing—series of debentures

For the purposes of this Chapter, if a dealing forms a part of the issue of a series of debentures, all of the dealings constituting the issue of that series of debentures are taken to be one dealing.

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Part 5.2—Register of titles and greenhouse gas search authorities

521 Register to be kept

The Titles Administrator must keep a Register of:

(a) titles; and

(b) greenhouse gas search authorities.

522 Entries in Register—general

Memorial

(1) The Titles Administrator must enter in the Register a memorial for each title and greenhouse gas search authority.

(2) The memorial must comply with the table:

Content of memorial

Item	In the case of...	the memorial must...
1	a title or greenhouse gas search authority	specify the name of the holder of the title.
2	a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority	set out an accurate description (including, where convenient, a map) of the permit area, lease area, licence area or authority area.
3	a title or greenhouse gas search authority	specify the term of the title or greenhouse gas search authority.
4	a title or greenhouse gas search authority	set out such other matters and things as are required by this Act to be entered in the Register.

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Content of memorial		
Item	**In the case of...**	**the memorial must...**
5	a title or greenhouse gas search authority	set out such further matters relating to the registered holder, or to the conditions of the title or greenhouse gas search authority, as the Titles Administrator thinks proper and expedient in the public interest.

(3) The Titles Administrator must enter in the Register a memorial of:

(a) a notice or instrument:

(i) varying; or

(ii) cancelling; or

(iii) surrendering (to any extent); or

(iv) otherwise affecting;

a title or greenhouse gas search authority; or

(b) a notice or instrument varying or revoking a notice or instrument referred to in paragraph (a).

Note: Subparagraph (a)(iv) would cover, for example, a notice revoking a greenhouse gas special authority.

Copy of title may be entered instead of memorial

(4) It is a sufficient compliance with the requirements of subsection (1), (2) or (3) if the Titles Administrator enters a copy of the title, greenhouse gas search authority, notice or instrument in the Register.

Date of entry to be endorsed

(5) The Titles Administrator must endorse on:

(a) the memorial; or

(b) the copy of the title, greenhouse gas search authority, notice or instrument;

a memorandum of the date on which the memorial or copy was entered in the Register.

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523 Entry in Register—cessation or expiry of title

If an event specified in the table happens, the Titles Administrator must enter in the Register a memorial of the fact.

Cessation of title etc.	
Item	**Event**
1	A greenhouse gas assessment permit or greenhouse gas holding lease ceases to be in force over a block in relation to which a greenhouse gas injection licence is granted.
2	A greenhouse gas assessment permit ceases to be in force over a block in relation to which a greenhouse gas holding lease (other than a special greenhouse gas holding lease) is granted.
3	A greenhouse gas assessment permit or a greenhouse gas holding lease (other than a special greenhouse gas holding lease) ceases to be in force over a block in relation to which a special greenhouse gas holding lease is granted.
4	A greenhouse gas injection licence ceases to be in force over a block in relation to which a greenhouse gas holding lease is granted.
5	A greenhouse gas assessment permit, greenhouse gas holding lease (other than a special greenhouse gas holding lease), greenhouse gas search authority or greenhouse gas special authority expires.

523A Notation in Register—applicable datum

The Titles Administrator may make a notation in the Register about the applicable datum for a title, greenhouse gas search authority, notice or instrument.

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Part 5.3—Transfer of titles

524 Approval and registration of transfers

A transfer of a title is of no force until:

(a) it has been approved by the Titles Administrator; and

(b) an instrument of transfer is registered as provided by this Part.

525 Application for approval of transfer

(1) One of the parties to a proposed transfer of a title may apply to the Titles Administrator for approval of the transfer.

(2) The application must be in writing.

Note: Section 565A requires the application to be accompanied by an application fee.

526 Documents to accompany application

An application for approval of a transfer must be accompanied by:

(a) an instrument of transfer in the prescribed form executed by:

(i) the registered holder or, if there are 2 or more registered holders, by each registered holder; and

(ii) the transferee or, if there are 2 or more transferees, by each transferee; and

(b) if the transferee, or one or more of the transferees, is not a registered holder or are not registered holders of the title—a document setting out:

(i) the technical qualifications of that transferee or those transferees; and

(ii) details of the technical advice that is or will be available to that transferee or those transferees; and

(iii) details of the financial resources that are or will be available to that transferee or those transferees; and

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(c) a copy of each of the following:
(i) the application;
(ii) the instrument referred to in paragraph (a);
(iii) the document referred to in paragraph (b).

527 Time limit for application

(1) An application for approval of a transfer must be made within:
(a) 90 days after the day on which the party who last executed the instrument of transfer so executed the instrument of transfer; or
(b) such longer period as the Titles Administrator allows.

(2) The Titles Administrator may allow a longer period under paragraph (1)(b) only if there are sufficient grounds to warrant allowing the longer period.

528 Date of application to be entered in Register

If an application is made for approval of a transfer, the Titles Administrator:
(a) must enter a memorandum in the Register of the date on which the application was lodged; and
(b) may make such other notation in the Register as the Titles Administrator considers appropriate.

529 Approval of transfer

Scope

(1) This section applies if an application is made for approval of a transfer.

Decision

(2) The Titles Administrator must:
(a) approve the transfer; or
(b) refuse to approve the transfer.

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(3) If:

(a) the application is for approval of a transfer of a greenhouse gas holding lease or a greenhouse gas injection licence; and

(b) the greenhouse gas holding lease or the greenhouse gas injection licence is tied to a petroleum retention lease;

the Titles Administrator must not approve the transfer of the greenhouse gas holding lease or the greenhouse gas injection licence unless:

(c) a transfer of the petroleum retention lease has been approved by the Titles Administrator under section 478; and

(d) the transfer of the petroleum retention lease is registered under section 479; and

(e) both:

(i) the instrument of transfer of the petroleum retention lease; and

(ii) the instrument of transfer of the greenhouse gas holding lease or greenhouse gas injection licence;

were executed at or about the same time; and

(f) the transferee or transferees of the petroleum retention lease are the same as the transferee or transferees of the greenhouse gas holding lease or greenhouse gas injection licence.

(4) If:

(a) the application is for approval of a transfer of a greenhouse gas holding lease or a greenhouse gas injection licence; and

(b) the greenhouse gas holding lease or the greenhouse gas injection licence is tied to a petroleum production licence;

the Titles Administrator must not approve the transfer of the greenhouse gas holding lease or the greenhouse gas injection licence unless:

(c) a transfer of the petroleum production licence has been approved by the Titles Administrator under section 478; and

(d) the transfer of the petroleum production licence is registered under section 479; and

(e) both:

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(i) the instrument of transfer of the petroleum production licence; and

(ii) the instrument of transfer of the greenhouse gas holding lease or greenhouse gas injection licence;

were executed at or about the same time; and

(f) the transferee or transferees of the petroleum production licence are the same as the transferee or transferees of the greenhouse gas holding lease or greenhouse gas injection licence.

(5) The Titles Administrator must, by written notice given to the applicant, notify the applicant of the Titles Administrator's decision.

(6) If the Titles Administrator refuses to approve the transfer, the Titles Administrator must make a notation of the refusal in the Register.

530 Registration of transfer

Scope

(1) This section applies if the Titles Administrator approves the transfer of a title.

Endorsement

(2) The Titles Administrator must immediately endorse on:

(a) the instrument of transfer; and

(b) the copy of the instrument of transfer;

a memorandum of approval.

(3) The Titles Administrator must enter in the Register a memorandum of:

(a) the transfer; and

(b) the name of the transferee or of each transferee.

(4) On the entry in the Register of the memorandum:

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(a) the transfer is taken to be registered; and
(b) the transferee becomes the registered holder, or the transferees become the registered holders, of the title.

(5) If the transfer is registered:
(a) the copy of the instrument of transfer endorsed with the memorandum of approval must be:
(i) retained by the Titles Administrator; and
(ii) made available for inspection in accordance with this Chapter; and
(b) the instrument of transfer endorsed with the memorandum of approval must be returned to the person who applied for approval of the transfer.

531 Instrument of transfer does not create an interest in the title

The mere execution of an instrument of transfer of a title creates no interest in the title.

532 Limit on effect of approval of transfers

The approval of a transfer of a title does not give to the transfer any force, effect or validity that the transfer would not have had if this Chapter had not been enacted.

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Part 5.4—Devolution of title

533 Application to have name entered on the Register as the holder of a title

(1) If the rights of the registered holder of a particular title have devolved on a person by operation of law, the person may apply to the Titles Administrator to have the person's name entered in the Register as the holder of the title.

(2) The application must be in writing.

534 Entry of name in the Register

Scope

(1) This section applies if an application is made under section 533 in relation to a title.

Entry in Register

(2) If:

(a) the Titles Administrator is satisfied that the rights of the holder have devolved on the applicant by operation of law; and

(b) the applicant has paid the prescribed fee;

the Titles Administrator must enter the name of the applicant in the Register as the holder of the title.

(3) On that entry being made, the applicant becomes the registered holder of the title.

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Part 5.5—Change in name of company

535 Application to have new name entered on the Register

(1) If:

(a) a company is the registered holder of a particular title; and

(b) the company has changed its name;

the company may apply to the Titles Administrator to have its new name substituted for its previous name in the Register in relation to that title.

(2) The application must be in writing.

536 Alteration in the Register

Scope

(1) This section applies if a company applies under section 535 to have its new name substituted for its previous name in the Register in relation to a particular title.

Alteration

(2) If:

(a) the Titles Administrator is satisfied that the company has changed its name; and

(b) the company has paid the prescribed fee;

the Titles Administrator must make the necessary alterations in the Register.

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Part 5.6—Dealings relating to existing titles

537 Dealings to which this Part applies

This Part applies to a dealing (other than a transfer of a title) that would have one or more of the effects set out in the table:

Effects of dealings

Item	Effect
1	The creation or assignment of an interest in an existing title.
2	The creation or assignment of a right (conditional or otherwise) to the assignment of an interest in an existing title.
3	The determination of the manner in which persons may: (a) exercise the rights conferred by an existing title; or (b) comply with the obligations imposed by an existing title; or (c) comply with the conditions of an existing title; (including the exercise of those rights, or the compliance with those obligations or conditions, under cooperative arrangements to inject or store greenhouse gas substances).
4	The creation or assignment of an interest in relation to an existing greenhouse gas assessment permit, existing greenhouse gas holding lease or existing greenhouse gas injection licence, where the interest relates to: (a) a greenhouse gas substance injected or stored under the permit, lease or licence; or (b) revenue derived as a result of the carrying out of operations authorised by the permit, lease or licence; or (c) profits derived as a result of the carrying out of operations authorised by the permit, lease or licence; or (d) a matter specified in the regulations.

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Effects of dealings	
Item	**Effect**
5	The creation or assignment of an option (conditional or otherwise) to enter into a dealing, where the dealing would have one or more of the effects referred to in items 1, 2, 3 and 4.
6	The creation or assignment of a right (conditional or otherwise) to enter into a dealing, where the dealing would have one or more of the effects referred to in items 1, 2, 3 and 4.
7	The alteration or termination of a dealing, where the dealing would have one or more of the effects referred to in items 1, 2, 3, 4, 5 and 6.

538 Approval and registration of dealings

A dealing is of no force, in so far as the dealing would have an effect of a kind referred to in the table in section 537 in relation to a particular title, until:

(a) the Titles Administrator has approved the dealing, in so far as it relates to that title; and

(b) the Titles Administrator has made an entry in the Register in relation to the dealing under section 544.

539 Application for approval of dealing

(1) An application for approval of a dealing must be made in accordance with subsection (2) or (3).

Application—dealing relates to only one title

(2) If a dealing relates to only one title, a party to the dealing may apply to the Titles Administrator for approval of the dealing in so far as it relates to that title.

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Application—dealing relates to 2 or more titles

(3) If a dealing relates to 2 or more titles, a party to the dealing may make a separate application to the Titles Administrator for approval of the dealing in so far as it relates to each title.

Written application

(4) An application must be in writing.

Note: Section 565A requires the application to be accompanied by an application fee.

540 Documents to accompany application

Instrument evidencing dealing

(1) An application for approval of a dealing must be accompanied by:
(a) the instrument evidencing the dealing; or
(b) if that instrument has already been lodged with the Titles Administrator for the purposes of another application—a copy of that instrument.

Supplementary instrument

(2) An application for approval of a dealing may be accompanied by an instrument setting out such details (if any) as are prescribed for the purposes of an application for approval of a dealing of that kind.

(3) An instrument under subsection (2) is called a ***supplementary instrument***.

Copies

(4) An application for approval of a dealing must be accompanied by:
(a) a copy of the application; and
(b) a copy, or an additional copy, of the instrument referred to in subsection (1); and
(c) a copy of any supplementary instrument.

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541 Timing of application

(1) An application for approval of a dealing must be made within:
  (a) 90 days after the day on which the party who last executed the instrument evidencing the dealing so executed the instrument; or
  (b) such longer period as the Titles Administrator allows.

(2) The Titles Administrator may allow a longer period under paragraph (1)(b) only if there are sufficient grounds to warrant allowing the longer period.

(3) This section has effect subject to section 552.

Note: Section 552 is about approval of a dealing that was entered into before the title came into existence.

542 Application date to be entered in Register

If an application is made for approval of a dealing, the Titles Administrator:
  (a) must enter a memorandum in the Register of the date on which the application was lodged; and
  (b) may make such other notation in the Register as the Titles Administrator considers appropriate.

543 Approval of dealing

Scope

(1) This section applies if an application is made for approval of a dealing in so far as it relates to a particular title.

Decision

(2) The Titles Administrator must:
  (a) approve the dealing; or
  (b) refuse to approve the dealing;
in so far as it relates to that title.

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Note: Section 552 limits the power conferred on the Titles Administrator by this section. Section 552 is about approval of a dealing that was entered into before the title came into existence.

Notification of decision

(3) The Titles Administrator must, by written notice given to the applicant, notify the applicant of the Titles Administrator's decision.

Refusal to approve dealing—notation in Register

(4) If the Titles Administrator refuses to approve the dealing in so far as it relates to that title, the Titles Administrator must make a notation of the refusal in the Register.

544 Entry of dealing in Register

Scope

(1) This section applies if the Titles Administrator approves a dealing in so far as it relates to a particular title.

Endorsement

(2) The Titles Administrator must immediately endorse a memorandum of approval:
  (a) on the original instrument evidencing the dealing and on the copy of that instrument; or
  (b) if the original instrument was not lodged with the application for approval—on both of the copies of that instrument.

Entry in Register

(3) The Titles Administrator must make an entry of the approval of the dealing in the Register on:
  (a) the memorial relating to that title; or
  (b) the copy of that title.

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545 Retention, inspection and return of instruments

Scope

(1) This section applies if the Titles Administrator makes an entry of the approval of a dealing in the Register.

Application accompanied by supplementary instrument

(2) If the application for approval of the dealing was accompanied by a supplementary instrument:

(a) a copy of the supplementary instrument, endorsed with a copy of the memorandum of approval, must be:

(i) retained by the Titles Administrator; and

(ii) made available for inspection in accordance with this Chapter; and

(b) the supplementary instrument must be returned to the person who applied for approval; and

(c) a copy of the instrument evidencing the dealing must not be made available for inspection in accordance with this Chapter; and

(d) the original instrument evidencing the dealing, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval, must be returned to the person who applied for approval.

Note: For inspection, see section 564.

Application not accompanied by supplementary instrument

(3) If the application for approval of the dealing was not accompanied by a supplementary instrument:

(a) one copy of the instrument evidencing the dealing, endorsed with a memorandum of approval, must be:

(i) retained by the Titles Administrator; and

(ii) made available for inspection in accordance with this Chapter; and

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(b) the original instrument evidencing the dealing, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval, must be returned to the person who applied for approval.

Note: For inspection, see section 564.

Definition

(4) In this section:

supplementary instrument has the meaning given by subsection 540(3) or 549(3).

546 Strict compliance with application provisions not required

The approval of a dealing, or the making of an entry in the Register in relation to a dealing, is not made ineffective because of any failure to comply, in relation to the application for approval of the dealing, with the requirements of this Part.

547 Limit on effect of approval of dealing

The approval of a dealing does not give to the dealing any force, effect or validity that the dealing would not have had if this Chapter had not been enacted.

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Part 5.7—Dealings in future interests

548 Provisional application for approval of dealing

Scope

(1) This section applies if:
  (a) 2 or more persons enter into a dealing relating to a title that may come into existence in the future; and
  (b) that dealing would, if the title came into existence, become a dealing to which Part 5.6 applies.

Provisional application—dealing relates to only one title

(2) If the dealing relates to only one title that may come into existence in the future, a party to the dealing may make a provisional application to the Titles Administrator for approval of the dealing.

Provisional application—dealing relates to 2 or more titles

(3) If the dealing relates to 2 or more titles that may come into existence in the future, a party to the dealing may make a separate provisional application to the Titles Administrator for approval of the dealing in relation to each title that may come into existence in the future.

Written provisional application

(4) A provisional application must be in writing.

Note: Section 565A requires the provisional application to be accompanied by an application fee.

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549 Documents to accompany provisional application

Instrument evidencing dealing

(1) A provisional application for approval of a dealing must be accompanied by:
  (a) the instrument evidencing the dealing; or
  (b) if that instrument has already been lodged with the Titles Administrator for the purposes of another provisional application—a copy of that instrument.

Supplementary instrument

(2) A provisional application for approval of a dealing may be accompanied by an instrument setting out such details (if any) as are prescribed for the purposes of a provisional application for approval of a dealing of that kind.

(3) An instrument under subsection (2) is called a ***supplementary instrument***.

Copies

(4) A provisional application for approval of a dealing must be accompanied by:
  (a) a copy of the provisional application; and
  (b) a copy, or an additional copy, of the instrument referred to in subsection (1); and
  (c) a copy of any supplementary instrument.

550 Timing of provisional application

A provisional application must be made within the period worked out using the table:

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Period for making a provisional application			
Item	**In this case...**	**the period begins on...**	**and ends on...**
1	a provisional application for approval of a dealing relating to any of the following titles that may come into existence in the future: (a) a greenhouse gas assessment permit; (b) a greenhouse gas holding lease; (c) a greenhouse gas injection licence	the day on which an offer document that relates to the application for the title is given to the applicant for the title	the day on which the title comes into existence.
2	a provisional application for approval of a dealing relating to a greenhouse gas special authority that may come into existence in the future	the day on which the application for the grant of the greenhouse gas special authority is made	the day on which the greenhouse gas special authority comes into existence.

551 Provisional application to be treated as an application under section 539 when title comes into existence

If:

(a) a provisional application is made for approval of a dealing; and

(b) the title to which the dealing relates comes into existence; and

(c) on that title coming into existence, the dealing becomes a dealing to which Part 5.6 applies;

the provisional application is to be treated as if it were an application made under section 539 on the day on which that title came into existence.

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552 Limit on approval of dealing

(1) If:

(a) Part 5.6 applies to a dealing relating to a title; and

(b) immediately before the title came into existence, the dealing was a dealing referred to in subsection 548(1);

the Titles Administrator may approve the dealing under section 543 only if:

(c) a provisional application for approval of the dealing was made under section 548; or

(d) an application for approval of the dealing was made under section 539 within:

(i) 90 days after the day on which the title came into existence; or

(ii) such longer period as the Titles Administrator allows.

(2) The Titles Administrator may allow a longer period under subparagraph (1)(d)(ii) only if there are sufficient grounds to warrant allowing the longer period.

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Part 5.8—Correction and rectification of Register

553 Corrections of clerical errors or obvious defects

The Titles Administrator may alter the Register for the purposes of correcting a clerical error or an obvious defect in the Register.

554 General power of correction of Register

Power of correction

(1) The Titles Administrator may make such entries in the Register as the Titles Administrator considers appropriate for the purposes of ensuring that the Register accurately records the interests and rights existing in relation to a title.

(2) The Titles Administrator may exercise the power conferred by subsection (1):
  (a) on written application being made to the Titles Administrator by a person; or
  (b) on the Titles Administrator's own initiative.

Consultation

(3) Before the Titles Administrator makes an entry in the Register under subsection (1), the Titles Administrator must cause to be published in the *Gazette* a notice:
  (a) setting out the terms of the entry that the Titles Administrator proposes to make in the Register; and
  (b) inviting interested persons to give the Titles Administrator written submissions about the making of the entry; and
  (c) specifying a time limit for the making of those submissions.

(4) The time limit must not be shorter than 45 days after the publication of the notice.

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(5) In deciding whether to make the entry in the Register, the Titles Administrator must take into account any submissions made in accordance with the notice.

Gazettal of terms of entry

(6) If the Titles Administrator makes an entry in the Register under subsection (1), the Titles Administrator must cause to be published in the *Gazette* a notice setting out the terms of the entry.

555 Rectification of Register

Application for rectification

(1) If a person is aggrieved by any of the following:
  (a) the omission of an entry from the Register;
  (b) an entry made in the Register without sufficient cause;
  (c) an entry wrongly existing in the Register;
  (d) an error or defect in an entry in the Register;

the person may apply to:
  (e) the Federal Court; or
  (f) the Supreme Court of, or having jurisdiction in, the State or Territory to which the relevant offshore area relates;

for the rectification of the Register.

Court orders

(2) If an application is made under subsection (1) to a court for the rectification of the Register, the court may make such order as it thinks fit directing the rectification of the Register.

(3) In proceedings under this section, the court may decide any question that it is necessary or expedient to decide in connection with the rectification of the Register.

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Appearance of Titles Administrator

(4) Notice of an application under this section must be given to the Titles Administrator, who:
  (a) may appear and be heard; and
  (b) must appear if so directed by the court.

Copy of order to be given to Titles Administrator

(5) An office copy of an order made by the court may be given to the Titles Administrator.

Compliance with order

(6) The Titles Administrator must, on receipt of the order, rectify the Register accordingly.

Principal Northern Territory offshore area and Eastern Greater Sunrise offshore area

(7) For the purposes of paragraph (1)(f):
  (a) the Principal Northern Territory offshore area; and
  (b) the Eastern Greater Sunrise offshore area;
are taken to relate to the Northern Territory.

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Part 5.9—Information-gathering powers

556 Titles Administrator may obtain information from applicants

Scope

(1) This section applies if:
  (a) an application for approval of the transfer of a title is made under section 525; or
  (b) an application is made under section 533 or 535 in relation to a title; or
  (c) an application for approval of a dealing is made under section 539; or
  (d) a provisional application for approval of a dealing is made under section 548; or
  (e) an application is made under section 554 in relation to a title.

Requirement to give information

(2) The Titles Administrator may, by written notice given to the applicant, require the applicant to give the Titles Administrator, within the period and in the manner specified in the notice, such information about the matter to which the application relates as the Titles Administrator considers necessary or advisable.

(3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

Offences

(4) A person commits an offence if:
  (a) the person has been given a notice under subsection (2); and
  (b) the person omits to do an act; and
  (c) the omission contravenes a requirement in the notice.

Penalty: 50 penalty units.

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(5) A person commits an offence if:
  (a) the Titles Administrator requires the person to give information under subsection (2); and
  (b) the person gives information; and
  (c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: 50 penalty units.

Notice to set out the effect of offence provisions

(6) A notice under subsection (2) must set out the effect of the following provisions:
  (a) subsection (4);
  (b) subsection (5).

Note: The same conduct may be an offence against both subsection (5) of this section and section 137.1 of the *Criminal Code*.

557 Titles Administrator may obtain information from a party to an approved dealing

Scope

(1) This section applies if:
  (a) a person is a party to a dealing relating to a title; and
  (b) the dealing has been approved under section 543.

Requirement to give information

(2) The Titles Administrator may, by written notice given to the person, require the person to give to the Titles Administrator, within the period and in the manner specified in the notice, such information about alterations in the interests or rights existing in relation to the title as the Titles Administrator considers necessary or advisable.

(3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

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Offences

(4) A person commits an offence if:
(a) the person has been given a notice under subsection (2); and
(b) the person omits to do an act; and
(c) the omission contravenes a requirement in the notice.

Penalty: 50 penalty units.

(4A) An offence against subsection (4) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(5) A person commits an offence if:
(a) the Titles Administrator requires the person to give information under subsection (2); and
(b) the person gives information; and
(c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: 50 penalty units.

Notice to set out the effect of offence provisions

(6) A notice under subsection (2) must set out the effect of the following provisions:
(a) subsection (4);
(b) subsection (5).

Note: The same conduct may be an offence against both subsection (5) of this section and section 137.1 of the *Criminal Code*.

558 Production and inspection of documents

Scope

(1) This section applies if the Titles Administrator has reason to believe that a document:
(a) is in the possession or under the control of a person; and
(b) relates to:

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(i) a transfer or dealing for which approval is sought under this Chapter; or

(ii) an application under section 533, 535 or 536.

Requirement

(2) The Titles Administrator may, by written notice given to the person, require the person:

(a) to produce the document to the Titles Administrator, within the period and in the manner specified in the notice; or

(b) to make the document available for inspection by or on behalf of the Titles Administrator.

(3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

Offences

(4) A person commits an offence if:

(a) the person has been given a notice under subsection (2); and

(b) the person omits to do an act; and

(c) the omission contravenes a requirement in the notice.

Penalty: 50 penalty units.

(5) An offence against subsection (4) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(6) A person commits an offence if:

(a) the person has been given a notice under subsection (2); and

(b) the person:

(i) produces a document to the Titles Administrator; or

(ii) makes a document available for inspection by or on behalf of the Titles Administrator; and

(c) the person does so knowing that the document is false or misleading in a material particular; and

(d) the document is produced or made available in compliance or purported compliance with the notice.

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Penalty: 50 penalty units.

Notice to set out the effect of offence provisions

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

(a) subsection (4);

(b) subsection (6).

Note: The same conduct may be an offence against both subsection (6) of this section and section 137.2 of the *Criminal Code*.

559 Titles Administrator may retain documents

(1) The Titles Administrator may take possession of a document produced under section 558, and retain it for as long as is necessary.

(2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Titles Administrator to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the Titles Administrator must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

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Part 5.10—Other provisions

560 Titles Administrator not concerned with the effect of instrument lodged under this Chapter

The Titles Administrator is not concerned with the effect in law of an instrument lodged under this Chapter.

562 Making a false entry in the Register

A person commits an offence if:

(a) the person:

(i) makes an entry in the Register; or

(ii) causes an entry to be made in the Register; or

(iii) concurs in the making of an entry in the Register; and

(b) the person does so knowing that the entry is false.

Penalty: 50 penalty units.

Note: The same conduct may be an offence against both this section and section 145.4 of the *Criminal Code*.

563 Falsified documents

A person commits an offence if:

(a) the person produces or tenders in evidence a document; and

(b) the document falsely purports to be:

(i) a copy of or extract from an entry in the Register; or

(ii) a copy of or extract from an instrument given to the Titles Administrator under this Chapter.

Penalty: 50 penalty units.

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

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564 Inspection of Register and instruments

Inspection of Register

(1) The Titles Administrator must ensure that the Register is open for inspection, at all convenient times, by any person on payment of a fee calculated under the regulations.

Instruments

(2) The Titles Administrator must ensure that all instruments, or copies of instruments, subject to inspection under this Chapter are open for inspection, at all convenient times, by any person on payment of a fee calculated under the regulations.

565 Evidentiary provisions

Register

(1) The Register is to be received in all courts and proceedings as prima facie evidence of all matters required or authorised by this Chapter to be entered in the Register.

Certified copies and extracts

(2) The Titles Administrator may, on payment of a fee calculated under the regulations, supply:
  (a) a copy of or extract from the Register; or
  (b) a copy of or extract from any instrument lodged with the Titles Administrator under this Chapter;

certified by the Titles Administrator to be a true copy or true extract, as the case may be.

(3) The certified copy or extract is admissible in evidence in all courts and proceedings without further proof or production of the original.

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Evidentiary certificate

(4) The Titles Administrator may, on payment of a fee calculated under the regulations, issue a written certificate:

(a) stating that an entry, matter or thing required or permitted by or under this Chapter to be made or done:

(i) has been made or done; or

(ii) has not been made or done; or

(b) stating that an entry, matter or thing required by or under this Chapter not to be made or done:

(i) has not been made or done; or

(ii) has been made or done.

(5) The certificate is to be received in all courts and proceedings as prima facie evidence of the statements in the certificate.

Criminal proceedings—copy of certificate to be given to defendant 14 days before certificate admitted in evidence

(6) A certificate must not be admitted in evidence under subsection (5) in proceedings for an offence unless:

(a) the person charged with the offence; or

(b) a barrister or solicitor who has appeared for the person in those proceedings;

has, at least 14 days before the certificate is sought to be so admitted, been given a copy of the certificate together with notice of the intention to produce the certificate as evidence in the proceedings.

Person signing the certificate may be called to give evidence

(7) If, under subsection (5), a certificate is admitted in evidence in proceedings for an offence, the person charged with the offence may require the person who signed the certificate to be:

(a) called as a witness for the prosecution; and

(b) cross-examined as if the person who signed the certificate had given evidence of the matters stated in the certificate.

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(8) However, subsection (7) does not entitle the person charged to require the person who signed the certificate to be called as a witness for the prosecution unless:

(a) the prosecutor has been given at least 4 days notice of the person's intention to require the person who signed the certificate to be so called; or

(b) the court, by order, allows the person charged to require the person who signed the certificate to be so called.

Evidence in support, or in rebuttal, of matters in certificate to be considered on its merits

(9) Any evidence given in support, or in rebuttal, of a matter stated in a certificate issued under subsection (4) must be considered on its merits, and the credibility and probative value of such evidence must be neither increased nor diminished by reason of this section.

565A Application fee

(1) An eligible application must be accompanied by the fee (if any) prescribed by the regulations.

Note: For ***eligible application***, see subsection (4).

(2) Different fees may be prescribed for different eligible applications.

(3) A fee must not be such as to amount to taxation.

(4) For the purposes of this section, each of the following is an ***eligible application***:

(a) an application for the approval of the transfer of a title;

(b) an application for the approval of a dealing (other than an application covered by section 551);

(c) a provisional application for the approval of a dealing.

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Chapter 6—Administration

Part 6.1—Operations

567 Simplified outline

The following is a simplified outline of this Part:

- This Part imposes requirements that must be complied with by titleholders in relation to the following:
  - (a) the commencement of works or operations;
  - (b) work practices;
  - (c) financial assurance;
  - (d) the maintenance and removal of property.

568 Commencement of works or operations

Scope

(1) This section applies to:
  (a) a special petroleum exploration permit; or
  (b) a petroleum retention lease; or
  (c) an infrastructure licence; or
  (d) a pipeline licence;

if the permit, lease or licence is granted subject to a condition that works or operations specified in the permit, lease or licence are to be carried out.

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Commencement of works or operations

(2) The registered holder of the permit, lease or licence must begin to carry out those works or operations within:

(a) 180 days after the day on which the permit, lease or licence comes into force; or

(b) such longer period as the Joint Authority allows.

569 Work practices

(1) The table has effect:

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Work practices

Item	This person...	must...
1	the registered holder of a petroleum exploration permit, petroleum retention lease or petroleum production licence	(a) carry out all petroleum exploration operations in the permit area, lease area or licence area in a proper and workmanlike manner and in accordance with good oilfield practice; and (b) carry out all petroleum recovery operations in the permit area, lease area or licence area in a proper and workmanlike manner and in accordance with good oilfield practice; and (c) control the flow, and prevent the waste or escape, in the permit area, lease area or licence area, of petroleum or water; and (d) prevent the escape, in the permit area, lease area or licence area, of any mixture of water or drilling fluid with petroleum or any other matter; and (e) prevent damage to petroleum-bearing strata in an area (whether in the offshore area or not) in relation to which the permit, lease or licence is not in force; and (f) keep separate each petroleum pool discovered in the permit area, lease area or licence area; and (g) keep separate such of the sources of water (if any) discovered in the permit area, lease area or licence area as the Titles Administrator, by written notice given to the registered holder, directs; and (h) prevent water or any other matter entering any petroleum pool through wells in the permit area, lease area or licence area except when required by, and in accordance with, good oilfield practice.
2	the registered holder of an infrastructure licence	(a) carry out operations authorised by the licence in a safe manner and in accordance with good oilfield practice and good processing and transport practice; and (b) control the flow, and prevent the waste or escape, from an infrastructure facility constructed under the licence, of water, petroleum or any product derived by processing petroleum.

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Work practices		
Item	**This person...**	**must...**
3	the registered holder of a pipeline licence	(a) operate the pipeline in a proper and workmanlike manner; and (b) prevent the waste or escape of petroleum or water from the pipeline or from any secondary line, pumping station, tank station, valve station or water line.
4	the registered holder of a petroleum special prospecting authority or petroleum access authority	carry out all petroleum exploration operations in the authority area in a proper and workmanlike manner and in accordance with good oilfield practice.

(2) Paragraphs (c) to (h) of item 1, and paragraph (b) of item 2, of the table in subsection (1) have effect subject to any authorisation given, or requirement made, by or under:
  (a) this Act; or
  (b) the regulations; or
  (c) a direction under this Act.

(3) Paragraphs (b) to (h) of item 1 of the table in subsection (1) do not limit paragraph (a) of that item.

(4) Paragraph (b) of item 2 of the table in subsection (1) does not limit paragraph (a) of that item.

(5) Paragraph (b) of item 3 of the table in subsection (1) does not limit paragraph (a) of that item.

Offence

(6) A person commits an offence if:
  (a) the person is subject to a requirement under subsection (1); and
  (b) the person engages in conduct; and

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(c) the person's conduct breaches the requirement.

Penalty: 100 penalty units.

(6A) An offence against subsection (6) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty

(6B) A person is liable to a civil penalty if the person contravenes a requirement under subsection (1).

Civil penalty: 1,000 penalty units.

Defence

(7) In:

(a) a prosecution for an offence against subsection (6) in relation to a breach of a paragraph of an item of the table in subsection (1); or

(aa) proceedings for a civil penalty order for the purposes of subsection (6B) in relation to a breach of a paragraph of an item of the table in subsection (1); or

(b) an action arising out of a breach of a paragraph of an item of the table in subsection (1);

it is a defence if the defendant proves that the defendant took all reasonable steps to comply with that paragraph.

Note: In a prosecution for an offence, the defendant bears a legal burden in relation to the matter in subsection (7)—see section 13.4 of the *Criminal Code*.

This section has effect subject to certain other provisions etc.

(8) This section has effect subject to:

(a) any other provision of this Act; and

(b) the regulations; and

(c) a direction under section 574, 574A or 576B; and

(d) any other law.

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Section 569

Note: A petroleum titleholder is required to comply with any directions by NOPSEMA or the responsible Commonwealth Minister given under the following provisions:

(a) sections 574 and 576B (by NOPSEMA);

(b) section 574A (by the responsible Commonwealth Minister).

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570 Work practices

(1) The table has effect:

Work practices		
Item	**This person...**	**must...**
1	the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence or petroleum production licence	(a) carry out all: (i) operations relating to the exploration for potential greenhouse gas storage formations; or (ii) operations relating to the exploration for potential greenhouse gas injection sites; in the permit area, lease area or licence area in a proper and workmanlike manner; and (b) carry out all: (i) operations relating to the injection of a greenhouse gas substance into a part of a geological formation; or (ii) operations relating to the storage of a greenhouse gas substance in a part of a geological formation; in the permit area, lease area or licence area in a proper and workmanlike manner.

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Work practices		
Item	**This person...**	**must...**
2	the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence or petroleum production licence	(a) control the flow, and prevent the escape, in the permit area, lease area or licence area, of greenhouse gas substances; and (b) control the flow, and prevent the waste or escape, in the permit area, lease area or licence area, of petroleum or water; and (c) prevent the escape, in the permit area, lease area or licence area, of any mixture of water or drilling fluid with petroleum or any other matter; and (d) prevent damage to petroleum-bearing strata, and potential greenhouse gas storage formations, in an area (whether in the offshore area or not) in relation to which the permit, lease or licence is not in force; and (e) keep separate each petroleum pool discovered in the permit area, lease area or licence area; and (f) keep separate such of the sources of water (if any) discovered in the permit area, lease area or licence area as the responsible Commonwealth Minister, by written notice given to the registered holder, directs; and (g) prevent water, a greenhouse gas substance or any other matter entering any petroleum pool through wells in the permit area, lease area or licence area except when required by, and in accordance with, good oilfield practice.

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Work practices		
Item	**This person...**	**must...**
3	the registered holder of a greenhouse gas special authority	carry out all: (a) operations relating to the exploration for potential greenhouse gas storage formations; or (b) operations relating to the exploration for potential greenhouse gas injection sites; or (c) operations relating to the injection of a greenhouse gas substance into a potential greenhouse gas storage formation; or (d) operations relating to the storage of a greenhouse gas substance in a potential greenhouse gas storage formation; or (e) operations to carry out baseline investigations relating to the storage of a greenhouse gas substance in a potential greenhouse gas storage formation; or (f) operations relating to the monitoring of the behaviour of a greenhouse gas substance stored in a potential greenhouse gas storage formation; in the authority area in a proper and workmanlike manner.
4	the registered holder of a greenhouse gas search authority	carry out all: (a) operations relating to the exploration for potential greenhouse gas storage formations; or (b) operations relating to the exploration for potential greenhouse gas injection sites; in the authority area in a proper and workmanlike manner.
5	the holder of a greenhouse gas research consent	carry out all: (a) operations relating to the exploration for potential greenhouse gas storage formations; or (b) operations relating to the exploration for potential greenhouse gas injection sites; authorised by the consent in a proper and workmanlike manner.

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(2) Paragraphs (a) to (g) of item 2 of the table in subsection (1) have effect subject to any authorisation given, or requirement made, by or under:

(a) this Act; or

(b) the regulations; or

(c) a direction under this Act.

(3) Paragraph (b) of item 1 of the table in subsection (1) does not limit paragraph (a) of that item.

(4) Paragraphs (a) to (g) of item 2 of the table in subsection (1) do not limit paragraph (a) of item 1 of the table.

Offence

(5) A person commits an offence if:

(a) the person is subject to a requirement under subsection (1); and

(b) the person engages in conduct; and

(c) the person's conduct breaches the requirement.

Penalty: 100 penalty units.

(5A) An offence against subsection (5) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Defence

(6) In:

(a) a prosecution for an offence against subsection (5) in relation to a breach of a paragraph of an item of the table in subsection (1); or

(b) an action arising out of a breach of a paragraph of an item of the table in subsection (1);

it is a defence if the defendant proves that the defendant took all reasonable steps to comply with that paragraph.

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Note: In a prosecution for an offence, the defendant bears a legal burden in relation to the matter in subsection (6)—see section 13.4 of the *Criminal Code*.

This section has effect subject to certain other provisions etc.

(7) This section has effect subject to:
  (a) any other provision of this Act; and
  (b) the regulations; and
  (c) a direction under section 580; and
  (d) any other law.

571 Financial assurance—petroleum titles

Scope

(1) This section applies in relation to a petroleum activity carried out in relation to any of the following titles:
  (a) a petroleum exploration permit;
  (b) a petroleum retention lease;
  (c) a petroleum production licence;
  (d) an infrastructure licence;
  (e) a pipeline licence;
  (f) a petroleum special prospecting authority;
  (g) a petroleum access authority.

Titleholder duty to maintain financial assurance

(2) The titleholder must, at all times while the title is in force, maintain financial assurance sufficient to give the titleholder the capacity to meet costs, expenses and liabilities arising in connection with, or as a result of:
  (a) the carrying out of the petroleum activity; or
  (b) the doing of any other thing for the purposes of the petroleum activity; or

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(c) complying (or failing to comply) with a requirement under this Act, or a legislative instrument under this Act, in relation to the petroleum activity.

Examples: This subsection covers costs, expenses and liabilities arising in connection with, or as a result of, the following (without limitation):

(a) complying with the titleholder's duty under section 572C (which relates to the escape of petroleum);

(b) a debt due to the Commonwealth, NOPSEMA, a State or the Northern Territory under section 572D, 572E or 572F (which relate to an escape of petroleum), including a debt due to an agency or authority on behalf of the State or the Northern Territory;

(c) complying with a direction under section 574 or 586 relating to the remediation of damage to the seabed or subsoil arising in connection with a petroleum activity.

(3) The following may be provided for by regulation:

(a) compliance with subsection (2) in relation to a petroleum activity to be demonstrated as a prior condition of acceptance of an environment plan for the activity;

(b) such compliance to be in a form acceptable to NOPSEMA;

(c) a failure to maintain such compliance, in a form acceptable to NOPSEMA, to be grounds for the withdrawal of acceptance of an environment plan for the activity.

Note: For requirements relating to environment plans, see Part 2 of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

Form of financial assurance

(4) The forms of financial assurance for a title that may be maintained for the purposes of this section include (without limitation) any of the following, or any combination of the following:

(a) insurance;

(b) self-insurance;

(c) a bond;

(d) the deposit of an amount as security with a financial institution;

(e) an indemnity or other surety;

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(f) a letter of credit from a financial institution;
(g) a mortgage.

(5) In this section:

environment plan for a petroleum activity means an environment plan for the activity under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

Note: Environment plans are dealt with in Part 2 of these Regulations.

financial institution has its ordinary meaning, and (to avoid doubt) includes:
(a) an authorised deposit-taking institution within the meaning of the *Banking Act 1959*; and
(b) a financial institution of a foreign country.

petroleum activity has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

self-insurance: for a petroleum activity in relation to a title, the titleholder maintains financial assurance in the form of ***self-insurance*** to the extent that the titleholder ensures that financial resources are available at all times while the title is in force to meet costs, expenses and liabilities in relation to the activity arising as mentioned in subsection (2).

titleholder, for a title in relation to which this section applies, means the registered holder of the title.

571A Insurance—greenhouse gas titles

Greenhouse gas titles

(1) The conditions of:
(a) a greenhouse gas assessment permit; or
(b) a greenhouse gas holding lease; or
(c) a greenhouse gas injection licence; or

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(d) a greenhouse gas search authority; or

(e) a greenhouse gas special authority;

may include a condition that the registered holder maintain, as directed by the responsible Commonwealth Minister from time to time, insurance against:

(f) expenses; or

(g) liabilities; or

(h) specified things;

arising in connection with, or as a result of:

(i) the carrying out of work under the permit, lease, licence or authority; or

(j) the doing of any other thing under the permit, lease, licence or authority;

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.

Direction to be in writing

(2) A direction under this section must be in writing.

572 Maintenance and removal of property etc. by titleholder

Titleholder and title area

(1) For the purposes of this section, the table has effect:

Titleholder and title area

Item	In the case of...	the *titleholder* is...	and the *title area* is...
1	a petroleum exploration permit	the permittee	the permit area.
2	a petroleum retention lease	the lessee	the lease area.
3	a petroleum production licence	the licensee	the licence area.

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Titleholder and title area			
Item	**In the case of...**	**the *titleholder* is...**	**and the *title area* is...**
4	an infrastructure licence	the licensee	the licence area.
5	a pipeline licence	the licensee	the part of the offshore area in which the pipeline is constructed.
6	a petroleum special prospecting authority	the registered holder of the authority	the authority area.
7	a petroleum access authority	the registered holder of the authority	the authority area.
8	a greenhouse gas assessment permit	the permittee	the permit area.
9	a greenhouse gas holding lease	the lessee	the lease area.
10	a greenhouse gas injection licence	the licensee	the licence area.
11	a greenhouse gas search authority	the registered holder of the authority	the authority area.
12	a greenhouse gas special authority	the registered holder of the authority	the authority area.

Maintenance of property etc.

(2) A titleholder must maintain in good condition and repair all structures that are, and all equipment and other property that is:
  (a) in the title area; and
  (b) used in connection with the operations authorised by the permit, lease, licence or authority.

Removal of property etc.

(3) A titleholder must remove from the title area all structures that are, and all equipment and other property that is, neither used nor to be used in connection with the operations:
  (a) in which the titleholder is or will be engaged; and

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(b) that are authorised by the permit, lease, licence or authority.

