



Offshore Petroleum and Greenhouse Gas Storage Act 2006

No. 14, 2006 as amended

Compilation start date: 29 May 2013

Includes amendments up to: Act No. 36, 2013

This compilation has been split into 3 volumes

Volume 1: sections 1–465

Volume 2: sections 466–791

**Volume 3: Schedules
Endnotes**

Each volume has its own contents

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

The compiled Act

This is a compilation of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* as amended and in force on 29 May 2013. It includes any amendment affecting the compiled Act to that date.

This compilation was prepared on 24 June 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending Acts and instruments and the amendment history of each amended provision.

Uncommenced provisions and amendments

If a provision of the compiled Act is affected by an uncommenced amendment, the text of the uncommenced amendment is set out in the endnotes.

Application, saving and transitional provisions for amendments

If the operation of an amendment is affected by an application, saving or transitional provision, the provision is identified in the endnotes.

Modifications

If a provision of the compiled Act is affected by a textual modification that is in force, the text of the modifying provision is set out in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled Act has expired or otherwise ceased to have effect in accordance with a provision of the Act, details of the provision are set out in the endnotes.

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Schedule 1—Scheduled areas for the States and Territories

Note: See section 8 (for datum, see sections 40, 48 and 49).

1 Scheduled area for New South Wales

- (1) The *scheduled area* for New South Wales is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the geodesic between the trigonometrical station known as Point Danger near Point Danger and a point of Latitude 27° 57' 54.23" South, Longitude 154° 00' 03.78" East and runs thence north-easterly along that geodesic to the last-mentioned point:
- (a) thence north-easterly along the geodesic to a point of Latitude 27° 47' 54.22" South, Longitude 154° 22' 03.75" East; and
 - (b) thence easterly along the geodesic to a point of Latitude 26° 58' 58.99" South, Longitude 165° 40' 03.01" East; and
 - (c) thence south along the loxodrome to a point of Latitude 31° 49' 56.57" South, Longitude 165° 40' 03.13" East; and
 - (d) thence clockwise north-westerly along the geodesic arc of radius 200 nautical miles concave to Norfolk Island to a point of Latitude 31° 30' 00.01" South, Longitude 165° 13' 27.08" East; and
 - (e) thence south-westerly along the geodesic to a point of Latitude 32° 30' 00.01" South, Longitude 163° 06' 58.81" East; and
 - (f) thence clockwise southerly along the geodesic arc of radius 200 nautical miles concave to Lord Howe Island to a point of Latitude 33° 52' 40.26" South, Longitude 162° 21' 59.44" East; and
 - (g) thence south-easterly along the geodesic to a point of Latitude 36° 36' 25.68" South, Longitude 163° 15' 37.64" East; and

Clause 1

- (h) thence clockwise south-westerly along the geodesic arc of radius 350 nautical miles concave to Lord Howe Island to a point of Latitude 37° 26' 21.32" South, Longitude 161° 04' 38.06" East; and
 - (i) thence south-westerly along the geodesic to a point of Latitude 37° 30' 11.13" South, Longitude 161° 00' 14.00" East; and
 - (j) thence south-westerly along the geodesic to a point of Latitude 37° 43' 11.19" South, Longitude 160° 49' 46.53" East; and
 - (k) thence south-westerly along the geodesic to a point of Latitude 37° 52' 48.03" South, Longitude 160° 41' 59.88" East; and
 - (l) thence south-westerly along the geodesic to a point of Latitude 37° 56' 01.02" South, Longitude 160° 39' 23.45" East; and
 - (m) thence south-westerly along the geodesic to a point of Latitude 38° 03' 21.96" South, Longitude 160° 33' 24.99" East; and
 - (n) thence south-westerly along the geodesic to a point of Latitude 38° 19' 36.20" South, Longitude 160° 23' 49.32" East; and
 - (o) thence south-westerly along the geodesic to a point of Latitude 39° 11' 54.09" South, Longitude 160° 00' 03.82" East; and
 - (p) thence south-westerly along the geodesic to a point of Latitude 40° 39' 54.14" South, Longitude 158° 53' 03.98" East; and
 - (q) thence north-westerly along the geodesic to a point of Latitude 37° 34' 54.39" South, Longitude 150° 10' 04.43" East; and
 - (r) thence north-westerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the States of New South Wales and Victoria; and
 - (s) thence generally northerly along the coastline of Australia at mean low water to the point of commencement.
- (2) If there is any difference between:

- (a) the position on the surface of the Earth of a point (the *first point*) mentioned in any of paragraphs (1)(c) to (n); and
- (b) the position on the surface of the Earth of the closest point on a line described in Article 2 of the New Zealand boundary treaty;

subclause (1) has effect as if the reference to the first point were replaced by a reference to that closest point.

2 Scheduled area for Victoria

The *scheduled area* for Victoria is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of New South Wales and Victoria and runs thence south-easterly along the geodesic to a point of Latitude 37° 34' 54.39" South, Longitude 150° 10' 04.43" East:

- (a) thence south-easterly along the geodesic to a point of Latitude 40° 39' 54.14" South, Longitude 158° 53' 03.98" East; and
- (b) thence south-westerly along the geodesic to a point of Latitude 41° 29' 54.17" South, Longitude 158° 13' 04.08" East; and
- (c) thence north-westerly along the geodesic to a point of Latitude 39° 11' 54.42" South, Longitude 150° 00' 04.52" East; and
- (d) thence westerly along the loxodrome to a point of Latitude 39° 11' 54.71" South to its intersection by the meridian of Longitude 142° 30' 04.95" East; and
- (e) thence south-westerly along the geodesic to a point of Latitude 39° 49' 54.74" South, Longitude 142° 00' 05.02" East; and
- (f) thence south-westerly along the geodesic to a point of Latitude 43° 59' 55.11" South, Longitude 136° 29' 05.64" East; and
- (g) thence north-easterly along the geodesic to a point of Latitude 38° 40' 42.76" South, Longitude 140° 40' 49.00" East; and

Clause 3

- (h) thence north-easterly along the geodesic to a point of Latitude 38° 35' 24.75" South, Longitude 140° 44' 41.98" East; and
- (i) thence north-easterly along the geodesic to a point of Latitude 38° 25' 54.75" South, Longitude 140° 53' 04.96" East; and
- (j) thence north-easterly along the geodesic to a point of Latitude 38° 14' 54.73" South, Longitude 140° 57' 04.94" East; and
- (k) thence north-easterly along the geodesic to a point that is the intersection of the parallel of Latitude 38° 09' 54.73" South by the meridian passing through the intersection of the coastline at mean low water by the boundary between the States of South Australia and Victoria; and
- (l) thence north along that meridian to its intersection by the coastline at mean low water; and
- (m) thence along the coastline of the State of Victoria at mean low water to the point of commencement.

3 Scheduled area for Queensland

The *scheduled area* for Queensland is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Queensland and runs:

- (a) thence north-easterly along the geodesic to the point of Latitude 15° 54' 54.66" South, Longitude 138° 30' 04.17" East; and
- (b) thence northerly along the loxodrome to a point of Latitude 14° 29' 54.67" South, Longitude 138° 30' 04.15" East; and
- (c) thence easterly along the loxodrome to a point of Latitude 14° 29' 54.66" South, Longitude 139° 15' 04.12" East; and
- (d) thence northerly along the loxodrome to a point of Latitude 10° 59' 54.71" South, Longitude 139° 15' 04.06" East; and
- (e) thence north-westerly along the geodesic to the point of Latitude 10° 50' 54.71" South, Longitude 139° 12' 34.06" East; and

- (f) thence north-westerly along the geodesic to the point of Latitude 10° 49' 54.71" South, Longitude 139° 12' 04.06" East; and
 - (g) thence south-easterly along the geodesic to the point of Latitude 11° 08' 54.70" South, Longitude 139° 23' 04.06" East; and
 - (h) thence north-easterly along the geodesic to the point of Latitude 10° 58' 54.70" South, Longitude 140° 00' 04.04" East; and
 - (i) thence north-easterly along the geodesic to the point of Latitude 9° 45' 54.65" South, Longitude 142° 00' 04.00" East; and
 - (j) thence north-easterly along the geodesic to the point of Latitude 9° 45' 18.64" South, Longitude 142° 03' 34.00" East; and
 - (k) thence north-easterly along the geodesic to the point of Latitude 9° 41' 54.60" South, Longitude 142° 23' 04.02" East; and
 - (l) thence north-easterly along the geodesic to the point of Latitude 9° 40' 24.61" South, Longitude 142° 51' 03.99" East; and
 - (m) thence north-easterly along the geodesic to the point of Latitude 9° 39' 54.62" South, Longitude 143° 00' 03.97" East; and
 - (n) thence north-easterly along the geodesic to the point of Latitude 9° 32' 54.64" South, Longitude 143° 05' 03.96" East; and
 - (o) thence easterly along the loxodrome to a point of Latitude 9° 32' 54.67" South, Longitude 143° 20' 03.91" East; and
 - (p) thence north-easterly along the geodesic to the point of Latitude 9° 23' 54.69" South, Longitude 143° 30' 03.89" East; and
 - (q) thence north-easterly along the geodesic to the point of Latitude 9° 21' 54.68" South, Longitude 143° 48' 03.88" East; and
 - (r) thence south-easterly along the geodesic to the point of Latitude 9° 29' 54.68" South, Longitude 144° 15' 03.86" East; and
-

Clause 3

- (s) thence south-easterly along the geodesic to the point of Latitude 9° 50' 54.66" South, Longitude 144° 44' 03.85" East; and
- (t) thence south-easterly along the geodesic to the point of Latitude 12° 19' 54.58" South, Longitude 146° 30' 03.81" East; and
- (u) thence south-easterly along the geodesic to the point of Latitude 12° 38' 24.57" South, Longitude 147° 08' 33.78" East; and
- (v) thence south-easterly along the geodesic to the point of Latitude 12° 56' 17.56" South, Longitude 147° 40' 03.76" East; and
- (w) thence southerly along the loxodrome to a point of Latitude 13° 59' 54.53" South, Longitude 147° 40' 03.78" East; and
- (x) thence westerly along the loxodrome to a point of Latitude 13° 59' 54.54" South, Longitude 146° 55' 03.81" East; and
- (y) thence southerly along the loxodrome to a point of Latitude 17° 04' 54.49" South, Longitude 146° 55' 03.87" East; and
- (z) thence easterly along the loxodrome to a point of Latitude 17° 04' 54.47" South, Longitude 147° 45' 03.83" East; and
- (za) thence southerly along the loxodrome to a point of Latitude 18° 29' 54.45" South, Longitude 147° 45' 03.86" East; and
- (zb) thence easterly along the loxodrome to a point of Latitude 18° 29' 54.40" South, Longitude 150° 50' 03.71" East; and
- (zc) thence southerly along the loxodrome to a point of Latitude 19° 59' 54.37" South, Longitude 150° 50' 03.74" East; and
- (zd) thence easterly along the loxodrome to a point of Latitude 19° 59' 54.36" South, Longitude 151° 30' 03.71" East; and
- (ze) thence south along the loxodrome to a point of Latitude 20° 24' 54.35" South, Longitude 151° 30' 03.71" East; and
- (zf) thence easterly along the loxodrome to a point of Latitude 20° 24' 54.32" South, Longitude 153° 05' 03.63" East; and
- (zg) thence southerly along the loxodrome to a point of Latitude 22° 49' 54.29" South, Longitude 153° 05' 03.69" East; and
- (zh) thence easterly along the loxodrome to a point of Latitude 22° 49' 54.28" South, Longitude 153° 40' 03.65" East; and

Clause 3

- (zi) thence southerly along the loxodrome to a point of Latitude 23° 14' 54.27" South, Longitude 153° 40' 03.66" East; and
- (zj) thence east along the loxodrome to a point of Latitude 23° 14' 54.27" South, Longitude 154° 00' 03.65" East; and
- (zk) thence southerly along the loxodrome to a point of Latitude 23° 49' 54.26" South, Longitude 154° 00' 03.66" East; and
- (zl) thence easterly along the loxodrome to a point of Latitude 23° 49' 54.23" South, Longitude 155° 15' 03.59" East; and
- (zm) thence southerly along the loxodrome to a point of Latitude 24° 59' 54.22" South, Longitude 155° 15' 03.62" East; and
- (zn) thence easterly along the loxodrome to a point of Latitude 24° 59' 54.15" South, Longitude 158° 32' 50.43" East; and
- (zo) thence south-easterly along the geodesic to the point of Latitude 25° 08' 48.15" South, Longitude 158° 36' 39.42" East; and
- (zp) thence south-easterly along the geodesic to the point of Latitude 26° 26' 30.03" South, Longitude 163° 43' 30.13" East; and
- (zq) thence north-easterly along the geodesic to the point of Latitude 26° 13' 27.00" South, Longitude 165° 40' 02.99" East; and
- (zr) thence southerly along the loxodrome to a point of Latitude 26° 58' 58.99" South, Longitude 165° 40' 03.01" East; and
- (zs) thence south-westerly along the geodesic to the point of Latitude 27° 47' 54.22" South, Longitude 154° 22' 03.75" East; and
- (zt) thence south-westerly along the geodesic to the point of Latitude 27° 57' 54.23" South, Longitude 154° 00' 03.78" East; and
- (zu) thence south-westerly along the geodesic between the last-mentioned point and the trigonometrical station known as Point Danger near Point Danger to its intersection by the coastline at mean low water; and
- (zv) thence along the coastline of the State of Queensland at mean low water to the point of commencement.

Clause 4

4 Scheduled area for South Australia

The *scheduled area* for South Australia is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Victoria and runs thence south along the meridian through that point to its intersection by the parallel of Latitude 38° 09' 54.73" South:

- (a) thence south-westerly along the geodesic to a point of Latitude 38° 14' 54.73" South, Longitude 140° 57' 04.94" East; and
- (b) thence south-westerly along the geodesic to a point of Latitude 38° 25' 54.75" South, Longitude 140° 53' 04.96" East; and
- (c) thence south-westerly along the geodesic to a point of Latitude 38° 35' 24.75" South, Longitude 140° 44' 41.98" East; and
- (d) thence south-westerly along the geodesic to a point of Latitude 38° 40' 42.76" South, Longitude 140° 40' 49.00" East; and
- (e) thence south-westerly along the geodesic to a point of Latitude 43° 59' 55.11" South, Longitude 136° 29' 05.64" East; and
- (f) thence westerly along the loxodrome to a point of Latitude 43° 59' 55.49" South, Longitude 129° 00' 05.95" East; and
- (g) thence northerly along the loxodrome to a point of Latitude 31° 44' 55.02" South, Longitude 129° 00' 05.08" East; and
- (h) thence northerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia; and
- (i) thence along the coastline of the State of South Australia at mean low water to the point of commencement.

5 Scheduled area for Western Australia

The *scheduled area* for Western Australia is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia and runs thence southerly

along the geodesic to a point of Latitude 31° 44' 55.02" South,
Longitude 129° 00' 05.08" East:

- (a) thence southerly along the loxodrome to a point of Latitude 43° 59' 55.49" South, Longitude 129° 00' 05.95" East; and
- (b) thence westerly along the loxodrome to a point of Latitude 43° 59' 56.85" South, Longitude 104° 00' 06.27" East; and
- (c) thence northerly along the loxodrome to a point of Latitude 13° 59' 55.41" South, Longitude 104° 00' 04.55" East; and
- (d) thence easterly along the loxodrome to a point of Latitude 13° 59' 55.22" South, Longitude 111° 45' 04.59" East; and
- (e) thence northerly along the loxodrome to a point of Latitude 12° 39' 55.20" South, Longitude 111° 45' 04.56" East; and
- (f) thence easterly along the loxodrome to a point of Latitude 12° 39' 55.14" South, Longitude 114° 40' 04.56" East; and
- (g) thence southerly along the loxodrome to a point of Latitude 13° 05' 27.14" South, Longitude 114° 40' 04.57" East; and
- (h) thence easterly along the loxodrome to a point of Latitude 13° 05' 27.00" South, Longitude 118° 10' 08.9" East; and
- (i) thence north-easterly along the geodesic to a point of Latitude 12° 49' 54.8" South, Longitude 118° 14' 22.6" East; and
- (j) thence north-westerly along the geodesic to a point of Latitude 12° 04' 24.9" South, Longitude 118° 06' 17.2" East; and
- (k) thence north-westerly along the geodesic to a point of Latitude 12° 04' 08.8" South, Longitude 118° 06' 14.4" East; and
- (l) thence south-easterly along the geodesic to a point of Latitude 12° 04' 19.0" South, Longitude 118° 07' 44.0" East; and
- (m) thence south-easterly along the geodesic to a point of Latitude 12° 06' 21.0" South, Longitude 118° 20' 45.0" East; and
- (n) thence south-easterly along the geodesic to a point of Latitude 12° 07' 46.0" South, Longitude 118° 25' 07.0" East; and

Clause 5

- (o) thence south-easterly along the geodesic to a point of
Latitude 12° 10' 06.0" South, Longitude 118° 35' 16.0" East;
and
- (p) thence south-easterly along the geodesic to a point of
Latitude 12° 10' 26.0" South, Longitude 118° 37' 28.0" East;
and
- (q) thence south-easterly along the geodesic to a point of
Latitude 12° 11' 01.0" South, Longitude 118° 39' 00.0" East;
and
- (r) thence south-easterly along the geodesic to a point of
Latitude 12° 13' 12.0" South, Longitude 118° 43' 09.0" East;
and
- (s) thence south-easterly along the geodesic to a point of
Latitude 12° 15' 57.0" South, Longitude 118° 49' 30.0" East;
and
- (t) thence south-easterly along the geodesic to a point of
Latitude 12° 17' 54.0" South, Longitude 118° 55' 12.0" East;
and
- (u) thence south-easterly along the geodesic to a point of
Latitude 12° 18' 50.0" South, Longitude 118° 58' 31.0" East;
and
- (v) thence south-easterly along the geodesic to a point of
Latitude 12° 19' 55.0" South, Longitude 119° 02' 40.0" East;
and
- (w) thence south-easterly along the geodesic to a point of
Latitude 12° 20' 21.0" South, Longitude 119° 05' 00.0" East;
and
- (x) thence south-easterly along the geodesic to a point of
Latitude 12° 21' 51.0" South, Longitude 119° 09' 03.0" East;
and
- (y) thence south-easterly along the geodesic to a point of
Latitude 12° 23' 42.0" South, Longitude 119° 15' 23.0" East;
and
- (z) thence south-easterly along the geodesic to a point of
Latitude 12° 23' 58.0" South, Longitude 119° 16' 35.0" East;
and

- (za) thence south-easterly along the geodesic to a point of
Latitude 12° 24' 59.0" South, Longitude 119° 20' 34.0" East;
and
 - (zb) thence south-easterly along the geodesic to a point of
Latitude 12° 25' 43.0" South, Longitude 119° 21' 35.0" East;
and
 - (zc) thence south-easterly along the geodesic to a point of
Latitude 12° 29' 19.0" South, Longitude 119° 27' 17.0" East;
and
 - (zd) thence south-easterly along the geodesic to a point of
Latitude 12° 32' 31.0" South, Longitude 119° 33' 16.0" East;
and
 - (ze) thence south-easterly along the geodesic to a point of
Latitude 12° 35' 43.0" South, Longitude 119° 40' 33.0" East;
and
 - (zf) thence south-easterly along the geodesic to a point of
Latitude 12° 40' 33.0" South, Longitude 119° 50' 28.0" East;
and
 - (zg) thence south-easterly along the geodesic to a point of
Latitude 12° 41' 36.0" South, Longitude 119° 52' 38.0" East;
and
 - (zh) thence south-easterly along the geodesic to a point of
Latitude 12° 41' 46.0" South, Longitude 119° 52' 57.0" East;
and
 - (zi) thence south-easterly along the geodesic to a point of
Latitude 12° 41' 57.0" South, Longitude 119° 53' 18.0" East;
and
 - (zj) thence south-easterly along the geodesic to a point of
Latitude 12° 43' 46.0" South, Longitude 119° 56' 13.0" East;
and
 - (zk) thence south-easterly along the geodesic to a point of
Latitude 12° 45' 38.0" South, Longitude 119° 59' 15.0" East;
and
 - (zl) thence south-easterly along the geodesic to a point of
Latitude 12° 45' 47.0" South, Longitude 119° 59' 31.0" East;
and
-

Clause 5

- (zm) thence south-easterly along the geodesic to a point of Latitude 12° 46' 27.9" South, Longitude 120° 00' 46.9" East; and
- (zn) thence south along the loxodrome to a point of Latitude 13° 56' 31.7" South, Longitude 120° 00' 46.9" East; and
- (zo) thence north-easterly along the geodesic to a point of Latitude 12° 43' 08.29" South, Longitude 121° 49' 15.80" East; and
- (zp) thence south-easterly along the geodesic to a point of Latitude 12° 55' 54.99" South, Longitude 122° 06' 04.50" East; and
- (zq) thence south-easterly along the geodesic to a point of Latitude 13° 19' 54.98" South, Longitude 122° 41' 04.50" East; and
- (zr) thence easterly along the geodesic to a point of Latitude 13° 19' 24.97" South, Longitude 123° 16' 49.49" East; and
- (zs) thence easterly along the loxodrome to a point of Latitude 13° 19' 24.94" South, Longitude 124° 27' 49.48" East; and
- (zt) thence north-easterly along the geodesic to a point of Latitude 13° 13' 09.94" South, Longitude 124° 36' 19.47" East; and
- (zu) thence north-easterly along the geodesic to a point of Latitude 12° 46' 09.93" South, Longitude 124° 55' 34.46" East; and
- (zv) thence north-easterly along the geodesic to a point of Latitude 11° 50' 54.92" South, Longitude 125° 27' 49.43" East; and
- (zw) thence north-easterly along the geodesic to a point of Latitude 11° 44' 24.92" South, Longitude 125° 31' 34.43" East; and
- (zx) thence north-easterly along the geodesic to a point of Latitude 10° 21' 24.91" South, Longitude 126° 10' 34.39" East; and
- (zy) thence north-easterly along the geodesic to a point of Latitude 10° 12' 54.90" South, Longitude 126° 26' 34.39" East; and

- (zz) thence north-easterly along the geodesic to a point of Latitude 10° 04' 54.90" South, Longitude 126° 47' 34.38" East; and
 - (zza) thence south-easterly along the geodesic to a point of Latitude 11° 13' 09.88" South, Longitude 127° 32' 04.38" East; and
 - (zzb) thence south-easterly along the geodesic to a point of Latitude 11° 47' 54.88" South, Longitude 127° 53' 49.38" East; and
 - (zzc) thence south-easterly along the geodesic to a point of Latitude 12° 26' 24.87" South, Longitude 128° 22' 04.39" East; and
 - (zzd) thence south-easterly along the geodesic to a point of Latitude 12° 32' 39.87" South, Longitude 128° 24' 04.39" East; and
 - (zze) thence south-easterly along the geodesic to a point of Latitude 12° 55' 24.86" South, Longitude 128° 28' 04.39" East; and
 - (zzf) thence southerly along the loxodrome to a point of Latitude 13° 15' 24.86" South, Longitude 128° 28' 04.40" East; and
 - (zzg) thence south-easterly along the geodesic to a point of Latitude 13° 39' 39.86" South, Longitude 128° 30' 49.41" East; and
 - (zzh) thence south-easterly along the geodesic to a point of Latitude 13° 49' 39.86" South, Longitude 128° 33' 19.41" East; and
 - (zzi) thence south-easterly along the geodesic to a point of Latitude 13° 59' 54.86" South, Longitude 128° 42' 19.41" East; and
 - (zzj) thence south-easterly along the geodesic to a point of Latitude 14° 19' 24.89" South, Longitude 128° 53' 04.39" East; and
 - (zzk) thence south-easterly along the geodesic to a point of Latitude 14° 32' 24.91" South, Longitude 129° 01' 19.38" East; and
 - (zzl) thence southerly along the geodesic to a point of Latitude 14° 37' 24.91" South, Longitude 129° 01' 49.38" East; and
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Clause 6

- (zzm) thence southerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Western Australia; and
- (zzn) thence along the coastline of the State of Western Australia at mean low water to the point of commencement.

6 Scheduled area for Tasmania

- (1) The *scheduled area* for Tasmania is the area the boundary of which commences at a point of Latitude 39° 11' 54.71" South, Longitude 142° 30' 04.95" East and runs thence easterly along the loxodrome to a point of Latitude 39° 11' 54.42" South, Longitude 150° 00' 04.52" East:
 - (a) thence south-easterly along the geodesic to a point of Latitude 41° 29' 54.17" South, Longitude 158° 13' 04.08" East; and
 - (b) thence south-westerly along the geodesic to a point of Latitude 45° 59' 54.35" South, Longitude 155° 24' 04.60" East; and
 - (c) thence south-easterly along the geodesic to a point of Latitude 51° 04' 48.97" South, Longitude 158° 01' 25.98" East; and
 - (d) thence clockwise easterly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 51° 01' 38.45" South, Longitude 158° 59' 53.57" East; and
 - (e) thence clockwise easterly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 51° 10' 36.31" South, Longitude 160° 37' 30.11" East; and
 - (f) thence south-easterly along the geodesic to a point of Latitude 51° 26' 17.81" South, Longitude 160° 57' 46.87" East; and
 - (g) thence south-easterly along the geodesic to a point of Latitude 52° 11' 26.55" South, Longitude 161° 57' 11.15" East; and

- (h) thence south-easterly along the geodesic to a point of Latitude 52° 15' 53.25" South, Longitude 162° 03' 07.43" East; and
 - (i) thence south-easterly along the geodesic to a point of Latitude 52° 27' 43.13" South, Longitude 162° 18' 59.49" East; and
 - (j) thence south-easterly along the geodesic to a point of Latitude 52° 40' 46.87" South, Longitude 162° 36' 30.28" East; and
 - (k) thence south-easterly along the geodesic to a point of Latitude 52° 46' 50.63" South, Longitude 162° 44' 42.77" East; and
 - (l) thence south-easterly along the geodesic to a point of Latitude 52° 47' 42.62" South, Longitude 162° 45' 53.41" East; and
 - (m) thence south-easterly along the geodesic to a point of Latitude 53° 42' 58.17" South, Longitude 164° 03' 13.39" East; and
 - (n) thence south-easterly along the geodesic to a point of Latitude 53° 50' 59.85" South, Longitude 164° 14' 42.04" East; and
 - (o) thence south-easterly along the geodesic to a point of Latitude 54° 13' 59.00" South, Longitude 164° 26' 41.46" East; and
 - (p) thence south-easterly along the geodesic to a point of Latitude 54° 40' 13.66" South, Longitude 164° 40' 40.22" East; and
 - (q) thence south-easterly along the geodesic to a point of Latitude 54° 41' 43.04" South, Longitude 164° 41' 28.44" East; and
 - (r) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 54° 56' 14.19" South, Longitude 164° 39' 00.39" East; and
 - (s) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 55° 00' 11.95" South, Longitude 164° 38' 17.35" East; and
-

Clause 6

- (t) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 55° 10' 06.12" South, Longitude 164° 36' 21.26" East; and
- (u) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 55° 14' 12.62" South, Longitude 164° 35' 21.12" East; and
- (v) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 55° 42' 50.11" South, Longitude 164° 26' 46.41" East; and
- (w) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 55° 52' 23.71" South, Longitude 164° 23' 57.71" East; and
- (x) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 56° 38' 56.16" South, Longitude 163° 56' 44.86" East; and
- (y) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 56° 52' 19.73" South, Longitude 163° 44' 04.71" East; and
- (z) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 57° 09' 53.31" South, Longitude 163° 23' 17.53" East; and
- (za) thence southerly along the geodesic to a point of Latitude 57° 21' 25.18" South, Longitude 163° 23' 44.03" East; and
- (zb) thence southerly along the geodesic to a point of Latitude 57° 48' 21.07" South, Longitude 163° 24' 47.01" East; and
- (zc) thence south-easterly along the geodesic to a point of Latitude 58° 29' 54.22" South, Longitude 170° 00' 04.27" East; and
- (zd) thence south-westerly along the geodesic to a point of Latitude 62° 29' 54.74" South, Longitude 160° 00' 06.18" East; and

- (ze) thence north-westerly along the geodesic to a point of Latitude 43° 59' 55.11" South, Longitude 136° 29' 05.64" East; and
 - (zf) thence north-easterly along the geodesic to a point of Latitude 39° 49' 54.74" South, Longitude 142° 00' 05.02" East; and
 - (zg) thence north-easterly along the geodesic to the point of commencement.
- (2) If there is any difference between:
- (a) the position on the surface of the Earth of a point (the *first point*) mentioned in any of paragraphs (1)(c) to (zb); and
 - (b) the position on the surface of the Earth of the closest point on a line described in Article 3 of the New Zealand boundary treaty;
- subclause (1) has effect as if the reference to the first point were replaced by a reference to that closest point.

7 Scheduled area for the Northern Territory

The *scheduled area* for the Northern Territory is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Western Australia and runs thence northerly along the geodesic to a point of Latitude 14° 37' 24.91" South, Longitude 129° 01' 49.38" East:

- (a) thence northerly along the geodesic to a point of Latitude 14° 32' 24.91" South, Longitude 129° 01' 19.38" East; and
- (b) thence north-westerly along the geodesic to a point of Latitude 14° 19' 24.89" South, Longitude 128° 53' 04.39" East; and
- (c) thence north-westerly along the geodesic to a point of Latitude 13° 59' 54.86" South, Longitude 128° 42' 19.41" East; and
- (d) thence north-westerly along the geodesic to a point of Latitude 13° 49' 39.86" South, Longitude 128° 33' 19.41" East; and

Clause 7

- (e) thence north-westerly along the geodesic to a point of Latitude 13° 39' 39.86" South, Longitude 128° 30' 49.41" East; and
- (f) thence north-westerly along the geodesic to a point of Latitude 13° 15' 24.86" South, Longitude 128° 28' 04.40" East; and
- (g) thence northerly along the loxodrome to a point of Latitude 12° 55' 24.86" South, Longitude 128° 28' 04.39" East; and
- (h) thence north-westerly along the geodesic to a point of Latitude 12° 32' 39.87" South, Longitude 128° 24' 04.39" East; and
- (i) thence north-westerly along the geodesic to a point of Latitude 12° 26' 24.87" South, Longitude 128° 22' 04.39" East; and
- (j) thence north-westerly along the geodesic to a point of Latitude 11° 47' 54.88" South, Longitude 127° 53' 49.38" East; and
- (k) thence north-westerly along the geodesic to a point of Latitude 11° 13' 09.88" South, Longitude 127° 32' 04.38" East; and
- (l) thence north-westerly along the geodesic to a point of Latitude 10° 04' 54.90" South, Longitude 126° 47' 34.38" East; and
- (m) thence north-easterly along the geodesic to a point of Latitude 9° 53' 39.89" South, Longitude 127° 18' 34.36" East; and
- (n) thence north-easterly along the geodesic to a point of Latitude 9° 27' 54.88" South, Longitude 127° 56' 04.35" East; and
- (o) thence north-easterly along the loxodrome to a point of Latitude 9° 24' 54.88" South, Longitude 128° 00' 04.34" East; and
- (p) thence easterly along the loxodrome to a point of Latitude 9° 24' 54.85" South, Longitude 130° 10' 04.30" East; and
- (q) thence north-easterly along the loxodrome to a point of Latitude 8° 53' 54.82" South, Longitude 133° 14' 04.22" East; and

- (r) thence north-easterly along the loxodrome to a point of Latitude 8° 52' 54.81" South, Longitude 133° 23' 04.21" East; and
 - (s) thence south-easterly along the loxodrome to a point of Latitude 9° 24' 54.79" South, Longitude 134° 50' 04.18" East; and
 - (t) thence north-easterly along the loxodrome to a point of Latitude 9° 21' 54.79" South, Longitude 135° 03' 04.17" East; and
 - (u) thence north-easterly along the loxodrome to a point of Latitude 9° 16' 54.79" South, Longitude 135° 13' 04.17" East; and
 - (v) thence north-easterly along the loxodrome to a point of Latitude 9° 07' 54.79" South, Longitude 135° 29' 04.16" East; and
 - (w) thence south-easterly along the loxodrome to a point of Latitude 9° 56' 54.74" South, Longitude 137° 45' 04.10" East; and
 - (x) thence south-easterly along the loxodrome to a point of Latitude 10° 08' 54.73" South, Longitude 138° 13' 04.09" East; and
 - (y) thence south-easterly along the loxodrome to a point of Latitude 10° 21' 54.73" South, Longitude 138° 35' 04.08" East; and
 - (z) thence south-easterly along the loxodrome to a point of Latitude 10° 23' 54.72" South, Longitude 138° 38' 04.08" East; and
 - (za) thence south-easterly along the loxodrome to a point of Latitude 10° 49' 54.71" South, Longitude 139° 12' 04.06" East; and
 - (zb) thence south-easterly along the geodesic to a point of Latitude 10° 50' 54.71" South, Longitude 139° 12' 34.06" East; and
 - (zc) thence south-easterly along the geodesic to a point of Latitude 10° 59' 54.71" South, Longitude 139° 15' 04.06" East; and
 - (zd) thence southerly along the loxodrome to a point of Latitude 14° 29' 54.66" South, Longitude 139° 15' 04.12" East; and
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Clause 8

- (ze) thence westerly along the loxodrome to a point of Latitude 14° 29' 54.67" South, Longitude 138° 30' 04.15" East; and
- (zf) thence southerly along the loxodrome to a point of Latitude 15° 54' 54.66" South, Longitude 138° 30' 04.17" East; and
- (zg) thence south-westerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Queensland; and
- (zh) thence along the coastline of the Northern Territory of Australia at mean low water to the point of commencement.

8 Scheduled area for the Territory of Ashmore and Cartier Islands

The *scheduled area* for the Territory of Ashmore and Cartier Islands is the area the boundary of which commences at a point of Latitude 12° 43' 08.29" South, Longitude 121° 49' 15.80" East and runs thence north-easterly along the geodesic to a point of Latitude 12° 14' 25.8" South, Longitude 122° 31' 06.6" East:

- (a) thence northerly along the arc of a circle drawn concave to Ashmore Islands with a radius of 24 nautical miles to a point of Latitude 12° 06' 44.6" South, Longitude 122° 32' 24.1" East; and
- (b) thence generally northerly, north-easterly, easterly, and south-easterly along a series of intersecting circular arcs drawn concave to Ashmore Islands with a radius of 24 nautical miles and having the vertices set out in the table:

Vertices		
Item	South latitude	East longitude
1	12° 03' 12.2"	122° 33' 55.8"
2	12° 02' 05.0"	122° 34' 33.8"
3	12° 00' 41.4"	122° 35' 27.9"
4	11° 55' 46.7"	122° 40' 00.5"
5	11° 54' 56.3"	122° 41' 04.3"
6	11° 52' 53.4"	122° 44' 16.8"
7	11° 51' 53.3"	122° 46' 21.2"
8	11° 51' 22.4"	122° 47' 38.9"

Vertices		
Item	South latitude	East longitude
9	11° 51' 12.9''	122° 48' 05.1''
10	11° 50' 48.1''	122° 49' 19.9''
11	11° 50' 00.6''	122° 50' 34.5''
12	11° 48' 32.1''	122° 53' 24.7''
13	11° 47' 31.0''	122° 56' 08.2''
14	11° 47' 07.4''	122° 57' 32.5''
15	11° 46' 44.2''	122° 59' 22.9''
16	11° 46' 31.8''	123° 00' 49.7''
17	11° 46' 25.7''	123° 05' 27.9''
18	11° 47' 25.6''	123° 11' 02.9''
19	11° 47' 38.9''	123° 12' 05.2''
20	11° 47' 40.3''	123° 12' 12.7''
21	11° 47' 59.3''	123° 13' 38.1''

- (c) thence south-easterly along the arc of a circle drawn concave to Ashmore Islands with a radius of 24 nautical miles to a point of Latitude 11° 48' 06.1'' South, Longitude 123° 14' 04.5'' East; and
- (d) thence northerly along the loxodrome to a point of Latitude 11° 34' 54.95'' South, Longitude 123° 14' 04.47'' East; and
- (e) thence north-easterly along the loxodrome to a point of Latitude 11° 22' 54.94'' South, Longitude 123° 26' 04.46'' East; and
- (f) thence south-easterly along the loxodrome to a point of Latitude 11° 27' 54.94'' South, Longitude 123° 40' 04.46'' East; and
- (g) thence north-easterly along the loxodrome to a point of Latitude 11° 25' 54.93'' South, Longitude 124° 00' 04.45'' East; and
- (h) thence north-easterly along the loxodrome to a point of Latitude 11° 24' 54.93'' South, Longitude 124° 10' 04.45'' East; and

Clause 8

- (i) thence north-easterly along the loxodrome to a point of Latitude 11° 06' 54.92" South, Longitude 124° 34' 04.44" East; and
- (j) thence north-easterly along the loxodrome to a point of Latitude 11° 00' 54.91" South, Longitude 125° 19' 04.43" East; and
- (k) thence north-easterly along the loxodrome to a point of Latitude 10° 36' 54.90" South, Longitude 125° 41' 04.41" East; and
- (l) thence north-easterly along the loxodrome to a point of Latitude 10° 27' 54.90" South, Longitude 126° 00' 04.40" East; and
- (m) thence north-easterly along the geodesic to a point of Latitude 10° 21' 24.91" South, Longitude 126° 10' 34.39" East; and
- (n) thence south-westerly along the geodesic to a point of Latitude 11° 44' 24.92" South, Longitude 125° 31' 34.43" East; and
- (o) thence south-westerly along the geodesic to a point of Latitude 11° 50' 54.92" South, Longitude 125° 27' 49.43" East; and
- (p) thence south-westerly along the geodesic to a point of Latitude 12° 46' 09.93" South, Longitude 124° 55' 34.46" East; and
- (q) thence south-westerly along the geodesic to a point of Latitude 13° 13' 09.94" South, Longitude 124° 36' 19.47" East; and
- (r) thence south-westerly along the geodesic to a point of Latitude 13° 19' 24.94" South, Longitude 124° 27' 49.48" East; and
- (s) thence westerly along the loxodrome to a point of Latitude 13° 19' 24.97" South, Longitude 123° 16' 49.49" East; and
- (t) thence westerly along the geodesic to a point of Latitude 13° 19' 54.98" South, Longitude 122° 41' 04.50" East; and
- (u) thence north-westerly along the geodesic to a point of Latitude 12° 55' 54.99" South, Longitude 122° 06' 04.50" East; and

- (v) thence north-westerly along the geodesic to the point of commencement.

