



Offshore Petroleum and Greenhouse Gas Storage Act 2006

Act No. 14 of 2006 as amended

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The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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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.

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; 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.

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.
3	an infrastructure licence	set out details of the licence area.

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Content of memorial		
Item	In the case of...	the memorial must...
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.

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.

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.

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.

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
- (d) in any case—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).

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.
- (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.

Section 479

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) On payment of the fee provided for in the Registration Fees Act, 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
 - (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.

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.

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.

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.

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).

Section 489

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.

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:
- (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.

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.

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.

Section 494

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.

Entry in Register

- (3) On payment of the fee provided for in the Registration Fees Act, 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.

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).

Section 496

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.

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.

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.

Section 501

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:
 - (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.

501 Timing of provisional application

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

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: <ul style="list-style-type: none">(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.

Period for making a provisional application			
Item	In this case...	the period begins on...	and ends on...
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.

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.

Section 503

- (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.

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.
- (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.

Section 506

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.

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.

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.

- (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*.

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.

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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*.

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 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.

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);

Section 510

(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*.

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.

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.

512 True consideration to be shown

Offence

- (1) A person commits an offence if:
 - (a) the person is a party to:
 - (i) a transfer of a title; or
 - (ii) a dealing to which Part 4.6 applies; or
 - (iii) a dealing referred to in subsection 498(1); and
 - (b) the person gives the Titles Administrator:
 - (i) an instrument of transfer; or
 - (ii) an instrument evidencing the dealing; or
 - (iii) a supplementary instrument; and
 - (c) the instrument contains a statement relating to:
 - (i) the consideration for the transfer or dealing; or
 - (ii) any other fact or circumstance affecting the amount of the fee payable under the Registration Fees Act in relation to the transfer or dealing; and
 - (d) the person gives the instrument knowing that the statement is false or misleading in a material particular.

Penalty: 100 penalty units.

Section 513

Definition

(2) In this section:

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

Note: The same conduct may be an offence against both subsection (1) of this section and section 137.2 of the *Criminal Code*.

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.

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.
- (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

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- (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.
- (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.

517 Assessment of fee

Original determination

- (1) The Titles Administrator may determine the amount of the fee payable under the Registration Fees Act in relation to an entry in the relevant Register.

Fresh determination—false or misleading information given to Titles Administrator

- (2) If:
- (a) the Titles Administrator has determined the amount of a fee payable under the Registration Fees Act in relation to a transfer or dealing; and
 - (b) a person is convicted of an offence against section 512 in relation to giving the Titles Administrator an instrument that contains a statement about:
 - (i) the consideration for the transfer or dealing; or
 - (ii) any other fact or circumstance affecting the amount of the fee payable under the Registration Fees Act in relation to the transfer or dealing;

the Titles Administrator may make a fresh determination of the amount of the fee payable under the Registration Fees Act in relation to the transfer or dealing.

Note: Section 512 is about giving an instrument that contains a false or misleading statement.

Appeal

- (3) A person dissatisfied with a determination of the Titles Administrator under subsection (1) or (2) may appeal against the determination to:
- (a) the Federal Court; or

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- (b) the Supreme Court of, or having jurisdiction in, the State or Territory to which the relevant offshore area relates.
- (4) The court hearing the appeal may affirm, set aside or modify the determination of the Titles Administrator.

Appearance of Titles Administrator

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

Principal Northern Territory offshore area and Eastern Greater Sunrise offshore area

- (6) For the purposes of paragraph (3)(b):
 - (a) the Principal Northern Territory offshore area; and
 - (b) the Eastern Greater Sunrise offshore area;are taken to relate to the Northern Territory.

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.

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.

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.

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.

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.

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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.

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.

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
- (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).

Section 527

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.
- (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:
 - (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.

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- (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) On payment of the fee provided for in the Registration Fees Act, 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:
 - (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.

Section 533

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.

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.

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.
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.

Effects of dealings	
Item	Effect
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.

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.

Section 540

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.

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.

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.

Section 544

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) On payment of the fee provided for in the Registration Fees Act, 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.

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
 - (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.

Section 547

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.

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.

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.

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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:

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: <ul style="list-style-type: none">(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.

Period for making a provisional application

Item	In this case...	the period begins on...	and ends on...
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.

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.

Section 552

- (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.

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.
- (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.

Section 555

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.

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.

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.

- (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.

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.

Section 558

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:
 - (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.

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*.

Section 559

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.

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.

561 True consideration to be shown

Offence

- (1) A person commits an offence if:
- (a) the person is a party to:
 - (i) a transfer of a title; or
 - (ii) a dealing to which Part 5.6 applies; or
 - (iii) a dealing referred to in subsection 548(1); and
 - (b) the person gives the Titles Administrator:
 - (i) an instrument of transfer; or
 - (ii) an instrument evidencing the dealing; or
 - (iii) a supplementary instrument; and
 - (c) the instrument contains a statement relating to:
 - (i) the consideration for the transfer or dealing; or
 - (ii) any other fact or circumstance affecting the amount of the fee payable under the Registration Fees Act in relation to the transfer or dealing; and
 - (d) the person gives the instrument knowing that the statement is false or misleading in a material particular.

Penalty: 100 penalty units.

Definition

- (2) In this section:
- supplementary instrument*** has the meaning given by subsection 540(3) or 549(3).

Section 562

Note: The same conduct may be an offence against both subsection (1) of this section and section 137.2 of the *Criminal Code*.

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*.

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.

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.

Section 565

*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.
- (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.

566 Assessment of fee

Original determination

- (1) The Titles Administrator may determine the amount of the fee payable under the Registration Fees Act in relation to an entry in the Register.

Fresh determination—false or misleading information given to Titles Administrator

- (2) If:
- (a) the Titles Administrator has determined the amount of a fee payable under the Registration Fees Act in relation to a transfer or dealing; and
 - (b) a person is convicted of an offence against section 561 in relation to giving the Titles Administrator an instrument that contains a statement about:
 - (i) the consideration for the transfer or dealing; or
 - (ii) any other fact or circumstance affecting the amount of the fee payable under the Registration Fees Act in relation to the transfer or dealing;

the Titles Administrator may make a fresh determination of the amount of the fee payable under the Registration Fees Act in relation to the transfer or dealing.

Note: Section 561 is about giving an instrument that contains a false or misleading statement.

Appeal

- (3) A person dissatisfied with a determination of the Titles Administrator under subsection (1) or (2) may appeal against the determination to:
- (a) the Federal Court; or
 - (b) the Supreme Court of, or having jurisdiction in, the State or Territory to which the relevant offshore area relates.
- (4) The court hearing the appeal may affirm, set aside or modify the determination of the Titles Administrator.