Offence

(4) A person commits an offence if:
(a) the person is subject to a requirement under subsection (2) or (3); and
(b) the person omits to do an act; and
(c) the omission breaches the requirement.

Penalty: 100 penalty units.

(5) An offence against subsection (4) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

Civil penalty

(5A) A person is liable to a civil penalty if the person contravenes a requirement under subsection (2) or (3) in relation to a title area covered by item 1, 2, 3, 4, 5, 6 or 7 of the table in subsection (1).

Civil penalty: 525 penalty units.

Exception

(6) Subsections (2) and (3) do not apply in relation to any structure, equipment or other property that was not brought into the title area by or with the authority of the titleholder.

Section has effect subject to other provisions etc.

(7) This section has effect subject to:
(a) any other provision of this Act; and
(b) the regulations; and
(c) a direction under section 574, 574A, 576B or 580; and
(d) any other law.

Note: A petroleum titleholder is required to comply with any directions by NOPSEMA or the responsible Commonwealth Minister given under the following provisions:

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(a) sections 574 and 576B (by NOPSEMA);
(b) section 574A (by the responsible Commonwealth Minister).

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Part 6.1A—Polluter pays

Division 1—General

572A Simplified outline

The following is a simplified outline of this Part:

If there is an escape of petroleum in relation to a petroleum activity, the titleholder is required to do the following in any offshore area:

(a) eliminate or control the escape;

(b) clean up the escaped petroleum and remediate any resulting damage to the environment;

(c) carry out environmental monitoring of the impact of the escape on the environment.

If the titleholder fails to do any of these things, NOPSEMA or the responsible Commonwealth Minister may do them instead. The titleholder must reimburse NOPSEMA or the Commonwealth for the costs and expenses of any such action.

The titleholder must also reimburse a State or the Northern Territory for any reasonable costs or expenses incurred in doing any of the following in land or waters of the State or the Northern Territory:

(a) cleaning up the escaped petroleum;

(b) remediating any resulting damage to the environment;

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(c) carrying out environmental monitoring of the impact of the escape on the environment.

572B Relationship with significant offshore petroleum incident directions

Nothing in this Part limits the power of NOPSEMA to give a direction under section 576B in relation to an escape of petroleum.

Note: Section 576B allows NOPSEMA to give directions dealing with significant offshore petroleum incidents.

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Division 2—Polluter pays

572C Escape of petroleum—titleholder's duty

Scope

(1) This section applies in the event of an escape of petroleum occurring as a result of, or in connection with, a petroleum activity in relation to any of the following titles:
  (a) a petroleum exploration permit;
  (b) a petroleum retention lease;
  (c) a petroleum production licence;
  (d) an infrastructure licence;
  (e) a pipeline licence.

Titleholder's duty

(2) The registered holder of the title must, in an offshore area, in accordance with the environment plan for the petroleum activity:
  (a) as soon as possible after becoming aware of the escape of petroleum, take all reasonably practicable steps to eliminate or control it; and
  (b) clean up the escaped petroleum and remediate any resulting damage to the environment; and
  (c) carry out environmental monitoring of the impact of the escape on the environment.

Definitions

(3) In this section:

environment plan for a petroleum activity means an environment plan for the activity under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

Note: Environment plans are dealt with in Part 2 of those Regulations.

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petroleum activity has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

572D Escape of petroleum—reimbursement of NOPSEMA

Scope

(1) This section applies if NOPSEMA considers on reasonable grounds that the registered holder of a title has failed to comply with subsection 572C(2) in relation to an escape of petroleum.

Action taken by NOPSEMA

(2) NOPSEMA may do any or all of the things that NOPSEMA considers, on reasonable grounds, the registered holder of the title has failed to do to comply with subsection 572C(2).

Recovery of costs and expenses incurred by NOPSEMA

(3) Costs or expenses incurred by NOPSEMA in doing any thing under subsection (2) are:
  (a) a debt due to NOPSEMA by the registered holder of the title; and
  (b) recoverable by NOPSEMA in a court of competent jurisdiction.

572E Escape of petroleum—reimbursement of responsible Commonwealth Minister

Scope

(1) This section applies if the responsible Commonwealth Minister considers on reasonable grounds that the registered holder of a title has failed to comply with subsection 572C(2) in relation to an escape of petroleum.

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Action taken by responsible Commonwealth Minister

(2) The responsible Commonwealth Minister may do any or all of the things that he or she considers, on reasonable grounds, the registered holder of the title has failed to do to comply with subsection 572C(2).

Recovery of costs and expenses incurred by responsible Commonwealth Minister

(3) Costs or expenses incurred by the responsible Commonwealth Minister in doing any thing under subsection (2) are:
  (a) a debt due to the Commonwealth by the registered holder of the title; and
  (b) recoverable by the Commonwealth in a court of competent jurisdiction.

572F Escape of petroleum—reimbursement of State or Northern Territory

Scope

(1) This section applies if:
  (a) there is an escape of petroleum, in relation to a title, to which subsection 572C(1) applies; and
  (b) a State or the Northern Territory (the ***relevant jurisdiction***), or an agency or authority acting on behalf of the relevant jurisdiction, incurs reasonable costs or expenses (***recoverable costs or expenses***) in doing any of the following in the land or waters of the relevant jurisdiction:
    (i) cleaning up the escaped petroleum;
    (ii) remediating any resulting damage to the environment;
    (iii) carrying out environmental monitoring of the impact of the escape on the environment.

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Recovery of costs and expenses incurred by the State or the Northern Territory

(2) The recoverable costs or expenses are:

(a) a debt due to the relevant jurisdiction (or to the agency or authority acting on behalf of that jurisdiction) by the registered holder of the title; and

(b) recoverable in a court of competent jurisdiction.

Other rights of action not affected

(3) This section does not affect any other right of action, or other remedy, that the relevant jurisdiction, an agency or authority acting on behalf of that jurisdiction or any other person may have against the registered holder of the title in relation to the escape of petroleum.

Definition

(4) In this section:

land or waters, of the relevant jurisdiction, are:

(a) land or waters within the limits of the jurisdiction; or

(c) the designated coastal waters of the jurisdiction, within the meaning of Part 6.9 (see section 644).

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Part 6.2—Directions relating to petroleum

Division 1—Simplified outline

573 Simplified outline

The following is a simplified outline of this Part:

- NOPSEMA or the responsible Commonwealth Minister may give a direction to a petroleum titleholder. A direction may extend to other persons.
- If there is a significant offshore petroleum incident in a petroleum title area, NOPSEMA may give a specific direction to the titleholder to deal with the escape of petroleum resulting from the incident, whether within or outside the title area.
- If there is a breach of a direction given by the Joint Authority or NOPSEMA under Chapter 2, this Chapter or the regulations, NOPSEMA may do anything required by the direction to be done, and NOPSEMA's costs may be recovered from the person to whom the direction was given.
- If there is a breach of a direction given by the responsible Commonwealth Minister under this Part, the responsible Commonwealth Minister may do anything required by the direction to be done, and the responsible Commonwealth Minister's costs may be recovered from the person to whom the direction was given.
- In a prosecution for an offence, or a proceeding for a civil penalty order, relating to a breach of:
    (a) a direction given by the Joint Authority or NOPSEMA under Chapter 2, this Chapter or the regulations; or

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(b) a direction given by the responsible Commonwealth Minister under this Part;

it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

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Division 2—General power to give directions

574 General power to give directions—NOPSEMA

Definition

(1) In this section:

title means:

(a) a petroleum exploration permit; or
(b) a petroleum retention lease; or
(c) a petroleum production licence; or
(d) an infrastructure licence; or
(e) a pipeline licence; or
(f) a petroleum special prospecting authority; or
(g) a petroleum access authority.

Direction to registered holder

(2) NOPSEMA may, by written notice given to the registered holder of a title, give the registered holder a direction as to any matter in relation to which regulations may be made.

Note 1: Section 782 is the main provision setting out matters in relation to which regulations may be made.

Note 2: Breach of a direction may attract a criminal or civil penalty: see section 576.

Note 3: A direction under this section has no effect to the extent of any inconsistency with a direction under section 574A: see subsection 574A(12).

Note 4: A direction under this section also has no effect to the extent of any inconsistency with a direction under section 576B (which relates to significant offshore petroleum incidents): see subsection 576C(2).

Extended application of direction

(3) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to:

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(a) a specified class of persons, so long as the class consists of, or is included in, either or both of the following classes:
  (i) employees or agents of, or persons acting on behalf of, the registered holder;
  (ii) persons performing work or services, whether directly or indirectly, for the registered holder; or

(b) any person (other than the registered holder or a person to whom the direction applies in accordance with paragraph (a)) who is:
  (i) in the offshore area for any reason touching, concerning, arising out of, or connected with, exploring the seabed or subsoil of the offshore area for petroleum or exploiting the petroleum that occurs as a natural resource of that seabed or subsoil; or
  (ii) in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the offshore area for a reason of that kind.

(4) If a direction so expressed is given, the direction is taken to apply to each person included in the specified class mentioned in paragraph (3)(a) or to each person who is in the offshore area as mentioned in paragraph (3)(b), as the case may be.

Note: For notification requirements, see section 575.

Additional matters

(5) NOPSEMA must not give a direction under this section of a standing or permanent nature except with the approval of the Joint Authority, but the validity of a direction is not affected by a breach of this subsection.

(6) A direction under this section has effect, and must be complied with, despite:
  (a) any previous direction under this section; and
  (b) anything in the regulations or the applied provisions.

Note: For ***applied provisions***, see subsection 80(2).

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(7) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

(8) To avoid doubt, subsection (7) applies to an instrument, whether issued or made in Australia or outside Australia.

(9) A direction under this section may prohibit the doing of an act or thing:

(a) unconditionally; or

(b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.

(9A) If:

(a) NOPSEMA gives a direction under this section; and

(b) NOPSEMA considers that the direction may have significant consequences for:

(i) resource management; or

(ii) resource security;

NOPSEMA must:

(c) give the responsible Commonwealth Minister a copy of the direction; and

(d) do so as soon as practicable after the direction was given.

Directions

(10) If paragraph (3)(b) applies to a direction under this section, the direction is a legislative instrument.

(11) If paragraph (3)(b) does not apply to a direction under this section, the direction is not a legislative instrument.

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574A General power to give directions—responsible Commonwealth Minister

Definition

(1) In this section:

title means:

(a) a petroleum exploration permit; or
(b) a petroleum retention lease; or
(c) a petroleum production licence; or
(d) an infrastructure licence; or
(e) a pipeline licence; or
(f) a petroleum special prospecting authority; or
(g) a petroleum access authority.

Direction to registered holder

(2) The responsible Commonwealth Minister may, by written notice given to the registered holder of a title, give the registered holder a direction as to any matter in relation to which regulations may be made, so long as that matter is a matter:

(a) that relates to resource management; or
(b) that relates to resource security; or
(c) in relation to which regulations may be made for the purposes of section 698 (which deals with data management).

Note 1: Section 782 is the main provision setting out matters in relation to which regulations may be made.

Note 2: Breach of a direction may attract a criminal or civil penalty: see section 576.

Note 3: For inconsistency between directions under this Division and Division 2A (which relates to significant offshore petroleum incidents), see subsection (12) of this section and subsection 576C(2).

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Extended application of direction

(3) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to:

(a) a specified class of persons, so long as the class consists of, or is included in, either or both of the following classes:

(i) employees or agents of, or persons acting on behalf of, the registered holder;

(ii) persons performing work or services, whether directly or indirectly, for the registered holder; or

(b) any person (other than the registered holder or a person to whom the direction applies in accordance with paragraph (a)) who is:

(i) in the offshore area for any reason touching, concerning, arising out of, or connected with, exploring the seabed or subsoil of the offshore area for petroleum or exploiting the petroleum that occurs as a natural resource of that seabed or subsoil; or

(ii) in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the offshore area for a reason of that kind.

(4) If a direction so expressed is given, the direction is taken to apply to each person included in the specified class mentioned in paragraph (3)(a) or to each person who is in the offshore area as mentioned in paragraph (3)(b), as the case may be.

Note: For notification requirements, see section 575.

Additional matters

(5) The responsible Commonwealth Minister must not give a direction under this section of a standing or permanent nature except with the approval of the Joint Authority, but the validity of a direction is not affected by a breach of this subsection.

(6) A direction under this section has effect, and must be complied with, despite:

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(a) any previous direction under this section; and
(b) anything in the regulations (other than the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*); and
(c) the applied provisions.

Note: For ***applied provisions***, see subsection 80(2).

(7) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

(8) To avoid doubt, subsection (7) applies to an instrument, whether issued or made in Australia or outside Australia.

(9) A direction under this section may prohibit the doing of an act or thing:
(a) unconditionally; or
(b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.

(10) If a direction under this section makes provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard, the responsible Commonwealth Minister must ensure that the text of the code of practice or standard applied, adopted or incorporated is published on the Department's website.

(11) Subsection (10) does not apply if the publication would infringe copyright.

Inconsistency

(12) If a direction under section 574 is inconsistent with a direction under this section, the direction under section 574 has no effect to the extent of the inconsistency.

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Directions

(13) If paragraph (3)(b) applies to a direction under this section, the direction is a legislative instrument.

(14) If paragraph (3)(b) does not apply to a direction under this section, the direction is not a legislative instrument.

574B Directions may extend outside of title area

(1) A direction under this Division may require the registered holder of the title in relation to which the direction is given to take an action (or not to take an action) anywhere in an offshore area, whether within or outside the title area of the title.

(2) If a direction under this Division requires the registered holder of a title (the ***first title***) to take an action in, or in relation to, the title area of another title (the ***related title***), NOPSEMA must give a copy of the direction to the registered holder of the related title as soon as practicable after the direction is given to the registered holder of the first title.

Note: A related title may cover greenhouse gas operations (see the definition of ***title*** in subsection (3)).

(3) In this section:

title means any title covered by section 572.

title area of a title has the meaning given by section 572 in relation to the title.

Note: Section 572 sets out the title area for certain petroleum titles and greenhouse gas titles.

575 Notification of a direction that has an extended application

Notification

(1) If a direction under section 574 applies to:
(a) a registered holder; and

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(b) a person referred to in paragraph 574(3)(a);

the registered holder must cause a copy of the notice by which the direction was given to be:

(c) given to that other person; or

(d) displayed at a prominent position at a place in the offshore area frequented by that other person.

(2) If a direction under section 574 applies to:

(a) a registered holder; and

(b) a person referred to in paragraph 574(3)(b);

the registered holder must cause a copy of the notice by which the direction was given to be displayed at a prominent position at a place in the offshore area.

(3) If a direction under section 574 applies to:

(a) a registered holder; and

(b) a person referred to in paragraph 574(3)(b);

NOPSEMA may, by written notice given to the registered holder, require the registered holder to cause to be displayed:

(c) at such places in the offshore area; and

(d) in such manner;

as are specified in the notice, copies of the notice by which the direction was given.

Notification

(3A) If a direction under section 574A applies to:

(a) a registered holder; and

(b) a person referred to in paragraph 574A(3)(a);

the registered holder must cause a copy of the notice by which the direction was given to be:

(c) given to that other person; or

(d) displayed at a prominent position at a place in the offshore area frequented by that other person.

(3B) If a direction under section 574A applies to:

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(a) a registered holder; and
(b) a person referred to in paragraph 574A(3)(b);

the registered holder must cause a copy of the notice by which the direction was given to be displayed at a prominent position at a place in the offshore area.

(3C) If a direction under section 574A applies to:
(a) a registered holder; and
(b) a person referred to in paragraph 574A(3)(b);

the responsible Commonwealth Minister may, by written notice given to the registered holder, require the registered holder to cause to be displayed:
(c) at such places in the offshore area; and
(d) in such manner;

as are specified in the notice, copies of the notice by which the direction was given.

Offence

(4) A person commits an offence of strict liability if:
(a) the person is subject to a requirement under subsection (1), (2), (3), (3A), (3B) or (3C); and
(b) the person omits to do an act; and
(c) the omission breaches the requirement.

Penalty: 50 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty

(6) A person is liable to a civil penalty if the person contravenes a requirement under subsection (1), (2), (3), (3A), (3B) or (3C).

Civil penalty: 135 penalty units.

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Continuing offences

(7) A person who commits an offence against subsection (4) commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.

(8) The maximum penalty for each day that an offence under subsection (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

(9) A person who contravenes subsection (6) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.

(10) The maximum civil penalty for each day that a contravention of subsection (6) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

576 Directions under sections 574 and 574A—compliance

Basic rule

(1) A person contravenes this subsection if:
  (a) the person is subject to a direction under section 574 or 574A; and
  (b) the person engages in conduct; and
  (c) the person's conduct breaches the direction.

Note 1: NOPSEMA may do anything required to be done under a direction under section 574 in the event of a breach of the direction (see section 577).

Note 2: The responsible Commonwealth Minister may do anything required to be done under a direction under section 574A in the event of a breach of the direction (see section 577A).

Note 3: It is a defence in a proceeding for an offence or civil penalty order under this section if the person subject to the direction proves that the

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person took all reasonable steps to comply with the direction (see section 578).

Fault-based offence

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

Penalty: 5 years imprisonment or 2,000 penalty units, or both.

(3) For the purposes of applying Chapter 2 of the *Criminal Code* to the offence in subsection (2), the physical elements of the offence are set out in subsection (1).

Note: Chapter 2 of the *Criminal Code* sets out general principles of criminal responsibility.

Strict liability offence

(4) A person commits an offence of strict liability if the person contravenes subsection (1).

Penalty: 100 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty provision

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

Civil penalty: 525 penalty units.

Defences—breach of direction by person other than a registered holder

(6) Subsection (7) applies in relation to a breach of a direction if:
(a) both of the following persons are subject to the direction:
(i) a registered holder;
(ii) another person; and
(b) the other person is prosecuted for an offence against subsection (2) or (4), or a civil penalty is sought for the

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purposes of subsection (5), in relation to the other person's breach of the direction; and

(c) the other person adduces evidence that the other person did not know, and could not reasonably be expected to have known, of the existence of the direction.

(7) Unless it is proved that the other person knew, or could reasonably be expected to have known, of the existence of the direction:

(a) if the other person is prosecuted for an offence—the other person is not to be convicted of the offence; or

(b) if a civil penalty order is sought against the other person—the order is not to be made against the other person.

Continuing offences

(8) A person who commits an offence against subsection (2) or (4) commits a separate offence in respect of each day (including a day of a conviction under that subsection or any later day) during which the offence against that subsection continues.

(9) The maximum penalty for each day that the offence continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

(10) A person who contravenes subsection (5) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.

(11) The maximum civil penalty for each day that a contravention of subsection (5) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

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Division 2A—Directions for significant offshore petroleum incidents

576A Directions for significant offshore petroleum incidents—definitions for Division 2A

Significant offshore petroleum incidents

(1) In this Division, a ***significant offshore petroleum incident*** is a significant incident or occurrence that relates to any or all of the following operations in an offshore area:

(a) petroleum exploration operations;

(b) petroleum recovery operations;

(c) operations relating to the processing or storage of petroleum;

(d) operations relating to the preparation of petroleum for transport;

(e) operations connected with the construction or operation of a pipeline;

(f) operations relating to the decommissioning or removal of structures, equipment or other items of property that have been brought into an offshore area for or in connection with any of the operations mentioned in paragraph (a), (b), (c), (d) or (e).

Note: For inquiries into significant offshore petroleum and greenhouse gas incidents, see Part 9.10A.

(2) Paragraph (1)(f) does not, by implication, limit paragraph (1)(a), (b), (c), (d) or (e).

Titles and title areas

(3) In this Division, the table has effect:

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Titles and title areas		
Item	**A *title* is any of the following:**	**The *title area* for the title is ...**
1	a petroleum exploration permit	the permit area.
2	a petroleum retention lease	the lease area.
3	a petroleum production licence	the licence area.
4	an infrastructure licence	the licence area.
5	a pipeline licence	the part of the offshore area in which the pipeline is constructed.

(4) In this Division:

related title means a title mentioned in the table in subsection 572(1).

related title area, for a related title, means the title area for the related title mentioned in the table in subsection 572(1).

related titleholder, for a related title, means the titleholder for the related title mentioned in the table in subsection 572(1).

Note: A related title, related title area or related titleholder may cover petroleum or greenhouse gas operations.

576B Directions for significant offshore petroleum incidents—NOPSEMA power to give directions

Power to give direction

(1) If a significant offshore petroleum incident has occurred in a title area that has caused, or that might cause, an escape of petroleum, NOPSEMA may, in accordance with this section, give a direction by written notice to the registered holder of the title.

(2) The direction may require the registered holder of the title to do any (or all) of the following within a reasonable period stated in the direction:

(a) to take any action stated in the direction for the purpose of any (or all) of the following:

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(i) preventing the escape of petroleum;
(ii) eliminating the escape of petroleum;
(iii) mitigating the effects of the escape of petroleum;
(iv) managing the effects of the escape of petroleum;
(v) remediating the effects of the escape of petroleum;

(b) to take any other action stated in the direction in relation to the escape of petroleum and its effects;

(c) not to take an action stated in the direction in relation to the escape of petroleum and its effects.

(3) The direction may require the registered holder of the title to take an action (or not to take an action) mentioned in any (or all) of paragraphs (2)(a), (b) and (c) in relation to the possible escape of petroleum, or the possible effects of an escape of petroleum.

(4) For the purposes of subsection (2) or (3), the direction may prohibit the doing of an action:

(a) unconditionally; or

(b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.

Action directed inside or outside of title area

(5) The direction may require the registered holder of the title to take an action (or not to take an action) mentioned in subsection (2) or (3) (or both) anywhere in an offshore area, whether within or outside the title area.

(6) If the direction requires the registered holder of the title to take an action in, or in relation to, a related title area, NOPSEMA must give a copy of the direction to the related titleholder as soon as practicable after the direction is given to the registered holder.

Standing or permanent directions

(7) NOPSEMA must not give a direction under this section of a standing or permanent nature except with the approval of the Joint

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Authority, but the validity of a direction is not affected by a breach of this subsection.

Note 1: See also section 576C, which provides for matters related to directions made under this section.

Note 2: Breach of a direction under this section may attract a criminal or civil penalty: see section 576D.

576C Directions for significant offshore petroleum incidents—related matters

Relationship with other directions and certain laws

(1) A direction under section 576B has effect, and must be complied with, despite:

(a) any previous direction under section 576B; and

(b) any other direction under this Part (see sections 574 and 574A); and

(c) anything in the regulations; and

(d) the applied provisions.

Note 1: Under section 574, NOPSEMA may give a direction to a petroleum titleholder. Under section 574A, a direction may be given by the responsible Commonwealth Minister.

Note 2: For ***applied provisions***, see subsection 80(2).

Note 3: A direction under section 576B also overrides the obligations of the registered holder of the title under sections 569 (work practices) and 572 (structures, equipment and property): see subsections 569(8) and 572(7).

(2) If a direction under section 574 or 574A is inconsistent with a direction under section 576B, the direction under section 574 or 574A has no effect to the extent of the inconsistency.

Former registered holders of titles

(3) A person to whom a direction has been given under section 576B remains subject to the direction even if the person stops being the registered holder of the title.

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Codes of practice and standards

(4) A direction under section 576B may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, to the extent that the code of practice or standard is relevant to that matter.

(5) To avoid doubt, subsection (4) applies to an instrument, whether issued or made in Australia or outside Australia.

(6) If a direction under section 576B makes provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard, NOPSEMA must ensure that the text of the code of practice or standard applied, adopted or incorporated is published on NOPSEMA's website.

(7) Subsection (6) does not apply if the publication would infringe copyright.

Directions are not legislative instruments

(8) A direction made under section 576B is not a legislative instrument.

576D Directions for significant offshore petroleum incidents—compliance

Basic rule

(1) A person contravenes this subsection if:
  (a) the person is subject to a direction under section 576B; and
  (b) the person engages in conduct; and
  (c) the person's conduct breaches the direction.

Note 1: NOPSEMA may do anything required to be done under a direction in the event of a breach of the direction (see section 577).

Note 2: It is a defence in a proceeding for an offence or civil penalty order under this section if the person subject to the direction proves that the

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person took all reasonable steps to comply with the direction (see section 578).

Fault-based offence

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

Penalty: 5 years imprisonment or 2,000 penalty units, or both.

(3) For the purposes of applying Chapter 2 of the *Criminal Code* to the offence in subsection (2), the physical elements of the offence are set out in subsection (1).

Note: Chapter 2 of the *Criminal Code* sets out general principles of criminal responsibility.

Strict liability offence

(4) A person commits an offence of strict liability if the person contravenes subsection (1).

Penalty: 100 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty provision

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

Civil penalty: 2,250 penalty units.

Continuing offences and continuing contraventions of civil penalty provisions

(6) The maximum penalty for each day that an offence under subsection (2) or (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsections (2) and (4) are continuing offences under section 4K of the *Crimes Act 1914*.

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(7) The maximum civil penalty for each day that a contravention of subsection (5) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

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Division 3—NOPSEMA or the responsible Commonwealth Minister may take action if there is a breach of a direction

577 NOPSEMA may take action if there is a breach of a direction

Action by NOPSEMA

(1) If:

(a) a person is subject to a direction given by the Joint Authority or NOPSEMA under:

(i) Chapter 2; or

(ii) this Chapter; or

(iii) Part 7.1; or

(iv) the regulations; and

(b) the person engages in conduct; and

(c) the person's conduct breaches the direction;

NOPSEMA may do any or all of the things required by the direction to be done.

Recovery of costs and expenses incurred by NOPSEMA

(3) Costs or expenses incurred by NOPSEMA under subsection (1) in relation to a direction are:

(a) a debt due to the Commonwealth by the person subject to the direction; and

(b) recoverable in a court of competent jurisdiction.

Exception—direction that has an extended application

(4) If:

(a) a direction under section 574 applies to:

(i) a registered holder; and

(ii) another person; and

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(b) an action under subsection (3) relating to the direction is brought against the other person; and

(c) the other person adduces evidence that the other person did not know, and could not reasonably be expected to have known, of the existence of the direction;

the other person is not liable under subsection (3) unless the plaintiff proves that the other person knew, or could reasonably be expected to have known, of the existence of the direction.

Defence

(5) In an action under subsection (3), it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

577A Responsible Commonwealth Minister may take action if there is a breach of a direction

Action by responsible Commonwealth Minister

(1) If:

(a) a person is subject to a direction given by the responsible Commonwealth Minister under this Part; and

(b) the person engages in conduct; and

(c) the person's conduct breaches the direction;

the responsible Commonwealth Minister may do any or all of the things required by the direction to be done.

Recovery of costs and expenses incurred by the responsible Commonwealth Minister

(2) Costs or expenses incurred by the responsible Commonwealth Minister under subsection (1) in relation to a direction are:

(a) a debt due to the Commonwealth by the person subject to the direction; and

(b) recoverable in a court of competent jurisdiction.

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Exception—direction that has an extended application

(3) If:

(a) a direction under section 574A applies to:

(i) a registered holder; and

(ii) another person; and

(b) an action under subsection (2) relating to the direction is brought against the other person; and

(c) the other person adduces evidence that the other person did not know, and could not reasonably be expected to have known, of the existence of the direction;

the other person is not liable under subsection (2) unless the plaintiff proves that the other person knew, or could reasonably be expected to have known, of the existence of the direction.

Defence

(4) In an action under subsection (2), it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

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Division 4—Defence of taking reasonable steps to comply with a direction

578 Defence of taking reasonable steps to comply with a direction

(1) It is a defence in a prosecution for an offence, or in proceedings for a civil penalty order, for a breach of a direction covered by subsection (2) if the defendant proves that the defendant took all reasonable steps to comply with the direction.

Note: The defendant bears a legal burden in relation to a prosecution for an offence: see section 13.4 of the *Criminal Code*. The same applies in proceedings for a civil penalty.

(2) This subsection covers the following directions:

(a) a direction given by the Joint Authority or NOPSEMA under:

(i) Chapter 2; or

(ii) this Chapter; or

(iii) Part 7.1; or

(iv) a regulation; or

(b) a direction given by the responsible Commonwealth Minister under this Part or Division 1 of Part 6.4.

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Part 6.3—Directions relating to greenhouse gas

Division 1—Simplified outline

579 Simplified outline

The following is a simplified outline of this Part:

- The responsible Commonwealth Minister may give a direction to a greenhouse gas titleholder. A direction may extend to other persons.
- If there is a breach of a direction given by the responsible Commonwealth Minister under Chapter 3, this Chapter or the regulations, the responsible Commonwealth Minister may do anything required by the direction to be done, and the responsible Commonwealth Minister's costs may be recovered from the person to whom the direction was given.
- In a prosecution for an offence relating to a breach of a direction given by the responsible Commonwealth Minister under Chapter 3, this Chapter or the regulations, it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

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Division 2—General power to give directions

580 General power to give directions

Definitions

(1) In this section:

greenhouse gas matter means:

(a) exploring for a potential greenhouse gas storage formation; or

(b) exploring for a potential greenhouse gas injection site; or

(c) the injection of a greenhouse gas substance into the seabed or subsoil of an offshore area; or

(d) the storage of a greenhouse gas substance in the seabed or subsoil of an offshore area.

title means:

(a) a greenhouse gas assessment permit; or

(b) a greenhouse gas holding lease; or

(c) a greenhouse gas injection licence; or

(d) a greenhouse gas search authority; or

(e) a greenhouse gas special authority.

Direction to registered holder

(2) The responsible Commonwealth Minister may, by written notice given to the registered holder of a title, give the registered holder a direction as to any matter in relation to which regulations may be made.

Note 1: Section 782 is the main provision setting out matters in relation to which regulations may be made.

Note 2: For enforcement, see section 582.

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Extended application of direction

(3) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to:

(a) a specified class of persons, so long as the class consists of, or is included in, either or both of the following classes:

(i) employees or agents of, or persons acting on behalf of, the registered holder;

(ii) persons performing work or services, whether directly or indirectly, for the registered holder; or

(b) any person (other than the registered holder or a person to whom the direction applies in accordance with paragraph (a)) who is:

(i) in an offshore area for any reason touching, concerning, arising out of, or connected with, a greenhouse gas matter; or

(ii) in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the offshore area for a reason of that kind.

(4) If a direction so expressed is given, the direction is taken to apply to each person included in the specified class mentioned in paragraph (3)(a) or to each person who is in the offshore area as mentioned in paragraph (3)(b), as the case may be.

Note: For notification requirements, see section 581.

Additional matters

(5) A direction under this section has effect, and must be complied with, despite:

(a) any previous direction under this section; and

(b) anything in the regulations or the applied provisions.

Note: For ***applied provisions***, see subsection 80(2).

(6) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without

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modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

(7) To avoid doubt, subsection (6) applies to an instrument, whether issued or made in Australia or outside Australia.

(8) A direction under this section may prohibit the doing of an act or thing:
  (a) unconditionally; or
  (b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.

Directions

(9) If paragraph (3)(b) applies to a direction under this section, the direction is a legislative instrument.

(10) If paragraph (3)(b) does not apply to a direction under this section, the direction is not a legislative instrument.

581 Notification of a direction that has an extended application

Notification

(1) If a direction under section 580 applies to:
  (a) a registered holder; and
  (b) a person referred to in paragraph 580(3)(a);
the registered holder must cause a copy of the notice by which the direction was given to be:
  (c) given to that other person; or
  (d) displayed at a prominent position at a place in the offshore area frequented by that other person.

(2) If a direction under section 580 applies to:
  (a) a registered holder; and
  (b) a person referred to in paragraph 580(3)(b);

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the registered holder must cause a copy of the notice by which the direction was given to be displayed at a prominent position at a place in the offshore area.

(3) If a direction under section 580 applies to:

(a) a registered holder; and

(b) a person referred to in paragraph 580(3)(b);

the responsible Commonwealth Minister may, by written notice given to the registered holder, require the registered holder to cause to be displayed:

(c) at such places in the offshore area; and

(d) in such manner;

as are specified in the notice, copies of the notice by which the direction was given.

Offence

(4) A person commits an offence if:

(a) the person is subject to a requirement under subsection (1), (2) or (3); and

(b) the person omits to do an act; and

(c) the omission breaches the requirement.

Penalty: 50 penalty units.

(5) An offence against subsection (4) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

582 Compliance with directions

Offence

(1) A person commits an offence if:

(a) the person is subject to a direction under section 580; and

(b) the person engages in conduct; and

(c) the person's conduct breaches the direction.

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Penalty: 100 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Defence

(3) If:

(a) a direction under section 580 applies to:

(i) a registered holder; and

(ii) another person; and

(b) the other person is prosecuted for an offence against subsection (1) in relation to a breach of the direction; and

(c) the other person adduces evidence that the other person did not know, and could not reasonably be expected to have known, of the existence of the direction;

the other person is not to be convicted of the offence unless the prosecution proves that the other person knew, or could reasonably be expected to have known, of the existence of the direction.

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Division 3—Responsible Commonwealth Minister may take action if there is a breach of a direction

583 Responsible Commonwealth Minister may take action if there is a breach of a direction

Action by responsible Commonwealth Minister

(1) If:

(a) a person is subject to a direction given by the responsible Commonwealth Minister under:

(i) Chapter 3; or

(ii) this Chapter (other than Part 6.2); or

(iii) Part 8.1; or

(iv) the regulations; and

(b) the person engages in conduct; and

(c) the person's conduct breaches the direction;

the responsible Commonwealth Minister may do any or all of the things required by the direction to be done.

Recovery of costs and expenses incurred by the responsible Commonwealth Minister

(2) Costs or expenses incurred by the responsible Commonwealth Minister under subsection (1) in relation to a direction are:

(a) a debt due to the Commonwealth by the person subject to the direction; and

(b) recoverable in a court of competent jurisdiction.

Exception—direction that has an extended application

(3) If:

(a) a direction under section 580 applies to:

(i) a registered holder; and

(ii) another person; and

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(b) an action under subsection (2) relating to the direction is brought against the other person; and

(c) the other person adduces evidence that the other person did not know, and could not reasonably be expected to have known, of the existence of the direction;

the other person is not liable under subsection (2) unless the plaintiff proves that the other person knew, or could reasonably be expected to have known, of the existence of the direction.

Defence

(4) In an action under subsection (2), it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

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Division 4—Defence of taking reasonable steps to comply with a direction

584 Defence of taking reasonable steps to comply with a direction

In a prosecution for an offence in relation to a breach of a direction given by the responsible Commonwealth Minister under:

(a) Chapter 3; or

(b) this Chapter (other than Part 6.2 or Division 1 of Part 6.4); or

(c) Part 8.1; or

(d) the regulations;

it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

Note: The defendant bears a legal burden in relation to the matter in this section—see section 13.4 of the *Criminal Code*.

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Part 6.4—Restoration of the environment

Division 1—Petroleum

585 Simplified outline

The following is a simplified outline of this Division:

- NOPSEMA may give remedial directions to petroleum titleholders or former petroleum titleholders about the following matters:
  - (a) the removal of property;
  - (b) the plugging or closing off of wells;
  - (c) the conservation and protection of natural resources;
  - (d) the making good of damage to the seabed or subsoil.
- The responsible Commonwealth Minister may give remedial directions to petroleum titleholders or former petroleum titleholders about the following matters:
  - (a) the plugging or closing off of wells;
  - (b) the conservation and protection of natural resources;
  - (c) the making good of damage to the seabed or subsoil.

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- If there is a breach of a remedial direction, NOPSEMA or the responsible Commonwealth Minister may do anything required by the direction to be done.
- If property has not been removed in accordance with a remedial direction, NOPSEMA may direct the owner to remove or dispose of the property.

585A Remedial directions for petroleum—power to issue directions under different provisions

The power to give a direction under a provision of this Division to a person in relation to a matter does not limit the power of NOPSEMA or the responsible Commonwealth Minister to give a direction to the person in relation to the same (or a different) matter under:

(a) another provision of this Division; or

(b) a provision of Part 6.2 (which deals with petroleum directions).

586 Remedial directions to current holders of permits, leases and licences—NOPSEMA

Scope

(1) This section applies to:

(a) a petroleum exploration permit; or

(b) a petroleum retention lease; or

(c) a petroleum production licence; or

(d) an infrastructure licence; or

(e) a pipeline licence.

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Direction to registered holder

(2) NOPSEMA may, by written notice given to the registered holder of the permit, lease or licence, direct the holder to do any or all of the following things on or before the applicable date:

(a) to:

(i) remove, or cause to be removed, from the title area all property brought into that area by any person engaged or concerned in the operations authorised by the permit, lease or licence; or

(ii) make arrangements that are satisfactory to NOPSEMA in relation to that property;

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

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

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

Note 1: For ***applicable date*** and ***title area***, see subsection (6).

Note 2: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

Note 3: A direction under this section has no effect to the extent of any inconsistency with a direction under section 586A: see subsection 586A(9).

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

(3) In attaining a state of satisfaction for the purposes of paragraph (2)(b), NOPSEMA:

(a) in the case of a declared petroleum exploration permit, declared petroleum retention lease or declared petroleum production licence—must have regard; or

(b) otherwise—may have regard;

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to the principle that plugging or closing off wells should be carried out in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.

(4) Paragraph (2)(c) has effect subject to:
(a) Chapter 2; and
(b) this Chapter; and
(c) the regulations.

Applicable date and title area

(6) For the purposes of this section, the table has effect:

Applicable date and title area

Item	In the case of...	the *applicable date* is...	and the *title area* is...
1	a petroleum exploration permit	the expiry date of the permit	the permit area.
2	a petroleum retention lease	the expiry date of the lease	the lease area.
3	a fixed-term petroleum production licence	the expiry date of the licence	the licence area.
4	a petroleum production licence that is not a fixed-term petroleum production licence	the first date on which the licence can be terminated under this Act	the licence area.
5	an infrastructure licence	the first date on which the licence can be terminated under this Act	the licence area.
6	a pipeline licence	the first date on which the licence can be terminated under this Act	the part of the offshore area in which the pipeline is constructed.

(7) A notice under subsection (2) need not identify the applicable date as a particular calendar date.

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586A Remedial directions to current holders of permits, leases and licences—responsible Commonwealth Minister

Scope

(1) This section applies to:
  (a) a petroleum exploration permit; or
  (b) a petroleum retention lease; or
  (c) a petroleum production licence; or
  (d) an infrastructure licence; or
  (e) a pipeline licence.

Direction to registered holder

(2) The responsible Commonwealth Minister may, by written notice given to the registered holder of the permit, lease or licence, direct the holder to do any or all of the following things on or before the applicable date:
  (a) to plug or close off, to the satisfaction of the responsible Commonwealth Minister, all wells made in the title area by any person engaged or concerned in those operations;
  (b) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the title area;
  (c) to make good, to the satisfaction of the responsible Commonwealth Minister, any damage to the seabed or subsoil in the title area caused by any person engaged or concerned in those operations;

  so long as the direction is given for a purpose that relates to:
  (d) resource management; or
  (e) resource security.

Note 1: For ***applicable date*** and ***title area***, see subsection (7).

Note 2: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

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

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(3) In attaining a state of satisfaction for the purposes of paragraph (2)(a), the responsible Commonwealth Minister:

(a) in the case of a declared petroleum exploration permit, declared petroleum retention lease or declared petroleum production licence—must have regard; or

(b) otherwise—may have regard;

to the principle that plugging or closing off wells should be carried out in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.

(4) Paragraph (2)(b) has effect subject to:

(a) Chapter 2; and

(b) this Chapter; and

(c) the regulations.

Applicable date and title area

(7) For the purposes of this section, the table has effect:

Applicable date and title area

Item	In the case of...	the *applicable date* is...	and the *title area* is...
1	a petroleum exploration permit	the expiry date of the permit	the permit area.
2	a petroleum retention lease	the expiry date of the lease	the lease area.
3	a fixed-term petroleum production licence	the expiry date of the licence	the licence area.
4	a petroleum production licence that is not a fixed-term petroleum production licence	the first date on which the licence can be terminated under this Act	the licence area.
5	an infrastructure licence	the first date on which the licence can be terminated under this Act	the licence area.

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Applicable date and title area			
Item	**In the case of...**	**the *applicable date* is...**	**and the *title area* is...**
6	a pipeline licence	the first date on which the licence can be terminated under this Act	the part of the offshore area in which the pipeline is constructed.

(8) A notice under subsection (2) need not identify the applicable date as a particular calendar date.

Inconsistency

(9) If a direction under section 586 is inconsistent with a direction under this section, the direction under section 586 has no effect to the extent of the inconsistency.

587 Remedial directions to former holders of permits, leases, licences and authorities etc.—NOPSEMA

Scope

(1) This section applies if an event specified in the table has happened:

Scope		
Item	**Title**	**Event**
1	Petroleum exploration permit	(a) the permit has been wholly or partly revoked; (b) the permit has been wholly or partly cancelled; (c) the permit has expired.
2	Petroleum retention lease	(a) the lease has been wholly or partly revoked; (b) the lease has been cancelled; (c) the lease has expired.

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Scope		
Item	**Title**	**Event**
3	Petroleum production licence	(a) the licence has been wholly or partly revoked; (b) the licence has been wholly or partly cancelled; (c) the licence has been terminated; (d) the licence has expired.
4	Infrastructure licence	(a) the licence has been cancelled; (b) the licence has been terminated.
5	Pipeline licence	(a) the licence has been wholly or partly cancelled; (b) the licence has been wholly or partly terminated.
6	Petroleum special prospecting authority	(a) the authority has been surrendered; (b) the authority has been cancelled; (c) the authority has expired.
7	Petroleum access authority	(a) the authority has been revoked; (b) the authority has been surrendered; (c) the authority has expired.

Direction

(2) NOPSEMA may, by written notice given to the person who was, or is, as the case may be, the registered holder of the permit, lease, licence or authority, direct the person to do any or all of the following things within the period specified in the notice:

(a) to:

(i) remove, or cause to be removed, from the vacated area all property brought into that area by any person engaged or concerned in the operations authorised by the permit, lease, licence or authority; or

(ii) make arrangements that are satisfactory to NOPSEMA in relation to that property;

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

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

(d) 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 those operations.

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).

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

(3) The period specified in the notice must be reasonable.

(4) In attaining a state of satisfaction for the purposes of paragraph (2)(b), NOPSEMA:

(a) in the case of a declared petroleum exploration permit, declared petroleum retention lease or declared petroleum production licence—must have regard; or

(b) otherwise—may have regard;

to the principle that plugging or closing off wells should be carried out in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.

(5) Paragraph (2)(c) has effect subject to:

(a) Chapter 2; and

(b) this Chapter; and

(c) the regulations.

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587A Remedial directions to former holders of permits, leases, licences and authorities etc.—responsible Commonwealth Minister

Scope

(1) This section applies if an event specified in the table has happened:

Scope		
Item	**Title**	**Event**
1	Petroleum exploration permit	(a) the permit has been wholly or partly revoked; (b) the permit has been wholly or partly cancelled; (c) the permit has expired.
2	Petroleum retention lease	(a) the lease has been wholly or partly revoked; (b) the lease has been cancelled; (c) the lease has expired.
3	Petroleum production licence	(a) the licence has been wholly or partly revoked; (b) the licence has been wholly or partly cancelled; (c) the licence has been terminated; (d) the licence has expired.
4	Infrastructure licence	(a) the licence has been cancelled; (b) the licence has been terminated.
5	Pipeline licence	(a) the licence has been wholly or partly cancelled; (b) the licence has been wholly or partly terminated.
6	Petroleum special prospecting authority	(a) the authority has been surrendered; (b) the authority has been cancelled; (c) the authority has expired.

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Scope		
Item	**Title**	**Event**
7	Petroleum access authority	(a) the authority has been revoked; (b) the authority has been surrendered; (c) the authority has expired.