9 References to this Schedule in other laws

- (1) A reference in a law of the Commonwealth (other than this Act) to:
 - (a) the area described in this Schedule in relation to a State or Territory; and
 - (b) the area described in this Schedule that refers to a State or Territory; and
 - (c) the area described in this Schedule under the heading that refers to a State or Territory; and
 - (d) the area:
 - (i) off the coast of a State or Territory; and
 - (ii) that is described in this Schedule;

(whether or not the State or Territory is specified in that law) is a reference to the scheduled area for that State or Territory.
- (2) A reference in a law of the Commonwealth (other than this Act) to the areas described in this Schedule is a reference to the scheduled areas for the States and Territories.
- (3) A reference in a law of the Commonwealth (other than this Act) to an area adjacent to Australia as described in this Schedule is a reference to a scheduled area for a State or Territory.

Clause 1

Schedule 2—Area that includes the area to be avoided

Note: See section 614 (for datum, see section 40).

1 Area that includes the area to be avoided

This Schedule applies to the area the boundary of which commences at the most easterly intersection of the coastline of the State of Victoria at mean low water by the parallel of Latitude 38° 14' 54.50" South and runs thence south-easterly along the geodesic to the point of Latitude 38° 34' 54.49" South, Longitude 147° 44' 04.61" East:

- (a) thence south-easterly along the geodesic to the point of Latitude 38° 40' 54.48" South, Longitude 148° 06' 04.60 East; and
- (b) thence easterly along the loxodrome to a point of Latitude 38° 40' 54.47" South, Longitude 148° 13' 04.59" East; and
- (c) thence north-easterly along the geodesic to the point of Latitude 38° 31' 54.46" South, Longitude 148° 26' 04.57" East; and
- (d) thence north-easterly along the geodesic to the point of Latitude 38° 18' 54.46" South, Longitude 148° 35' 04.55" East; and
- (e) thence north-westerly along the geodesic to the point of Latitude 38° 07' 54.46" South, Longitude 148° 31' 04.55" East; and
- (f) thence north-westerly along the geodesic to the point of Latitude 38° 04' 54.47" South, Longitude 148° 24' 04.55" East; and
- (g) thence north-westerly along the geodesic to the intersection of the coastline of the State of Victoria at mean low water by the parallel of Latitude 37° 57' 54.48" South; and
- (h) thence along the coastline of the State of Victoria at mean low water to the point of commencement.

Schedule 3—Occupational health and safety

Note: See section 637.

Part 1—Introduction

1 Objects

The objects of this Schedule are, in relation to facilities located in Commonwealth waters:

- (a) to secure the health, safety and welfare of persons at or near those facilities; and
- (b) to protect persons at or near those facilities from risks to health and safety arising out of activities being conducted at those facilities; and
- (c) to ensure that expert advice is available on occupational health and safety matters in relation to those facilities; and
- (d) to promote an occupational environment for members of the workforce at such facilities that is adapted to their needs relating to health and safety; and
- (e) to foster a consultative relationship between all relevant persons concerning the health, safety and welfare of members of the workforce at those facilities.

2 Simplified outline

The following is a simplified outline of this Schedule:

- | |
|--|
| <ul style="list-style-type: none">• This Schedule sets up a scheme to regulate occupational health and safety matters at or near facilities located in Commonwealth waters.• Occupational health and safety duties are imposed on the following:<ul style="list-style-type: none">(a) the operator of a facility; |
|--|

Clause 2

- (b) a person in control of a part of a facility, or of any work carried out at a facility;
 - (c) an employer;
 - (d) a manufacturer of plant, or a substance, for use at a facility;
 - (e) a supplier of a facility, or of any plant or substance for use at a facility;
 - (f) a person who erects or installs a facility, or any plant at a facility;
 - (g) a person at a facility.
- A group of members of the workforce at a facility may be established as a designated work group.
 - The members of a designated work group may select a health and safety representative for that designated work group.
 - The health and safety representative may exercise certain powers for the purpose of promoting or ensuring the health and safety of the group members.
 - An OHS inspector may conduct an inspection:
 - (a) to ascertain whether a listed OHS law is being complied with; or
 - (b) concerning a contravention or a possible contravention of a listed OHS law; or
 - (c) concerning an accident or dangerous occurrence that has happened at or near a facility.
 - The operator of a facility must report accidents and dangerous occurrences to NOPSEMA.

3 Definitions

In this Schedule, unless the contrary intention appears:

accident includes the contraction of a disease.

associated offshore place, in relation to a facility, means any offshore place near the facility where activities (including diving activities) relating to the construction, installation, operation, maintenance or decommissioning of the facility take place, but does not include:

- (a) another facility; or
- (b) a supply vessel, offtake tanker, anchor handler or tugboat; or
- (c) a vessel, or structure, that is declared by the regulations not to be an associated offshore place.

Commonwealth waters has the same meaning as in Part 6.9 of this Act.

contract includes an arrangement or understanding.

contractor has the meaning given by clause 8.

contravention, if the contravention is an offence, includes an offence against:

- (a) section 6 of the *Crimes Act 1914*; or
- (b) section 11.1, 11.4 or 11.5 of the *Criminal Code*;

that relates to the first-mentioned offence.

dangerous occurrence means an occurrence declared by the regulations to be a dangerous occurrence for the purposes of this definition.

data includes:

- (a) information in any form; and
- (b) any program (or part of a program).

data held in a computer includes:

- (a) data held in any removable data storage device for the time being held in a computer; and

Clause 3

- (b) data held in a data storage device on a computer network of which the computer forms a part.

data storage device means a thing containing, or designed to contain, data for use by a computer.

derived:

- (a) in relation to a petroleum title—has the meaning given by clause 8A; or
- (b) in relation to a greenhouse gas title—has the meaning given by clause 8B.

designated work group means:

- (a) a group of members of the workforce at a facility that is established as a designated work group under clause 19 or 20; or
- (b) that group as varied in accordance with clause 21 or 22.

employee, in relation to an employer, means an employee of that employer.

employer means an employer who carries on an activity at a facility.

enter, when used in relation to a vessel, includes board.

facility means a facility as defined by clause 4, and:

- (a) includes a facility (as defined by clause 4) that is being constructed or installed; and
- (b) except in the definition of **associated offshore place**, includes an associated offshore place in relation to a facility (as defined by clause 4).

greenhouse gas title means:

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

group member, in relation to a designated work group at a facility, means a person who is:

- (a) a member of the workforce at that facility; and

Clause 3

(b) included in that designated work group.

improvement notice means an improvement notice issued under subclause 78(1).

inspection means an inspection conducted under Part 4 of this Schedule. For this purpose, an **inspection** may include an investigation or inquiry, but need not include a physical inspection of any facility, premises or other thing.

master, in relation to a vessel, means the person having command or charge of the vessel.

member of the workforce, in relation to a facility, means an individual who does work at the facility:

- (a) whether as an employee of the operator of the facility or of another person; or
- (b) whether as a contractor of the operator or of another person.

offence against a listed OHS law includes an offence against section 6 of the *Crimes Act 1914* that relates to an offence against a listed OHS law.

Note: For other ancillary offences, see section 11.6 of the *Criminal Code*.

offshore greenhouse gas storage operations has the same meaning as in Part 6.9 of this Act.

offshore petroleum operations has the same meaning as in Part 6.9 of this Act.

OHS inspector means an OHS inspector appointed under section 680.

operator, in relation to a facility or proposed facility, has the meaning given by clause 5.

operator's representative at a facility means a person present at the facility in compliance with the obligations imposed on the operator by clause 6.

own includes own jointly or own in part.

petroleum title means:

Clause 3

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence.

plant includes any machinery, equipment or tool, or any component.

premises includes the following:

- (a) a structure or building;
- (b) a place (whether or not enclosed or built on);
- (c) a part of a thing referred to in paragraph (a) or (b).

prohibition notice means a prohibition notice issued under subclause 77(1).

proposed facility means a facility proposed to be constructed, installed or operated.

recovery, in relation to petroleum, includes all processes directly or indirectly associated with its recovery. This definition does not, by implication, limit the meaning of the expression **recovery** when used in a provision of this Act other than this Schedule.

registered organisation means an organisation registered or an association recognised under the *Fair Work (Registered Organisations) Act 2009*.

regulated business premises means:

- (a) a facility; or
- (b) premises that are:
 - (i) occupied by a person who is the operator of a facility; and
 - (ii) used, or proposed to be used, wholly or principally in connection with offshore petroleum operations or offshore greenhouse gas storage operations; or
- (c) premises that are:
 - (i) occupied by a person who is the registered holder of a petroleum title; and
 - (ii) used, or proposed to be used, wholly or principally in connection with offshore petroleum operations; or

Clause 3

(d) premises that are:

- (i) occupied by a person who is the registered holder of a greenhouse gas title; and
- (ii) used, or proposed to be used, wholly or principally in connection with offshore greenhouse gas storage operations.

regulations means regulations made for the purposes of this Schedule.

reviewing authority means the Fair Work Commission.

work means work offshore that is directly or indirectly related to the construction, installation, operation, maintenance or decommissioning of a facility.

workforce representative means:

- (a) in relation to a person who is a member of the workforce at a facility—an organisation registered or an association recognised under the *Fair Work (Registered Organisations) Act 2009*, of which that person is a member, if the person is qualified to be a member of that organisation or association because of the work the person performs at the facility; or
- (b) in relation to a designated work group or a proposed designated work group—an organisation registered or an association recognised under the *Fair Work (Registered Organisations) Act 2009*, of which a person who is, or who is likely to be, in the work group is a member, if the person is qualified to be a member of that organisation or association because of the work the person performs, or will perform, at a facility as a member of the group.

work group employer, in relation to a designated work group at a facility, means an employer of one or more group members, but does not include the operator of the facility.

workplace, in relation to a facility, means the whole facility or any part of the facility.

Clause 4

4 Facilities

Vessels or structures that are facilities—offshore petroleum operations

- (1) A vessel or structure is taken to be a facility for the purposes of this Schedule while that vessel or structure:
 - (a) is located at a site in Commonwealth waters; and
 - (b) is being used, or prepared for use, at that site:
 - (i) for the recovery of petroleum, for the processing of petroleum, or for the storage and offloading of petroleum, or for any combination of those activities; or
 - (ii) for the provision of accommodation for persons working on another facility, whether connected by a walkway to that other facility or not; or
 - (iii) for drilling or servicing a well for petroleum or doing work associated with the drilling or servicing process; or
 - (iv) for laying pipes for petroleum, including any manufacturing of such pipes, or for doing work on an existing pipe; or
 - (v) for the erection, dismantling or decommissioning of a vessel or structure referred to in a previous subparagraph of this paragraph; or
 - (vi) for any other purpose related to offshore petroleum operations that is prescribed for the purposes of this subparagraph.
- (2) Subclause (1) applies to a vessel or structure:
 - (a) whether it is floating or fixed; and
 - (b) whether or not it is capable of independent navigation.
- (3) Subclause (1) has effect subject to subclauses (6) and (7).
- (4) A vessel or structure used for a purpose referred to in subparagraph (1)(b)(i) includes:
 - (a) any wells and associated plant and equipment by means of which petroleum processed or stored at the vessel or structure is recovered; and

Clause 4

- (b) any pipe or system of pipes through which petroleum is conveyed from a well to the vessel or structure; and
 - (c) any secondary line associated with the vessel or structure.
- (5) For the purposes of subclause (1), a vessel or structure that is located offshore for the purpose of laying pipes as described in subparagraph (1)(b)(iv) is taken to be located at a site, despite the fact that the vessel or structure moves as the pipe laying process proceeds.

Vessels or structures that are facilities—offshore greenhouse gas storage operations

- (5A) A vessel or structure is taken to be a facility for the purposes of this Schedule while that vessel or structure:
- (a) is located at a site in Commonwealth waters; and
 - (b) is being used, or prepared for use, at that site:
 - (i) for the injection of a greenhouse gas substance into the seabed or subsoil; or
 - (ii) for the storage of a greenhouse gas substance in the seabed or subsoil; or
 - (iii) for the compression of a greenhouse gas substance; or
 - (iv) for the processing of a greenhouse gas substance; or
 - (v) for the pre-injection storage of a greenhouse gas substance; or
 - (vi) for the offloading of a greenhouse gas substance; or
 - (vii) for the monitoring of a greenhouse gas substance stored in the seabed or subsoil; or
 - (viii) for any combination of activities covered by any of the preceding subparagraphs; or
 - (ix) for the provision of accommodation for persons working on another facility, whether connected by a walkway to that other facility or not; or
 - (x) for drilling or servicing a well for injecting a greenhouse gas substance into the seabed or subsoil or doing work associated with the drilling or servicing process; or

Clause 4

- (xi) for laying pipes for conveying a greenhouse gas substance, including any manufacturing of such pipes, or for doing work on an existing pipe; or
 - (xii) for the erection, dismantling or decommissioning of a vessel or structure referred to in a previous subparagraph of this paragraph; or
 - (xiii) for any other purpose related to offshore greenhouse gas storage operations that is prescribed for the purposes of this subparagraph.
- (5B) Subclause (5A) applies to a vessel or structure:
- (a) whether it is floating or fixed; and
 - (b) whether or not it is capable of independent navigation.
- (5C) Subclause (5A) has effect subject to subclauses (6) and (7).
- (5D) A vessel or structure used for a purpose referred to in subparagraph (5A)(b)(i), (ii), (iii), (iv), (v), (vi), (vii) or (viii) includes:
- (a) any wells and associated plant and equipment by means of which a greenhouse gas substance processed or temporarily stored at the vessel or structure is injected into the seabed or subsoil; and
 - (b) any pipe or system of pipes through which a greenhouse gas substance is conveyed from the vessel or structure to a well; and
 - (c) any greenhouse gas injection line associated with the vessel or structure.
- (5E) For the purposes of subclause (5A), a vessel or structure that is located offshore for the purpose of laying pipes as described in subparagraph (5A)(b)(xi) is taken to be located at a site, despite the fact that the vessel or structure moves as the pipe laying process proceeds.

Vessels or structures that are not facilities

- (6) Despite subclauses (1) and (5A), a vessel or structure is taken not to be a facility for the purposes of this Schedule if the vessel or structure is:

Clause 4

- (a) an offtake tanker; or
- (b) a tug or an anchor handler; or
- (c) a vessel or structure used for supplying a facility or otherwise travelling between a facility and the shore; or
- (d) a vessel or structure used for any purpose such that it is declared by the regulations not to be a facility.

Use for a particular purpose

- (7) In determining when a vessel or structure that has the potential to be used for one or more of the purposes referred to in paragraph (1)(b) or (5A)(b) is in fact being so used, the vessel or structure is taken:
 - (a) to commence to be so used only at the time when it arrives at the site where it is to be so used and any activities necessary to make it operational at that site are begun; and
 - (b) to cease to be so used when operations cease, and the vessel or structure has been returned either to a navigable form or to a form in which it can be towed to another place.

Pipelines that are facilities

- (8) Each of the following is taken to be a facility for the purposes of this Schedule:
 - (a) a pipeline subject to a pipeline licence;
 - (b) if a pipeline subject to a pipeline licence conveys petroleum recovered from a well without the petroleum having passed through another facility—that pipeline, together with:
 - (i) that well and associated plant and equipment; and
 - (ii) any pipe or system of pipes through which petroleum is conveyed from that well to that pipeline;
 - (c) if a pipeline subject to a pipeline licence conveys a greenhouse gas substance to a well without the greenhouse gas substance having passed through another facility—that pipeline, together with:
 - (i) that well and associated plant and equipment; and
 - (ii) any pipe or system of pipes through which a greenhouse gas substance is conveyed to that well from that pipeline.

Clause 5

- (9) In paragraph (8)(b):

facility does not include a pipeline.

5 Operator of a facility or proposed facility

- (1) For the purposes of this Schedule, the *operator*, in relation to a facility or proposed facility, is the person who, under the regulations, is registered by NOPSEMA as the operator of that facility or proposed facility.
- (2) The regulations may authorise NOPSEMA to cancel the registration of a person as the operator of a facility or proposed facility.

6 Operator must ensure presence of operator's representative

- (1) The operator of a facility must ensure that, at all times when one or more individuals are present at a facility, there is also present an individual (the *operator's representative at the facility*) who has day-to-day management and control of operations at the facility.
- (2) The operator of a facility must take all reasonably practicable steps to ensure that the name of the operator's representative at the facility is displayed in a prominent place at the facility.
- (3) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (1) or (2); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 50 penalty units.

- (4) An offence against subclause (3) is an offence of strict liability.

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

- (5) Subclause (1) does not imply that, if the operator is an individual, the operator's representative at the facility may not be, from time to time, the operator.

7 Health and safety of persons using an accommodation facility

For the avoidance of doubt, a reference in this Schedule to the occupational health and safety of a person includes a reference to the health and safety of a person using an accommodation facility provided for the accommodation of persons working on another facility.

8 Contractor

For the purposes of this Schedule, if an individual does work at a facility under a contract for services between:

- (a) a person (the *relevant person*); and
 - (b) either:
 - (i) the individual; or
 - (ii) the employer of the individual;
- the individual is taken to be a *contractor* of the relevant person.

8A When a petroleum title is derived from another petroleum title

Petroleum production licences

- (1) For the purposes of this Schedule, if a petroleum production licence was granted to the registered holder of:
 - (a) a petroleum retention lease; or
 - (b) a petroleum exploration permit;that was in force over the block or blocks to which the licence relates, the licence is *derived* from:
 - (c) the lease or permit; and
 - (d) each petroleum title from which the lease or permit referred to in paragraph (c) was derived.

Petroleum retention leases

- (2) For the purposes of this Schedule, if a petroleum retention lease was granted to the registered holder of:
 - (a) a petroleum exploration permit; or
 - (b) a petroleum production licence;

Clause 8B

that was in force over the block or blocks to which the lease relates, the lease is **derived** from:

- (c) the permit or licence; and
- (d) each petroleum title from which the permit or licence referred to in paragraph (c) was derived.

Renewals

- (3) For the purposes of this Schedule, if there is a series of one or more renewals of a petroleum title, each petroleum title in that series is **derived** from:

- (a) each of the earlier petroleum titles in that series; and
- (b) each petroleum title from which each of those earlier petroleum titles was derived.

For this purpose, the series includes the original petroleum title.

Application

- (4) Subclauses (1) and (2) apply to a grant, whether occurring before, at or after the commencement of this clause.
- (5) Subclause (3) applies to a renewal, whether occurring before, at or after the commencement of this clause.
- (6) For the purposes of the application of this clause to the grant of:
 - (a) a petroleum production licence; or
 - (b) a petroleum retention lease;that occurred before the commencement of Chapter 2, a reference to a **registered holder** is a reference to a registered holder (within the meaning of the repealed *Petroleum (Submerged Lands) Act 1967*).

8B When a greenhouse gas title is derived from another greenhouse gas title

Greenhouse gas injection licences

- (1) For the purposes of this Schedule, if a greenhouse gas injection licence was granted to the registered holder of:
 - (a) a greenhouse gas holding lease; or

Clause 8B

(b) a greenhouse gas assessment permit;
that was in force over the block or blocks to which the licence relates, the licence is *derived* from:

- (c) the lease or permit; and
- (d) each greenhouse gas title from which the lease or permit referred to in paragraph (c) was derived.

Greenhouse gas holding leases

- (2) For the purposes of this Schedule, if a greenhouse gas holding lease was granted to the registered holder of a greenhouse gas assessment permit that was in force over the block or blocks to which the lease relates, the lease is *derived* from:
- (a) the permit; and
 - (b) each greenhouse gas title from which the permit referred to in paragraph (a) was derived.

Renewals

- (3) For the purposes of this Schedule, if there is a series of one or more renewals of a greenhouse gas title, each greenhouse gas title in that series is *derived* from:
- (a) each of the earlier greenhouse gas titles in that series; and
 - (b) each greenhouse gas title from which each of those earlier greenhouse gas titles was derived.
- For this purpose, the series includes the original greenhouse gas title.

Application

- (4) Subclauses (1) and (2) apply to a grant, whether occurring before, at or after the commencement of this clause.
- (5) Subclause (3) applies to a renewal, whether occurring before, at or after the commencement of this clause.

Part 2—Occupational health and safety

Division 1—Duties relating to occupational health and safety

9 Duties of operator

General duties

- (1) The operator of a facility must take all reasonably practicable steps to ensure that:
 - (a) the facility is safe and without risk to the health of any person at or near the facility; and
 - (b) all work and other activities carried out on the facility are carried out in a manner that is safe and without risk to the health of any person at or near the facility.

Note: See also clause 16.

Specific duties

- (2) The operator of a facility is taken to be subject, under subclause (1), to each of the following requirements:
 - (a) to take all reasonably practicable steps to provide and maintain a physical environment at the facility that is safe and without risk to health;
 - (b) to take all reasonably practicable steps to provide and maintain adequate facilities for the welfare of all members of the workforce at the facility;
 - (c) to take all reasonably practicable steps to ensure that any plant, equipment, materials and substances at the facility are safe and without risk to health;
 - (d) to take all reasonably practicable steps to implement and maintain systems of work at the facility that are safe and without risk to health;
 - (e) to take all reasonably practicable steps to implement and maintain appropriate procedures and equipment for the control of, and response to, emergencies at the facility;

- (f) to take all reasonably practicable steps to provide all members of the workforce, in appropriate languages, with the information, instruction, training and supervision necessary for them to carry out their activities in a manner that does not adversely affect the health and safety of persons at the facility;
 - (g) to take all reasonably practicable steps to monitor the health and safety of all members of the workforce and keep records of that monitoring;
 - (h) to take all reasonably practicable steps to provide appropriate medical and first aid services at the facility;
 - (i) to take all reasonably practicable steps to develop, in consultation with:
 - (i) members of the workforce; and
 - (ii) if a member of the workforce at the facility has requested a workforce representative in relation to the member to be involved in those consultations—that workforce representative;a policy, relating to occupational health and safety, that:
 - (iii) will enable the operator and the members of the workforce to cooperate effectively in promoting and developing measures to ensure the occupational health and safety of persons at the facility; and
 - (iv) will provide adequate mechanisms for reviewing the effectiveness of the measures; and
 - (v) provides for the making of an agreement that complies with subclauses (5) and (6).
- (3) Subclause (2) does not limit subclause (1).

Offence

- (4) A person commits an offence if:
- (a) the person is subject to a requirement under subclause (1); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 1,000 penalty units.

Schedule 3 Occupational health and safety

Part 2 Occupational health and safety

Division 1 Duties relating to occupational health and safety

Clause 10

- (4A) Absolute liability applies to paragraph (4)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

- (4B) The fault element for paragraphs (4)(b) and (c) is negligence.

Agreement

- (5) The agreement referred to in subparagraph (2)(i)(v) must be between:
- (a) on the one hand—the operator; and
 - (b) on the other hand:
 - (i) the members of the workforce; and
 - (ii) if a member of the workforce at the facility has requested a workforce representative in relation to the member to be a party to that agreement—that workforce representative.
- (6) The agreement referred to in subparagraph (2)(i)(v) must provide appropriate mechanisms for continuing consultation between:
- (a) on the one hand—the operator; and
 - (b) on the other hand:
 - (i) the members of the workforce; and
 - (ii) if a member of the workforce at the facility has requested a workforce representative in relation to the member to be involved in consultations on a particular occasion—that workforce representative.

The agreement must provide for such other matters (if any) as are agreed between the parties to the agreement.

10 Duties of persons in control of parts of facility or particular work

General duties

- (1) A person who is in control of any part of a facility, or of any particular work carried out at a facility, must take all reasonably practicable steps to ensure that:
- (a) that part of the facility, or the place where that work is carried out, is safe and without risk to health; and

- (b) if the person is in control of particular work—the work is carried out in a manner that is safe and without risk to health.

Note: See also clause 16.

Specific duties

- (2) A person who is in control of any part of a facility, or of any particular work carried out at a facility, is taken to be subject, under subclause (1), to each of the following requirements:
 - (a) to take all reasonably practicable steps to ensure that the physical environment at that part of the facility, or at the place where the work is carried out, is safe and without risk to health;
 - (b) to take all reasonably practicable steps to ensure that any plant, equipment, materials and substances at or near that part of the facility or that place, or used in that work, are safe and without risk to health;
 - (c) to take all reasonably practicable steps to implement and maintain systems of work at that part of the facility, or in carrying out work at that place, that are safe and without risk to health;
 - (d) to take all reasonably practicable steps to ensure a means of access to, and egress from, that part of the facility or that place that is safe and without risk to health;
 - (e) to take all reasonably practicable steps to provide all members of the workforce located at that part of the facility or engaged on that work, in appropriate languages, with the information, instruction, training and supervision necessary for them to carry out their work in a manner that is safe and without risk to health.
- (3) Subclause (2) does not limit subclause (1).

Offence

- (4) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (1); and
 - (b) the person omits to do an act; and

Clause 11

(c) the omission breaches the requirement.

Penalty: 1,000 penalty units.

(5) Absolute liability applies to paragraph (4)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

(6) The fault element for paragraphs (4)(b) and (c) is negligence.

11 Duties of employers

General duties in relation to employees

(1) An employer must take all reasonably practicable steps to protect the health and safety of employees at a facility.

Note: See also clause 16.

Specific duties in relation to employees

(2) An employer is taken to be subject, under subclause (1), to each of the following requirements:

- (a) to take all reasonably practicable steps to provide and maintain a working environment that is safe for employees and without risk to their health;
- (b) to take all reasonably practicable steps to ensure that any plant, equipment, materials and substances used in connection with the employees' work are safe and without risk to health;
- (c) to take all reasonably practicable steps to implement and maintain systems of work that are safe and without risk to health;
- (d) to take all reasonably practicable steps to provide a means of access to, and egress from, the employees' work location that is safe and without risk to health;
- (e) to take all reasonably practicable steps to provide the employees, in appropriate languages, with the information, instruction, training and supervision necessary for them to carry out their work in a manner that is safe and without risk to health.

- (3) An employer is taken to be subject, under subclause (1), to each of the following requirements:
 - (a) to take all reasonably practicable steps to monitor the health and safety of employees;
 - (b) to take all reasonably practicable steps to keep records of that monitoring.
- (4) Subclauses (2) and (3) do not limit subclause (1).

Offence

- (5) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (1); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 1,000 penalty units.

- (5A) Absolute liability applies to paragraph (5)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

- (5B) The fault element for paragraphs (5)(b) and (c) is negligence.

Duties in relation to contractors

- (6) A person has, in relation to a contractor of that person, the same obligations that an employer has under subclauses (1) and (2) in relation to an employee of that employer, but only in relation to:
 - (a) matters over which the first-mentioned person has control; or
 - (b) matters over which:
 - (i) the first-mentioned person would have had control apart from express provision to the contrary in a contract; and
 - (ii) the first-mentioned person would, in the circumstances, usually be expected to have had control.

Clause 12

12 Duties of manufacturers in relation to plant and substances

Duties of manufacturer of plant

- (1) A manufacturer of any plant that the manufacturer ought reasonably to expect will be used by members of the workforce at a facility must take all reasonably practicable steps:
- (a) to ensure that the plant is so designed and constructed as to be, when properly used, safe and without risk to health; and
 - (b) to carry out, or cause to be carried out, the research, testing and examination necessary in order to discover, and to eliminate or minimise, any risk to health and safety that may arise from the use of the plant; and
 - (c) to make available, in connection with the use of the plant at a facility, adequate written information about:
 - (i) the use for which it is designed and has been tested; and
 - (ii) details of its design and construction; and
 - (iii) any conditions necessary to ensure that, when put to the use for which it was designed and tested, it will be safe and without risk to health.

Note: See also clause 16.

Duties of manufacturer of substance

- (2) A manufacturer of any substance that the manufacturer ought reasonably to expect will be used by members of the workforce at a facility must take all reasonably practicable steps:
- (a) to ensure that the substance is so manufactured as to be, when properly used, safe and without risk to health; and
 - (b) to carry out, or cause to be carried out, the research, testing and examination necessary to discover, and to eliminate or minimise, any risk to health and safety that may arise from the use of the substance; and
 - (c) to make available, in connection with the use of the substance at a facility, adequate written information concerning:
 - (i) the use for which it is manufactured and has been tested; and

- (ii) details of its composition; and
- (iii) any conditions necessary to ensure that, when put to the use for which it was manufactured and tested, it will be safe and without risk to health; and
- (iv) the first aid and medical procedures that should be followed if the substance causes injury.

Note: See also clause 16.

Offence

- (3) A person commits an offence if:
- (a) the person is subject to a requirement under subclause (1) or (2); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 200 penalty units.

- (3A) Absolute liability applies to paragraph (3)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

- (3B) The fault element for paragraphs (3)(b) and (c) is negligence.

Importer deemed to be manufacturer

- (4) For the purposes of this clause, if:
- (a) plant or a substance is imported into Australia by a person who is not its manufacturer; and
 - (b) at the time of the importation, the manufacturer of the plant or substance does not have a place of business in Australia;
- the first-mentioned person is taken to be the manufacturer of the plant or substance.

Other laws not affected

- (5) This clause does not affect the operation of the *Competition and Consumer Act 2010*, or of any other law of the Commonwealth, a State or a Territory that imposes an obligation on a manufacturer in relation to defective goods or in relation to information to be supplied in relation to goods.

Clause 13

13 Duties of suppliers of facilities, plant and substances

Duties of supplier

- (1) A supplier of a facility, or of any plant or substance that the supplier ought reasonably to expect will be used by members of the workforce at a facility, must take all reasonably practicable steps:
- (a) to ensure that, at the time of supply, the facility, or the plant or substance, is in such condition as to be, when properly used, safe and without risk to health; and
 - (b) to carry out, or cause to be carried out, the research, testing and examination necessary to discover, and to eliminate or minimise, any risk to health or safety that may arise from the condition of the facility, plant or substance; and
 - (c) to make available:
 - (i) in the case of a facility—to the operator of a facility; and
 - (ii) in the case of plant or substance—to the person to whom the plant or substance is supplied; adequate written information, in connection with the use of the facility, plant or substance, as the case requires, about:
 - (iii) the condition of the facility, plant or substance at the time of supply; and
 - (iv) any risk to the health and safety of members of the workforce at the facility to which the condition of the facility, plant or substance may give rise unless it is properly used; and
 - (v) the steps that need to be taken in order to eliminate such risk; and
 - (vi) in the case of a substance—the first aid and medical procedures that should be followed if the condition of the substance causes injury to a member of the workforce at the facility.

Note: See also clause 16.

Offence

- (2) A person commits an offence if:

- (a) the person is subject to a requirement under subclause (1);
and
- (b) the person omits to do an act; and
- (c) the omission breaches the requirement.

Penalty: 200 penalty units.

- (2A) Absolute liability applies to paragraph (2)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

- (2B) The fault element for paragraphs (2)(b) and (c) is negligence.

Financing arrangements

- (3) For the purposes of subclause (1), if a person (the **ostensible supplier**) supplies to a person either a facility, or any plant or substance that is to be used by members of the workforce at a facility, and the ostensible supplier:
- (a) carries on the business of financing the acquisition or the use of goods by other persons; and
 - (b) has, in the course of that business, acquired an interest in the facility, or in the plant or substance, from another person (the **actual supplier**), solely for the purpose of financing its acquisition by, or its provision to, the person to whom it is finally supplied; and
 - (c) has not taken possession of the facility, plant or substance, or has taken possession of the facility, plant or substance solely for the purpose of passing possession of the facility, plant or substance to the person to whom it is finally supplied;
- a reference in subclause (1) to a supplier is, in relation to the facility, plant or substance referred to in this subclause, to be read as a reference to the actual supplier and not as a reference to the ostensible supplier.

Other laws not affected

- (4) This clause does not affect the operation of the *Competition and Consumer Act 2010*, or of any other law of the Commonwealth, a State or a Territory that imposes an obligation in relation to the sale

Clause 13A

or supply of goods or in relation to the information to be supplied in relation to goods.

13A Duties of petroleum titleholders in relation to wells

- (1) If:
- (a) either:
 - (i) a well has been used, is being used, has been prepared for use, or is being prepared for use, in connection with operations authorised by a petroleum title (the **current title**); or
 - (ii) a well has been used in connection with operations authorised by a petroleum title from which the current title is derived, and the well is wholly or partly situated in the title area of the current title; and
 - (b) the well is not suspended, abandoned or closed off; the registered holder of the current title must ensure that the well is so designed, constructed, commissioned, altered, equipped, maintained and operated that risks to the health and safety of persons at or near a facility from:
 - (c) the well; or
 - (d) any unplanned escape of fluids from the well; or
 - (e) anything in the well; or
 - (f) anything in a geological formation, or a part of a geological formation:
 - (i) to which the well is connected; or
 - (ii) through which the well passes;
- are as low as is reasonably practicable.

Note: For **derived**, see clause 8A.

- (2) If:
- (a) either:
 - (i) a well has been used in connection with operations authorised by a petroleum title (the **current title**); or
 - (ii) a well has been used in connection with operations authorised by a petroleum title from which the current title is derived, and the well is wholly or partly situated in the title area of the current title; and

Clause 13A

- (b) the well has been, is being, or is to be, suspended, abandoned or closed-off;

then the registered holder of the current title must ensure that the well is so suspended, abandoned or closed-off that risks to the health and safety of persons at or near a facility from:

- (c) the well; or
- (d) any unplanned escape of fluids from the well; or
- (e) anything in the well; or
- (f) anything in a geological formation, or a part of a geological formation:
 - (i) to which the well is connected; or
 - (ii) through which the well passes;

are as low as is reasonably practicable.

Note: For *derived*, see clause 8A.

Offence

- (3) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (1) or (2); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 200 penalty units.

- (4) Absolute liability applies to paragraph (3)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

- (5) The fault element for paragraphs (3)(b) and (c) is negligence.

Diving operations

- (6) For the purposes of this clause, if a person is engaged in diving operations that are:
 - (a) offshore petroleum operations; or
 - (b) offshore greenhouse gas storage operations;the person is taken to be at or near a facility.

Clause 13B

Definitions

(7) In this clause:

construct, in relation to a well, includes:

- (a) drill, bore, or otherwise make, the well; and
- (b) install any well-related equipment associated with the well.

prepare includes construct.

title area:

- (a) in relation to a petroleum exploration permit—means the permit area; or
- (b) in relation to a petroleum retention lease—means the lease area; or
- (c) in relation to a petroleum production licence—means the licence area.

well includes well-related equipment associated with a well.

13B Duties of greenhouse gas titleholders in relation to wells

(1) If:

(a) either:

- (i) a well has been used, is being used, has been prepared for use, or is being prepared for use, in connection with operations authorised by a greenhouse gas title (the **current title**); or
- (ii) a well has been used in connection with operations authorised by a greenhouse gas title from which the current title is derived, and the well is wholly or partly situated in the title area of the current title; and

(b) the well is not suspended, abandoned or closed off;
the registered holder of the current title must ensure that the well is so designed, constructed, commissioned, altered, equipped, maintained and operated that risks to the health and safety of persons at or near a facility from:

- (c) the well; or
- (d) any unplanned escape of fluids from the well; or

Clause 13B

- (e) anything in the well; or
 - (f) anything in a geological formation, or a part of a geological formation:
 - (i) to which the well is connected; or
 - (ii) through which the well passes;
- are as low as is reasonably practicable.

Note: For *derived*, see clause 8B.

(2) If:

- (a) either:
 - (i) a well has been used in connection with operations authorised by a greenhouse gas title (the *current title*); or
 - (ii) a well has been used in connection with operations authorised by a greenhouse gas title from which the current title is derived, and the well is wholly or partly situated in the title area of the current title; and
- (b) the well has been, is being, or is to be, suspended, abandoned or closed-off;

the registered holder of the current title must ensure that the well is so suspended, abandoned or closed-off that risks to the health and safety of persons at or near a facility from:

- (c) the well; or
 - (d) any unplanned escape of fluids from the well; or
 - (e) anything in the well; or
 - (f) anything in a geological formation, or a part of a geological formation:
 - (i) to which the well is connected; or
 - (ii) through which the well passes;
- are as low as is reasonably practicable.