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Appearance of Titles Administrator

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

Principal Northern Territory offshore area and Eastern Greater Sunrise offshore area

- (6) For the purposes of paragraph (3)(b):
- (a) the Principal Northern Territory offshore area; and
 - (b) the Eastern Greater Sunrise offshore area;
- are taken to relate to the Northern Territory.

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) insurance;
 - (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.

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

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

569 Work practices

(1) The table has effect:

Work practices		
Item	This person...	must...
1	the registered holder of a petroleum exploration permit, petroleum retention lease or petroleum production licence	<p>(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</p> <p>(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</p> <p>(c) control the flow, and prevent the waste or escape, in the permit area, lease area or licence area, of petroleum or water; and</p> <p>(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</p> <p>(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</p> <p>(f) keep separate each petroleum pool discovered in the permit area, lease area or licence area; and</p> <p>(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</p> <p>(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.</p>

Work practices		
Item	This person...	must...
2	the registered holder of an infrastructure licence	<p>(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</p> <p>(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.</p>
3	the registered holder of a pipeline licence	<p>(a) operate the pipeline in a proper and workmanlike manner; and</p> <p>(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.</p>
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.

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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
 - (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*.

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
 - (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.

Note 1: A general direction may be given to a petroleum titleholder under section 574 (by NOPSEMA) or 574A (by the responsible Commonwealth Minister).

Note 2: A direction may be given by NOPSEMA to a petroleum titleholder under section 576B in relation to a significant offshore petroleum incident in the petroleum title area.

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	<p>(a) carry out all:</p> <ul style="list-style-type: none"> (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; <p>in the permit area, lease area or licence area in a proper and workmanlike manner; and</p> <p>(b) carry out all:</p> <ul style="list-style-type: none"> (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; <p>in the permit area, lease area or licence area in a proper and workmanlike manner.</p>

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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	<ul style="list-style-type: none">(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.

Work practices		
Item	This person...	must...
3	the registered holder of a greenhouse gas special authority	<p>carry out all:</p> <ul style="list-style-type: none"> (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; <p>in the authority area in a proper and workmanlike manner.</p>
4	the registered holder of a greenhouse gas search authority	<p>carry out all:</p> <ul style="list-style-type: none"> (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; <p>in the authority area in a proper and workmanlike manner.</p>
5	the holder of a greenhouse gas research consent	<p>carry out all:</p> <ul style="list-style-type: none"> (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; <p>authorised by the consent in a proper and workmanlike manner.</p>

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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.

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 Insurance

Petroleum permits, leases and licences

- (1) The registered holder of:

- (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;

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

including insurance against expenses of complying with directions relating to the clean-up or other remediation of the effects of the escape of petroleum.

Petroleum authorities

- (2) The conditions of a petroleum special prospecting authority or a petroleum access authority may include a condition that the registered holder maintain, as directed by the responsible Commonwealth Minister from time to time, insurance against:

- (a) expenses; or
- (b) liabilities; or
- (c) specified things;

arising in connection with, or as a result of:

- (d) the carrying out of work under the authority; or

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(e) the doing of any other thing under the authority;
including insurance against expenses of complying with directions
relating to the clean-up or other remediation of the effects of the
escape of petroleum.

Greenhouse gas titles

(3) The conditions of:

- (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;

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

(4) 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:

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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.
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.

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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
 - (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*.

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 1: A general direction may be given to a petroleum titleholder under section 574 (by NOPSEMA) or 574A (by the responsible Commonwealth Minister).

Note 2: A direction may be given by NOPSEMA to a petroleum titleholder under section 576B in relation to a significant offshore petroleum incident in the petroleum title area.

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 relating to a breach of:
 - (a) a direction given by the Joint Authority or NOPSEMA under Chapter 2, this Chapter or the regulations; or
 - (b) a direction given by the responsible Commonwealth Minister under this Part;

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

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: For enforcement, 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:
- (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;

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- (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).
- (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.

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- (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 for the purposes of the *Legislative Instruments Act 2003*.
- (11) If paragraph (3)(b) does not apply to a direction under this section, the direction is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

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

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- (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: For enforcement, 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).

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:
 - (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.

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- (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.

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.

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
 - (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:
- (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;

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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), (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.

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

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

576 Compliance with direction

Offence

- (1) A person commits an offence 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.

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 574 or 574A 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.

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:

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.

Titles and title areas		
Item	A title is any of the following:	The title area for the title is ...
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:
 - (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;

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- (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 the 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 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 is an offence under 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 general direction to a petroleum titleholder. Under section 574A, a general 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.

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.

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- (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

A person commits an offence of strict liability 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.

Penalty: 100 penalty units.

Note 1: For strict liability, see section 6.1 of the *Criminal Code*.

Note 2: NOPSEMA may do anything required to be done under a direction in the event of a breach of the direction (see section 577).

Note 3: It is a defence in a prosecution for an offence against this section if the defendant proves that the defendant took all reasonable steps to comply with the direction (see section 578).

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

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Part 6.2 Directions relating to petroleum

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- (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.

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.

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

578 Defence of taking reasonable steps to comply with a direction

- (1) In a prosecution for an offence in relation to a breach of a direction given by the Joint Authority or NOPSEMA under:
- (a) Chapter 2; or
 - (b) this Chapter; or
 - (c) Part 7.1; 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 subsection—see section 13.4 of the *Criminal Code*.

- (2) In a prosecution for an offence in relation to a breach of 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.

Note: The defendant bears a legal burden in relation to the matter in this subsection—see section 13.4 of the *Criminal Code*.

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.

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.

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 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

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- (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);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.

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.

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
 - (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.

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
- (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*.

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.
- 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.

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- If property has not been removed in accordance with a remedial direction, NOPSEMA may direct the owner to remove or dispose of the property.

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.

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).

- (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;
- 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.

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:

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.

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Applicable date and title area			
Item	In the case of...	the applicable date is...	and the title area is...
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.

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*.

- (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.

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.

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- (6) 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

- (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.
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.
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.

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

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.

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

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

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.

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Scope		
Item	Title	Event
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) 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.
- (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
 - (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.

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.

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

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

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.

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:

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- (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;

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
 - (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 the Commonwealth; and

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- (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:
 - (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.

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*.

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.

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.

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;
 - (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.

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- (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:

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
 - (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 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 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

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(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*.

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.

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).

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:

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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 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.

- (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

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- (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:

- (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.

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.

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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
 - (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.

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*.

Part 6.5—Offences and enforcement

Division 1—Petroleum

599 Simplified outline

The following is a simplified outline of this Division:

- NOPSEMA may appoint petroleum project inspectors, and the petroleum 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 offshore petroleum installations or operations.
- A court may make a forfeiture order in relation to property used in the commission of an offence.