Direction

(2) The responsible Commonwealth Minister may, by written notice given to the person who was, or is, as the case may be, the registered holder of the permit, lease, licence or authority, direct the person to do any or all of the following things within the period specified in the notice:

(a) to plug or close off, to the satisfaction of the responsible Commonwealth Minister, all wells made in the vacated area by any person engaged or concerned in those operations;

(b) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the vacated area;

(c) to make good, to the satisfaction of the responsible Commonwealth Minister, any damage to the seabed or subsoil in the vacated area caused by any person engaged or concerned in those operations:

so long as the direction is given for the purposes of:

(d) resource management; or

(e) resource security.

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

(3) The period specified in the notice must be reasonable.

(4) In attaining a state of satisfaction for the purposes of paragraph (2)(a), the responsible Commonwealth Minister:

(a) in the case of a declared petroleum exploration permit, declared petroleum retention lease or declared petroleum production licence—must have regard; or

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(b) otherwise—may have regard;

to the principle that plugging or closing off wells should be carried out in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.

(5) Paragraph (2)(b) has effect subject to:
(a) Chapter 2; and
(b) this Chapter; and
(c) the regulations.

Inconsistency

(8) If a direction under section 587 is inconsistent with a direction under this section, the direction under section 587 has no effect to the extent of the inconsistency.

587B Remedial directions—compliance

Basic rule

(1) A person contravenes this subsection if:
(a) the person is subject to a remedial direction; and
(b) the person engages in conduct; and
(c) the person's conduct breaches the direction.

Fault-based offence

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

Penalty: 5 years imprisonment or 2,000 penalty units, or both.

(3) For the purposes of applying Chapter 2 of the *Criminal Code* to the offence in subsection (2), the physical elements of the offence are set out in subsection (1).

Note: Chapter 2 of the *Criminal Code* sets out general principles of criminal responsibility.

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Strict liability offence

(4) A person commits an offence of strict liability if the person contravenes subsection (1).

Penalty: 100 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty provision

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

Civil penalty: 525 penalty units.

Continuing offences and continuing contraventions of civil penalty provisions

(5A) The maximum penalty for each day that an offence under subsection (2) or (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsections (2) and (4) are continuing offences under section 4K of the *Crimes Act 1914*.

(5B) The maximum civil penalty for each day that a contravention of subsection (5) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

Remedial directions

(6) In this section:

remedial direction means a direction under any of the following provisions:

(a) section 586 (petroleum titleholders—NOPSEMA direction);

(b) section 586A (petroleum titleholders—responsible Commonwealth Minister direction);

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(c) section 587 (former petroleum titleholders—NOPSEMA direction);

(d) section 587A (former petroleum titleholders—responsible Commonwealth Minister direction).

Note 1: NOPSEMA may do anything required to be done under a direction under section 587 in the event of a breach of the direction (see section 588).

Note 2: The responsible Commonwealth Minister may do anything required to be done under a direction under section 587A in the event of a breach of the direction (see section 590A).

588 NOPSEMA may take action if a direction has been breached

Scope

(1) This section applies if a direction is given under section 587.

NOPSEMA may take action

(2) If:

(a) a direction under section 587 has been breached in relation to the vacated area; or

(b) an arrangement under section 587 has not been carried out in relation to the vacated area;

NOPSEMA may do any or all of the things required by the direction or arrangement to be done.

Direction to remove property

(3) If any property brought into the vacated area by any person engaged or concerned in the operations authorised by the permit, lease, licence or authority has not been removed in accordance with:

(a) a direction under section 587 in relation to the vacated area; or

(b) an arrangement under section 587 in relation to the vacated area;

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NOPSEMA may, by written notice published in the *Gazette*, direct the owner or owners of that property to:

(c) remove the property from the vacated area; or

(d) dispose of the property to the satisfaction of NOPSEMA;

within the period specified in the notice.

Note: For sanctions, see section 589.

(4) The period specified in the notice must be reasonable.

(5) If a direction is given under subsection (3) in relation to property, NOPSEMA must give a copy of the notice to each person whom NOPSEMA believes to be an owner of the property or of any part of the property.

589 Removal, disposal or sale of property by NOPSEMA—breach of direction

Power to remove, dispose of or sell property

(1) If a direction under subsection 588(3) has been breached in relation to property, NOPSEMA may do any or all of the following things:

(a) remove, in such manner as NOPSEMA thinks fit, any or all of that property from the vacated area concerned;

(b) dispose of, in such manner as NOPSEMA thinks fit, any or all of that property;

(c) if, under subsection 588(5), a person was given a copy of the notice of the direction—sell, by public auction or otherwise, as NOPSEMA thinks fit, any or all of that property that belongs, or that NOPSEMA believes to belong, to that person.

Deduction of costs and expenses etc. from proceeds of sale

(2) NOPSEMA may deduct, from the proceeds of a sale under subsection (1) of property that belongs (or that NOPSEMA believes to belong) to a particular person, the whole or a part of:

(a) any costs and expenses incurred by NOPSEMA under that subsection in relation to that property; and

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(b) any costs and expenses incurred by NOPSEMA in relation to the doing of any thing required by a direction under section 587 to be done by that person; and

(c) any fees or amounts payable by that person under this Act, so long as the fee or amount concerned is due and payable; and

(d) any amounts payable by that person under the Royalty Act, so long as the amount concerned is due and payable; and

(e) any amounts payable by that person under section 10E of the Regulatory Levies Act, so long as the amount concerned is due and payable.

Balance of proceeds of sale to be paid to owner of property

(3) The proceeds of a sale of property under subsection (1), less any deductions under subsection (2), are to be paid to the owner of the property.

Recovery of costs and expenses—removal, disposal or sale of property

(4) If NOPSEMA incurs any costs or expenses under subsection (1) in relation to the removal, disposal or sale of property, the costs or expenses:

(a) are a debt due by the owner of the property to NOPSEMA; and

(b) to the extent to which they are not recovered under subsection (2)—are recoverable in a court of competent jurisdiction.

Recovery of costs and expenses—breach of direction

(5) If NOPSEMA incurs costs or expenses in relation to the doing of anything required by a direction under section 587 to be done by a person who is or was the registered holder of a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence, pipeline licence, petroleum special prospecting authority or petroleum access authority, the costs or expenses:

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(a) are a debt due by the person to NOPSEMA; and
(b) to the extent to which they are not recovered under subsection (2)—are recoverable in a court of competent jurisdiction.

590 Removal, disposal or sale of property—limitation of action etc.

Limitation of action etc.

(1) Except as provided by subsection 589(4) or section 780, no action, suit or proceeding lies in relation to the removal, disposal or sale, or the purported removal, disposal or sale, of property under section 589.

(2) Section 768 does not apply to an act or matter to the extent to which subsection (1) of this section applies to the act or matter.

Judicial review

(3) This section does not affect:
(a) any rights conferred on a person by the *Administrative Decisions (Judicial Review) Act 1977* to apply to a court in relation to:
(i) a decision; or
(ii) conduct engaged in for the purpose of making a decision; or
(iii) a failure to make a decision; or
(b) any other rights that a person has to seek a review by a court or tribunal in relation to:
(i) a decision; or
(ii) conduct engaged in for the purpose of making a decision; or
(iii) a failure to make a decision.

(4) An expression used in subsection (3) has the same meaning as in section 10 of the *Administrative Decisions (Judicial Review) Act 1977*.

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590A Responsible Commonwealth Minister may take action if a direction has been breached

Scope

(1) This section applies if a direction is given under section 587A.

Responsible Commonwealth Minister may take action

(2) If:

(a) a direction under section 587A has been breached in relation to the vacated area; or

(b) an arrangement under section 587A has not been carried out in relation to the vacated area;

the responsible Commonwealth Minister may do any or all of the things required by the direction or arrangement to be done.

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Division 2—Greenhouse gas

591 Simplified outline

The following is a simplified outline of this Division:

- The responsible Commonwealth Minister may give remedial directions to greenhouse gas titleholders or former greenhouse gas titleholders about the following matters:
    - (a) the removal of property;
    - (b) the plugging or closing off of wells;
    - (c) the conservation and protection of natural resources;
    - (d) the making good of damage to the seabed or subsoil.
- The responsible Commonwealth Minister may give site closing directions to greenhouse gas injection licensees.
- If there is a breach of a direction, the responsible Commonwealth Minister may do anything required by the direction to be done.
- If property has not been removed in accordance with a direction, the responsible Commonwealth Minister may direct the owner to remove or dispose of the property.

591A Remedial directions for greenhouse gas—power to issue directions under different provisions

The power to give a direction under a provision of this Division to a person in relation to a matter does not limit the power of the

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responsible Commonwealth Minister to give a direction to the person in relation to the same (or a different) matter under:

(a) another provision of this Division; or

(b) a provision of Part 6.3 (which deals with greenhouse gas directions).

592 Remedial directions to current holders of permits, leases and licences

Scope

(1) This section applies to:

(a) a greenhouse gas assessment permit; or

(b) a greenhouse gas holding lease; or

(c) a greenhouse gas injection licence, if no operations for the injection of a greenhouse gas substance into an identified greenhouse gas storage formation have been carried on under the licence.

Direction to registered holder

(2) The responsible Commonwealth Minister may, by written notice given to the registered holder of the permit, lease or licence, direct the holder to do any or all of the following things on or before the applicable date:

(a) to:

(i) remove, or cause to be removed, from the title area all property brought into that area by any person engaged or concerned in the operations authorised by the permit, lease or licence; or

(ii) make arrangements that are satisfactory to the responsible Commonwealth Minister in relation to that property;

(b) to plug or close off, to the satisfaction of the responsible Commonwealth Minister, all wells made in the title area by any person engaged or concerned in those operations;

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(c) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the title area;

(d) to make good, to the satisfaction of the responsible Commonwealth Minister, any damage to the seabed or subsoil in the title area caused by any person engaged or concerned in those operations.

Note 1: For ***applicable date*** and ***title area***, see subsection (6).

Note 2: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(3) Paragraph (2)(c) has effect subject to:

(a) Chapter 3; and

(b) this Chapter; and

(c) the regulations.

(4) In attaining a state of satisfaction for the purposes of paragraph (2)(b), the responsible Commonwealth Minister must have regard to the principle that plugging or closing off wells should be carried out in a way that minimises damage to the petroleum-bearing qualities of geological formations.

Offence

(5) A person commits an offence if:

(a) the person is subject to a direction under subsection (2); and

(b) the person omits to do an act; and

(c) the omission breaches the direction.

Penalty: 100 penalty units.

(5A) An offence against subsection (5) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Applicable date and title area

(6) For the purposes of this section, the table has effect:

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Applicable date and title area			
Item	**In the case of...**	**the *applicable date* is...**	**and the *title area* is...**
1	a greenhouse gas assessment permit	the expiry date of the permit	the permit area.
2	a greenhouse gas holding lease (other than a special greenhouse gas holding lease)	the expiry date of the lease	the lease area.
3	a special greenhouse gas holding lease	the date determined, in writing, by the responsible Commonwealth Minister	the lease area.
4	a greenhouse gas injection licence	the first date on which the licence can be terminated under this Act	the licence area.

(7) A notice under subsection (2) need not identify the applicable date as a particular calendar date.

593 Site closing directions to current holders of greenhouse gas injection licences

Scope

(1) This section applies if:

(a) an identified greenhouse gas storage formation is specified in a greenhouse gas injection licence; and

(b) operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation have been carried on under the licence; and

(c) the responsible Commonwealth Minister is satisfied that operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation have ceased; and

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(d) any of the following conditions is satisfied:

(i) an application has been made for a site closing certificate in relation to the identified greenhouse gas storage formation;

(ii) the licensee has breached the requirement imposed by subsection 386(4) to make an application for a site closing certificate in relation to the identified greenhouse gas storage formation;

(iii) the licensee has breached a direction under subsection 386(9) to make an application for a site closing certificate in relation to the identified greenhouse gas storage formation.

Direction to registered holder

(2) The responsible Commonwealth Minister may, by written notice given to the registered holder of the licence, direct the holder to do any or all of the following things within the period specified in the notice:

(a) to:

(i) remove, or cause to be removed, from the licence area all property brought into that area by any person engaged or concerned in the operations authorised by the licence; or

(ii) make arrangements that are satisfactory to the responsible Commonwealth Minister in relation to that property;

(b) to plug or close off, to the satisfaction of the responsible Commonwealth Minister, all wells made in the licence area, whether or not those wells were made by a person engaged or concerned in those operations;

(c) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the licence area;

(d) to make good, to the satisfaction of the responsible Commonwealth Minister, any damage to the seabed or

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subsoil in the licence area (whether or not caused by any person engaged or concerned in those operations);

(e) to carry out such operations as are specified in the notice for the monitoring of the behaviour of a greenhouse gas substance stored in the identified greenhouse gas storage formation concerned;

(f) to undertake such activities as are specified in the notice for the purpose of:

(i) eliminating; or

(ii) mitigating; or

(iii) managing; or

(iv) remediating;

the risk that a greenhouse gas substance injected into the identified greenhouse gas storage formation will have a significant adverse impact on:

(v) navigation; or

(vi) fishing; or

(vii) any activities being lawfully carried on, or that could be lawfully carried on, by way of the construction or operation of a pipeline; or

(viii) the enjoyment of native title rights (within the meaning of the *Native Title Act 1993*); or

(ix) the conservation or exploitation of natural resources (whether in an offshore area or elsewhere); or

(x) the geotechnical integrity of the whole or a part of a geological formation or geological structure; or

(xi) the environment; or

(xii) human health or safety;

(g) to undertake such activities as are specified in the notice for the purpose of:

(i) ensuring; or

(ii) increasing the likelihood;

that a greenhouse gas substance injected into the identified greenhouse gas storage formation will behave as predicted in

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Part A of the approved site plan for the identified greenhouse gas storage formation.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(3) The period specified in the notice must be reasonable.

(4) Paragraph (2)(c) has effect subject to:
(a) Chapter 3; and
(b) this Chapter; and
(c) the regulations.

(5) Paragraphs (2)(a), (b), (c), (d) and (e) do not limit paragraph (2)(f) or (g).

(6) In attaining a state of satisfaction for the purposes of paragraph (2)(b), the responsible Commonwealth Minister must have regard to the principle that plugging or closing off wells should be carried out in a way that minimises damage to the petroleum-bearing qualities of geological formations.

(7) A paragraph (2)(f) or (g) direction may require the registered holder of the licence to do something:
(a) in the licence area; or
(b) in an offshore area but outside the licence area.

Offence

(8) A person commits an offence if:
(a) the person is subject to a direction under subsection (2); and
(b) the person omits to do an act; and
(c) the omission breaches the direction.

Penalty: 100 penalty units.

(8A) An offence against subsection (8) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

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Section does not limit other powers

(9) To avoid doubt, the powers conferred on the responsible Commonwealth Minister by this section do not limit the powers conferred on the responsible Commonwealth Minister by any other provision of this Act.

594 Consultation—directions to do something outside the licence area

Scope

(1) This section applies if:

(a) the responsible Commonwealth Minister proposes to give a direction under section 593 to a greenhouse gas injection licensee; and

(b) the direction requires the licensee to do something in an area (the ***action area***) in an offshore area but outside the licence area; and

(c) the action area is, to any extent, the subject of:

(i) a greenhouse gas assessment permit; or

(ii) a greenhouse gas holding lease; or

(iii) a greenhouse gas injection licence; or

(iv) a greenhouse gas search authority; or

(v) a petroleum exploration permit; or

(vi) a petroleum retention lease; or

(vii) a petroleum production licence; or

(viii) a petroleum special prospecting authority; and

(d) the licensee mentioned in paragraph (a) is not the registered holder of the permit, lease, licence or authority mentioned in paragraph (c); and

(e) the registered holder of the permit, lease, licence or authority mentioned in paragraph (c) has not given written consent to the giving of the direction.

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Consultation

(2) Before giving the direction, the responsible Commonwealth Minister must:

(a) by written notice given to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c), give at least 30 days notice of the responsible Commonwealth Minister's intention to give the direction; and

(b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.

(3) The notice must:

(a) set out details of the direction that is proposed to be given; and

(b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and

(c) specify a time limit for making that submission.

(4) In deciding whether to give the direction, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Emergencies

(5) However, if the responsible Commonwealth Minister is satisfied that the direction is required to deal with an emergency:

(a) subsections (2), (3) and (4) do not apply to the direction; and

(b) as soon as practicable after the direction is given, the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c).

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595 Remedial directions to former holders of permits, leases, licences and authorities etc.

Scope

(1) This section applies if an event specified in the table has happened:

Scope		
Item	**Title**	**Event**
1	Greenhouse gas assessment permit	(a) the permit has been cancelled; (b) the permit has expired.
2	Greenhouse gas holding lease (other than a special greenhouse gas holding lease)	(a) the lease has been cancelled; (b) the lease has expired.
3	Special greenhouse gas holding lease	the lease has been cancelled.
4	Greenhouse gas injection licence	(a) the licence has been cancelled; (b) the licence has been terminated.
5	Greenhouse gas search authority	(a) the authority has been surrendered; (b) the authority has been cancelled; (c) the authority has expired.
6	Greenhouse gas special authority	(a) the authority has been revoked; (b) the authority has been surrendered; (c) the authority has expired.

Direction

(2) The responsible Commonwealth Minister may, by written notice given to the person who was, or is, as the case may be, the registered holder of the permit, lease, licence or authority, direct the person to do any or all of the following things within the period specified in the notice:

(a) to:

(i) remove, or cause to be removed, from the vacated area all property brought into that area by any person

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engaged or concerned in the operations authorised by the permit, lease, licence or authority; or

(ii) make arrangements that are satisfactory to the responsible Commonwealth Minister in relation to that property;

(b) to plug or close off, to the satisfaction of the responsible Commonwealth Minister, all wells made in the vacated area by any person engaged or concerned in those operations;

(c) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the vacated area;

(d) to make good, to the satisfaction of the responsible Commonwealth Minister, any damage to the seabed or subsoil in the vacated area caused by any person engaged or concerned in those operations.

(3) The period specified in the notice must be reasonable.

(4) Paragraph (2)(c) has effect subject to:

(a) Chapter 3; and

(b) this Chapter; and

(c) the regulations.

(5) In attaining a state of satisfaction for the purposes of paragraph (2)(b), the responsible Commonwealth Minister must have regard to the principle that plugging or closing off wells should be carried out in a way that minimises damage to the petroleum-bearing qualities of geological formations.

Offence

(6) A person commits an offence if:

(a) the person is subject to a direction under subsection (2); and

(b) the person omits to do an act; and

(c) the omission breaches the direction.

Penalty: 100 penalty units.

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(7) An offence against subsection (6) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

596 Responsible Commonwealth Minister may take action if a direction has been breached

Scope

(1) This section applies if a direction is given under section 593 or 595.

Responsible Commonwealth Minister may take action

(2) If:

(a) a direction under section 593 has been breached; or

(b) an arrangement under section 593 has not been carried out in relation to the licence area; or

(c) a direction under section 595 has been breached in relation to the vacated area; or

(d) an arrangement under section 595 has not been carried out in relation to the vacated area;

the responsible Commonwealth Minister may do any or all of the things required by the direction or arrangement to be done.

Direction to remove property

(3) If:

(a) a direction is given under section 593; and

(b) any property brought into the licence area by any person engaged or concerned in the operations authorised by the licence has not been removed in accordance with:

(i) the direction; or

(ii) an arrangement under section 593 in relation to the licence area;

the responsible Commonwealth Minister may, by written notice published in the *Gazette*, direct the owner or owners of that property to:

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(c) remove the property from the licence area; or

(d) dispose of the property to the satisfaction of the responsible Commonwealth Minister;

within the period specified in the notice.

Note: For sanctions, see section 597.

(4) If:

(a) a direction is given under section 595; and

(b) any property brought into the vacated area by any person engaged or concerned in the operations authorised by the permit, lease, licence or authority has not been removed in accordance with:

(i) a direction under section 595 in relation to the vacated area; or

(ii) an arrangement under section 595 in relation to the vacated area;

the responsible Commonwealth Minister may, by written notice published in the *Gazette*, direct the owner or owners of that property to:

(c) remove the property from the vacated area; or

(d) dispose of the property to the satisfaction of the responsible Commonwealth Minister;

within the period specified in the notice.

Note: For sanctions, see section 597.

(5) The period specified in the notice must be reasonable.

(6) If a direction is given under subsection (3) or (4) in relation to property, the responsible Commonwealth Minister must give a copy of the notice to each person whom the responsible Commonwealth Minister believes to be an owner of the property or of any part of the property.

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597 Removal, disposal or sale of property by responsible Commonwealth Minister—breach of direction

Power to remove, dispose of or sell property

(1) If a direction under subsection 596(3) or (4) has been breached in relation to property, the responsible Commonwealth Minister may do any or all of the following things:

(a) in the case of a direction under subsection 596(3)—remove, in such manner as the responsible Commonwealth Minister thinks fit, any or all of that property from the licence area concerned;

(b) in the case of a direction under subsection 596(4)—remove, in such manner as the responsible Commonwealth Minister thinks fit, any or all of that property from the vacated area concerned;

(c) dispose of, in such manner as the responsible Commonwealth Minister thinks fit, any or all of that property;

(d) if, under subsection 596(6), a person was given a copy of the notice of the direction—sell, by public auction or otherwise, as the responsible Commonwealth Minister thinks fit, any or all of that property that belongs, or that the responsible Commonwealth Minister believes to belong, to that person.

Deduction of costs and expenses etc. from proceeds of sale

(2) The responsible Commonwealth Minister may deduct, from the proceeds of a sale under subsection (1) of property that belongs (or that the responsible Commonwealth Minister believes to belong) to a particular person, the whole or a part of:

(a) any costs and expenses incurred by the responsible Commonwealth Minister under that subsection in relation to that property; and

(b) any costs and expenses incurred by the responsible Commonwealth Minister in relation to the doing of any thing required by a direction under section 593 or 595 to be done by that person; and

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(c) any fees or amounts payable by that person under this Act, so long as the fee or amount concerned is due and payable; and

(d) any amounts payable by that person under section 10E of the Regulatory Levies Act, so long as the amount concerned is due and payable.

Balance of proceeds of sale to be paid to owner of property

(3) The proceeds of a sale of property under subsection (1), less any deductions under subsection (2), are to be paid to the owner of the property.

Recovery of costs and expenses—removal, disposal or sale of property

(4) If the responsible Commonwealth Minister incurs any costs or expenses under subsection (1) in relation to the removal, disposal or sale of property, the costs or expenses:

(a) are a debt due by the owner of the property to the Commonwealth; and

(b) to the extent to which they are not recovered under subsection (2)—are recoverable in a court of competent jurisdiction.

Recovery of costs and expenses—breach of direction

(5) If the responsible Commonwealth Minister incurs costs or expenses in relation to the doing of anything required by a direction under section 593 or 595 to be done by a person who is or was the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority, the costs or expenses:

(a) are a debt due by the person to the Commonwealth; and

(b) to the extent to which they are not recovered under subsection (2)—are recoverable in a court of competent jurisdiction.

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598 Removal, disposal or sale of property—limitation of action etc.

Limitation of action etc.

(1) Except as provided by subsection 597(4) or section 780, no action, suit or proceeding lies in relation to the removal, disposal or sale, or the purported removal, disposal or sale, of property under section 597.

(2) Section 768 does not apply to an act or matter to the extent to which subsection (1) of this section applies to the act or matter.

Judicial review

(3) This section does not affect:
  (a) any rights conferred on a person by the *Administrative Decisions (Judicial Review) Act 1977* to apply to a court in relation to:
    (i) a decision; or
    (ii) conduct engaged in for the purpose of making a decision; or
    (iii) a failure to make a decision; or
  (b) any other rights that a person has to seek a review by a court or tribunal in relation to:
    (i) a decision; or
    (ii) conduct engaged in for the purpose of making a decision; or
    (iii) a failure to make a decision.

(4) An expression used in subsection (3) has the same meaning as in section 10 of the *Administrative Decisions (Judicial Review) Act 1977*.

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Part 6.5—Compliance and enforcement

Division 1—Petroleum

599 Simplified outline

The following is a simplified outline of this Division:

- The CEO may appoint inspectors (called ***NOPSEMA inspectors***). The NOPSEMA inspectors may exercise powers of entry, monitoring and investigation for the purposes of this Act.
- The exercise of some of these powers is provided for under Parts 2 and 3 of the Regulatory Powers Act. Those Parts of that Act are applied by this Division with suitable modifications.
- A person must not interfere with offshore petroleum installations or operations.
- A court may make a forfeiture order in relation to property used in the commission of an offence.

600 Definitions—this Division

In this Division:

CEO means the Chief Executive Officer of NOPSEMA.

evidential material has the same meaning as in the Regulatory Powers Act.

facility has the same meaning as in Schedule 3.

function includes duty.

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listed NOPSEMA law: see section 601.

operator of a facility has the same meaning as in Schedule 3.

petroleum title means:

(a) a petroleum exploration permit; or
(b) a petroleum retention lease; or
(c) a petroleum production licence; or
(d) an infrastructure licence; or
(e) a pipeline licence; or
(f) a petroleum special prospecting authority; or
(g) a petroleum access authority; or
(h) a petroleum scientific investigation consent.

this Act includes a legislative instrument under this Act.

601 Meaning of *listed NOPSEMA law*

(1) For the purposes of this Act, the provisions listed in the following table are the ***listed NOPSEMA laws***, to the extent provided in the column headed "Provisions":

Listed NOPSEMA laws

Item	Provisions	Topic
1	Chapter 2	Regulation of activities related to petroleum
2	Chapter 4	Registration of transfers of, and dealings in, petroleum titles
3	Sections 568 and 569	Works and operations obligations of petroleum titleholders
4	Sections 571 and 572, to the extent that the sections apply in relation to petroleum titles	Insurance and property obligations of petroleum titleholders
5	Part 6.2	Directions relating to petroleum
6	Division 1 of Part 6.4	Remedial directions for petroleum titleholders

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Listed NOPSEMA laws		
Item	**Provisions**	**Topic**
7	Division 1 of Part 6.5	Compliance and enforcement—listed NOPSEMA laws
8	Part 6.6	Safety zones and the area to be avoided
9	Part 6.7, to the extent that the Part applies in relation to petroleum titles	Collection of fees and royalties payable to the Titles Administrator or the Commonwealth
10	Division 8 of Part 6.9	Collection of fees and levies payable to NOPSEMA
11	Division 4 of Part 6.10, to the extent that the Division applies in relation to petroleum titles	Collection of fees and levies payable to the Titles Administrator
12	Chapter 7	Information relating to petroleum
13	Schedule 2A	Petroleum environmental laws: additional NOPSEMA inspection powers
14	Schedule 3	Occupational health and safety (applying to offshore petroleum operations and offshore greenhouse gas storage operations)
15	The provisions of the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*	Safety regulation (applying to offshore petroleum operations and offshore greenhouse gas storage operations)
16	The provisions of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*, to the extent that the regulations apply in relation to petroleum titles	Environment regulation
17	The provisions of Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration)*	Structural integrity of petroleum wells and well operations

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Listed NOPSEMA laws		
Item	**Provisions**	**Topic**
	Regulations 2011, to the extent that the Part applies in relation to petroleum titles	
18	The provisions of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* (apart from Part 5), to the extent that the regulations apply in relation to petroleum titles	Resource management and administration
19	A provision of a legislative instrument under this Act, if (and to the extent that) it is prescribed by regulation for the purposes of this section	As stated in the regulation

(2) A ***listed NOPSEMA law*** includes a requirement made under a provision listed in the table in subsection (1).

602 NOPSEMA inspectors—appointment

Appointment generally

(1) The CEO may, in writing, appoint as NOPSEMA inspectors any of the following:
  (a) a member of the staff of NOPSEMA;
  (b) an employee of the Commonwealth or of a Commonwealth authority;
  (c) an employee of a State or of the Northern Territory, or of an authority of a State or of the Northern Territory.

(2) Despite subsection (1), the CEO may appoint as NOPSEMA inspectors persons who are not covered by paragraph (1)(a), (b) or (c), if the appointment is for a period, and for the performance of functions, stated in the instrument of appointment.

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(3) The CEO must not appoint a person as a NOPSEMA inspector unless the CEO is satisfied that the person has suitable training or experience to properly exercise the powers of a NOPSEMA inspector (subject to any limitations as to powers or functions stated in an instrument under subsection (2) or a direction under 602A).

Identity cards

(4) An identity card issued to a NOPSEMA inspector under the Regulatory Powers Act must:

(a) state that the inspector is a NOPSEMA inspector for the purposes of this Act; and

(b) if the inspector is appointed subject to any limitations as to powers or functions stated in the instrument of appointment under subsection (2)—state that limitation; and

(c) if the appointment is in relation to the Eastern Greater Sunrise offshore area—identify the inspector as a Greater Sunrise visiting inspector.

Powers etc. given by State or Territory PSLA

(5) In addition to the powers and functions given for the purposes of this Act, a NOPSEMA inspector has all the powers and functions that are given by or under a State PSLA or the Territory PSLA.

602A NOPSEMA inspectors—directions by CEO

Directions etc. by the CEO

(1) The CEO may give written directions stating conditions subject to which a NOPSEMA inspector's powers may be exercised for the purposes of this Act. If the CEO does so, the inspector's powers must be exercised in accordance with those directions.

(2) The CEO may, by written notice, impose conditions (not inconsistent with any directions under subsection (1)) on the exercise of powers, or the performance of functions, by a particular NOPSEMA inspector for the purposes of this Act. If the CEO does

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so, the inspector's powers and functions are to be exercised or performed subject to those conditions.

Status of directions and notices as legislative instruments

(3) If a direction under subsection (1) is of general application, the direction is a legislative instrument.

(4) If a direction under subsection (1) is not of general application, the direction is not a legislative instrument.

(5) A notice under subsection (2) is not a legislative instrument.

602B NOPSEMA inspectors—reimbursement for exercise of powers relating to the Titles Administrator

Scope

(1) This section applies if a NOPSEMA inspector:
  (a) engages in activities that are preparatory to the exercise, or the possible exercise, of a power for a purpose that relates to the powers or functions of the Titles Administrator; or
  (b) exercises a power for a purpose that relates to the powers or functions of the Titles Administrator.

Reimbursement

(2) NOPSEMA and the Titles Administrator may, with the agreement of the responsible Commonwealth Minister, make a written determination that provides that an amount worked out in accordance with the determination is, on a day worked out in accordance with the determination, to be debited from the National Offshore Petroleum Titles Administrator Special Account.

Note: The Commonwealth must pay a corresponding amount to NOPSEMA (see paragraph 682(1)(b)).

(3) The Titles Administrator must publish a determination under subsection (2) on the Department's website.

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

602C Listed NOPSEMA laws—monitoring powers (general)

Provisions subject to monitoring

(1) The listed NOPSEMA laws are ***subject to monitoring*** under Part 2 of the Regulatory Powers Act.

Note 1: Part 2 of the Regulatory Powers Act creates a framework for monitoring whether the listed NOPSEMA laws have been complied with. It includes powers of entry, search and inspection.

Note 2: For the ***listed NOPSEMA laws***, see section 601.

Information subject to monitoring

(2) Information given in compliance or purported compliance with one or more of the listed NOPSEMA laws is ***subject to monitoring*** under Part 2 of the Regulatory Powers Act.

Note: Part 2 of the Regulatory Powers Act creates a framework for monitoring whether the information is correct. It includes powers of entry, search and inspection.

Related provisions

(3) For the purposes of Part 2 of the Regulatory Powers Act, each of the following is ***related*** to the listed NOPSEMA laws and the information mentioned in subsection (2):

(a) a provision for an offence against this Act;

(b) a civil penalty provision under this Act;

(c) a provision for an offence against the *Crimes Act 1914* or the *Criminal Code* that relates to this Act.

Authorised applicant

(4) For the purposes of Part 2 of the Regulatory Powers Act, a NOPSEMA inspector is an ***authorised applicant*** in relation to both of the following:

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(a) the listed NOPSEMA laws;
(b) the information mentioned in subsection (2).

Authorised person

(5) For the purposes of Part 2 of the Regulatory Powers Act, a NOPSEMA inspector is an ***authorised person*** in relation to both of the following:
(a) the listed NOPSEMA laws;
(b) the information mentioned in subsection (2).

Issuing officer

(6) For the purposes of Part 2 of the Regulatory Powers Act, a magistrate, or a Judge of the Federal Circuit Court, is an ***issuing officer*** in relation to both of the following:
(a) the listed NOPSEMA laws;
(b) the information mentioned in subsection (2).

Relevant chief executive

(7) For the purposes of Part 2 of the Regulatory Powers Act, the CEO is the ***relevant chief executive*** in relation to both of the following:
(a) the listed NOPSEMA laws;
(b) the information mentioned in subsection (2).

Relevant court

(8) For the purposes of Part 2 of the Regulatory Powers Act, each of the following courts is a ***relevant court*** in relation to the listed NOPSEMA laws and the information mentioned in subsection (2):
(a) the Federal Court;
(b) the Federal Circuit Court;
(c) the Supreme Court of a State or Territory.

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Person assisting

(9) For the purposes of Part 2 of the Regulatory Powers Act, a NOPSEMA inspector may be assisted by a member (or members) of the staff of NOPSEMA in exercising powers or performing functions in relation to both of the following:
  (a) the listed NOPSEMA laws;
  (b) the information mentioned in subsection (2).

Extension to offshore areas

(10) Part 2 of the Regulatory Powers Act extends to each offshore area, in the application of that Part in relation to both of the following:
  (a) the listed NOPSEMA laws;
  (b) the information mentioned in subsection (2).

Note: Under Schedule 3 to this Act, NOPSEMA inspectors may exercise additional powers, and perform additional functions, for the purpose of monitoring listed OHS laws, environmental management laws and structural integrity laws.

602D Listed NOPSEMA laws—investigation powers (general)

*Offences and civil penalty provisions that are **subject to investigation***

(1) The following are ***subject to investigation*** under Part 3 of the Regulatory Powers Act:
  (a) an offence against a listed NOPSEMA law;
  (b) a civil penalty provision that is a listed NOPSEMA law;
  (c) an offence against the *Crimes Act 1914* or the *Criminal Code* that relates to an offence against a listed NOPSEMA law.

Note 1: Part 3 of the Regulatory Powers Act creates a framework for investigating whether offences or civil penalty provisions that are subject to investigation have been committed or contravened. It includes powers of entry, search, inspection and seizure.

Note 2: For the ***listed NOPSEMA laws***, see section 601.

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Related provisions

(2) For the purposes of Part 3 of the Regulatory Powers Act, each of the following is ***related*** to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1):

(a) a provision for an offence against this Act;

(b) a civil penalty provision under this Act;

(c) a provision for an offence against the *Crimes Act 1914* or the *Criminal Code* that relates to this Act.

Authorised applicant

(3) For the purposes of Part 3 of the Regulatory Powers Act, a NOPSEMA inspector is an ***authorised applicant*** in relation to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1).

Authorised person

(4) For the purposes of Part 3 of the Regulatory Powers Act, a NOPSEMA inspector is an ***authorised person*** in relation to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1).

Issuing officer

(5) For the purposes of Part 3 of the Regulatory Powers Act, a magistrate, or a Judge of the Federal Circuit Court, is an ***issuing officer*** in relation to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1).

Relevant chief executive

(6) For the purposes of Part 3 of the Regulatory Powers Act, the CEO is the ***relevant chief executive*** in relation to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1).

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Relevant court

(7) For the purposes of Part 3 of the Regulatory Powers Act, each of the following courts is a ***relevant court*** in relation to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1):
  (a) the Federal Court;
  (b) the Federal Circuit Court;
  (c) the Supreme Court of a State or Territory.

Person assisting

(8) For the purposes of Part 3 of the Regulatory Powers Act, a NOPSEMA inspector may be assisted by a member (or members) of the staff of NOPSEMA in exercising powers or performing functions in relation to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1).

Use of force in executing a warrant

(9) In executing an investigation warrant:
  (a) an authorised person may use such force against things as is necessary and reasonable in the circumstances; and
  (b) a person assisting the authorised person may use such force against things as is necessary and reasonable in the circumstances.

Extension to offshore areas

(10) Part 3 of the Regulatory Powers Act, as it applies in relation to an offence or civil penalty provision mentioned in subsection (1), extends to each offshore area.

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602E Listed NOPSEMA laws—additional powers

Additional powers

(1) A NOPSEMA inspector may exercise the powers covered by subsection (2) after entering premises under Part 3 of the Regulatory Powers Act (as it applies under this Division).

Powers that may be exercised

(2) The powers covered by this subsection are as follows:

(a) if the inspector's entry is in connection with a listed NOPSEMA law that is a petroleum environmental law—the power in relation to the premises that the inspector would have, if the inspector had entered the premises for the purposes of a petroleum environmental inspection under Schedule 2A, to issue any of the following:

(i) an environmental do not disturb notice under clause 10 of Schedule 2A;

(ii) an environmental prohibition notice under clause 11A of Schedule 2A;

(iii) an environmental improvement notice under clause 11C of Schedule 2A;

(b) if the inspector's entry is in connection with a listed NOPSEMA law that is a listed OHS law—the powers in relation to the premises that the inspector would have, if the inspector had entered the premises for the purposes of an OHS inspection under Schedule 3, to issue any of the following:

(i) an OHS do not disturb notice under clause 76 of Schedule 3;

(ii) an OHS prohibition notice under clause 77 of Schedule 3;

(iii) an OHS improvement notice under clause 78 of Schedule 3.

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Application of Schedule 2A and Schedule 3

(3) Schedule 2A applies in relation to the exercise (as provided by this section) of a power covered by paragraph (2)(a) as if the inspector were conducting a petroleum environmental inspection under that Schedule.

(4) Schedule 3 applies in relation to the exercise (as provided by this section) of a power covered by paragraph (2)(b) as if the inspector were conducting an OHS inspection under that Schedule.

602F Listed NOPSEMA laws—monitoring and investigation powers (special provisions)

Scope

(1) This section provides for extended or alternative meanings of terms used in Part 2 or 3 of the Regulatory Powers Act in the application of that Part under this Division.

Premises

(2) In that application (and without limiting its meaning under that Act) ***premises*** includes any vessel, structure or other thing located in an offshore area that is used, or that has been used, for the purposes of either of the following (within the meaning of Part 6.9):

(a) offshore petroleum operations;

(b) offshore greenhouse gas storage operations.

Examples of ***premises***:

(a) a facility (within the meaning of Schedule 3); and

(b) an infrastructure facility (see section 15); and

(c) a petroleum pipeline.

Occupiers of premises located offshore

(3) In that application, but only in relation to the exercise of powers by a NOPSEMA inspector at premises that are located in an offshore area, ***occupier*** means:

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(a) in the case of the exercise of powers at a facility in relation to a listed NOPSEMA law that is a listed OHS law—the operator's representative at the facility (within the meaning of Schedule 3); or

(b) if paragraph (a) does not apply, and the premises are a vessel under the command or charge of a master—the master; or

(c) if paragraphs (a) and (b) do not apply, and the powers are exercised in relation to any listed NOPSEMA law that is a petroleum environmental law—the titleholder's representative (if any) at the premises; or

(d) if there is no occupier at the premises as provided under paragraph (a), (b) or (c)—the person at the premises who appears to be in overall control of the premises.

Note: In the case of premises that are not located in an offshore area, ***occupier*** would have its ordinary meaning as applied under the Regulatory Powers Act.

602G Listed NOPSEMA laws—monitoring and investigation powers (reasonable facilities and assistance)

Scope

(1) This section applies if any powers are to be exercised by a NOPSEMA inspector under the Regulatory Powers Act as it applies under this Division in relation to premises that are located in an offshore area.

Note: For the meaning of ***premises*** in this context, see section 602F.

Reasonable facilities and assistance

(2) For the purposes of the application of section 31 or 63 of the Regulatory Powers Act under this Division, in addition to any facilities or assistance that must otherwise be provided under those sections in that application, the responsible person must provide:

(a) appropriate transport to or from the premises for the following:

(i) the NOPSEMA inspector;

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(ii) any person assisting the inspector (within the meaning of section 23 or 53 of the Regulatory Powers Act as that section applies under this Division);

(iii) any equipment required by the inspector;

(iv) any thing of which the inspector has taken possession; and

(b) reasonable accommodation and means of subsistence for the inspector, and any such person assisting the inspector, while the inspector is at the premises.

Note: A NOPSEMA inspector may be assisted by a member of staff of NOPSEMA (see sections 602C and 602D). Any such assistance must be necessary and reasonable (see sections 23 and 53 of the Regulatory Powers Act).

(3) In this section:

responsible person means:

(a) if the powers are to be exercised in relation to a facility—the operator of the facility; or

(b) in any other case—the registered holder of a petroleum title in relation to which the powers are to be exercised.

602H Listed NOPSEMA laws—monitoring and investigation powers (Greater Sunrise visiting inspectors)

(1) For the purposes of this Act, a Greater Sunrise visiting inspector who produces, at a reasonable time, the inspector's identity card:

(a) is to be given access to the regions in the following areas:

(i) the Eastern Greater Sunrise offshore area;

(ii) the Principal Northern Territory offshore area; and

(b) is to be given access to any structure, vessel, aircraft or building in that region that, in that inspector's opinion, contains any equipment used to measure amounts of petroleum recovered from one or more of the Greater Sunrise unit reservoirs; and

(c) may inspect and test any equipment that, in that inspector's opinion, is being used in that region to measure amounts of

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petroleum recovered from one or more of the Greater Sunrise unit reservoirs.

Note: A ***Greater Sunrise visiting inspector*** is a NOPSEMA inspector whose identity card identifies the inspector as such (see subsection 602(4)).

(2) A Greater Sunrise visiting inspector must not, in his or her capacity as such, exercise any other powers of a NOPSEMA inspector under the Regulatory Powers Act (as applied by this Division), or otherwise under this Act.

602J Petroleum environmental laws—additional powers

NOPSEMA and NOPSEMA inspectors have the powers and functions given by Schedule 2A in relation to the petroleum environmental laws.

602K NOPSEMA inspections—titleholder's representative

Scope

(1) This section applies in relation to an inspection by a NOPSEMA inspector at offshore premises that is wholly or partly in relation to a titleholder's compliance with the titleholder's obligations.

*Meaning of **titleholder's representative***

(2) For the purposes of this Act, a ***titleholder's representative*** is a person nominated by the titleholder under this section who is present at the offshore premises in compliance with a requirement imposed on the titleholder by paragraph (5)(b).

Nomination of titleholder representative

(3) For the purposes of an inspection, a NOPSEMA inspector may, by written notice to the titleholder, require the titleholder to nominate a representative to be present at offshore premises at the time stated in the notice.

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(4) Subsection (3) does not imply that, if the titleholder is an individual, the nominated representative of the titleholder may not be that individual.

(5) The titleholder must:

(a) by written notice to the NOPSEMA inspector, nominate a representative as required by the notice under subsection (3); and

(b) take all reasonably practicable steps to ensure that the nominated representative is present at the offshore premises at the time stated in the notice, and remains at the offshore premises after the stated time until no longer required for the purposes of the inspection.

Offence

(6) A person commits an offence of strict liability if:

(a) the person is subject to a requirement under subsection (5); and

(b) the person omits to do an act; and

(c) the omission breaches the requirement.

Penalty: 50 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty

(7) A person who is subject to a requirement under subsection (5) must comply with the requirement.

Civil penalty: 135 penalty units.

Definitions

(8) In this section:

greenhouse gas title means:

(a) a greenhouse gas assessment permit; or

(b) a greenhouse gas holding lease; or

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(c) a greenhouse gas injection licence.

inspection means:

(a) an inspection under Part 2 or 3 of the Regulatory Powers Act, as applied by this Division; or

(b) a petroleum environmental inspection under Schedule 2A; or

(c) an OHS inspection under Part 4 of Schedule 3.

offshore premises means:

(a) a facility; or

(b) offshore petroleum premises within the meaning of Schedule 2A (which deals with inspections concerning petroleum environmental laws).

petroleum title: see section 600.

titleholder means the registered holder of:

(a) a petroleum title; or

(b) a greenhouse gas title.

titleholder's obligations means the obligations of a titleholder to comply with:

(a) for an inspection under Part 2 or 3 of the Regulatory Powers Act, as applied by this Division—a listed NOPSEMA law; or

(b) for a petroleum environmental inspection under Schedule 2A—a petroleum environmental law; or

(c) for an OHS inspection under Part 4 of Schedule 3:

(i) clause 13A of Schedule 3 (petroleum titleholder duty of care); or

(ii) Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, to the extent that the Part relates to petroleum titles; or

(iii) clause 13B of Schedule 3 (greenhouse gas titleholder duty of care).