Note: For *derived*, see clause 8B.

Offence

- (3) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (1) or (2); and

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Clause 13B

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

Penalty: 200 penalty units.

- (4) Absolute liability applies to paragraph (3)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

- (5) The fault element for paragraphs (3)(b) and (c) is negligence.

Diving operations

- (6) For the purposes of this clause, if a person is engaged in diving operations that are:
- (a) offshore petroleum operations; or
 - (b) offshore greenhouse gas storage operations;
- the person is taken to be at or near a facility.

Definitions

- (7) In this clause:

construct, in relation to a well, includes:

- (a) drill, bore, or otherwise make, the well; and
- (b) install any well-related equipment associated with the well.

prepare includes construct.

title area:

- (a) in relation to a greenhouse gas assessment permit—means the permit area; or
- (b) in relation to a greenhouse gas holding lease—means the lease area; or
- (c) in relation to a greenhouse gas injection licence—means the licence area.

well includes well-related equipment associated with a well.

14 Duties of persons erecting facilities or installing plant

Duties

- (1) A person who erects or installs a facility, or erects or installs any plant at a facility, must take all reasonably practicable steps to ensure that the facility or plant is not erected or installed in such a way that it is unsafe or constitutes a risk to health.

Note: See also clause 16.

Offence

- (2) A person commits an offence if:
- (a) the person is subject to a requirement under subclause (1); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 200 penalty units.

- (2A) Absolute liability applies to paragraph (2)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

- (2B) The fault element for paragraphs (2)(b) and (c) is negligence.

Other laws not affected

- (3) This clause does not affect the operation of the *Competition and Consumer Act 2010*, or of any other law of the Commonwealth, a State or a Territory that imposes an obligation in relation to the erection or installation of goods or the supply of services.

15 Duties of persons in relation to occupational health and safety

Duties of person at a facility

- (1) A person at a facility must, at all times, take all reasonably practicable steps:
- (a) to ensure that the person does not take any action, or make any omission, that creates a risk, or increases an existing risk,

Clause 15

to the health or safety of that person or of any other person at or near the facility; and

- (b) in respect of any obligation imposed on the operator or on any other person by or under a listed OHS law—to cooperate with the operator or that other person to the extent necessary to enable the operator or that other person to fulfil that obligation; and
- (c) to use equipment that is:
 - (i) supplied to the person by the operator, an employer of the person or any other person having control of work at a facility (the *equipment supplier*); and
 - (ii) necessary to protect the health and safety of the person, or of any other person at or near the facility;in accordance with any instructions given by the equipment supplier, consistent with the safe and proper use of the equipment.

Offence

- (2) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (1); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 200 penalty units.

- (2A) Absolute liability applies to paragraph (2)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

- (2B) The fault element for paragraphs (2)(b) and (c) is negligence.

Agreements

- (3) Despite subclause (1), the choice or manner of use of equipment of the kind referred to in subparagraph (1)(c)(ii) is a matter that may be, consistently with each listed OHS law:
 - (a) agreed on between the equipment supplier and any relevant health and safety representative; or
 - (b) agreed on by a health and safety committee.

- (4) If an agreement of the kind referred to in paragraph (3)(a) or (b) provides a process for choosing equipment of a particular kind that is to be provided by the equipment supplier, action must not be taken against a person for failure to use equipment of that kind that is so provided unless the equipment has been chosen in accordance with that process.
- (5) If an agreement of the kind referred to in paragraph (3)(a) or (b) provides a process for determining the manner of use of equipment of a particular kind, action must not be taken against a person for failure to use, in the manner required by the equipment supplier, equipment of that kind that is so provided unless the manner has been determined in accordance with that process.

16 Reliance on information supplied or results of research

Clause 9, 10 or 11

- (1) For the purpose of the application of clause 9, 10 or 11 to the use of plant or a substance, a person on whom an obligation is imposed under that clause is regarded as having taken such reasonably practicable steps as that clause requires, in relation to the use of the plant or substance, to the extent that:
 - (a) the person ensured, so far as practicable, that its use was in accordance with the information supplied by the manufacturer or the supplier of the plant or substance relating to health and safety in its use; and
 - (b) it was reasonable for the person to rely on that information.
- (2) Subclause (1) does not limit the generality of what constitutes reasonably practicable steps as required by clause 9, 10 or 11.

Clause 12 or 13

- (3) For the purpose of the application of clause 12 or 13 to carrying out research, testing and examining a facility, or any plant or substance, a person on whom an obligation is imposed under that clause is regarded as having taken such reasonably practicable steps as that clause requires, in relation to carrying out research, testing and examining the facility, plant or substance, to the extent that:

Clause 16

- (a) the research, testing or examination has already been carried out by or on behalf of someone else; and
 - (b) it was reasonable for the person to rely on that research, testing or examination.
- (4) Subclause (3) does not limit the generality of what constitutes reasonably practicable steps as required by clause 12 or 13.

Clause 14

- (5) For the purpose of the application of clause 14 to the erection of a facility or the erection or installation of plant at a facility, a person on whom an obligation is imposed under that clause is regarded as having taken such reasonably practicable steps as that clause requires to the extent that:
 - (a) the person ensured, so far as is reasonably practicable, that the erection of the facility, or the erection or installation of the plant, was:
 - (i) in accordance with information supplied by the manufacturer or supplier of the facility or plant relating to its erection or its installation; and
 - (ii) consistent with the health and safety of persons at the facility; and
 - (b) it was reasonable for the person to rely on that information.
- (6) Subclause (5) does not limit the generality of what constitutes reasonably practicable steps as required by clause 14.

Division 2—Regulations relating to occupational health and safety

17 Regulations relating to occupational health and safety

- (1) The regulations may make provision relating to any matter affecting, or likely to affect, the occupational health and safety of persons at a facility.
- (2) Subclause (1) has effect subject to this Schedule.
- (3) Regulations made for the purposes of subclause (1) may make provision for any or all of the following:
 - (a) prohibiting or restricting the performance of all work or specified work at a facility;
 - (b) prohibiting or restricting the use of all plant or specified plant at a facility;
 - (c) prohibiting or restricting the carrying out of all processes or a specified process at a facility;
 - (d) prohibiting or restricting the storage or use of all substances or specified substances at a facility;
 - (e) specifying the form in which information required to be made available under paragraph 12(1)(c) or (2)(c) or 13(1)(c) of this Schedule is to be so made available;
 - (f) prohibiting, except in accordance with licences granted under the regulations, the use of specified plant or specified substances at a facility;
 - (g) providing for:
 - (i) the issue, variation, renewal, transfer, suspension and cancellation of such licences; and
 - (ii) the conditions to which the licences may be subject;
 - (h) regulating the maintenance and testing of plant used at a facility;
 - (i) regulating the labelling or marking of substances used at a facility;
 - (j) regulating the transport of specified plant or specified substances for use at a facility;

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Clause 17

- (k) prohibiting the performance, at a facility, of specified activities or work except:
 - (i) by persons who satisfy requirements of the regulations as to qualifications, training or experience; or
 - (ii) under the supervision specified in the regulations;
 - (l) requiring specified action to avoid accidents or dangerous occurrences;
 - (m) providing for, or prohibiting, specified action in the event of accidents or dangerous occurrences;
 - (n) providing for the employment at a facility of persons to perform specified duties relating to the maintenance of occupational health and safety at the facility;
 - (o) regulating the provision and use, at a facility, of protective clothing and equipment, safety equipment and rescue equipment;
 - (p) providing for monitoring the health of members of the workforce at a facility and the conditions at the facility;
 - (q) requiring employers to keep records of matters related to the occupational health and safety of employees;
 - (r) providing for the provision of first aid equipment and facilities at facilities.
- (4) Subclause (3) does not limit subclause (1).
- (5) Regulations made for the purposes of this clause may make different provision in respect of different classes of facility.
- (6) Subclause (5) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

Part 3—Workplace arrangements

Division 1—Introduction

18 Simplified outline

The following is a simplified outline of this Part:

- A group of members of the workforce at a facility may be established as a designated work group.
- The members of a designated work group may select a health and safety representative for that designated work group.
- The health and safety representative may exercise certain powers for the purpose of promoting or ensuring the health and safety of the group members.
- A health and safety committee may be established in relation to the members of the workforce at a facility.
- The main function of a health and safety committee is to assist the operator in relation to occupational health and safety matters.

Division 2—Designated work groups

Subdivision A—Establishment of designated work groups

19 Establishment of designated work groups by request

Request

- (1) A request to the operator of a facility to enter into consultations to establish designated work groups in relation to the members of the workforce at the facility may be made by:
 - (a) any member of the workforce; or
 - (b) if a member of the workforce requests a workforce representative in relation to the member to make the request to the operator—that workforce representative.

Consultations

- (2) The operator of a facility must, within 14 days after receiving a request under subclause (1), enter into consultations with:
 - (a) if any member of the workforce made a request to establish designated work groups:
 - (i) that member of the workforce; and
 - (ii) if that member requests that the operator enter into consultations with a workforce representative in relation to the member—that workforce representative; and
 - (iii) each employer (if any) of members of the workforce; and
 - (b) if a workforce representative made a request to establish designated work groups:
 - (i) if a member of the workforce requests that the operator enter into consultations with that workforce representative—that workforce representative; and
 - (ii) each employer of members of the workforce.

Establishment

- (3) Within 14 days after the completion of consultations about the establishment of the designated work groups, the operator must, by notifying the members of the workforce, establish the designated work groups in accordance with the outcome of the consultations.

20 Establishment of designated work groups at initiative of operator*Consultations*

- (1) If, at any time, the operator of a facility considers that designated work groups should be established, the operator must enter into consultations with:
- (a) all members of the workforce; and
 - (b) if a member of the workforce requests that the operator enter into consultations with a workforce representative in relation to the member—that workforce representative; and
 - (c) each employer (if any) of members of the workforce.

Establishment

- (2) Within 14 days after the completion of consultations about the establishment of the designated work groups, the operator must, by notifying the members of the workforce, establish the designated work groups in accordance with the outcome of the consultations.

Subdivision B—Variation of designated work groups**21 Variation of designated work groups by request***Request*

- (1) A request to the operator of a facility to enter into consultations to vary designated work groups that have already been established in relation to the members of the workforce at the facility may be made by:
- (a) any member of the workforce; or

Clause 21

- (b) if a member of the workforce requests a workforce representative in relation to the member to make the request to the operator—that workforce representative.

Consultations

- (2) The operator of a facility must, within 14 days after receiving a request under subclause (1), enter into consultations with:
 - (a) if any member of the workforce made a request to vary designated work groups:
 - (i) that member of the workforce; and
 - (ii) the health and safety representative of each designated work group affected by the proposed variation; and
 - (iii) each work group employer (if any) in relation to each designated work group affected by the proposed variation; and
 - (b) if a workforce representative made a request to vary designated work groups:
 - (i) if a member of a designated work group affected by the proposed variation requests that the operator enter into consultations with a workforce representative in relation to the group—that workforce representative; and
 - (ii) the health and safety representative of each designated work group affected by the proposed variation; and
 - (iii) each work group employer (if any) in relation to each designated work group affected by the proposed variation.

Variation

- (3) If:
 - (a) consultations take place about the variation of designated work groups that have already been established; and
 - (b) as a result of the consultations, it has been determined that the variation of some or all of those designated work groups is justified;then, within 14 days after the completion of the consultations, the operator must, by notifying the members of the workforce who are

affected by the variation, vary the designated work groups in accordance with the outcome of the consultations.

22 Variation of designated work groups at initiative of operator

Consultations

- (1) If the operator of a facility believes the designated work groups should be varied, the operator may, at any time, enter into consultations about the variations with:
 - (a) the health and safety representative of each of the designated work groups affected by the proposed variation; and
 - (b) if a member of a designated work group affected by the proposed variation requests that the operator enter into consultations with a workforce representative in relation to the group—that workforce representative; and
 - (c) each work group employer (if any) in relation to each designated work group affected by the proposed variation.

Variation

- (2) If:
 - (a) consultations take place about the variation of designated work groups that have already been established; and
 - (b) as a result of the consultations, it has been determined that the variation of some or all of those designated work groups is justified;then, within 14 days after the completion of the consultations, the operator must, by notifying the members of the workforce who are affected by the variation, vary the designated work groups in accordance with the outcome of the consultations.

Subdivision C—General

23 Referral of disagreement to reviewing authority

- (1) If, in the course of consultations under clause 19, 20, 21 or 22, there is a disagreement between any of the parties to the consultation about the manner of establishing or varying a

Clause 24

designated work group, any party may, for the purpose of facilitating that consultation, refer the matter of disagreement to the reviewing authority.

- (2) If the matter of disagreement is referred to the reviewing authority, the parties to the disagreement must complete the consultation in accordance with the resolution of that matter by the reviewing authority.

24 Manner of grouping members of the workforce

- (1) Consultations about the establishment or variation of a designated work group must be directed principally towards the determination of the manner of grouping members of the workforce:
- (a) that best and most conveniently enables their interests relating to occupational health and safety to be represented and safeguarded; and
 - (b) that best takes account of the need for any health and safety representative selected for that designated work group to be accessible to each group member.
- (2) The parties to the consultations must have regard, in particular, to:
- (a) the number of members of the workforce at the facility to which the consultation relates; and
 - (b) the nature of each type of work performed by such members; and
 - (c) the number and grouping of such members who perform the same or similar types of work; and
 - (d) the workplaces where each type of work is performed; and
 - (e) the nature of any risks to health and safety at each such workplace; and
 - (f) any overtime or shift working arrangement at the facility.
- (3) The designated work groups must be established or varied in such a way that, so far as practicable, each of the members of the workforce at a facility is in a designated work group.
- (4) All the members of the workforce at a facility may be in one designated work group.

Division 3—Health and safety representatives

Subdivision A—Selection of health and safety representatives

25 Selection of health and safety representatives

- (1) One health and safety representative may be selected for each designated work group.
- (2) A person is not eligible for selection as the health and safety representative for a designated work group unless the person is a member of the workforce included in the group.
- (3) A person is taken to have been selected as the health and safety representative for a designated work group if:
 - (a) all the members of the workforce in the group unanimously agree to the selection; or
 - (b) the person is elected as the health and safety representative of the group in accordance with clause 26.

26 Election of health and safety representatives

Nominations

- (1) If:
 - (a) there is a vacancy in the office of health and safety representative for a designated work group; and
 - (b) within a reasonable time after the vacancy occurs, a person has not been selected under paragraph 25(3)(a) of this Schedule;the operator of the facility must invite nominations from all group members for election as the health and safety representative of the group.
- (2) If the office of health and safety representative is vacant and the operator has not invited nominations within a further reasonable time that is no later than 6 months after the vacancy occurred, NOPSEMA may direct the operator to do so.

Clause 27

Election—more than one candidate

- (3) If there is more than one candidate for election at the close of the nomination period, the operator must conduct, or arrange for the conduct of, an election at the operator's expense.
- (4) An election conducted or arranged to be conducted under subclause (3) must be conducted in accordance with regulations made for the purposes of this subclause if this is requested by the lesser of:
 - (a) 100 members of the workforce normally in the designated work group; or
 - (b) a majority of the members of the workforce normally in the designated work group.

Election—only one candidate

- (5) If there is only one candidate for election at the close of the nomination period, that person is taken to have been elected.

Disqualified person cannot be a candidate

- (6) A person cannot be a candidate in the election if he or she is disqualified under clause 32.

Voting

- (7) All the members of the workforce in the designated work group are entitled to vote in the election.

Directions

- (8) An operator conducting or arranging for the conduct of an election under this clause must comply with any relevant directions issued by NOPSEMA.

27 List of health and safety representatives

The operator of a facility must:

- (a) prepare and keep up to date a list of all the health and safety representatives of designated work groups comprising

members of the workforce performing work at the facility;
and

- (b) ensure that the list is available for inspection, at all reasonable times, by:
 - (i) the members of the workforce at the facility; and
 - (ii) OHS inspectors.

28 Members of designated work group must be notified of selection etc. of health and safety representative

The operator of a facility must:

- (a) notify members of a designated work group in relation to the facility of a vacancy in the office of health and safety representative for the designated work group within a reasonable time after the vacancy arises; and
- (b) notify those members of the name of any person selected (whether under paragraph 25(3)(a) or (b) of this Schedule) as health and safety representative for the designated work group within a reasonable time after the selection is made.

29 Term of office

- (1) A health and safety representative for a designated work group holds office:
 - (a) if, in consultations that took place under clause 19, 20, 21 or 22, the parties to the consultations agreed to the period for which the health and safety representative for the group was to hold office—for such a period; or
 - (b) in any other case—for 2 years;
beginning at the start of the day on which he or she was selected.
- (2) However, the health and safety representative is eligible to be selected for further terms of office.
- (3) Subclauses (1) and (2) have effect subject to this Part.

Clause 30

30 Training of health and safety representatives

- (1) A health and safety representative for a designated work group must undertake a course of training relating to occupational health and safety that is accredited by NOPSEMA for the purposes of this clause.
- (2) The operator of the facility concerned must permit the representative to take such time off work, without loss of remuneration or other entitlements, as is necessary to undertake the training.
- (3) If a person other than the operator is the employer of the representative, that person must permit the representative to take such time off work, without loss of remuneration or other entitlements, as is necessary to undertake the training.

31 Resignation etc. of health and safety representatives

When person must cease to be health and safety representative

- (1) A person ceases to be the health and safety representative for the designated work group if:
 - (a) the person resigns as the health and safety representative; or
 - (b) the person ceases to be a group member of that designated work group; or
 - (c) the person's term of office expires without the person having been selected, under clause 25, to be the health and safety representative for the designated work group for a further term; or
 - (d) the person is disqualified under clause 32.

Resignation

- (2) A person may resign as the health and safety representative for a designated work group by written notice delivered to the operator and to each work group employer.
- (3) If a person resigns as the health and safety representative for a designated work group, the person must notify the resignation to the group members.

Notification

- (4) If a person has ceased to be the health and safety representative for a designated work group because of paragraph (1)(b), the person must notify in writing:
- (a) the group members; and
 - (b) the operator and each work group employer;
- that the person has ceased to be the health and safety representative for that designated work group.

32 Disqualification of health and safety representatives

Application for disqualification

- (1) An application for the disqualification of a health and safety representative for a designated work group may be made to NOPSEMA by:
- (a) the operator; or
 - (b) a work group employer; or
 - (c) at the request of a group member of the designated work group—a workforce representative in relation to the designated work group.

Grounds for disqualification

- (2) An application under subclause (1) may be made on either or both of the following grounds:
- (a) that action taken by the health and safety representative in the exercise or purported exercise of a power under subclause 34(1) or any other provision of this Schedule was taken:
 - (i) with the intention of causing harm to the operator or work group employer or to an undertaking of the operator or work group employer; or
 - (ii) unreasonably, capriciously or not for the purpose for which the power was conferred on the health and safety representative;
 - (b) that the health and safety representative has intentionally used, or disclosed to another person, for a purpose that is not

Clause 33

connected with the exercise of a power of a health and safety representative, information acquired from the operator or work group employer.

Disqualification

- (3) If, on an application under subclause (1), NOPSEMA is satisfied that the health and safety representative has acted in a manner referred to in subclause (2), NOPSEMA may, after having regard to:
- (a) the harm (if any) that was caused to the operator or work group employer or to an undertaking of the operator or work group employer as a result of the action of the representative; and
 - (b) the past record of the representative in exercising the powers of a health and safety representative; and
 - (c) the effect (if any) on the public interest of the action of the representative; and
 - (d) such other matters as the Authority thinks relevant;
- disqualify the representative, for a specified period not exceeding 5 years, from being a health and safety representative for any designated work group.

33 Deputy health and safety representatives

- (1) One deputy health and safety representative may be selected for each designated work group for which a health and safety representative has been selected.
- (2) A deputy health and safety representative is to be selected in the same way as a health and safety representative under clause 25.
- (3) If the health and safety representative for a designated work group:
 - (a) ceases to be the health and safety representative; or
 - (b) is unable (because of absence or for any other reason) to exercise the powers of a health and safety representative;then:
 - (c) the powers may be exercised by the deputy health and safety representative (if any) for the group; and

- (d) this Schedule (other than this clause) applies in relation to the deputy health and safety representative accordingly.

Subdivision B—Powers of health and safety representatives

34 Powers of health and safety representatives

- (1) A health and safety representative for a designated work group in relation to a facility may, for the purpose of promoting or ensuring the health and safety at a workplace of the group members:
- (a) do any or all of the following:
 - (i) inspect the whole or any part of the workplace if there has, in the immediate past, been an accident or a dangerous occurrence at the workplace, or if there is an immediate threat of such an accident or dangerous occurrence;
 - (ii) inspect the whole or any part of the workplace if the health and safety representative has given reasonable notice of the inspection to the operator's representative at the facility and to any other person having immediate control of the workplace;
 - (iii) make a request to an OHS inspector or to NOPSEMA that an inspection be conducted at the workplace;
 - (iv) accompany an OHS inspector during any inspection at the workplace by the OHS inspector (whether or not the inspection is being conducted as a result of a request made by the health and safety representative);
 - (v) if there is no health and safety committee in relation to the members of the workforce at the facility—represent group members in consultations with the operator and any work group employer about the development, implementation and review of measures to ensure the health and safety of those members at the workplace;
 - (vi) if a health and safety committee has been established in relation to the members of the workforce at the facility—examine any of the records of that committee; and
 - (b) investigate complaints made by any group member to the health and safety representative about the health and safety of

Clause 35

any of the members of the workforce (whether in the group or not); and

- (c) with the consent of a group member, be present at any interview about health and safety at work between that member and:
 - (i) an OHS inspector; or
 - (ii) the operator or a person representing the operator; or
 - (iii) a work group employer or a person representing that employer; and
- (d) obtain access to any information under the control of the operator or any work group employer:
 - (i) relating to risks to the health and safety of any group member; and
 - (ii) relating to the health and safety of any group member; and
- (e) issue provisional improvement notices in accordance with clause 38.

(2) Subparagraph (1)(d)(ii) has effect subject to clause 36.

35 Assistance by consultant

Assistance by consultant

- (1) A health and safety representative for a designated work group is entitled, in the exercise of his or her powers, to be assisted by a consultant.
- (2) A health and safety representative for a designated work group may:
 - (a) be assisted by a consultant at a workplace at which work is performed; or
 - (b) provide to a consultant information that has been provided to the health and safety representative by an operator or work group employer under paragraph 34(1)(d) of this Schedule; only if the operator or NOPSEMA has, in writing, agreed to the provision of that assistance at that workplace or the provision of that information, as the case may be.

Operator etc. not liable for consultant's remuneration etc.

- (3) Neither the operator nor any workplace employer becomes, because of the agreement under subclause (2) to the provision of assistance by a consultant, liable for any remuneration or other expenses incurred in connection with the consultant's activities.

Consultant may be present at interviews

- (4) If a health and safety representative for a designated work group is being assisted by a consultant, the consultant is entitled to be present with the representative at any interview, about health and safety at work, between a group member and:
- (a) an OHS inspector; or
 - (b) the operator or any work group employer or a person representing the operator or that employer;
- if, and only if, the group member consents to the presence of the consultant.

36 Information

Legal professional privilege

- (1) Neither:
- (a) the health and safety representative; nor
 - (b) if the health and safety representative is assisted by a consultant—the consultant;
- is entitled, under subparagraph 34(1)(d)(ii) of this Schedule, to have access to information in relation to which a group member is entitled to claim, and does claim, legal professional privilege.

Medical information

- (2) Neither:
- (a) the health and safety representative; nor
 - (b) if the health and safety representative is assisted by a consultant—the consultant;
- is entitled, under subparagraph 34(1)(d)(ii) of this Schedule, to have access to information of a confidential medical nature relating to a person who is or was a group member unless:

Clause 37

- (c) the person has delivered to the operator or any work group employer a written authority permitting the health and safety representative, or the health and safety representative and the consultant, as the case requires, to have access to the information; or
- (d) the information is in a form that does not identify the person or enable the identity of the person to be discovered.

37 Obligations and liabilities of health and safety representatives

This Schedule does not:

- (a) impose an obligation on a person to exercise any power conferred on the person because the person is a health and safety representative; or
- (b) render a person liable in civil proceedings because of:
 - (i) a failure to exercise such a power; or
 - (ii) the way such a power was exercised.

38 Provisional improvement notices

Consultation

- (1) If:
 - (a) a health and safety representative for a designated work group believes, on reasonable grounds, that a person:
 - (i) is contravening a provision of a listed OHS law; or
 - (ii) has contravened a provision of a listed OHS law and is likely to contravene that provision again; and
 - (b) the contravention affects or may affect one or more group members;

the representative must consult with the person supervising the relevant activity in an attempt to reach agreement on rectifying the contravention or preventing the likely contravention.

Issue of provisional improvement notice

- (2) If, in the health and safety representative's opinion, agreement is not reached within a reasonable time, the health and safety representative may issue a provisional improvement notice to any

or all of the persons (each of whom is in this clause called a **responsible person**) responsible for the contravention.

- (3) If a responsible person is the operator, the improvement notice may be issued to the operator by giving it to the operator's representative at the facility.
- (4) If it is not practicable to issue the notice to a responsible person (other than the operator or the supervisor) by giving it to that responsible person:
 - (a) the notice may be issued to that responsible person by giving it to the person who for the time being is, or may reasonably be presumed to be, on behalf of the responsible person, in charge of the activity to which the notice relates; and
 - (b) if the notice is so issued, a copy of the notice must be given to the responsible person as soon as practicable afterwards.

Content of provisional improvement notice

- (5) The notice must:
 - (a) specify the contravention that, in the health and safety representative's opinion, is occurring or is likely to occur, and set out the reasons for that opinion; and
 - (b) specify a period that:
 - (i) is not less than 7 days beginning on the day after the notice is issued; and
 - (ii) is, in the representative's opinion, reasonable; within which the responsible person is to take action necessary to prevent any further contravention or to prevent the likely contravention, as the case may be.
- (6) The notice may specify action that the responsible person is to take during the period specified in the notice.

Extension of period

- (7) If, in the health and safety representative's opinion, it is appropriate to do so, the representative may, in writing and before the end of the period, extend the period specified in the notice.

Clause 39

Copy of provisional improvement notice

- (8) On issuing the notice, the health and safety representative must give a copy of the notice to:
- (a) if the operator is not a responsible person—the operator; and
 - (b) each work group employer other than a work group employer who is a responsible person; and
 - (c) if the supervisor is not a responsible person—the supervisor; and
 - (d) if the notice relates to any plant, substance or thing that is owned by a person other than a responsible person or a person to whom a copy of the notice is given under paragraph (a), (b) or (c)—that owner.

39 Effect of provisional improvement notice

Request for inspection

- (1) Within 7 days after a notice is issued under clause 38:
- (a) the responsible person; or
 - (b) any other person to whom a copy of the notice has been given under subclause 38(8);
- may make a request to NOPSEMA or to an OHS inspector that an inspection of the matter be conducted.
- (2) Upon the request being made, the operation of the notice is suspended pending the determination of the matter by an OHS inspector.

Inspection

- (3) As soon as possible after a request is made, an inspection must be conducted of the work that is the subject of the disagreement, and the OHS inspector conducting the inspection must:
- (a) confirm, vary or cancel the notice and notify the responsible person, and any person to whom a copy of the notice has been given under subclause 38(8), accordingly; and

- (b) make such decisions, and exercise such powers, under Part 4 of this Schedule, as the OHS inspector considers necessary in relation to the work.

Variation of notice

- (4) If the OHS inspector varies a notice, the notice as so varied has effect:
 - (a) so far as the notice concerns obligations imposed on the responsible person that are unaffected by the variation—as if the notice as so varied resumed effect on the day of the variation; and
 - (b) so far as the notice concerns new obligations imposed by virtue of the variation—as if the notice as so varied were a new notice issued on the day of the variation.

Notification etc.

- (5) If the notice is issued to a responsible person, the responsible person must:
 - (a) notify each group member who is affected by the notice of the fact of the issue of the notice; and
 - (b) until the notice ceases to have effect, cause a copy of the notice to be displayed at or near each workplace at which the work that is the subject of the notice is being performed.

When the notice ceases to have effect

- (6) The notice ceases to have effect if:
 - (a) it is cancelled by an OHS inspector or by the health and safety representative; or
 - (b) the responsible person:
 - (i) takes such action (if any) as is specified in the notice; or
 - (ii) if no action is so specified—takes the action necessary to prevent the further contravention, or likely contravention, concerned.

Compliance with notice

- (7) The responsible person:

Clause 40

- (a) must ensure that, to the extent that the notice relates to any matter over which the person has control, the notice is complied with; and
- (b) must take reasonable steps to inform the health and safety representative who issued the notice of the action taken to comply with the notice.

Appeals

- (8) For the purposes of clause 81, if the OHS inspector confirms or varies the notice, the OHS inspector is taken to have decided, under clause 78, to issue an improvement notice in those terms.

Subdivision C—Duties of the operator and other employers in relation to health and safety representatives

40 Duties of the operator and other employers in relation to health and safety representatives

Duties

- (1) The operator of a facility, in relation to which a designated work group having a health and safety representative has been established, must:
 - (a) on being requested to do so by the representative, consult with the representative on the implementation of changes at any workplace at which some or all of the group members perform work, where the changes may affect their health and safety; and
 - (b) in relation to a workplace at which some or all of the group members perform work:
 - (i) permit the representative to make such inspection of the workplace as the representative is entitled to make in accordance with subparagraph 34(1)(a)(i) of this Schedule and to accompany an OHS inspector during an inspection at the workplace by the OHS inspector; and
 - (ii) if there is no health and safety committee in relation to the members of the workforce—on being requested to do so by the representative, consult with the

representative about the development, implementation and review of measures to ensure the health and safety of group members; and

- (c) permit the representative to be present at any interview at which the representative is entitled to be present under paragraph 34(1)(c); and
 - (d) provide to the representative access to any information to which the representative is entitled to obtain access under subparagraph 34(1)(d)(i) or (ii) of this Schedule and to which access has been requested; and
 - (e) permit the representative to take such time off work, without loss of remuneration or other entitlements, as is necessary to exercise the powers of a health and safety representative; and
 - (f) provide the representative with access to such facilities as are:
 - (i) prescribed for the purposes of this paragraph; or
 - (ii) necessary for the purposes of exercising the powers of a health and safety representative.
- (2) Paragraph (1)(d) has effect subject to subclauses (3) and (4).

Information

- (3) The operator must not permit a health and safety representative in relation to a designated work group to have access to information that:
- (a) is of a confidential medical nature under the control of the operator; and
 - (b) relates to a person who is or was a group member;
- unless:
- (c) the person has delivered to the employer a written authority permitting the representative to have access to the information; or
 - (d) the information is in a form that does not identify the person or enable the identity of the person to be discovered.
- (4) The operator is not required to give a health and safety representative access to any information in relation to which the

Clause 40

operator is entitled to claim, and does claim, legal professional privilege.

Employer and supervisor

- (5) The duties imposed by this clause on the operator in relation to the health and safety representative for a designated work group apply equally, to the extent that the matters to which the duties relate are within the control of a work group employer or of a supervisor of particular work, to that employer and to that supervisor.

Division 4—Health and safety committees

41 Health and safety committees

Establishment

- (1) A health and safety committee must be established in relation to the members of the workforce at a facility if:
 - (a) the number of those members normally present at the facility is not less than 50 (whether or not those members are all at work at the facility at the same time); and
 - (b) the members of the workforce are included in one or more designated work groups; and
 - (c) the operator is requested to establish the committee by the health and safety representative for the designated work group or for one of the designated work groups.

Constitution

- (2) The health and safety committee consists of:
 - (a) the number of members specified in an agreement reached between the operator and the members of the workforce; or
 - (b) if there is no such agreement—an equal number of:
 - (i) members, chosen by the members of the workforce, to represent the interests of members of the workforce; and
 - (ii) members, chosen by the operator, to represent the interests of the operator and the employers (other than the operator) of members of the workforce.
- (3) The agreement referred to in paragraph (2)(a) may:
 - (a) specify the persons who are to be members to represent the interests of the operator and employers (other than the operator) of members of the workforce; and
 - (b) provide for the way in which persons who are to be members to represent the interests of members of the workforce are to be chosen.

Clause 42

Selection of members

- (4) If regulations made for the purposes of this clause specify procedures for the selection of persons as members of health and safety committees, to represent the interests of members of the workforce, an agreement referred to in paragraph (2)(a) must not provide for such members to be chosen in a way inconsistent with the regulations.

Meetings

- (5) A health and safety committee must hold meetings at least once every 3 months.
- (6) The procedure at meetings of a health and safety committee must, except to the extent provided for by the regulations, be the procedure agreed upon by the committee.
- (7) A health and safety committee must cause minutes of its meetings to be kept, and must retain those minutes for a period of not less than 3 years.

Other committees

- (8) This clause does not prevent an operator from establishing, in consultation with members of the workforce or any other persons, committees concerned with occupational health and safety in relation to undertakings carried on by the operator.

42 Functions of health and safety committees

- (1) A health and safety committee has the following functions:
 - (a) to assist the operator of the facility concerned:
 - (i) to develop and implement measures designed to protect; and
 - (ii) to review and update measures used to protect; the health and safety at work of members of the workforce;
 - (b) to facilitate cooperation between the operator of the facility, employers (other than the operator) of members of the workforce, and members of the workforce, in relation to occupational health and safety matters;

- (c) to assist the operator to disseminate among members of the workforce, in appropriate languages, information relating to health and safety at work;
 - (d) such functions as are prescribed;
 - (e) such other functions as are agreed upon between the operator and the health and safety committee.
- (2) A health and safety committee has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.
- (3) This Schedule does not:
 - (a) impose an obligation on a person to do any act, because the person is a member of a health and safety committee, in connection with the performance of a function conferred on the committee; or
 - (b) render such a person liable in civil proceedings because of:
 - (i) a failure to do such an act; or
 - (ii) the manner in which such an act was done.

43 Duties of the operator and other employers in relation to health and safety committees

Duties

- (1) If there is a health and safety committee, the operator and any employer (other than the operator) of a member of the workforce must:
 - (a) make available to the committee any information possessed by the operator or that employer relating to risks to health and safety to members of the workforce; and
 - (b) permit any member of the committee who is a member of the workforce to take such time off work, without loss of remuneration or other entitlements, as is necessary for the member adequately to participate in the performance by the committee of its functions.
- (2) Paragraph (1)(a) has effect subject to subclauses (3) and (4).

Clause 43

Information

- (3) The operator or any employer (other than the operator) of a member of the workforce must not make available to a health and safety committee information of a confidential nature relating to a person who is or was a member of the workforce, unless:
 - (a) the person has authorised the information to be made available to the committee; or
 - (b) the information is in a form that does not identify the person or enable the identity of the person to be discovered.
- (4) The operator or any employer (other than the operator) of a member of the workforce is not required to make available to a health and safety committee any information in relation to which the operator or employer is entitled to claim, and does claim, legal professional privilege.

Division 5—Emergency procedures

44 Action by health and safety representatives

Imminent and serious danger to health or safety

- (1) If a health and safety representative for a designated work group has reasonable cause to believe that there is an imminent and serious danger to the health or safety of any person at or near the facility unless a group member or group members cease to perform particular work, the representative must:
 - (a) inform a person (a **supervisor**) supervising the group member or group members in the performance of the work of the danger; or
 - (b) if no supervisor can be contacted immediately:
 - (i) direct the group member or group members to cease, in a safe manner, to perform the work; and
 - (ii) as soon as practicable, inform a supervisor that the direction has been given.
- (2) If a supervisor is informed under paragraph (1)(a) of a danger to the health or safety of any person at or near the facility, the supervisor must take such action as he or she thinks appropriate to remove that danger, and any such action may include directing a group member or group members to cease, in a safe manner, to perform the work.
- (3) If:
 - (a) a health and safety representative has informed a supervisor under paragraph (1)(a) of a danger; and
 - (b) the representative has reasonable cause to believe that, despite any action taken by the supervisor in accordance with subclause (2), there continues to be an imminent and serious danger to the health or safety of any person at or near the facility unless the group member or group members cease to perform particular work;the representative must:

Clause 45

- (c) direct the group member or group members to cease, in a safe manner, to perform the work; and
- (d) as soon as practicable, inform the supervisor that the direction has been given.

Inspection

- (4) If:
 - (a) a health and safety representative gives a direction under paragraph (1)(b), but is unable to agree with a supervisor whom the representative has informed under that paragraph that there is a need for a direction under that paragraph; or
 - (b) a health and safety representative gives a direction under paragraph (3)(c);the representative or the supervisor may make a request to NOPSEMA or to an OHS inspector that an inspection be conducted of the work that is the subject of the direction.
- (5) As soon as possible after a request is made, an inspection must be conducted of the work that is the subject of the direction, and the OHS inspector conducting the inspection must make such decisions, and exercise such powers, under Part 4 of this Schedule as the OHS inspector considers necessary in relation to the work.
- (6) This clause does not limit the power of a health and safety representative under subparagraph 34(1)(a)(iii) of this Schedule to make a request to an OHS inspector or to NOPSEMA that an inspection be conducted at the workplace.