600 Appointment of petroleum project inspectors

Appointment

- (1) NOPSEMA may, by writing, appoint a person to be a petroleum project inspector in relation to an offshore area if the person is an officer, or employee, of:
 - (a) the Commonwealth, a State or a Territory; or
 - (b) an authority of the Commonwealth, a State or a Territory.

Identity cards

- (2) NOPSEMA must issue an identity card to a petroleum project inspector. The identity card must:
 - (a) specify the offshore area concerned; and
 - (b) contain a recent photograph of the petroleum project inspector.
- (3) If a person is a petroleum project inspector in relation to the Eastern Greater Sunrise offshore area, NOPSEMA may specify, in

the identity card issued to the petroleum project inspector under subsection (2), that the petroleum project inspector is a Greater Sunrise visiting inspector.

- (4) A person commits an offence if:
- (a) the person has been issued with an identity card; and
 - (b) the person ceases to be a petroleum project inspector; and
 - (c) the person does not immediately return the identity card to:
 - (i) NOPSEMA; or
 - (ii) if NOPSEMA, 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.

- (5) Subsection (4) 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 (5)—see subsection 13.3(3) of the *Criminal Code*.

- (6) A petroleum project inspector must carry the identity card at all times when exercising powers, or performing functions, under this Act or the regulations as a petroleum project inspector.
- (7) NOPSEMA and the Titles Administrator may, with the agreement of the responsible Commonwealth Minister, make a written determination that provides that, in the event that:
- (a) a petroleum project inspector engages in activities that are preparatory to the exercise, or the possible exercise, of a power under this Act for a purpose that relates to the functions or powers of the Titles Administrator; or
 - (b) a petroleum project inspector exercises a power under this Act for a purpose that relates to the functions or powers of the Titles Administrator;

an amount worked out in accordance with the determination is to be:

- (c) debited from the National Offshore Petroleum Titles Administrator Special Account; and
 - (d) credited to the National Offshore Petroleum Safety and Environmental Management Authority Special Account;
- on a day worked out in accordance with the determination.

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- (8) The Titles Administrator must publish a determination under subsection (7) on the Department's website.
- (9) A determination under subsection (7) is not a legislative instrument.

601 Monitoring powers of petroleum project inspectors

Powers

- (1) For the purposes of this Act and the regulations, a petroleum project inspector (other than a Greater Sunrise visiting inspector) may, at all reasonable times and on production of the petroleum project inspector's identity card, exercise the powers conferred by subsection (2).
- (2) The powers a petroleum project inspector (other than a Greater Sunrise visiting inspector) may exercise under this section are as follows:
 - (a) to have access to any part of the offshore area specified in the card;
 - (b) to have access to any structure, vessel, aircraft or building in the offshore area that the petroleum project inspector has reasonable grounds to believe has been, is being or is to be used in connection with any of the following operations in the 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;
 - (c) to inspect and test any equipment that the petroleum project inspector has reasonable grounds to believe has been, is being or is to be used in the offshore area in connection with any of those operations;
 - (d) to enter any structure, vessel, aircraft, building or place that is in:
 - (i) the offshore area; or

(ii) the State or Territory to which the offshore area relates; and in which the petroleum 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.

- (3) For the purposes of subparagraph (2)(d)(ii):
- (a) the Principal Northern Territory offshore area; and
 - (b) the Eastern Greater Sunrise offshore area;
- are taken to relate to the Northern Territory.

Residential premises

- (4) A petroleum 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 602; or
 - (b) after obtaining the consent of the occupier of the premises.
- (5) If:
- (a) a petroleum project inspector enters residential premises in accordance with a warrant issued under section 602; and
 - (b) the occupier of the premises is present at the premises;
- the petroleum project inspector must make available to the occupier a copy of the warrant or a copy of the form of the warrant.
- (6) Before obtaining the consent of a person as mentioned in paragraph (4)(b), a petroleum project inspector must inform the person that the person may refuse consent.
- (7) A consent of a person is not effective for the purposes of subsection (4) unless the consent is voluntary.

Powers of Greater Sunrise visiting inspectors

- (8) For the purposes of this Act and the regulations, 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:
 - (i) the Eastern Greater Sunrise offshore area; or
 - (ii) the Principal Northern Territory offshore area;specified in the identity card; and

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- (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 petroleum recovered from one or more of the Greater Sunrise unit reservoirs.

Facilities and assistance to be provided by occupier or person in charge

- (9) 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 petroleum project inspector with all reasonable facilities and assistance for the effective exercise of the petroleum project inspector's powers under this section.

- (10) A person who is:
 - (a) the occupier or person in charge of any building or structure referred to in subsection (8); or
 - (b) the person in charge of any vessel, aircraft or equipment referred to in subsection (8);

must provide a Greater Sunrise visiting inspector with all reasonable facilities and assistance for the effective exercise of the inspector's powers under subsection (8).

- (11) A person commits an offence if:
 - (a) the person is subject to a requirement under subsection (9) or (10); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 50 penalty units.

Obstructing or hindering a petroleum project inspector

- (12) A person commits an offence if:

- (a) the person engages in conduct; and
- (b) the conduct obstructs or hinders a petroleum project inspector in the exercise of the petroleum project inspector's powers under this section.

Penalty: 50 penalty units.

- (13) Subsection (12) 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 (13)—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 (12) of this section and section 149.1 of the *Criminal Code*.

602 Warrants to enter residential premises

- (1) A petroleum project inspector may apply to a Magistrate for a warrant authorising the petroleum project inspector, with such assistance as the petroleum project inspector thinks necessary, to exercise the power referred to in paragraph 601(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 petroleum 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 petroleum 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.

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:

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.
- (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 Attorney-General directs; and
 - (b) pending the Attorney-General's direction, may be detained in such custody as the court directs.

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 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 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;

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- (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:
 - (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
 - (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.
- (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.

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.

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- (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 Attorney-General directs; and
 - (b) pending the Attorney-General's direction, may be detained in such custody as the court directs.

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*.