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602L Listed NOPSEMA laws—monitoring and investigation powers (relationship with other powers)

The exercise or performance by a NOPSEMA inspector (or any other person) of a power or function under Part 2 or 3 of the Regulatory Powers Act, as it applies under this Division:

(a) does not prevent the inspector (or other person) from exercising or performing a power or function under any provision of this Act; and

(b) is not prevented by the exercise or performance by a NOPSEMA inspector (or any other person) of a power or function under any provision of this Act.

Note: NOPSEMA inspectors may also exercise other powers under this Act. For example:

(a) under section 602J and Schedule 2A, in relation to provisions of this Act that are petroleum environmental laws; and

(b) under Part 6.8 and Schedule 3, in relation to provisions of this Act that are listed OHS laws.

603 Interfering with offshore petroleum installations or operations

(1) A person commits an offence if:

(a) the person engages in conduct; and

(b) the person's conduct results in:

(i) damage to, or interference with, any structure or vessel that is in an offshore area and that is, or is to be, used in exploring for, recovering, processing, storing, preparing for transport, or transporting, petroleum; or

(ii) damage to, or interference with, any equipment on, or attached to, such a structure or vessel; or

(iii) interference with any operations or activities being carried out, or any works being executed, on, by means of, or in connection with, such a structure or vessel.

Penalty: Imprisonment for 10 years.

(2) In this section:

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structure means any fixed, moveable or floating structure or installation, and includes a petroleum pipeline, petroleum pumping station, petroleum tank station or petroleum valve station.

604 Forfeiture orders etc.

Scope

(1) This section applies if a person is convicted by a court of:
  (a) an offence against section 97, 160, 193 or 210; or
  (b) an offence against section 6 of the *Crimes Act 1914* in relation to an offence referred to in paragraph (a) of this subsection.

Note: For ancillary offences, see section 11.6 of the *Criminal Code*.

Orders

(2) The court may, in addition to imposing a penalty, make any or all of the following orders:
  (a) an order for the forfeiture of a specified aircraft or vessel used in the commission of the offence;
  (b) an order for the forfeiture of specified equipment used in the commission of the offence;
  (c) an order for the forfeiture of specified petroleum recovered, or conveyed through a pipeline, as the case may be, in the course of the commission of the offence;
  (d) an order for the payment by that person to the Commonwealth of an amount equal to the proceeds of the sale of specified petroleum so recovered or conveyed;
  (e) an order for the payment by that person to the Commonwealth of:
    (i) an amount equal to the value at the wellhead, assessed by the court, of the quantity, so assessed, of petroleum so recovered or conveyed; or
    (ii) such part of that amount as the court, having regard to all the circumstances, thinks fit.

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(3) If the court is satisfied that an order under paragraph (2)(c) cannot, for any reason, be enforced, the court may, on the application of the person by whom the proceedings were brought:
  (a) set aside the order; and
  (b) make either of the orders referred to in paragraphs (2)(d) and (e).

(4) The court may, before making an order under this section:
  (a) require notice to be given to such persons as the court thinks fit; and
  (b) hear such persons as the court thinks fit.

(5) Goods in relation to which an order is made under this section:
  (a) must be dealt with as the Minister administering the *Australian Federal Police Act 1979* directs; and
  (b) pending that Minister's direction, may be detained in such custody as the court directs.

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Division 2—Greenhouse gas

605 Simplified outline

The following is a simplified outline of this Division:

- The responsible Commonwealth Minister may appoint greenhouse gas project inspectors, and the greenhouse gas project inspectors may exercise powers of access, inspection and entry for the purposes of this Act and the regulations.
- A person must not interfere with greenhouse gas installations or operations.
- A court may make a forfeiture order in relation to property used in the commission of an offence.

606 Appointment of greenhouse gas project inspectors

Appointment

(1) The responsible Commonwealth Minister may, by writing, appoint a person to be a greenhouse gas project inspector if:
  (a) the person is an officer, or employee, of:
    (i) the Commonwealth, a State or a Territory; or
    (ii) an authority of the Commonwealth, a State or a Territory; or
  (b) the person is not covered by paragraph (a), but the responsible Commonwealth Minister is satisfied that the person has the knowledge, skills and experience to be a greenhouse gas project inspector.

Identity cards

(2) The responsible Commonwealth Minister must issue an identity card to a greenhouse gas project inspector. The identity card must

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contain a recent photograph of the greenhouse gas project inspector.

(3) A person commits an offence if:

(a) the person has been issued with an identity card; and

(b) the person ceases to be a greenhouse gas project inspector; and

(c) the person does not immediately return the identity card to:

(i) the responsible Commonwealth Minister; or

(ii) if the responsible Commonwealth Minister, by written notice given to the person, specifies another person to whom the card is to be returned—that other person.

Penalty: 5 penalty units.

(4) Subsection (3) does not apply if the identity card was lost or destroyed.

Note: The defendant bears an evidential burden in relation to the matter in subsection (4)—see subsection 13.3(3) of the *Criminal Code*.

(5) A greenhouse gas project inspector must carry the identity card at all times when exercising powers, or performing functions, under this Act or the regulations as a greenhouse gas project inspector.

607 Monitoring powers of greenhouse gas project inspectors

Powers

(1) For the purposes of this Act and the regulations, a greenhouse gas project inspector may, at all reasonable times and on production of the greenhouse gas project inspector's identity card, exercise the powers conferred by subsection (2).

(2) The powers a greenhouse gas project inspector may exercise under this section are as follows:

(a) to have access to any part of an offshore area;

(b) to have access to any structure, vessel, aircraft or building in an offshore area that the greenhouse gas project inspector has

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reasonable grounds to believe has been, is being or is to be used in connection with any of the following operations in an offshore area:

(i) operations relating to exploration for a potential greenhouse gas storage formation or a potential greenhouse gas injection site;

(ii) operations relating to the injection of a greenhouse gas substance into the seabed or subsoil;

(iii) operations relating to the storage of a greenhouse gas substance in the seabed or subsoil;

(iv) operations relating to the processing, compression or pre-injection storage of a greenhouse gas substance;

(v) operations relating to the preparation of a greenhouse gas substance for transport;

(c) to inspect and test any equipment that the greenhouse gas project inspector has reasonable grounds to believe has been, is being or is to be used in an offshore area in connection with any of those operations;

(d) to enter any structure, vessel, aircraft, building or place that is in:

(i) an offshore area; or

(ii) a State or Territory;

and in which the greenhouse gas project inspector has reasonable grounds to believe there are any documents relating to any of those operations, and to inspect, take extracts from and make copies of any of those documents.

Residential premises

(3) A greenhouse gas project inspector may exercise powers under paragraph (2)(d) to enter residential premises in a State or Territory only:

(a) in accordance with a warrant issued under section 608; or

(b) after obtaining the consent of the occupier of the premises.

(4) If:

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(a) a greenhouse gas project inspector enters residential premises in accordance with a warrant issued under section 608; and

(b) the occupier of the premises is present at the premises;

the greenhouse gas project inspector must make available to the occupier a copy of the warrant or a copy of the form of the warrant.

(5) Before obtaining the consent of a person as mentioned in paragraph (3)(b), a greenhouse gas project inspector must inform the person that the person may refuse consent.

(6) A consent of a person is not effective for the purposes of subsection (3) unless the consent is voluntary.

Facilities and assistance to be provided by occupier or person in charge

(7) A person who is:

(a) the occupier or person in charge of any building, structure or place referred to in subsection (2); or

(b) the person in charge of any vessel, aircraft or equipment referred to in subsection (2);

must provide a greenhouse gas project inspector with all reasonable facilities and assistance for the effective exercise of the greenhouse gas project inspector's powers under this section.

(8) A person commits an offence if:

(a) the person is subject to a requirement under subsection (7); and

(b) the person omits to do an act; and

(c) the omission breaches the requirement.

Penalty: 50 penalty units.

Obstructing or hindering a greenhouse gas project inspector

(9) A person commits an offence if:

(a) the person engages in conduct; and

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(b) the conduct obstructs or hinders a greenhouse gas project inspector in the exercise of the greenhouse gas project inspector's powers under this section.

Penalty: 50 penalty units.

(10) Subsection (9) does not apply if the person has a reasonable excuse.

Note 1: The defendant bears an evidential burden in relation to the matter in subsection (10)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

Note 3: The same conduct may be an offence against both subsection (9) of this section and section 149.1 of the *Criminal Code*.

608 Warrants to enter residential premises

(1) A greenhouse gas project inspector may apply to a Magistrate for a warrant authorising the greenhouse gas project inspector, with such assistance as the greenhouse gas project inspector thinks necessary, to exercise the power referred to in paragraph 607(2)(d) in relation to particular residential premises.

(2) The application must be supported by an information on oath or affirmation that sets out the grounds on which the greenhouse gas project inspector is applying for the warrant.

(3) If the Magistrate is satisfied that there are reasonable grounds for issuing the warrant, the Magistrate may issue the warrant.

(4) A warrant issued under subsection (3) must state:
(a) the name of the greenhouse gas project inspector; and
(b) whether the inspection may be carried out at any time or only during specified hours of the day; and
(c) the day on which the warrant ceases to have effect; and
(d) the purposes for which the warrant is issued.

(5) The day specified under paragraph (4)(c) is not to be more than 7 days after the day on which the warrant is issued.

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(6) The purposes specified under paragraph (4)(d) must include the identification of the premises in relation to which the warrant is issued.

609 Interfering with greenhouse gas installations or operations

(1) A person commits an offence if:

(a) the person engages in conduct; and

(b) the person's conduct results in:

(i) damage to, or interference with, any structure or vessel that is in an offshore area and that is, or is to be, used in greenhouse gas operations in an offshore area; or

(ii) damage to, or interference with, any equipment on, or attached to, such a structure or vessel; or

(iii) interference with any operations or activities being carried out, or any works being executed, on, by means of, or in connection with, such a structure or vessel.

Penalty: Imprisonment for 10 years.

(2) In this section:

greenhouse gas operations means:

(a) operations relating to exploration for a potential greenhouse gas formation or a potential greenhouse gas injection site; or

(b) operations relating to the injection of a greenhouse gas substance into the seabed or subsoil; or

(c) operations relating to the storage of a greenhouse gas substance in the seabed or subsoil; or

(d) operations relating to the processing, compression or pre-injection storage of a greenhouse gas substance; or

(e) operations relating to the preparation of a greenhouse gas substance for transport.

structure means any fixed, moveable or floating structure or installation, and includes a greenhouse gas pipeline, greenhouse gas pumping station, greenhouse gas tank station or greenhouse gas valve station.

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610 Forfeiture orders etc.

Scope

(1) This section applies if a person is convicted by a court of:
  (a) an offence against section 289 or 356; or
  (b) an offence against section 6 of the *Crimes Act 1914* in relation to an offence referred to in paragraph (a) of this subsection.

Note: For ancillary offences, see section 11.6 of the *Criminal Code*.

Orders

(2) The court may, in addition to imposing a penalty, make either or both of the following orders:
  (a) an order for the forfeiture of a specified aircraft or vessel used in the commission of the offence;
  (b) an order for the forfeiture of specified equipment used in the commission of the offence.

(3) The court may, before making an order under this section:
  (a) require notice to be given to such persons as the court thinks fit; and
  (b) hear such persons as the court thinks fit.

(4) Goods in relation to which an order is made under this section:
  (a) must be dealt with as the Minister administering the *Australian Federal Police Act 1979* directs; and
  (b) pending that Minister's direction, may be detained in such custody as the court directs.

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Division 3—Time for bringing proceedings for offences

611 Time for bringing proceedings for offences

(1) Proceedings in relation to any of the following offences may be brought at any time:

(a) an offence against:

(i) Chapter 2; or

(ii) Chapter 3; or

(iii) Chapter 4; or

(iv) Chapter 5; or

(v) this Chapter; or

(vi) Part 7.1; or

(vii) Part 8.1; or

(viii) the regulations;

(b) an offence against section 6 of the *Crimes Act 1914* in relation to an offence referred to in paragraph (a) of this subsection.

Note: For ancillary offences, see section 11.6 of the *Criminal Code*.

(2) Subsection (1) has effect despite section 15B of the *Crimes Act 1914*.

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Division 4—Civil penalties

611A Simplified outline

The following is a simplified outline of this Division:

- This Division provides that civil penalty provisions set out in this Act are enforceable under Part 4 of the Regulatory Powers Act.

611B Civil penalty provisions

Specified civil penalty provisions

(1) A civil penalty provision in this Act may be enforced under Part 4 of the Regulatory Powers Act.

Note: Part 4 of the Regulatory Powers Act allows a civil penalty provision to be enforced by obtaining an order for a person to pay a pecuniary penalty for the contravention of the provision.

Authorised applicants

(2) The following table has effect.

Authorised applicants for civil penalty provisions

Item	For the purposes of Part 4 of the Regulatory Powers Act, each of the following persons …	is an *authorised applicant* in relation to the following civil penalty provisions in this Act (to the extent indicated) …
1	The responsible Commonwealth Minister	(a) subsection 575(6), in relation to a direction given by that Minister (see section 574A); (b) subsection 576(5), in relation to a direction given by that Minister (see section 574A); (c) subsection 587B(5), in relation to

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Authorised applicants for civil penalty provisions		
Item	**For the purposes of Part 4 of the Regulatory Powers Act, each of the following persons …**	**is an *authorised applicant* in relation to the following civil penalty provisions in this Act (to the extent indicated) …**
		a remedial direction given by that Minister (see sections 586A and 587A); (d) subsection 759(4A).
2	The Chief Executive Officer of NOPSEMA	(a) subsection 280(5); (b) subsection 286A(8A); (c) subsection 569(6B); (d) subsection 572(5A); (e) subsection 575(6), in relation to a direction given by NOPSEMA (see section 574); (f) subsection 576(5), in relation to a direction given by NOPSEMA (see section 574); (g) subsection 576D(5); (h) subsection 587B(5), in relation to a remedial direction given by NOPSEMA (see sections 586 and 587); (i) subsection 620(4) or (5); (j) subsection 621(11) or (12); (k) subclause 6(4A) of Schedule 3; (l) subclause 54(1A) of Schedule 3; (m) subclause 78A(3) of Schedule 3; (n) subclause 83(6) of Schedule 3; (o) subclause 87(2) of Schedule 3.

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Authorised applicants for civil penalty provisions		
Item	**For the purposes of Part 4 of the Regulatory Powers Act, each of the following persons …**	**is an *authorised applicant* in relation to the following civil penalty provisions in this Act (to the extent indicated) …**
3	The Titles Administrator	(a) subsection 228(1A); (b) subsection 249(4); (c) subsection 284(7); (d) subsection 286A(8A); (e) subsection 507(5A); (f) subsection 508(5A); (g) subsection 509(6A); (h) subsection 697(3B); (i) subsection 699(5A).

Relevant court

(3) For the purposes of Part 4 of the Regulatory Powers Act, each of the following courts is a ***relevant court*** in relation to the civil penalty provisions mentioned in subsection (1):
  (a) the Federal Court;
  (b) the Federal Circuit Court;
  (c) the Supreme Court of a State or a Territory.

Extension to offshore areas

(4) Part 4 of the Regulatory Powers Act, as it applies in relation to the civil penalty provisions mentioned in subsection (1), extends to each offshore area.

611C Contravening civil penalty provisions

Scope

(1) This section applies if a person is liable for a civil penalty under a civil penalty provision of this Act, or of a regulation, because the

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person has contravened, or breached a requirement of, another provision of this Act, or of another regulation.

References to contraventions

(2) For the purposes of this Act, the person is taken to have contravened the civil penalty provision if the person has contravened, or breached the requirement, of the other provision.

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Division 5—Infringement notices

611D Simplified outline

The following is a simplified outline of this Division:

- This Division provides for infringement notices that can be issued and enforced in accordance with Part 5 of the Regulatory Powers Act.

611E Infringement notices

Provisions subject to an infringement notice

(1) The following provisions are ***subject to an infringement notice*** under Part 5 of the Regulatory Powers Act:

(a) subsection 249(2);
(b) subsection 284(5);
(c) subsection 286A(7);
(d) subsection 508(4);
(e) subsection 509(4);
(f) subsection 575(4);
(g) subsection 602K(6);
(h) subsection 697(3);
(i) subclause 6(3) of Schedule 3, in its application to a contravention of subclause 6(2) of that Schedule;
(j) subclause 82(9) of Schedule 3;
(k) subclause 83(4) of Schedule 3.

Note: Part 5 of the Regulatory Powers Act creates a framework for using infringement notices in relation to provisions.

Infringement officers

(2) The following table has effect.

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Infringement officers		
Item	**For the purposes of Part 5 of the Regulatory Powers Act, each of the following persons …**	**is an *infringement officer* in relation to the following provisions in this Act …**
1	The Chief Executive Officer of NOPSEMA	(a) subsection 286A(7); (b) subsection 575(4); (c) subsection 602K(6); (d) subclause 6(3) of Schedule 3; (e) subclause 82(9) of Schedule 3; (f) subclause 83(4) of Schedule 3.
2	The Titles Administrator	(a) subsection 249(2); (b) subsection 284(5); (c) subsection 286A(7); (d) subsection 508(4); (e) subsection 509(4); (f) subsection 697(3).
3	A NOPSEMA inspector	(a) subsection 249(2); (b) subsection 284(5); (c) subsection 286A(7); (d) subsection 508(4); (e) subsection 509(4); (f) subsection 575(4); (g) subsection 602K(6); (h) subsection 697(3); (i) subclause 6(3) of Schedule 3; (j) subclause 82(9) of Schedule 3; (k) subclause 83(4) of Schedule 3.

Relevant chief executive

(3) For the purposes of Part 5 of the Regulatory Powers Act, the ***relevant chief executive*** in relation to an infringement notice is as follows:

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(a) the Chief Executive Officer of NOPSEMA, if the notice may be issued by the Chief Executive Officer of NOPSEMA;
(b) the Secretary, if the notice may be issued by the Titles Administrator;
(c) if the notice may be issued by either the Chief Executive Officer of NOPSEMA or the Titles Administrator—either of them.

(4) If the Secretary is the relevant chief executive, he or she may, in writing, delegate to an SES employee, or acting SES employee, in the Department the power to extend the period referred to in paragraph 104(1)(j) of the Regulatory Powers Act.

Note 1: The expressions ***SES employee*** and ***acting SES employee*** are defined in section 2B of the *Acts Interpretation Act 1901*.

Note 2: See also sections 34AA and 34AB of the *Acts Interpretation Act 1901*.

Note 3: If the Chief Executive Officer of NOPSEMA is the relevant chief executive, see section 675 for the power to delegate.

(5) A person exercising power under a delegation under subsection (4) must comply with any written directions of the relevant chief executive.

Single infringement notice may deal with more than one contravention

(6) Despite subsection 103(3) of the Regulatory Powers Act, a single infringement notice may be given to a person in respect of:
(a) 2 or more alleged contraventions of a provision mentioned in subsection (1); or
(b) alleged contraventions of 2 or more provisions mentioned in subsection (1).

However, the notice must not require the person to pay more than one amount in respect of the same conduct.

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Regulations may set out other matters to be included

(7) A regulation made under this Act may set out any other matters that are to be included in an infringement notice given in relation to a contravention of a provision mentioned in subsection (1).

Extension to offshore areas

(8) Part 5 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to each offshore area.

611F Infringement notice—multiple contraventions

In addition to the circumstances set out in subsection 103(4) of the Regulatory Powers Act, and despite subsection 103(3) of that Act, an infringement officer may also give a person a single infringement notice relating to multiple contraventions of a single provision if, under this Act or a regulation, the person:

(a) commits a separate offence in respect of each day during which the offence continues; or

(b) is separately liable for a civil penalty in respect of each day during which the liability continues.

611G Evidentiary matters

(1) The relevant chief executive may issue a certificate signed by him or her stating:

(a) that the relevant chief executive did not allow further time under section 105 of the Regulatory Powers Act to pay the penalty for an offence, or a civil penalty, under this Act or a regulation, stated in an infringement notice; and

(b) that the penalty has not been paid in accordance with the notice within 28 days after the day the infringement notice is given.

(2) The relevant chief executive may issue a certificate signed by him or her stating:

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(a) that the relevant chief executive allowed, under section 105 of the Regulatory Powers Act, the further time specified in the certificate for payment of the penalty for an offence, or a civil penalty, under this Act or a regulation, stated in an infringement notice; and

(b) that the penalty has not been paid in accordance with the notice or within the further time allowed.

(3) The relevant chief executive may issue a certificate signed by him or her stating that a specified infringement notice was withdrawn on a day specified in the certificate.

(4) For all purposes and in all proceedings, a document purporting to be a certificate under subsection (1), (2) or (3) must, unless the contrary is established, be taken to be such a certificate and to have been properly given.

(5) For all purposes and in all proceedings, a certificate under subsection (1), (2) or (3) is prima facie evidence of the matters stated in the certificate.

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Division 6—Injunctions

611H Simplified outline

The following is a simplified outline of this Division:

- This Division provides for the grant of injunctions to enforce compliance with this Act, relying on the framework set out in Part 7 of the Regulatory Powers Act.

611J Injunctions

Enforceable provisions and authorised persons

(1) The provisions listed in the table in this section are ***enforceable*** under Part 7 of the Regulatory Powers Act.

Note: Part 7 of the Regulatory Powers Act creates a framework for using injunctions to enforce provisions.

(2) The following table has effect.

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Enforceable provisions and authorised persons		
Item	**For the purposes of Part 7 of the *Regulatory Powers Act*, each of the following persons ...**	**is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...**
1	The responsible Commonwealth Minister	(a) subsection 97(1); (b) subsection 160(1); (c) subsection 193(1); (d) subsection 210(1); (e) subsection 227(5); (f) subsections 575(1), (2), (3), (3A), (3B) and (3C), in relation to a direction given by that Minister (see section 574A); (g) subsection 576(1) in relation to a direction given by that Minister (see section 574A); (h) subsection 587B(1) in relation to a direction given by that Minister (see sections 586A and 587A); (i) subsections 758(1) and (3); (j) subsections 759(4) and (4A); (k) section 764; (l) section 765.
2	The Secretary	Subsection 780F(5).

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Enforceable provisions and authorised persons		
Item	**For the purposes of Part 7 of the *Regulatory Powers Act*, each of the following persons ...**	**is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...**
3	The Chief Executive Officer of NOPSEMA	(a) subsection 280(2); (b) subsections 286A(2), (3), (4) and (5); (c) subsection 569(1); (d) subsection 571(2); (e) subsections 572(2) and (3), to the extent those subsections apply in relation to petroleum titles; (f) subsections 575(1), (2), (3), (3A), (3B) and (3C), in relation to a direction given by NOPSEMA (see section 574); (g) subsection 576(1), in relation to a direction given by NOPSEMA (see section 574); (h) subsection 576D(1); (i) subsection 587B(1) in relation to a direction given by NOPSEMA (see sections 586 and 587); (j) subsection 602K(5); (k) subsection 603(1); (l) subsections 616(3), (5), (7) and (9); (m) subsections 619(1), (3), (5) and (7);

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Enforceable provisions and authorised persons		
Item	**For the purposes of Part 7 of the *Regulatory Powers Act*, each of the following persons ...**	**is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...**
		(n) subsections 620(2), (3), (4) and (5); (o) subsections 621(3), (4), (7), (9), (10), (11) and (12); (p) subclauses 6(1) and (2) of Schedule 2A; (q) subclause 7(3) of Schedule 2A; (r) subclause 8(5) of Schedule 2A; (s) subclause 10(7) of Schedule 2A; (t) subclause 11A(6) of Schedule 2A; (u) subclause 11D(2) of Schedule 2A; (v) subclauses 12(1), (2) and (3) of Schedule 2A; (w) subclauses 6(1) and (2) of Schedule 3; (x) subclauses 9(1), 10(1), 11(1), 12(1) and (2), 13(1), 13A(1) and (2), 14(1) and 15(1) of Schedule 3; (y) subclauses 54(1) and (1A) of Schedule 3; (z) subclause 73(3) of Schedule 3; (za) subclauses 74(5) and (7) of Schedule 3; (zb) subclause 76(7) of Schedule 3; (zc) subclause 77(7) of Schedule 3; (zd) subclause 78A(1) of Schedule 3; (ze) subclauses 79(1), (2) and (3) of Schedule 3;

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Enforceable provisions and authorised persons		
Item	**For the purposes of Part 7 of the *Regulatory Powers Act*, each of the following persons ...**	**is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...**
		(zf) subclauses 82(1) and (6) of Schedule 3; (zg) subclause 83(1) of Schedule 3; (zh) subclause 86(1) of Schedule 3; (zi) subclause 87(1) and (2) of Schedule 3; (zj) subclause 88(1) of Schedule 3.
4	The Titles Administrator	(a) subsections 228(1) and (1A); (b) subsection 249(1); (c) subsection 284(2); (d) subsections 286A(2), (3), (4) and (5); (e) subsections 507(4), (5) and (5A); (f) subsections 508(4), (5) and (5A); (g) subsections 509(4), (6) and (6A); (h) subsection 512(1); (i) section 513; (j) subsection 514(1); (k) subsection 568(2); (l) subsections 697(3) and (3B); (m) subsections 699(5) and (5A); (n) section 705; (o) section 706; (p) section 707.

Relevant court

(3) For the purposes of Part 7 of the Regulatory Powers Act, each of the following courts is a ***relevant court*** in relation to the provisions mentioned in subsection (1):

(a) the Federal Court;

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(b) the Federal Circuit Court;
(c) the Supreme Court of a State or Territory.

Consent injunctions

(4) A relevant court may grant an injunction under Part 7 of the Regulatory Powers Act in relation to a provision mentioned in subsection (1) by consent of all the parties to proceedings brought under that Part, whether or not the court is satisfied that section 121 of that Act applies.

Extension to offshore areas

(5) Part 7 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to each offshore area.

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Division 7—Adverse publicity orders

611K Simplified outline

The following is a simplified outline of this Division:

- This Division provides for adverse publicity orders to be made by a court.

611L Adverse publicity orders

Scope

(1) This section applies if a court:
  (a) finds a body corporate guilty of an offence against a provision of this Act, or of a regulation, whether or not the court convicts the body corporate of the offence; or
  (b) finds a body corporate guilty of an offence against section 6 of the *Crimes Act 1914* (whether or not the court convicts the body corporate of the offence) in relation to an offence referred to in paragraph (a) of this subsection; or
  (c) orders a body corporate to pay a civil penalty for a contravention of a provision of this Act or of a regulation.

Note: For ancillary offences, see section 11.6 of the *Criminal Code*.

Order by court

(2) The court may make an order (the ***adverse publicity order***):
  (a) on the application of the person prosecuting the offence or taking the action to obtain a civil penalty order; and
  (b) in addition to any penalty that may be imposed or any other action that may be taken in relation to the offence or contravention.

An application may only be made within 6 years after the commission of the offence or the contravention.

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(3) An adverse publicity order may require the body:

(a) to take either or both of the following actions within the period specified in the order:

(i) to publicise, in the way specified in the order, the offence or civil penalty order, its consequences, the penalty imposed and any other related matter;

(ii) to notify a specified person or specified class of persons, in the way specified in the order, of the offence or civil penalty order, its consequences, the penalty imposed and any other related matter; and

(b) to give NOPSEMA or the Titles Administrator (as specified in the order), within 7 days after the end of the period specified in the order, evidence that the action or actions were taken by the body in accordance with the order.

Failing to give evidence

(4) If the body fails to give evidence in accordance with paragraph (3)(b), NOPSEMA or the Titles Administrator (as the case requires) may take the action or actions specified in the order.

Action not in accordance with order

(5) NOPSEMA or the Titles Administrator (as the case requires) (the ***applicant***) may apply to a court for an order authorising the applicant, or a person authorised in writing by the applicant, to take the action or actions if:

(a) the body gives evidence to the applicant in accordance with paragraph (3)(b); but

(b) despite that evidence, the applicant is not satisfied that the body has taken the action or actions specified in the order in accordance with the order.

(6) If NOPSEMA takes one or more actions under subsection (4) or an order under subsection (5), NOPSEMA is entitled to recover from the body, by action in a court, an amount in relation to the reasonable expenses of taking the actions as a debt due to NOPSEMA.

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(6A) If the Titles Administrator takes one or more actions under subsection (4) or an order under subsection (5), the Titles Administrator is entitled to recover from the body, by action in a court, an amount in relation to the reasonable expenses of taking the actions as a debt due to the Titles Administrator on behalf of the Commonwealth.

(7) An authorisation by the applicant under subsection (5) is not a legislative instrument.

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Part 6.6—Safety zones and the area to be avoided

Division 1—Introduction

612 Simplified outline

The following is a simplified outline of this Part:

- NOPSEMA may prohibit certain vessels from entering or being present in an area (called a ***petroleum safety zone***) surrounding a petroleum well, a structure, or an item of equipment, in an offshore area.
- The responsible Commonwealth Minister may prohibit certain vessels from entering or being present in an area (called a ***greenhouse gas safety zone***) surrounding a greenhouse gas well, a structure, or an item of equipment, in an offshore area.
- The ***area to be avoided*** is the area described in Schedule 2 (an area off the coast of Victoria), but does not include a safety zone or the coastal waters of Victoria.
- A vessel must not enter or be present in the area to be avoided unless authorised to do so under this Part.
- An authorised person may exercise powers for the purposes of the enforcement of this Part.

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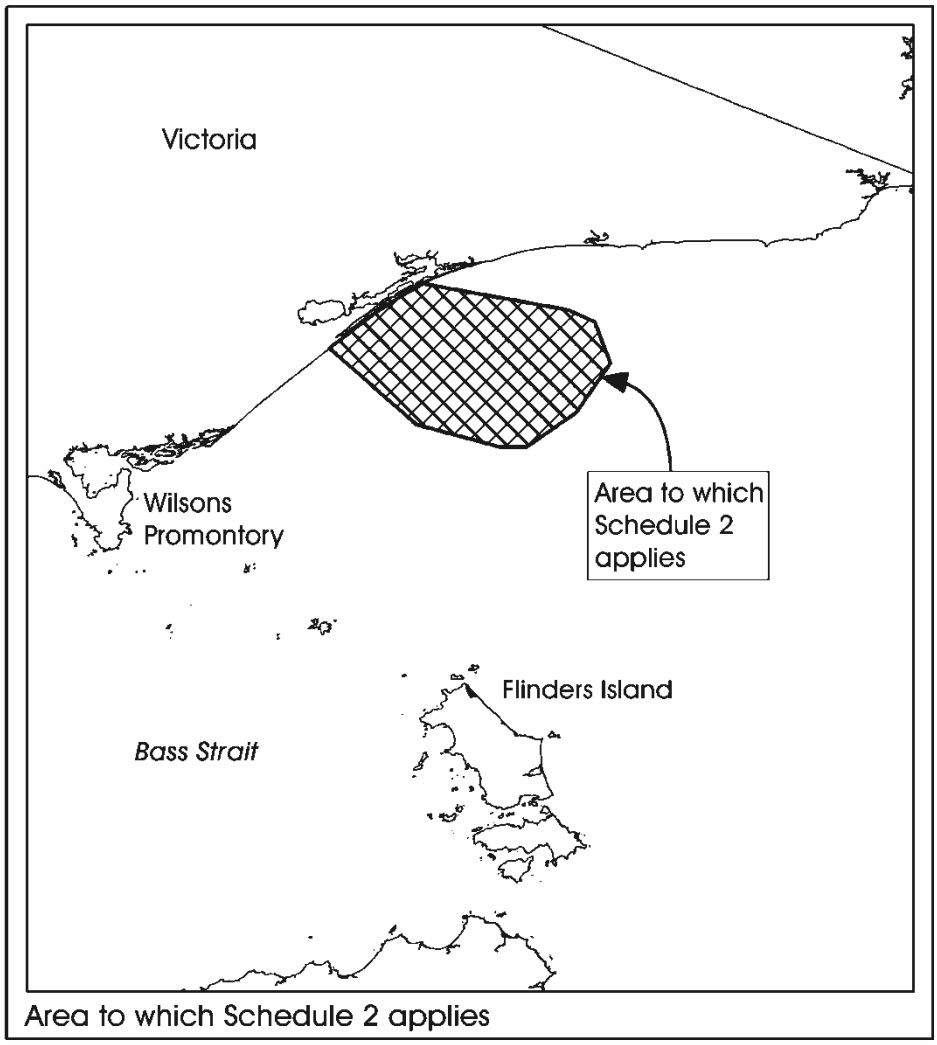
613 Simplified map of the area to which Schedule 2 applies

This section sets out a simplified map illustrating the area to which Schedule 2 applies:



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614 Definitions

In this Part:

area to be avoided means so much of the area to which Schedule 2 applies as comprises waters of the sea that:

(a) are not within the coastal waters of Victoria or within any area on the landward side of those coastal waters; and

(b) are not within a safety zone.

Note: The area to which Schedule 2 applies is an area off the coast of Victoria.

authorised person has the meaning given by section 615.

exempt vessel, in relation to a safety zone, means a vessel:

(a) in the case of a petroleum safety zone—that is excluded from the operation of section 616 in relation to that safety zone because:

(i) the vessel is specified in the notice establishing the safety zone; or

(ii) the vessel is included in a class of vessels specified in the notice establishing the safety zone; or

(b) in the case of a petroleum safety zone—for which a written consent of NOPSEMA under subsection 616(1) is in force in relation to the safety zone; or

(c) in the case of a greenhouse gas safety zone—that is excluded from the operation of section 617 in relation to that safety zone because:

(i) the vessel is specified in the notice establishing the safety zone; or

(ii) the vessel is included in a class of vessels specified in the notice establishing the safety zone; or

(d) in the case of a greenhouse gas safety zone—for which a written consent of the responsible Commonwealth Minister under subsection 617(1) is in force in relation to the safety zone.

foreign-flag vessel means a vessel that:

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(a) under the law of a foreign country, is entitled to fly the flag of that country; and
(b) is flying that flag.

government body means:
(a) the Commonwealth, a State or a Territory; or
(b) a body corporate established for a public purpose by or under a law of the Commonwealth or of a State or Territory, other than:
(i) the Western Australian Coastal Shipping Commission; or
(ii) the Transport Commission established under the *Transport Act 1981* of Tasmania; or
(iii) a body corporate that is declared by regulations made under the *Shipping Registration Act 1981* not to be a Government authority for the purposes of that Act.

Government vessel means:
(a) a vessel that is beneficially owned by a government body; or
(b) a vessel the whole possession and control of which is for the time being vested in a government body.

greenhouse gas safety zone means an area that is a safety zone for the purposes of section 617.

greenhouse gas well means a hole in the seabed or subsoil made by drilling, boring or any other means in connection with:
(a) exploration for potential greenhouse gas storage formations; or
(b) exploration for potential greenhouse gas injection sites; or
(c) the injection of a greenhouse gas substance into an identified greenhouse gas storage formation; or
(d) the injection, on an appraisal basis, of:
(i) a greenhouse gas substance; or
(ii) air; or
(iii) petroleum; or
(iv) water;

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into a part of a geological formation.

master, in relation to a vessel, means the person having command or charge of the vessel.

owner, in relation to a vessel, means:

(a) if the vessel is being operated by a person who:

(i) does not own the vessel; and

(ii) has the whole possession and control of the vessel;

the person operating the vessel; or

(b) in any other case—the person who owns the vessel.

petroleum safety zone means an area that is a safety zone for the purposes of section 616.

petroleum well means a hole in the seabed or subsoil made by drilling, boring or any other means in connection with:

(a) exploration for petroleum; or

(b) petroleum recovery operations;

but does not include a seismic shot hole.

prescribed safety zone means a safety zone that is situated within any part of the area to which Schedule 2 applies that comprises waters of the sea that are not within the coastal waters of Victoria or within any area on the landward side of those coastal waters.

Note: The area to which Schedule 2 applies is an area off the coast of Victoria.

relevant vessel means:

(a) a vessel that satisfies the following conditions:

(i) the vessel is registered under the *Shipping Registration Act 1981*;

(ii) the gross tonnage of the vessel specified in the certificate of registration of the vessel exceeds 200;

(iii) the vessel is not a Government vessel; or

(b) a vessel that satisfies the following conditions:

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(i) the vessel is not registered under the *Shipping Registration Act 1981*;

(ii) the vessel is permitted to be registered under that Act;

(iii) the vessel is not a foreign-flag vessel;

(iv) the tonnage length of the vessel equals or exceeds 24 metres (for this purpose, the tonnage length is to be determined in the same manner as it is determined for the purposes of the *Shipping Registration Act 1981*);

(v) the vessel is not a Government vessel; or

(c) a vessel that satisfies the following conditions:

(i) the vessel is not a vessel to which paragraph (a) or (b) applies;

(ii) the vessel is in the offshore area for the purpose of exploring the seabed or subsoil of the offshore area for petroleum or minerals or for the purpose of exploiting the petroleum or minerals which occur as natural resources of that seabed or subsoil;

(iii) the vessel is not a Government vessel; or

(d) a vessel that satisfies the following conditions:

(i) the vessel is not a vessel to which paragraph (a) or (b) applies;

(ii) the vessel is in the offshore area for the purpose of exploring the seabed or subsoil of the offshore area for a potential greenhouse gas storage formation or a potential greenhouse gas injection site;

(iii) the vessel is not a Government vessel; or

(e) a vessel that satisfies the following conditions:

(i) the vessel is not a vessel to which paragraph (a) or (b) applies;

(ii) the vessel is in the offshore area for purposes relating to the injection of a greenhouse gas substance into, or the storage of a greenhouse gas substance in, the seabed or subsoil of the offshore area;

(iii) the vessel is not a Government vessel.

safety zone means:

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(a) a greenhouse gas safety zone; or
(b) a petroleum safety zone.

terrorist activity includes an activity involving extortion.

615 Authorised persons

(1) For the purposes of this Part, an ***authorised person*** is:
(a) a member or special member of the Australian Federal Police; or
(b) a member of the police force of a State or Territory; or
(c) a member of the Defence Force; or
(d) an officer of Customs within the meaning of the *Customs Act 1901*; or
(e) a person who is an authorised person because of a declaration under subsection (2) or (3).

(2) NOPSEMA may, by notice published in the *Gazette*, declare that a person, or a person included in a specified class of persons, is an authorised person for the purposes of this Part.

(3) The responsible Commonwealth Minister may, by notice published in the *Gazette*, declare that a person, or a person included in a specified class of persons, is an authorised person for the purposes of this Part.

Declaration

(4) A declaration under subsection (2) or (3) is not a legislative instrument.

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Division 2—Petroleum safety zones

616 Petroleum safety zones

Prohibition

(1) For the purpose of protecting a petroleum well, a structure, or any equipment, in an offshore area, NOPSEMA may, by notice published in the *Gazette*, prohibit:
  (a) all vessels; or
  (b) all vessels other than specified vessels; or
  (c) all vessels other than the vessels included in specified classes of vessels;

from entering or being present in a specified area (the ***petroleum safety zone***) surrounding the petroleum well, structure or equipment without the written consent of NOPSEMA.

(2) A petroleum safety zone specified in a notice under subsection (1) may extend to a distance of 500 metres around the well, structure or equipment specified in the notice, where that distance is measured from each point of the outer edge of the well, structure or equipment.

Offences

(3) A person commits an offence if:
  (a) the person is the owner or master of a vessel; and
  (b) the vessel is subject to a notice under subsection (1); and
  (c) in breach of the notice, the vessel enters or is present in the petroleum safety zone specified in the notice.

Penalty: Imprisonment for 15 years.

(4) The fault element for paragraph (3)(c) is intention.

(5) A person commits an offence if:
  (a) the person is the owner or master of a vessel; and

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(b) the vessel is subject to a notice under subsection (1); and
(c) in breach of the notice, the vessel enters or is present in the petroleum safety zone specified in the notice.

Penalty: Imprisonment for 12.5 years.

(6) The fault element for paragraph (5)(c) is recklessness.

(7) A person commits an offence if:
(a) the person is the owner or master of a vessel; and
(b) the vessel is subject to a notice under subsection (1); and
(c) in breach of the notice, the vessel enters or is present in the petroleum safety zone specified in the notice.

Penalty: Imprisonment for 10 years.

(8) The fault element for paragraph (7)(c) is negligence.

(9) A person commits an offence if:
(a) the person is the owner or master of a vessel; and
(b) the vessel is subject to a notice under subsection (1); and
(c) in breach of the notice, the vessel enters or is present in the petroleum safety zone specified in the notice.

Penalty: Imprisonment for 5 years.

(10) An offence against subsection (9) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

Notice

(11) A notice under subsection (1) is not a legislative instrument.

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Division 3—Greenhouse gas safety zones

617 Greenhouse gas safety zones

Prohibition

(1) For the purpose of protecting a greenhouse gas well, a structure, or any equipment, in an offshore area, the responsible Commonwealth Minister may, by notice published in the *Gazette*, prohibit:

(a) all vessels; or

(b) all vessels other than specified vessels; or

(c) all vessels other than the vessels included in specified classes of vessels;

from entering or being present in a specified area (the ***greenhouse gas safety zone***) surrounding the greenhouse gas well, structure or equipment without the written consent of the responsible Commonwealth Minister.

(2) A greenhouse gas safety zone specified in a notice under subsection (1) may extend to a distance of 500 metres around the well, structure or equipment specified in the notice, where that distance is measured from each point of the outer edge of the well, structure or equipment.

Offences

(3) A person commits an offence if:

(a) the person is the owner or master of a vessel; and

(b) the vessel is subject to a notice under subsection (1); and

(c) in breach of the notice, the vessel enters or is present in the greenhouse gas safety zone specified in the notice.

Penalty: Imprisonment for 15 years.

(4) The fault element for paragraph (3)(c) is intention.

(5) A person commits an offence if:

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(a) the person is the owner or master of a vessel; and
(b) the vessel is subject to a notice under subsection (1); and
(c) in breach of the notice, the vessel enters or is present in the greenhouse gas safety zone specified in the notice.

Penalty: Imprisonment for 12.5 years.

(6) The fault element for paragraph (5)(c) is recklessness.

(7) A person commits an offence if:
(a) the person is the owner or master of a vessel; and
(b) the vessel is subject to a notice under subsection (1); and
(c) in breach of the notice, the vessel enters or is present in the greenhouse gas safety zone specified in the notice.

Penalty: Imprisonment for 10 years.

(8) The fault element for paragraph (7)(c) is negligence.

(9) A person commits an offence if:
(a) the person is the owner or master of a vessel; and
(b) the vessel is subject to a notice under subsection (1); and
(c) in breach of the notice, the vessel enters or is present in the greenhouse gas safety zone specified in the notice.

Penalty: Imprisonment for 5 years.

(10) An offence against subsection (9) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Notice

(11) A notice under subsection (1) is not a legislative instrument.

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Division 4—Unauthorised vessel not to enter area to be avoided

618 NOPSEMA may authorise entry into area to be avoided

Application for authorisation

(1) The owner of a vessel may apply to NOPSEMA for the grant of an authorisation for the vessel to enter, and to be present in, the area to be avoided.

(2) An application under subsection (1) must be in writing.

Grant of authorisation

(3) If an application is made under subsection (1) in relation to a vessel, NOPSEMA may, by written notice given to the applicant, authorise the vessel to enter, and to be present in, the area to be avoided.

Conditions

(4) An authorisation under subsection (3) is subject to such conditions as are specified in the notice of authorisation.

Revocation of authorisation

(5) If an authorisation under subsection (3) is in force in relation to a vessel, NOPSEMA may, by written notice given to the owner of the vessel, revoke the authorisation.