45 Direction to perform other work

Scope

- (1) This clause applies if:
 - (a) a group member who is an employee has ceased to perform work, in accordance with the direction of a health and safety representative under paragraph 44(1)(b) or (3)(c); and
 - (b) the cessation of work does not continue after:
 - (i) the health and safety representative has agreed with a person supervising work at the workplace where the

work was being performed that the cessation of work was not, or is no longer, necessary; or

- (ii) an OHS inspector has, under subclause 44(5), made a decision to the effect that the employee should perform the work.

Direction to perform other work

- (2) The employer may direct the employee to perform suitable alternative work, and the employee is to be taken, for all purposes, to be required to perform that other work under the terms and conditions of the employee's employment.

Division 6—Exemptions

46 Exemptions

- (1) NOPSEMA may, in accordance with the regulations, make a written order exempting a specified person from any or all of the provisions of this Part (other than this clause).

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

- (2) NOPSEMA must not make an order under subclause (1) unless it is satisfied on reasonable grounds that it is impracticable for the person to comply with the provision or provisions.
- (3) An order under subclause (1) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Part 4—Inspections

Division 1—Introduction

47 Simplified outline

The following is a simplified outline of this Part:

- An OHS inspector may conduct an inspection:
 - (a) to ascertain whether a listed OHS law is being complied with; or
 - (b) concerning a contravention or a possible contravention of a listed OHS law; or
 - (c) concerning an accident or dangerous occurrence that has happened at or near a facility.
- An OHS inspector may issue a prohibition notice to the operator of a facility in order to remove an immediate threat to the health or safety of any person.
- An OHS inspector may issue an improvement notice specifying action that is to be taken to prevent contraventions of a listed OHS law.
- An OHS inspector must prepare a report about an inspection and give the report to NOPSEMA.

48 Powers, functions and duties of OHS inspectors

- (1) A person who is appointed under section 680 as an OHS inspector has the powers, functions and duties of an OHS inspector conferred or imposed by a listed OHS law.

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- (2) NOPSEMA may give written directions specifying the manner in which, and the conditions subject to which, powers conferred on OHS inspectors by a listed OHS law are to be exercised. If it does so, the powers of OHS inspectors must be exercised in accordance with those directions.
- (3) NOPSEMA may, by written notice, impose restrictions, not inconsistent with any direction in force under subclause (2), on the powers that are conferred on a particular OHS inspector by a listed OHS law. If it does so, the powers of the OHS inspector are taken to have been restricted accordingly.
- (4) If a direction under subclause (2) is of general application, the direction is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.
- (5) If a direction under subclause (2) relates to a particular case, the direction is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.
- (6) A notice under subclause (3) is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Division 2—Inspections

49 Inspections

Inspections conducted on OHS inspector's own initiative

- (1) An OHS inspector may, at any time, conduct an inspection:
 - (a) to ascertain whether the requirements of, or any requirements properly made under, a listed OHS law are being complied with; or
 - (b) concerning a contravention or a possible contravention of a listed OHS law; or
 - (c) concerning an accident or dangerous occurrence that has happened at or near a facility.

Inspections conducted at the direction of NOPSEMA

- (2) NOPSEMA may direct an OHS inspector to conduct an inspection:
 - (a) to ascertain whether the requirements of, or any requirements properly made under, a listed OHS law are being complied with; or
 - (b) concerning a contravention or a possible contravention of a listed OHS law; or
 - (c) concerning an accident or dangerous occurrence that has happened at or near a facility;and the OHS inspector must, unless NOPSEMA revokes the direction, conduct an inspection accordingly.

Division 3—Powers of OHS inspectors in relation to the conduct of inspections

Subdivision A—General powers of entry and search

50 Powers of entry and search—facilities

Power to enter and search

- (1) An OHS inspector may, for the purposes of an inspection, at any reasonable time during the day or night:
 - (a) enter a facility to which the inspection relates and do any or all of the following:
 - (i) search the facility;
 - (ii) inspect, examine, take measurements of, or conduct tests concerning, any workplace at the facility or any plant, substance or thing at the facility;
 - (iii) take photographs of, make video recordings of, or make sketches of, any workplace at the facility or any plant, substance or thing at the facility;
 - (iv) inspect, take extracts from, or make copies of, any documents at the facility that the OHS inspector has reasonable grounds to believe relate, or are likely to relate, to the subject matter of the inspection; and
 - (b) inspect the seabed and subsoil in the vicinity of a facility to which the inspection relates.

Notification of entry

- (2) Immediately on entering a facility for the purposes of an inspection, an OHS inspector must take reasonable steps to notify the purpose of entering the facility to:
 - (a) the operator's representative at the facility; and
 - (b) if there is a health and safety representative for a designated work group having a group member likely to be affected by the matter the subject of the inspection—that representative;

and must, on being requested to do so by the person referred to in paragraph (a) or (b), produce for inspection by that person:

- (c) the OHS inspector's identity card; and
- (d) a copy of NOPSEMA's written direction (if any) to conduct the inspection; and
- (e) a copy of the restrictions (if any) imposed on the powers of the OHS inspector under subclause 48(3).

Consultation with health and safety representative

- (3) If there is a health and safety representative for a designated work group having a group member likely to be affected by the matter the subject of the inspection, the OHS inspector must give the health and safety representative a reasonable opportunity to consult on the matter the subject of the inspection.

51 Powers of entry and search—regulated business premises (other than facilities)

Power to enter and search

- (1) An OHS inspector may, for the purposes of an inspection:
 - (a) at any reasonable time, enter any regulated business premises (other than a facility) if the OHS inspector has reasonable grounds to believe that there are likely to be at those premises documents that relate to:
 - (i) a facility that is, or facility operations that are, the subject of the inspection; or
 - (ii) if the investigation concerns a contravention or possible contravention of clause 13A or 13B—the contravention or possible contravention; and
 - (b) search for, inspect, take extracts from, or make copies of, any such documents at those premises.

Notification of entry

- (2) Immediately on entering premises referred to in subclause (1), an OHS inspector must take reasonable steps to notify the purpose of the entry to the occupier of those premises, and must, on being

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requested to do so by the occupier, produce for inspection by the occupier:

- (a) the OHS inspector's identity card; and
- (b) a copy of NOPSEMA's written direction (if any) to conduct the inspection; and
- (c) a copy of the restrictions (if any) imposed on the powers of the OHS inspector under subclause 48(3).

52 Powers of entry and search—premises (other than regulated business premises)

Power to enter and search

- (1) An OHS inspector may, for the purposes of an inspection:
 - (a) enter any premises (other than regulated business premises) if the OHS inspector has reasonable grounds to believe that there are likely to be at those premises documents that relate to:
 - (i) a facility that is, or facility operations that are, the subject of the inspection; or
 - (ii) if the investigation concerns a contravention or possible contravention of clause 13A or 13B—the contravention or possible contravention; and
 - (b) search for, inspect, take extracts from, or make copies of, any such documents at those premises.
- (2) An OHS inspector may exercise the powers referred to in subclause (1) to enter premises only:
 - (a) if the premises are not a residence:
 - (i) in accordance with a warrant under clause 53; or
 - (ii) with the consent of the occupier of the premises; or
 - (b) if the premises are a residence—with the consent of the occupier of the premises.

Notification of entry

- (3) Immediately on entering premises referred to in subclause (1), an OHS inspector must:

- (a) take reasonable steps to notify the purpose of the entry to the occupier of those premises; and
- (b) take reasonable steps to produce, for inspection by the occupier, the OHS inspector's identity card; and
- (c) on being requested to do so by the occupier, produce, for inspection by the occupier:
 - (i) a copy of NOPSEMA's written direction (if any) to conduct the inspection; and
 - (ii) a copy of the restrictions (if any) imposed on the powers of the OHS inspector under subclause 48(3).

Entry by warrant—copy of warrant to be made available to occupier

- (4) If:
 - (a) an OHS inspector enters premises in accordance with a warrant under clause 53; and
 - (b) the occupier of the premises is present at the premises;the OHS inspector must make a copy of the warrant available to the occupier.

Entry by consent

- (5) Before obtaining the consent of a person as mentioned in paragraph (2)(a) or (b), an OHS inspector must inform the person that:
 - (a) the person may refuse consent; and
 - (b) the consent may be withdrawn.
- (6) The consent of a person is not effective for the purposes of subclause (2) unless the consent is voluntary.

53 Warrant to enter premises (other than regulated business premises)

Application for warrant

- (1) An OHS inspector may apply to a Magistrate for a warrant authorising the OHS inspector, with such assistance as the OHS

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inspector thinks necessary, to exercise the powers referred to in subclause 52(1) in relation to particular premises (other than a residence).

- (2) The application must be supported by an information on oath or affirmation that sets out the grounds on which the OHS inspector is applying for the warrant.

Issue of 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 subclause (3) must state:
- (a) the name of the OHS 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.

54 Obstructing or hindering OHS inspector

- (1) A person commits an offence if:
- (a) the person engages in conduct; and
 - (b) the conduct obstructs or hinders an OHS inspector in the exercise of the OHS inspector's powers under clause 50, 51 or 52.

Penalty: 50 penalty units.

- (2) Subclause (1) does not apply if the person has a reasonable excuse.

Note 1: The defendant bears an evidential burden in relation to the matter in subclause (2)—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 subclause (1) of this clause and section 149.1 of the *Criminal Code*.

Subdivision B—Offence-related searches and seizures

55 What is evidential material?

For the purposes of this Subdivision, a thing is *evidential material* if it is:

- (a) a thing in respect of which an offence against a listed OHS law has been committed or is suspected, on reasonable grounds, to have been committed; or
- (b) a thing that there are reasonable grounds for suspecting will afford evidence as to the commission of an offence against a listed OHS law; or
- (c) a thing that there are reasonable grounds for suspecting was used, or is intended to be used, for the purposes of committing an offence against a listed OHS law.

56 Offence-related searches and seizures—OHS inspector already present at facility

Scope

- (1) This clause applies if, in connection with an inspection:
 - (a) an OHS inspector has entered a facility under clause 50; and
 - (b) the OHS inspector believes on reasonable grounds that there is at the facility any evidential material.

Power to search etc.

- (2) The OHS inspector may, for the purposes of the inspection:
 - (a) search the facility for evidential material; and
 - (b) break open and search a cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, at the facility and in which the OHS inspector believes on reasonable grounds there to be any evidential material; and

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- (c) examine any thing at the facility that the OHS inspector believes on reasonable grounds to be evidential material; and
 - (d) seize any thing at the facility that the OHS inspector believes on reasonable grounds to be evidential material; and
 - (e) take samples of any thing at the facility that the OHS inspector believes on reasonable grounds to be evidential material; and
 - (f) exercise the data access powers set out in clause 58 in relation to the facility; and
 - (g) exercise the data seizure powers set out in clause 59 in relation to the facility.
- (3) An OHS inspector may exercise the powers referred to in paragraph (2)(a), (b), (c), (e) or (f) only:
- (a) with the consent of:
 - (i) the operator; or
 - (ii) the operator's representative at the facility; or
 - (b) in accordance with a warrant issued under subclause 67(1).
- (4) An OHS inspector may exercise the powers referred to in paragraph (2)(d) or (g) only in accordance with a warrant issued under subclause 67(1).

Notification of search

- (5) Before searching a facility under subclause (2), an OHS inspector must:
- (a) take reasonable steps to notify the purpose of the search to the operator's representative at the facility; and
 - (b) take reasonable steps to produce, for inspection by the operator's representative, the OHS inspector's identity card; and
 - (c) on being requested to do so by the operator's representative, produce, for inspection by the operator's representative:
 - (i) a copy of NOPSEMA's written direction (if any) to conduct the inspection; and
 - (ii) a copy of the restrictions (if any) imposed on the powers of the OHS inspector under subclause 48(3).

Copy of warrant to be made available to operator's representative or occupier

- (6) If:
- (a) an OHS inspector searches a facility in accordance with a warrant issued under subclause 67(1); and
 - (b) the operator's representative at the facility is present at the facility;
- the OHS inspector must make a copy of the warrant available to the operator's representative.

Entry by consent

- (7) Before obtaining the consent of a person as mentioned in paragraph (3)(a), an OHS inspector must inform the person that:
- (a) the person may refuse consent; and
 - (b) the consent may be withdrawn.
- (8) The consent of a person is not effective for the purposes of subclause (3) unless the consent is voluntary.

Evidence of commission of other offences

- (9) If:
- (a) in the course of searching, in accordance with a warrant issued under subclause 67(1) for particular evidential material relating to an offence against a listed OHS law, an OHS inspector finds a thing that the OHS inspector believes on reasonable grounds to be:
 - (i) a thing that is evidential material relating to that offence, although not evidential material of a kind specified in the warrant; or
 - (ii) a thing that is evidential material relating to another offence against a listed OHS law; and
 - (b) the OHS inspector believes, on reasonable grounds, that it is necessary to seize that thing in order to prevent its concealment, loss or destruction, or its use in committing, continuing or repeating the offence or the other offence;
- the warrant is taken to authorise the OHS inspector to seize that thing.

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57 Offence-related searches and seizures—OHS inspector not already present at facility, premises or vessel

Scope

- (1) This clause applies if, in connection with an inspection, an OHS inspector believes on reasonable grounds that:
- (a) there is at a facility any evidential material; or
 - (b) there is at any premises (other than a facility) any evidential material; or
 - (c) there is on any vessel any evidential material.

Power to enter and search etc.

- (2) The OHS inspector may, for the purposes of the inspection:
- (a) enter the facility, premises or vessel; and
 - (b) search the facility, premises or vessel for evidential material; and
 - (c) break open and search a cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, at the facility or premises or on the vessel and in which the OHS inspector believes on reasonable grounds there to be any evidential material; and
 - (d) examine any thing at the facility or premises or on the vessel that the OHS inspector believes on reasonable grounds to be evidential material; and
 - (e) seize any thing at the facility or premises or on the vessel that the OHS inspector believes on reasonable grounds to be evidential material; and
 - (f) inspect, examine, take measurements of, conduct tests on, or take samples of, any thing at the facility or premises or on the vessel that the OHS inspector believes on reasonable grounds to be evidential material; and
 - (g) take photographs of, make video recordings of, or make sketches of the facility, premises or vessel or any thing at the facility or premises or on the vessel that the OHS inspector believes on reasonable grounds to be evidential material; and
 - (h) exercise the data access powers set out in clause 58 in relation to the facility, premises or vessel; and

- (i) exercise the data seizure powers set out in clause 59 in relation to the facility, premises or vessel.
- (3) An OHS inspector may exercise the powers referred to in paragraph (2)(a), (b), (c), (d), (f), (g) or (h) only:
 - (a) with the consent of:
 - (i) in the case of a facility—the operator’s representative at the facility or the operator of the facility; or
 - (ii) in the case of premises—the occupier of the premises; or
 - (iii) in the case of a vessel—the master of the vessel; or
 - (b) in accordance with a warrant issued under subclause 67(2) or (4).
- (4) An OHS inspector may exercise the powers referred to in paragraph (2)(e) or (i) only in accordance with a warrant issued under subclause 67(2) or (4).

Notification of entry

- (5) Immediately on entering a facility, premises or vessel under subclause (2), an OHS inspector must:
 - (a) take reasonable steps to notify the purpose of the entry to the operator’s representative at the facility, the occupier of the premises, or the master of the vessel, as the case may be; and
 - (b) take reasonable steps to produce, for inspection by the operator’s representative, the occupier, or the master, as the case may be, the OHS inspector’s identity card; and
 - (c) on being requested to do so by the operator’s representative, the occupier, or the master, produce, for inspection by the operator’s representative, the occupier or the master, as the case may be:
 - (i) a copy of NOPSEMA’s written direction (if any) to conduct the inspection; and
 - (ii) a copy of the restrictions (if any) imposed on the powers of the OHS inspector under subclause 48(3).

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Copy of warrant to be made available to operator's representative, occupier or master

- (6) If:
- (a) an OHS inspector enters a facility, premises or vessel in accordance with a warrant issued under subclause 67(2) or (4); and
 - (b) in the case of a facility or premises—the operator's representative at the facility, or the occupier of the premises, is present at the facility or premises, as the case may be;
- the OHS inspector must make a copy of the warrant available to the operator's representative, the occupier of the premises, or the master of the vessel, as the case may be.

Entry by consent

- (7) Before obtaining the consent of a person as mentioned in paragraph (3)(a), an OHS inspector must inform the person that:
- (a) the person may refuse consent; and
 - (b) the consent may be withdrawn.
- (8) The consent of a person is not effective for the purposes of subclause (3) unless the consent is voluntary.

Evidence of commission of other offences

- (9) If:
- (a) in the course of searching, in accordance with a warrant issued under subclause 67(2) or (4) for particular evidential material relating to an offence against a listed OHS law, an OHS inspector finds a thing that the OHS inspector believes on reasonable grounds to be:
 - (i) a thing that is evidential material relating to that offence, although not evidential material of a kind specified in the warrant; or
 - (ii) a thing that is evidential material relating to another offence against a listed OHS law; and
 - (b) the OHS inspector believes, on reasonable grounds, that it is necessary to seize that thing in order to prevent its

concealment, loss or destruction, or its use in committing, continuing or repeating the offence or the other offence;
the warrant is taken to authorise the OHS inspector to seize that thing.

58 Data access powers

Data access powers of OHS inspector

- (1) This clause sets out the data access powers that an OHS inspector may exercise under:
- (a) paragraph 56(2)(f) in relation to a facility; or
 - (b) paragraph 57(2)(h) in relation to a facility, premises or vessel.

Operation of electronic equipment

- (2) The OHS inspector may operate electronic equipment at the facility or premises or on the vessel to access data (including data not held at the facility or premises or on the vessel) if the OHS inspector believes on reasonable grounds that:
- (a) the data might constitute evidential material; and
 - (b) the equipment can be operated without damaging it.

Note: An OHS inspector can obtain an order requiring a person with knowledge of a computer or computer system to provide assistance: see clause 60.

Copying of data

- (3) If the OHS inspector believes on reasonable grounds that any data accessed by operating the electronic equipment might constitute evidential material, the OHS inspector may:
- (a) copy the data to a disk, tape or other associated device brought to the facility, premises or vessel; or
 - (b) if:
 - (i) the operator's representative at the facility; or
 - (ii) the occupier of the premises; or
 - (iii) the master of the vessel;

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as the case may be, agrees in writing—copy the data to a disk, tape or other associated device at the facility or premises or on the vessel;
and take the disk, tape or device from the facility, premises or vessel.

- (4) If:
- (a) the OHS inspector takes the disk, tape or device from the facility, premises or vessel; and
 - (b) NOPSEMA is satisfied that the data is not required (or is no longer required) for:
 - (i) an inspection; or
 - (ii) the prosecution of a person;
- NOPSEMA must arrange for:
- (c) the removal of the data from any disk, tape or device in the control of NOPSEMA; and
 - (d) the destruction of any other reproduction of the data in the control of NOPSEMA.

Securing equipment

- (5) If the OHS inspector believes on reasonable grounds that:
- (a) evidential material may be accessible by operating electronic equipment at the facility or premises or on the vessel; and
 - (b) expert assistance is required to operate the equipment; and
 - (c) if the OHS inspector does not take action under this subclause, the material may be destroyed, altered or otherwise interfered with;

the OHS inspector may do whatever is necessary to secure the equipment, whether by locking it up, placing a guard or otherwise.

- (6) The OHS inspector must give notice to:
- (a) the operator's representative at the facility; or
 - (b) the occupier of the premises; or
 - (c) the master of the vessel;
- as the case may be, of the OHS inspector's intention to secure equipment and of the fact that the equipment may be secured for up to 24 hours.

- (7) The equipment may be secured:
 - (a) for a period not longer than 24 hours; or
 - (b) until the equipment has been operated by the expert;whichever happens first.
- (8) If the OHS inspector believes on reasonable grounds that the expert assistance will not be available within 24 hours, the OHS inspector may apply to a Magistrate for an extension of that period.
- (9) The OHS inspector must give notice to:
 - (a) the operator's representative at the facility; or
 - (b) the occupier of the premises; or
 - (c) the master of the vessel;as the case may be, of the OHS inspector's intention to apply for an extension, and the operator, occupier or master is entitled to be heard in relation to the application.
- (10) The provisions of this Subdivision relating to the issue of warrants apply, with such modifications as are necessary, to the issuing of an extension.

59 Data seizure powers

Data seizure powers of OHS inspector

- (1) This clause sets out the data seizure powers that an OHS inspector may exercise under:
 - (a) paragraph 56(2)(g) in relation to a facility; or
 - (b) paragraph 57(2)(i) in relation to a facility, premises or vessel.

Seizure

- (2) If:
 - (a) an OHS inspector operates electronic equipment under subclause 58(2); and
 - (b) the OHS inspector, after operating the equipment, finds that evidential material is accessible by doing so;the OHS inspector may:

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- (c) seize the equipment and any disk, tape or other associated device; or
 - (d) if the material can, by using a thing at the facility or premises or on the vessel, be put in documentary form—operate the thing to put the material in that form, and seize the documents so produced.
- (3) The OHS inspector may seize equipment under paragraph (2)(c) only if:
 - (a) it is not practicable to copy the data as mentioned in subclause 58(3) or to put the material in documentary form as mentioned in paragraph (2)(d) of this clause; or
 - (b) the equipment is in the possession of another person, and the possession by the other person could constitute an offence.

60 Access to computer data

Scope

- (1) This clause applies if a warrant is in force under clause 67 authorising an OHS inspector to exercise data access powers under clause 58 in relation to a facility, premises or vessel.

Application to Magistrate for access order

- (2) The OHS inspector may apply to a Magistrate for an order requiring a specified person to provide any information or assistance that is reasonable and necessary to allow the OHS inspector to do one or more of the following:
 - (a) access data held in, or accessible from, a computer that is at the facility or premises or on the vessel;
 - (b) copy the data to a data storage device;
 - (c) convert the data into documentary form.

Grant of access order

- (3) The Magistrate may grant the order if the Magistrate is satisfied that:
 - (a) there are reasonable grounds for suspecting that evidential material is held in, or is accessible from, the computer; and

- (b) the specified person is:
 - (i) reasonably suspected of having been involved in the offence stated in the warrant; or
 - (ii) the owner or lessee of the computer; or
 - (iii) an employee of the owner or lessee of the computer; and
- (c) the specified person has relevant knowledge of:
 - (i) the computer or a computer network of which the computer forms a part; or
 - (ii) measures applied to protect data held in, or accessible from, the computer.

Offence

- (4) A person commits an offence if:
 - (a) the person is subject to an order under this clause; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the order.

Penalty for contravention of this subclause: Imprisonment for 6 months.

61 Compensation for damage to equipment

- (1) This clause applies if:
 - (a) as a result of equipment being operated as mentioned in clause 58 or 59:
 - (i) damage is caused to the equipment; or
 - (ii) the data recorded on the equipment is damaged; or
 - (iii) programs associated with the use of the equipment, or with the use of the data, are damaged or corrupted; and
 - (b) the damage or corruption occurs because:
 - (i) insufficient care was exercised in selecting the person who was to operate the equipment; or
 - (ii) insufficient care was exercised by the person operating the equipment.
- (2) The Commonwealth must pay the owner of the equipment, or the user of the data or programs, such reasonable compensation for the

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damage or corruption as the Commonwealth and the owner or user agree on.

- (3) However, if the owner or user and the Commonwealth fail to agree, the owner or user may institute proceedings in the Federal Court for such reasonable amount of compensation as the Court determines.
- (4) In determining the amount of compensation payable, regard is to be had to:
 - (a) if the equipment was operated at a facility—whether the operator of the facility, or the operator’s representative at the facility, if they were available at the time, provided any appropriate warning or guidance on the operation of the equipment; or
 - (b) if the equipment was operated at premises other than a facility—whether the occupier of the premises, or the occupier’s employees and agents, if they were available at the time, provided any appropriate warning or guidance on the operation of the equipment; or
 - (c) if the equipment was operated on a vessel—whether the master of the vessel, or the crew of the vessel, provided any appropriate warning or guidance on the operation of the equipment.
- (5) Compensation is payable out of money appropriated by the Parliament.
- (6) For the purposes of subclause (1):

damage, in relation to data, includes damage by erasure of data or addition of other data.

62 Copies of things seized to be provided

- (1) If an OHS inspector seizes, under this Subdivision:
 - (a) a document, film, computer file or other thing that can be readily copied; or
 - (b) a storage device the information in which can be readily copied;

the OHS inspector must, if requested to do so by:

- (c) in the case of a facility—the operator’s representative at the facility; or
 - (d) in the case of premises (other than a facility)—the occupier of the premises or another person who apparently represents the occupier and who is present when the thing is seized; or
 - (e) in the case of a vessel—the master of the vessel;
- give a copy of the thing or the information to that person as soon as practicable after the seizure.

- (2) However, subclause (1) does not apply if:
- (a) the thing that has been seized was seized under subclause 58(3) or paragraph 59(2)(d); or
 - (b) the document, film, computer file, thing or information is in the possession of another person, and the possession by the other person could constitute an offence.

63 Operator’s representative, occupier or master entitled to be present during search

- (1) If a warrant in relation to a facility is being executed, the operator’s representative at the facility is entitled to observe the search being conducted.
- (2) If a warrant in relation to premises is being executed, the following person is entitled to observe the search being conducted:
 - (i) if the occupier of the premises is present at the premises—the occupier;
 - (ii) if another person who apparently represents the occupier is present at the premises—the other person.
- (3) If a warrant in relation to a vessel is being executed, the master of the vessel is entitled to observe the search being conducted.
- (4) The right to observe the search being conducted ceases if the operator’s representative, the occupier, the other person or the master, as the case may be, impedes the search.
- (5) This section does not prevent 2 or more areas of the facility, premises or vessel being searched at the same time.

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64 Receipts for things seized

- (1) If an OHS inspector seizes a thing under this Subdivision, the OHS inspector must provide a receipt for the thing.
- (2) If 2 or more things are seized or moved, they may be covered in the one receipt.

65 Retention of things seized

- (1) If an OHS inspector seizes a thing under this Subdivision, the OHS inspector or NOPSEMA may retain it until:
 - (a) the end of the period of 60 days after the seizure; or
 - (b) if proceedings for an offence in respect of which the thing may afford evidence are instituted within that period—the proceedings (including any appeal to a court in relation to those proceedings) are completed.
- (2) NOPSEMA may, by written instrument, authorise a thing seized under this Subdivision to be released to the owner, or to the person from whom it was seized, either:
 - (a) unconditionally; or
 - (b) on such conditions as NOPSEMA thinks fit.

66 Magistrate may permit a thing seized to be retained for a further period

- (1) If an OHS inspector seizes a thing under this Subdivision, the OHS inspector or NOPSEMA may apply to a Magistrate for an order that the OHS inspector, or NOPSEMA, as the case may be, may retain the thing for a further period if:
 - (a) before the end of 60 days after the seizure; or
 - (b) before the end of a period previously specified in an order of a Magistrate under this clause;proceedings for an offence in respect of which the thing may afford evidence have not been instituted.
- (2) If the Magistrate is satisfied that it is necessary for an OHS inspector, or NOPSEMA, as the case may be, to continue to retain the thing:

- (a) for the purposes of an inspection; or
 - (b) to enable evidence of an offence against a listed OHS law to be secured for the purposes of a prosecution;
- the Magistrate may order that the OHS inspector or NOPSEMA may retain the thing for a period (not exceeding 3 years) specified in the order.
- (3) Before making the application, the OHS inspector, or NOPSEMA, as the case may be, must:
 - (a) take reasonable steps to discover who has an interest in the retention of the thing; and
 - (b) if it is practicable to do so—notify the proposed application to each person whom the OHS inspector or NOPSEMA believes to have an interest in the retention of the thing.

67 Magistrate may issue warrant

Warrant relating to powers under clause 56

- (1) If:
 - (a) an OHS inspector has entered a facility under clause 50; and
 - (b) the OHS inspector believes on reasonable grounds that there is at the facility any evidential material; and
 - (c) the OHS inspector applies to a Magistrate, by telephone, fax or other electronic means, for a search warrant under this subclause in relation to the evidential material;
- the Magistrate may issue a search warrant authorising the OHS inspector, with such assistance, and by such force, as is necessary and reasonable, to exercise the powers referred to in paragraphs 56(2)(a) to (g) of this Schedule in respect of the evidential material.

Warrant relating to powers under clause 57—general

- (2) If:
 - (a) an information on oath or affirmation is laid before a Magistrate alleging that an OHS inspector believes on reasonable grounds that there is at a facility or premises or on a vessel any evidential material; and
 - (b) the information sets out those grounds;

Clause 68

the Magistrate may issue a search warrant authorising the OHS inspector named in the warrant, with such assistance, and by such force, as is necessary and reasonable, to:

- (c) enter the facility, premises or vessel; and
 - (d) exercise the powers referred to in paragraphs 57(2)(b) to (i) of this Schedule in respect of the evidential material.
- (3) If, because of circumstances of urgency, an OHS inspector thinks it necessary to do so, the OHS inspector may apply to a Magistrate for a warrant under subclause (2) by telephone, fax or other electronic means.

Warrant relating to powers under clause 57—vessels

- (4) If:
- (a) an OHS inspector has entered a facility under clause 50; and
 - (b) the OHS inspector believes on reasonable grounds that there is on a vessel any evidential material that relates to the listed OHS law covered by paragraph 638(1)(a) of this Act; and
 - (c) the OHS inspector applies to a Magistrate, by telephone, fax or other electronic means, for a search warrant under this subclause in relation to the evidential material;

the Magistrate may issue a search warrant authorising the OHS inspector named in the warrant, with such assistance, and by such force, as is necessary and reasonable, to:

- (d) enter the vessel; and
- (e) exercise the powers referred to in paragraphs 57(2)(b) to (i) of this Schedule in respect of the evidential material.

68 Reasonable grounds for issuing warrant etc.

A Magistrate must not issue a warrant under clause 67 unless:

- (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.

69 Contents of warrant

- (1) A warrant issued under clause 67 must state:
 - (a) the name of the OHS inspector; and
 - (b) in the case of a warrant issued under subclause 67(1)—whether the search may be carried out at any time or only during specified hours of the day; and
 - (c) in the case of a warrant issued under subclause 67(2) or (4)—whether the entry or search may be carried out at any time or only during specified hours of the day; and
 - (d) a description of the kind of things to be seized; and
 - (e) the day on which the warrant ceases to have effect; and
 - (f) the purpose for which the warrant is issued.
- (2) The day specified under paragraph (1)(e) is not to be more than 7 days after the day on which the warrant is issued.
- (3) The purpose specified under paragraph (1)(f) must include the identification of the facility, premises or vessel in relation to which the warrant is issued.

70 Provisions relating to issue of warrant by telephone etc.

Scope

- (1) This clause applies to an application for a warrant under subclause 67(1), (2) or (4) if the application is made by telephone, fax or other electronic means.

Information

- (2) Before making the application, an OHS inspector must prepare an information that:
 - (a) alleges that the OHS inspector believes on reasonable grounds that there is at a facility or premises or on a vessel any evidential material; and
 - (b) sets out those grounds.

Clause 70

- (3) The information must be on oath or affirmation. However, the OHS inspector may, if it is necessary to do so, make the application before the information has been sworn or affirmed.

Warrant

- (4) If the Magistrate to whom an application is made is satisfied:
- (a) after having considered the terms of the information prepared under subclause (2); and
 - (b) after having received such further information (if any) as the Magistrate requires concerning the grounds on which the issue of the warrant is being sought;
- that there are reasonable grounds for issuing the warrant, the Magistrate must complete and sign such a search warrant.
- (5) If the Magistrate signs a warrant under subclause (4):
- (a) the Magistrate must:
 - (i) inform the OHS inspector of the terms of the warrant; and
 - (ii) inform the OHS inspector of the day on which and the time at which the warrant was signed; and
 - (iii) inform the OHS inspector of the day (not more than 7 days after the Magistrate completes and signs the warrant) on which the warrant ceases to have effect; and
 - (iv) record on the warrant the reasons for issuing the warrant; and
 - (b) the OHS inspector must:
 - (i) complete a form of warrant in the same terms as the warrant completed and signed by the Magistrate; and
 - (ii) write on it the Magistrate's name and the day on which and the time at which the warrant was signed.
- (6) The OHS inspector must, not later than the day after the date of expiry or execution of the warrant, whichever is the earlier, send to the Magistrate:
- (a) the form of warrant completed by the OHS inspector; and
 - (b) the information duly sworn or affirmed in connection with the warrant.

- (7) On receiving the documents referred to in subclause (6), the Magistrate must:
 - (a) attach to them the warrant signed by the Magistrate; and
 - (b) deal with the documents in the way that the Magistrate would have dealt with the information if the application for the warrant had been made otherwise than by telephone, fax or other electronic means.
- (8) A form of warrant duly completed by an OHS inspector under subclause (5), if it is in accordance with the terms of the warrant signed by the Magistrate, is authority for a seizure or other exercise of a power that the warrant so signed authorises.

71 Proceedings involving warrant issued by telephone etc.

If:

- (a) it is material in any proceedings for a court to be satisfied that a seizure or other exercise of power was authorised in accordance with clause 70; and
- (b) a warrant signed by a Magistrate under clause 70 authorising the seizure or other exercise of power is not produced in evidence;

the court is to assume, unless the contrary is proved, that the seizure or other exercise of power was not authorised by such a warrant.

72 This Subdivision does not limit other powers

- (1) This Subdivision does not limit Subdivision A.
- (2) In particular, this Act does not prevent the concurrent exercise of powers under this Subdivision and Subdivision A.

Note Subdivision A deals with general powers of entry and search.

- (3) This Subdivision does not limit clause 75.

Note: Clause 75 deals with the power to take possession of plant, take samples of substances etc.

Clause 73

Subdivision C—Other powers

73 Power to require assistance

Requirement to provide assistance

- (1) An OHS inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of an inspection, require:
 - (a) the operator of a facility; or
 - (b) the person in charge of operations at a workplace in relation to a facility; or
 - (c) a member of the workforce at a facility; or
 - (ca) a titleholder; or
 - (d) any person representing a person referred to in paragraph (a) or (b); or
 - (e) any person representing a person referred to in paragraph (ca);to provide the OHS inspector with reasonable assistance and facilities:
 - (e) that is or are reasonably connected with the conduct of the inspection at or near the facility; or
 - (f) for the effective exercise of the OHS inspector's powers under this Schedule in connection with the conduct of the inspection at or near the facility.
- (2) The reasonable assistance referred to in subclause (1) includes, so far as the operator of the facility is concerned:
 - (a) appropriate transport to or from the facility for the OHS inspector and for any equipment required by the OHS inspector, or any article of which the OHS inspector has taken possession; and
 - (b) reasonable accommodation and means of subsistence while the OHS inspector is at the facility.

Offence

- (3) A person commits an offence if:
 - (a) the person is subject to a requirement under this clause; and

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

Penalty: Imprisonment for 6 months.

- (4) Subclause (3) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (4)—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).

Limitation—titleholders

- (5) Paragraphs (1)(ca) and (e) do not apply in relation to an inspection unless the inspection concerns a contravention or possible contravention of clause 13A or 13B.

Definition

- (6) In this clause:

titleholder means the registered holder of:

- (a) a petroleum title; or
- (b) a greenhouse gas title.

74 Power to require the answering of questions and the production of documents or articles

Requirement to answer questions

- (1) If:
- (a) an OHS inspector believes on reasonable grounds that a person is capable of answering a question that is reasonably connected with the conduct of an inspection; and
 - (b) the person is:
 - (i) the operator of a facility; or
 - (ii) the person in charge of operations at a workplace in relation to a facility; or
 - (iii) a member of the workforce at a facility; or
 - (iiia) a titleholder; or

Clause 74

(iv) any person representing a person referred to in subparagraph (i) or (ii); or

(v) any person representing a person referred to in subparagraph (iia);

the OHS inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of the inspection, require the person to answer the question put by the OHS inspector.

(2) If, at the time when a requirement under subclause (1) is imposed on a person, the person is not physically present on regulated business premises, the person is not obliged to comply with the requirement unless the requirement:

(a) is in writing; and

(b) specifies the day on or before which the question is to be answered; and

(c) is accompanied by a statement to the effect that a failure to comply with the requirement is an offence.

The day specified under paragraph (b) must be at least 14 days after the day on which the requirement is imposed.

Requirement to produce documents or articles

(3) If:

(a) an OHS inspector believes on reasonable grounds that a person is capable of producing a document or article that is reasonably connected with the conduct of an inspection; and

(b) the person is:

(i) the operator of a facility; or

(ii) the person in charge of operations at a workplace in relation to a facility; or

(iii) a member of the workforce at a facility; or

(iia) a titleholder; or

(iv) any person representing a person referred to in subparagraph (i) or (ii); or

(v) any person representing a person referred to in subparagraph (iia);

the OHS inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of the inspection, require the person to produce the document or article.

- (4) If, at the time when a requirement under subclause (3) is imposed on a person, the person is not physically present on regulated business premises, the person is not obliged to comply with the requirement unless the requirement:
- (a) is in writing; and
 - (b) specifies the day on or before which the document or article is to be produced; and
 - (c) is accompanied by a statement to the effect that a failure to comply with the requirement is an offence.

The day specified under paragraph (b) must be at least 14 days after the day on which the requirement is imposed.

Offence

- (5) A person commits an offence if:
- (a) the person is subject to a requirement under this clause; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: Imprisonment for 6 months.

- (6) Subclause (5) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (6)—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).