Part 6.6—Safety zones and the area to be avoided

Division 1—Introduction

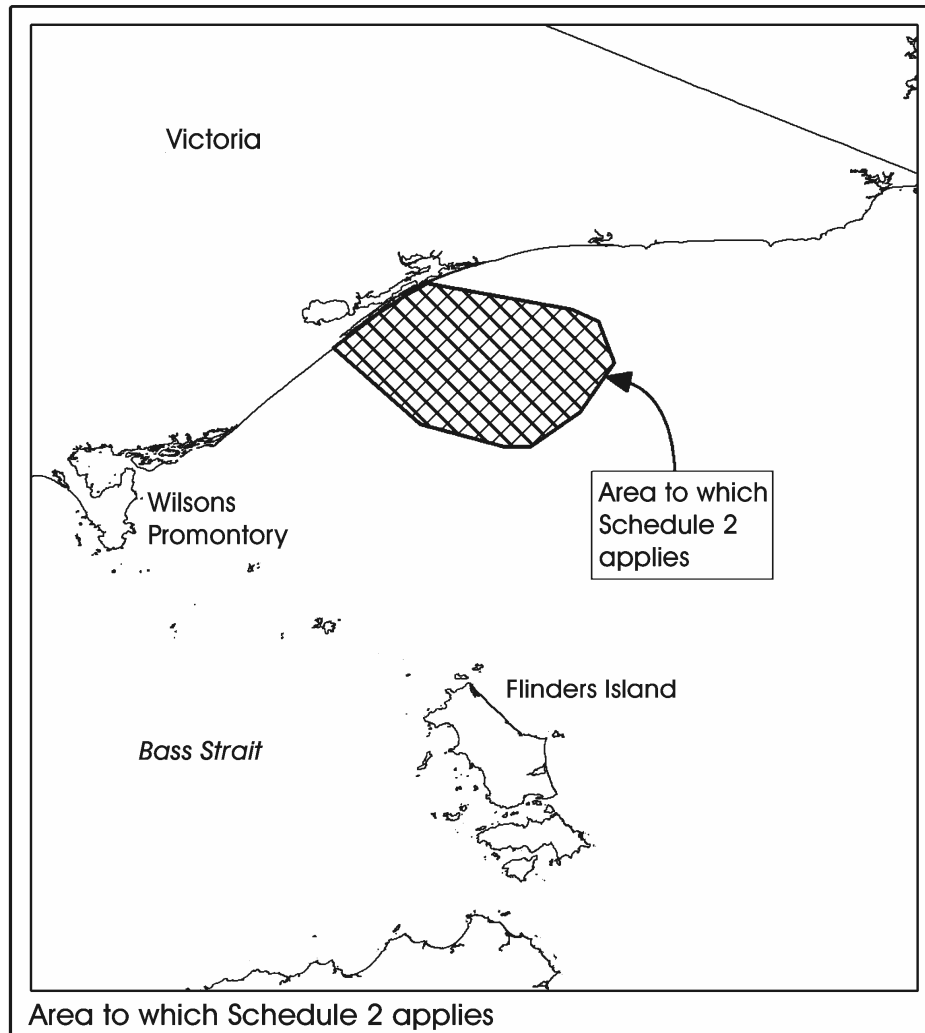
612 Simplified outline

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.

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:



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:

- (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;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:
 - (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:

- (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

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- (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 for the purposes of the *Legislative Instruments Act 2003*.

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
 - (b) the vessel is subject to a notice under subsection (1); and

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- (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 for the purposes of the *Legislative Instruments Act 2003*.

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:
 - (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.

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
 - (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 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).

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*.

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;

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 hinders or obstructs an authorised person who is acting under subsection (1).

Penalty for contravention of this subsection: 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*.

621 Other powers of authorised persons

- (1) An authorised person may:
- (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

Section 621

- (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:
 - (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.

- (9) A person commits an offence if:
- (a) the person engages in conduct; and
 - (b) the conduct hinders or obstructs 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 for contravention of this subsection: 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*.

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;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.

Part 6.7—Collection of fees and royalties

Division 2—Fees payable under the Registration Fees Act

629 Fees payable to the Titles Administrator

A fee under section 5 or 6 of the Registration Fees Act is payable to the Titles Administrator on behalf of the Commonwealth.

630 Fees payable to the Commonwealth

A fee under section 6A or 6B of the Registration Fees Act is payable to the Commonwealth.

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.

Definition

- (3) In this section:

royalty period has the same meaning as in the Royalty Act.

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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.
- (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.

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);
 - (ea) a fee under subsection 564(1) or (2);
 - (eb) a fee under subsection 565(2) or (4);
 - (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).

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.
- (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.

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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.

- (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 1912*; 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 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 those designated coastal waters, substantially correspond to the listed OHS laws.
- (2) Commonwealth maritime legislation is disapplied in those designated coastal waters to the same extent as Commonwealth maritime legislation is disapplied in the offshore area.
- (3) In this section:

Commonwealth maritime legislation has the same meaning as in section 640.

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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.

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 and strategies to be followed by NOPSEMA in the performance of its functions.
- The CEO may appoint OHS inspectors.

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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.

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
- (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 body known as the Standing Council on Energy and Resources.

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

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- (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:

- (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
 - (ii) at a facility.

OHS inspector means a person appointed as an OHS inspector under section 680.

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).

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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
- (b) in relation to Victoria—the *Petroleum (Submerged Lands) Act 1982* of that State; or
- (c) in relation to Queensland—the *Petroleum (Submerged Lands) Act 1982* of that State; or
- (d) in relation to Western Australia—the *Petroleum (Submerged Lands) Act 1982* of that State; or
- (e) in relation to South Australia—the *Petroleum (Submerged Lands) Act 1982* of that State; or
- (f) in relation to Tasmania—the *Petroleum (Submerged Lands) Act 1982* of that State.

Territory PSLA means the *Petroleum (Submerged Lands) Act* of the Northern Territory.

Note: See also section 10A of the *Acts Interpretation Act 1901* (references to amended or re-enacted State and Territory laws).

644 Designated coastal waters

- (1) For the purposes of this Part, **designated coastal waters**, in relation to a State or the Northern Territory, means:
 - (a) so much of the scheduled area for that State or Territory as consists of the territorial sea; and
 - (b) any area that:
 - (i) is within the scheduled area for that State or Territory; and
 - (ii) is on the landward side of the territorial sea; and
 - (iii) was, immediately before the commencement of the relevant State or Territory PSLA, the subject of a petroleum exploration permit under the repealed *Petroleum (Submerged Lands) Act 1967*.

- (2) For the purposes of subsection (1), 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.
- (3) Paragraph (1)(b) has effect subject to subsection (4).
- (4) For the purposes of this Part, if (whether before or after the commencement of this subsection) an area that is within the designated coastal waters of a State or Territory because it is described in subparagraphs (1)(b)(i), (ii) and (iii) became or becomes an area that is:
 - (a) not the subject of a petroleum exploration permit under the relevant State or Territory PSLA; and
 - (b) not the subject of a petroleum retention lease under the relevant State or Territory PSLA; and
 - (c) not the subject of a petroleum production licence under the relevant State or Territory PSLA; and
 - (d) not the subject of an application for a petroleum retention lease or petroleum production licence under the relevant State or Territory PSLA;the area is taken to have ceased to be part of the designated coastal waters of that State or Territory.