619 Unauthorised vessel not to enter area to be avoided

(1) A person commits an offence if:
  (a) the person is the owner or master of a relevant vessel; and
  (b) the vessel is not an exempt vessel in relation to a prescribed safety zone; and

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(c) the vessel enters or is present in the area to be avoided otherwise than in accordance with an authorisation in force in relation to the vessel under subsection 618(3).

Penalty: Imprisonment for 7.5 years.

(2) The fault element for paragraph (1)(c) is intention.

(3) A person commits an offence if:
(a) the person is the owner or master of a relevant vessel; and
(b) the vessel is not an exempt vessel in relation to a prescribed safety zone; and
(c) the vessel enters or is present in the area to be avoided otherwise than in accordance with an authorisation in force in relation to the vessel under subsection 618(3).

Penalty: Imprisonment for 6.25 years.

(4) The fault element for paragraph (3)(c) is recklessness.

(5) A person commits an offence if:
(a) the person is the owner or master of a relevant vessel; and
(b) the vessel is not an exempt vessel in relation to a prescribed safety zone; and
(c) the vessel enters or is present in the area to be avoided otherwise than in accordance with an authorisation in force in relation to the vessel under subsection 618(3).

Penalty: Imprisonment for 5 years.

(6) The fault element for paragraph (5)(c) is negligence.

(7) A person commits an offence if:
(a) the person is the owner or master of a relevant vessel; and
(b) the vessel is not an exempt vessel in relation to a prescribed safety zone; and
(c) the vessel enters or is present in the area to be avoided otherwise than in accordance with an authorisation in force in relation to the vessel under subsection 618(3).

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Penalty: Imprisonment for 2.5 years.

(8) An offence against subsection (7) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(9) In a prosecution for an offence against subsection (1), (3), (5) or (7), it is a defence if the defendant proves that:

(a) an unforeseen emergency rendered it necessary for the vessel to enter or be present in the area in order to attempt to secure the safety of:

(i) the vessel; or

(ii) another vessel; or

(iii) any well, pipeline, structure or equipment; or

(iv) human life; or

(b) the vessel entered or was present in the area in circumstances not under the control of the person who was in charge of the navigational watch of the vessel.

Note: A defendant bears a legal burden in relation to the matter in subsection (9)—see section 13.4 of the *Criminal Code*.

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Division 5—Powers of authorised persons

620 Requirement to move vessel etc.

(1) An authorised person may:

(a) require the master of a vessel that satisfies the following conditions:

(i) the vessel is a relevant vessel, or the authorised person has reasonable grounds to believe that the vessel is a relevant vessel;

(ii) the vessel is in the area to be avoided otherwise than in accordance with an authorisation in force in relation to the vessel under subsection 618(3);

(iii) the vessel is not an exempt vessel in relation to a prescribed safety zone;

to take the vessel outside the area to be avoided; or

(b) require the master of a vessel that satisfies the following conditions:

(i) the vessel is in a safety zone;

(ii) the vessel is not an exempt vessel in relation to the safety zone;

to take the vessel outside the safety zone; or

(c) require the master of a disabled vessel that satisfies any of the following conditions:

(i) the vessel is in the area to be avoided, and either the vessel is a relevant vessel or the authorised person has reasonable grounds to believe that the vessel is a relevant vessel;

(ii) the vessel is in a safety zone;

(iii) the vessel is a relevant vessel (or the authorised person has reasonable grounds to believe that the vessel is a relevant vessel), and the authorised person has reasonable grounds to believe that the vessel is likely to cause damage to any well, pipeline, structure or equipment in the area to be avoided or in a safety zone;

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to permit the vessel to be towed away from the area to be avoided or the safety zone, as the case requires, or to accept the giving of such other assistance to the vessel as the authorised person considers necessary.

Offences

(2) A person commits an offence if:
  (a) the person is subject to a requirement under subsection (1); and
  (b) the person omits to do an act; and
  (c) the omission breaches the requirement.

Penalty: 50 penalty units.

(3) A person commits an offence if:
  (a) the person engages in conduct; and
  (b) the conduct obstructs or hinders an authorised person who is acting under subsection (1).

Penalty: 50 penalty units.

Note: The same conduct may be an offence against both subsection (3) of this section and section 149.1 of the *Criminal Code*.

Civil penalties

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

Civil penalty: 350 penalty units.

(5) A person is liable to a civil penalty if the person obstructs or hinders an authorised person who is acting under subsection (1).

Civil penalty: 350 penalty units.

621 Other powers of authorised persons

(1) An authorised person may:

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(a) board a vessel that the authorised person has reasonable grounds to believe has been used, is being used or is about to be used in contravention of section 616, 617 or 619; or

(b) if the authorised person has boarded a vessel in the exercise of powers under paragraph (a):

(i) require any person on board the vessel to answer questions relating to the vessel or to the movements of the vessel; or

(ii) require the master of the vessel to state whether a consent under subsection 616(1) or 617(1), or an authorisation under subsection 618(3), is in force in relation to the vessel and, if so, to produce the consent or authorisation, as the case may be; or

(iii) if the vessel is registered under the *Shipping Registration Act 1981*—require the master of the vessel to produce the certificate of registration of the vessel; or

(iv) search the vessel for any documents relating to the vessel or to the movements of the vessel; or

(c) if the following conditions are satisfied in relation to a vessel:

(i) the vessel is in, or is near, the area to be avoided;

(ii) the authorised person has reasonable grounds to believe that the vessel is a vessel of the kind referred to in paragraph (b) of the definition of ***relevant vessel*** in section 614;

(iii) no authorisation under subsection 618(3) is in force in relation to the vessel;

(iv) the vessel is not an exempt vessel in relation to a prescribed safety zone;

require the master of the vessel to permit the authorised person to take measurements of the vessel; or

(d) detain a vessel that the authorised person has reasonable grounds to believe has been used in contravention of section 616, 617 or 619.

(2) An authorised person may exercise powers under subsection (1) in relation to a vessel only:

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(a) in accordance with a warrant issued under section 622; or
(b) after obtaining the consent of the master of the vessel; or
(c) in circumstances of seriousness and urgency, in accordance with section 623.

Offences

(3) A person commits an offence if:
(a) the person is subject to a requirement under subsection (1); and
(b) the person omits to do an act; and
(c) the omission breaches the requirement.

Penalty: 50 penalty units.

(4) A person must facilitate, by all reasonable means, the boarding of a vessel by an authorised person under subsection (1).

(5) A person commits an offence if:
(a) the person is subject to a requirement under subsection (4); and
(b) the person omits to do an act; and
(c) the omission breaches the requirement.

Penalty: 50 penalty units.

(6) An offence against subsection (5) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(7) A person must allow a search authorised under subsection (1) to be made by an authorised person.

(8) A person commits an offence if:
(a) the person is subject to a requirement under subsection (7); and
(b) the person omits to do an act; and
(c) the omission breaches the requirement.

Penalty: 50 penalty units.

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(9) A person commits an offence if:
  (a) the person engages in conduct; and
  (b) the conduct obstructs or hinders an authorised person who is acting under subsection (1).

  Penalty: 50 penalty units.

(10) A person (the ***first person***) commits an offence if:
  (a) an authorised person requires the first person to give information under subsection (1); and
  (b) the first person gives information; and
  (c) the first person does so knowing that the information is false or misleading in a material particular.

  Penalty: 50 penalty units.

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

Civil penalties

(11) A person is liable to a civil penalty if the person contravenes a requirement under subsection (1), (4) or (7).

  Civil penalty: 90 penalty units.

(12) A person is liable to a civil penalty if the person obstructs or hinders an authorised person who is acting under subsection (1).

  Civil penalty: 90 penalty units.

622 Warrants

(1) If:
  (a) an information on oath or affirmation is laid before a Magistrate alleging that there are reasonable grounds to believe that a vessel has been used, is being used or is about to be used in contravention of section 616, 617 or 619; and
  (b) the information sets out those grounds and identifies the vessel;

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the Magistrate may issue a warrant authorising an authorised person named in the warrant, with such assistance as the authorised person thinks necessary, to exercise any or all of the powers referred to in subsection 621(1) in relation to that vessel.

(2) A Magistrate may issue a warrant under subsection (1) only if:
  (a) the informant or some other person has given to the Magistrate, either orally or by affidavit, such further information (if any) as the Magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
  (b) the Magistrate is satisfied that there are reasonable grounds for issuing the warrant.

(3) A warrant issued under subsection (1) must:
  (a) specify the purpose for which the warrant is issued; and
  (b) set out a description of the vessel in relation to which the warrant is issued; and
  (c) specify a day as the day on which the warrant ceases to have effect.

(4) The day specified under paragraph (3)(c) must not be later than 7 days after the day on which the warrant is issued.

623 Exercise of powers in serious circumstances

An authorised person may exercise, in relation to a vessel, any or all of the powers referred to in subsection 621(1) if:
  (a) the authorised person has reasonable grounds to believe that:
    (i) the vessel has been used, is being used or is about to be used in contravention of section 616, 617 or 619; or
    (ii) the exercise of those powers is necessary to prevent damage being caused to any well, pipeline, structure or equipment in the area to be avoided or in a safety zone; and
  (b) the circumstances are of such a serious nature as to require and justify the immediate exercise of those powers without the authority of a warrant issued under section 622.

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Part 6.7—Collection of fees and royalties

Division 3—Royalties payable under the Royalty Act

631 When royalty due for payment

(1) Royalty payable under the Royalty Act in relation to petroleum recovered during a royalty period is due and payable at the end of the next royalty period.

(2) In this section:

royalty period has the same meaning as in the Royalty Act.

632 When adjusted amount due for payment

Provisional value

(1) If:

(a) an amount is payable under subsection 16(2) of the Royalty Act; and

(b) paragraph 16(1)(a) of the Royalty Act applies;

the amount is due and payable at the end of the next royalty period following the royalty period in which the agreement or determination mentioned in that paragraph was made.

Error in calculation etc.

(2) If:

(a) an amount is payable by a person under subsection 16(2) of the Royalty Act; and

(b) paragraph 16(1)(b) of the Royalty Act applies;

the amount is due and payable at the end of the next royalty period following the royalty period in which the error mentioned in that paragraph was notified to the person.

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Definition

(3) In this section:

royalty period has the same meaning as in the Royalty Act.

633 Late payment penalty

(1) This section applies if royalty payable by a person under the Royalty Act remains unpaid after the time when it became due for payment.

(2) The person is liable to pay a penalty accruing from the time the royalty became due for payment until it is paid in full.

(3) The penalty is calculated at the rate of 0.333333% per day on the amount of the royalty remaining unpaid.

(4) A penalty is not payable under this section in relation to any period before the end of 7 days after the value of the petroleum was agreed or determined under section 12 of the Royalty Act.

(5) An amount payable under this section is to be known as a ***late payment penalty***.

(6) In this section:

royalty includes an amount under subsection 16(2) of the Royalty Act.

634 Recovery of royalty debts

(1) For the purposes of this section, a ***royalty debt*** is:
  (a) an amount of royalty under the Royalty Act that is due and payable by a person; or
  (b) an amount under subsection 16(2) of the Royalty Act that is due and payable by a person; or
  (c) an amount of late payment penalty under section 633 of this Act.

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(2) A royalty debt is a debt due to the Commonwealth.

(3) A royalty debt may be recovered by the Commonwealth by action in a court of competent jurisdiction.

635 Amounts payable to the Titles Administrator

The following amounts are payable to the Titles Administrator on behalf of the Commonwealth:

(a) an amount of royalty under the Royalty Act; or

(b) an amount under subsection 16(2) of the Royalty Act; or

(c) an amount of late payment penalty under section 633 of this Act.

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Division 4—Fees payable under this Act

636 Fees payable under this Act

(1) Each of the following fees is payable to the Titles Administrator on behalf of the Commonwealth:

(a) a fee under subsection 256(2);

(b) a fee under subsection 483(2);

(c) a fee under subsection 485(2);

(d) a fee under subsection 515(1) or (2);

(e) a fee under subsection 516(2) or (4);

(eaa) a fee under subsection 516A(1);

(ea) a fee under subsection 564(1) or (2);

(eb) a fee under subsection 565(2) or (4);

(ec) a fee under subsection 565A(1);

(f) a fee under regulations made for the purposes of paragraph 712(2)(c) or 713(2)(c);

(g) a fee under Schedule 5 that is payable because of a requirement of the Titles Administrator.

(2) Each of the following fees is payable to the Commonwealth:

(a) a fee under subsection 427(2);

(b) a fee under subsection 534(2);

(c) a fee under subsection 536(2);

(f) a fee under regulations made for the purposes of paragraph 738(2)(c);

(g) a fee under regulations made for the purposes of paragraph 739(2)(c).

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Part 6.8—Occupational health and safety

637 Occupational health and safety

Schedule 3 has effect.

638 Listed OHS laws

(1) The following provisions are the ***listed OHS laws*** for the purposes of this Act:

(a) section 603 or 609 of this Act, to the extent to which the conduct prohibited by that section results in:

(i) damage to, or interference with, a facility (within the meaning of Schedule 3 to this Act); or

(ii) interference with any operations or activities being carried out, or any works being executed, on, by means of, or in connection with, a facility (within the meaning of Schedule 3 to this Act);

where the damage or interference, as the case may be, affects, or has the potential to affect, the health or safety of members of the workforce at a facility (within the meaning of Schedule 3 to this Act);

(b) Schedule 3 to this Act;

(c) regulations made for the purposes of Schedule 3 to this Act;

(d) the *Offshore Petroleum (Safety) Regulations 2009*;

(e) Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, to the extent to which that Part relates to occupational health and safety matters;

(h) any other regulations relating to occupational health and safety matters that are prescribed for the purposes of this paragraph.

(1A) A ***listed OHS law*** includes a requirement made under a provision listed in subsection (1).

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(2) If the regulations referred to in paragraph (1)(d) are renamed, that paragraph is amended by omitting the old name and substituting the new name.

639 Regulations relating to occupational health and safety

(1) The regulations may make provision in relation to the health and safety of persons at or near a regulated operations site who are under the control of a person who is carrying on a regulated operation.

(2) Regulations made for the purposes of subsection (1) may:
  (a) require a person who is carrying on a regulated operation to establish and maintain a system of management to secure the health and safety of persons referred to in that subsection; and
  (b) specify requirements with which the system must comply.

(3) Subsection (2) does not limit subsection (1).

Note: Under subsection 80(3), the application in an offshore area of State or Territory laws is subject to regulations made under this Act.

640 Commonwealth maritime legislation does not apply in relation to facilities located in offshore areas

(1) Commonwealth maritime legislation does not apply in relation to:
  (a) a facility located in the offshore area of a State or Territory; or
  (b) a person at such a facility; or
  (c) a person near such a facility, to the extent to which the person is affected by:
    (i) such a facility; or
    (ii) activities that take place at such a facility; or
  (d) activities that take place at such a facility.

Note 1: Instead, a facility located in the offshore area of a State or Territory will be covered by the listed OHS laws.

Note 2: The ***offshore area*** of a State or Territory is defined by section 8.

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(2) However, subsection (1) does not prevent the application of Commonwealth maritime legislation to the extent that it relates to the transfer of persons or goods between a ship and a facility.

Note: In these cases, Commonwealth maritime legislation will generally apply in addition to the listed OHS laws.

(3) In this section:

Commonwealth maritime legislation means:

(a) the *Navigation Act 2012*; and

(b) the *Occupational Health and Safety (Maritime Industry) Act 1993*; and

(c) any subordinate legislation under either of those Acts.

facility has the same meaning as in Schedule 3.

ship means any kind of vessel that:

(a) is used in navigation by water, however propelled or moved; and

(b) is not, for the time being, a facility or part of a facility.

Note: See also Part 1.4, which deals with the application of State and Northern Territory laws.

641 Commonwealth maritime legislation does not apply in relation to facilities located in designated coastal waters

(1) This section applies in relation to an area in the designated coastal waters of a State or of the Northern Territory if the relevant State or Territory PSLA and regulations under the relevant State or Territory PSLA, in their application to that area, substantially correspond to the listed OHS laws.

(2) Commonwealth maritime legislation is disapplied in that area to the same extent as Commonwealth maritime legislation is disapplied in the offshore area.

(3) In this section:

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Commonwealth maritime legislation has the same meaning as in section 640.

designated coastal waters, in relation to a State or the Northern Territory, has the same meaning as in Part 6.9.

State PSLA has the same meaning as in Part 6.9.

Territory PSLA has the same meaning as in Part 6.9.

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Part 6.9—National Offshore Petroleum Safety and Environmental Management Authority

Division 1—Introduction

642 Simplified outline

The following is a simplified outline of this Part:

- There is to be a National Offshore Petroleum Safety and Environmental Management Authority (***NOPSEMA***).
- NOPSEMA has functions in relation to the occupational health and safety of persons engaged in:
    (a) offshore petroleum operations; or
    (b) offshore greenhouse gas storage operations.
- NOPSEMA also has functions in relation to:
    (a) the structural integrity of facilities, wells and well-related equipment; and
    (b) environmental management.
- There is to be a Chief Executive Officer (***CEO***) of NOPSEMA.
- There is to be a National Offshore Petroleum Safety and Environmental Management Authority Board.
- The main function of the Board is to give advice, and make recommendations, to the CEO about the operational policies

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and strategies to be followed by NOPSEMA in the performance of its functions.

643 Definitions

In this Part, unless the contrary intention appears:

Board means the National Offshore Petroleum Safety and Environmental Management Authority Board continued in existence by section 653.

Board member means a member of the Board, and includes the Chair of the Board.

CEO means the Chief Executive Officer of NOPSEMA.

Commonwealth waters means the waters of the sea that comprise the offshore areas of each State and of each Territory, the Bayu-Undan pipeline international offshore area and the Greater Sunrise pipeline international offshore area.

Note: The ***offshore area*** of a State or Territory is defined by section 8.

designated coastal waters, in relation to a State or the Northern Territory, has the meaning given by section 644.

environmental management law means the provisions of:

(a) this Act; or

(b) the regulations;

to the extent to which the provisions relate to, or empower NOPSEMA to take action in relation to:

(c) offshore petroleum environmental management in relation to Commonwealth waters; or

(d) offshore greenhouse gas storage environmental management in relation to Commonwealth waters.

facility means:

(a) a facility (within the meaning of Schedule 3) located in Commonwealth waters; or

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(b) if there are provisions of a State or Territory PSLA that substantially correspond to Schedule 3 to this Act to the extent to which that Schedule relates to offshore petroleum operations—a vessel, structure or other thing that:

(i) is located in the designated coastal waters of the State or of the Northern Territory, as the case may be; and

(ii) would have been a facility (within the meaning of Schedule 3 to this Act) if subclauses 4(5A) to (5E) of that Schedule had not been enacted and the vessel, structure, or thing had been located in Commonwealth waters; or

(c) if there are provisions of a State or Territory PSLA that substantially correspond to Schedule 3 to this Act to the extent to which that Schedule relates to offshore greenhouse gas storage operations—a vessel, structure or other thing that:

(i) is located in the designated coastal waters of the State or of the Northern Territory, as the case may be; and

(ii) would have been a facility (within the meaning of Schedule 3 to this Act) if subclauses 4(1) to (5) of that Schedule had not been enacted and the vessel, structure, or thing had been located in Commonwealth waters.

For the purposes of paragraphs (b) and (c), assume that a reference in Schedule 3 to this Act to a pipeline licence includes a reference to a pipeline licence under a State or Territory PSLA.

Greenhouse Gas Storage Ministerial Council means:

(a) if there is a Ministerial Council that deals with matters relating to:

(i) the injection of greenhouse gas substances into parts of geological formations; and

(ii) the permanent storage of greenhouse gas substances in parts of geological formations;

that Ministerial Council; or

(b) in any other case—the Ministers responsible for mineral and energy resources matters.

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NOPSEMA waters means:

(a) Commonwealth waters; and

(b) the designated coastal waters of each State and of the Northern Territory.

Northern Territory Greenhouse Gas Storage Minister means:

(a) the Minister of the Northern Territory who is responsible for matters relating to:

(i) the injection of greenhouse gas substances into parts of geological formations; and

(ii) the permanent storage of greenhouse gas substances in parts of geological formations; or

(b) another Minister of the Northern Territory acting for and on behalf of the Minister referred to in paragraph (a).

Northern Territory Petroleum Minister means:

(a) the Minister of the Northern Territory who is responsible for the Territory PSLA; or

(b) another Minister of the Northern Territory acting for and on behalf of the Minister referred to in paragraph (a).

offshore greenhouse gas storage environmental management means the prevention, management, mitigation or remediation of the environmental impacts of regulated operations that relate to:

(a) the exploration for potential greenhouse gas storage formations or potential greenhouse gas injection sites; or

(b) the injection of a greenhouse gas substance into the seabed or subsoil; or

(c) the permanent storage of a greenhouse gas substance in the seabed or subsoil; or

(d) the compression, processing, offloading, piped conveyance or pre-injection storage of a greenhouse gas substance; or

(e) the monitoring of a greenhouse gas substance stored in the seabed or subsoil.

offshore greenhouse gas storage operations means any regulated operations (including diving operations) that:

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(a) relate to:
  (i) the exploration for potential greenhouse gas storage formations or potential greenhouse gas injection sites; or
  (ii) the injection of a greenhouse gas substance into the seabed or subsoil; or
  (iii) the permanent storage of a greenhouse gas substance in the seabed or subsoil; or
  (iv) the compression, processing, offloading, piped conveyance or pre-injection storage of a greenhouse gas substance; or
  (v) the monitoring of a greenhouse gas substance stored in the seabed or subsoil; and
(b) if the operations are diving operations—take place in NOPSEMA waters; and
(c) if the operations are not diving operations—take place:
  (i) in NOPSEMA waters; and
  (ii) at a facility.

offshore petroleum environmental management means the prevention, management, mitigation or remediation of the environmental impacts of regulated operations that relate to:
(a) the exploration for petroleum; or
(b) the recovery, processing, storage, offloading or piped conveyance of petroleum.

offshore petroleum operations means any regulated operations (including diving operations) that:
(a) relate to:
  (i) the exploration for petroleum; or
  (ii) the recovery, processing, storage, offloading or piped conveyance of petroleum; and
(b) if the operations are diving operations—take place in NOPSEMA waters; and
(c) if the operations are not diving operations—take place:
  (i) in NOPSEMA waters; and

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(ii) at a facility.

regulated operation includes an activity to which the core regulatory provisions of a State or Territory PSLA apply. For this purpose, the ***core regulatory provisions*** are the provisions that substantially correspond to Chapter 2 or 3 of this Act.

State Greenhouse Gas Storage Minister, in relation to a State, means:

(a) the Minister of that State who is responsible for matters relating to:
  (i) the injection of greenhouse gas substances into parts of geological formations; and
  (ii) the permanent storage of greenhouse gas substances in parts of geological formations; or
(b) another Minister of that State acting for and on behalf of the Minister referred to in paragraph (a).

State Petroleum Minister, in relation to a State, means:

(a) the Minister of that State who is responsible for the State PSLA; or
(b) another Minister of that State acting for and on behalf of the Minister referred to in paragraph (a).

State PSLA means:

(a) in relation to New South Wales—the *Petroleum (Submerged Lands) Act 1982* of that State or such other law of that State as is prescribed by the regulations for the purposes of this paragraph; or
(b) in relation to Victoria—the *Offshore Petroleum and Greenhouse Gas Storage Act 2010* of that State or such other law of that State as is prescribed by the regulations for the purposes of this paragraph; or
(c) in relation to Queensland—the *Petroleum (Submerged Lands) Act 1982* of that State or such other law of that State as is prescribed by the regulations for the purposes of this paragraph; or

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(d) in relation to Western Australia—the *Petroleum (Submerged Lands) Act 1982* of that State or such other law of that State as is prescribed by the regulations for the purposes of this paragraph; or

(e) in relation to South Australia—the *Petroleum (Submerged Lands) Act 1982* of that State or such other law of that State as is prescribed by the regulations for the purposes of this paragraph; or

(f) in relation to Tasmania—the *Petroleum (Submerged Lands) Act 1982* of that State or such other law of that State as is prescribed by the regulations for the purposes of this paragraph.

Territory PSLA means the *Petroleum (Submerged Lands) Act* of the Northern Territory or such other law of the Northern Territory as is prescribed by the regulations for the purposes of this paragraph.

644 Designated coastal waters

For the purposes of this Part, ***designated coastal waters***, in relation to a State or the Northern Territory, means so much of the scheduled area for the State or Territory as consists of any waters of the sea that are on the landward side of the offshore area of the State or Territory.

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Division 2—Establishment, functions and powers of NOPSEMA

645 National Offshore Petroleum Safety and Environmental Management Authority

The body known immediately before the commencement of this section as the National Offshore Petroleum Safety Authority is continued in existence as the National Offshore Petroleum Safety and Environmental Management Authority.

Note 1: In this Act, ***NOPSEMA*** means the National Offshore Petroleum Safety and Environmental Management Authority—see section 7.

Note 2: See also section 25B of the *Acts Interpretation Act 1901*.

646 NOPSEMA's functions

NOPSEMA has the following functions:

(a) the functions conferred on it by or under this Act in relation to occupational health and safety matters in connection with offshore petroleum operations or offshore greenhouse gas storage operations in Commonwealth waters;

(b) the functions conferred on it by or under a State PSLA or the Territory PSLA in relation to occupational health and safety matters in connection with offshore petroleum operations or offshore greenhouse gas storage operations in the designated coastal waters of that State or Territory;

(c) to promote the occupational health and safety of persons engaged in offshore petroleum operations or offshore greenhouse gas storage operations;

(d) to develop and implement effective monitoring and enforcement strategies to secure compliance by persons with their occupational health and safety obligations under this Act and the regulations;

(e) to:

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(i) investigate accidents, occurrences and circumstances that affect, or have the potential to affect, the occupational health and safety of persons engaged in offshore petroleum operations or offshore greenhouse gas storage operations in Commonwealth waters; and

(ii) report, as appropriate, to the responsible Commonwealth Minister, and to State and Northern Territory Petroleum Ministers, on those investigations;

(f) to advise persons, either on its own initiative or on request, on occupational health and safety matters relating to offshore petroleum operations or offshore greenhouse gas storage operations;

(g) to make reports, including recommendations, to:

(i) the responsible Commonwealth Minister; and

(ii) each State and Northern Territory Petroleum Minister;

on issues relating to the occupational health and safety of persons engaged in offshore petroleum operations or offshore greenhouse gas storage operations;

(ga) the functions conferred on it by or under this Act in relation to the structural integrity of:

(i) facilities (within the meaning of Schedule 3); or

(ii) wells; or

(iii) well-related equipment;

located in Commonwealth waters;

(gb) the functions conferred on it by or under a State PSLA or the Territory PSLA in relation to the structural integrity of:

(i) facilities; or

(ii) wells; or

(iii) well-related equipment;

located in the designated coastal waters of that State or Territory;

(gc) to develop and implement effective monitoring and enforcement strategies to ensure compliance by persons with their obligations under a structural integrity law;

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(gd) to investigate accidents, occurrences and circumstances that involve, or may involve, deficiencies in the structural integrity of:

(i) facilities (within the meaning of Schedule 3); or

(ii) wells; or

(iii) well-related equipment;

located in Commonwealth waters;

(ge) to report, as appropriate, to the responsible Commonwealth Minister, and to State and Northern Territory Petroleum Ministers, on investigations covered by paragraph (gd);

(gf) to advise persons, either on its own initiative or on request, on matters relating to the structural integrity of:

(i) facilities (within the meaning of Schedule 3); or

(ii) wells; or

(iii) well-related equipment;

located in Commonwealth waters;

(gg) the functions conferred on it by or under this Act in relation to offshore petroleum environmental management in connection with operations in Commonwealth waters;

(gh) the functions conferred on it by or under this Act in relation to offshore greenhouse gas storage environmental management in connection with operations in Commonwealth waters;

(gi) the functions conferred on it by or under a State PSLA or the Territory PSLA in relation to offshore petroleum environmental management in connection with operations in the designated coastal waters of that State or Territory;

(gj) the functions conferred on it by or under a State PSLA or the Territory PSLA in relation to offshore greenhouse gas storage environmental management in connection with operations in the designated coastal waters of that State or Territory;

(gk) to develop and implement effective monitoring and enforcement strategies to ensure compliance by persons with their obligations under an environmental management law;

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(gl) to investigate accidents, occurrences and circumstances that involve, or may involve, deficiencies in:

(i) offshore petroleum environmental management in connection with operations in Commonwealth waters; or

(ii) offshore greenhouse gas storage environmental management in connection with operations in Commonwealth waters;

(gm) to report, as appropriate, to the responsible Commonwealth Minister, and to State and Northern Territory Petroleum Ministers, on investigations covered by paragraph (gl);

(gn) to advise persons, either on its own initiative or on request, on matters relating to offshore petroleum environmental management;

(go) to advise persons, either on its own initiative or on request, on matters relating to offshore greenhouse gas storage environmental management;

(gp) when requested by the responsible Commonwealth Minister, to provide information, assessments, analysis, reports, advice and recommendations to the responsible Commonwealth Minister in relation to the performance of the responsible Commonwealth Minister's functions, or the exercise of the responsible Commonwealth Minister's powers, in relation to offshore greenhouse gas storage operations;

(gq) to develop and implement effective monitoring and enforcement strategies to ensure compliance by persons with their obligations under this Act and the regulations (other than the obligations referred to in paragraphs (d), (gc) and (gk));

(gr) to cooperate with the Titles Administrator in matters relating to the administration and enforcement of this Act and the regulations;

(h) to cooperate with:

(i) other Commonwealth agencies or authorities having functions relating to regulated operations; and

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(ii) State and Northern Territory agencies or authorities having functions relating to regulated operations;

(i) such other functions as are conferred on it by or under this Act;

(j) to do anything incidental to or conducive to the performance of any of the above functions.

Note 1: For a limitation on the conferral of the functions referred to in paragraphs (b), (gi) and (gj), see subsection 646A(1A).

Note 2: For a limitation on the conferral of the functions referred to in paragraph (gb), see subsection 646A(1B).

646A Limits on functions conferred on NOPSEMA

Constitutional limits—waters within the limits of a State or Territory

(1A) A State PSLA or the Territory PSLA must not confer functions on NOPSEMA in connection with operations in waters of the sea within the limits of the State or Territory unless:

(a) the operations are carried on by a constitutional corporation; or

(b) the operations relate to vessels, structures or other things that are owned or controlled, or that are being constructed, operated or decommissioned, by a constitutional corporation.

(1B) A State PSLA or the Territory PSLA must not confer functions on NOPSEMA in relation to the structural integrity of facilities, wells or well-related equipment located in waters of the sea within the limits of the State or Territory unless the facilities, wells or well-related equipment:

(a) are owned or controlled by a constitutional corporation; or

(b) are being constructed, operated or decommissioned, by a constitutional corporation.

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Limits on petroleum functions

(1) Section 646 does not authorise NOPSEMA to perform a function that is:

(a) mentioned in a State petroleum functions provision; and

(b) conferred by or under a particular State PSLA or the Territory PSLA;

unless:

(c) the functions mentioned in paragraph 646(b), to the extent to which it relates to occupational health and safety matters in connection with offshore petroleum operations, are conferred on NOPSEMA by or under the State PSLA or Territory PSLA, as the case may be; and

(ca) the functions mentioned in paragraph 646(gb), to the extent to which it relates to structural integrity in connection with:

(i) the exploration for petroleum; or

(ii) the recovery, processing, storage, offloading or piped conveyance of petroleum;

are conferred on NOPSEMA by or under the State PSLA or Territory PSLA, as the case may be; and

(d) there are provisions of the State PSLA or Territory PSLA, as the case may be, that substantially correspond to Schedule 3 to this Act as in force:

(i) at the commencement of this section; or

(ii) at any later time; and

(e) there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the petroleum provisions of the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009* as in force:

(i) at the commencement of this section; or

(ii) at any later time; and

(f) there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the petroleum provisions of Part 5 of the *Offshore Petroleum*

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and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011 as in force:

(i) at the commencement of this section; or

(ii) at any later time; and

(g) if the function mentioned in paragraph 646(gi) is conferred on NOPSEMA by or under the State PSLA or Territory PSLA, as the case may be—there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the petroleum provisions of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* as in force:

(i) at the commencement of this section; or

(ii) at any later time.

Note 1: For ***State petroleum functions provision***, see subsection (3).

Note 2: For ***petroleum provisions***, see subsection (4).

(2) Subsection (1) does not apply to the performance of a function by NOPSEMA during the period of 12 months beginning on the commencement of this section.

(3) For the purposes of this section, ***State petroleum functions provision*** means:

(a) paragraph 646(b) to the extent to which it relates to occupational health and safety matters in connection with offshore petroleum operations; or

(b) paragraph 646(gb) to the extent to which it relates to structural integrity in connection with:

(i) the exploration for petroleum; or

(ii) the recovery, processing, storage, offloading or piped conveyance of petroleum; or

(c) paragraph 646(gi).

(4) For the purposes of this section, ***petroleum provisions*** means provisions to the extent to which they relate to:

(a) the exploration for petroleum; or

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(b) the recovery, processing, storage, offloading or piped conveyance of petroleum.

Limits on greenhouse gas storage functions

(5) Section 646 does not authorise NOPSEMA to perform a function that is:

(a) mentioned in paragraph 646(b) to the extent to which it relates to occupational health and safety matters in connection with offshore greenhouse gas storage operations; and

(b) conferred by or under a particular State PSLA or the Territory PSLA;

unless:

(c) there are provisions of the State PSLA or Territory PSLA, as the case may be, that substantially correspond to Schedule 3 to this Act as in force:

(i) at the commencement of this subsection; or

(ii) at any later time; and

(d) there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the greenhouse gas storage provisions of the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009* as in force:

(i) at the commencement of this subsection; or

(ii) at any later time.

Note: For ***greenhouse gas storage provisions***, see subsection (8).

(6) Section 646 does not authorise NOPSEMA to perform a function that is:

(a) mentioned in paragraph 646(gb) to the extent to which it relates to structural integrity in connection with:

(i) the exploration for potential greenhouse gas storage formations or potential greenhouse gas injection sites; or

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(ii) the injection of a greenhouse gas substance into the seabed or subsoil; or

(iii) the permanent storage of a greenhouse gas substance in the seabed or subsoil; or

(iv) the compression, processing, offloading, piped conveyance or pre-injection storage of a greenhouse gas substance; or

(v) the monitoring of a greenhouse gas substance stored in the seabed or subsoil; and

(b) conferred by or under a particular State PSLA or the Territory PSLA;

unless there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the greenhouse gas storage provisions of Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* as in force:

(c) at the commencement of this subsection; or

(d) at any later time.

Note: For ***greenhouse gas storage provisions***, see subsection (8).

(7) Section 646 does not authorise NOPSEMA to perform a function that is:

(a) mentioned in paragraph 646(gj); and

(b) conferred by or under a particular State PSLA or the Territory PSLA;

unless there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the greenhouse gas storage provisions of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* as in force:

(c) at the commencement of this subsection; or

(d) at any later time.

Note: For ***greenhouse gas storage provisions***, see subsection (8).

(8) For the purposes of this section, ***greenhouse gas storage provisions*** means provisions to the extent to which they relate to:

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(a) the exploration for potential greenhouse gas storage formations or potential greenhouse gas injection sites; or

(b) the injection of a greenhouse gas substance into the seabed or subsoil; or

(c) the permanent storage of a greenhouse gas substance in the seabed or subsoil; or

(d) the compression, processing, offloading, piped conveyance or pre-injection storage of a greenhouse gas substance; or

(e) the monitoring of a greenhouse gas substance stored in the seabed or subsoil.

Limits relating to cost recovery

(9) A State PSLA or the Territory PSLA must not confer functions on NOPSEMA:

(a) in connection with operations in; or

(b) in relation to the structural integrity of facilities, wells or well-related equipment located in;

so much of the designated coastal waters of the State or the Northern Territory, as the case may be, as are on the landward side of the territorial sea unless:

(c) there is an agreement between the responsible Commonwealth Minister and the responsible State Minister, or the responsible Northern Territory Minister, as the case may be, that deals with measures to be implemented by the State or the Northern Territory, as the case may be, for the payment of amounts to NOPSEMA in respect of the performance of some or all of those functions; and

(d) those measures have been implemented by the State or the Northern Territory, as the case may be.

(10) For the purpose of subsection (9), assume that the breadth of the territorial sea of Australia had never been determined or declared to be greater than 3 nautical miles, but had continued to be 3 nautical miles.

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647 Policy principles

(1) The responsible Commonwealth Minister may give written policy principles to NOPSEMA about the performance of its functions.

Note: For agreement and consultation requirements, see subsections (2) and (3).

(2) The responsible Commonwealth Minister must not give a policy principle that relates wholly or principally to NOPSEMA's operations in the designated coastal waters of one or more of the States and the Northern Territory unless the responsible Commonwealth Minister has obtained the agreement of each State or Northern Territory Petroleum Minister concerned.

(3) Before giving a policy principle that is not covered by subsection (2), the responsible Commonwealth Minister must consult each State and Northern Territory Petroleum Minister.

(4) The responsible Commonwealth Minister must cause a copy of the policy principles to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which they were given to NOPSEMA.

(5) NOPSEMA must comply with the policy principles (if any) when performing its functions.

(6) A policy principle is a legislative instrument.

648 NOPSEMA's ordinary powers

(1) NOPSEMA has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

(2) NOPSEMA's powers include, but are not limited to, the following powers:

(a) the power to acquire, hold and dispose of real and personal property;

(b) the power to enter into contracts;

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(c) the power to lease the whole or any part of any land or building for the purposes of NOPSEMA;

(d) the power to occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of NOPSEMA;

(e) the power to conduct research and development projects and to cooperate with others in such projects;

(f) the power to apply for and hold patents and exploit patents;

(g) the power to do anything incidental to any of its functions.

649 Functions and powers of NOPSEMA under State or Territory PSLA or other laws

For the avoidance of doubt, a reference in this Part to the functions or powers of NOPSEMA includes a reference to the functions or powers conferred on NOPSEMA by or under a State or Territory PSLA.

650 Additional functions and powers

States and the Northern Territory

(1) NOPSEMA may provide services, under a contract entered into by NOPSEMA, to:

(a) a State or the Northern Territory; or

(b) an agency or authority of a State or the Northern Territory;

where:

(c) the services relate to the regulation of:

(i) the exploration for petroleum; or

(ii) the recovery, processing, storage, offloading or piped conveyance of petroleum;

on or in:

(iii) land, or waters (not being designated coastal waters), within the limits of the State or Territory; or

(v) the designated coastal waters of the State or Territory; and

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(d) if the services are to be provided on land that is, or in waters that are, within the limits of the State or Territory:
  (i) the services relate to the regulation of activities carried on by a constitutional corporation; or
  (ii) the services relate to the regulation of vessels, structures or other things that are owned or controlled, or that are being constructed, operated or decommissioned, by a constitutional corporation; and
(e) the contract is approved in writing by the responsible Commonwealth Minister.

Foreign countries

(3) NOPSEMA may provide services, under a contract entered into by NOPSEMA, to:
  (a) the government of a foreign country; or
  (b) an agency or authority of a foreign country; or
  (c) the government of part of a foreign country; or
  (d) an agency or authority of part of a foreign country;

where:
  (e) the services relate to the regulation of:
    (i) the exploration for petroleum; or
    (ii) the recovery, processing, storage, offloading or piped conveyance of petroleum;

  outside Australia; and
  (f) the contract is approved in writing by the responsible Commonwealth Minister.

(4) Before giving an approval under paragraph (3)(f), the responsible Commonwealth Minister must consult the Foreign Affairs Minister.

Provision of services not to impede other functions

(5) Subsections (1) and (3) do not authorise NOPSEMA to provide a service if the provision of the service would impede NOPSEMA's capacity to perform its other functions.

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Certain governance provision do not apply

(6) The following provisions:
- (a) section 647;
- (b) Division 3;
- (c) section 667;
- (d) Division 5;
- (e) section 685;
- (f) section 690;
- (g) section 692;
- (h) section 693;
- (i) section 694;

do not apply in relation to a power conferred by subsection (1) or (3) of this section.

(6A) The annual report prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period is not required to include information about a service provided under a contract mentioned in subsection (1) or (3) of this section.

Definitions

(7) In this section:

Foreign Affairs Minister means the Minister administering the *Diplomatic Privileges and Immunities Act 1967*.

regulation includes investigation.

652 NOPSEMA is a body corporate

(1) NOPSEMA:
- (a) is a body corporate; and
- (b) must have a seal; and
- (c) may sue and be sued.

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Section 652

Seal

(2) The seal of NOPSEMA must be kept in such custody as the CEO directs, and must not be used except as authorised by the CEO.

(3) All courts, judges and persons acting judicially must:
  (a) take judicial notice of the imprint of the seal of NOPSEMA appearing on a document; and
  (b) presume that the document was duly sealed.

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Division 3—National Offshore Petroleum Safety and Environmental Management Authority Board

Subdivision A—Establishment, functions and membership

653 National Offshore Petroleum Safety and Environmental Management Authority Board

The body known immediately before the commencement of this section as the National Offshore Petroleum Safety Authority Board is continued in existence as the National Offshore Petroleum Safety and Environmental Management Authority Board.

Note: See also section 25B of the *Acts Interpretation Act 1901*.

654 Functions of the Board

(1) The Board has the following functions:

(a) to give advice, and make recommendations, to the CEO about the operational policies and strategies to be followed by NOPSEMA in the performance of its functions;

(b) to give advice, and make recommendations, to:

(i) the responsible Commonwealth Minister; and

(ii) a State Petroleum Minister; and

(iii) the Northern Territory Petroleum Minister; and

(iv) the Ministers responsible for mineral and energy resources matters;

about any or all of the following:

(v) policy or strategic matters relating to the occupational health and safety of persons engaged in offshore petroleum operations;

(va) policy or strategic matters relating to the structural integrity of facilities, wells or well-related equipment that are in NOPSEMA waters;

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(vb) policy or strategic matters relating to offshore petroleum environmental management;

(vi) the performance by NOPSEMA of its functions;

(c) to give advice, and make recommendations, to:

(i) the responsible Commonwealth Minister; and

(ii) a State Greenhouse Gas Storage Minister; and

(iii) the Northern Territory Greenhouse Gas Storage Minister; and

(iv) the Greenhouse Gas Storage Ministerial Council;

about any or all of the following:

(v) policy or strategic matters relating to the occupational health and safety of persons engaged in offshore greenhouse gas storage operations;

(va) policy or strategic matters relating to offshore greenhouse gas storage environmental management;

(vi) the performance by NOPSEMA of its functions;

(d) such other functions (if any) as are specified in a written notice given by the responsible Commonwealth Minister to the Chair of the Board.

(2) A notice under paragraph (1)(d) is not a legislative instrument.

(3) As soon as practicable after the Board gives advice, or makes recommendations, under paragraph (1)(b) to:

(a) a State Petroleum Minister; or

(b) the Northern Territory Petroleum Minister; or

(c) the Ministers responsible for mineral and energy resources matters;

the Board must give the responsible Commonwealth Minister a written copy of that advice or those recommendations.

(4) As soon as practicable after the Board gives advice, or makes recommendations, under paragraph (1)(c) to:

(a) a State Greenhouse Gas Storage Minister; and

(b) the Northern Territory Greenhouse Gas Storage Minister; and

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(c) the Greenhouse Gas Storage Ministerial Council;

the Board must give the responsible Commonwealth Minister a written copy of that advice or those recommendations.

655 Powers of the Board

The Board has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

656 Membership

(1) The Board consists of the following members:

(a) a Chair;

(b) at least 5, and not more than 7, other members.

Note: Section 18B of the *Acts Interpretation Act 1901* deals with the title of the Chair.

(2) The performance of the functions, or the exercise of the powers, of the Board is not affected only because of there being a vacancy or vacancies in the membership of the Board.

(3) Board members are to be appointed by the responsible Commonwealth Minister by written instrument.