False information

- (7) A person commits an offence if:
- (a) the person gives information to another person; and
 - (b) the person does so knowing that the information is false or misleading in a material particular; and
 - (c) the information is given in compliance or purported compliance with a requirement under this clause.

Schedule 3 Occupational health and safety

Part 4 Inspections

Division 3 Powers of OHS inspectors in relation to the conduct of inspections

Clause 74

Penalty: Imprisonment for 6 months.

Note: The same conduct may be an offence against both subclause (7) of this clause and section 137.1 of the *Criminal Code*.

Self-incrimination

- (8) A person is not excused from answering a question or producing a document or article when required to do so under subclause (1) or (3) on the ground that the answer to the question, or the production of the document or article, may tend to incriminate the person or make the person liable to a penalty.
- (9) However:
- (a) the answer given or document or article produced; or
 - (b) answering the question or producing the document or article; or
 - (c) any information, document or thing obtained as a direct or indirect consequence of the answering of the question or the production of the document or article;
- is not admissible in evidence against the person:
- (d) in any civil proceedings; or
 - (e) in any criminal proceedings other than:
 - (i) proceedings for an offence against this clause; or
 - (ii) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this clause.

Limitation—titleholders

- (10) The following:
- (a) subparagraph (1)(b)(iia);
 - (b) subparagraph (1)(b)(v);
 - (c) subparagraph (3)(b)(iia);
 - (d) subparagraph (3)(b)(v);
- do not apply in relation to an inspection unless the inspection concerns a contravention or possible contravention of clause 13A or 13B.

Definition

(11) In this clause:

titleholder means the registered holder of:

- (a) a petroleum title; or
- (b) a greenhouse gas title.

75 Power to take possession of plant, take samples of substances etc.

Power to take possession or samples

- (1) In conducting an inspection, an OHS inspector may, to the extent that it is reasonably necessary for the purposes of inspecting, examining, taking measurements of, or conducting tests concerning, any plant, substance or thing at a facility in connection with the inspection:
 - (a) take possession of the plant, substance or thing and remove it from the facility; or
 - (b) take a sample of the substance or thing and remove that sample from the facility.

Notice

- (2) On taking possession of plant, a substance or a thing, or taking a sample of a substance or thing, the OHS inspector must, by written notice, inform:
 - (a) the operator of the facility; and
 - (b) if the plant, substance or thing is used for the performance of work by an employer (other than the operator) of a member or members of the workforce at the facility—that employer; and
 - (c) if the plant, substance or thing is owned by a person other than a person mentioned in paragraph (a) or (b)—that person; and
 - (d) if there is a health and safety representative for a designated work group that includes a member of the workforce who is affected by the matter to which the inspection relates—that representative;

Clause 76

of the taking of possession or the taking of the sample, and the reasons for it.

Display of notice

- (3) If the OHS inspector gives the notice to the operator of the facility to which the inspection relates, the operator's representative at the facility must cause the notice to be displayed in a prominent place at the workplace from which the plant, substance or thing was removed.

Duties of OHS inspector

- (4) If the OHS inspector takes possession of plant, a substance or a thing at a workplace for the purpose of inspecting, examining, taking measurements of, or conducting tests concerning, the plant, substance or thing, the OHS inspector must:
- (a) ensure that the inspection, examination, measuring or testing is conducted as soon as practicable; and
 - (b) return it to the workplace as soon as practicable afterwards.
- (5) As soon as practicable after completing any such inspection, examination, measurement or testing, the OHS inspector must give a written statement setting out the results to each person whom the OHS inspector is required to notify under subclause (2).

76 Power to direct that workplace etc. not be disturbed

Direction

- (1) If, in conducting an inspection, an OHS inspector has reasonable grounds to believe that it is reasonably necessary to give a direction in order to:
- (a) remove an immediate threat to the health or safety of any person; or
 - (b) allow the inspection, examination or taking of measurements of, or conducting of tests concerning, a facility or any plant, substance or thing at the facility;

the OHS inspector may, by written notice given to the operator's representative at the facility, direct that the operator must ensure that:

- (c) a particular workplace; or
 - (d) particular plant, or a particular substance or thing; not be disturbed for a period specified in the direction.
- (2) The period specified in the direction must be a period that the OHS inspector has reasonable grounds to believe is necessary in order to remove the threat or to allow the inspection, examination, measuring or testing to take place.

Renewal of direction

- (3) The direction may be renewed by another direction in the same terms.

Display of direction

- (4) If an OHS inspector gives a notice to the operator's representative under subclause (1), the operator's representative must cause the notice to be displayed in a prominent place at the workplace:
- (a) that is to be left undisturbed; or
 - (b) where the plant, substance or thing that is to be left undisturbed is located.

Notification of direction

- (5) As soon as practicable after giving the direction, the OHS inspector must take reasonable steps to notify:
- (a) if the workplace, plant, substance or thing to which the direction relates is owned by a person other than the operator of the facility—that person; and
 - (b) if there is a health and safety representative for a designated work group that includes a group member performing work:
 - (i) at a workplace; or
 - (ii) involving the plant, substance or thing; to which the direction relates—that representative;of the direction and the reasons for giving it.

Clause 77

Offence

- (6) A person commits an offence if:
- (a) the person is subject to a direction under subclause (1); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the direction.

Penalty: 250 penalty units.

Reasons

- (7) A direction under subclause (1) must be accompanied by a statement setting out the reasons for the direction.

77 Power to issue prohibition notices

Issue of prohibition notice

- (1) If, having conducted an inspection, an OHS inspector is satisfied on reasonable grounds that it is reasonably necessary to issue a prohibition notice to the operator of a facility in order to remove an immediate threat to the health or safety of any person, the OHS inspector may issue such a notice, in writing, to the operator.
- (2) The notice must be issued to the operator by giving it to the operator's representative at the facility.
- (3) The notice must:
- (a) specify the activity in respect of which, in the OHS inspector's opinion, the threat to health or safety has arisen, and set out the reasons for that opinion; and
 - (b) either:
 - (i) direct the operator to ensure that the activity is not engaged in; or
 - (ii) direct the operator to ensure that the activity is not engaged in a specified manner.
- (4) A specified manner may relate to any one or more of the following:
- (a) any workplace, or part of a workplace, at which the activity is not to be engaged in;

- (b) any plant or substance that is not to be used in connection with the activity;
- (c) any procedure that is not to be followed in connection with the activity.

Offence

- (5) A person commits an offence if:
 - (a) the person is subject to a notice under subclause (1); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the notice.

Penalty: 250 penalty units.

OHS inspector to inform operator if action is not adequate

- (6) If an OHS inspector is satisfied that action taken by the operator to remove the threat to health and safety is not adequate, the OHS inspector must inform the operator accordingly.

When notice ceases to have effect

- (7) The notice ceases to have effect when an OHS inspector notifies the operator that the OHS inspector is satisfied that the operator has taken adequate action to remove the threat to health or safety.

Powers of OHS inspector

- (8) In making a decision under subclause (6), an OHS inspector may exercise such of the powers of an OHS inspector conducting an inspection as the OHS inspector considers necessary for the purposes of making the decision.

Notice may specify what is adequate action

- (9) The notice may specify action that may be taken to satisfy an OHS inspector that adequate action has been taken to remove the threat to health and safety.

Duties of operator's representative

- (10) The operator's representative at the facility must:

Clause 78

- (a) give a copy of the notice to each health and safety representative (if any) for any designated work group having group members performing work that is affected by the notice; and
- (b) cause a copy of the notice to be displayed at a prominent place at or near each workplace at which that work is performed.

Notification of owner

- (11) If the notice relates to any workplace, plant, substance or thing that is owned by a person other than the operator, the OHS inspector must, upon issuing the notice, give a copy of the notice to that person.

78 Power to issue improvement notices

Issue of improvement notice

- (1) If, in conducting an inspection, an OHS inspector believes on reasonable grounds that a person:
 - (a) is contravening a provision of a listed OHS law; or
 - (b) has contravened a provision of a listed OHS law and is likely to contravene that provision again;the OHS inspector may issue an improvement notice, in writing, to the person (the **responsible person**).
- (2) If the responsible person is the operator, the improvement notice may be issued to the operator by giving it to the operator's representative at the facility.
- (3) If the responsible person is an employer (other than the operator) of members of the workforce, but it is not practicable to give the notice to that employer:
 - (a) the improvement notice may be issued to the employer by giving it to the operator's representative at the facility; and
 - (b) if the notice is so issued—the operator must ensure that a copy of the notice is given to the employer as soon as practicable afterwards.

Matters to be specified in notice

- (4) The notice must:
 - (a) specify the contravention that the OHS inspector believes is occurring or is likely to occur, and set out the reasons for that belief; and
 - (b) specify a period within which the responsible person is to take the action necessary to prevent any further contravention or to prevent the likely contravention, as the case may be.
- (5) The period specified in the notice must be reasonable.
- (6) The notice may specify action that the responsible person is to take during the period specified in the notice.

Extension of period

- (7) If the OHS inspector believes on reasonable grounds that it is appropriate to do so, the OHS inspector may, in writing and before the end of the period, extend the period specified in the notice.

Duty of responsible person

- (8) The responsible person must ensure that the notice is complied with to the extent that it relates to any matter over which the person has control.
- (9) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (8); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 100 penalty units.

Notification of operator's representative

- (10) If an improvement notice is issued to an employer (other than the operator) of members of the workforce in circumstances other than the circumstance referred to in subclause (3), the employer must immediately ensure that a copy of the notice is given to the operator's representative at the facility.

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Notification of health and safety representative etc.

- (11) If a notice is issued to the operator or to an employer (other than the operator) of members of the workforce, the operator's representative at the facility must:
- (a) give a copy of the notice to each health and safety representative for a designated work group having group members performing work that is affected by the notice; and
 - (b) cause a copy of the notice to be displayed in a prominent place at or near each workplace at which the work is being performed.

Notification of employer, owner etc.

- (12) Upon issuing a notice, the OHS inspector must give a copy of the notice to:
- (a) if the notice is:
 - (i) given to a member of the workforce who is an employee; and
 - (ii) in connection with work performed by the employee; the employer of that employee; and
 - (b) if the notice relates to any workplace, plant, substance or thing that is owned by a person other than:
 - (i) a responsible person; or
 - (ii) a person who is an employer referred to in paragraph (a);that owner; and
 - (c) if the notice is issued to a person who owns any workplace, plant, substance or thing, because of which a contravention of a listed OHS law has occurred or is likely to occur:
 - (i) the operator of the facility; and
 - (ii) if the employer of employees who work in that workplace or who use that plant, substance or thing is a person other than the operator—that employer.

79 Notices not to be tampered with or removed

Tampering with notice

- (1) A person must not tamper with any notice that has been displayed under subclause 75(3), 76(4), 77(10) or 78(11) while that notice is so displayed.

Removal of notice

- (2) If a notice has been displayed under subclause 75(3), a person must not remove the notice until the plant, substance or thing to which the notice relates is returned to the workplace from which it was removed.
- (3) If a notice has been displayed under subclause 76(4), 77(10) or 78(11), a person must not remove the notice before the notice has ceased to have effect.

Offence

- (4) A person commits an offence if:
- (a) the person is subject to a requirement under subclause (1), (2) or (3); and
 - (b) the person engages in conduct; and
 - (c) the conduct breaches the requirement.

Penalty: 50 penalty units.

- (5) Subclause (4) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (5)—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).

- (6) An offence against subclause (4) is an offence of strict liability.

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

Division 4—Reports on inspections

80 Reports on inspections

Report to be given to NOPSEMA

- (1) If an OHS inspector has conducted an inspection, the OHS inspector must, as soon as practicable, prepare a written report relating to the inspection and give the report to NOPSEMA.
- (2) The report must include:
 - (a) the OHS inspector's conclusions from conducting the inspection and the reasons for those conclusions; and
 - (b) any recommendations that the OHS inspector wishes to make arising from the inspection; and
 - (c) such other matters (if any) as are prescribed.

Copies of report to be given to operator and owner etc.

- (3) As soon as practicable after receiving the report, NOPSEMA must give a copy of the report, together with any written comments that it wishes to make:
 - (a) if the report relates to a facility—to the operator of the facility; and
 - (aa) if the report relates to a contravention or possible contravention of clause 13A by the registered holder of a petroleum title—to that registered holder; and
 - (ab) if the report relates to a contravention or possible contravention of clause 13B by the registered holder of a greenhouse gas title—to that registered holder; and
 - (b) if the report relates to activities performed by an employee of another person—to that other person; and
 - (c) if the report relates to any plant, substance or thing owned by another person—to that other person.

Details of remedial action etc.

- (4) NOPSEMA may, in writing, request the operator or any other person to whom a copy of the report is given to provide to the Authority, within a reasonable period specified in the request, details of:
- (a) any action proposed to be taken as a result of the conclusions or recommendations contained in the report; and
 - (b) if a notice has been issued under clause 77 or 78 in relation to work being performed for the operator or that other person—any action taken, or proposed to be taken, in respect of that notice;
- and the operator or that other person must comply with the request.

Copies of report etc. to be given to health and safety committee etc.

- (5) As soon as practicable after receiving a report, the operator of a facility must give a copy of the report, together with any written comment made by NOPSEMA on the report:
- (a) if there is a least one health and safety committee in respect of some or all of the members of the workforce—to each such committee; and
 - (b) if there is no such committee in respect of some or all of the members of the workforce, but some or all of those members (in respect of which there is no such committee) are in at least one designated work group for which there is a health and safety representative—to each such health and safety representative.

Division 5—Appeals

81 Appeals against decisions of OHS inspectors

Appeals to the reviewing authority

- (1) If an OHS inspector, in conducting an inspection or having conducted an inspection:
- (a) decides, under clause 39, to confirm or vary a provisional improvement notice; or
 - (b) decides, under clause 75, to take possession of plant, a substance or a thing at a workplace; or
 - (c) decides, under clause 76, to direct that a workplace, a part of a workplace, plant, a substance or a thing not be disturbed; or
 - (d) decides, under clause 77, to issue a prohibition notice; or
 - (e) decides, under clause 77, that the operator of a facility to whom a prohibition notice has been issued has not taken adequate action to remove the threat to health and safety that caused the notice to be issued; or
 - (f) decides, under clause 78, to issue an improvement notice;
- an appeal against the decision may be made, by written notice, to the reviewing authority by:
- (g) the operator of the facility, or any employer (other than the operator), who is affected by the decision; or
 - (h) a person to whom a notice has been issued under subclause 38(2) or 78(1); or
 - (i) the health and safety representative for a designated work group having a group member affected by the decision; or
 - (j) a workforce representative in relation to the designated work group that includes a group member who is affected by the decision and who has requested the workforce representative to make the appeal; or
 - (k) if there is no such designated work group, and a member of the workforce affected by the decision has requested a workforce representative in relation to the member to make the appeal—that workforce representative; or

Clause 81

- (l) a person who owns any workplace, plant, substance or thing to which the decision referred to in paragraph (a), (b), (c) or (f) relates.
- (2) If an OHS inspector, having conducted an inspection:
 - (a) decides under clause 39 to cancel a provisional improvement notice; or
 - (b) decides under clause 77 that the operator of a facility to whom a prohibition notice has been issued has taken adequate action to remove the threat to health and safety that caused the notice to be issued;an appeal against the decision may be made, by written notice, to the reviewing authority by:
 - (c) the health and safety representative for a designated work group having a group member affected by the decision; or
 - (d) a workforce representative in relation to the designated work group that includes a group member who is affected by the decision and who has requested the workforce representative to make the appeal; or
 - (e) if there is no such designated work group, and a member of the workforce affected by the decision has requested a workforce representative in relation to the member to make the appeal—that workforce representative.

Appeal does not affect the operation of a decision

- (3) Subject to this clause, the making of an appeal against a decision referred to in subclause (1) or (2) does not affect the operation of the decision or prevent the taking of action to implement the decision, except to the extent that the reviewing authority makes an order to the contrary.

Suspension of improvement notices etc.

- (4) If the decision appealed against is a decision under clause 78, to issue an improvement notice, the operation of the decision is suspended pending determination of the appeal, except to the extent that the reviewing authority makes an order to the contrary.

Clause 81

- (5) If the decision appealed against is a decision of an OHS inspector, under clause 39, to confirm or vary a provisional improvement notice whose operation has been suspended pending the inspection of the matter to which the notice relates, the operation of the notice is further suspended pending determination of the appeal, except to the extent that the reviewing authority makes an order to the contrary.

Reviewing authority's decision on appeal

- (6) The reviewing authority may:
- (a) affirm or revoke the decision appealed against under subclause (1) or (2); and
 - (b) if it revokes the decision—substitute such other decision as it thinks appropriate.
- (7) If the decision is:
- (a) varied; or
 - (b) revoked; or
 - (c) revoked with the substitution of another decision;
- the decision is taken to have effect, and always to have had effect, accordingly.

Duty of OHS inspector to return plant, substance or thing to the workplace

- (8) If:
- (a) the decision appealed against is a decision under clause 75 to take possession of plant, a substance or a thing at a workplace; and
 - (b) the decision is not affirmed;
- the OHS inspector who made the decision must ensure that, to the extent that the decision is not affirmed, the plant, substance or thing is returned to the workplace as soon as practicable.

Part 5—General provisions

82 Notifying and reporting accidents and dangerous occurrences

Duty of operator to notify accidents and dangerous occurrences

- (1) If, at or near a facility, there is:
 - (a) an accident that causes the death of, or serious injury to, any individual; or
 - (b) an accident that causes a member of the workforce to be incapacitated from performing work for a period prescribed for the purposes of this paragraph; or
 - (c) a dangerous occurrence;the operator must, in accordance with the regulations, give NOPSEMA notice of the accident or dangerous occurrence.
- (2) Regulations made for the purposes of subclause (1) (other than regulations made for the purposes of paragraph (1)(b)) may prescribe:
 - (a) the time within which, and the manner in which, notice of an accident or dangerous occurrence is to be given; and
 - (b) the form of such a notice.
- (3) Subclause (2) does not limit regulations that may be made for the purposes of subclause (1).
- (4) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (1); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 250 penalty units.

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

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

Clause 82

Duty of operator to report accidents and dangerous occurrences

- (6) If, at or near a facility, there is:
- (a) an accident that causes the death of, or serious injury to, any individual; or
 - (b) an accident that causes a member of the workforce to be incapacitated from performing work for a period prescribed for the purposes of this paragraph; or
 - (c) a dangerous occurrence;
- the operator must, in accordance with the regulations, give NOPSEMA a report about the accident or dangerous occurrence.
- (7) Regulations made for the purposes of subclause (6) (other than regulations made for the purposes of paragraph (6)(b)) may prescribe:
- (a) the time within which, and the manner in which, a report of an accident or dangerous occurrence is to be given; and
 - (b) the form of such a report.
- (8) Subclause (7) does not limit regulations that may be made for the purposes of subclause (6).

Offence

- (9) A person commits an offence if:
- (a) the person is subject to a requirement under subclause (6); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 100 penalty units.

- (10) An offence against subclause (9) is an offence of strict liability.

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

83 Records of accidents and dangerous occurrences to be kept

Duty of operator

- (1) The operator of a facility must maintain, in accordance with the regulations, a record of each accident or dangerous occurrence in respect of which the operator is required by clause 82 to notify NOPSEMA.

Regulations

- (2) Regulations made for the purposes of subclause (1) may prescribe:
 - (a) the nature of the contents of a record maintained under this clause; and
 - (b) the period for which such a record must be retained.
- (3) Subclause (2) does not limit regulations that may be made for the purposes of subclause (1).

Offence

- (4) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (1); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 30 penalty units.

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

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

84 Codes of practice

- (1) The regulations may prescribe codes of practice for the purpose of providing practical guidance to operators of facilities and employers (other than such operators) of members of the workforce at facilities.
- (2) A person is not liable to any civil or criminal proceedings for contravening a code of practice.

Clause 85

85 Use of codes of practice in criminal proceedings

Scope

- (1) This clause applies if, in any proceedings for an offence against a listed OHS law, it is alleged that a person contravened a provision of a listed OHS law in relation to which a code of practice was in effect at the time of the alleged contravention.

Admissibility

- (2) The code of practice is admissible in evidence in those proceedings.

Presumption

- (3) If the court is satisfied, in relation to any matter which it is necessary for the prosecution to prove in order to establish the contravention, that:
 - (a) any provision of the code of practice is relevant to that matter; and
 - (b) the person failed at any material time to comply with that provision of the code of practice;that matter is treated as proved unless the court is satisfied that, in respect of that matter, the person complied with that provision of a listed OHS law otherwise than by complying with the code of practice.

86 Interference etc. with equipment etc.

- (1) A person commits an offence if:
 - (a) the person engages in conduct; and
 - (b) the conduct results in the interference with, or the rendering ineffective of, any equipment or device provided for the health, safety or welfare of members of the workforce at a facility; and
 - (c) the equipment or device was protective equipment or a safety device; and

Clause 87

- (d) the person knew (or ought reasonably to have known) that the equipment or device was protective equipment or a safety device.

Penalty: Imprisonment for 6 months.

- (2) Subclause (1) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (2)—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).

87 Members of workforce not to be levied

A person commits an offence if:

- (a) the person is:
 - (i) the operator of a facility; or
 - (ii) an employer (other than the operator) of members of the workforce at a facility; and
- (b) the person levies, or permits to be levied, on any member of the workforce at the facility, any charge in relation to anything done or provided in accordance with a listed OHS law in order to ensure the health, safety or welfare of persons at or near the facility.

Penalty: 250 penalty units.

88 Employer not to dismiss etc. employees on certain grounds

- (1) An employer (whether the operator or another person) must not:
 - (a) dismiss an employee; or
 - (b) perform an act that results in injury to an employee in his or her employment; or
 - (c) perform an act that prejudicially alters the employee's position (whether by deducting or withholding remuneration or by any other means); or
 - (d) threaten to do any of those things;because the employee:

Clause 89

- (e) has complained or proposes to complain about a matter concerning the health, safety or welfare of employees at work; or
- (f) has assisted or proposes to assist, by giving information or otherwise, the conduct of an inspection; or
- (g) has ceased, or proposes to cease, to perform work, in accordance with a direction by a health and safety representative under paragraph 44(1)(b) or (3)(c), and the cessation or proposed cessation does not continue after:
 - (i) the health and safety representative has agreed with a person supervising the work that the cessation or proposed cessation was not, or is no longer, necessary; or
 - (ii) an OHS inspector has, under subclause 44(5), made a decision that has the effect that the employee should perform the work.

Offence

- (2) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (1); and
 - (b) the person engages in conduct; and
 - (c) the conduct breaches the requirement.

Penalty: 250 penalty units.

- (3) In proceedings for an offence against subclause (2), if all the relevant facts and circumstances, other than the reason for an action alleged in the charge, are proved, the defendant has the onus of establishing that the action was not taken for that reason.

Note: A defendant bears a legal burden in relation to the matter in subclause (3), see section 13.4 of the *Criminal Code*.

89 Institution of prosecutions

NOPSEMA or OHS inspector may institute prosecutions

- (1) Proceedings for an offence against a listed OHS law may be instituted by NOPSEMA or by an OHS inspector.

Request to institute prosecutions

- (2) A health and safety representative for a designated work group may request NOPSEMA to institute proceedings for an offence against a listed OHS law in relation to the occurrence of an act or omission if:
 - (a) a period of 6 months has elapsed since the act or omission occurred; and
 - (b) the health and safety representative considers that the occurrence of the act or omission constitutes an offence against a listed OHS law; and
 - (c) proceedings in respect of the offence have not been instituted.
- (3) A workforce representative in relation to a designated work group may request NOPSEMA to institute proceedings for an offence against a listed OHS law in relation to the occurrence of an act or omission if:
 - (a) a period of 6 months has elapsed since the act or omission occurred; and
 - (b) the workforce representative considers that the occurrence of the act or omission constitutes an offence against a listed OHS law; and
 - (c) proceedings in respect of the offence have not been instituted; and
 - (d) a group member included in the group requests the workforce representative to request NOPSEMA to institute the proceedings.
- (4) A request under subclause (2) or (3) must be in writing.
- (5) NOPSEMA must, within 3 months after receiving the request, advise the health and safety representative or the workforce representative, as the case may be, whether proceedings under subclause (1) have been or will be instituted and, if not, give reasons why not.

Clause 90

90 Conduct of directors, employees and agents

Scope

- (1) This clause has effect for the purposes of a proceeding for an offence against a listed OHS law.

State of mind of a body corporate

- (2) If it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show:
- (a) that the conduct was engaged in by a director, employee or agent of the body corporate within the scope of actual or apparent authority; and
 - (b) that the director, employee or agent had the state of mind.

Conduct of a body corporate

- (3) Any conduct engaged in on behalf of a body corporate by a director, employee or agent of the body corporate within the scope of actual or apparent authority is taken to have been engaged in also by the body corporate unless it establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.

State of mind of an individual

- (4) If it is necessary to establish the state of mind of an individual in relation to particular conduct, it is sufficient to show:
- (a) that the conduct was engaged in by an employee or agent of the individual within the scope of actual or apparent authority; and
 - (b) that the employee or agent had the state of mind.

Conduct of an individual

- (5) Any conduct engaged in on behalf of an individual by an employee or agent of the individual within the scope of actual or apparent authority is taken to have been engaged in also by the individual unless the individual establishes that he or she took reasonable precautions and exercised due diligence to avoid the conduct.

Limitation on imprisonment

- (6) If:
- (a) an individual is convicted of an offence; and
 - (b) he or she would not have been convicted of the offence if subclauses (4) and (5) had not been enacted;
- he or she is not liable to be punished by imprisonment for that offence.

*Extended meaning of **state of mind***

- (7) A reference in subclause (2) or (4) to the **state of mind** of a person includes a reference to:
- (a) the person's knowledge, intention, opinion, belief or purpose; and
 - (b) the person's reasons for the intention, opinion, belief or purpose.

Disapplication of Part 2.5 of the Criminal Code

- (8) Part 2.5 of the *Criminal Code* does not apply to an offence against a listed OHS law.

91 Schedule not to give rise to other liabilities etc.

This Schedule does not:

- (a) confer a right of action in any civil proceeding in respect of any contravention of a provision of a listed OHS law; or
- (b) confer a defence to an action in any civil proceeding or otherwise affect a right of action in any civil proceeding.

92 Circumstances preventing compliance may be defence to prosecution

It is a defence to a prosecution for refusing or failing to do anything required by a listed OHS law if the defendant proves that it was not practicable to do that thing because of an emergency prevailing at the relevant time.

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

Clause 93

93 Regulations—general

- (1) The regulations may prescribe:
 - (a) procedures for the selection of persons, under clause 41, as members of health and safety committees, to represent the interests of members of the workforce at a facility; and
 - (b) procedures to be followed at meetings of health and safety committees; and
 - (c) the manner in which notices are to be served under this Schedule or the regulations; and
 - (d) forms for the purposes of this Schedule or the regulations.
- (2) Subclause (1) does not limit the power to make regulations.

Exemptions

- (3) If the Minister is satisfied that:
 - (a) a power, function or duty is conferred or imposed on a person under a law of the Commonwealth or of a State or Territory; and
 - (b) the proper exercise of the power or performance of the function or duty is or would be prevented by this Schedule or a provision of this Schedule;regulations made for the purposes of this subclause may declare that this Schedule, or the provision, as the case may be, does not apply to that person, or does not apply to that person in the circumstances specified in the regulations.
- (4) Regulations made for the purposes of subclause (3) do not remain in force for longer than 5 years after they commence, but this subclause does not prevent the making of further regulations of the same substance.
- (5) In subclause (3):

this Schedule includes regulations made for the purposes of this Schedule.

Schedule 4—Petroleum production licences to which the Royalty Act applies

Note: See section 167.

Part 1—Introduction

1 Definitions

In this Schedule:

lessee's primary entitlement has the meaning given by subclause 4(3).

permittee's primary entitlement has the meaning given by subclause 2(3).

primary petroleum production licence means a petroleum production licence granted as a result of an application under any of the following provisions:

- (a) subclause 2(2) of this Schedule;
- (b) subclause 2(4) of this Schedule;
- (c) subclause 4(2) of this Schedule;
- (d) subclause 4(4) of this Schedule;
- (e) subsection 40(1) or (2) or 40B(2) or (3) of the repealed *Petroleum (Submerged Lands) Act 1967*.

secondary petroleum production licence means a petroleum production licence granted as a result of an application under any of the following provisions:

- (a) subclause 2(6) of this Schedule;
- (b) subclause 4(6) of this Schedule;
- (c) subsection 40(3) or 40B(4) of the repealed *Petroleum (Submerged Lands) Act 1967*.

Clause 2

Part 2—Applying for a petroleum production licence

2 Application for petroleum production licence by holder of petroleum exploration permit to which the Royalty Act applies

Scope

- (1) This clause applies to a petroleum exploration permit if the Royalty Act applies to the permit.

Note: The Royalty Act applies to a small number of North West Shelf titles.

Application for primary petroleum production licence—permittee's primary entitlement

- (2) If a petroleum exploration permit is in force over a block that constitutes, or the blocks that constitute, a location, the permittee may, within the application period, apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over the block or blocks worked out using the table:

Permittee's primary entitlement		
Item	In this case...	the permittee may apply for a petroleum production licence over...
1	9 or more blocks constitute the location concerned	5 of those blocks.
2	8 or 7 blocks constitute the location concerned	4 of those blocks.
3	6 or 5 blocks constitute the location concerned	3 of those blocks.
4	4 or 3 blocks constitute the location concerned	2 of those blocks.

Clause 2

Permittee's primary entitlement		
Item	In this case...	the permittee may apply for a petroleum production licence over...
5	2 blocks constitute the location concerned	one of those blocks.
6	one block constitutes the location concerned	that block.

Note: For *application period*, see clause 3.

- (3) The number of blocks worked out using the table is the *permittee's primary entitlement*.

Application for primary petroleum production licence—blocks less than the permittee's primary entitlement

- (4) If:

- (a) a petroleum exploration permit is in force over blocks that constitute a location; and
- (b) the permittee has not made an application under subclause (2) for a petroleum production licence over the permittee's primary entitlement;

the permittee may, within the application period, apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over a number of those blocks that is less than the permittee's primary entitlement. The permittee is not entitled to make more than one application under this subclause.

Note: For *application period*, see clause 3.

Application for variation of petroleum production licence

- (5) If a petroleum exploration permittee is granted a petroleum production licence as a result of an application under subclause (4), the permittee may, within the application period, make an application, or a series of applications, to the Titles Administrator for the variation of the licence so as to include in the licence area any or all of the blocks that:
- (a) formed part of the permittee's primary entitlement; and
 - (b) were not the subject of the application under subclause (4).

Clause 3

Note: For *application period*, see clause 3.

Application for secondary petroleum production licence

(6) If:

- (a) a petroleum exploration permittee applies under subclause (2) for a petroleum production licence over the permittee's primary entitlement; or
- (b) all of the following conditions are satisfied:
 - (i) the permittee is the holder of a petroleum production licence as a result of an application under subclause (4);
 - (ii) the licence is over some of the blocks forming the permittee's primary entitlement;
 - (iii) the permittee makes an application, or a series of applications, under subclause (5) for the variation of the licence;
 - (iv) the application, or series of applications, under subclause (5) covers the remainder of the blocks forming the permittee's primary entitlement;

the permittee may, within the application period, apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over any of the other blocks forming part of the location concerned.

Proposals for work and expenditure

(7) An application under this clause must be accompanied by details of the applicant's proposals for work and expenditure in relation to the area comprised in the block or blocks specified in the application.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 258 enables the Titles Administrator to require the applicant to give further information.

Note 3: An application under this clause is dealt with under Division 2 of Part 2.4.

3 Application period

(1) The *application period* for an application under clause 2 is:

- (a) the period of 2 years after the day (the *declaration day*) on which the block that constitutes the location concerned was, or the blocks that constitute the location concerned were, declared to be a location; or
 - (b) such longer period, not more than 4 years after the declaration day, as the Titles Administrator allows.
- (2) The Titles Administrator may allow a longer period under paragraph (1)(b) only on written application made by the permittee within the period of 2 years mentioned in paragraph (1)(a).
- (3) Despite subclause (1), if:
 - (a) a petroleum exploration permittee has applied for a petroleum retention lease under section 141 over a block or blocks; and
 - (b) a notice refusing to grant the petroleum retention lease has been given to the permittee under section 143;the *application period* for an application made by the permittee under clause 2 for the grant of a petroleum production licence over the block or blocks is whichever of the following periods ends last:
 - (c) the period that is applicable under subclause (1);
 - (d) the period of 12 months after the day on which the notice was given.

Note: A failure to make an application within the application period results in revocation of the petroleum exploration permit to the extent to which it relates to the block concerned—see clause 8.

4 Application for petroleum production licence by holder of petroleum retention lease to which the Royalty Act applies

Scope

- (1) This clause applies to a petroleum retention lease if the Royalty Act applies to the lease.

Note: The Royalty Act applies to a small number of North West Shelf titles.

Clause 4

Application for primary petroleum production licence—lessee's primary entitlement

- (2) If a petroleum retention lease is in force over one or more blocks, the lessee may apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over the blocks worked out using the table:

Lessee's primary entitlement		
Item	In this case...	the lessee may apply for a petroleum production licence over...
1	The lease is over 9 or more blocks	5 of those blocks.
2	The lease is over 8 or 7 blocks	4 of those blocks.
3	The lease is over 6 or 5 blocks	3 of those blocks.
4	The lease is over 4 or 3 blocks	2 of those blocks.
5	The lease is over 2 blocks	one of those blocks.
6	The lease is over one block	that block.

- (3) The number of blocks worked out using the table is the *lessee's primary entitlement*.

Application for primary petroleum production licence—blocks less than the lessee's primary entitlement

- (4) If:
- (a) a petroleum retention lease is in force over one or more blocks; and
 - (b) the lessee has not made an application under subclause (2) for a petroleum production licence over the lessee's primary entitlement;
- the lessee may apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over a number of those blocks that is less than the lessee's primary entitlement. The lessee is not entitled to make more than one application under this subclause.

Application for variation of petroleum production licence

- (5) If a petroleum retention lessee is granted a petroleum production licence as a result of an application under subclause (4), the lessee may make an application, or a series of applications, to the Titles Administrator for the variation of the licence so as to include in the licence area any or all of the blocks that:
- (a) formed part of the lessee's primary entitlement; and
 - (b) were not the subject of the application under subclause (4).

Application for secondary petroleum production licence

- (6) If:
- (a) a petroleum retention lessee applies under subclause (2) for a petroleum production licence over the lessee's primary entitlement; or
 - (b) all of the following conditions are satisfied:
 - (i) the lessee is the holder of a petroleum production licence as a result of an application under subclause (4);
 - (ii) the licence is over some of the blocks forming the lessee's primary entitlement;
 - (iii) the lessee makes an application, or a series of applications, under subclause (5) for the variation of the licence;
 - (iv) the application, or series of applications, under subclause (5) covers the remainder of the blocks forming the lessee's primary entitlement;

the lessee may apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over any of the other blocks forming part of the lease.

Proposals for work and expenditure

- (7) An application under this clause must be accompanied by details of the applicant's proposals for work and expenditure in relation to the area comprised in the block or blocks specified in the application.

Note 1: Part 2.10 contains additional provisions about application procedures.

Schedule 4 Petroleum production licences to which the Royalty Act applies
Part 2 Applying for a petroleum production licence

Clause 4

- Note 2: Section 258 enables the Titles Administrator to require the applicant to give further information.
- Note 3: An application under this clause is dealt with under Division 2 of Part 2.4.

Part 3—Obtaining a petroleum production licence

5 Secondary petroleum production licence—offer document must specify rate of royalty

If an offer document under section 171 relates to an application for a secondary petroleum production licence, the offer document must specify the rate of royalty determined by the Joint Authority under subsection 6(2) of the Royalty Act.

6 Limit on grant of secondary petroleum production licence

A secondary petroleum production licence may be granted to a petroleum exploration permittee or lessee over any one or more of the blocks that constitute a location only if:

- (a) a primary petroleum production licence has been granted over a block or blocks forming part of that location; and
- (b) the aggregate of:
 - (i) the number of blocks over which the primary petroleum production licence was granted; and
 - (ii) the number of blocks included in that petroleum production licence because of variations of the licence under clause 7;

is the permittee's or lessee's primary entitlement.

Clause 7

Part 4—Variation of licence area

7 Variation of licence area of petroleum production licence

Variation

- (1) If:
- (a) a licensee applies under subclause 2(5) or 4(5) for a variation of the petroleum production licence; and
 - (b) the Joint Authority is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum;
- the Titles Administrator must, by written notice given to the licensee, vary the licence to include in the licence area the block or blocks which the Joint Authority is satisfied contains or contain petroleum.

When variation takes effect

- (2) A variation of a petroleum production licence under this clause takes effect on the day on which notice of the variation is published in the *Gazette*.

Effect of variation

- (3) On and after the day on which a variation of a petroleum production licence under this clause has effect:
- (a) the blocks included in the licence area because of the variation are, for the remainder of the term of the licence, blocks in relation to which the licence is in force; and
 - (b) if the application for variation was made under subclause 2(5)—the petroleum exploration permit that is in force over those blocks ceases to be in force over those blocks; and
 - (c) if the application for variation was made under subclause 4(5)—the petroleum retention lease that is in force over those blocks ceases to be in force over those blocks.