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:
 - (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; 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;
- (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;

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- (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;
- (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);

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- (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
 - (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.

646A Limits on functions conferred on NOPSEMA

- (1) Section 646 does not authorise NOPSEMA to perform a function that is:
 - (a) mentioned in a State functions provision; and
 - (b) conferred by or under a particular State PSLA or the Territory PSLA;
- unless:

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- (c) the functions mentioned in paragraphs 646(b) and (gb) 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 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) or (gj) 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 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 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); or
 - (d) paragraph 646(gj).
- (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
 - (b) the recovery, processing, storage, offloading or piped conveyance of petroleum.

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.

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- (5) NOPSEMA must comply with the policy principles (if any) when performing its functions.
- (6) A policy principle is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

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;
 - (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.
- (3) Any real or personal property held by NOPSEMA is taken to be the property of the Commonwealth.
- (4) Any money received by NOPSEMA is taken to be received by NOPSEMA on behalf of the Commonwealth.

649 References to functions and powers of NOPSEMA

For the avoidance of doubt, a reference in this Part (other than section 650) 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.

- (2) A reference in this Part (other than section 650) to the powers of the Safety Authority does not include a reference to the powers

conferred on the Safety Authority by or under a law of a State or the Northern Territory as permitted by section 650.

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 within the limits of the State or Territory; or
 - (iv) the eligible coastal waters of the State or Territory; or
 - (v) the designated coastal waters of the State or Territory; and
 - (d) if subparagraph (c)(iii) applies:
 - (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.
- Note: For *eligible coastal waters*, see subsection (7).
- (2) NOPSEMA has such functions and powers as are conferred on it by or under a law of a State or the Northern Territory in connection with the regulation of:
- (a) the exploration for petroleum; or
 - (b) the recovery, processing, storage, offloading or piped conveyance of petroleum;

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in the eligible coastal waters of the State or Territory, so long as:

- (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:
 - (i) that is about the conferral; and
 - (ii) that deals with the fees payable by the State or Territory to NOPSEMA, on behalf of the Commonwealth, for the performance of those functions and the exercise of those powers; and
- (d) each of those functions and powers substantially corresponds to a function or power conferred on NOPSEMA by or under this Act.

Note: For *eligible coastal waters*, see subsection (7).

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.

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:

- (j) a power conferred by subsection (1) or (3) of this section; or
- (k) a function or power covered by subsection (2) of this section.

Definitions

- (7) In this section:

eligible 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 that are:

- (a) on the landward side of the territorial sea; and
- (b) not within the limits of the State or Territory.

For this purpose, 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.

Foreign Affairs Minister means the Minister administering the *Diplomatic Privileges and Immunities Act 1967*.

regulation includes investigation.

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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.

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.

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 body known as the Standing Council on Energy and Resources;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;
 - (vb) policy or strategic matters relating to offshore petroleum environmental management;
 - (vi) the performance by NOPSEMA of its functions;

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- (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 for the purposes of the *Legislative Instruments Act 2003*.
- (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 body known as the Standing Council on Energy and Resources;
- 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
 - (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 body known as the Standing Council on Energy and Resources.

Note: The Chair is a Board member appointed by the responsible Commonwealth Minister as the Chair.

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;

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- (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 for the purposes of the *Legislative Instruments Act 2003*.
- (4) A determination under subsection (2) is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

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*.

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.

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.

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- (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.

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*.

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 body known as the Standing Council on Energy and Resources.
- (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.

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.
- (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

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- (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).

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.
- (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.

671 Notification of possible conflict of interest by CEO

Immediately after the CEO:

- (a) acquires any interest, pecuniary or otherwise, that could conflict with the proper performance of his or her duties; or
- (b) becomes aware that any interest, pecuniary or otherwise, that:
 - (i) he or she has; or

(ii) he or she is likely to acquire;
could conflict with the proper performance of his or her
duties;
the CEO must notify the responsible Commonwealth Minister, in
writing, of that interest.

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 671; or
 - (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 notification under section 671 or otherwise, that the CEO has an 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

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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:

- (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 680) 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.

677 Consultants and persons seconded to NOPSEMA

- (1) The CEO may, on behalf of the Commonwealth, 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 for the purposes of the *Legislative Instruments Act 2003*.

Division 5—Corporate plans

678 Corporate plans

- (1) The CEO must prepare a corporate plan for NOPSEMA at least once every 3 years and give the plan to the responsible Commonwealth Minister.
- (2) The plan must cover a period of at least 3 years.
- (3) The CEO must keep the responsible Commonwealth Minister informed about:
 - (a) significant changes to the plan; and
 - (b) matters that arise that might significantly affect the achievement of the objectives of the plan.
- (4) The plan must include details of the following matters:
 - (a) NOPSEMA's operational environment;
 - (b) NOPSEMA's strategies;
 - (c) performance indicators for NOPSEMA;
 - (d) a review of performance against previous corporate plans;
 - (e) an analysis of risk factors likely to affect the safety of offshore petroleum operations or offshore greenhouse gas storage operations;
 - (ea) an analysis of risk factors likely to affect the structural integrity of facilities, wells or well-related equipment that are in NOPSEMA waters;
 - (eb) an analysis of risk factors likely to affect offshore petroleum environmental management or offshore greenhouse gas storage environmental management;
 - (f) human resource strategies and industrial relations strategies.
- (5) The plan must also cover any other matters required by the responsible Commonwealth Minister, which may include further details about the matters in subsection (4).

679 Responsible Commonwealth Minister's response to corporate plan

- (1) On receiving a corporate plan, the responsible Commonwealth Minister must:
 - (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.

Division 6—OHS inspectors

680 Appointment of OHS inspectors

- (1) The CEO may, by writing, appoint persons as OHS inspectors.
- (2) The CEO may appoint as OHS inspectors only persons who are:
 - (a) members of the staff of NOPSEMA; or
 - (b) employees of the Commonwealth or of a Commonwealth authority; or
 - (c) employees of a State or of the Northern Territory or of an authority of a State or of the Northern Territory.
- (3) Despite subsection (2), the CEO may appoint as OHS inspectors persons who are not covered by paragraph (2)(a), (b) or (c), so long as the appointment is for a specified period and for the performance of specified functions.
- (4) In addition to the powers, functions and duties conferred or imposed by or under this Act, an OHS inspector has all the powers, functions and duties that are conferred or imposed by or under a State PSLA or the Territory PSLA.