Note: A Board member may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

(4) Each person appointed as a Board member must have been selected for appointment by the Ministers responsible for mineral and energy resources matters.

Note: The Chair is a Board member appointed by the responsible Commonwealth Minister as the Chair.

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Subdivision B—Board procedures

657 Board procedures

(1) The responsible Commonwealth Minister may, by writing, determine matters relating to the operation of the Board, including (but not limited to) the following:

(a) procedures for convening Board meetings;

(b) the constitution of a quorum for a Board meeting;

(c) procedures for conducting Board meetings, including (but not limited to) the way the Board may resolve matters;

(d) disclosure of interests;

(e) Board records;

(f) reporting requirements, including (but not limited to) reports to the responsible Commonwealth Minister and to the public.

(2) If no determination is in force for the purposes of a paragraph of subsection (1), the Board may operate in the way it determines in respect of the matters described in that paragraph.

(3) A determination under subsection (1) is a legislative instrument.

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

Subdivision C—Terms and conditions for Board members

658 Term of appointment and related matters for Board members

(1) A Board member is to be appointed on a part-time basis.

(2) A Board member holds office for the period that is specified in the instrument of appointment. The period must not exceed 3 years.

Note: A Board member may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

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659 Remuneration and allowances of Board members

(1) A Board member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Board member is to be paid the remuneration that is determined by the responsible Commonwealth Minister.

(2) However, if a Board member is in full-time employment with:

(a) a State or the Northern Territory; or

(b) an instrumentality of a State or of the Northern Territory;

the Board member is not to be paid remuneration under subsection (1).

(3) A Board member is to be paid the allowances that are prescribed.

(4) This section has effect subject to the *Remuneration Tribunal Act 1973*.

660 Leave of absence of Board members

(1) The responsible Commonwealth Minister may grant leave of absence to the Chair of the Board on the terms and conditions that the responsible Commonwealth Minister determines.

(2) The Chair of the Board may grant leave of absence to another Board member on the terms and conditions that the Chair determines.

661 Resignation of Board members

A Board member may resign his or her appointment by giving the responsible Commonwealth Minister a written resignation.

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Section 662

662 Termination of appointment of Board members

(1) The responsible Commonwealth Minister may terminate the appointment of a Board member for misbehaviour or physical or mental incapacity.

(2) The responsible Commonwealth Minister may terminate the appointment of a Board member if:

(a) the member:

(i) becomes bankrupt; or

(ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or

(iii) compounds with his or her creditors; or

(iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or

(b) the member is absent, except on leave of absence, from 3 consecutive meetings of the Board; or

(c) the member fails, without reasonable excuse, to comply with a section 657 determination to the extent to which the determination relates to disclosure of interests; or

(d) the responsible Commonwealth Minister is satisfied that the performance of the member has been unsatisfactory for a significant period.

(3) The responsible Commonwealth Minister must consult all State Petroleum Ministers and the Northern Territory Petroleum Minister before terminating the appointment of a Board member.

663 Other terms and conditions of Board members

A Board member holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the responsible Commonwealth Minister.

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664 Acting Board members

(1) The responsible Commonwealth Minister may appoint a person to act as the Chair of the Board:

(a) during a vacancy in the office of Chair of the Board, whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when the Chair of the Board is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

(2) The responsible Commonwealth Minister may appoint a person to act as a Board member (other than the Chair of the Board):

(a) during a vacancy in the office of a Board member (other than the Chair of the Board), whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when a Board member (other than the Chair of the Board) is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

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Division 4—Chief Executive Officer and staff of NOPSEMA

665 Appointment of the CEO

(1) There is to be a Chief Executive Officer of NOPSEMA.

Note: See also section 25B of the *Acts Interpretation Act 1901*.

(2) The CEO is to be appointed by the responsible Commonwealth Minister by written instrument.

(3) The responsible Commonwealth Minister must not appoint a person as CEO unless the person is recommended to the responsible Commonwealth Minister by the Ministers responsible for mineral and energy resources matters.

(4) The CEO is to be appointed on a full-time basis.

(5) The CEO holds office for the period that is specified in the instrument of appointment. The period must not exceed 5 years.

Note: The CEO may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

666 Duties of the CEO

(1) The CEO is responsible for managing NOPSEMA.

(2) Anything done by the CEO in the name of NOPSEMA or on NOPSEMA's behalf is taken to have been done by NOPSEMA.

(3) For the purposes of the *Public Governance, Performance and Accountability Act 2013*, the CEO is the accountable authority of NOPSEMA.

667 Working with the Board

(1) The CEO must request the Board's advice on strategic matters relating to the performance of NOPSEMA's functions.

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(2) The CEO must have regard to the advice given to him or her by the Board (whether or not the advice was given in response to a request).

(3) The CEO must:
  (a) keep the Board informed of NOPSEMA's operations; and
  (b) give the Board such reports, documents and information in relation to those operations as the Chair of the Board reasonably requires.

(4) The CEO may attend Board meetings as an observer (including by telephone or other means).

(5) To avoid doubt, the CEO is not subject to direction by the Board in relation to the CEO's performance of functions, or exercise of powers, under the following Acts in relation to NOPSEMA:
  (a) the *Public Governance, Performance and Accountability Act 2013*;
  (b) the *Public Service Act 1999*.

668 Remuneration and allowances of the CEO

(1) The CEO is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the CEO is to be paid the remuneration that is determined by the responsible Commonwealth Minister.

(2) The CEO is to be paid the allowances that are prescribed.

(3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

669 Leave of absence of the CEO

(1) The CEO has the recreation leave entitlements that are determined by the Remuneration Tribunal.

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(2) The responsible Commonwealth Minister may grant the CEO leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the responsible Commonwealth Minister determines.

670 Resignation of the CEO

The CEO may resign his or her appointment by giving the responsible Commonwealth Minister a written resignation.

672 Termination of CEO's appointment

Termination

(1) The responsible Commonwealth Minister may terminate the appointment of the CEO for misbehaviour or physical or mental incapacity.

(2) The responsible Commonwealth Minister may terminate the appointment of the CEO if:
  (a) the CEO:
    (i) becomes bankrupt; or
    (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
    (iii) compounds with his or her creditors; or
    (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
  (b) the CEO is absent from duty, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
  (c) the CEO engages, except with the responsible Commonwealth Minister's approval, in paid employment outside the duties of his or her office; or
  (d) the CEO fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section; or

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(e) the responsible Commonwealth Minister is satisfied that the performance of the CEO has been unsatisfactory for a significant period.

Conflict of interest

(3) If the responsible Commonwealth Minister becomes aware, whether because of a disclosure under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or otherwise, that the CEO has a material personal interest that could conflict with the proper performance of the CEO's duties, the responsible Commonwealth Minister must make a written determination either that the interest does, or that it does not, pose a significant risk of a conflict of interest.

(4) If the responsible Commonwealth Minister determines that the interest poses a significant risk, the responsible Commonwealth Minister must require the CEO to dispose of that interest within a period specified by the responsible Commonwealth Minister.

(5) If:

(a) the responsible Commonwealth Minister requires the CEO to dispose of an interest; and

(b) the CEO refuses or fails to comply with that requirement;

the responsible Commonwealth Minister must terminate the appointment of the CEO.

673 Other terms and conditions

The CEO holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the responsible Commonwealth Minister.

674 Acting appointments

The responsible Commonwealth Minister may appoint a person to act as the CEO:

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(a) during a vacancy in the office of CEO (whether or not an appointment has previously been made to the office); or

(b) during any period, or during all periods, when the CEO is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

675 Delegation by CEO

(1) The CEO may, by writing, delegate any or all of his or her functions or powers (except a power conferred by section 611G or 602) to:

(a) a member of staff of NOPSEMA; or

(b) an employee of the Commonwealth or of a Commonwealth authority; or

(c) an employee of a State or of the Northern Territory or of an authority of a State or of the Northern Territory.

(2) In performing functions or exercising powers under the delegation, the delegate must comply with any directions of the CEO.

Note: See sections 34AA to 34A of the *Acts Interpretation Act 1901*.

676 Staff of NOPSEMA

(1) The staff of NOPSEMA must be persons engaged under the *Public Service Act 1999*.

(2) For the purposes of the *Public Service Act 1999*:

(a) the CEO and the APS employees assisting the CEO together constitute a Statutory Agency; and

(b) the CEO is the Head of that Statutory Agency.

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677 Consultants and persons seconded to NOPSEMA

(1) The CEO may engage consultants to perform services for NOPSEMA in connection with the performance of any of its functions or the exercise of any of its powers.

(2) The terms and conditions of engagement of persons engaged under subsection (1) are such as the CEO determines in writing.

(3) NOPSEMA may also be assisted:

(a) by officers and employees of Agencies (within the meaning of the *Public Service Act 1999*), and of authorities of the Commonwealth; or

(b) by officers and employees of, or of authorities of, a State or the Northern Territory;

whose services are made available to NOPSEMA in connection with the performance of any of its functions or the exercise of any of its powers.

(4) An instrument under subsection (3) is not a legislative instrument.

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Division 5—Corporate plans

678 Corporate plan

(1) The corporate plan prepared by the CEO under section 35 of the *Public Governance, Performance and Accountability Act 2013* must include details of the following matters:

(a) an analysis of risk factors likely to affect the safety of offshore petroleum operations or offshore greenhouse gas storage operations;

(b) an analysis of risk factors likely to affect the structural integrity of facilities, wells or well-related equipment that are in NOPSEMA waters;

(c) an analysis of risk factors likely to affect offshore petroleum environmental management or offshore greenhouse gas storage environmental management;

(d) human resource strategies and industrial relations strategies.

(1A) The corporate plan must include details of an analysis of risk factors in respect of the matters referred to in paragraphs (1)(a), (b) and (c) only to the extent that NOPSEMA has functions in relation to those matters.

(2) The corporate plan must also cover any other matters required by the responsible Commonwealth Minister, which may include further details about the matters mentioned in subsection (1).

(3) Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the CEO.

679 Responsible Commonwealth Minister's response to corporate plan

(1) On receiving the corporate plan, the responsible Commonwealth Minister must:

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(a) provide a copy of the plan to each State and Northern Territory Petroleum Minister; and

(b) consult those Ministers on the content of the plan.

(2) The responsible Commonwealth Minister must respond to the plan as soon as practicable after completion of those consultations.

(3) The responsible Commonwealth Minister's response may include a written direction to the CEO to vary the plan. However, a direction under this subsection must not be given in respect of occupational health and safety matters relating to particular offshore petroleum operations or particular offshore greenhouse gas storage operations.

(4) The responsible Commonwealth Minister's response must set out the reasons for giving a direction.

(5) If the responsible Commonwealth Minister's response includes a direction to vary the corporate plan, the CEO must prepare a revised plan and give it to the responsible Commonwealth Minister within 30 days after being given the response.

(6) The responsible Commonwealth Minister must not approve, or direct the variation of, a part of a corporate plan that relates specifically to operations of NOPSEMA in the designated coastal waters of one or more of the States without the approval of the State Petroleum Minister or State Petroleum Ministers concerned.

(7) The responsible Commonwealth Minister must not approve, or direct the variation of, a part of a corporate plan that relates specifically to operations of NOPSEMA in the designated coastal waters of the Northern Territory without the approval of the Northern Territory Petroleum Minister.

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Division 7—NOPSEMA's finances

682 Commonwealth payments to NOPSEMA

(1) The Commonwealth must pay to NOPSEMA amounts equal to:

(a) such money as is appropriated by the Parliament for the purposes of NOPSEMA; and

(b) amounts debited from the National Offshore Petroleum Titles Administrator Special Account under subsection 602B(2) (about NOPSEMA inspectors); and

(c) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of safety investigation levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 686(2); and

(d) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of safety case levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 687(4); and

(e) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of well investigation levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 688(2); and

(f) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of annual well levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 688A(2); and

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(g) the following amounts paid to NOPSEMA on behalf of the Commonwealth:
  (i) amounts paid by way of well activity levy imposed by the Regulatory Levies Act;
  (ii) amounts paid by way of late payment penalty under subsection 688B(2); and

(h) the following amounts paid to NOPSEMA on behalf of the Commonwealth:
  (i) amounts paid by way of environment plan levy imposed by the Regulatory Levies Act;
  (ii) amounts paid by way of late payment penalty under subsection 688C(2); and

(i) any other amounts paid to NOPSEMA, on behalf of the Commonwealth, by a State or the Northern Territory; and

(j) any other amounts paid to NOPSEMA on behalf of the Commonwealth.

(2) The Finance Minister may give directions about the amounts in which, and the times at which, money payable under paragraph (1)(a) is to be paid to NOPSEMA.

(3) If a direction under subsection (2) is given in writing, the direction is not a legislative instrument.

(4) If an amount referred to in any of paragraphs (1)(b) to (j) is refunded by the Commonwealth, NOPSEMA must pay to the Commonwealth an amount equal to the refund.

(5) The responsible Commonwealth Minister may, on behalf of the Commonwealth, set off an amount payable by NOPSEMA under subsection (4) against an amount that is payable to NOPSEMA under subsection (1).

(6) Amounts payable under paragraphs (1)(b) to (j) are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

(7) In this section:

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Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

683 Application of money by NOPSEMA

(1) The money of NOPSEMA is to be applied only:

(a) in payment or discharge of the costs, expenses and other obligations incurred by NOPSEMA in the performance of its functions and the exercise of its powers; and

(b) in payment of any remuneration or allowances payable under this Act.

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of NOPSEMA.

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Division 8—Other financial matters

685 Fees for expenses incurred by NOPSEMA

Fees

(1) The regulations may provide for the payment to NOPSEMA of fees in respect of matters in relation to which expenses are incurred by NOPSEMA under this Act or the regulations, including, but not limited to, fees in respect of, or for applications for:
  (a) the registration of a person under regulations made for the purposes of subclause 5(1) of Schedule 3; or
  (b) the issue, variation or transfer of licences granted under regulations made for the purposes of paragraph 17(3)(g) of Schedule 3.

(2) Subsection (1) does not authorise the imposition of taxation within the meaning of section 55 of the Constitution.

Recovery of fees

(3) Each fee:
  (a) is a debt due to NOPSEMA; and
  (b) is recoverable by NOPSEMA in a court of competent jurisdiction.

686 Safety investigation levy

When safety investigation levy becomes due and payable

(1) Safety investigation levy imposed by the Regulatory Levies Act becomes due and payable at the time specified in, or worked out in accordance with, the regulations.

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Late payment penalty

(2) If safety investigation levy payable by a person under the Regulatory Levies Act remains wholly or partly unpaid after it becomes due and payable, the person is liable to pay a late payment penalty under this section.

(3) The late payment penalty is calculated at the rate of 0.333333% per day on the amount of the safety investigation levy remaining unpaid.

(4) NOPSEMA may remit the whole or a part of an amount of late payment penalty if NOPSEMA considers that there are good reasons for doing so.

Recovery of safety investigation levy and late payment penalty

(5) Each amount of safety investigation levy, and each amount of late payment penalty payable in respect of safety investigation levy:
  (a) is a debt due to NOPSEMA on behalf of the Commonwealth; and
  (b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in a court of competent jurisdiction.

687 Safety case levy

Remittal or refund

(1) The regulations may make provision for the remittal or refund of part of an amount of safety case levy imposed by the Regulatory Levies Act in respect of a facility and a year if:
  (a) the facility is of a kind declared by the regulations to be a facility that operates on an intermittent basis; and
  (b) the facility in fact only operates for a part of that year.

(2) The regulations may make provision for the remittal or refund of part of an amount of safety case levy imposed by the Regulatory Levies Act in respect of a facility and a part of a year if:

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(a) the facility is of a kind declared by the regulations to be a facility that operates on an intermittent basis; and

(b) the facility in fact only operates for a part of that part of the year.

When safety case levy becomes due and payable

(3) Safety case levy imposed by the Regulatory Levies Act becomes due and payable at the time specified in, or worked out in accordance with, the regulations.

Late payment penalty

(4) If safety case levy payable by a person under the Regulatory Levies Act remains wholly or partly unpaid after it becomes due and payable, the person is liable to pay a late payment penalty under this section.

(5) The late payment penalty is calculated at the rate of 0.333333% per day on the amount of the safety case levy remaining unpaid.

(6) NOPSEMA may remit the whole or a part of an amount of late payment penalty if NOPSEMA considers that there are good reasons for doing so.

Recovery of safety case levy and late payment penalty

(7) Each amount of safety case levy, and each amount of late payment penalty payable in respect of safety case levy:

(a) is a debt due to NOPSEMA on behalf of the Commonwealth; and

(b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in a court of competent jurisdiction.

Definitions

(8) In this section:

facility:

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(a) in relation to safety case levy imposed by section 7 of the Regulatory Levies Act—has the same meaning as in that section; or

(b) in relation to safety case levy imposed by section 8 of the Regulatory Levies Act—has the same meaning as in that section.

year has the same meaning as in the Regulatory Levies Act.

688 Well investigation levy

When well investigation levy becomes due and payable

(1) Well investigation levy imposed by the Regulatory Levies Act becomes due and payable at the time specified in, or worked out in accordance with, the regulations.

Late payment penalty

(2) If well investigation levy payable by a person under the Regulatory Levies Act remains wholly or partly unpaid after it becomes due and payable, the person is liable to pay a late payment penalty under this section.

(3) The late payment penalty is calculated at the rate of 0.333333% per day on the amount of the well investigation levy remaining unpaid.

(4) NOPSEMA may remit the whole or a part of an amount of late payment penalty if NOPSEMA considers that there are good reasons for doing so.

Recovery of well investigation levy and late payment penalty

(5) Each amount of well investigation levy, and each amount of late payment penalty payable in respect of well investigation levy:

(a) is a debt due to NOPSEMA on behalf of the Commonwealth; and

(b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in a court of competent jurisdiction.

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688A Annual well levy

When annual well levy becomes due and payable

(1) Annual well levy imposed by the Regulatory Levies Act becomes due and payable at the time specified in, or worked out in accordance with, the regulations.

Late payment penalty

(2) If annual well levy payable by a person under the Regulatory Levies Act remains wholly or partly unpaid after it becomes due and payable, the person is liable to pay a late payment penalty under this section.

(3) The late payment penalty is calculated at the rate of 0.333333% per day on the amount of the annual well levy remaining unpaid.

(4) NOPSEMA may remit the whole or a part of an amount of late payment penalty if NOPSEMA considers that there are good reasons for doing so.

Recovery of annual well levy and late payment penalty

(5) Each amount of annual well levy, and each amount of late payment penalty payable in respect of annual well levy:
   (a) is a debt due to NOPSEMA on behalf of the Commonwealth; and
   (b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in a court of competent jurisdiction.

688B Well activity levy

When well activity levy becomes due and payable

(1) Well activity levy imposed by the Regulatory Levies Act becomes due and payable at the time specified in, or worked out in accordance with, the regulations.

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Late payment penalty

(2) If well activity levy payable by a person under the Regulatory Levies Act remains wholly or partly unpaid after it becomes due and payable, the person is liable to pay a late payment penalty under this section.

(3) The late payment penalty is calculated at the rate of 0.333333% per day on the amount of the well activity levy remaining unpaid.

(4) NOPSEMA may remit the whole or a part of an amount of late payment penalty if NOPSEMA considers that there are good reasons for doing so.

Recovery of well activity levy and late payment penalty

(5) Each amount of well activity levy, and each amount of late payment penalty payable in respect of well activity levy:
  (a) is a debt due to NOPSEMA on behalf of the Commonwealth; and
  (b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in a court of competent jurisdiction.

688C Environment plan levy

Remittal or refund

(1A) The regulations may make provision for the remittal or refund of part of an amount of environment plan levy imposed by the Regulatory Levies Act.

When environment plan levy becomes due and payable

(1) Environment plan levy imposed by the Regulatory Levies Act becomes due and payable at the time specified in, or worked out in accordance with, the regulations.

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Late payment penalty

(2) If environment plan levy payable under the Regulatory Levies Act remains wholly or partly unpaid after it becomes due and payable:
  (a) if the levy is payable by a single person—the person is liable to pay a late payment penalty under this section; or
  (b) if the levy is payable jointly and severally by 2 or more persons—those persons are jointly and severally liable to pay a late payment penalty under this section.

(3) The late payment penalty is calculated at the rate of 0.333333% per day on the amount of the environment plan levy remaining unpaid.

(4) NOPSEMA may remit the whole or a part of an amount of late payment penalty if NOPSEMA considers that there are good reasons for doing so.

Recovery of environment plan levy and late payment penalty

(5) Each amount of environment plan levy, and each amount of late payment penalty payable in respect of environment plan levy:
  (a) is a debt due to NOPSEMA on behalf of the Commonwealth; and
  (b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in a court of competent jurisdiction.

689 Liability to taxation

(1) NOPSEMA is not subject to taxation under the laws of the Commonwealth or of a State or Territory.

(2) However, the regulations may provide that subsection (1) does not apply in relation to a specified law of the Commonwealth or of a State or Territory.

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

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Division 9—Miscellaneous

690 Annual reports

NOPSEMA

(1) The annual report prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* must also be given by the CEO to:
  (a) each State Petroleum Minister; and
  (b) the Northern Territory Petroleum Minister; and
  (c) the Ministers responsible for mineral and energy resources matters.

(2) A report mentioned in subsection (1) must include such other matters as are prescribed in the regulations.

Board

(3) The Chair of the Board must, as soon as practicable after 30 June in each year:
  (a) prepare and give to the responsible Commonwealth Minister a report of the Board's operations during the year ending on that 30 June; and
  (b) give a copy of that report to:
    (i) each State Petroleum Minister; and
    (ii) the Northern Territory Petroleum Minister; and
    (iii) the Ministers responsible for mineral and energy resources matters.

Note: See also section 34C of the *Acts Interpretation Act 1901*.

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Tabling of reports

(4) The responsible Commonwealth Minister must cause a copy of the report mentioned in subsection (3) to be tabled in each House of the Parliament within 15 sitting days of that House after receiving the report.

691 Ministers may require NOPSEMA to prepare reports or give information

Reports

(1) The responsible Commonwealth Minister or a State or Northern Territory Petroleum Minister may, by written notice given to NOPSEMA, require NOPSEMA:

(a) to prepare a report about one or more specified matters relating to the performance of NOPSEMA's functions or the exercise of NOPSEMA's powers; and

(b) give a copy of the report to:

(i) the responsible Commonwealth Minister; and

(ii) each State Petroleum Minister; and

(iii) the Northern Territory Petroleum Minister;

within the period specified in the notice.

Information

(2) The responsible Commonwealth Minister or a State or Northern Territory Petroleum Minister may, by written notice given to NOPSEMA, require NOPSEMA to:

(a) prepare a document setting out specified information relating to the performance of NOPSEMA's functions or the exercise of NOPSEMA's powers; and

(b) give a copy of the document to:

(i) the responsible Commonwealth Minister; and

(ii) each State Petroleum Minister; and

(iii) the Northern Territory Petroleum Minister;

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within the period specified in the notice.

Compliance with requirement

(3) NOPSEMA must comply with a requirement under subsection (1) or (2).

Reports and documents

(4) A report under subsection (1) is not a legislative instrument.

(5) A document under subsection (2) is not a legislative instrument.

692 Responsible Commonwealth Minister may give directions to NOPSEMA

Minister may give directions

(1) The responsible Commonwealth Minister may give written directions to NOPSEMA as to the performance of its functions or the exercise of its powers.

Note: For agreement and consultation requirements, see subsections (7) and (11).

(2) Directions given by the responsible Commonwealth Minister must not relate to regulated operations at a particular facility.

(3) Subsection (2) does not prevent the responsible Commonwealth Minister from directing NOPSEMA to investigate a particular occurrence in relation to a facility located in NOPSEMA waters.

State/Northern Territory Petroleum Minister may request the responsible Commonwealth Minister to give a direction

(4) A State Petroleum Minister or the Northern Territory Petroleum Minister may request the responsible Commonwealth Minister to give a direction to NOPSEMA that relates wholly or principally to NOPSEMA's operations in the designated coastal waters of the relevant State or the Northern Territory, as the case may be.

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(5) The responsible Commonwealth Minister must use his or her best endeavours to make a decision on the request within 30 days after receiving the request.

(6) If the responsible Commonwealth Minister refuses the request, the responsible Commonwealth Minister must give the Minister who made the request a written statement setting out the reasons for the refusal.

Agreement of State/Northern Territory Petroleum Ministers

(7) The responsible Commonwealth Minister must not give a direction that relates wholly or principally to NOPSEMA's operations in the designated coastal waters of one or more of the States and the Northern Territory unless the responsible Commonwealth Minister has obtained the agreement of each State or Northern Territory Petroleum Minister concerned (the ***affected Minister or Ministers***).

Urgency

(8) If the responsible Commonwealth Minister is satisfied that the circumstances of a case are sufficiently urgent to warrant it, the responsible Commonwealth Minister may, despite subsection (7), give a direction to NOPSEMA without obtaining the agreement of the affected Minister or Ministers.

(9) If the responsible Commonwealth Minister gives a direction as mentioned in subsection (8), the direction expires at the end of the 30-day period beginning on the day on which the direction was given unless, before the end of that period, the responsible Commonwealth Minister has obtained the agreement of the affected Minister or Ministers.

(10) If a direction expires because of subsection (9), this Act does not prevent the responsible Commonwealth Minister from giving a subsequent direction in the same or similar terms as the expired direction.

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Consultation with State/Northern Territory Petroleum Ministers

(11) Before giving a direction that is not covered by subsection (7), the responsible Commonwealth Minister must consult each State and Northern Territory Petroleum Minister.

Compliance with directions

(12) NOPSEMA must comply with any direction given by the responsible Commonwealth Minister under this section.

Other provisions do not limit this section

(13) Sections 647 and 691 do not limit the scope of the directions that may be given by the responsible Commonwealth Minister under this section.

Directions

(14) A direction under this section is a legislative instrument.

693 Prosecutions by the Director of Public Prosecutions under mirror provisions

The Commonwealth Director of Public Prosecutions has the functions and powers (including the power to institute and carry on appeals arising out of prosecutions of offences) conferred on him or her by or under an Act or regulation of a State or of the Northern Territory in relation to offences under laws that substantially correspond to listed OHS laws.

694 Fair Work Commission may exercise powers under mirror provisions

(1) If the laws of a State or of the Northern Territory confer appropriate powers and functions on the Fair Work Commission to do so, the Fair Work Commission may deal with appeals against decisions of a NOPSEMA inspector under laws or regulations of that State or Territory that substantially correspond to listed OHS

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laws in respect of which a similar decision can be the subject of an appeal under clause 81 of Schedule 3.

(2) If the laws of a State or of the Northern Territory confer appropriate powers and functions on the Fair Work Commission to do so, the Fair Work Commission may deal with the resolution of matters under a law of that State or Territory that substantially corresponds to clause 23 of Schedule 3.

695 Reviews of operations of NOPSEMA

(1) The responsible Commonwealth Minister must cause to be conducted reviews of the operation of NOPSEMA in relation to NOPSEMA waters.

(2) Without limiting the matters to be covered by a review under subsection (1), the review must include an assessment of the effectiveness of NOPSEMA in bringing about improvements in:

(a) the occupational health and safety of persons engaged in offshore petroleum operations or offshore greenhouse gas storage operations; and

(b) the structural integrity of facilities, wells and well-related equipment; and

(c) offshore petroleum environmental management; and

(d) offshore greenhouse gas storage environmental management.

(3) A State or Northern Territory Petroleum Minister may give the responsible Commonwealth Minister a written request that a particular review under subsection (1) be conducted in conjunction with another review that:

(a) is a review of the operations of the NOPSEMA in the designated coastal waters of the State or of the Northern Territory, as the case may be; and

(b) is being, or is to be, conducted by the State or Northern Territory Petroleum Minister at the same time.

The responsible Commonwealth Minister must ensure that the request is complied with.

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Report

(4) The responsible Commonwealth Minister must cause to be prepared a report of a review under subsection (1).

(5) The responsible Commonwealth Minister must cause copies of a report under subsection (4) to be tabled in each House of the Parliament within 15 sitting days of that House after the report is made available to the responsible Commonwealth Minister.

First review

(6) The first review is to relate to the 3-year period beginning at the commencement of this section, and is to be completed within 6 months, or such longer period as the responsible Commonwealth Minister allows, after the end of that 3-year period.

Subsequent reviews

(7) Subsequent reviews are to relate to successive 5-year periods, and must be completed within 6 months, or such longer period as the responsible Commonwealth Minister allows, after the end of the 5-year period to which the review relates.

Definition

(8) For the purposes of this section, a review is ***completed*** when the report of the review is made available to the responsible Commonwealth Minister.

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Part 6.10—National Offshore Petroleum Titles Administrator

Division 1—Introduction

695AB Simplified outline

The following is a simplified outline of this Part:

- There is to be a National Offshore Petroleum Titles Administrator (the ***Titles Administrator***).
- The main functions of the Titles Administrator are:
  - (a) assisting and advising the Joint Authority and the responsible Commonwealth Minister; and
  - (b) keeping registers of titles; and
  - (c) data and information management.

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Division 2—National Offshore Petroleum Titles Administrator

695A National Offshore Petroleum Titles Administrator

(1) There is to be a National Offshore Petroleum Titles Administrator.

Note: In this Act, ***Titles Administrator*** means the National Offshore Petroleum Titles Administrator—see section 7.

(2) The Titles Administrator is to be a person who is:
  (a) an SES employee in the Department; and
  (b) specified in a written instrument made by the Secretary.

(3) An instrument under paragraph (2)(b) is not a legislative instrument.

695B Functions of the Titles Administrator

(1) The Titles Administrator has the following functions:
  (a) to provide information, assessments, analysis, reports, advice and recommendations to the responsible Commonwealth Minister in relation to the performance of the functions, or the exercise of the powers, of a Joint Authority;
  (b) to provide information, assessments, analysis, reports, advice and recommendations to the responsible State Minister, or responsible Northern Territory Minister, of a Joint Authority, as the case may be, in relation to the performance of the functions, or the exercise of the powers, of the Joint Authority;
  (c) to provide information, assessments, analysis, reports, advice and recommendations to the responsible Commonwealth Minister in relation to the performance of the functions, or the exercise of the powers, of the responsible Commonwealth Minister under this Act or the regulations (other than in his or her capacity as, or as a member of, a Joint Authority);

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(d) to provide information, assessments, analysis, reports, advice and recommendations to:

(i) the State Petroleum Minister (within the meaning of Part 6.9) in relation to the performance of the functions, or the exercise of the powers, of the State Petroleum Minister under the State PSLA (within the meaning of Part 6.9); and

(ii) the Northern Territory Petroleum Minister (within the meaning of Part 6.9) in relation to the performance of the functions, or the exercise of the powers, of the Northern Territory Petroleum Minister under the Territory PSLA (within the meaning of Part 6.9);

(e) to cooperate with NOPSEMA in matters relating to the administration and enforcement of this Act and the regulations;

(f) to cooperate with:

(i) other Commonwealth agencies or authorities having functions relating to regulated operations (within the meaning of Part 6.9); and

(ii) State and Northern Territory agencies or authorities having functions relating to regulated operations (within the meaning of Part 6.9);

(g) such other functions as are conferred on the Titles Administrator by or under this Act;

(h) the functions conferred on the Titles Administrator by or under a State PSLA (within the meaning of Part 6.9) or the Territory PSLA (within the meaning of Part 6.9), so long as each function substantially corresponds to a function conferred on the Titles Administrator by or under this Act;

(i) to do anything incidental to or conducive to the performance of any of the above functions.

Note: Other functions conferred on the Titles Administrator by or under this Act include:

(a) keeping registers of titles under Chapters 4 and 5; and

(b) data and information management under Chapters 7 and 8.

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(2) Subsection (1) does not authorise the Titles Administrator to perform a function mentioned in paragraph (1)(d) or (h) in relation to a State PSLA (within the meaning of Part 6.9) or the Territory PSLA (within the meaning of Part 6.9) unless there is in force an agreement between:

(a) the Titles Administrator on behalf of the Commonwealth; and

(b) the State Petroleum Minister (within the meaning of Part 6.9) of the State, or the Northern Territory Petroleum Minister (within the meaning of Part 6.9), as the case may be;

in relation to the performance of the function.

(3) An agreement under subsection (2):

(a) may deal with the fees payable by the State or Territory to the Titles Administrator, on behalf of the Commonwealth, for the performance of those functions; and

(b) must be approved in writing by the responsible Commonwealth Minister.

695C Acting Titles Administrator

(1) The Secretary may, by written instrument, appoint a person to act as the Titles Administrator:

(a) during a vacancy in the office of the Titles Administrator (whether or not an appointment has previously been made to the office); or

(b) during any period, or during all periods, when the Titles Administrator:

(i) is absent from duty or Australia; or

(ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

(2) A person is eligible for appointment to act as the Titles Administrator if:

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(a) the person is eligible for appointment as the Titles Administrator; or

(b) the person is an acting SES employee in the Department.

695D Delegation by the Titles Administrator

(1) The Titles Administrator may, by writing, delegate any or all of the Titles Administrator's functions or powers to:

(a) an SES employee, or acting SES employee, in the Department; or

(b) an APS employee who holds or performs the duties of an Executive Level 2 position, or an equivalent position, in the Department; or

(c) an employee of a State or of the Northern Territory.

(2) A delegate must comply with any written directions of the Titles Administrator.

(3) Subsection (1) does not apply to a power to make, vary or revoke a legislative instrument.

(4) Paragraphs (1)(b) and (c) do not apply to a power conferred by:

(a) Division 3 of Part 7.1; or

(b) Division 3 of Part 8.1.

Note: Division 3 of Part 7.1, and Division 3 of Part 8.1, deal with information-gathering powers.

695E Titles Administrator to be assisted by APS employees in the Department

The Titles Administrator is to be assisted by APS employees in the Department who are made available for the purpose by the Secretary.

695F Other persons assisting the Titles Administrator

The Titles Administrator may also be assisted:

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(a) by officers and employees of Agencies (within the meaning of the *Public Service Act 1999*) other than the Department; or
(b) by officers and employees of authorities of the Commonwealth; or
(c) by officers and employees of a State or Territory; or
(d) by officers and employees of authorities of a State or Territory;

whose services are, with the written approval of the Secretary, made available to the Titles Administrator in connection with the performance of any of his or her functions.

695G Consultants

(1) The Titles Administrator may, on behalf of the Commonwealth, engage persons having suitable qualifications and experience as consultants to the Titles Administrator.

(2) The consultants are to be engaged on the terms and conditions that the Titles Administrator determines in writing.

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Division 3—National Offshore Petroleum Titles Administrator Special Account

695H National Offshore Petroleum Titles Administrator Special Account

(1) The National Offshore Petroleum Titles Administrator Special Account is established by this section.

(2) The Account is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

695J Credits to the Account

The following amounts must be credited to the Account:

(a) amounts equal to amounts paid to the Titles Administrator on behalf of the Commonwealth by way of fees paid under regulations made for the purposes of subsection 695L(1);

(b) amounts equal to the following amounts paid to the Titles Administrator on behalf of the Commonwealth:

(i) amounts paid by way of annual titles administration levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 695M(4);

(c) amounts equal to any other amounts paid to the Titles Administrator, on behalf of the Commonwealth, by a State or the Northern Territory;

(d) amounts equal to any other amounts paid to the Titles Administrator on behalf of the Commonwealth.

Note: An Appropriation Act may contain a provision to the effect that, if any of the purposes of a special account is a purpose that is covered by an item in the Appropriation Act (whether or not the item expressly refers to the special account), then amounts may be debited against the appropriation for that item and credited to that special account.

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695K Purposes of the Account and transfers to general CRF

(1) The purposes of the Account are as follows:

(a) to pay or discharge the costs, expenses and other obligations incurred by the Commonwealth in connection with the performance of the Titles Administrator's functions or the exercise of the Titles Administrator's powers;

(b) to pay any remuneration or allowances payable to:

(i) the Titles Administrator; and

(ii) APS employees assisting the Titles Administrator under section 695E; and

(iii) any consultants engaged under section 695G.

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

(2) The following amounts must be debited from the Account:

(a) if a cash-bid petroleum exploration permit is granted to an applicant in accordance with section 113—an amount equal to the amount specified as the permit price in the offer document given to the applicant;

(b) if a deposit paid by an applicant for the grant of a cash-bid petroleum exploration permit is forfeited to the Commonwealth under subsection 260A(2)—an amount equal to the amount of the deposit.

Note 1: Amounts equal to the amounts mentioned in this subsection are paid into the special account under section 695J. The effect of this subsection is to transfer those amounts from the special account to the general Consolidated Revenue Fund.

Note 2: Subsection 260A(2) provides for a deposit made by an applicant for the grant of a permit to be forfeited to the Commonwealth if the applicant fails to respond to an offer for the grant of the permit.

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Division 4—Other financial matters

695L Fees

(1) The Titles Administrator may, on behalf of the Commonwealth, charge such fees as are specified in the regulations for specified services provided by the Titles Administrator in performing a function, or exercising a power, of the Titles Administrator under this Act or the regulations.

(2) A fee must not be such as to amount to taxation.

(3) A fee:
  (a) is a debt due to the Titles Administrator on behalf of the Commonwealth; and
  (b) is recoverable by the Titles Administrator, on behalf of the Commonwealth, in a court of competent jurisdiction.

695M Annual titles administration levy

Scope

(1) This section applies in relation to annual titles administration levy imposed by the Regulatory Levies Act for a year on any of the following permits, leases or licences (each of which is a ***title***):
  (a) a work-bid petroleum exploration permit;
  (aa) a cash-bid petroleum exploration permit;
  (b) a special petroleum exploration permit;
  (ba) a boundary-change petroleum exploration permit;
  (c) a petroleum retention lease;
  (d) a petroleum production licence;
  (e) an infrastructure licence;
  (f) a pipeline licence;
  (g) a work-bid greenhouse gas assessment permit;
  (h) a greenhouse gas holding lease;
  (i) a greenhouse gas injection licence.

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When annual titles administration levy becomes due and payable

(2) Annual titles administration levy is due and payable at the end of 30 days after the first day of the year for which the levy is imposed.

Remittal or refund

(3) The regulations may make provision for the remittal or refund of part (or all) of an amount of annual titles administration levy imposed on the title for a year if the title wholly or partly ceases (or will cease) to be in force before the end of the year.

Example: A petroleum exploration permit has been granted for a period of 6 years ending on 31 March 2015. The permit is extended under section 265 for a period of 6 months ending on 30 September 2015, after which it ceases to be in force. Annual titles administration levy is imposed under the Regulatory Levies Act for the year beginning on 1 April 2015.

Because the permit ceases to be in force before the end of the year beginning on 1 April 2015, the regulations may make provision for the remittal or refund of part (or all) of the amount of the levy imposed for that year.

(3A) Regulations made for the purposes of subsection (3) may provide for different amounts to be remitted or refunded depending on matters including the following:

(a) when the title ceases (or will cease) to be in force;

(b) the kind of title on which levy is imposed;

(c) in the case of a title that partly ceases (or will cease) to be in force—the number of blocks, or the length of pipeline, as to which the title ceases (or will cease) to be in force.

Example: For paragraph (c), a title partly ceases to be in force if it is surrendered as to a certain number of blocks or a certain length of pipeline under section 271.

Late payment penalty

(4) If annual titles administration levy payable by a person under the Regulatory Levies Act remains wholly or partly unpaid after it

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becomes due and payable, the person is liable to pay a late payment penalty under this section.

(5) The late payment penalty is calculated at the rate of 0.333333% per day on the amount of the annual titles administration levy remaining unpaid.

(6) The Titles Administrator may remit the whole or a part of an amount of late payment penalty if the Titles Administrator considers that there are good reasons for doing so.

Recovery of annual titles administration levy and late payment penalty

(7) Each amount of annual titles administration levy, and each amount of late payment penalty payable in respect of titles administration levy:

(a) is a debt due to the Titles Administrator on behalf of the Commonwealth; and

(b) is recoverable by the Titles Administrator, on behalf of the Commonwealth, in a court of competent jurisdiction.

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Division 5—Miscellaneous

695N Annual report

(1) The Titles Administrator must, as soon as practicable after the end of each financial year, prepare and give to the responsible Commonwealth Minister, for presentation to the Parliament, a report on the Titles Administrator's activities during that year.

Note: See also section 34C of the *Acts Interpretation Act 1901*, which contains extra rules about annual reports.

(2) The Titles Administrator must give a copy of the report to:
- (a) each State Petroleum Minister (within the meaning of Part 6.9); and
- (b) each State Greenhouse Gas Storage Minister (within the meaning of Part 6.9); and
- (c) the Northern Territory Petroleum Minister (within the meaning of Part 6.9); and
- (d) the Northern Territory Greenhouse Gas Storage Minister (within the meaning of Part 6.9); and
- (e) the Ministers responsible for mineral and energy resources matters.

695P Reviews of activities of Titles Administrator

(1) The responsible Commonwealth Minister must cause to be conducted reviews of the activities of the Titles Administrator.

(2) Without limiting the matters to be covered by a review under subsection (1), the review must include an assessment of the effectiveness of the Titles Administrator in contributing to the efficiency of decision-making by a Joint Authority for a State or the Northern Territory.

(3) If the Titles Administrator has functions conferred on the Titles Administrator by or under a law of a State or the Northern Territory, a Minister of the State or the Northern Territory, as the

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case may be, may give the responsible Commonwealth Minister a written request that a particular review under subsection (1) be conducted in conjunction with another review that:

(a) is a review of the activities of the Titles Administrator in the designated coastal waters of the State or of the Northern Territory, as the case may be; and

(b) is being, or is to be, conducted by the Minister of the State or the Northern Territory, as the case may be, at the same time.

The responsible Commonwealth Minister must ensure that the request is complied with.

Report

(4) The responsible Commonwealth Minister must cause to be prepared a report of a review under subsection (1).

(5) The responsible Commonwealth Minister must cause copies of a report under subsection (4) to be tabled in each House of the Parliament within 15 sitting days of that House after the report is made available to the responsible Commonwealth Minister.

First review

(6) The first review is to relate to the 3-year period beginning on the commencement of this section, and is to be completed within 6 months, or such longer period as the responsible Commonwealth Minister allows, after the end of that 3-year period.

Subsequent reviews

(7) Subsequent reviews are to relate to successive 5-year periods, and must be completed within 6 months, or such longer period as the responsible Commonwealth Minister allows, after the end of the 5-year period to which the review relates.

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Definition

(8) For the purposes of this section, a review is ***completed*** when the report of the review is made available to the responsible Commonwealth Minister.

695Q Judicial notice of signature of Titles Administrator

(1) All courts must take judicial notice of:
  (a) the signature of a person who is, or has been:
    (i) the Titles Administrator; or
    (ii) a delegate of the Titles Administrator; and
  (b) the fact that the person is, or was at a particular time:
    (i) the Titles Administrator; or
    (ii) a delegate of the Titles Administrator.

(2) In this section:

court includes a person authorised to receive evidence:
  (a) by a law of the Commonwealth, a State or a Territory; or
  (b) by consent of parties.

695R Communications with responsible Commonwealth Minister

(1) All communications to or by the responsible Commonwealth Minister under or for the purposes of this Act or the regulations are to be made through the Titles Administrator.

(2) Subsection (1) does not apply to a communication to or by the responsible Commonwealth Minister in his or her capacity as, or as a member of, the Joint Authority for an offshore area.

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Part 6.11—Using and sharing offshore information and things

Division 1—Introduction

695S Simplified outline

The following is a simplified outline of this Part:

- This Part deals with using and making available certain information, documents and things obtained for the purposes of this Act.
- The information, documents and things may be:
  - (a) used within NOPSEMA for the purpose of exercising any of its powers or performing any of its functions; and
  - (b) shared between the responsible Commonwealth Minister, the Secretary, NOPSEMA, the Titles Administrator and each member of the Joint Authority; and
  - (c) shared between the Chief Executive Officer of NOPSEMA and certain other agencies, including law enforcement agencies and State and Territory Government agencies.