(4) Paragraph (3)(a) has effect subject to Chapter 2.

Clause 8

Part 5—What happens if a block is not taken up

8 Revocation of petroleum exploration permit or petroleum retention lease to the extent to which it relates to a block not taken up

Permittee does not apply for a petroleum production licence

- (1) If:
- (a) a petroleum exploration permittee could apply under clause 2 in relation to a block; and
 - (b) the permittee does not, within the application period, make the application;
- then:
- (c) the petroleum exploration permit is revoked to the extent to which it relates to that block; and
 - (d) the revocation has effect at the end of the application period.

Note: For *application period*, see clause 3.

Permittee's application lapses

- (2) If all applications made by a petroleum exploration permittee under clause 2 in relation to a block have lapsed:
- (a) the petroleum exploration permit is revoked to the extent to which it relates to that block; and
 - (b) the revocation has effect:
 - (i) at the end of the application period; or
 - (ii) on the lapsing of the last of the applications;whichever is the later.

Lessee's application lapses

- (3) If all applications made by a petroleum retention lessee under clause 4 in relation to a block have lapsed:
- (a) the petroleum retention lease is revoked to the extent to which it relates to that block; and

- (b) the revocation has effect on the lapsing of the last of those applications.

Application for secondary petroleum production licence

- (4) Despite subclauses (1), (2) and (3), if a petroleum exploration permittee or lessee applies for a secondary petroleum production licence:
 - (a) the petroleum exploration permit or petroleum retention lease is revoked to the extent to which it relates to any blocks forming part of the location concerned that are not the subject of:
 - (i) that application; or
 - (ii) any application for a primary petroleum production licence; or
 - (iii) an application for the variation of a primary petroleum production licence; and
 - (b) the revocation has effect on the making of the application.

Clause 1

Schedule 5—Release of technical information given to the Designated Authority before 7 March 2000

Note: See section 721.

1 Simplified outline

The following is a simplified outline of this Schedule:

- This Schedule protects the confidentiality of information contained in certain documents given to the Designated Authority before 7 March 2000.
- The information may be disclosed only if this Schedule authorises the disclosure.
- This Schedule authorises disclosure in the following situations:
 - (a) disclosure of certain basic information given in connection with applications;
 - (b) disclosure of basic information after the authorised release day;
 - (c) disclosure of information that is in the public domain;
 - (d) disclosure of derivative information after 5 years.

2 Definitions

In this Schedule:

applicable document means:

Clause 3

-
- (a) an application made before 7 March 2000 to the Designated Authority under the repealed *Petroleum (Submerged Lands) Act 1967*; and
 - (b) a document accompanying such an application; and
 - (c) a report, return or other document that:
 - (i) relates to a block; and
 - (ii) was given before 7 March 2000 to the Designated Authority under the repealed *Petroleum (Submerged Lands) Act 1967*.

authorised release day has the meaning given by subclause 7(2).

3 Time of receipt of certain information

Drilling of a well

- (1) For the purposes of this Schedule:
 - (a) well data relating to the drilling of a well; and
 - (b) logs relating to the drilling of a well; and
 - (c) sample descriptions and other documents relating to the drilling of a well;are taken to have been given to the Designated Authority not later than one month after the drilling of the well was, in the Designated Authority's opinion, substantially completed.

Geophysical or geochemical surveys

- (2) For the purposes of this Schedule, geophysical or geochemical data relating to geophysical or geochemical surveys are taken to have been given to the Designated Authority not later than one year after the geophysical or geochemical field work was, in the Designated Authority's opinion, substantially completed.

4 Protection of the confidentiality of information

Except as provided by this Schedule or for the purposes of the administration of this Act and the regulations:

- (a) the Titles Administrator; or

Clause 5

- (b) a Minister to whom any information has been made available under subclause 5(1) or (2);

must not make publicly known, or make available to any person (other than a Minister, a Minister of a State or a Minister of the Northern Territory), any information contained in an applicable document.

5 Titles Administrator may make information available to a Minister, a State Minister or a Northern Territory Minister

- (1) The Titles Administrator may, at any time, make available to a Minister, a Minister of a State or a Minister of the Northern Territory any information contained in an applicable document that has been given to the Designated Authority.
- (2) The Titles Administrator must, as and when required by the responsible Commonwealth Minister, make available to the responsible Commonwealth Minister any information referred to in subclause (1).

6 Disclosure of basic information given in connection with an application

The Titles Administrator or the responsible Commonwealth Minister may, at any time after the grant or renewal, or refusal to grant or renew, a petroleum exploration permit, petroleum retention lease, petroleum production licence, pipeline licence, petroleum access authority or petroleum special prospecting authority:

- (a) make publicly known; or
- (b) on request by a person and, if the Titles Administrator or the responsible Commonwealth Minister so requires, on payment of a fee calculated in accordance with the regulations, make available to that person;

any information contained in, or accompanying, the application for the grant or renewal, as the case may be, but not including:

- (c) information of a kind referred to in subclause 7(1) or 9(1); or
- (d) details of:

Clause 7

- (i) the technical qualifications of the applicant and of the applicant's employees; or
- (ii) the technical advice available to the applicant; or
- (iii) the financial resources available to the applicant.

7 Disclosure of basic information after authorised release day

- (1) The Titles Administrator or the responsible Commonwealth Minister may, at any time after the authorised release day:
 - (a) make publicly known; or
 - (b) on request by a person and, if the Titles Administrator or the responsible Commonwealth Minister so requires, on payment of a fee calculated in accordance with the regulations, make available to that person;any information that:
 - (c) is contained in an applicable document that has been given to the Designated Authority or has been made available to the responsible Commonwealth Minister under subclause 5(1) or (2); and
 - (d) relates to the seabed or subsoil, or to petroleum, in a block; and
 - (e) in the opinion of the Titles Administrator or the responsible Commonwealth Minister, is not a conclusion drawn, in whole or in part, from, or an opinion based, in whole or in part, on, information contained in an applicable document that has been given to the Designated Authority or has been made available to the responsible Commonwealth Minister under subclause 5(1) or (2).

Authorised release day

- (2) The table has effect:

Clause 7

Authorised release day		
Item	If the following conditions are satisfied...	the <i>authorised release day</i> is...
1	<p>(a) the applicable document that contains the information was given to the Designated Authority when a petroleum exploration permit, petroleum retention lease or petroleum production licence was not in force in relation to the block concerned;</p> <p>(b) the information was collected for the purpose of the sale of the information on a non-exclusive basis</p>	the day determined by the Designated Authority (the day must not be more than 5 years after the day on which the document was given to the Designated Authority).
2	<p>(a) the applicable document that contains the information was given to the Designated Authority when a petroleum exploration permit, petroleum retention lease or petroleum production licence was not in force in relation to the block concerned;</p> <p>(b) item 1 does not apply</p>	the day determined by the Designated Authority (the day must not be more than 2 years after the day on which the document was given to the Designated Authority).
3	<p>(a) the applicable document that contains the information was given to the Designated Authority when a petroleum exploration permit, petroleum retention lease or petroleum production licence was in force in relation to the block concerned;</p> <p>(b) the permit, lease or licence is subsequently surrendered, cancelled or revoked (or, in the case of a licence, subsequently terminated after the commencement of this subclause) in relation to the block</p>	the day of the surrender, cancellation, or revocation or termination, as the case may be, whether or not another petroleum exploration permit, petroleum retention lease or petroleum production licence is afterwards in force in relation to the block.

Clause 7

Authorised release day		
Item	If the following conditions are satisfied...	the authorised release day is...
4	<p>(a) the applicable document that contains the information was given to the Designated Authority when a petroleum exploration permit, petroleum retention lease or petroleum production licence was in force in relation to the block concerned;</p> <p>(b) the permit, lease or licence subsequently expires but is not renewed in relation to the block</p>	the day of the expiry, whether or not another petroleum exploration permit, petroleum retention lease or petroleum production licence is afterwards in force in relation to the block.
5	<p>(a) a petroleum production licence is in force over the block concerned;</p> <p>(b) the applicable document that contains the information was given to the Designated Authority when the licence was in force over the block</p>	the last day of the period of one year that began on the day on which the document was given to the Designated Authority.
6	<p>(a) a petroleum production licence is in force over the block concerned;</p> <p>(b) a petroleum exploration permit or petroleum retention lease ceased to be in force over the block, because of section 176 of this Act or subsection 44(5) of the repealed <i>Petroleum (Submerged Lands) Act 1967</i>, on the day on which the licence came into force;</p> <p>(c) the applicable document that contains the information was given to the Designated Authority when the permit or lease was in force over the block</p>	the last day of the period of one year that began on the day on which the document was given to the Designated Authority.
7	<p>(a) a petroleum exploration permit or petroleum retention lease is in force over the block concerned;</p> <p>(b) the applicable document that contains the information was given to the Designated Authority when the permit or lease was in force over the block</p>	the last day of the period of 2 years that began on the day on which the document was given to the Designated Authority.

Clause 8

Authorised release day		
Item	If the following conditions are satisfied...	the authorised release day is...
8	(a) a petroleum retention lease is in force over the block concerned; (b) a petroleum exploration permit ceased to be in force over the block, because of section 145 of this Act or subsection 38B(7) of the repealed <i>Petroleum (Submerged Lands) Act 1967</i> , on the day on which the lease came into force; (c) the applicable document that contains the information was given to the Designated Authority when the permit was in force over the block	the last day of the period of 2 years that began on the day on which the document was given to the Designated Authority.

8 Disclosure of information that is in the public domain

If:

- (a) an applicable document was given to the Designated Authority:
 - (i) during or in relation to a period during which a petroleum exploration permit, petroleum retention lease or petroleum production licence was in force in relation to the block; or
 - (ii) during or in relation to a period during which a petroleum special prospecting authority or petroleum access authority was in force in relation to the block but during which a petroleum exploration permit, petroleum retention lease or petroleum production licence was not in force in relation to the block; and
- (b) whichever of the following is applicable:
 - (i) if the petroleum exploration permit, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority is in force—the permittee, lessee, licensee or holder of the petroleum special prospecting authority or petroleum access authority;

Clause 9

-
- (ii) if the petroleum exploration permit, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority has ceased to be in force—the person who was the holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority; has made publicly known any information contained in the document or has consented in writing to any of that information being made publicly known;
- the Titles Administrator or the responsible Commonwealth Minister to whom that information has been made available under subclause 5(1) or (2) may, at any time after that information has been made publicly known or after that consent has been given:
- (c) make that information publicly known; or
 - (d) on request by any other person and, if the Titles Administrator or the responsible Commonwealth Minister so requires, on payment of a fee calculated in accordance with the regulations, make that information available to that other person.

9 Disclosure of derivative information after 5 years

- (1) The Titles Administrator or the responsible Commonwealth Minister may, at any time after the end of the period of 5 years after an applicable document was given to the Designated Authority:
- (a) make publicly known; or
 - (b) on request by a person and, if the Titles Administrator or the responsible Commonwealth Minister so requires, on payment of a fee calculated in accordance with the regulations, make available to that person;
- any information that:
- (c) is contained in the document; and
 - (d) relates to the seabed or subsoil, or to petroleum, in a block; and
 - (e) in the opinion of the Titles Administrator or the responsible Commonwealth Minister, is a conclusion drawn, in whole or

Clause 9

in part, from, or an opinion based, in whole or in part, on, any information contained in an applicable document that has been given to the Designated Authority or has been made available to the responsible Commonwealth Minister under subclause 5(1) or (2).

This subclause has effect subject to subclause (12).

- (2) This clause applies to information contained in an applicable document that was given to the Designated Authority before or after the commencement of section 31 of the *Petroleum (Submerged Lands) Amendment Act 1985*.

Objection to the disclosure of information

- (3) Before the Titles Administrator or the responsible Commonwealth Minister makes available or publicly known any information under subclause (1), the Titles Administrator or the responsible Commonwealth Minister, as the case may be, must:
- (a) cause to be published in the *Gazette* a notice:
 - (i) stating that the Titles Administrator or the responsible Commonwealth Minister, as the case may be, proposes to make the information available or publicly known; and
 - (ii) inviting interested persons to give to the Titles Administrator or the responsible Commonwealth Minister, as the case may be, by such day as is specified in the notice (being a day not earlier than 45 days after the publication of the notice), a notice objecting to the whole or any part of the information being made available or publicly known; and
 - (iii) stating that, if a person does not make an objection in accordance with the invitation, the person will be taken to have consented to the information being made available or publicly known; and
 - (b) if it is practicable to do so—cause a copy of the notice so published in the *Gazette* to be given to the person who provided the document containing the information.
- (4) The notice of objection must set out the reasons for making the objection.
-

Clause 9

- (5) A person is not entitled to make an objection to information being made available or publicly known except on the grounds that to do so would disclose:
- (a) a trade secret; or
 - (b) any other information the disclosure of which would, or could reasonably be expected to, adversely affect the person in relation to the lawful business, commercial or financial affairs of the person.

Decision on objection

- (6) If a person makes an objection to the Titles Administrator or the responsible Commonwealth Minister in accordance with such an invitation, the Titles Administrator or the responsible Commonwealth Minister must, within 45 days after the receipt of the notice of objection, consider the objection, and may:
- (a) allow it wholly; or
 - (b) allow it partly and disallow the remainder of it; or
 - (c) disallow it wholly;
- and must cause to be given to the person written notice of the decision on the objection.

Review of decision on objection

- (7) A notice of a decision of the Titles Administrator on an objection must include a statement to the effect that, if the relevant person is dissatisfied with the decision of the Titles Administrator on the objection, the person may, in accordance with subclause (8), request the responsible Commonwealth Minister to review the decision.
- (8) A person who:
- (a) has made an objection to the Titles Administrator; and
 - (b) is dissatisfied with the decision on the objection;
- may, by written notice given to the responsible Commonwealth Minister not later than 30 days after the day on which the notice of the decision referred to in subclause (6) was given to the person, request the responsible Commonwealth Minister to review the decision.

Clause 10

- (9) The notice of request must set out the reasons for making the request.
- (10) The responsible Commonwealth Minister must, within 45 days after the receipt of the request, review the decision, and may make a decision:
 - (a) in substitution for the first-mentioned decision, whether in the same terms as the first-mentioned decision or not; or
 - (b) revoking the first-mentioned decision.
- (11) If, as a result of a review under subclause (10), the responsible Commonwealth Minister makes a decision under subclause (10) in substitution for, or revoking, a decision, the responsible Commonwealth Minister must, by written notice given to the person who made the request under subclause (8) for the review:
 - (a) inform the person of the result of the review; and
 - (b) give reasons for the subclause (10) decision.

Information not to be disclosed if objection is in force

- (12) The Titles Administrator or the responsible Commonwealth Minister must not make available or publicly known any information under subclause (1) if there is in force an objection made in relation to the information being made available or publicly known. However, if such an objection is in force, this Schedule does not prevent a further invitation under subclause (3) being made in relation to the information.

10 Transitional—section 118 of the repealed *Petroleum (Submerged Lands) Act 1967*

- (1) After the commencement of this clause, section 118 of the repealed *Petroleum (Submerged Lands) Act 1967* ceases to apply in relation to information contained in an applicable document.
- (2) Subclause (1) has effect despite item 142 of Schedule 1 to the *Petroleum (Submerged Lands) Legislation Amendment Act (No. 1) 2000*.
- (3) A reference in Schedule 6 to a **provision** of the *Petroleum (Submerged Lands) Act 1967* includes a reference to section 118 of

Clause 10

the repealed *Petroleum (Submerged Lands) Act 1967* as that section continued to apply, before the commencement of this clause, because of item 142 of Schedule 1 to the *Petroleum (Submerged Lands) Legislation Amendment Act (No. 1) 2000*.

Schedule 6—Transitional provisions

Note: See section 791.

Part 1—Basic provisions

1 Definitions

In this Schedule:

corresponding provision: in determining whether a provision is a corresponding provision:

- (a) regard must be had to the substance of the provision; and
- (b) if the provision appears to have expressed the same idea in a different form of words for the purpose of using a clearer style—disregard the difference.

eligible instrument means regulations, a declaration, a determination, a direction, an agreement, a delegation, an approval, an appointment, a notice or any other instrument, but does not include an old title.

old title means:

- (a) an exploration permit under Division 2 of Part III of the *Petroleum (Submerged Lands) Act 1967*; or
- (b) a retention lease under Division 2A of Part III of the *Petroleum (Submerged Lands) Act 1967*; or
- (c) a production licence under:
 - (i) Division 3 of Part III of the *Petroleum (Submerged Lands) Act 1967*; or
 - (ii) section 148 of the *Petroleum (Submerged Lands) Act 1967*; or
- (d) an infrastructure licence under Division 3A of Part III of the *Petroleum (Submerged Lands) Act 1967*; or
- (e) a pipeline licence under Division 4 of Part III of the *Petroleum (Submerged Lands) Act 1967*; or
- (f) a special prospecting authority under section 111 of the *Petroleum (Submerged Lands) Act 1967*; or

Clause 2

- (g) an access authority under section 112 of the *Petroleum (Submerged Lands) Act 1967*; or
- (h) a scientific investigation consent under section 123 of the *Petroleum (Submerged Lands) Act 1967*.

2 Re-enactment of the *Petroleum (Submerged Lands) Act 1967*

This Act re-enacts the *Petroleum (Submerged Lands) Act 1967* with certain modifications.

Note: Section 15AC of the *Acts Interpretation Act 1901* provides that if an Act has expressed an idea in a particular form of words, and a later Act appears to have expressed the same idea in a different form of words for the purpose of using a clearer style, the ideas shall not be taken to be different merely because different forms of words were used.

3 Old titles continue in force

- (1) To avoid doubt, an old title does not lapse merely because of the repeal of the *Petroleum (Submerged Lands) Act 1967*.
- (2) An old title continues in force subject to, and in accordance with, the provisions of this Act.

Note: This Act includes provisions about the duration of titles.

4 Transitional—eligible instruments

- (1) This clause applies to an eligible instrument if:
 - (a) the eligible instrument was in force immediately before the commencement of this clause; and
 - (b) the eligible instrument was made or given under, or for the purposes of, a particular provision of the *Petroleum (Submerged Lands) Act 1967* (other than subsection 150N(1) of that Act).
- (2) The eligible instrument has effect, after the commencement of this clause, as if:
 - (a) it had been made or given under, or for the purposes of, the corresponding provision of this Act; and

Clause 5

- (b) any requirement imposed by this Act or the *Legislative Instruments Act 2003* in relation to the making or giving of the eligible instrument (including a requirement about the form of words) had been satisfied.
- (3) If:
 - (a) under the eligible instrument, a particular act or thing was required, permitted or proposed to be done within, or at the end of, a particular period; and
 - (b) if the *Petroleum (Submerged Lands) Act 1967* had not been repealed, that period would have:
 - (i) begun before the commencement of this clause; and
 - (ii) ended after the commencement of this clause;this Act and the eligible instrument have effect, after the commencement of this clause, as if the act or thing was required, permitted or proposed to be done within, or at the end of:
 - (c) if that period was one month—whichever is the longer of:
 - (i) 30 days; or
 - (ii) one month; or
 - (d) if that period was 3 months—whichever is the longer of:
 - (i) 90 days; or
 - (ii) 3 months; or
 - (e) in any other case—that period;instead of the period that would otherwise be applicable.

5 Transitional—acts or things done before commencement

- (1) This clause applies to an act or thing (other than the grant of an old title or the making or giving of an eligible instrument) if:
 - (a) the act or thing was done before the commencement of this clause; and
 - (b) the act or thing was done under, or for the purposes of, a particular provision of the *Petroleum (Submerged Lands) Act 1967*.
- (2) The act or thing has effect, after the commencement of this clause, as if it had been done under, or for the purposes of, the corresponding provision of this Act.

6 Transitional—conditions of old titles

In a condition of an old title, the expression *the Act* includes this Act.

7 Translation of references in documents

- (1) The responsible Commonwealth Minister may, by writing, make any or all of the following declarations in relation to a specified document:
 - (a) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the *Petroleum (Submerged Lands) Act 1967* included a reference to this Act;
 - (b) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of the *Petroleum (Submerged Lands) Act 1967* included a reference to the corresponding provision of this Act or the Royalty Act;
 - (c) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to regulations under the *Petroleum (Submerged Lands) Act 1967* included a reference to regulations under this Act;
 - (d) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of regulations under the *Petroleum (Submerged Lands) Act 1967* included a reference to the corresponding provision of regulations under this Act;
 - (e) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to an adjacent area within the meaning of the *Petroleum (Submerged Lands) Act 1967* were a reference to the corresponding offshore area of a State or Territory within the meaning of this Act;

Clause 7

- (ea) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the Eastern Greater Sunrise area within the meaning of the *Petroleum (Submerged Lands) Act 1967* were a reference to the Eastern Greater Sunrise offshore area within the meaning of this Act;
- (eb) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the Principal Northern Territory PSL area within the meaning of the *Petroleum (Submerged Lands) Act 1967* were a reference to the Principal Northern Territory offshore area within the meaning of this Act;
- (f) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the relinquished area within the meaning of the *Petroleum (Submerged Lands) Act 1967* were a reference to the corresponding vacated area within the meaning of this Act;
- (g) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the *Petroleum (Submerged Lands) (Royalty) Act 1967* included a reference to the Royalty Act;
- (h) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of the *Petroleum (Submerged Lands) (Royalty) Act 1967* included a reference to the corresponding provision of the Royalty Act or Part 6.7 of this Act;
- (i) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the *Petroleum (Submerged Lands) (Registration Fees) Act 1967* included a reference to the Registration Fees Act;
- (j) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of the *Petroleum (Submerged Lands) (Registration*

Clause 7

- Fees) Act 1967* included a reference to the corresponding provision of the Registration Fees Act or Part 6.7 of this Act;
- (k) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to regulations under the *Petroleum (Submerged Lands) (Registration Fees) Act 1967* included a reference to regulations under the Registration Fees Act;
 - (l) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of regulations under the *Petroleum (Submerged Lands) (Registration Fees) Act 1967* included a reference to the corresponding provision of regulations under the Registration Fees Act;
 - (m) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the *Petroleum (Submerged Lands) Fees Act 1994* included a reference to the Annual Fees Act;
 - (n) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of the *Petroleum (Submerged Lands) Fees Act 1994* included a reference to the corresponding provision of the Annual Fees Act or Part 6.7 of this Act;
 - (o) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to regulations under the *Petroleum (Submerged Lands) Fees Act 1994* included a reference to regulations under the Annual Fees Act;
 - (p) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of regulations under the *Petroleum (Submerged Lands) Fees Act 1994* included a reference to the corresponding provision of regulations under the Annual Fees Act.
-

Clause 8

Note 1: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

Note 2: For specification of more than one document, or more than one reference, see paragraph 23(b) of the *Acts Interpretation Act 1901*.

- (2) A declaration under subclause (1) has effect accordingly.
- (3) A declaration under subclause (1) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Note: This means that the declaration could be disallowed by either House of the Parliament.

- (4) This clause does not authorise the imposition of taxation within the meaning of section 55 of the Constitution.

- (5) In this clause:

document includes:

- (a) an eligible instrument; and
- (b) an old title.

8 Transitional regulations

- (1) The Governor-General may make regulations in relation to transitional matters arising out of the repeal of the *Petroleum (Submerged Lands) Act 1967*.
- (2) The Governor-General may make regulations in relation to transitional matters arising out of the repeal of the *Petroleum (Submerged Lands) (Royalty) Act 1967*.
- (3) The Governor-General may make regulations in relation to transitional matters arising out of the repeal of the *Petroleum (Submerged Lands) (Registration Fees) Act 1967*.
- (4) The Governor-General may make regulations in relation to transitional matters arising out of the repeal of the *Petroleum (Submerged Lands) Fees Act 1994*.
- (5) This clause does not authorise the imposition of taxation within the meaning of section 55 of the Constitution.

Part 2—Specific provisions

9 Joint Authority

- (1) A Joint Authority for an offshore area under this Act (other than the Joint Authority for the Principal Northern Territory offshore area or the Joint Authority for the Eastern Greater Sunrise offshore area) is, for all purposes, a continuation of the Joint Authority for the corresponding adjacent area under the *Petroleum (Submerged Lands) Act 1967*.
- (1A) The Joint Authority for the Principal Northern Territory offshore area under this Act is, for all purposes, a continuation of the Joint Authority in respect of the Principal Northern Territory PSL area under the *Petroleum (Submerged Lands) Act 1967*.
- (1B) The Joint Authority for the Eastern Greater Sunrise offshore area under this Act is, for all purposes, a continuation of the Joint Authority in respect of the Eastern Greater Sunrise area under the *Petroleum (Submerged Lands) Act 1967*.
- (2) Despite the repeal of subsections 8D(4) and (5) of the *Petroleum (Submerged Lands) Act 1967*, those subsections continue to apply, in relation to a record or document signed before the commencement of this clause, as if that repeal had not happened.
 - Note 1: Subsection 8D(4) of the *Petroleum (Submerged Lands) Act 1967* deals with the evidentiary effect of signed records of the decisions of a Joint Authority.
 - Note 2: Subsection 8D(5) of the *Petroleum (Submerged Lands) Act 1967* deals with the legal effect of documents signed, on behalf of the Joint Authority, by the Designated Authority.

10 Joint Authority for an external Territory

- (1) This clause applies to an act or thing that was done:
 - (a) by, or in relation to, the Designated Authority for an adjacent area of an external Territory under the *Petroleum (Submerged Lands) Act 1967*; and

Clause 11

- (b) in, or in connection with, the performance of the functions, or the exercise of the powers, referred to in subsection 8G(1) of that Act.
- (2) The act or thing has effect, after the commencement of this clause, as if it had been done by, or in relation to, the Joint Authority for the corresponding offshore area under this Act.

11 Designated Authority

- (1) A Designated Authority for an offshore area under this Act (other than the Designated Authority for the Principal Northern Territory offshore area or the Designated Authority for the Eastern Greater Sunrise offshore area) is, for all purposes, a continuation of the Designated Authority for the corresponding adjacent area under the *Petroleum (Submerged Lands) Act 1967*.
- (2) The Designated Authority for the Principal Northern Territory offshore area under this Act is, for all purposes, a continuation of the Designated Authority in respect of the Principal Northern Territory PSL area under the *Petroleum (Submerged Lands) Act 1967*.
- (3) The Designated Authority for the Eastern Greater Sunrise offshore area under this Act is, for all purposes, a continuation of the Designated Authority in respect of the Eastern Greater Sunrise area under the *Petroleum (Submerged Lands) Act 1967*.

12 Chief Executive Officer of the National Offshore Petroleum Safety Authority

The office of Chief Executive Officer of the National Offshore Petroleum Safety Authority under this Act is, for all purposes, a continuation of the office of Chief Executive Officer of the National Offshore Petroleum Safety Authority under the *Petroleum (Submerged Lands) Act 1967*.

13 Project inspectors—late commencement of greenhouse gas provisions

- (1) This clause applies to an appointment of a person as an inspector in respect of an adjacent area or a part of an adjacent area if:
 - (a) the appointment was in force immediately before the commencement of this clause; and
 - (b) the appointment was made under section 125 of the *Petroleum (Submerged Lands) Act 1967*; and
 - (c) Schedule 1 to the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* does not commence immediately after the commencement of item 32 of Schedule 1 to the *Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008*.
- (2) The appointment has effect, after the commencement of this clause, as if it had been an appointment of the person as a project inspector under section 600 of this Act in respect of the corresponding offshore area.
- (3) For the purposes of subclause (2):
 - (a) the Principal Northern Territory offshore area under this Act is taken to correspond to the Principal Northern Territory PSL area under the *Petroleum (Submerged Lands) Act 1967*; and
 - (b) the Eastern Greater Sunrise offshore area under this Act is taken to correspond to the Eastern Greater Sunrise area under the *Petroleum (Submerged Lands) Act 1967*.

13A Petroleum project inspectors—early commencement of greenhouse gas provisions

- (1) This clause applies to an appointment of a person as an inspector in respect of an adjacent area if:
 - (a) the appointment was in force immediately before the commencement of section 600 of this Act; and
 - (b) the appointment was made under section 125 of the *Petroleum (Submerged Lands) Act 1967*; and

Clause 13B

- (c) Schedule 1 to the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* commences immediately after the commencement of item 32 of Schedule 1 to the *Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008*.
- (2) The appointment has effect, after the commencement of this clause, as if it had been an appointment of the person as a petroleum project inspector under section 600 of this Act in respect of the corresponding offshore area.

13B Petroleum project inspectors—late commencement of greenhouse gas provisions

- (1) This clause applies to an appointment of a person as a project inspector in respect of an offshore area if:
 - (a) the appointment was in force immediately before the commencement of this clause; and
 - (b) the appointment was made under section 600 of this Act; and
 - (c) Schedule 1 to the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* does not commence immediately after the commencement of item 32 of Schedule 1 to the *Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008*.
- (2) The appointment has effect, after the commencement of this clause, as if it had been an appointment of the person as a petroleum project inspector under section 600 of this Act in respect of the offshore area.

14 Offshore area

The offshore area of a State or Territory under this Act corresponds to the area which, immediately before the repeal of the *Petroleum (Submerged Lands) Act 1967*, was the adjacent area in respect of that State or Territory determined in accordance with section 5A of that Act.

Note: The **offshore area** of a State or Territory is defined by section 8.

15 Registers

- (1) A section 469 Register for an offshore area under this Act (other than the Register for the Principal Northern Territory offshore area or the Register for the Eastern Greater Sunrise offshore area) is, for all purposes, a continuation of the Register for the corresponding adjacent area under the *Petroleum (Submerged Lands) Act 1967*.
- (1A) The section 469 Register for the Principal Northern Territory offshore area under this Act is, for all purposes, a continuation of the Register for the Principal Northern Territory PSL area under the *Petroleum (Submerged Lands) Act 1967*.
- (1B) The section 469 Register for the Eastern Greater Sunrise offshore area under this Act is, for all purposes, a continuation of the Register for the Eastern Greater Sunrise area under the *Petroleum (Submerged Lands) Act 1967*.
- (2) Subsection 516(1) of this Act has effect as if the reference in that subsection to Chapter 4 of this Act included a reference to Division 5 of Part III of the *Petroleum (Submerged Lands) Act 1967*.
- Note: Subsection 516(1) of this Act deals with the reception in evidence of a Register.
- (3) Despite the repeal of subsection 87(2) of the *Petroleum (Submerged Lands) Act 1967*, that subsection continues to apply, in relation to a copy or extract certified before the commencement of this clause, as if that repeal had not happened.
- Note: Subsection 87(2) of the *Petroleum (Submerged Lands) Act 1967* deals with the evidentiary effect of certified copies and extracts.
- (4) Despite the repeal of subsection 87(3) of the *Petroleum (Submerged Lands) Act 1967*, that subsection continues to apply, in relation to a certificate given before the commencement of this clause, as if that repeal had not happened.

Note: Subsection 87(3) of the *Petroleum (Submerged Lands) Act 1967* is about evidentiary certificates.

Clause 16

16 Registration fees—transfer

- (1) This clause applies if, before the commencement of this clause:
 - (a) an application for approval of a transfer of a title was made under section 78 of the *Petroleum (Submerged Lands) Act 1967*; and
 - (b) a payment was made in relation to the approval as mentioned in subsection 78(9) of that Act; and
 - (c) the Designated Authority had not entered in the Register a memorandum of the transfer.
- (2) Subsection 479(3) of this Act has effect, in relation to the approval, as if that payment had been the payment mentioned in that subsection.

17 Registration fees—dealings

- (1) This clause applies if, before the commencement of this clause:
 - (a) either:
 - (i) an application for approval of a dealing was made under section 81 of the *Petroleum (Submerged Lands) Act 1967*; or
 - (ii) a provisional application for approval of a dealing was made under section 81A of the *Petroleum (Submerged Lands) Act 1967*; and
 - (b) a payment was made in relation to the approval as mentioned in subsection 81(12) of that Act; and
 - (c) the Designated Authority had not made an entry in the Register of the approval.
- (2) Subsection 494(3) of this Act has effect, in relation to the approval, as if that payment had been the payment mentioned in that subsection.

18 Retention and inspection of documents

- (1) This clause applies if a provision of Division 5 of Part III of the *Petroleum (Submerged Lands) Act 1967* required that a particular document be:

- (a) retained by the Designated Authority; and
 - (b) made available for inspection in accordance with that Division.
- (2) The document must be:
 - (a) retained by the Designated Authority; and
 - (b) made available for inspection in accordance with Chapter 4 of this Act.

19 Assessment of registration fee

Section 517 of this Act has effect as if:

- (a) each reference in that section to the Registration Fees Act included a reference to the *Petroleum (Submerged Lands) (Registration Fees) Act 1967*; and
- (b) the reference in paragraph (2)(b) of that section to section 512 of this Act included a reference to subsection 82(1) of the *Petroleum (Submerged Lands) Act 1967*.

20 Payments by the Commonwealth to the States and the Northern Territory

- (1) Despite the repeal of subsections 129(1), (2), (2A) and (3) of the *Petroleum (Submerged Lands) Act 1967*, those subsections continue to apply, in relation to an amount received by the Commonwealth before the commencement of this clause, as if that repeal had not happened.
- (2) Despite the repeal of subsections 129(1A), (2A) and (3) of the *Petroleum (Submerged Lands) Act 1967*, those subsections continue to apply, in relation to an amount that became payable under Part III of that Act before the commencement of this clause, as if that repeal had not happened.
- (3) If, apart from this subclause, the same amount would be counted for the purposes of a provision of section 129 of the *Petroleum (Submerged Lands) Act 1967* and for the purposes of the corresponding provision of this Act, the amount is to be counted only for the purposes of one of those provisions.

Clause 21

- (4) Section 76 of this Act has effect, in relation to an amount received by the Commonwealth, as if:
- (a) the reference in subparagraph (1)(a)(i) of that section to this Act included a reference to the *Petroleum (Submerged Lands) Act 1967*; and
 - (b) the reference in subparagraph (1)(a)(ii) of that section to the Annual Fees Act included a reference to the *Petroleum (Submerged Lands) Fees Act 1994*; and
 - (c) the reference in subparagraph (1)(a)(iii) of that section to the Registration Fees Act included a reference to the *Petroleum (Submerged Lands) (Registration Fees) Act 1967*.

21 Adjustment to period required or allowed for doing an act or thing etc.

30 days

- (1) If:
- (a) under a particular provision of the *Petroleum (Submerged Lands) Act 1967*, a particular act or thing was required or permitted to be done within a period of one month; and
 - (b) if that Act had not been repealed, the period of one month would have:
 - (i) begun before the commencement of this clause; and
 - (ii) ended after the commencement of this clause; and
 - (c) under the corresponding provision of this Act, the act or thing is required or permitted to be done within 30 days; and
 - (d) the period of one month is longer than the period of 30 days;
- this Act has effect as if the act or thing was required or permitted to be done within the period of one month instead of within the period of 30 days.
- (2) If:
- (a) under a particular provision of the *Petroleum (Submerged Lands) Act 1967*, the Joint Authority or the Designated Authority was required to give not less than one month's notice of something; and

Clause 21

- (b) the Joint Authority or the Designated Authority gave notice before the commencement of this clause; and
- (c) if that Act had not been repealed, the period of one month would have:
 - (i) begun before the commencement of this clause; and
 - (ii) ended after the commencement of this clause; and
- (d) under the corresponding provision of this Act, the Joint Authority or the Designated Authority is required to give at least 30 days notice of that thing; and
- (e) the period of one month is longer than the period of 30 days; this Act has effect as if the Joint Authority or the Designated Authority had been required to give at least one month's notice of that thing instead of at least 30 days notice.

90 days

- (3) If:
 - (a) under a particular provision of the *Petroleum (Submerged Lands) Act 1967*, a particular act or thing was required or permitted to be done within a period of 3 months; and
 - (b) if that Act had not been repealed, the period of 3 months would have:
 - (i) begun before the commencement of this clause; and
 - (ii) ended after the commencement of this clause; and
 - (c) under the corresponding provision of this Act, the act or thing is required or permitted to be done within 90 days; and
 - (d) the period of 3 months is longer than the period of 90 days; this Act has effect as if the act or thing was required or permitted to be done within the period of 3 months instead of within the period of 90 days.

180 days

- (4) If:
 - (a) under a particular provision of the *Petroleum (Submerged Lands) Act 1967*, a particular act or thing was required or permitted to be done within a period of 6 months; and

Clause 22

- (b) if that Act had not been repealed, the period of 6 months would have:
 - (i) begun before the commencement of this clause; and
 - (ii) ended after the commencement of this clause; and
- (c) under the corresponding provision of this Act, the act or thing is required or permitted to be done within 180 days; this Act has effect as if the act or thing was required or permitted to be done within the period of 6 months instead of within the period of 180 days.

22 Old titles—continuation in force beyond date of expiry

- (1) This clause applies if, immediately before the commencement of this clause, an old title was being continued in force beyond its date of expiry subject to, and in accordance with, a particular provision of the *Petroleum (Submerged Lands) Act 1967*.
- (2) The old title continues in force subject to, and in accordance with, the corresponding provision of this Act.

Note: For example, see subsection 32(8) of the *Petroleum (Submerged Lands) Act 1967* and subsection 119(5) of this Act.