681 Identity cards

- (1) NOPSEMA must issue an identity card to each OHS inspector:
 - (a) stating that he or she is an OHS inspector for the purposes of this Act; and
 - (b) if the OHS inspector is appointed for a limited period and in respect only of particular functions—specifying that period and those functions.
- (2) The identity card must:
 - (a) be in the form prescribed by the regulations; and
 - (b) contain a recent photograph of the OHS inspector.
- (3) A person commits an offence if:
 - (a) the person has been issued with an identity card for the purposes of this section; and
 - (b) the person ceases to be an OHS inspector; and

- (c) the person does not return the identity card to NOPSEMA as soon as practicable.

Penalty: 1 penalty unit.

- (4) However, the person is not guilty of the offence if the identity card was lost or destroyed.

Note: A defendant bears an evidential burden in relation to the matter in subsection (4). See subsection 13.3(3) of the *Criminal Code*.

- (5) A person to whom an identity card is issued under this section must carry the identity card at all times when carrying out functions as an OHS inspector.

Note: For requirements to produce the card when entering premises, see clauses 50, 51, 52, 56 and 57 of Schedule 3.

Division 7—National Offshore Petroleum Safety and Environmental Management Authority Special Account

682 National Offshore Petroleum Safety and Environmental Management Authority Special Account

- (1) The National Offshore Petroleum Safety Account that was, immediately before the commencement of this subsection, in existence under this Act is continued in existence as the National Offshore Petroleum Safety and Environmental Management Authority Special Account.
- (2) The Account is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.

683 Credits to the Account

The following amounts must be credited to the Account:

- (a) amounts equal to amounts paid to NOPSEMA on behalf of the Commonwealth by way of fees paid under regulations made for the purposes of subsection 685(1);
- (b) amounts equal to 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);
- (c) amounts equal to 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);
- (d) amounts equal to 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);
- (da) amounts equal to 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);
- (db) amounts equal to 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);
- (dc) amounts equal to 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);
- (e) amounts equal to amounts paid to NOPSEMA, on behalf of the Commonwealth, under a contract referred to in subsection 650(1) or (3);
- (ea) amounts equal to amounts paid to NOPSEMA, on behalf of the Commonwealth, under an agreement referred to in subsection 650(2);
- (f) amounts equal to any other amounts paid to NOPSEMA, on behalf of the Commonwealth, by a State or the Northern Territory;
- (g) amounts equal to any other amounts paid to NOPSEMA on behalf of the Commonwealth.

Note: The Account is a Special Account. 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.

684 Purposes of the Account

- (1) The purposes of the Account are as follows:
 - (a) to pay or discharge the costs, expenses and other obligations incurred by NOPSEMA in the performance of its functions or the exercise of its powers;
 - (b) to pay any remuneration or allowances payable to Board members, the CEO and the staff of NOPSEMA.

Note: See section 21 of the *Financial Management and Accountability Act 1997*.

- (2) For the purposes of this section, *staff*, in relation to NOPSEMA, includes a person who is appointed as an OHS inspector under this Part, whether or not that person is engaged under the *Public Service Act 1999* for the purposes of subsection 676(1).

Division 8—Other financial matters

685 Fees for expenses incurred by NOPSEMA

Fees

- (1) The regulations may provide for the payment to NOPSEMA, on behalf of the Commonwealth, 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 on behalf of the Commonwealth; and
 - (b) is recoverable by NOPSEMA, on behalf of the Commonwealth, 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

- (1) The regulations may make provision for the remittal 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 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:
 - (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:

- (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.

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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.

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

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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.

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.

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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

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.

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 *Legislative Instruments Act 2003*.

Division 9—Miscellaneous

690 Annual reports

NOPSEMA

- (1) The CEO must, as soon as practicable after 30 June in each year:
 - (a) prepare and give to the responsible Commonwealth Minister a report of NOPSEMA'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 body known as the Standing Council on Energy and Resources.

Note: See also section 34C of the *Acts Interpretation Act 1901*.

- (2) A report under 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 body known as the Standing Council on Energy and Resources.

Note: See also section 34C of the *Acts Interpretation Act 1901*.

Tabling of reports

- (4) The responsible Commonwealth Minister must cause a copy of each report under this section 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;within the period specified in the notice.

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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 for the purposes of the *Legislative Instruments Act 2003*.
- (5) A document under subsection (2) is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

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.
- (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.

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.

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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 for the purposes of the *Legislative Instruments Act 2003*.

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 an OHS inspector under laws or regulations of that State or Territory that substantially correspond to listed OHS 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.

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.

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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.

695AA NOPSEMA—consultations

NOPSEMA may consult the Timor Sea Treaty Designated Authority before exercising any power, or performing any function, that is conferred on NOPSEMA in relation to the Eastern Greater Sunrise offshore area under this Act or the regulations.

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.

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);
 - (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.

- (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;

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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 not eligible for appointment to act as the Titles Administrator unless the person is eligible for appointment as the Titles Administrator.

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:

- (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.

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 *Financial Management and Accountability Act 1997*.

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.

695K Purposes of the Account

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 21 of the *Financial Management and Accountability Act 1997* (debits from Special Accounts).

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 in relation to a year of the term of:
 - (a) a work-bid petroleum exploration permit; or
 - (b) a special petroleum exploration permit; or
 - (c) a petroleum retention lease; or
 - (d) a petroleum production licence; or
 - (e) an infrastructure licence; or
 - (f) a pipeline licence; or
 - (g) a work-bid greenhouse gas assessment permit; or
 - (h) a greenhouse gas holding lease; or
 - (i) a greenhouse gas injection licence.

When annual titles administration levy becomes due and payable

- (2) The levy for the first year of the term of the permit, lease or licence is due and payable at the end of 30 days after the day on which the term begins.

- (3) The levy for a later year of the term of the permit, lease or licence is due and payable at the end of 30 days after the anniversary of the day on which the first year of the term begins.

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 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.

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 body known as the Standing Council on Energy and Resources.

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 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.

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

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- (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.

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 petroleum project inspector may obtain information or documents.

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.

Offence

- (3) 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.

- (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

- (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 for the purposes of the *Legislative Instruments Act 2003*.
- (7) If a direction under subsection (4) is of general application, the direction is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.
- (8) If a direction under subsection (4) relates to a particular case, the direction is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

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

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- (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.

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.

Division 3—Information-gathering powers

699 Titles Administrator or petroleum project 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 petroleum project inspector in relation to an offshore area 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 the 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.

Requirement

- (2) The Titles Administrator or the petroleum project inspector may, by written notice given to the person, require the person:

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- (a) to give to the Titles Administrator or the petroleum 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 petroleum project 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 petroleum 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 petroleum 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 petroleum 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 705;
- (c) section 706;
- (d) section 707.