695T Definitions

In this Part:

CEO means the Chief Executive Officer of NOPSEMA.

function includes duty.

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thing includes a sample.

this Act includes a legislative instrument under this Act.

under this Act includes for the purposes of this Act.

695U Scope of Part

Information or things covered by this Part

(1) Subject to this section, this Part applies in relation to information, a document, a copy of a document or an extract of a document (the ***offshore information***) or a thing obtained in the course of:

(a) the exercise of a power, or the performance of a function, under this Act; or

(b) the administration of this Act.

The ***offshore information*** may be or include personal information (within the meaning of the *Privacy Act 1988*).

Note: The use or disclosure of personal information is regulated under the *Privacy Act 1988*.

(2) In particular, but without limiting subsection (1), this Part applies in relation to offshore information or a thing obtained by NOPSEMA (including obtained by an inspector appointed by NOPSEMA or the CEO, whether under a warrant issued for the purposes of this Act or otherwise).

Example: This Part applies in relation to information given by a person to an inspector under Schedule 3 in response to a requirement made of the person by the inspector to answer a question.

(3) This Part does not, by implication, limit the use of, or making available, offshore information or a thing otherwise than in accordance with this Part.

Part does not apply in relation to Part 7.3

(4) This Part does not apply to offshore information or a thing covered by Part 7.3 or a legislative instrument made for the purposes of that Part.

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Part does not apply in relation to inquiries into significant offshore incidents (Part 9.10A)

(5) This Part does not apply to the extent that offshore information or a thing is obtained in the course of the exercise of a power, or the performance of a function, under or for the purposes of Part 9.10A.

Part does not apply in relation to certain offshore greenhouse gas storage operations

(6) This Part does not apply to the extent that offshore information or a thing relates to offshore greenhouse gas storage operations within the meaning of Part 6.9, unless it is obtained in the course of the exercise of a power, or the performance of a function, under or for the purposes of a listed OHS law (other than Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, which deals with the structural integrity of wells and well operations).

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Division 2—NOPSEMA's use of offshore information or things

695V Purposes for which NOPSEMA may use offshore information or things

If NOPSEMA obtains offshore information or a thing in the course of the exercise of a power, or the performance of a function, under this Act, NOPSEMA may use the offshore information or thing for the purpose of exercising any power, or performing any function, under this Act.

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Division 3—Sharing offshore information or things

695W Sharing offshore information or things for the purposes of this Act

(1) Any of the following persons may make available offshore information or a thing to another of those persons (the ***recipient***) to use as mentioned in subsection (2):

(a) the responsible Commonwealth Minister;

(b) the Secretary;

(c) NOPSEMA;

(d) the Titles Administrator;

(e) each member of a Joint Authority.

(2) The recipient may use the offshore information or thing in the course of the following:

(a) the exercise of powers, or the performance of functions, under this Act;

(b) the administration of this Act.

695X CEO of NOPSEMA may share offshore information or things with other agencies

(1) The CEO may make available offshore information or a thing to one or more of the agencies referred to in subsection (2) for the agency to use in the course of the exercise of the agency's powers, or the performance of the agency's functions, under or for the purposes of a law.

(2) The agencies are the following:

(a) the Australian Maritime Safety Authority;

(b) the Civil Aviation Safety Authority;

(c) the Australian Defence Force;

(d) the Australian Federal Police;

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(e) the Department administered by the Minister administering Part XII of the *Customs Act 1901*;
(f) the police force of a State or Territory;
(g) the Director of Public Prosecutions of the Commonwealth;
(h) the coroner of a State or the Northern Territory;
(i) an agency of the Commonwealth, or of a State or Territory, that is responsible for administering or implementing laws relating to occupational health and safety;
(j) an agency of the Commonwealth, or of a State or Territory, that is responsible for administering or implementing laws relating to the protection of the environment;
(k) any other agency of the Commonwealth, or of a State or Territory, responsible for investigating contraventions of laws, or administering or ensuring compliance with laws.

(3) If offshore information or a thing is made available to an agency under subsection (1), the CEO may, at any time, by written notice to the agency, impose conditions in relation to:
(a) the agency's use of the offshore information or thing; or
(b) whether, and the extent to which, the agency itself may make the offshore information or thing available to any other agency or person.

(4) A notice under subsection (3) is not a legislative instrument.

695XA CEO of NOPSEMA may share offshore information or things with Timorese Designated Authority

The CEO may make available offshore information or a thing to the Timorese Designated Authority for it to use in the course of the exercise of its powers or the performance of its functions.

695Y Personal information

(1) This section applies to offshore information to the extent that it is personal information.

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(2) Before the information is made available or used as mentioned in this Division, the person or agency making the information available, or using the information, must take such steps as are reasonable in the circumstances to ensure that the information is de-identified.

(3) Personal information is ***de-identified*** if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

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Chapter 7—Information relating to petroleum

Part 7.1—Data management and gathering of information

Division 1—Introduction

696 Simplified outline

The following is a simplified outline of this Part:

- The Titles Administrator may direct a petroleum titleholder to keep records.
- The regulations may make provision for data management.
- The Titles Administrator or a NOPSEMA inspector may obtain information or documents.

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Division 2—Data management

697 Direction to keep records

Scope

(1) This section applies if a person is carrying on operations in an offshore area under:

(a) a petroleum exploration permit; or
(b) a petroleum retention lease; or
(c) a petroleum production licence; or
(d) an infrastructure licence; or
(e) a pipeline licence; or
(f) a petroleum special prospecting authority; or
(g) a petroleum access authority; or
(h) a petroleum scientific investigation consent.

Direction by Titles Administrator

(2) The Titles Administrator may, by written notice given to the person, direct the person to do any or all of the following things:

(a) to keep such accounts, records and other documents in connection with those operations as are specified in the notice;
(b) to collect and retain such cores, cuttings and samples in connection with those operations as are specified in the notice;
(c) to give to:
(i) the Titles Administrator; or
(ii) a person specified in the notice;
in the manner specified in the notice, such reports, returns, other documents, cores, cuttings and samples in connection with those operations as are specified in the notice.

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Offence

(3) A person commits an offence of strict liability if:
(a) the person is subject to a direction under subsection (2); and
(b) the person omits to do an act; and
(c) the omission breaches the direction.

Penalty: 100 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty

(3B) A person is liable to a civil penalty if the person contravenes a direction under subsection (2).

Civil penalty: 150 penalty units.

Continuing offences

(3C) A person who commits an offence against subsection (3) by failing to comply with a direction to which paragraph (2)(c) applies commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.

(3D) The maximum penalty for each day to which subsection (3C) applies is 10% of the maximum penalty that can be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

(3E) A person who contravenes subsection (3B) by failing to comply with a direction to which paragraph (2)(c) applies commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.

(3F) The maximum civil penalty for each day to which subsection (3E) applies is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

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Direction by responsible Commonwealth Minister

(4) The responsible Commonwealth Minister may give the Titles Administrator directions about the exercise of the Titles Administrator's powers under subsection (2).

(5) A direction under subsection (4) may:
  (a) relate to a particular case; or
  (b) be of general application.

Directions

(6) A direction under subsection (2) is not a legislative instrument.

(7) If a direction under subsection (4) is of general application, the direction is a legislative instrument.

(8) If a direction under subsection (4) relates to a particular case, the direction is not a legislative instrument.

698 Regulations about data management

(1) The regulations may make provision for and in relation to:
  (a) the keeping of accounts, records and other documents in connection with operations in an offshore area under:
    (i) a petroleum exploration permit; or
    (ii) a petroleum retention lease; or
    (iii) a petroleum production licence; or
    (iv) an infrastructure licence; or
    (v) a pipeline licence; or
    (vi) a petroleum special prospecting authority; or
    (vii) a petroleum access authority; or
    (viii) a petroleum scientific investigation consent; and
  (b) the collection and retention of cores, cuttings and samples in connection with those operations; and
  (c) the giving to the Titles Administrator, or a specified person, of reports, returns, other documents, cores, cuttings and samples in connection with those operations.

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Directions are in addition to regulations

(5) A requirement under section 697 is in addition to a requirement under regulations made for the purposes of this section.

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Division 3—Information-gathering powers

699 Titles Administrator or NOPSEMA inspector may obtain information and documents

Scope

(1) This section applies to a person if:

(a) the Titles Administrator believes on reasonable grounds that the person has information or a document, or is capable of giving evidence, that relates to any or all of the following operations in an offshore area:

(i) petroleum exploration operations;

(ii) petroleum recovery operations;

(iii) operations relating to the processing or storage of petroleum;

(iv) operations relating to the preparation of petroleum for transport;

(v) operations connected with the construction or operation of a pipeline; or

(b) a NOPSEMA inspector believes on reasonable grounds that the person has information or a document, or is capable of giving evidence, that relates to any or all of the following operations in an offshore area:

(i) petroleum exploration operations;

(ii) petroleum recovery operations;

(iii) operations relating to the processing or storage of petroleum;

(iv) operations relating to the preparation of petroleum for transport;

(v) operations connected with the construction or operation of a pipeline.

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Requirement

(2) The Titles Administrator or the inspector may, by written notice given to the person, require the person:

(a) to give to the Titles Administrator or the inspector, within the period and in the manner specified in the notice, any such information; or

(b) to produce to the Titles Administrator or the inspector, within the period and in the manner specified in the notice, any such documents; or

(c) to make copies of any such documents and to produce to the Titles Administrator or the inspector, within the period and in the manner specified in the notice, those copies; or

(d) if the person is an individual—to appear before the Titles Administrator or the inspector at a time and place specified in the notice to:

(i) give any such evidence, either orally or in writing; and

(ii) produce any such documents; or

(e) if the person is a body corporate—to cause a competent officer of the body to appear before the Titles Administrator or the inspector at a time and place specified in the notice to:

(i) give any such evidence, either orally or in writing; and

(ii) produce any such documents.

(3) A period specified under paragraph (2)(a), (b) or (c) must not be shorter than 14 days after the notice is given.

(4) A time specified under paragraph (2)(d) or (e) must not be earlier than 14 days after the notice is given.

Offence

(5) A person commits an offence if:

(a) the person has been given a notice under subsection (2); and

(b) the person omits to do an act; and

(c) the omission contravenes a requirement in the notice.

Penalty: 100 penalty units.

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Civil penalty

(5A) A person is liable to a civil penalty if the person contravenes a requirement in a notice under subsection (2).

Civil penalty: 150 penalty units.

Continuing offences and continuing contraventions of civil penalty provisions

(5B) The maximum penalty for each day that an offence under subsection (5) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: To the extent that subsection (5D) provides, subsection (5) is a continuing offence under section 4K of the *Crimes Act 1914*.

(5C) The maximum civil penalty for each day that a contravention of subsection (5A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: To the extent that subsection (5D) provides, subsection (5A) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

(5D) Subsections (5B) and (5C) apply only in relation to a contravention of a requirement to which paragraph (2)(a), (b) or (c) applies.

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

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

(a) subsection (5);
(aa) subsection (5A);
(ab) subsection (5B);
(ac) subsection (5C);
(b) section 705;
(c) section 706;
(d) section 707.

Note 1: Section 705 is about giving false or misleading information.

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Note 2: Section 706 is about producing false or misleading documents.

Note 3: Section 707 is about giving false or misleading evidence.

700 Copying documents—reasonable compensation

A person is entitled to be paid reasonable compensation for complying with a requirement covered by paragraph 699(2)(c).

701 Power to examine on oath or affirmation

The Titles Administrator or a NOPSEMA inspector may:

(a) administer an oath or affirmation to a person required to appear before the Titles Administrator or the inspector under section 699; and

(b) examine that person on oath or affirmation.

702 Self-incrimination

(1) A person is not excused from giving information or evidence or producing a document under section 699 on the ground that the information or evidence or the production of the document might tend to incriminate the person or expose the person to a penalty.

(2) However:

(a) the information or evidence given or the document produced; or

(b) giving the information or evidence or producing the document; or

(c) any information, document or thing obtained as a direct or indirect consequence of giving the information or evidence or producing the document;

is not admissible in evidence against the person:

(d) in any civil proceedings; or

(e) in criminal proceedings other than:

(i) proceedings for an offence against subsection 699(5) or section 705, 706 or 707; or

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(ii) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Division.

703 Copies of documents

The Titles Administrator or a NOPSEMA inspector may inspect a document produced under this Division and may make and retain copies of, or take and retain extracts from, such a document.

704 Titles Administrator or NOPSEMA inspector may retain documents

(1) The Titles Administrator or a NOPSEMA inspector may take possession of a document produced under this Division, and retain it for as long as is reasonably necessary.

(2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Titles Administrator or a NOPSEMA inspector to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the Titles Administrator or a NOPSEMA inspector must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

705 False or misleading information

A person commits an offence if:

(a) the Titles Administrator or a NOPSEMA inspector requires the person to give information under subsection 699(2); and

(b) the person gives information; and

(c) the person does so knowing that the information is false or misleading in a material particular.

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Penalty: 100 penalty units.

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

706 False or misleading documents

A person commits an offence if:

(a) the person has been given a notice under subsection 699(2); and

(b) the person produces a document to the Titles Administrator or a NOPSEMA inspector; and

(c) the person does so knowing that the document is false or misleading in a material particular; and

(d) the document is produced in compliance or purported compliance with the notice.

Penalty: 100 penalty units.

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

707 False or misleading evidence

A person commits an offence if:

(a) the person gives evidence to another person; and

(b) the person does so knowing that the evidence is false or misleading in a material particular; and

(c) the evidence is given under section 699.

Penalty: Imprisonment for 12 months.

707A Directions by Titles Administrator

(1) The Titles Administrator may give written directions to a NOPSEMA inspector as to the exercise of the inspector's powers under this Division.

(2) A NOPSEMA inspector must comply with a direction under subsection (1).

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(3) If a direction under subsection (1) is of general application, the direction is a legislative instrument.

(4) If a direction under subsection (1) relates to a particular case, the direction is not a legislative instrument.

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Part 7.2—Release of regulatory information

708 Notifiable events—*Gazette* notice

If an event specified in the table happens, the Titles Administrator must cause notice of:

(a) the event; and

(b) such details of the event as the Titles Administrator thinks fit;

to be published in the *Gazette*.

Notifiable events

Item	Event
1	The grant (otherwise than by way of renewal) of a petroleum exploration permit, petroleum retention lease or petroleum production licence.
2	The renewal of a petroleum exploration permit, petroleum retention lease or petroleum production licence.
3	The grant of an infrastructure licence or pipeline licence.
4	The variation of a petroleum production licence, infrastructure licence or pipeline licence.
5	The surrender or cancellation of a petroleum exploration permit or petroleum production licence as to some or all of the blocks in the permit area or licence area.
6	The surrender or cancellation of a petroleum retention lease.
7	The surrender or cancellation of an infrastructure licence.
8	The revocation of a petroleum exploration permit or petroleum retention lease as to a block or blocks.
9	The making of an application for a pipeline licence.
10	The making of an application for a variation of a pipeline licence.
11	The surrender or cancellation of a pipeline licence as to the whole or part of the pipeline.

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Notifiable events	
Item	**Event**
12	The expiry of a petroleum exploration permit, petroleum retention lease or fixed-term petroleum production licence.
13	The termination of a petroleum production licence, infrastructure licence or pipeline licence.

709 Titles Administrator to make documents available to responsible Commonwealth Minister

Scope

(1) This section applies to a document received or issued by the Titles Administrator in connection with Chapter 2 or this Chapter.

Document to be made available to the responsible Commonwealth Minister

(2) The responsible Commonwealth Minister may require the Titles Administrator to make copies of the document available to the responsible Commonwealth Minister.

(3) The Titles Administrator must comply with a requirement under subsection (2).

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Part 7.3—Release of technical information

Division 1—Introduction

710 Simplified outline

The following is a simplified outline of this Part:

- This Part deals with the confidentiality and release of:
  - (a) information (***documentary information***) contained in certain documents given to the Titles Administrator or the Designated Authority; and
  - (b) petroleum mining samples given to the Titles Administrator or the Designated Authority.

711 Definitions

In this Part, unless the contrary intention appears:

applicable document means:

(aa) an application made to the Titles Administrator under Chapter 2; or

(ab) a document accompanying such an application; or

(ac) a report, return or other document that relates to a block and was given to the Titles Administrator under:

(i) Chapter 2 or this Chapter; or

(ii) regulations made for the purposes of section 698; or

(a) an application made on or after 7 March 2000 and before the commencement of Part 6.10 to the Designated Authority under:

(i) this Act; or

(ii) the repealed *Petroleum (Submerged Lands) Act 1967*; or

(b) a document accompanying such an application; or

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(c) a report, return or other document that relates to a block and that was given on or after 7 March 2000 and before the commencement of Part 6.10 to the Designated Authority under:

(i) this Act; or

(ii) regulations made for the purposes of section 698 of this Act; or

(iii) the repealed *Petroleum (Submerged Lands) Act 1967*; or

(iv) regulations made for the purposes of section 122A of the repealed *Petroleum (Submerged Lands) Act 1967*.

documentary information means information contained in an applicable document.

petroleum mining sample means:

(a) a core or cutting from, or a sample of, the seabed or subsoil; or

(b) a sample of petroleum recovered; or

(c) a sample of fluid recovered (other than fluid petroleum);

that:

(d) has been given at any time to the Titles Administrator under regulations made for the purposes of section 698; or

(e) has been given, at any time before the commencement of Part 6.10, to the Designated Authority;

and includes a portion of such a core, cutting or sample.

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Division 2—Protection of confidentiality of information and samples

Subdivision A—Information and samples obtained by the Titles Administrator

712 Protection of confidentiality of documentary information obtained by the Titles Administrator

(1) This section restricts what the Titles Administrator may do with documentary information.

(2) The Titles Administrator must not:

(a) make the information publicly known; or

(b) make the information available to a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory);

unless the Titles Administrator does so:

(c) in accordance with regulations made for the purposes of this paragraph; or

(d) for the purposes of the administration of this Act or the regulations.

713 Protection of confidentiality of petroleum mining samples obtained by the Titles Administrator

(1) This section restricts what the Titles Administrator may do with a petroleum mining sample.

(2) The Titles Administrator must not:

(a) make publicly known any details of the sample; or

(b) permit a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory) to inspect the sample;

unless the Titles Administrator does so:

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(c) in accordance with regulations made for the purposes of this paragraph; or
(d) for the purposes of the administration of this Act or the regulations.

714 Titles Administrator may make information or samples available to a Minister, a State Minister or a Northern Territory Minister

(1) The Titles Administrator may make documentary information or a petroleum mining sample available to:
(a) a Minister; or
(b) a Minister of a State; or
(c) a Minister of the Northern Territory.

(2) The responsible Commonwealth Minister may require the Titles Administrator to make documentary information or a petroleum mining sample available to the responsible Commonwealth Minister.

(3) The Titles Administrator must comply with a requirement under subsection (2).

Note 1: For protection of the confidentiality of information obtained by a Minister under this section, see section 715.

Note 2: For protection of the confidentiality of a sample obtained by a Minister under this section, see section 716.

Subdivision B—Information and samples obtained by a Minister

715 Protection of confidentiality of information obtained by a Minister

(1) This section restricts what a Minister may do with documentary information made available to the responsible Commonwealth Minister under section 714.

(2) The responsible Commonwealth Minister must not:

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(a) make the information publicly known; or

(b) make the information available to a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory);

unless the responsible Commonwealth Minister does so:

(c) in accordance with regulations made for the purposes of this paragraph; or

(d) for the purposes of the administration of this Act or the regulations.

716 Protection of confidentiality of petroleum mining samples obtained by a Minister

(1) This section restricts what a Minister may do with a petroleum mining sample made available to the responsible Commonwealth Minister under section 714.

(2) The responsible Commonwealth Minister must not:

(a) make publicly known any details of the sample; or

(b) permit a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory) to inspect the sample;

unless the responsible Commonwealth Minister does so:

(c) in accordance with regulations made for the purposes of this paragraph; or

(d) for the purposes of the administration of this Act or the regulations.

Subdivision C—Miscellaneous

717 Fees

(1) This section applies to regulations made for the purposes of any of the following:

(a) paragraph 712(2)(c);

(b) paragraph 713(2)(c);

(c) paragraph 715(2)(c);

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(d) paragraph 716(2)(c).

(2) The regulations may make provision for fees relating to:
(a) making information available to a person; or
(b) permitting a person to inspect a sample.

718 Review by Minister

(1) This section applies to regulations made for the purposes of:
(a) paragraph 712(2)(c); or
(b) paragraph 713(2)(c).

(2) The regulations may make provision for the responsible Commonwealth Minister to:
(a) review a decision of the Titles Administrator under the regulations; and
(b) make a decision:
(i) confirming the decision reviewed; or
(ii) revoking the decision reviewed and substituting another decision for it.

719 Privacy Act

This Part does not override any requirements of the *Privacy Act 1988*. In particular, this Part is not to be taken, for the purposes of that Act, to require or authorise the disclosure of information.

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Division 3—Copyright

720 Publishing or making copies of applicable documents not an infringement of copyright

The copyright in a literary or artistic work contained in an applicable document is not infringed by anything done:

(a) by, or with the authority of, the Titles Administrator or the responsible Commonwealth Minister; and

(b) for the purpose of the exercise of any of the powers of the Titles Administrator or Minister under this Part.

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Division 4—Release of technical information given to the Designated Authority before 7 March 2000

721 Release of technical information given to the Designated Authority before 7 March 2000

Schedule 5 has effect.

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Chapter 8—Information relating to greenhouse gas

Part 8.1—Data management and gathering of information

Division 1—Introduction

722 Simplified outline

The following is a simplified outline of this Part:

- The Titles Administrator may direct a greenhouse gas titleholder to keep records.
- The regulations may make provision for data management.
- The Titles Administrator or a greenhouse gas project inspector may obtain information or documents.

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Division 2—Data management

723 Direction to keep records

Scope

(1) This section applies if a person is carrying on operations in an offshore area under:
  (a) a greenhouse gas assessment permit; or
  (b) a greenhouse gas holding lease; or
  (c) a greenhouse gas injection licence; or
  (d) a greenhouse gas search authority; or
  (e) a greenhouse gas special authority; or
  (f) a greenhouse gas research consent.

Direction by Titles Administrator

(2) The Titles Administrator may, by written notice given to the person, direct the person to do any or all of the following things:
  (a) to keep such accounts, records and other documents in connection with those operations as are specified in the notice;
  (b) to collect and retain such cores, cuttings and samples in connection with those operations as are specified in the notice;
  (c) to give to:
    (i) the Titles Administrator; or
    (ii) a person specified in the notice;
  in the manner specified in the notice, such reports, returns, other documents, cores, cuttings and samples in connection with those operations as are specified in the notice.

Offence

(3) A person commits an offence if:
  (a) the person is subject to a direction under subsection (2); and

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(b) the person omits to do an act; and
(c) the omission breaches the direction.

Penalty: 100 penalty units.

(3A) An offence against subsection (3) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Direction by responsible Commonwealth Minister

(3B) The responsible Commonwealth Minister may give the Titles Administrator directions about the exercise of the Titles Administrator's powers under subsection (2).

(3C) A direction under subsection (3B) may:
(a) relate to a particular case; or
(b) be of general application.

Directions

(4) A direction under subsection (2) is not a legislative instrument.

(5) If a direction under subsection (3B) is of general application, the direction is a legislative instrument.

(6) If a direction under subsection (3B) relates to a particular case, the direction is not a legislative instrument.

724 Regulations about data management

(1) The regulations may make provision for and in relation to:
(a) the keeping of accounts, records and other documents in connection with operations in an offshore area under:
(i) a greenhouse gas assessment permit; or
(ii) a greenhouse gas holding lease; or
(iii) a greenhouse gas injection licence; or
(iv) a greenhouse gas search authority; or
(v) a greenhouse gas special authority; or

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(vi) a greenhouse gas research consent; and

(b) the collection and retention of cores, cuttings and samples in connection with those operations; and

(c) the giving to the Titles Administrator, or a specified person, of reports, returns, other documents, cores, cuttings and samples in connection with those operations.

Directions are in addition to regulations

(5) A requirement under section 723 is in addition to a requirement under regulations made for the purposes of this section.

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Division 3—Information-gathering powers

725 Titles Administrator or greenhouse gas project inspector may obtain information and documents

Scope

(1) This section applies to a person if:

(a) the Titles Administrator; or

(b) a greenhouse gas project inspector;

believes on reasonable grounds that the person has information or a document, or is capable of giving evidence, that relates to any or all of the following operations in an offshore area:

(c) operations relating to exploration for a potential greenhouse gas storage formation or a potential greenhouse gas injection site;

(d) operations relating to the injection of a greenhouse gas substance into the seabed or subsoil;

(e) operations relating to the storage of a greenhouse gas substance in the seabed or subsoil;

(f) operations relating to the processing, compression or pre-injection storage of a greenhouse gas substance;

(g) operations relating to the preparation of a greenhouse gas substance for transport.

Requirement

(2) The Titles Administrator or the greenhouse gas project inspector may, by written notice given to the person, require the person:

(a) to give to the Titles Administrator or the greenhouse gas project inspector, within the period and in the manner specified in the notice, any such information; or

(b) to produce to the Titles Administrator or the greenhouse gas project inspector, within the period and in the manner specified in the notice, any such documents; or

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(c) to make copies of any such documents and to produce to the Titles Administrator or the greenhouse gas project inspector, within the period and in the manner specified in the notice, those copies; or

(d) if the person is an individual—to appear before the Titles Administrator or the greenhouse gas project inspector at a time and place specified in the notice to:

(i) give any such evidence, either orally or in writing; and

(ii) produce any such documents; or

(e) if the person is a body corporate—to cause a competent officer of the body to appear before the Titles Administrator or the greenhouse gas project inspector at a time and place specified in the notice to:

(i) give any such evidence, either orally or in writing; and

(ii) produce any such documents.

(3) A period specified under paragraph (2)(a), (b) or (c) must not be shorter than 14 days after the notice is given.

(4) A time specified under paragraph (2)(d) or (e) must not be earlier than 14 days after the notice is given.

Offence

(5) A person commits an offence if:

(a) the person has been given a notice under subsection (2); and

(b) the person omits to do an act; and

(c) the omission contravenes a requirement in the notice.

Penalty: 100 penalty units.

Notice to set out the effect of offence provisions

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

(a) subsection (5);

(b) section 731;

(c) section 732;

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(d) section 733.

Note 1: Section 731 is about giving false or misleading information.

Note 2: Section 732 is about producing false or misleading documents.

Note 3: Section 733 is about giving false or misleading evidence.

726 Copying documents—reasonable compensation

A person is entitled to be paid reasonable compensation for complying with a requirement covered by paragraph 725(2)(c).

727 Power to examine on oath or affirmation

The Titles Administrator or a greenhouse gas project inspector may:

(a) administer an oath or affirmation to a person required to appear before the Titles Administrator or the greenhouse gas project inspector under section 725; and

(b) examine that person on oath or affirmation.

728 Self-incrimination

(1) A person is not excused from giving information or evidence or producing a document under section 725 on the ground that the information or evidence or the production of the document might tend to incriminate the person or expose the person to a penalty.

(2) However:

(a) the information or evidence given or the document produced; or

(b) giving the information or evidence or producing the document; or

(c) any information, document or thing obtained as a direct or indirect consequence of giving the information or evidence or producing the document;

is not admissible in evidence against the person:

(d) in any civil proceedings; or

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(e) in criminal proceedings other than:

(i) proceedings for an offence against subsection 725(5) or section 731, 732 or 733; or

(ii) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Division.

729 Copies of documents

The Titles Administrator or a greenhouse gas project inspector may inspect a document produced under this Division and may make and retain copies of, or take and retain extracts from, such a document.

730 Titles Administrator or greenhouse gas project inspector may retain documents

(1) The Titles Administrator or a greenhouse gas project inspector may take possession of a document produced under this Division, and retain it for as long as is reasonably necessary.

(2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Titles Administrator or a greenhouse gas project inspector to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the Titles Administrator or a greenhouse gas project inspector must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

731 False or misleading information

A person commits an offence if:

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(a) the Titles Administrator or a greenhouse gas project inspector requires the person to give information under subsection 725(2); and
(b) the person gives information; and
(c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: 100 penalty units.

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

732 False or misleading documents

A person commits an offence if:
(a) the person has been given a notice under subsection 725(2); and
(b) the person produces a document to the Titles Administrator or a greenhouse gas project inspector; and
(c) the person does so knowing that the document is false or misleading in a material particular; and
(d) the document is produced in compliance or purported compliance with the notice.

Penalty: 100 penalty units.

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

733 False or misleading evidence

A person commits an offence if:
(a) the person gives evidence to another person; and
(b) the person does so knowing that the evidence is false or misleading in a material particular; and
(c) the evidence is given under section 725.

Penalty: Imprisonment for 12 months.

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733A Directions by Titles Administrator

(1) The Titles Administrator may give written directions to a greenhouse gas project inspector as to the exercise of the greenhouse gas project inspector's powers under this Division.

(2) A greenhouse gas project inspector must comply with a direction under subsection (1).

(3) If a direction under subsection (1) is of general application, the direction is a legislative instrument.

(4) If a direction under subsection (1) relates to a particular case, the direction is not a legislative instrument.

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Part 8.2—Release of regulatory information

734 Notifiable events—*Gazette* notice

If an event specified in the table happens, the Titles Administrator must cause notice of:

(a) the event; and

(b) such details of the event as the Titles Administrator thinks fit;

to be published in the *Gazette*.

Notifiable events

Item	Event
1	The grant (otherwise than by way of renewal) of a greenhouse gas assessment permit.
1A	The renewal of a greenhouse gas assessment permit.
2	The grant (otherwise than by way of renewal) of a greenhouse gas holding lease.
3	The renewal of a greenhouse gas holding lease (other than a special greenhouse gas holding lease).
3A	The grant of a greenhouse gas injection licence.
4	The variation of a greenhouse gas injection licence.
5	The surrender of a greenhouse gas assessment permit or greenhouse gas holding lease.
6	The surrender of a greenhouse gas injection licence as to some or all of the blocks in the licence area.
7	The cancellation of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence.
8	The expiry of a greenhouse gas assessment permit or greenhouse gas holding lease (other than a special greenhouse gas holding lease).
9	The termination of a greenhouse gas injection licence.

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Notifiable events	
Item	**Event**
10	The issue of a site closing certificate in relation to an identified greenhouse gas storage formation.

734A Titles Administrator to make documents available to responsible Commonwealth Minister

Scope

(1) This section applies to a document received or issued by the Titles Administrator in connection with this Chapter.

Document to be made available to the responsible Commonwealth Minister

(2) The responsible Commonwealth Minister may require the Titles Administrator to make copies of the document available to the responsible Commonwealth Minister.

(3) The Titles Administrator must comply with a requirement under subsection (2).

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Part 8.3—Release of technical information

Division 1—Introduction

735 Simplified outline

The following is a simplified outline of this Part:

- This Part deals with the confidentiality and release of:
  - (a) information (***documentary information***) contained in certain documents given to the responsible Commonwealth Minister or the Titles Administrator; and
  - (b) petroleum mining samples given to the responsible Commonwealth Minister or the Titles Administrator.

736 Definitions

In this Part:

applicable document means:

(a) an application made to the responsible Commonwealth Minister under Chapter 3; or

(b) a document accompanying such an application; or

(c) a report, return or other document that relates to a block and that was given, after the commencement of Part 6.10, to the responsible Commonwealth Minister under Chapter 3 or this Chapter; or

(d) a report, return or other document that relates to a block and that was given to the Titles Administrator under regulations made for the purposes of section 724; or

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(e) a report, return or other document that relates to a block and that was given, before the commencement of Part 6.10, to the responsible Commonwealth Minister under:
(i) this Act; or
(ii) regulations made for the purposes of section 724.

documentary information means information contained in an applicable document.

eligible sample means:
(a) a core or cutting from, or a sample of, the seabed or subsoil; or
(b) a sample of petroleum recovered; or
(c) a sample of fluid recovered (other than fluid petroleum);
that:
(d) has been given at any time to the Titles Administrator under regulations made for the purposes of section 724; or
(e) has been given, at any time before the commencement of Part 6.10, to the responsible Commonwealth Minister;
and includes a portion of such a core, cutting or sample.

737 Documents and samples given to the responsible Commonwealth Minister

(1) For the purposes of this Part, in determining whether a document is an applicable document, disregard an application made, or a document given, to the responsible Commonwealth Minister:
(a) in his or her capacity as, or as a member of, the Joint Authority for an offshore area; or
(b) in his or her capacity as the Designated Authority for an offshore area.

(2) For the purposes of this Part, in determining whether a core, cutting or sample is an eligible sample, disregard anything that was given to the responsible Commonwealth Minister:
(a) in his or her capacity as, or as a member of, the Joint Authority for an offshore area; or

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(b) in his or her capacity as the Designated Authority for an offshore area.

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Division 2—Protection of confidentiality of information and samples

Subdivision A—Information and samples obtained by the responsible Commonwealth Minister or the Titles Administrator

738 Protection of confidentiality of documentary information obtained by the responsible Commonwealth Minister or the Titles Administrator

(1) This section restricts what the responsible Commonwealth Minister or the Titles Administrator may do with documentary information.

(2) The responsible Commonwealth Minister or the Titles Administrator must not:

(a) make the information publicly known; or

(b) make the information available to a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory);

unless the responsible Commonwealth Minister or the Titles Administrator does so:

(c) in accordance with regulations made for the purposes of this paragraph; or

(d) for the purposes of the administration of this Act or the regulations.

739 Protection of confidentiality of eligible samples obtained by the responsible Commonwealth Minister or the Titles Administrator

(1) This section restricts what the responsible Commonwealth Minister or the Titles Administrator may do with an eligible sample.

(2) The responsible Commonwealth Minister or the Titles Administrator must not:

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(a) make publicly known any details of the sample; or

(b) permit a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory) to inspect the sample;

unless the responsible Commonwealth Minister or the Titles Administrator does so:

(c) in accordance with regulations made for the purposes of this paragraph; or

(d) for the purposes of the administration of this Act or the regulations.

740 Responsible Commonwealth Minister or the Titles Administrator may make information or samples available to a Minister, a State Minister or a Northern Territory Minister

The responsible Commonwealth Minister or the Titles Administrator may make documentary information or an eligible sample available to:

(a) a Minister; or

(b) a Minister of a State; or

(c) a Minister of the Northern Territory.

Subdivision B—Miscellaneous

741 Fees

(1) This section applies to regulations made for the purposes of any of the following:

(a) paragraph 738(2)(c);

(b) paragraph 739(2)(c).

(2) The regulations may make provision for fees relating to:

(a) making information available to a person; or

(b) permitting a person to inspect a sample.

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742 Privacy Act

This Part does not override any requirements of the *Privacy Act 1988*. In particular, this Part is not to be taken, for the purposes of that Act, to require or authorise the disclosure of information.

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Division 3—Copyright

743 Publishing or making copies of applicable documents not an infringement of copyright

The copyright in a literary or artistic work contained in an applicable document is not infringed by anything done:

(a) by, or with the authority of, the responsible Commonwealth Minister or the Titles Administrator; and

(b) for the purpose of the exercise of any of the powers of the responsible Commonwealth Minister or the Titles Administrator under this Part.

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Chapter 9—Miscellaneous

Part 9.1—Review of decisions

744 Simplified outline

The following is a simplified outline of this Part:

- Certain decisions of the Titles Administrator and the responsible Commonwealth Minister relating to the release of technical information may be reviewed by the Administrative Appeals Tribunal.

745 Definitions

In this Part:

decision has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

reviewable Ministerial decision means a decision of the responsible Commonwealth Minister under:

(a) regulations made for the purposes of paragraph 738(2)(c) or 739(2)(c); or

(b) clause 6, subclause 7(1), clause 8, or subclause 9(6) or (10), of Schedule 5.

Note 1: Paragraph (1)(a) relates to the release of technical information.

Note 2: Paragraph (1)(c) relates to the release of technical information given to the Designated Authority before 7 March 2000.

reviewable Titles Administrator decision means a decision of the Titles Administrator under:

(a) regulations made for the purposes of paragraph 712(2)(c) or 713(2)(c), where the decision is of a kind referred to in paragraph 718(2)(b); or

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(b) regulations made for the purposes of paragraph 715(2)(c) or 716(2)(c).

Note: Paragraphs (a) and (b) relate to the release of technical information.

747 Review of reviewable Ministerial decision

Applications may be made to the Administrative Appeals Tribunal for review of a reviewable Ministerial decision.

Note: For notification of decision and review rights, see section 27A of the *Administrative Appeals Tribunal Act 1975*.

747A Review of reviewable Titles Administrator decision

Applications may be made to the Administrative Appeals Tribunal for review of a reviewable Titles Administrator decision.

Note: For notification of decision and review rights, see section 27A of the *Administrative Appeals Tribunal Act 1975*.

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Part 9.2—Expert advisory committees

748 Establishment of expert advisory committees

(1) The responsible Commonwealth Minister may, by writing, establish committees, to be known as expert advisory committees.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(2) An instrument made under subsection (1) is not a legislative instrument.

749 Function of expert advisory committees

(1) An expert advisory committee has the function of advising the responsible Commonwealth Minister about matters referred to it by the responsible Commonwealth Minister.

(2) A matter referred under subsection (1) must be:

(a) whether there is a significant risk that a key petroleum operation in an offshore area will have a significant adverse impact on:

(i) operations for the injection of a greenhouse gas substance; or

(ii) operations for the storage of a greenhouse gas substance; or

(b) whether there is a significant risk that a key greenhouse gas operation in an offshore area will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under:

(i) an existing petroleum exploration permit; or

(ii) an existing petroleum retention lease; or

(iii) an existing petroleum production licence; or

(iv) a future petroleum exploration permit; or

(v) a future petroleum retention lease; or

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(vi) a future petroleum production licence; or

(c) whether there is a significant risk that any of the operations that could be carried on under a greenhouse gas injection licence will have a significant adverse impact on operations that are being, or could be, carried on under:
  (i) an existing petroleum exploration permit; or
  (ii) an existing petroleum retention lease; or
  (iii) an existing petroleum production licence; or
  (iv) a future petroleum exploration permit; or
  (v) a future petroleum retention lease; or
  (vi) a future petroleum production licence; or

(d) whether there is a significant risk that any of the operations that are being, or could be, carried on under a greenhouse gas injection licence will have a significant adverse impact on:
  (i) operations to recover petroleum; or
  (ii) the commercial viability of the recovery of petroleum; or

(e) whether a serious situation exists in relation to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence (see section 379); or

(f) a matter that relates to the exercise of any of the following powers:
  (i) the powers conferred by section 298;
  (ii) the powers conferred by section 299;
  (iii) the making of a declaration under section 312;
  (iv) the variation or revocation of a declaration under section 312;
  (v) the giving of a direction under section 316;
  (vi) the giving of a direction under section 351;
  (vii) the variation of a matter specified in a greenhouse gas injection licence (see section 374);
  (viii) the giving of a direction under section 376;
  (ix) the giving of a direction under section 380;
  (x) the taking of action under section 383;

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(xi) the issuing of a pre-certificate notice (see section 388);
(xii) the making of a declaration under section 399;
(xiii) the giving of a direction under section 593; or

(g) a matter relating to the exercise of a power that:
(i) is conferred on the responsible Commonwealth Minister by this Act or the regulations; and
(ii) is specified in regulations made for the purposes of this subparagraph.

750 Appointment of expert advisory committee members etc.

(1) Each expert advisory committee member is to be appointed by the responsible Commonwealth Minister by written instrument.

(2) An expert advisory committee member holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.

Note: An expert advisory committee member may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

(3) An expert advisory committee member holds office on a part-time basis.

(4) The responsible Commonwealth Minister may terminate the appointment of an expert advisory committee member.

751 Procedures of expert advisory committees

(1) The responsible Commonwealth Minister may give an expert advisory committee written directions about:
(a) the way in which the committee is to carry out its function; and
(b) procedures to be followed in relation to meetings.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(2) A direction given under subsection (1) is not a legislative instrument.

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752 Remuneration and allowances

(1) An expert advisory committee member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the member is to be paid the remuneration that is prescribed by the regulations.

(2) However, an expert advisory committee member is not entitled to be paid remuneration if he or she holds an office or appointment, or is otherwise employed, on a full-time basis in the service or employment of:

(a) a State; or

(b) a corporation (a ***public statutory corporation***) that:

(i) is established for a public purpose by a law of a State; and

(ii) is not a tertiary education institution; or

(c) a company limited by guarantee, where the interests and rights of the members in or in relation to the company are beneficially owned by a State; or

(d) a company in which all the stock or shares are beneficially owned by a State or by a public statutory corporation.

Note: A similar rule applies to an expert advisory committee member who has a similar relationship with the Commonwealth or a Territory. See subsection 7(11) of the *Remuneration Tribunal Act 1973*.

(3) An expert advisory committee member is to be paid the allowances that are prescribed by the regulations.

(4) This section (other than subsection (2)) has effect subject to the *Remuneration Tribunal Act 1973*.

753 Leave of absence

The responsible Commonwealth Minister may grant leave of absence to an expert advisory committee member on the terms and conditions that the responsible Commonwealth Minister determines.

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754 Resignation

(1) An expert advisory committee member may resign his or her appointment by giving the responsible Commonwealth Minister a written resignation.

(2) The resignation takes effect on the day it is received by the responsible Commonwealth Minister or, if a later day is specified in the resignation, on that later day.

755 Disclosure of interests to the responsible Commonwealth Minister

An expert advisory committee member must give written notice to the responsible Commonwealth Minister of all interests, pecuniary or otherwise, that the member has or acquires and that conflict or could conflict with the proper performance of the member's functions.

756 Disclosure of interests to an expert advisory committee

(1) A person who:

(a) is an expert advisory committee member; and

(b) has an interest, pecuniary or otherwise, in a matter being considered or about to be considered by an expert advisory committee of which the person is a member;

must disclose the nature of the interest to a meeting of the committee.

(2) The disclosure must be made as soon as possible after the relevant facts have come to the expert advisory committee member's knowledge.

(3) The disclosure must be recorded in the minutes of the meeting of the expert advisory committee.

(4) Unless the responsible Commonwealth Minister otherwise determines, the expert advisory committee member:

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(a) must not be present during any deliberation by the expert advisory committee on the matter; and
(b) must not take part in any decision of the expert advisory committee with respect to the matter.

(5) The responsible Commonwealth Minister may terminate the appointment of an expert advisory committee member if the member fails, without reasonable excuse, to comply with this section.

(6) Subsection (5) does not limit subsection 750(4).

757 Other terms and conditions

An expert advisory committee member holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the responsible Commonwealth Minister.

758 Protection of information

Disclosure

(1) A person (the ***first person***) commits an offence if:
(a) the first person is or has been an expert advisory committee member; and
(b) the first person has obtained information in the course of performing duties or functions as an expert advisory committee member; and
(c) the first person discloses the information to another person; and
(d) the disclosure could reasonably be expected to prejudice substantially the commercial interests of a person other than the person to whom the information was disclosed.

Penalty: Imprisonment for 1 year.

(2) Subsection (1) does not apply if:

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(a) the first person is performing duties or functions as an expert advisory committee member; or

(b) the first person is required by:

(i) this Act or any other law of the Commonwealth; or

(ii) a prescribed law of a State or Territory;

to disclose the information.

Note: The defendant bears an evidential burden in relation to a matter in subsection (2)—see subsection 13.3(3) of the *Criminal Code*.

Use

(3) A person (the ***first person***) commits an offence if:

(a) the first person is or has been an expert advisory committee member; and

(b) the first person has obtained information in the course of performing duties or functions as an expert advisory committee member; and

(c) the first person uses the information; and

(d) the use could reasonably be expected to prejudice substantially the commercial interests of another person.

Penalty: Imprisonment for 1 year.