23 Renewal of petroleum exploration permits

- (1) The reference in item 1 of the table in subsection 122(2) of this Act to subsection 104(1) of this Act includes a reference to subsection 20(1) of the *Petroleum (Submerged Lands) Act 1967*.

Note: Item 1 is about invitations to apply for the grant of a petroleum exploration permit.

- (2) Sections 125 and 126 of this Act have effect, in relation to an application for the renewal of a petroleum exploration permit that is an old title, as if:
 - (a) each reference in those sections to Chapter 2, Chapter 4, Chapter 6 or Part 7.1 of this Act included a reference to Part III of the *Petroleum (Submerged Lands) Act 1967*; and
 - (b) each reference in those sections to regulations under this Act included a reference to regulations under the *Petroleum (Submerged Lands) Act 1967*.

24 Renewal of petroleum retention leases

Sections 154 and 155 of this Act have effect, in relation to an application for the renewal of a petroleum retention lease that is an old title, as if:

- (a) each reference in those sections (other than subsection 155(8)) to Chapter 2, Chapter 4, Chapter 6 or Part 7.1 of this Act included a reference to Part III of the *Petroleum (Submerged Lands) Act 1967*; and
- (b) each reference in those sections to regulations under this Act included a reference to the regulations under the *Petroleum (Submerged Lands) Act 1967*.

25 Grant of petroleum production licences over individual blocks

Section 183 of this Act has effect as if a petroleum production licence granted as a result of an application under section 51 of the *Petroleum (Submerged Lands) Act 1967* had been granted under section 183 of this Act.

26 Renewal of fixed-term petroleum production licences

Sections 185 and 186 of this Act have effect, in relation to an application for the renewal of a fixed-term petroleum production licence that is an old title, as if:

- (a) each reference in those sections to Chapter 2, Chapter 4, Chapter 6 or Part 7.1 of this Act included a reference to Part III of the *Petroleum (Submerged Lands) Act 1967*; and
- (b) each reference in those sections to regulations under this Act included a reference to the regulations under the *Petroleum (Submerged Lands) Act 1967*.

27 Grant of pipeline licences

Sections 221, 222, 223 and 224 of this Act have effect, in relation to an application for the grant of a pipeline licence in a case where the applicant is the licensee of a petroleum production licence that is an old title, as if:

Clause 28

- (a) each reference in those sections to Chapter 2, Chapter 4, Chapter 6 or Part 7.1 of this Act included a reference to Part III of the *Petroleum (Submerged Lands) Act 1967*; and
- (b) each reference in those sections to regulations under this Act included a reference to the regulations under the *Petroleum (Submerged Lands) Act 1967*.

28 Requirement to provide further information in connection with application for title

Section 258 of this Act has effect as if a requirement under any of the following provisions of the *Petroleum (Submerged Lands) Act 1967* were a requirement under subsection 258(2) of this Act:

- (a) subsection 21(4);
- (b) subsection 22A(6);
- (c) subsection 23(5);
- (d) subsection 38A(3);
- (e) subsection 38BB(3);
- (f) subsection 38F(4);
- (g) subsection 41(2);
- (h) subsection 47(7);
- (i) subsection 59B(3);
- (j) subsection 59K(3);
- (k) subsection 64(4);
- (l) subsection 71(3).

29 Revocation of petroleum exploration permits, petroleum retention leases, petroleum production licences and petroleum access authorities

- (1) If a petroleum exploration permit or petroleum retention lease was wholly determined under the *Petroleum (Submerged Lands) Act 1967*, this Act has effect as if the permit or lease had been wholly revoked.
- (2) If a petroleum exploration permit or petroleum retention lease was partly determined to a particular extent under the *Petroleum*

Clause 30

(Submerged Lands) Act 1967, this Act has effect as if the permit or lease had been partly revoked to that extent.

- (3) If a petroleum production licence was determined under the *Petroleum (Submerged Lands) Act 1967*, this Act has effect as if the licence had been revoked.
- (4) If a petroleum retention lease was cancelled under section 38E of the *Petroleum (Submerged Lands) Act 1967*, this Act has effect as if the lease had been revoked.
- (5) If a petroleum access authority was cancelled under the *Petroleum (Submerged Lands) Act 1967*, this Act has effect as if the authority had been revoked.

30 Surrender of title

Section 270 of this Act has effect, in relation to the surrender of an old title, as if:

- (a) the reference in subparagraph (3)(a)(i) of that section to this Act included a reference to the *Petroleum (Submerged Lands) Act 1967*; and
- (b) the reference in subparagraph (3)(a)(ii) of that section to the Royalty Act included a reference to the *Petroleum (Submerged Lands) (Royalty) Act 1967*; and
- (c) the reference in subparagraph (3)(a)(iii) of that section to the Annual Fees Act included a reference to the *Petroleum (Submerged Lands) Fees Act 1994*; and
- (d) each reference in paragraphs (3)(b) and (5)(a) of that section to Chapter 2, Chapter 4, Chapter 6 or Part 7.1 of this Act included a reference to Part III of the *Petroleum (Submerged Lands) Act 1967*; and
- (e) each reference in paragraphs (3)(b) and (5)(a) of that section to regulations under this Act included a reference to regulations under the *Petroleum (Submerged Lands) Act 1967*.

Clause 31

31 Cancellation of old titles

Sections 274 and 277 of this Act have effect, in relation to the cancellation of an old title, as if:

- (a) each reference in those sections to Chapter 2, Chapter 4, Chapter 6 or Part 7.1 of this Act included a reference to Part III of the *Petroleum (Submerged Lands) Act 1967*; and
- (b) each reference in those sections to regulations under this Act included a reference to regulations under the *Petroleum (Submerged Lands) Act 1967*; and
- (c) each reference in those sections to this Act included a reference to the *Petroleum (Submerged Lands) Act 1967*; and
- (d) each reference in those sections to the Royalty Act included a reference to the *Petroleum (Submerged Lands) (Royalty) Act 1967*; and
- (e) each reference in those sections to the Annual Fees Act included a reference to the *Petroleum (Submerged Lands) Fees Act 1994*.

32 Commencement of works or operations

- (1) This clause applies if, immediately before the commencement of this clause, an instrument under subsection 96(2) of the *Petroleum (Submerged Lands) Act 1967* was in force in relation to:
 - (a) a petroleum exploration permit; or
 - (b) a petroleum retention lease; or
 - (c) an infrastructure licence; or
 - (d) a pipeline licence.
- (2) The instrument ceases to be in force at the commencement of this clause.
- (3) Subsection 568(2) of this Act has effect, in relation to the permit, lease or licence, as if the period specified in the instrument under paragraph 96(2)(b) of the *Petroleum (Submerged Lands) Act 1967* had been allowed by the Designated Authority under paragraph 568(2)(b) of this Act.

33 Deduction of debts from proceeds of sale of property

Subsection 589(2) of this Act has effect as if:

- (a) the reference in that subsection to this Act included a reference to the *Petroleum (Submerged Lands) Act 1967*; and
- (b) the reference in that subsection to the Royalty Act included a reference to the *Petroleum (Submerged Lands) (Royalty) Act 1967*; and
- (c) the reference in that subsection to the Annual Fees Act included a reference to the *Petroleum (Submerged Lands) Fees Act 1994*.

34 Authorised persons

- (1) This clause applies if, immediately before the commencement of this clause, an authorisation under subsection 140A(4) of the *Petroleum (Submerged Lands) Act 1967* was in force in relation to a person or a person included in a class of persons.
- (2) This Act has effect as if the Designated Authority had made a declaration under subsection 615(2) of this Act in relation to that person, or a person included in that class of persons, as the case requires.

35 Release of regulatory information

Section 709 of this Act has effect as if the reference in that section to this Act included a reference to the *Petroleum (Submerged Lands) Act 1967*.

36 Release of technical information—deemed time of receipt of certain information and samples

Drilling of a well

- (1) For the purposes of Part 7.3 of this Act:
 - (a) cores and cuttings relating to the drilling of a well; and
 - (b) well data relating to the drilling of a well; and
 - (c) logs relating to the drilling of a well; and

Clause 37

- (d) sample descriptions and other documents relating to the drilling of a well;
are taken to have been given to the Designated Authority not later than 30 days after the drilling of the well was, in the Designated Authority's opinion, substantially completed.
- (2) Subclause (1) does not apply in relation to the drilling of a well unless the drilling of the well was, in the Designated Authority's opinion, substantially completed before 4 June 2004.

Geophysical or geochemical surveys

- (3) For the purposes of Part 7.3 of this Act, geophysical or geochemical data relating to geophysical or geochemical surveys are taken to have been given to the Designated Authority not later than one year after the geophysical or geochemical field work was, in the Designated Authority's opinion, substantially completed.
- (4) Subclause (3) does not apply in relation to a geophysical or geochemical survey unless the geophysical or geochemical field work was, in the Designated Authority's opinion, substantially completed before 4 June 2004.

37 Liability for acts and omissions

Despite the repeal of section 140AA of the *Petroleum (Submerged Lands) Act 1967*, that section continues to apply, in relation to an act or matter done or omitted to be done before the commencement of this clause, as if that repeal had not happened.

38 Reconsideration and review of decisions

Sections 746 and 747 of this Act have effect as if:

- (a) each reference in those sections to a reviewable delegated decision included a reference to a relevant decision within the meaning of section 152 of the *Petroleum (Submerged Lands) Act 1967*; and
- (b) each reference in those sections to a reviewable Ministerial decision included a reference to a reviewable decision within

the meaning of section 152 of the *Petroleum (Submerged Lands) Act 1967*.

39 Meaning of *petroleum* in the *Petroleum (Submerged Lands) Act 1967*

Disregard the definition of ***petroleum*** in section 7 of this Act in determining the meaning that the expression ***petroleum*** has or had in the *Petroleum (Submerged Lands) Act 1967*.

40 OHS inspections

Clause 49 of Schedule 3 has effect, after the commencement of this clause, as if the following paragraphs were inserted after each of paragraphs (1)(c) and (2)(c) of that clause:

- (d) to ascertain whether the requirements of, or any requirements properly made under:
 - (i) Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967* (as in force before the commencement of this paragraph); or
 - (ii) the regulations (within the meaning of Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967* as in force before 1 January 2005); or
 - (iii) regulations set out in or prescribed for the purposes of subsection 140H(2) of the repealed *Petroleum (Submerged Lands) Act 1967* as in force during the period that began on 1 January 2005 and ended immediately before the commencement of this paragraph;were being complied with before the commencement of this paragraph; or
- (e) concerning a contravention, or possible contravention, before the commencement of this paragraph, of:
 - (i) Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967* (as in force before the commencement of this paragraph); or
 - (ii) the regulations (within the meaning of Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967* as in force before 1 January 2005); or

Clause 41

- (iii) regulations set out in or prescribed for the purposes of subsection 140H(2) of the repealed *Petroleum (Submerged Lands) Act 1967* as in force during the period that began on 1 January 2005 and ended immediately before the commencement of this paragraph; or
- (f) concerning an accident or dangerous occurrence that has happened, before the commencement of this paragraph, in the performing of work (within the meaning of Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967* as in force before the commencement of this paragraph).

41 OHS prosecutions

Clause 89 of Schedule 3 has effect, after the commencement of this clause, as if each reference in that clause to a listed OHS law included a reference to:

- (a) Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967* as in force before the commencement of this clause; and
- (b) the regulations within the meaning of that Schedule as in force before 1 January 2005; and
- (c) regulations set out in or prescribed for the purposes of subsection 140H(2) of the repealed *Petroleum (Submerged Lands) Act 1967*, to the extent that those regulations were in force before the commencement of this clause.

42 Disqualification of health and safety representatives

Subclause 32(2) of Schedule 3 to this Act has effect as if:

- (a) the reference in that subclause to subclause 34(1) of that Schedule included a reference to the corresponding provision of Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967*; and
- (b) the reference in that subclause to Schedule 3 to this Act included a reference to Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967*.

Schedule 7—Greater Sunrise areas

Note: See section 7 (for datum, see section 40).

1 Greater Sunrise unit area

The *Greater Sunrise unit area* is the area the boundary of which commences at the point of Latitude 9° 49' 54.88" South, Longitude 127° 55' 04.35" East and runs:

- (a) thence easterly along the loxodrome to the point of Latitude 9° 49' 54.88" South, Longitude 128° 20' 04.34" East; and
- (b) thence northerly along the loxodrome to the point of Latitude 9° 39' 54.88" South, Longitude 128° 20' 04.34" East; and
- (c) thence easterly along the loxodrome to the point of Latitude 9° 39' 54.88" South, Longitude 128° 25' 04.34" East; and
- (d) thence northerly along the loxodrome to the point of Latitude 9° 29' 54.88" South, Longitude 128° 25' 04.34" East; and
- (e) thence westerly along the loxodrome to the point of Latitude 9° 29' 54.88" South, Longitude 128° 20' 04.34" East; and
- (f) thence northerly along the loxodrome to the point of Latitude 9° 24' 54.88" South, Longitude 128° 20' 04.34" East; and
- (g) thence westerly along the loxodrome to the point of Latitude 9° 24' 54.88" South, Longitude 128° 00' 04.34" East; and
- (h) thence south-westerly along the loxodrome to the point of Latitude 9° 29' 54.88" South, Longitude 127° 53' 24.35" East; and
- (i) thence westerly along the loxodrome to the point of Latitude 9° 29' 54.88" South, Longitude 127° 52' 34.35" East; and

Clause 2

- (j) thence southerly along the loxodrome to the point of Latitude 9° 34' 54.88" South, Longitude 127° 52' 34.35" East; and
- (k) thence westerly along the loxodrome to the point of Latitude 9° 34' 54.88" South, Longitude 127° 50' 04.35" East; and
- (l) thence southerly along the loxodrome to the point of Latitude 9° 37' 24.88" South, Longitude 127° 50' 04.35" East; and
- (m) thence westerly along the loxodrome to the point of Latitude 9° 37' 24.89" South, Longitude 127° 45' 04.35" East; and
- (n) thence southerly along the loxodrome to the point of Latitude 9° 44' 54.88" South, Longitude 127° 45' 04.35" East; and
- (o) thence easterly along the loxodrome to the point of Latitude 9° 44' 54.88" South, Longitude 127° 50' 04.35" East; and
- (p) thence southerly along the loxodrome to the point of Latitude 9° 47' 24.88" South, Longitude 127° 50' 04.35" East; and
- (q) thence easterly along the loxodrome to the point of Latitude 9° 47' 24.88" South, Longitude 127° 55' 04.35" East; and
- (r) thence southerly along the loxodrome to the point of commencement.

2 Eastern Greater Sunrise offshore area

The *Eastern Greater Sunrise offshore area* is so much of the offshore area of the Northern Territory as consists of the area the boundary of which commences at the point of Latitude 9° 49' 54.88" South, Longitude 128° 03' 26.86" East and runs:

- (a) thence easterly along the loxodrome to the point of Latitude 9° 49' 54.88" South, Longitude 128° 20' 04.34" East; and

Clause 3

- (b) thence northerly along the loxodrome to the point of Latitude 9° 39' 54.88" South, Longitude 128° 20' 04.34" East; and
- (c) thence easterly along the loxodrome to the point of Latitude 9° 39' 54.88" South, Longitude 128° 25' 04.34" East; and
- (d) thence northerly along the loxodrome to the point of Latitude 9° 29' 54.88" South, Longitude 128° 25' 04.34" East; and
- (e) thence westerly along the loxodrome to the point of Latitude 9° 29' 54.88" South, Longitude 128° 20' 04.34" East; and
- (f) thence northerly along the loxodrome to the point of Latitude 9° 24' 54.88" South, Longitude 128° 20' 04.34" East; and
- (g) thence westerly along the loxodrome to the point of Latitude 9° 24' 54.88" South, Longitude 128° 00' 04.34" East; and
- (h) thence south-westerly along the loxodrome to the point of Latitude 9° 27' 54.88" South, Longitude 127° 56' 04.35" East; and
- (i) thence south-easterly along the geodesic to the point of Latitude 9° 29' 51.88" South, Longitude 127° 58' 51.35" East; and
- (j) thence south-easterly along the geodesic to the point of commencement.

3 Western Greater Sunrise area

The *Western Greater Sunrise area* is the area the boundary of which commences at the point of Latitude 9° 27' 54.88" South, Longitude 127° 56' 04.35" East and runs:

- (a) thence south-westerly along the loxodrome to the point of Latitude 9° 29' 54.88" South, Longitude 127° 53' 24.35" East; and
 - (b) thence westerly along the loxodrome to the point of Latitude 9° 29' 54.88" South, Longitude 127° 52' 34.35" East; and
-

Clause 3

- (c) thence southerly along the loxodrome to the point of Latitude 9° 34' 54.88" South, Longitude 127° 52' 34.35" East; and
- (d) thence westerly along the loxodrome to the point of Latitude 9° 34' 54.88" South, Longitude 127° 50' 04.35" East; and
- (e) thence southerly along the loxodrome to the point of Latitude 9° 37' 24.88" South, Longitude 127° 50' 04.35" East; and
- (f) thence westerly along the loxodrome to the point of Latitude 9° 37' 24.89" South, Longitude 127° 45' 04.35" East; and
- (g) thence southerly along the loxodrome to the point of Latitude 9° 44' 54.88" South, Longitude 127° 45' 04.35" East; and
- (h) thence easterly along the loxodrome to the point of Latitude 9° 44' 54.88" South, Longitude 127° 50' 04.35" East; and
- (i) thence southerly along the loxodrome to the point of Latitude 9° 47' 24.88" South, Longitude 127° 50' 04.35" East; and
- (j) thence easterly along the loxodrome to the point of Latitude 9° 47' 24.88" South, Longitude 127° 55' 04.35" East; and
- (k) thence southerly along the loxodrome to the point of Latitude 9° 49' 54.88" South, Longitude 127° 55' 04.35" East; and
- (l) thence easterly along the loxodrome to the point of Latitude 9° 49' 54.88" South, Longitude 128° 03' 26.86" East; and
- (m) thence north-westerly along the geodesic to the point of Latitude 9° 29' 51.88" South, Longitude 127° 58' 51.35" East; and
- (n) thence north-westerly along the geodesic to the point of commencement.

Endnote 1—Legislation history

Endnotes

Endnote 1—Legislation history

This endnote sets out details of the legislation history of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Offshore Petroleum Act 2006	14, 2006	29 Mar 2006	ss. 1, 2 and Schedule 6 (cl. 39): Royal Assent Remainder: 1 July 2008 (see F2008L02273)	
Australian Energy Market Amendment (Gas Legislation) Act 2007	45, 2007	10 Apr 2007	Schedule 2 (items 5–8): (a)	—
Offshore Petroleum Amendment (Greater Sunrise) Act 2007	49, 2007	10 Apr 2007	Schedule 1 (items 1–87, 97): (b)	Sch. 1 (item 97) (am. by 117, 2008, Sch. 3 [item 31AA])
as amended by				
Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008	117, 2008	21 Nov 2008	Schedule 3 (item 31AA): 22 Nov 2008	—
Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008	21, 2008	26 May 2008	Schedule 1 (items 1–31, 33–41): (c) Schedule 1 (item 32): (c) Remainder: Royal Assent	—
Offshore Petroleum Amendment (Datum) Act 2008	88, 2008	20 Sept 2008	Schedule 1: (d) Remainder: Royal Assent	Sch. 1 (item 6)

Endnotes

Endnote 1—Legislation history

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008	117, 2008	21 Nov 2008	Schedule 1: 22 Nov 2008 Schedule 2 (items 1–3, 3A, 3AD–3AF, 3B, 3C, 4–8, 8A, 8B, 9–13, 13A, 14, 14A, 15–25, 25A–25E, 25G, 25GAA, 25GAB, 25GA, 25GB, 25GL, 25GN, 25J, 25K, 25M, 26–34, 36–38, 38A–38D, 39–44): <i>(e)</i> Schedule 4 (item 1): <i>(e)</i>	—
Federal Financial Relations (Consequential Amendments and Transitional Provisions) Act 2009	12, 2009	26 Mar 2009	Schedule 2 (items 10–12): 1 Apr 2009 (<i>see s. 2(1)</i>)	—
Fair Work (State Referral and Consequential and Other Amendments) Act 2009	54, 2009	25 June 2009	Schedule 17 (items 2–6): <i>(f)</i>	—
Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Act 2009	102, 2009	8 Oct 2009	Schedule 1 (items 1–31, 38–51, 53–62, 62A–62D, 63, 64): 9 Oct 2009 Schedule 1 (items 32–37): 1 Jan 2010 Schedule 1 (items 69–88): <i>(g)</i>	Sch. 1 (items 2, 12, 15, 31, 34, 40)
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Schedule 1 (item 38) and Schedule 5 (items 74, 75): Royal Assent Schedule 5 (item 137(a)): <i>(h)</i>	—
Personal Property Securities (Corporations and Other Amendments) Act 2010	96, 2010	6 July 2010	Schedule 3 (items 6–15): 30 Jan 2012 (<i>see F2011L02397</i>)	Sch. 3 (item 15)

Endnote 1—Legislation history

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010	103, 2010	13 July 2010	Schedule 6 (items 1, 81): 1 Jan 2011	—
Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Miscellaneous Measures) Act 2010	118, 2010	16 Nov 2010	Schedule 1 (items 1–75): 17 Nov 2010 Schedule 1 (items 76–78): 1 Jan 2010 Remainder: Royal Assent	Sch. 1 (items 10, 78)
Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies (Consequential Amendments) Act 2011	28, 2011	25 May 2011	Schedule 1: 17 June 2011 (<i>see s. 2(1)</i>) Remainder: Royal Assent	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 879–892) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)
Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011	112, 2011	14 Oct 2011	Schedule 1: 1 Nov 2011 Schedule 2 (items 1–636): 1 Jan 2012 (<i>see F2011L02622</i>) Schedule 2 (items 642–656) and Schedule 3 (items 2–15, 17): 1 Jan 2012 Schedule 2 (items 637–641): Royal Assent Schedule 4 (items 2–21, 23, 24): [<i>see Endnote 3</i>] Schedule 5: 9 Oct 2009 (<i>see s. 2(1)</i>) Schedule 6: 15 Oct 2011	Sch. 1 (item 3), Sch. 2 (items 637–656), Sch. 3 (item 17), Sch. 4 (items 23, 24) and Sch. 6 (item 8)

Endnotes

Endnote 1—Legislation history

Act	Number and year	Assent date	Commencement date	Application, saving and transitional provisions
Offshore Resources Legislation Amendment (Personal Property Securities) Act 2011	113, 2011	14 Oct 2011	Schedule 1 (item 2): 30 Jan 2012 (<i>see</i> F2011L02397)	—
Offshore Petroleum and Greenhouse Gas Storage Amendment (Significant Incident Directions) Act 2012	2, 2012	6 Mar 2012	Schedule 1: 7 Mar 2012 Remainder: Royal Assent	—
Navigation (Consequential Amendments) Act 2012	129, 2012	13 Sept 2012	Schedule 2 (item 43): [see s. 2(1) and Endnote 3]	—
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Schedule 1 (item 93) and Schedule 4 (items 41, 42, 50): Royal Assent	Sch. 4 (item 50)
Fair Work Amendment Act 2012	174, 2012	4 Dec 2012	Schedule 9 (items 1291–1293): 1 Jan 2013	—
Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013	11, 2013	14 Mar 2013	Schedules 1 and 2: [see (i) and Endnote 3] Schedules 3 and 4: 15 Mar 2013 Remainder: Royal Assent	Sch. 1 (items 154–159), Sch. 2 (item 109), Sch. 3 (item 2) and Sch. 4 (item 18)
Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013	36, 2013	28 May 2013	Schedules 1 and 2: [see (j) and Endnote 3] Schedule 3 (items 1–8) and Schedule 4 (items 1–10, 15–19, 22): [see Endnote 3] Schedule 3 (items 9–14) and Schedule 4 (items 11–14, 20, 21, 23–25): 29 May 2013 Remainder: Royal Assent	Sch. 1 (items 10, 67), Sch. 2 (items 40, 45), Sch. 3 (items 6–8, 10) and Sch. 4 (items 10, 13, 14, 22, 23, 25)

Endnote 1—Legislation history

Number and year	FRLI registration date	Commencement date	Application, saving and transitional provisions
2009 No. 165	30 June 2009	1 July 2009	—
as amended by			
2009 No. 337	27 Nov 2009	Schedule 2: 1 Jan 2010	—

(a) Subsection 2(1) (item 3) of the *Australian Energy Market Amendment (Gas Legislation) Act 2007* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
3. Schedule 2, items 1 to 8	The later of: (a) immediately after the commencement of Schedule 1; and (b) immediately after the commencement of Chapter 2 of the <i>Offshore Petroleum Act 2006</i> . However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	1 July 2008

(b) Subsection 2(1) (item 2) of the *Offshore Petroleum Amendment (Greater Sunrise) Act 2007* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
2. Schedule 1	Immediately after the commencement of section 3 of the <i>Offshore Petroleum Act 2006</i> .	1 July 2008

(c) Subsection 2(1) (items 2–5) of the *Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008* provides as follows:

Endnotes

Endnote 1—Legislation history

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
2. Schedule 1, Parts 1 to 7	Immediately after the commencement of section 3 of the <i>Offshore Petroleum Act 2006</i> .	1 July 2008
3. Schedule 1, items 24 to 31	Immediately after the commencement of section 3 of the <i>Offshore Petroleum Act 2006</i> .	1 July 2008
4. Schedule 1, item 32	Immediately after the commencement of subsections 22(3) and (4) of the <i>Offshore Petroleum Act 2006</i> .	1 July 2008
5. Schedule 1, items 33 to 41	Immediately after the commencement of section 3 of the <i>Offshore Petroleum Act 2006</i> .	1 July 2008

(d) Subsection 2(1) (item 2) of the *Offshore Petroleum Amendment (Datum) Act 2008* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
2. Schedule 1	Immediately after the commencement of item 24 of Schedule 1 to the <i>Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008</i> .	1 July 2008

(e) Subsection 2(1) (items 2, 3 and 5) of the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
2. Schedule 1	The day after this Act receives the Royal Assent.	22 November 2008
3. Schedule 2	Immediately after the commencement of the provision(s) covered by table item 2.	22 November 2008
5. Schedule 4, Part 1	Immediately after the commencement of the provision(s) covered by table item 3.	22 November 2008

Endnote 1—Legislation history

(f) Subsection 2(1) (item 40) of the *Fair Work (State Referral and Consequential and Other Amendments) Act 2009* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
40. Schedule 17	Immediately after the commencement of Part 2-4 of the <i>Fair Work Act 2009</i> .	1 July 2009

(g) Subsection 2(1) (item 5) of the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Act 2009* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
5. Schedule 1, Part 15	Immediately after the commencement of Part 1 of Schedule 4 to the <i>Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008</i> .	22 November 2008

(h) Subsection 2(1) (items 31 and 38) of the *Statute Law Revision Act 2010* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
31. Schedule 5, items 1 to 51	The day this Act receives the Royal Assent.	1 March 2010
38. Schedule 5, Parts 2 and 3	Immediately after the provision(s) covered by table item 31.	1 March 2010

(i) Subsection 2(1) (items 2 and 3) of the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Endnotes

Endnote 1—Legislation history

Provision(s)	Commencement	Date/Details
2. Schedule 1	<p>The later of:</p> <p>(a) the start of the day after this Act receives the Royal Assent; and</p> <p>(b) immediately after the commencement of Parts 2 and 3 of the <i>Regulatory Powers (Standard Provisions) Act 2013</i>.</p> <p>However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.</p>	<p>[see Endnote 3]</p> <p>(paragraph (b) applies)</p>
3. Schedule 2	<p>The later of:</p> <p>(a) the start of the day after this Act receives the Royal Assent; and</p> <p>(b) immediately after the commencement of Part 4 of the <i>Regulatory Powers (Standard Provisions) Act 2013</i>.</p> <p>However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.</p>	<p>[see Endnote 3]</p> <p>(paragraph (b) applies)</p>
<p>(j) Subsection 2(1) (items 2 and 3) of the <i>Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013</i> provides as follows:</p> <p>(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.</p>		

Commencement	Date/Details
2. Schedule 1	<p>The later of:</p> <p>(a) the start of the day after this Act receives the Royal Assent; and</p> <p>(b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013</i>.</p> <p>However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.</p>

Endnote 1—Legislation history

Commencement	Date/Details
3. Schedule 2	<p data-bbox="564 376 679 398">The later of:</p> <p data-bbox="564 409 1034 461">(a) the start of the day this Act receives the Royal Assent; and</p> <p data-bbox="564 468 1003 566">(b) immediately after the commencement of Schedule 1 to the <i>Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013</i>.</p> <p data-bbox="564 580 1034 665">However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.</p>

Endnotes

Endnote 2—Amendment history

Endnote 2—Amendment history

This endnote sets out the amendment history of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Title	am. No. 117, 2008
Chapter 1	
Part 1.1	
s. 1	am. No. 117, 2008
s. 3	ad. No. 117, 2008
s. 4	am. No. 49, 2007; No. 117, 2008; No. 112, 2011; No. 11, 2013
s. 6	am. No. 102, 2009
Part 1.2	
Division 1	
s. 7	am. No. 49, 2007; Nos. 21 and 117, 2008; Nos. 12 and 102, 2009; Nos. 8, 96 and 118, 2010; No. 112, 2011; No. 2, 2012; Nos. 11 and 36, 2013
Heading to s. 8.....	am. No. 49, 2007
Note to s. 8(1).....	am. No. 49, 2007
Subhead. to s. 10(1).....	ad. No. 117, 2008
s. 10	am. No. 117, 2008
Subhead. to s. 11(1).....	ad. No. 117, 2008
s. 11	am. No. 117, 2008
Subhead. to s. 12(1).....	ad. No. 117, 2008
s. 12	am. No. 117, 2008
s. 13	ad. No. 117, 2008
	am. No. 117, 2008
s. 14	am. No. 117, 2008
Subhead. to s. 15(2).....	rs. No. 117, 2008
s. 15	am. No. 117, 2008
s. 16	am. No. 117, 2008; No. 112, 2011
ss. 17, 18.....	ad. No. 117, 2008

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Subhead. to s. 19(1)	ad. No. 117, 2008
s. 19	am. No. 117, 2008
s. 20	ad. No. 117, 2008
s. 21	ad. No. 117, 2008
	am. No. 102, 2009
ss. 22–25	ad. No. 117, 2008
Heading to s. 26	am. No. 117, 2008
ss. 26–28	ad. No. 117, 2008
	am. No. 117, 2008
s. 29	ad. No. 117, 2008
s. 30	ad. No. 117, 2008
	am. No. 112, 2011
ss. 31, 32	ad. No. 117, 2008
Note to s. 33(5)	am. No. 88, 2008

Division 2**Subdivision A**

s. 37	am. Nos. 21 and 88, 2008
s. 38	am. Nos. 21, 88 and 117, 2008
s. 39	ad. No. 88, 2008
Heading to s. 40	rs. No. 21, 2008
s. 40	am. No. 49, 2007; Nos. 21 and 88, 2008
Note 3A to s. 40(1)	ad. No. 21, 2008
Note 4 to s. 40(1)	rs. No. 21, 2008
s. 41	am. No. 21, 2008
Note to s. 41(2)	rep. No. 21, 2008
s. 42	am. No. 117, 2008; No. 102, 2009
Note to s. 42	am. No. 117, 2008
Renumbered Note 1	No. 102, 2009
Note 2 to s. 42	ad. No. 102, 2009
s. 43	am. No. 117, 2008; No. 102, 2009
s. 44	am. No. 117, 2008

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
	rs. No. 102, 2009
	am. No. 112, 2011
s. 45	rs. No. 102, 2009
	am. No. 112, 2011
Division 3	
ss. 50, 51	am. No. 117, 2008
Note to s. 53	ad. No. 49, 2007
Note to s. 54	ad. No. 49, 2007
s. 55	am. No. 117, 2008
Part 1.3	
Heading to Part 1.3	rs. No. 112, 2011
Division 1	
s. 56	am. No. 49, 2007; No. 11, 2013
s. 57	am. No. 49, 2007; No. 118, 2010
s. 58	am. No. 11, 2013
s. 59	am. No. 11, 2013
s. 60	am. No. 11, 2013
s. 61	am. No. 112, 2011; No. 11, 2013
s. 62	am. No. 112, 2011
s. 63	am. No. 112, 2011
Subhead. to s. 64(1)	rs. No. 11, 2013
s. 64	am. No. 49, 2007; No. 11, 2013
s. 65	am. No. 112, 2011
Heading to s. 66	rs. No. 11, 2013
s. 66	am. No. 49, 2007; No. 21, 2008; No. 11, 2013
Note to s. 66(1)	am. No. 46, 2011
s. 66A	ad. No. 11, 2013
s. 67	ad. No. 49, 2007
Note 1 to s. 67(1)	am. No. 46, 2011
Note to s. 68(5)	am. No. 46, 2011

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 69	ad. No. 49, 2007
Div. 2 of Part 1.3	rep. No. 112, 2011
Subhead. to s. 70(4)	rs. No. 49, 2007
	rep. No. 112, 2011
s. 70	am. No. 49, 2007
	rep. No. 112, 2011
s. 71	am. No. 49, 2007; No. 118, 2010
	rep. No. 112, 2011
s. 72	am. No. 49, 2007
	rep. No. 112, 2011
Note 1 to s. 72(1)	am. No. 46, 2011
	rep. No. 112, 2011
s. 73	ad. No. 49, 2007
	rep. No. 112, 2011
s. 74	rep. No. 112, 2011
Division 3	
s. 75	am. No. 117, 2008; No. 12, 2009
s. 76	am. No. 117, 2008; No. 112, 2011
	rep. No. 112, 2011
Note to s. 76(1)	ad. No. 49, 2007
	rep. No. 112, 2011
s. 77	am. No. 12, 2009
	rep. No. 112, 2011
Part 1.4	
s. 78	am. No. 117, 2008
s. 80	am. No. 117, 2008
Note to s. 80(1)	
Renumbered Note 1	No. 49, 2007
Note 2 to s. 80(1)	ad. No. 49, 2007
s. 82	am. No. 49, 2007
Note to s. 89(1)	ad. No. 49, 2007

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Note to s. 89(3).....	ad. No. 49, 2007
Note to s. 89(4).....	ad. No. 49, 2007
Note to s. 89(6).....	ad. No. 49, 2007
Note to s. 91(1).....	ad. No. 49, 2007
Note to s. 92(1).....	ad. No. 49, 2007
Chapter 2	
Part 2.1	
s. 95	am. No. 117, 2008; No. 102, 2009
Part 2.2	
Heading to Part 2.2	am. No. 117, 2008
Division 1	
s. 96	am. No. 117, 2008; No. 102, 2009
s. 97	am. No. 117, 2008
Heading to s. 98	am. No. 117, 2008
s. 98	am. No. 117, 2008
Heading to s. 99	am. No. 117, 2008
Subhead. to s. 99(5)	am. No. 117, 2008
Subheads. to s. 99(7), (8)	am. No. 117, 2008
s. 99	am. No. 117, 2008
Heading to s. 100	am. No. 117, 2008
s. 100	ad. No. 117, 2008
	am. No. 117, 2008
Heading to s. 101	am. No. 117, 2008
s. 101	ad. No. 117, 2008
	am. No. 117, 2008
Heading to s. 102	am. No. 117, 2008
s. 102	am. No. 117, 2008
Notes 1–8 to s. 102	am. No. 117, 2008
Heading to s. 103	am. No. 117, 2008
s. 103	am. No. 117, 2008; No. 112, 2011

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
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Division 2

Heading to Div. 2 of am. No. 117, 2008
Part 2.2

Heading to s. 104..... am. No. 117, 2008

Subhead. to s. 104(1)..... am. No. 117, 2008

Subhead. to s. 104(3)..... am. No. 117, 2008

s. 104..... am. No. 117, 2008

Note to s. 104(2)..... am. No. 117, 2008

Note 3 to s. 104(3)..... am. No. 112, 2011

Heading to s. 105..... am. No. 117, 2008

s. 105..... am. No. 117, 2008

Heading to s. 106..... am. No. 117, 2008

Subhead. to s. 106(6)..... am. No. 117, 2008

s. 106..... am. No. 117, 2008

Heading to s. 107..... am. No. 117, 2008

ss. 107, 108..... am. No. 117, 2008

Subheads. to s. 109(4), (5)..... am. No. 117, 2008

s. 109..... am. No. 117, 2008

Division 3

Heading to Div. 3 of am. No. 117, 2008
Part 2.2

Heading to s. 110..... am. No. 117, 2008

Subhead. to s. 110(1)..... am. No. 117, 2008

Subhead. to s. 110(5)..... am. No. 117, 2008

s. 110..... am. No. 117, 2008

Note to s. 110(2)..... am. No. 117, 2008

Note 3 to s. 110(6)..... am. No. 112, 2011

Heading to s. 111..... am. No. 117, 2008

s. 111..... am. No. 117, 2008

Heading to s. 112..... am. No. 117, 2008

s. 112..... am. No. 117, 2008

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Heading to s. 113.....	am. No. 117, 2008
s. 113.....	am. No. 117, 2008
Heading to s. 114.....	am. No. 117, 2008
s. 114.....	am. No. 117, 2008; No. 112, 2011
Division 4	
Heading to Div. 4 of.....	am. No. 117, 2008
Part 2.2	
Heading to s. 115.....	am. No. 117, 2008
Subhead. to s. 115(1).....	am. No. 117, 2008
Subhead. to s. 115(3).....	am. No. 117, 2008
s. 115.....	am. No. 117, 2008
Note 3 to s. 115(4).....	am. No. 112, 2011
Heading to s. 116.....	am. No. 117, 2008
s. 116.....	am. No. 117, 2008
Heading to s. 117.....	am. No. 117, 2008
s. 117.....	am. No. 117, 2008
Heading to s. 118.....	am. No. 117, 2008
s. 118.....	am. No. 117, 2008
Division 5	
Heading to Div. 5 of.....	am. No. 117, 2008
Part 2.2	
Heading to s. 119.....	am. No. 117, 2008
Subhead. to s. 119(5).....	am. No. 117, 2008
s. 119.....	am. No. 117, 2008; No. 112, 2011
Heading to s. 120.....	am. No. 117, 2008
s. 120.....	am. No. 117, 2008
Heading to s. 121.....	am. No. 117, 2008
s. 121.....	am. No. 117, 2008
Heading to s. 122.....	am. No. 117, 2008
ss. 122, 123.....	am. No. 117, 2008
Heading to s. 125.....	am. No. 117, 2008