Note 1: Section 705 is about giving false or misleading information.

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 petroleum project inspector may:

- (a) administer an oath or affirmation to a person required to appear before the Titles Administrator or the petroleum project 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 petroleum 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.

704 Titles Administrator or petroleum project inspector may retain documents

- (1) The Titles Administrator or a petroleum 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 petroleum 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 petroleum 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.

705 False or misleading information

A person commits an offence if:

- (a) the Titles Administrator or a petroleum project 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.

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 petroleum 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*.

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 petroleum project inspector as to the exercise of the petroleum project inspector's powers under this Division.
- (2) A petroleum 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.

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.
12	The expiry of a petroleum exploration permit, petroleum retention lease or fixed-term petroleum production licence.

Notifiable events	
Item	Event
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).

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
- (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.

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:
 - (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:
 - (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

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- (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);
 - (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.

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.

**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.

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.

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
 - (b) the person omits to do an act; and
 - (c) the omission breaches the direction.

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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
 - (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.

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
 - (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;
 - (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.

Section 726

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
 - (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:

- (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*.

Section 732

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.

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.

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.
10	The issue of a site closing certificate in relation to an identified greenhouse gas storage formation.

Section 734A

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).

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
- (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

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- (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
 - (b) in his or her capacity as the Designated Authority for an offshore area.

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:
 - (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;

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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.

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.

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.

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
- (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*.

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
 - (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;
 - (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

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- (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.

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.

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.

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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:
 - (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:
- (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

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- (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*.

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.
- (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.

Notice to set out the effect of offence provisions

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

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

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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*.

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*.

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:
 - (i) information was given by a person to the responsible Commonwealth Minister under section 759; or

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- (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.

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 petroleum project inspector appointed under section 600;
 - (h) a greenhouse gas project inspector appointed under section 606;
 - (i) an OHS inspector appointed under Part 6.9;
 - (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:
 - (a) this Act; or
 - (b) the regulations; or

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- (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*.

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).

Part 9.6—Service of documents

771 Service of documents

(1) The table has effect:

Service of documents		
Item	A document required or permitted by this Act to be given to...	must be given...
1	a person other than: (a) the responsible Commonwealth Minister; or (b) the Titles Administrator; or (c) NOPSEMA; or (d) a corporation	(a) by delivering the document to that person personally; or (b) by prepaying and posting the document as a letter addressed to that person at the person's last known place of residence or business or, if that person is carrying on business at 2 or more places, at one of those places; or (c) by leaving the document at the last known place of residence of that person with some person apparently a resident of that place and apparently at least 16 years of age; or (d) by leaving the document at the last known place of business of that person (or, if that person is carrying on business at 2 or more places, at one of those places) with some person apparently in the employment of that person and apparently at least 16 years of age.

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Service of documents		
Item	A document required or permitted by this Act to be given to...	must be given...
1A	the responsible Commonwealth Minister	(a) by prepaying and posting the document as a letter addressed to the responsible Commonwealth Minister at the Department; or (b) by leaving it at an office occupied by the Department with some person apparently employed in connection with the business of the Department and apparently at least 16 years of age.
2	the Titles Administrator	(a) by prepaying and posting the document as a letter addressed to the National Offshore Petroleum Titles Administrator at the Department; or (b) by leaving it at an office occupied by the Titles Administrator, or by APS employees assisting the Titles Administrator, with some person apparently employed in connection with the business of the Titles Administrator and apparently at least 16 years of age.

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Service of documents		
Item	A document required or permitted by this Act to be given to...	must be given...
2A	NOPSEMA	(a) by prepaying and posting the document as a letter addressed to the National Offshore Petroleum Safety and Environmental Management Authority at a place of business of NOPSEMA; or (b) by leaving it at an office occupied by NOPSEMA with some person apparently employed in connection with the business of NOPSEMA and apparently at least 16 years of age.
3	a corporation	(a) by prepaying and posting the document as a letter addressed to the corporation at its last known place of business or, if it is carrying on business at 2 or more places, at one of those places; or (b) by leaving it at that place, or at one of those places, with some person apparently in the employment of the corporation and apparently at least 16 years of age.

- (2) If a document is given to a person by prepaying and posting the document as a letter in accordance with an item of the table, the document is taken to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

772 Service of documents on Joint Authority

A document required or permitted by this Act to be given to the Joint Authority is taken to have been given to the Joint Authority if it is given to:

- (a) the Titles Administrator; or
- (b) a delegate of the Titles Administrator.

773 Service of documents on responsible Commonwealth Minister

A document required or permitted by this Act to be given to the responsible Commonwealth Minister is taken to have been given to the responsible Commonwealth Minister if it is given to a delegate of the responsible Commonwealth Minister.

774 Service of documents on 2 or more registered holders of a petroleum title

Scope

- (1) This section applies if there are 2 or more registered holders of a petroleum title.

Nomination of one of the registered holders

- (2) Those registered holders may, by joint written notice given to the Titles Administrator and NOPSEMA, nominate one of them as being the person to whom documents may be given in any case where the documents:
 - (a) relate to the petroleum title; and
 - (b) are required or permitted by this Act to be given.
- (3) The joint written notice must be executed in an approved manner by or on behalf of each of the registered holders.
- (3A) The joint written notice must be in the form approved, in writing, by the Titles Administrator and the Chief Executive Officer of NOPSEMA.

Document may be given to nominated person

- (4) If:
 - (a) a document relating to a petroleum title is required or permitted by this Act to be given to the registered holder; and
 - (b) there are 2 or more registered holders of the petroleum title; and

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- (c) a nomination of a person under subsection (2) is in force in relation to the petroleum title; and
 - (d) the document is given to the nominated person;
- the document is taken to have been given to each of those registered holders.

Revocation of nomination

- (5) 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 and NOPSEMA, revokes the nomination;
- the nomination ceases to be in force.
- (5A) A notice under subsection (5) must be in the form approved, in writing, by the Titles Administrator and the Chief Executive Officer of NOPSEMA.

Cessation of nomination—nominee ceases to be a registered holder

- (6) 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.

Definition

- (7) 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; or
 - (e) a pipeline licence; or
 - (f) a petroleum special prospecting authority; or
 - (g) a petroleum access authority.

775 Service of documents on 2 or more registered 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 of one of the registered holders

- (2) Those registered holders may, by joint written notice given to the responsible Commonwealth Minister, nominate one of them as being the person to whom documents may be given in any case where the documents:
- (a) relate to the greenhouse gas title; and
 - (b) are required or permitted by this Act to be given.
- (3) The joint written notice must be executed in an approved manner by or on behalf of each of the registered holders.