(4) Subsection (3) does not apply if:

(a) the first person is performing duties or functions as an expert advisory committee member; or

(b) the first person is required by:

(i) this Act or any other law of the Commonwealth; or

(ii) a prescribed law of a State or Territory;

to use the information.

Note: The defendant bears an evidential burden in relation to a matter in subsection (4)—see subsection 13.3(3) of the *Criminal Code*.

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Part 9.3—Information relevant to the making of designated agreements

Division 1—Information-gathering powers

759 Responsible Commonwealth Minister may obtain information and documents

Scope

(1) This section applies to the following applications:

(a) an application under subsection 100(1) for approval to carry on one or more key petroleum operations under a declared petroleum exploration permit;

(b) an application under section 137 for approval to carry on one or more key petroleum operations under a declared petroleum retention lease;

(c) an application under subsection 163(1) for approval to carry on one more key petroleum operations under a declared petroleum production licence;

(d) an application under subsection 292(1) for approval to carry on one or more key greenhouse gas operations under a greenhouse gas assessment permit;

(e) an application under subsection 321(1) for approval to carry on one or more key greenhouse gas operations under a greenhouse gas holding lease;

(f) an application under section 361 for the grant of a greenhouse gas injection licence;

(g) an application under section 369 for the grant of a greenhouse gas injection licence;

where either or both of the following are relevant to the responsible Commonwealth Minister's decision on the application:

(h) the existence or non-existence of a designated agreement;

(i) the terms of a designated agreement.

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Requirement

(2) If the responsible Commonwealth Minister believes on reasonable grounds that a person has information or a document that is relevant to the responsible Commonwealth Minister's decision on the application, the responsible Commonwealth Minister may, by written notice given to the person, require the person:

(a) to give to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, any such information; or

(b) to produce to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, any such documents; or

(c) to make copies of any such documents and to produce to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, those copies.

(3) A period specified under paragraph (2)(a), (b) or (c) must not be shorter than 14 days after the notice is given.

Offence

(4) A person commits an offence if:

(a) the person has been given a notice under subsection (2); and

(b) the person omits to do an act; and

(c) the omission contravenes a requirement in the notice.

Penalty: 100 penalty units.

Civil penalty

(4A) A person is liable to a civil penalty if the person contravenes a requirement in a notice under subsection (2).

Civil penalty: 150 penalty units.

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

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

(a) subsection (4);

(aa) subsection (4A);

(b) section 764;

(c) section 765.

Note 1: Section 764 is about giving false or misleading information.

Note 2: Section 765 is about producing false or misleading documents.

760 Copying documents—reasonable compensation

A person is entitled to be paid reasonable compensation for complying with a requirement covered by paragraph 759(2)(c).

761 Self-incrimination

(1) A person is not excused from giving information or producing a document under section 759 on the ground that the information or the production of the document might tend to incriminate the person or expose the person to a penalty.

(2) However:

(a) the information given or the document produced; or

(b) giving the information or producing the document; or

(c) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing the document;

is not admissible in evidence against the person:

(d) in any civil proceedings; or

(e) in criminal proceedings other than:

(i) proceedings for an offence against subsection 759(4) or section 764 or 765; or

(ii) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Division.

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762 Copies of documents

The responsible Commonwealth Minister may inspect a document produced under this Division and may make and retain copies of, or take and retain extracts from, such a document.

763 Responsible Commonwealth Minister may retain documents

(1) The responsible Commonwealth Minister may take possession of a document produced under this Division, and retain it for as long as is reasonably necessary.

(2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the responsible Commonwealth Minister to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the responsible Commonwealth Minister must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

764 False or misleading information

A person commits an offence if:

(a) the responsible Commonwealth Minister requires the person to give information under subsection 759(2); and

(b) the person gives information; and

(c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: 100 penalty units.

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

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765 False or misleading documents

A person commits an offence if:

(a) the person has been given a notice under subsection 759(2); and

(b) the person produces a document to the responsible Commonwealth Minister; and

(c) the person does so knowing that the document is false or misleading in a material particular; and

(d) the document is produced in compliance or purported compliance with the notice.

Penalty: 100 penalty units.

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

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Division 2—Protection of information etc.

766 Protection of information

Scope

(1) This section applies if:
  (a) either:
    (i) information was given by a person to the responsible Commonwealth Minister under section 759; or
    (ii) a document containing information was produced by a person to the responsible Commonwealth Minister under section 759; and
  (b) the person claims that the information is commercial-in-confidence information.

Protection of information

(2) The responsible Commonwealth Minister, or a delegate of the responsible Commonwealth Minister, must not disclose the information to another person except:
  (a) for the purposes of this Act or the regulations; or
  (b) if the disclosure is to a member of an expert advisory committee for a purpose relating to the function of the committee; or
  (c) the disclosure is required by:
    (i) this Act or any other law of the Commonwealth; or
    (ii) a prescribed law of a State or Territory.

767 Disclosure of information to titleholder etc.

Scope

(1) This section applies if:
  (a) either:

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(i) information was given by a person to the responsible Commonwealth Minister under section 759; or

(ii) a document containing information was produced by a person to the responsible Commonwealth Minister under section 759; and

(b) the person has not claimed that the information is commercial-in-confidence information.

Disclosure

(2) The responsible Commonwealth Minister may disclose the information to another person for the purposes of:

(a) the consideration by the other person of whether to enter into a designated agreement; or

(b) the consideration by the other person of the terms of the designated agreement.

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Part 9.4—Liability for acts and omissions

768 Liability for acts and omissions

Scope

(1) This section applies to the following bodies and people:
  (a) the responsible Commonwealth Minister;
  (b) the Joint Authority;
  (c) a member of the Joint Authority;
  (d) the Titles Administrator;
  (e) NOPSEMA;
  (f) the Chief Executive Officer of NOPSEMA;
  (g) a NOPSEMA inspector;
  (h) a greenhouse gas project inspector appointed under section 606;
  (j) a person acting under the direction or authority of the responsible Commonwealth Minister, the Joint Authority or the Titles Administrator;
  (k) a person acting under the direction or authority of NOPSEMA or the Chief Executive Officer of NOPSEMA.

(2) This section does not apply to a person or body merely because the person or body is acting in accordance with a proposal or plan (however described) that has been accepted, agreed or otherwise approved by or on behalf of the responsible Commonwealth Minister, the Joint Authority, the Titles Administrator or NOPSEMA.

Extent of liability

(3) A body or person is not liable to an action, suit or proceeding for, or in relation to, an act or matter in good faith done or omitted to be done in the exercise, or purported exercise, of any power or authority conferred by:

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(a) this Act; or
(b) the regulations; or
(c) a direction under this Act.

Rectification of Register

(4) This section has effect subject to sections 506 and 555.

Note: Sections 506 and 555 deal with rectification of Registers.

Judicial review

(5) This section does not affect:
(a) any rights conferred on a person by the *Administrative Decisions (Judicial Review) Act 1977* to apply to a court in relation to:
(i) a decision; or
(ii) conduct engaged in for the purpose of making a decision; or
(iii) a failure to make a decision; or
(b) any other rights that a person has to seek a review by a court or tribunal in relation to:
(i) a decision; or
(ii) conduct engaged in for the purpose of making a decision; or
(iii) a failure to make a decision.

(6) An expression used in subsection (5) has the same meaning as in section 10 of the *Administrative Decisions (Judicial Review) Act 1977*.

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Part 9.5—Jurisdiction of courts

769 Jurisdiction of State courts

(1) The courts of the States are invested with federal jurisdiction in relation to matters arising under:
  (a) this Act; and
  (b) the regulations.

(2) Subsection (1) does not apply to matters arising under the applied provisions.

(3) Jurisdiction is invested under subsection (1) within the limits (other than limits of locality) of the jurisdiction of the court (whether those limits are limits as to subject matter or otherwise).

770 Jurisdiction of Territory courts

(1) Jurisdiction is conferred on the courts of the Territories in relation to matters arising under:
  (a) this Act; and
  (b) the regulations.

(2) Subsection (1) does not apply to matters arising under the applied provisions.

(3) Jurisdiction is conferred under subsection (1) within the limits (other than limits of locality) of the jurisdiction of the court (whether those limits are limits as to subject matter or otherwise).

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Part 9.6A—Multiple titleholders

Division 1—Eligible voluntary action by multiple titleholders

775A Definitions

Eligible voluntary action

(1) For the purposes of this Division, each of the following actions is an ***eligible voluntary action*** if the action is permitted, but not required, to be taken under this Act:

(a) making an application; or

(b) giving a nomination; or

(c) making a request; or

(d) giving a notice; or

(e) giving a plan; or

(f) giving an objection;

to the Joint Authority, the Titles Administrator, the responsible Commonwealth Minister or NOPSEMA.

(2) Subsection (1) does not apply to a notice given under:

(a) paragraph 267A(1)(e); or

(e) subsection 775B(2); or

(f) subsection 775B(6); or

(g) subsection 775C(2); or

(h) subsection 775C(6); or

(i) a provision of this Act, or a legislative instrument under this Act, that is prescribed by regulation.

This Act includes a legislative instrument

(3) For the purposes of this Division, ***this Act*** includes a legislative instrument under this Act.

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775B Eligible voluntary action by multiple holders of a petroleum title

Scope

(1) This section applies if there are 2 or more registered holders of a petroleum title.

Nomination

(2) Those registered holders may, by joint written notice given to the Titles Administrator, nominate one of them as being the person who is authorised to take eligible voluntary actions on behalf of the registered holders.

Note: For ***eligible voluntary action***, see section 775A.

(3) The joint written notice must be executed in an approved manner by or on behalf of each of the registered holders.

Eligible voluntary action to be taken by nominee

(4) If:

(a) the registered holders of a petroleum title have nominated a person under subsection (2); and

(b) the nomination is in force; and

(c) the nominated person takes an eligible voluntary action; and

(d) the eligible voluntary action is expressed to be taken on behalf of the registered holders;

this Act has effect as if the eligible voluntary action were taken by the registered holders jointly.

(5) The registered holders are not entitled to take an eligible voluntary action except:

(a) in accordance with subsection (4); or

(b) by taking the action jointly.

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Revocation of nomination

(6) If:

(a) a person has been nominated under subsection (2) in relation to a petroleum title; and

(b) one of the registered holders of the petroleum title, by written notice given to the Titles Administrator, revokes the nomination;

the nomination ceases to be in force.

(6A) If a registered holder of a petroleum title revokes a nomination under subsection (6), that registered holder must give written notice of the revocation to each of the other registered holders as soon as practicable after the revocation.

Cessation of nomination—nominee ceases to be a registered holder

(7) If:

(a) a person has been nominated under subsection (2) in relation to a petroleum title; and

(b) the nominated person ceases to be one of the registered holders of the petroleum title;

the nomination ceases to be in force.

Effect of cessation in force of nomination

(7A) If the nomination of a registered holder of a petroleum title ceases to be in force under subsection (6) or (7), the cessation in force of the nomination does not affect the validity of an eligible voluntary action taken by the registered holder (or former registered holder) before the nomination ceases to be in force.

Definition

(8) In this section:

petroleum title means:

(a) a petroleum exploration permit; or

(b) a petroleum retention lease; or

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(c) a petroleum production licence; or

(d) an infrastructure licence, where the infrastructure facility to which the licence relates is a facility, structure or installation for engaging in any of the activities to which subsection 15(2) applies; or

(e) a pipeline licence, where the pipeline to which the licence relates is a petroleum pipeline; or

(f) a petroleum special prospecting authority; or

(g) a petroleum access authority.

775C Eligible voluntary action by multiple holders of a greenhouse gas title

Scope

(1) This section applies if there are 2 or more registered holders of a greenhouse gas title.

Nomination

(2) Those registered holders may, by joint written notice given to the responsible Commonwealth Minister, nominate one of them as being the person who is authorised to take eligible voluntary actions on behalf of the registered holders.

Note: For ***eligible voluntary action***, see section 775A.

(3) The joint written notice must be executed in an approved manner by or on behalf of each of the registered holders.

Eligible voluntary action to be taken by nominee

(4) If:

(a) the registered holders of a greenhouse gas title have nominated a person under subsection (2); and

(b) the nomination is in force; and

(c) the nominated person takes an eligible voluntary action; and

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(d) the eligible voluntary action is expressed to be taken on behalf of the registered holders;

this Act has effect as if the eligible voluntary action were taken by the registered holders jointly.

(5) The registered holders are not entitled to take an eligible voluntary action except:

(a) in accordance with subsection (4); or

(b) by taking the action jointly.

Revocation of nomination

(6) If:

(a) a person has been nominated under subsection (2) in relation to a greenhouse gas title; and

(b) one of the registered holders of the greenhouse gas title, by written notice given to the responsible Commonwealth Minister, revokes the nomination;

the nomination ceases to be in force.

(6A) If a registered holder of a greenhouse gas title revokes a nomination under subsection (6), that registered holder must give written notice of the revocation to each of the other registered holders as soon as practicable after the revocation.

Cessation of nomination—nominee ceases to be a registered holder

(7) If:

(a) a person has been nominated under subsection (2) in relation to a greenhouse gas title; and

(b) the nominated person ceases to be one of the registered holders of the greenhouse gas title;

the nomination ceases to be in force.

Effect of cessation in force of nomination

(7A) If the nomination of a registered holder of a greenhouse gas title ceases to be in force under subsection (6) or (7), the cessation in

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force of the nomination does not affect the validity of an eligible voluntary action taken by the registered holder (or former registered holder) before the nomination ceases to be in force.

Definition

(8) In this section:

greenhouse gas title means:

(a) a greenhouse gas assessment permit; or

(b) a greenhouse gas holding lease; or

(c) a greenhouse gas injection licence; or

(d) an infrastructure licence, where the infrastructure facility to which the licence relates is a facility, structure or installation for engaging in any of the activities to which subsection 15(3) applies; or

(e) a pipeline licence, where the pipeline to which the licence relates is a greenhouse gas pipeline; or

(f) a greenhouse gas search authority; or

(g) a greenhouse gas special authority.

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Division 2—Obligations of multiple titleholders

775D Obligations of multiple holders of a petroleum title

Obligations of titleholders

(1) If:

(a) this Act, or a legislative instrument under this Act, imposes an obligation on the registered holder of a petroleum title; and

(b) there are 2 or more registered holders of the petroleum title;

the obligation is imposed on each of the registered holders, but may be discharged by any of the registered holders.

(2) The regulations may exempt a specified obligation from the scope of subsection (1).

Definition

(3) In this section:

petroleum title means:

(a) a petroleum exploration permit; or

(b) a petroleum retention lease; or

(c) a petroleum production licence; or

(d) an infrastructure licence, where the infrastructure facility to which the licence relates is a facility, structure or installation for engaging in any of the activities to which subsection 15(2) applies; or

(e) a pipeline licence, where the pipeline to which the licence relates is a petroleum pipeline; or

(f) a petroleum special prospecting authority; or

(g) a petroleum access authority.

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775E Obligations of multiple holders of a greenhouse gas title

Obligations of titleholders

(1) If:

(a) this Act, or a legislative instrument under this Act, imposes an obligation on the registered holder of a greenhouse gas title; and

(b) there are 2 or more registered holders of the greenhouse gas title;

the obligation is imposed on each of the registered holders, but may be discharged by any of the registered holders.

(2) The regulations may exempt a specified obligation from the scope of subsection (1).

Definition

(3) In this section:

greenhouse gas title means:

(a) a greenhouse gas assessment permit; or

(b) a greenhouse gas holding lease; or

(c) a greenhouse gas injection licence; or

(d) an infrastructure licence, where the infrastructure facility to which the licence relates is a facility, structure or installation for engaging in any of the activities to which subsection 15(3) applies; or

(e) a pipeline licence, where the pipeline to which the licence relates is a greenhouse gas pipeline; or

(f) a greenhouse gas search authority; or

(g) a greenhouse gas special authority.

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Part 9.7—Publication in Gazette

776 Publication in *Gazette*—State or external Territory

Scope

(1) This section applies if:
  (a) an instrument or notice is required by this Act or the regulations to be published in the *Gazette*; and
  (b) the instrument or notice has effect in relation to an offshore area of a State or external Territory.

Note: The ***offshore area*** of a State or Territory is defined by section 8.

Publication in Government Gazette of the State or Territory

(2) The instrument or notice may be published in the Government Gazette of the State or Territory and, in that event, is taken to have been published in the *Gazette*.

777 Publication in *Gazette*—Northern Territory

Scope

(1) This section applies if:
  (a) an instrument or notice is required by this Act or the regulations to be published in the *Gazette*; and
  (b) the instrument or notice has effect in relation to:
    (i) the Principal Northern Territory offshore area; or
    (ii) the Eastern Greater Sunrise offshore area.

Publication in Government Gazette of the Northern Territory

(2) The instrument or notice may be published in the Government Gazette of the Northern Territory and, in that event, is taken to have been published in the *Gazette*.

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Part 9.8—Delegation by responsible Commonwealth Minister

778 Delegation by responsible Commonwealth Minister

(1) The responsible Commonwealth Minister may, by writing, delegate any or all of his or her functions or powers under this Act or the regulations to:

(aa) the Chief Executive Officer of NOPSEMA; or

(a) the Secretary; or

(b) an SES employee, or acting SES employee, in the Department.

Note: The expressions ***SES employee*** and ***acting SES employee*** are defined in section 2B of the *Acts Interpretation Act 1901*.

(2) In performing functions or exercising powers under a delegation, the delegate must comply with any directions of the responsible Commonwealth Minister.

Note: See sections 34AA to 34A of the *Acts Interpretation Act 1901*.

(3) Subsection (1) does not apply to the responsible Commonwealth Minister's functions or powers under this Act or the regulations as, or as a member of, the Joint Authority for an offshore area.

Sub-delegation

(4) If a function or power is delegated to the Chief Executive Officer of NOPSEMA under subsection (1), the Chief Executive Officer of NOPSEMA may, by writing, sub-delegate the function or power to a member of the staff of NOPSEMA.

(5) Sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* apply in relation to the sub-delegation in a corresponding way to the way in which they apply in relation to a delegation.

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Section 778

(6) In performing functions or exercising powers under a sub-delegation, the sub-delegate must comply with any directions of the responsible Commonwealth Minister.

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Part 9.9—Public interest

779 Public interest

(1) A provision of this Act that requires the responsible Commonwealth Minister or the Joint Authority to have regard to the public interest in making a particular decision does not, by implication, prevent:

(a) the responsible Commonwealth Minister; or

(b) the Joint Authority; or

(c) the Titles Administrator; or

(d) NOPSEMA;

from having regard to the public interest when making any other decision under this Act.

(2) Subsection (1) is enacted for the avoidance of doubt.

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Part 9.10—Compensation for acquisition of property

780 Compensation for acquisition of property

(1) If the operation of this Act or the regulations would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

(3) In this section:

acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

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Part 9.10A—Inquiries into significant offshore incidents

780A Appointment of Commissioner

(1) The responsible Commonwealth Minister may, in writing, appoint a person to:

(a) conduct a Commission of inquiry into matters specified in the instrument of appointment relating to any or all of the following:

(i) a significant offshore petroleum incident;

(ii) any matters incidental to a significant offshore petroleum incident;

(iii) a significant offshore greenhouse gas incident;

(iv) any matters incidental to a significant offshore greenhouse gas incident; and

(b) report to the responsible Commonwealth Minister on the matters (including any recommendations relating to the matters) on or before a day specified in the instrument of appointment.

(2) The appointment takes effect on the day of effect specified in the instrument of appointment. The day of effect must not be earlier than the day on which the instrument is made.

(3) A copy of the instrument must be published in the *Gazette*.

(4) The Commissioner's report is not a legislative instrument.

(5) For the purposes of this section, a ***significant offshore petroleum incident*** is a significant incident or occurrence that relates to any or all of the following operations in an offshore area:

(a) petroleum exploration operations;

(b) petroleum recovery operations;

(c) operations relating to the processing or storage of petroleum;

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(d) operations relating to the preparation of petroleum for transport;

(e) operations connected with the construction or operation of a pipeline;

(f) operations relating to the decommissioning or removal of structures, equipment or other items of property that have been brought into an offshore area for or in connection with any of the operations mentioned in paragraph (a), (b), (c), (d) or (e).

(6) Paragraph (5)(f) does not, by implication, limit paragraph (5)(a), (b), (c), (d) or (e).

(7) For the purposes of this section, a ***significant offshore greenhouse gas incident*** is a significant incident or occurrence that relates to any or all of the following operations in an offshore area:

(a) operations relating to exploration for a potential greenhouse gas storage formation or a potential greenhouse gas injection site;

(b) operations relating to the injection of a greenhouse gas substance into the seabed or subsoil;

(c) operations relating to the storage of a greenhouse gas substance in the seabed or subsoil;

(d) operations relating to the processing, compression or pre-injection storage of a greenhouse gas substance;

(e) operations relating to the preparation of a greenhouse gas substance for transport;

(f) operations relating to the decommissioning or removal of structures, equipment or other items of property that have been brought into an offshore area for or in connection with any of the operations mentioned in paragraph (a), (b), (c), (d) or (e).

(8) Paragraph (7)(f) does not, by implication, limit paragraph (7)(a), (b), (c), (d) or (e).

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(9) For the purposes of this section, a ***significant incident or occurrence*** includes circumstances in which a significant incident or occurrence nearly happened.

Note: NOPSEMA may issue directions to petroleum titleholders in relation to significant offshore petroleum incidents (other than those to which subsection (9) relates): see Division 2A of Part 6.2.

780B Hearings

(1) A Commissioner may hold hearings for the purposes of a Commission of inquiry.

(2) The hearings may be held at such places, whether within or outside Australia, as the Commissioner determines.

(3) Subject to this Act, the procedure at a hearing is to be such as the Commissioner determines.

780C Commissioner not bound by the rules of evidence

A Commissioner is not bound by the rules of evidence and may inform himself or herself on any matter in such manner as he or she thinks fit.

780D Departmental officers

(1) The Secretary may enter into an arrangement with the Commissioner of a Commission of inquiry to make APS employees in the Department available, for a period not exceeding the duration of the Commission of inquiry, to assist with the conduct of the Commission of inquiry.

(2) In performing functions and exercising powers to the extent reasonably necessary to assist with the conduct of a Commission of inquiry, an APS employee made available under such an arrangement:

(a) is subject to the directions of the Commissioner; and

(b) is not subject to the directions of the Secretary.

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780E Application of the *Royal Commissions Act 1902*

(1) Subject to this section, the *Royal Commissions Act 1902*, other than sections 4 and 5, applies in relation to a Commission of inquiry, and to the Commissioner conducting it, as if:

(a) the Commission of inquiry were a Royal Commission; and

(b) the Commissioner were a member of a Royal Commission; and

(c) that Act bound the Crown in each of its capacities.

(2) This section does not make the Crown liable to be prosecuted for an offence.

(3) The regulations may, for the purposes of the application of section 9 of the *Royal Commissions Act 1902* in accordance with subsection (1) of this section, provide for or specify matters of the kind referred to in subsection 9(2) of that Act.

(4) Section 9 of the *Royal Commissions Act 1902*, in its application in accordance with subsection (1) of this section, has effect as if those regulations were regulations made for the purposes of subsection 9(2) of that Act.

(5) Sections 10 and 15 of the *Royal Commissions Act 1902*, in their application in accordance with subsection (1) of this section, have effect as if references in those sections to offences against that Act included references to such offences as apply in accordance with subsection (1) of this section.

780F Conferral of inspection powers

(1) The Secretary may, in writing, determine that a specified person, or a person included in a specified class of persons, who is engaged by the Commonwealth to assist with the conduct of a Commission of inquiry has all the functions and powers of, or specified functions and/or powers of:

(a) a NOPSEMA inspector (other than a Greater Sunrise visiting inspector); and

(b) a Greater Sunrise visiting inspector; and

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(c) a greenhouse gas project inspector;

for the purposes of this Act and the regulations.

(2) The person is taken, for the purposes of this Act and the regulations, to be:

(a) a NOPSEMA inspector (other than a Greater Sunrise visiting inspector); or

(b) a Greater Sunrise visiting inspector; or

(c) a greenhouse gas project inspector;

as the case may be, in connection with the performance of those functions and the exercise of those powers.

(3) In performing those functions and exercising those powers, the person:

(a) is subject to the directions of the Commissioner; and

(b) is not subject to the directions of:

(i) the Secretary; or

(ii) the Titles Administrator; or

(iii) the responsible Commonwealth Minister; or

(iv) NOPSEMA.

Identity cards

(4) The Secretary must issue an identity card to the person. The identity card must:

(a) specify the Commission of inquiry concerned; and

(b) contain a recent photograph of the person.

(5) A person commits an offence if:

(a) the person has been issued with an identity card; and

(b) the person ceases to be subject to a determination under subsection (1); and

(c) the person does not immediately return the identity card to:

(i) the Secretary; or

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(ii) if the Secretary, by written notice given to the person, specifies another person to whom the card is to be returned—that other person.

Penalty: 5 penalty units.

(6) Subsection (5) does not apply if the identity card was lost or destroyed.

Note: The defendant bears an evidential burden in relation to the matter in this subsection—see subsection 13.3(3) of the *Criminal Code*.

Continuing offences

(6A) A person who commits an offence against subsection (5) commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.

(6B) The maximum penalty for each day that an offence under subsection (5) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

(7) A person who is subject to a determination under subsection (1) must carry the identity card at all times when exercising powers, or performing functions, for the purposes of this Act or the regulations as:

(a) a NOPSEMA inspector (other than a Greater Sunrise visiting inspector); or

(b) a Greater Sunrise visiting inspector; or

(c) a greenhouse gas project inspector.

(8) The provisions covered by subsection (8A) do not apply to a person who is subject to a determination under subsection (1) if the person is exercising powers, or performing functions, for the purposes of this Act or the regulations as:

(a) a NOPSEMA inspector (other than a Greater Sunrise visiting inspector); or

(b) a Greater Sunrise visiting inspector; or

(c) a greenhouse gas project inspector.

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(8A) For the purposes of subsection (8), the following provisions are covered by this subsection:

(a) subsection 35(6) or 76(6) of the Regulatory Powers Act, as it applies in relation to a NOPSEMA inspector (see Division 1 of Part 6.5 of this Act);

(b) subsection 606(5) (which applies in relation to a greenhouse gas project inspector).

Note: The listed provisions require the inspectors concerned to carry their identity cards with them at all times while exercising their powers.

(9) This Act has effect, in relation to a person who is subject to a determination under subsection (1), as if the identity card were the identity card of each of the following:

(a) a NOPSEMA inspector (other than a Greater Sunrise visiting inspector);

(b) a Greater Sunrise visiting inspector;

(c) a greenhouse gas project inspector.

(10) A determination made under subsection (1) is not a legislative instrument.

780G Application of laws relating to disclosure

A law of the Commonwealth that relates to the disclosure of information applies in relation to disclosure of information to a Commission of inquiry in the same way that it would apply to disclosure of the information to a Royal Commission.

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Part 9.10B—Personal property securities

780H Titles, and interests etc. in titles, are not personal property for the purposes of the *Personal Property Securities Act 2009*

Each of the following is declared not to be personal property for the purposes of the *Personal Property Securities Act 2009*:

(a) a petroleum exploration permit;
(b) a petroleum retention lease;
(c) a petroleum production licence;
(d) an infrastructure licence;
(e) a pipeline licence;
(f) a petroleum special prospecting authority;
(g) a petroleum access authority;
(h) a greenhouse gas assessment permit;
(i) a greenhouse gas holding lease;
(j) a greenhouse gas injection licence;
(k) a greenhouse gas search authority;
(l) a greenhouse gas special authority;
(m) an interest, right, determination or option referred to in item 1, 2, 3, 4, 5, 6 or 7 of the table in section 486;
(n) an interest, right, determination or option referred to in item 1, 2, 3, 4, 5 or 6 of the table in section 537;
(o) any other interest or right in, or in relation to, a permit, lease, licence or authority covered by paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l) of this section.

Note: See paragraph 8(1)(k) of the *Personal Property Securities Act 2009*.

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Part 9.10C—Commonwealth reserves

Division 1—Introduction

780J Simplified outline of this Part

- This Part is about the renewal, or the extension of the term, of a petroleum title, where:
  - (a) the relevant title area is wholly or partly located in a Commonwealth reserve (within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*); and
  - (b) the title was in force immediately before the declaration of the Commonwealth reserve.
- This Part validates a renewal, or an extension of the term, of a petroleum title that:
  - (a) occurred before 1 January 2016; and
  - (b) was invalid because consent was not given by the Environment Minister under subsection 359(3) of the *Environment Protection and Biodiversity Conservation Act 1999*.

Note 1: Subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999*, exempts certain usage rights from:
(a) the regulatory regime in Division 4 of Part 15 of that Act; and
(b) the provisions of a management plan for a Commonwealth reserve.

Note 2: Under subsection 359(3) of the *Environment Protection and Biodiversity Conservation Act 1999*, certain usage rights cannot be renewed or extended without the consent of the Environment Minister.

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Division 2—Validation etc.

780K Validation of certain renewals and extensions

(1) If:

(a) before 1 January 2016:

(i) a petroleum exploration permit was purportedly renewed under this Act; or

(ii) a petroleum retention lease was purportedly renewed under this Act; or

(iii) a fixed-term petroleum production licence was purportedly renewed under this Act; and

(b) the purported renewal would, apart from this subsection, be invalid because consent was not given under subsection 359(3) of the *Environment Protection and Biodiversity Conservation Act 1999*;

the purported renewal is as valid and effective, and is taken always to have been as valid and effective, as it would have been if:

(c) consent had been given under that subsection; and

(d) that consent had not been subject to any conditions.

(2) If:

(a) before 1 January 2016:

(i) the term of a petroleum exploration permit was purportedly extended under this Act; or

(ii) the term of a petroleum retention lease was purportedly extended under this Act; and

(b) the purported extension would, apart from this subsection, be invalid because consent was not given under subsection 359(3) of the *Environment Protection and Biodiversity Conservation Act 1999*;

the purported extension is as valid and effective, and is taken always to have been as valid and effective, as it would have been if:

(c) consent had been given under that subsection; and

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(d) that consent had not been subject to any conditions.

780L Application of EPIC exemption regime to certain petroleum titles

Petroleum exploration permit

(1) If:

(a) subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999* applied to a petroleum exploration permit granted before the commencement of this section (the ***earlier permit***); and

(b) the earlier permit was renewed before the commencement of this section;

subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999* applies, and is taken always to have applied, to the petroleum exploration permit granted by way of renewal in a corresponding way to the way in which it applied to the earlier permit.

(2) If:

(a) subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999* applies or applied to a petroleum exploration permit granted before the commencement of this section; and

(b) the term of the permit was extended before the commencement of this section;

subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999* continues to apply, and is taken to have continued to apply, to the permit during the period of the extension.

Petroleum retention lease

(3) If:

(a) subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999* applied to a petroleum

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retention lease granted before the commencement of this section (the ***earlier lease***); and

(b) the earlier lease was renewed before the commencement of this section;

subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999* applies, and is taken always to have applied, to the petroleum retention lease granted by way of renewal in a corresponding way to the way in which it applied to the earlier lease.

(4) If:

(a) subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999* applies or applied to a petroleum retention lease granted before the commencement of this section; and

(b) the term of the lease was extended before the commencement of this section;

subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999* continues to apply, and is taken to have continued to apply, to the lease during the period of the extension.

Fixed-term petroleum production licence

(5) If:

(a) subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999* applied to a fixed-term petroleum production licence granted before the commencement of this section (the ***earlier licence***); and

(b) the earlier licence was renewed before the commencement of this section;

subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999* applies, and is taken always to have applied, to the fixed-term petroleum production licence granted by way of renewal in a corresponding way to the way in which it applied to the earlier licence.

(6) If:

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(a) subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999* applies or applied to a petroleum production licence granted before the commencement of this section; and

(b) the term of the licence was extended before the commencement of this section;

subsection 359(1) of the *Environment Protection and Biodiversity Conservation Act 1999* continues to apply, and is taken to have continued to apply, to the licence during the period of the extension.

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Part 9.10D—Greater Sunrise special regime area

Division 1—Bodies exercising Australia's rights and responsibilities

780M Bodies exercising Australia's rights and responsibilities relating to the Greater Sunrise special regime area

The following exercise Australia's rights and responsibilities relating to Petroleum Activities, within the meaning of the Timor Sea Maritime Boundaries Treaty, in the Greater Sunrise special regime area in accordance with the treaty:

(a) the Timorese Designated Authority;

(b) the Governance Board provided for by Annex B to the treaty;

(c) the Dispute Resolution Committee provided for by Annex B to the treaty.

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Division 2—Limits on Australian law in Greater Sunrise special regime area

780N Australian law subject to legislation made under the Timor Sea Maritime Boundaries Treaty

So far as a law of the Commonwealth, a State or a Territory applies in or in relation to the Greater Sunrise special regime area, the law has effect subject to the following:

(a) regulations issued by the Timorese Designated Authority under paragraph 3(n) or (o) of Article 6 of Annex B to the Timor Sea Maritime Boundaries Treaty (about protection of the marine environment in that area and occupational health and safety of persons employed on certain installations, structures and facilities in that area);

(b) the Interim Petroleum Mining Code and interim regulations for the purposes of that Code while they are in force under paragraph 1 of Article 11 of Annex B to the Timor Sea Maritime Boundaries Treaty;

(c) the final Petroleum Mining Code issued by the Governance Board under paragraph 2 of Article 11 of Annex B to the Timor Sea Maritime Boundaries Treaty.

Note: Laws of the Commonwealth do not apply in relation to an act, omission, matter or thing directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area unless there is a contrary intention: see section 13AB of the *Seas and Submerged Lands Act 1973*.

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Division 3—Declaration of Greater Sunrise pipeline international offshore area

780P Declaration of Greater Sunrise pipeline international offshore area

(1) If the responsible Commonwealth Minister is satisfied that a person proposes to construct a petroleum pipeline for conveying petroleum recovered from the Greater Sunrise special regime area to a place in Australia, the Minister may, by notifiable instrument, declare an area, through which the pipeline is proposed to extend, as the Greater Sunrise pipeline international offshore area.

(2) The area must:

(a) consist at least partly of an area in the Greater Sunrise special regime area; and

(b) adjoin (but not include any of) an offshore area of a State or Territory.

Note: Depending on the proposed route of the pipeline, the area may cover part of the continental shelf of Timor-Leste between an edge of the Greater Sunrise special regime area and the offshore area of a State or Territory.

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Part 9.11—Regulations

781 Regulations

The Governor-General may make regulations prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

782 Regulations dealing with specific matters

(1) The regulations may make provision for securing, regulating, controlling or restricting any or all of the matters set out in the table:

Specific matters

Item	Matters
1	(a) the exploration for petroleum; and (b) the carrying on of operations, and the execution of works, for that purpose.
2	(a) the recovery of petroleum; and (b) the carrying on of operations, and the execution of works, for that purpose.
2A	(a) the exploration for potential greenhouse gas storage formations; and (b) the exploration for potential greenhouse gas injection sites; and (c) the carrying on of operations, and the execution of works, for any of those purposes.
2B	(a) the injection of a greenhouse gas substance into a part of a geological formation; and (b) the storage of a greenhouse gas substance in a part of a geological formation; and (c) the carrying on of operations, and the execution of works, for any of those purposes.

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Section 782

Specific matters	
Item	**Matters**
3	the conservation of, and the prevention of the waste of, the natural resources (whether petroleum or otherwise) of the continental shelf.
3A	the restoration or maintenance of the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.
3B	the restoration or maintenance of the suitability of a part of a geological formation for the recovery of petroleum.
4	(a) the construction and operation of pipelines, water lines, secondary lines, greenhouse gas facility lines, greenhouse gas infrastructure lines, greenhouse gas injection lines, pumping stations, tank stations or valve stations; and (b) the carrying on of operations, and the execution of works, for any of those purposes.
5	the construction, erection, maintenance, operation or use of installations, structures, equipment or facilities.
6	the control of the flow or discharge, and the prevention of the escape, of: (a) petroleum, a greenhouse gas substance, water or drilling fluid; or (b) a mixture of water or drilling fluid with petroleum, a greenhouse gas substance or any other matter.
7	the clean-up or other remediation of the effects of the escape of petroleum or a greenhouse gas substance.
8	the prevention of damage to petroleum-bearing strata in an area (whether in an offshore area or not) over which a petroleum exploration permit, petroleum retention lease, petroleum production licence, greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is not in force.
9	the keeping separate of: (a) each petroleum pool discovered in a petroleum exploration permit area, a petroleum retention lease area, a petroleum production licence area, a greenhouse gas assessment permit area, a greenhouse gas holding lease area or a greenhouse gas injection licence area; and (b) each source of water discovered in a petroleum exploration permit area, a petroleum retention lease area, a petroleum production licence area, a greenhouse gas assessment permit area, a greenhouse gas holding lease area or a greenhouse gas injection licence area.

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Specific matters	
Item	**Matters**
10	the prevention of water or other matter from entering a petroleum pool through wells.
11	the prevention of the waste or escape of petroleum or water from a petroleum pipeline, water line, secondary line, petroleum pumping station, petroleum tank station or petroleum valve station.
11A	the prevention of the waste or escape of a greenhouse gas substance or water from a greenhouse gas pipeline, water line, greenhouse gas facility line, greenhouse gas infrastructure line, greenhouse gas injection line, greenhouse gas pumping station, greenhouse gas tank station or greenhouse gas valve station.
12	the maintaining in good condition and repair of all structures, equipment and other property in an offshore area used or intended to be used for or in connection with exploring for, or exploiting, petroleum in the offshore area.
12A	the maintaining in good condition and repair of all structures, equipment and other property in an offshore area used or intended to be used for or in connection with: (a) the exploration for potential greenhouse gas storage formations in the offshore area; or (b) the exploration for potential greenhouse gas injection sites in the offshore area; or (c) the injection of a greenhouse gas substance into a part of a geological formation, where the part is in the offshore area; or (d) the storage of a greenhouse gas substance in a part of a geological formation, where the part is in the offshore area.
13	the removal from an offshore area of structures, equipment and other items of property that: (a) have been brought into the offshore area for or in connection with exploring for, or exploiting, petroleum; and (b) are not used, or intended to be used, in connection with exploring for, or exploiting, petroleum in the offshore area.

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Section 782

Specific matters	
Item	**Matters**
14	the removal from an offshore area, of structures, equipment and other items of property that: (a) have been brought into the offshore area for or in connection with: (i) the exploration for potential greenhouse gas storage formations; or (ii) the exploration for potential greenhouse gas injection sites; or (iii) the injection of a greenhouse gas substance into a part of a geological formation; or (iv) the storage of a greenhouse gas substance in a part of a geological formation; and (b) are not used, or intended to be used, for or in connection with: (i) the exploration for potential greenhouse gas storage formations; or (ii) the exploration for potential greenhouse gas injection sites; or (iii) the injection of a greenhouse gas substance into a part of a geological formation; or (iv) the storage of a greenhouse gas substance in a part of a geological formation.
15	the decommissioning of structures, equipment and other items of property that: (a) have been brought into an offshore area for or in connection with: (i) the exploration for potential greenhouse gas storage formations; or (ii) the exploration for potential greenhouse gas injection sites; or (iii) the injection of a greenhouse gas substance into a part of a geological formation; or (iv) the storage of a greenhouse gas substance in a part of a geological formation; and (b) are not used, or intended to be used, for or in connection with: (i) the exploration for potential greenhouse gas storage formations; or (ii) the exploration for potential greenhouse gas injection sites; or (iii) the injection of a greenhouse gas substance into a part of a geological formation; or (iv) the storage of a greenhouse gas substance in a part of a geological formation.

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Specific matters	
Item	**Matters**
16	(a) the management of substances stored in a part of a geological formation; and (b) the interactions of those substances.

(2) Subsection (1) does not limit section 781.

782A Regulations—service of documents

(1) A regulation *(*a ***service regulation****)* may provide for or in relation to the way in which documents are required or permitted to be given for the purposes of this Act or a legislative instrument under this Act.

Example 1: A service regulation may require or permit documents to be given by email or fax or another form of electronic transmission.

Example 2: If a service regulation requires or permits documents to be given by email transmission, or by prepayment and postage as letters, the regulation may provide for a time at which the documents are taken to be given.

Electronic Transactions Act 1999 overridden

(2) This section, and any service regulations, have effect despite any provision in the *Electronic Transactions Act 1999*.

783 Regulations may provide for matters by reference to codes of practice or standards

(1) The regulations may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument:

(a) as in force or existing at the time when the regulations take effect; or

(b) as in force or existing from time to time;

so long as the code of practice or standard is relevant to that matter.

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(2) To avoid doubt, subsection (1) applies to an instrument, whether issued or made in Australia or outside Australia.

784 Unconditional or conditional prohibition

The regulations may prohibit the doing of an act or thing either:

(a) unconditionally; or

(b) subject to conditions (including conditions requiring the grant, as prescribed by the regulations, of the consent or approval of a person).

785 Regulations not limited by conditions provisions

(1) To avoid doubt, nothing in section 99, 136, 162, 195, 212, 231, 240, 253, 291, 320, 358, 404, 413 or 424 limits the regulations that may be made under this Act.

(2) Subsection (1) does not limit the operation of subsection 33(3B) of the *Acts Interpretation Act 1901*.

786 Exercise of Australia's rights under international law—petroleum in the continental shelf

The regulations may, to the extent to which this Act does not do so, provide for the exercise of Australia's rights, and compliance with Australia's obligations, under international law in relation to:

(a) exploring for; and

(b) exploiting;

petroleum as a natural resource of the continental shelf (whether in an offshore area or not).

787 Exercise of Australia's rights under international law—injection and storage of greenhouse gas substances in the continental shelf

The regulations may, to the extent to which this Act does not do so, provide for the exercise of Australia's rights, and compliance with Australia's obligations, under international law in relation to:

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(a) the injection of a greenhouse gas substance into a part of a geological formation, where that part is wholly situated within the continental shelf (whether in an offshore area or not); and

(b) the storage of a greenhouse gas substance in a part of a geological formation, where that part is wholly situated within the continental shelf (whether in an offshore area or not).

788 Exercise of Australia's rights under international law—petroleum within territorial limits

The regulations may, to the extent to which this Act does not do so, provide for the exercise of Australia's rights under international law in relation to:

(a) exploring for; and

(b) exploiting;

the petroleum which occurs as a natural resource of the seabed and subsoil of the submarine areas within the territorial limits of the Commonwealth and the Territories.

789 Exercise of Australia's rights under international law—injection and storage of greenhouse gas substances within territorial limits

The regulations may, to the extent to which this Act does not do so, provide for the exercise of Australia's rights under international law in relation to:

(a) the injection of a greenhouse gas substance into a part of a geological formation, where that part is wholly situated within the territorial limits of the Commonwealth and the Territories; and

(b) the storage of a greenhouse gas substance in a part of a geological formation, where that part is wholly situated within the territorial limits of the Commonwealth and the Territories.

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790 Offences

(1) The regulations may provide for offences against the regulations.

(2) The penalties for offences against the regulations must not exceed:
  (a) a fine of 100 penalty units; or
  (b) a fine of 100 penalty units for each day on which the offence occurs.

790A Regulations dealing with the Regulatory Powers Act

Regulations may:
  (a) make a provision of a regulation a civil penalty provision (see Part 4 of the Regulatory Powers Act); and
  (aa) provide for a fine of not more than 50 penalty units for each day on which a contravention of a civil penalty provision occurs; and
  (ab) provide that an offence or a civil penalty provision in a regulation is subject to an infringement notice (see Part 5 of the Regulatory Powers Act); and
  (ac) make a provision of a legislative instrument enforceable under Part 7 of the Regulatory Powers Act (which deals with injunctions); and
  (ad) provide that a person is an authorised person in relation to one or more provisions for the purposes of Part 7 of the Regulatory Powers Act; and
  (b) modify the Regulatory Powers Act as it applies in relation to a regulation.

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Part 9.12—Transitional provisions

791 Transitional provisions

Schedule 6 has effect.

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