Document may be given to nominated person

- (4) If:
- (a) a document relating to a greenhouse gas title is required or permitted by this Act to be given to the registered holder; and
 - (b) there are 2 or more registered holders of the greenhouse gas title; and
 - (c) a nomination of a person under subsection (2) is in force in relation to the greenhouse gas title; and
 - (d) the document is given to the nominated person;
- the document is taken to have been given to each of those registered holders.

Revocation of nomination

- (5) 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.

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Cessation of nomination—nominee ceases to be a registered holder

- (6) 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.

Definition

- (7) 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) a greenhouse gas search authority; or
- (e) a greenhouse gas special authority.

Part 9.6A—Multiple titleholders

Division 1—Eligible voluntary action by multiple titleholders

775A Eligible voluntary action

- (1) For the purposes of this Division, *eligible voluntary action* means:
- (a) making an application; or
 - (b) giving a nomination; or
 - (c) making a request; or
 - (d) giving a notice;
- to the Joint Authority, the Titles Administrator or the responsible Commonwealth Minister, where the application, nomination, request or notice is permitted, but not required, to be made or given under this Act.
- (2) Subsection (1) does not apply to a notice given under:
- (a) subsection 774(2); or
 - (b) subsection 774(5); or
 - (c) subsection 775(2); or
 - (d) subsection 775(5); or
 - (e) subsection 775B(2); or
 - (f) subsection 775B(6); or
 - (g) subsection 775C(2); or
 - (h) subsection 775C(6).

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.

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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 application, nomination, request or notice to which the eligible voluntary action relates is expressed to be made or given, as the case may be, on behalf of the registered holders;
- this Act has effect as if the application, nomination, request or notice to which the eligible voluntary action relates were made or given, as the case may be, by the registered holders jointly.
- (5) The registered holders are not entitled to take an eligible voluntary action except in accordance with subsection (4).

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.

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.

Definition

- (8) 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.

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.

Section 775C

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
 - (d) the application, nomination, request or notice to which the eligible voluntary action relates is expressed to be made or given, as the case may be, on behalf of the registered holders;
- this Act has effect as if the application, nomination, request or notice to which the eligible voluntary action relates were made or given, as the case may be, by the registered holders jointly.
- (5) The registered holders are not entitled to take an eligible voluntary action except in accordance with subsection (4).

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.

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.

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.

Division 2—Obligations of multiple titleholders

775D Obligations of multiple holders of a petroleum title

Obligations of titleholders

- (1) If:
 - (a) 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.

775E Obligations of multiple holders of a greenhouse gas title

Obligations of titleholders

- (1) If:
 - (a) 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.

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*.

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.
- (6) In performing functions or exercising powers under a sub-delegation, the sub-delegate must comply with any directions of the responsible Commonwealth Minister.

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.

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.

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

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- (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).
- (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.

Section 780B

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.

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 petroleum project inspector (other than a Greater Sunrise visiting inspector); and
 - (b) a Greater Sunrise visiting inspector; and
 - (c) a greenhouse gas project inspector; and
 - (d) an OHS inspector;under this Act and the regulations.
- (2) The person is taken, for the purposes of this Act and the regulations, to be:
 - (a) a petroleum project inspector (other than a Greater Sunrise visiting inspector); or
 - (b) a Greater Sunrise visiting inspector; or
 - (c) a greenhouse gas project inspector; or
 - (d) an OHS inspector;as the case may be, in connection with the performance of those functions and the exercise of those powers.

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- (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
 - (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*.

- (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, under this Act or the regulations as:
- (a) a petroleum project inspector (other than a Greater Sunrise visiting inspector); or
 - (b) a Greater Sunrise visiting inspector; or
 - (c) a greenhouse gas project inspector; or
 - (d) an OHS inspector.

- (8) Subsections 600(6), 606(5) and 681(5) do not apply to a person who is subject to a determination under subsection (1) if the person is exercising powers, or performing functions, under this Act or the regulations as:
 - (a) a petroleum project inspector (other than a Greater Sunrise visiting inspector); or
 - (b) a Greater Sunrise visiting inspector; or
 - (c) a greenhouse gas project inspector; or
 - (d) an OHS inspector.
- (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 petroleum project inspector (other than a Greater Sunrise visiting inspector);
 - (b) a Greater Sunrise visiting inspector;
 - (c) a greenhouse gas project inspector;
 - (d) an OHS 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.

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*.

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.
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.

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Specific matters	
Item	Matters
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.
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.

Specific matters	
Item	Matters
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	<p>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:</p> <ul style="list-style-type: none">(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	<p>the removal from an offshore area of structures, equipment and other items of property that:</p> <ul style="list-style-type: none">(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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Specific matters	
Item	Matters
14	<p>the removal from an offshore area, of structures, equipment and other items of property that:</p> <p>(a) have been brought into the offshore area for or in connection with:</p> <p>(i) the exploration for potential greenhouse gas storage formations; or</p> <p>(ii) the exploration for potential greenhouse gas injection sites; or</p> <p>(iii) the injection of a greenhouse gas substance into a part of a geological formation; or</p> <p>(iv) the storage of a greenhouse gas substance in a part of a geological formation; and</p> <p>(b) are not used, or intended to be used, for or in connection with:</p> <p>(i) the exploration for potential greenhouse gas storage formations; or</p> <p>(ii) the exploration for potential greenhouse gas injection sites; or</p> <p>(iii) the injection of a greenhouse gas substance into a part of a geological formation; or</p> <p>(iv) the storage of a greenhouse gas substance in a part of a geological formation.</p>
15	<p>the decommissioning of structures, equipment and other items of property that:</p> <p>(a) have been brought into an offshore area for or in connection with:</p> <p>(i) the exploration for potential greenhouse gas storage formations; or</p> <p>(ii) the exploration for potential greenhouse gas injection sites; or</p> <p>(iii) the injection of a greenhouse gas substance into a part of a geological formation; or</p> <p>(iv) the storage of a greenhouse gas substance in a part of a geological formation; and</p> <p>(b) are not used, or intended to be used, for or in connection with:</p> <p>(i) the exploration for potential greenhouse gas storage formations; or</p> <p>(ii) the exploration for potential greenhouse gas injection sites; or</p> <p>(iii) the injection of a greenhouse gas substance into a part of a geological formation; or</p> <p>(iv) the storage of a greenhouse gas substance in a part of a geological formation.</p>
16	<p>(a) the management of substances stored in a part of a geological formation; and</p> <p>(b) the interactions of those substances.</p>

- (2) Subsection (1) does not limit section 781.

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.
- (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;

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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:

- (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.

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.

Part 9.12—Transitional provisions

791 Transitional provisions

Schedule 6 has effect.