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 125	am. No. 117, 2008
Heading to s. 126	am. No. 117, 2008
s. 126	am. No. 117, 2008
Heading to s. 127	am. No. 117, 2008
s. 127	am. No. 117, 2008
Division 6	
ss. 128–130	am. No. 117, 2008; No. 102, 2009
Subhead. to s. 131(4)	am. No. 102, 2009
s. 131	am. No. 117, 2008; No. 102, 2009
Subhead. to s. 132(1)	am. No. 102, 2009
Subhead. to s. 132(3)	am. No. 117, 2008
Subheads. to s. 132(6)–(8)	am. No. 117, 2008
s. 132	am. No. 117, 2008; No. 102, 2009
Note to s. 132(7)	am. No. 117, 2008
s. 133	am. No. 117, 2008; No. 102, 2009
Part 2.3	
Heading to Part 2.3	am. No. 117, 2008
Division 1	
s. 134	am. No. 117, 2008
Heading to s. 135	am. No. 117, 2008
s. 135	am. No. 117, 2008
Heading to s. 136	am. No. 117, 2008
Subhead. to s. 136(11)	am. No. 117, 2008
s. 136	am. No. 117, 2008; No. 112, 2011
Heading to s. 137	am. No. 117, 2008
s. 137	ad. No. 117, 2008
	am. No. 117, 2008
Heading to s. 138	am. No. 117, 2008
s. 138	ad. No. 117, 2008
	am. No. 117, 2008

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Heading to s. 139.....	am. No. 117, 2008
s. 139.....	am. No. 117, 2008
Notes 1–8 to s. 139.....	am. No. 117, 2008
Heading to s. 140.....	am. No. 117, 2008
s. 140.....	am. No. 117, 2008; No. 112, 2011
Division 2	
Heading to Div. 2 of.....	am. No. 117, 2008
Part 2.3	
Subdivision A	
Heading to Subdiv. A of.....	am. No. 117, 2008
Div. 2 of Part 2.3	
Heading to s. 141.....	am. No. 117, 2008
s. 141.....	am. Nos. 21 and 117, 2008; No. 112, 2011
Note 3 to s. 141(2).....	am. No. 112, 2011
Heading to s. 142.....	am. No. 117, 2008
s. 142.....	am. No. 117, 2008
Heading to s. 143.....	am. No. 117, 2008
s. 143.....	am. No. 117, 2008
s. 143A.....	ad. No. 112, 2011
Heading to s. 144.....	am. No. 117, 2008
s. 144.....	am. No. 117, 2008
Heading to s. 145.....	am. No. 117, 2008
s. 145.....	am. No. 117, 2008
Heading to s. 146.....	am. No. 117, 2008
s. 146.....	am. Nos. 21 and 117, 2008
Subdivision B	
Heading to Subdiv. B of.....	am. No. 117, 2008
Div. 2 of Part 2.3	
Heading to s. 147.....	am. No. 117, 2008
s. 147.....	am. No. 117, 2008; No. 112, 2011
Note 3 to s. 147(2).....	am. No. 112, 2011

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Heading to s. 148.....	am. No. 117, 2008
s. 148.....	am. No. 117, 2008
Heading to s. 149.....	am. No. 117, 2008
s. 149.....	am. No. 117, 2008
s. 149A.....	ad. No. 112, 2011
Heading to s. 150.....	am. No. 117, 2008
s. 150.....	am. No. 117, 2008
Heading to s. 151.....	am. No. 117, 2008
s. 151.....	am. No. 117, 2008
Heading to s. 152.....	am. No. 117, 2008
s. 152.....	am. Nos. 21 and 117, 2008

Division 3

Heading to Div. 3 of.....	am. No. 117, 2008
Part 2.3	
Heading to s. 153.....	am. No. 117, 2008
Subhead. to s. 153(5).....	am. No. 117, 2008
s. 153.....	am. No. 117, 2008; No. 112, 2011
Note 3 to s. 153(4).....	am. No. 112, 2011
Heading to s. 154.....	am. No. 117, 2008
s. 154.....	am. No. 117, 2008
Heading to s. 155.....	am. No. 117, 2008
Subhead. to s. 155(5).....	am. No. 117, 2008
s. 155.....	am. No. 117, 2008
s. 155A.....	ad. No. 112, 2011
Heading to s. 156.....	am. No. 117, 2008
s. 156.....	am. No. 117, 2008

Division 4

Heading to Div. 4 of.....	am. No. 117, 2008
Part 2.3	
Heading to s. 157.....	am. No. 117, 2008
s. 157.....	am. No. 117, 2008; No. 112, 2011

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Note to s. 157(2).....	am. No. 112, 2011
Heading to s. 158.....	am. No. 117, 2008
s. 158.....	am. No. 117, 2008
Part 2.4	
Heading to Part 2.4.....	am. No. 117, 2008
Division 1	
ss. 159, 160.....	am. No. 117, 2008
Heading to s. 161.....	am. No. 117, 2008
s. 161.....	am. No. 117, 2008
Heading to s. 162.....	am. No. 117, 2008
Subhead. to s. 162(3).....	am. No. 117, 2008
Subhead. to s. 162(10).....	am. No. 117, 2008
s. 162.....	am. No. 117, 2008
Heading to s. 163.....	am. No. 117, 2008
s. 163.....	ad. No. 117, 2008
	am. No. 117, 2008
Heading to s. 164.....	am. No. 117, 2008
s. 164.....	ad. No. 117, 2008
	am. No. 117, 2008
Heading to s. 165.....	am. No. 117, 2008
s. 165.....	am. Nos. 21 and 117, 2008
Notes 3–8 to s. 165.....	am. No. 117, 2008
Heading to s. 166.....	am. No. 117, 2008
s. 166.....	am. No. 117, 2008
Note to s. 166(2).....	am. No. 112, 2011
Note to s. 166(4).....	am. No. 117, 2008
Note to s. 166(6).....	am. No. 112, 2011
Heading to s. 167.....	am. No. 117, 2008
Division 2	
Heading to Div. 2 of.....	am. No. 117, 2008
Part 2.4	

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Heading to s. 168.....	am. No. 117, 2008
Subhead. to s. 168(7).....	am. No. 117, 2008
s. 168.....	am. No. 49, 2007; Nos. 21 and 117, 2008; No. 8, 2010; No. 112, 2011
Note to s. 168(1).....	am. No. 117, 2008
Note 3 to s. 168(7).....	am. No. 112, 2011
s. 169.....	am. No. 117, 2008; No. 112, 2011
Note to s. 169.....	am. No. 117, 2008
Heading to s. 170.....	am. No. 117, 2008
Subhead. to s. 170(2).....	am. No. 117, 2008
Subhead. to s. 170(4).....	am. No. 117, 2008
s. 170.....	am. No. 49, 2007; No. 117, 2008; No. 112, 2011
Note to s. 170(1).....	am. No. 117, 2008
Note 3 to s. 170(4).....	am. No. 112, 2011
s. 171.....	am. No. 49, 2007; No. 117, 2008
Heading to s. 172.....	am. No. 117, 2008
s. 172.....	ad. No. 49, 2007 am. No. 117, 2008
Heading to s. 173.....	am. No. 117, 2008
Subhead. to s. 173(5).....	am. No. 117, 2008
s. 173.....	am. No. 49, 2007; No. 117, 2008
Note to s. 173(4).....	am. No. 117, 2008
s. 173A.....	ad. No. 112, 2011
Heading to s. 174.....	am. No. 117, 2008
s. 174.....	ad. No. 117, 2008 am. No. 117, 2008
Heading to s. 175.....	am. No. 117, 2008
s. 175.....	am. No. 117, 2008
Notes 2, 3 to s. 175.....	am. No. 117, 2008
Heading to s. 176.....	am. No. 117, 2008
s. 176.....	am. No. 117, 2008

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Heading to s. 177.....	am. No. 117, 2008
s. 177.....	am. No. 117, 2008
Division 3	
Heading to Div. 3 of.....	am. No. 117, 2008
Part 2.4	
Heading to s. 178.....	am. No. 117, 2008
Subhead. to s. 178(1).....	am. No. 117, 2008
Subhead. to s. 178(3).....	am. No. 117, 2008
s. 178.....	am. No. 117, 2008
Note 3 to s. 178(3).....	am. No. 112, 2011
Heading to s. 179.....	am. No. 117, 2008
s. 179.....	am. No. 117, 2008
Heading to s. 180.....	am. No. 117, 2008
s. 180.....	am. No. 117, 2008
Heading to s. 181.....	am. No. 117, 2008
s. 181.....	am. No. 117, 2008
Division 4	
Heading to Div. 4 of.....	am. No. 117, 2008
Part 2.4	
Heading to s. 182.....	am. No. 117, 2008
Subhead. to s. 182(2).....	am. No. 117, 2008
s. 182.....	am. No. 117, 2008
Heading to s. 183.....	am. No. 117, 2008
Subheads. to s. 183(2), (3).....	am. No. 117, 2008
Subheads. to s. 183(6), (7).....	am. No. 117, 2008
s. 183.....	am. No. 117, 2008; No. 112, 2011
Division 5	
Heading to Div. 5 of.....	am. No. 117, 2008
Part 2.4	
Heading to s. 184.....	am. No. 117, 2008
Subhead. to s. 184(6).....	am. No. 117, 2008

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 184.....	am. No. 117, 2008; No. 112, 2011
Heading to s. 185.....	am. No. 117, 2008
s. 185.....	am. No. 117, 2008
Heading to s. 186.....	am. No. 117, 2008
s. 186.....	am. No. 117, 2008
s. 186A	ad. No. 112, 2011
Heading to s. 187.....	am. No. 117, 2008
s. 187.....	am. No. 117, 2008
Division 6	
Heading to s. 188.....	am. No. 117, 2008
Subhead. to s. 188(1).....	am. No. 117, 2008
s. 188.....	am. No. 117, 2008
Note 2 to s. 188(3).....	am. No. 117, 2008
Division 7	
Subdivision A	
ss. 189, 190.....	am. No. 117, 2008
Subdivision B	
s. 191	am. No. 49, 2007; No. 117, 2008; No. 112, 2011
Note to s. 191(11).....	ad. No. 49, 2007
	rs. No. 112, 2011
Part 2.5	
Division 1	
s. 192.....	am. No. 117, 2008
ss. 194, 195.....	am. No. 117, 2008
Note to s. 197(2).....	am. No. 112, 2011
Note to s. 197(4).....	am. No. 117, 2008
Note to s. 197(6).....	am. No. 112, 2011
Division 2	
s. 198.....	am. No. 112, 2011
Note 3 to s. 198(2).....	am. No. 112, 2011

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Note 3 to s. 199.....	am. No. 117, 2008
s. 200A	ad. No. 112, 2011
Heading to s. 202.....	am. No. 117, 2008
s. 202	am. No. 117, 2008
Note to s. 202(3).....	am. No. 112, 2011
s. 203	ad. No. 117, 2008
Note to s. 203(3).....	am. No. 112, 2011

Division 3

s. 204	am. No. 112, 2011
Note 3 to s. 204(2).....	am. No. 112, 2011
s. 205	am. No. 112, 2011
Note to s. 205(1).....	am. No. 117, 2008
Heading to s. 206.....	am. No. 117, 2008
s. 206	am. No. 117, 2008
Note to s. 206(3).....	am. No. 112, 2011
s. 207	ad. No. 117, 2008
Note to s. 207(3).....	am. No. 112, 2011

Division 4

Div. 4 of Part 2.5	ad. No. 117, 2008
s. 208	ad. No. 117, 2008

Part 2.6

Division 1

s. 209	am. No. 45, 2007; No. 117, 2008
s. 210	am. No. 102, 2009; No. 112, 2011
s. 212	am. No. 117, 2008
s. 213	ad. No. 117, 2008
s. 215	am. No. 117, 2008
Note to s. 215(2).....	am. No. 112, 2011
Note to s. 215(4).....	am. No. 117, 2008
Note to s. 215(7).....	am. No. 112, 2011

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Subhead. to s. 216(2).....	am. No. 112, 2011
Subhead. to s. 216(4).....	am. No. 112, 2011
s. 216.....	am. No. 112, 2011
Division 2	
s. 217.....	am. No. 117, 2008; No. 112, 2011
Note 3 to s. 217(3).....	am. No. 112, 2011
Heading to s. 218.....	am. No. 117, 2008
Subhead. to s. 218(1).....	am. No. 117, 2008
s. 218.....	am. No. 117, 2008; No. 112, 2011
Heading to s. 219.....	am. No. 117, 2008
Subhead. to s. 219(1).....	am. No. 117, 2008
s. 219.....	ad. No. 117, 2008 am. No. 117, 2008
s. 220.....	ad. No. 117, 2008
Heading to s. 221.....	am. No. 117, 2008
Subheads. to s. 221(2), (3).....	am. No. 117, 2008
s. 221.....	am. No. 117, 2008
Subheads. to s. 222(2), (3).....	am. No. 117, 2008
s. 222.....	ad. No. 117, 2008 am. No. 117, 2008; No. 102, 2009
Heading to s. 223.....	am. No. 117, 2008
Subheads. to s. 223(2), (3).....	am. No. 117, 2008
s. 223.....	am. No. 117, 2008
Subheads. to s. 224(2), (3).....	am. No. 117, 2008
s. 224.....	ad. No. 117, 2008 am. No. 117, 2008
s. 225.....	am. No. 117, 2008
Division 3	
s. 226.....	am. No. 112, 2011
Note 3 to s. 226(2).....	am. No. 112, 2011

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 227	am. No. 49, 2007; No. 118, 2010
Division 4	
s. 228	am. No. 118, 2010
Part 2.7	
Heading to Part 2.7	am. No. 117, 2008
Division 1	
s. 229	am. No. 117, 2008
Heading to s. 230	am. No. 117, 2008
s. 230	am. No. 117, 2008
Heading to s. 231	am. No. 117, 2008
s. 231	am. No. 117, 2008; No. 112, 2011
Heading to s. 232	am. No. 117, 2008
s. 232	am. No. 117, 2008
Notes 1, 2 to s. 232	am. No. 117, 2008
Heading to s. 233	am. No. 117, 2008
s. 233	am. No. 117, 2008
Division 2	
Heading to Div. 2 of	am. No. 117, 2008
Part 2.7	
Heading to s. 234	am. No. 117, 2008
s. 234	am. No. 117, 2008; No. 112, 2011
Heading to s. 235	am. No. 117, 2008
s. 235	am. No. 117, 2008; No. 112, 2011
Heading to s. 236	am. No. 117, 2008
s. 236	am. No. 117, 2008; No. 112, 2011
s. 237	ad. No. 117, 2008
	am. No. 117, 2008; No. 112, 2011
Part 2.8	
Heading to Part 2.8	am. No. 117, 2008
Division 1	
s. 238	am. No. 117, 2008

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Heading to s. 239.....	am. No. 117, 2008
s. 239	am. No. 117, 2008
Heading to s. 240.....	am. No. 117, 2008
s. 240	am. No. 117, 2008; No. 112, 2011
Heading to s. 241.....	am. No. 117, 2008
s. 241	am. No. 117, 2008; No. 112, 2011
Notes 1, 2 to s. 241	am. No. 117, 2008
Division 2	
Heading to Div. 2 of	am. No. 117, 2008
Part 2.8	
Heading to s. 242.....	am. No. 117, 2008
s. 242	am. No. 117, 2008; No. 112, 2011
Heading to s. 243.....	am. No. 117, 2008
s. 243	am. No. 117, 2008; No. 112, 2011
Heading to s. 244.....	am. No. 117, 2008
s. 244	am. No. 117, 2008; No. 112, 2011
Heading to s. 245.....	am. No. 117, 2008
s. 245	am. No. 117, 2008; No. 102, 2009; No. 112, 2011
Division 3	
Heading to Div. 3 of	am. No. 117, 2008
Part 2.8	
Heading to s. 246.....	am. No. 117, 2008
s. 246	am. No. 117, 2008; No. 112, 2011
Heading to s. 247.....	am. No. 117, 2008
s. 247	am. No. 117, 2008; No. 112, 2011
Heading to s. 248.....	am. No. 117, 2008
s. 248	am. No. 117, 2008; No. 112, 2011
Division 4	
Heading to Div. 4 of	am. No. 117, 2008
Part 2.8	
Heading to s. 249.....	am. No. 117, 2008

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 249	am. No. 117, 2008; No. 118, 2010
Division 5	
Heading to Div. 5 of	am. No. 117, 2008
Part 2.8	
Heading to s. 250	am. No. 117, 2008
s. 250	am. No. 117, 2008; No. 112, 2011
Part 2.9	
Heading to Part 2.9	am. No. 117, 2008
s. 251	am. No. 117, 2008
Heading to s. 252	am. No. 117, 2008
s. 252	am. No. 117, 2008
Heading to s. 253	am. No. 117, 2008
s. 253	am. No. 117, 2008; No. 102, 2009
Heading to s. 254	am. No. 117, 2008
s. 254	am. No. 117, 2008; No. 102, 2009
Part 2.10	
ss. 255–257	am. No. 117, 2008
Heading to s. 258	am. No. 112, 2011
Subhead. to s. 258(6)	am. No. 117, 2008
s. 258	am. No. 117, 2008; No. 112, 2011
Subheads. to s. 259(3)–(5)	am. No. 117, 2008
s. 259	am. No. 117, 2008
s. 260	am. No. 117, 2008; No. 112, 2011
ss. 261, 262	am. No. 117, 2008
Note to s. 262(3)	am. No. 112, 2011
s. 263	ad. No. 117, 2008
	am. No. 117, 2008
Part 2.11	
Division 1	
Heading to Div. 1 of	am. No. 117, 2008
Part 2.11	

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 264.....	am. No. 45, 2007; No. 117, 2008; No. 112, 2011
Heading to s. 265.....	am. No. 117, 2008
s. 265.....	am. No. 117, 2008
Heading to s. 266.....	am. No. 117, 2008
s. 266.....	am. No. 117, 2008
Note to s. 266(1).....	am. No. 117, 2008
Heading to s. 267.....	am. No. 117, 2008
s. 267.....	am. No. 117, 2008
Division 2	
Heading to Div. 2 of.....	am. No. 117, 2008
Part 2.11	
Heading to s. 268.....	am. No. 117, 2008
s. 268.....	am. No. 117, 2008; No. 112, 2011
Part 2.12	
Division 1	
Heading to Div. 1 of.....	am. No. 117, 2008
Part 2.12	
s. 269.....	am. No. 117, 2008; No. 112, 2011
Subhead. to s. 270(6).....	am. No. 117, 2008
ss. 270, 271.....	am. No. 117, 2008; No. 112, 2011
Division 2	
Heading to Div. 2 of.....	am. No. 117, 2008
Part 2.12	
Heading to s. 272.....	am. No. 117, 2008
s. 272.....	am. No. 117, 2008; No. 112, 2011
Heading to s. 273.....	am. No. 117, 2008
s. 273.....	am. No. 117, 2008; No. 112, 2011
Part 2.13	
Division 1	
Heading to Div. 1 of.....	am. No. 117, 2008
Part 2.13	

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 274	am. No. 117, 2008; No. 112, 2011
s. 275	am. No. 117, 2008
Note to s. 276(2)	am. No. 112, 2011
s. 277	am. No. 117, 2008; No. 112, 2011
s. 277A	ad. No. 112, 2011
Division 2	
Heading to Div. 2 of	am. No. 117, 2008
Part 2.13	
Heading to s. 278	am. No. 117, 2008
s. 278	am. No. 117, 2008; No. 112, 2011
Part 2.14	
s. 279	am. No. 117, 2008
s. 280	am. No. 117, 2008; No. 118, 2010
ss. 281, 282	am. No. 117, 2008; No. 112, 2011
Heading to s. 283	rs. No. 21, 2008
Subhead. to s. 283(1)	am. No. 21, 2008
Subhead. to s. 283(3)	am. No. 21, 2008
s. 283	am. No. 49, 2007; Nos. 21 and 117, 2008
Note to s. 283(1)	ad. No. 49, 2007
Note to s. 283(3)	ad. No. 49, 2007
Heading to s. 284	am. No. 117, 2008; No. 102, 2009
s. 284	am. No. 117, 2008; No. 102, 2009; No. 118, 2010; No. 112, 2011
Heading to s. 285	am. No. 49, 2007
s. 285	am. No. 49, 2007; No. 117, 2008
s. 286	ad. No. 49, 2007
	am. No. 117, 2008
ss. 286A–286C	ad. No. 112, 2011
Chapter 3	
Chapt. 3	ad. No. 117, 2008
Part 3.1	
s. 287	ad. No. 117, 2008

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Part 3.2	
Division 1	
ss. 288–291.....	ad. No. 117, 2008
s. 292	ad. No. 117, 2008
	am. No. 117, 2008
ss. 293–295.....	ad. No. 117, 2008
Division 2	
s. 296	ad. No. 117, 2008
Heading to s. 297.....	am. No. 102, 2009
s. 297	ad. No. 117, 2008
	am. No. 117, 2008; No. 102, 2009
ss. 298–302.....	ad. No. 117, 2008
Division 3	
s. 303	ad. No. 117, 2008
Heading to s. 304.....	am. No. 102, 2009
s. 304	ad. No. 117, 2008
	am. No. 117, 2008; No. 102, 2009
ss. 305–307.....	ad. No. 117, 2008
Division 4	
ss. 308–311.....	ad. No. 117, 2008
Division 5	
ss. 312–314.....	ad. No. 117, 2008
	am. No. 117, 2008
s. 315	ad. No. 117, 2008
	am. No. 8, 2010
Division 6	
s. 316	ad. No. 117, 2008
	am. No. 117, 2008; No. 112, 2011
s. 317	ad. No. 117, 2008
Part 3.3	

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Division 1	
s. 318	ad. No. 117, 2008
	am. No. 117, 2008
ss. 319, 320.....	ad. No. 117, 2008
s. 321	ad. No. 117, 2008
	am. No. 117, 2008
s. 322	ad. No. 117, 2008
Note 2A to s. 322.....	am. No. 117, 2008
s. 323	ad. No. 117, 2008
Division 2	
Subdivision A	
ss. 324–329.....	ad. No. 117, 2008
Subdivision B	
ss. 330–335.....	ad. No. 117, 2008
Subdivision C	
ss. 336–342.....	ad. No. 117, 2008
Subdivision D	
Heading to Subdiv. D of.....	am. No. 117, 2008
Div. 2 of Part 3.3	
Heading to s. 343.....	am. No. 117, 2008
s. 343	ad. No. 117, 2008
	am. No. 117, 2008
ss. 344, 345.....	ad. No. 117, 2008
Heading to s. 346.....	am. No. 102, 2009
s. 346	ad. No. 117, 2008
	am. No. 117, 2008
Division 3	
ss. 347–350.....	ad. No. 117, 2008
Division 4	
s. 351	ad. No. 117, 2008
	am. No. 117, 2008; No. 112, 2011

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
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s. 352	ad. No. 117, 2008
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Division 5

s. 353	ad. No. 117, 2008
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Division 6

Heading to Div. 6 of	am. No. 117, 2008
Part 3.3	

Heading to s. 354	am. No. 117, 2008
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s. 354	ad. No. 117, 2008
	am. No. 117, 2008

Part 3.4**Division 1**

s. 355	ad. No. 117, 2008
	am. No. 117, 2008

ss. 356, 357	ad. No. 117, 2008
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s. 358	ad. No. 117, 2008
	am. No. 117, 2008; No. 102, 2009

ss. 359, 360	ad. No. 117, 2008
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Division 2**Subdivision A**

ss. 361, 362	ad. No. 117, 2008
	am. No. 117, 2008

ss. 363, 364	ad. No. 117, 2008
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Heading to s. 365	am. No. 117, 2008
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s. 365	ad. No. 117, 2008
	am. No. 117, 2008

ss. 366–368	ad. No. 117, 2008
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Subdivision B

Heading to Subdiv. B of	am. No. 117, 2008
Div. 2 of Part 3.4	

Heading to s. 369	am. No. 117, 2008
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ss. 369, 370	ad. No. 117, 2008
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Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
	am. No. 117, 2008
ss. 371, 372.....	ad. No. 117, 2008
Heading to s. 373.....	am. No. 117, 2008
s. 373	ad. No. 117, 2008
	am. No. 117, 2008
Division 3	
s. 374.....	ad. No. 117, 2008
	am. No. 102, 2009
s. 375.....	ad. No. 117, 2008
Division 4	
s. 376.....	ad. No. 117, 2008
	am. No. 112, 2011
s. 377.....	ad. No. 117, 2008
	am. No. 117, 2008
s. 378.....	ad. No. 117, 2008
Division 5	
s. 379.....	ad. No. 117, 2008
s. 380.....	ad. No. 117, 2008
	am. No. 112, 2011
s. 381	ad. No. 117, 2008
	am. No. 117, 2008
s. 382.....	ad. No. 117, 2008
Division 6	
s. 383.....	ad. No. 117, 2008
	am. No. 117, 2008; No. 112, 2011
s. 384.....	ad. No. 117, 2008
	am. No. 117, 2008
s. 385.....	ad. No. 117, 2008
Division 7	
Subhead. to s. 386(13).....	am. No. 117, 2008

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 386	ad. No. 117, 2008 am. No. 117, 2008
ss. 387–398	ad. No. 117, 2008
Division 8	
ss. 399–401	ad. No. 117, 2008
Part 3.5	
Division 1	
s. 402	ad. No. 117, 2008 am. No. 117, 2008
ss. 403–406	ad. No. 117, 2008
Division 2	
s. 407	ad. No. 117, 2008 am. No. 117, 2008
ss. 408, 409	ad. No. 117, 2008
Heading to s. 410	am. No. 117, 2008
s. 410	ad. No. 117, 2008 am. No. 117, 2008; No. 112, 2011
Part 3.6	
Division 1	
ss. 411–414	ad. No. 117, 2008
Division 2	
ss. 415–417	ad. No. 117, 2008
Division 3	
ss. 418, 419	ad. No. 117, 2008
Division 4	
s. 420	ad. No. 117, 2008 am. No. 118, 2010
Division 5	
s. 421	ad. No. 117, 2008
Part 3.7	

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
ss. 422–425.....	ad. No. 117, 2008
Part 3.8	
ss. 426–435.....	ad. No. 117, 2008
Part 3.9	
Division 1	
ss. 436–439.....	ad. No. 117, 2008
Division 2	
s. 440.....	ad. No. 117, 2008
Part 3.10	
Division 1	
s. 441.....	ad. No. 117, 2008
s. 442.....	ad. No. 117, 2008
	am. No. 112, 2011
s. 443.....	ad. No. 117, 2008
Division 2	
ss. 444, 445.....	ad. No. 117, 2008
Part 3.11	
Division 1	
s. 446.....	ad. No. 117, 2008
	am. No. 112, 2011
ss. 447, 448.....	ad. No. 117, 2008
s. 449.....	ad. No. 117, 2008
	am. No. 112, 2011
Division 2	
s. 450.....	ad. No. 117, 2008
Part 3.12	
s. 451.....	ad. No. 117, 2008
	am. No. 118, 2010
s. 452.....	ad. No. 117, 2008
	am. No. 117, 2008; No. 102, 2009; No. 118, 2010

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 453	ad. No. 117, 2008 am. No. 117, 2008; No. 112, 2011
ss. 454–457	ad. No. 117, 2008
s. 458	ad. No. 117, 2008 am. No. 117, 2008
s. 459	ad. No. 117, 2008
s. 460	ad. No. 117, 2008 am. No. 118, 2010
ss. 461–465	ad. No. 117, 2008
Chapter 4	
Heading to Chapt. 4	rs. No. 117, 2008
Part 4.1	
s. 466	rs. No. 117, 2008 am. No. 117, 2008 rs. No. 112, 2011
Heading to s. 467	rs. No. 117, 2008
s. 467	am. No. 117, 2008; No. 102, 2009; No. 112, 2011
Part 4.2	
Heading to Part 4.2	am. No. 117, 2008
ss. 469, 470	am. No. 117, 2008; No. 112, 2011
Note 1 to s. 470(3)	am. No. 117, 2008
s. 471	am. No. 117, 2008; No. 112, 2011
s. 471A	ad. No. 102, 2009 am. No. 112, 2011
Part 4.3	
ss. 472, 473	am. No. 112, 2011
s. 474	am. No. 117, 2008; No. 102, 2009; No. 112, 2011
s. 475	ad. No. 117, 2008 am. No. 102, 2009 rep. No. 112, 2011

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
ss. 476, 477.....	am. No. 112, 2011
s. 478.....	am. No. 117, 2008; No. 102, 2009; No. 112, 2011
s. 479.....	am. No. 112, 2011
Part 4.4	
ss. 482, 483.....	am. No. 112, 2011
Part 4.5	
ss. 484, 485.....	am. No. 112, 2011
Part 4.6	
s. 486.....	am. No. 117, 2008
ss. 487, 488.....	am. No. 112, 2011
s. 489.....	am. No. 117, 2008; No. 102, 2009; No. 96, 2010; No. 112, 2011
s. 490.....	ad. No. 117, 2008 am. No. 102, 2009 rep. No. 112, 2011
ss. 491, 492.....	am. No. 112, 2011
s. 493.....	am. No. 117, 2008; No. 102, 2009; No. 112, 2011
Note to s. 493(2).....	am. No. 112, 2011
ss. 494–496.....	am. No. 112, 2011
Part 4.7	
s. 498.....	am. No. 112, 2011
s. 499.....	am. No. 117, 2008; No. 102, 2009; No. 96, 2010; No. 112, 2011
s. 500.....	ad. No. 117, 2008 am. No. 102, 2009 rep. No. 112, 2011
s. 501.....	am. No. 117, 2008
s. 503.....	am. No. 112, 2011
Part 4.8	
ss. 504, 505.....	am. No. 112, 2011
Subheads. to s. 506(4), (5).....	am. No. 112, 2011
s. 506.....	am. No. 49, 2007; No. 112, 2011

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
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Part 4.9

Heading to s. 507.....	am. No. 112, 2011
s. 507.....	am. No. 112, 2011
Heading to s. 508.....	am. No. 112, 2011
s. 508.....	am. No. 118, 2010; No. 112, 2011
s. 509.....	am. No. 112, 2011
Heading to s. 510.....	am. No. 112, 2011
s. 510.....	am. No. 112, 2011

Part 4.10

Heading to s. 511.....	am. No. 112, 2011
ss. 511, 512.....	am. No. 112, 2011
s. 514.....	am. No. 118, 2010; No. 112, 2011
ss. 515, 516.....	am. No. 112, 2011
Subhead. to s. 517(2).....	am. No. 112, 2011
Subhead. to s. 517(5).....	am. No. 112, 2011
s. 517.....	am. No. 49, 2007; No. 112, 2011

Chapter 5

Chapt. 5.....	ad. No. 117, 2008
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Part 5.1

s. 518.....	ad. No. 117, 2008
	rs. No. 112, 2011
ss. 519, 520.....	ad. No. 117, 2008

Part 5.2

ss. 521–523.....	ad. No. 117, 2008
	am. No. 112, 2011
s. 523A.....	ad. No. 102, 2009
	am. No. 112, 2011

Part 5.3

ss. 524, 525.....	ad. No. 117, 2008
	am. No. 112, 2011

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 526	ad. No. 117, 2008
ss. 527, 528.....	ad. No. 117, 2008 am. No. 112, 2011
s. 529	ad. No. 117, 2008 am. No. 117, 2008; No. 112, 2011
s. 530	ad. No. 117, 2008 am. No. 112, 2011
ss. 531, 532.....	ad. No. 117, 2008
Part 5.4	
ss. 533, 534.....	ad. No. 117, 2008 am. No. 112, 2011
Part 5.5	
ss. 535, 536.....	ad. No. 117, 2008 am. No. 112, 2011
Part 5.6	
s. 537	ad. No. 117, 2008
ss. 538, 539.....	ad. No. 117, 2008 am. No. 112, 2011
s. 540	ad. No. 117, 2008 am. No. 96, 2010; No. 112, 2011
ss. 541–543.....	ad. No. 117, 2008 am. No. 112, 2011
Note to s. 543(2).....	am. No. 112, 2011
ss. 544, 545.....	ad. No. 117, 2008 am. No. 112, 2011
ss. 546, 547.....	ad. No. 117, 2008
Part 5.7	
s. 548	ad. No. 117, 2008 am. No. 112, 2011
s. 549	ad. No. 117, 2008

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
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	am. No. 96, 2010; No. 112, 2011
ss. 550, 551.....	ad. No. 117, 2008
s. 552.....	ad. No. 117, 2008
	am. No. 112, 2011

Part 5.8

ss. 553, 554.....	ad. No. 117, 2008
	am. No. 112, 2011
Subheads. to s. 555(4), (5).....	am. No. 112, 2011
s. 555.....	ad. No. 117, 2008
	am. No. 112, 2011

Part 5.9

Heading to s. 556.....	am. No. 112, 2011
s. 556.....	ad. No. 117, 2008
	am. No. 112, 2011
Heading to s. 557.....	am. No. 112, 2011
s. 557.....	ad. No. 117, 2008
	am. No. 118, 2010; No. 112, 2011
s. 558.....	ad. No. 117, 2008
	am. No. 112, 2011
Heading to s. 559.....	am. No. 112, 2011
s. 559.....	ad. No. 117, 2008
	am. No. 112, 2011

Part 5.10

Heading to s. 560.....	am. No. 112, 2011
ss. 560, 561.....	ad. No. 117, 2008
	am. No. 112, 2011
s. 562.....	ad. No. 117, 2008
ss. 563–565.....	ad. No. 117, 2008
	am. No. 112, 2011
Subhead. to s. 566(2).....	am. No. 112, 2011

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Subhead. to s. 566(5)	am. No. 112, 2011
s. 566	ad. No. 117, 2008
	am. No. 112, 2011
Chapter 6	
Part 6.1	
s. 568	am. No. 117, 2008; No. 112, 2011
s. 569	am. No. 117, 2008; No. 118, 2010; No. 112, 2011; No. 2, 2012
Notes 1, 2 to s. 569(8)	ad. No. 2, 2012
s. 570	ad. No. 117, 2008
	am. No. 117, 2008; No. 118, 2010
Subhead. to s. 571(1)	am. No. 117, 2008
Subhead. to s. 571(2)	rs. No. 117, 2008
s. 571	am. No. 117, 2008; No. 112, 2011
s. 572	am. No. 117, 2008; No. 112, 2011; No. 2, 2012
Notes 1, 2 to s. 572(7)	ad. No. 2, 2012
Part 6.1A	
Part 6.1A	ad. No. 36, 2013
Division 1	
s. 572A	ad. No. 36, 2013
s. 572B	ad. No. 36, 2013
Division 2	
s. 572C	ad. No. 36, 2013
s. 572D	ad. No. 36, 2013
s. 572E	ad. No. 36, 2013
s. 572F	ad. No. 36, 2013
Part 6.2	
Heading to Part 6.2	rs. No. 117, 2008
Division 1	
s. 573	rs. No. 117, 2008; No. 112, 2011
	am. No. 2, 2012

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
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Division 2

Heading to s. 574.....	am. No. 112, 2011
s. 574.....	am. No. 117, 2008; No. 112, 2011
Note 3 to s. 574(2).....	ad. No. 112, 2011
Note 4 to s. 574(2).....	ad. No. 2, 2012
s. 574A.....	ad. No. 112, 2011
Note 3 to s. 574A(2).....	ad. No. 2, 2012
s. 574B.....	ad. No. 36, 2013
s. 575.....	am. No. 118, 2010; No. 112, 2011
s. 576.....	am. No. 112, 2011

Division 2A

Div. 2A of Part 6.2.....	ad. No. 2, 2012
s. 576A.....	ad. No. 2, 2012
s. 576B.....	ad. No. 2, 2012
	am. No. 36, 2013
s. 576C.....	ad. No. 2, 2012
s. 576D.....	ad. No. 2, 2012

Division 3

Heading to Div. 3 of.....	rs. No. 112, 2011
Part 6.2	
Heading to s. 577.....	am. No. 112, 2011
Subhead. to s. 577(1).....	am. No. 112, 2011
Subhead. to s. 577(3).....	am. No. 112, 2011
s. 577.....	am. No. 49, 2007; No. 117, 2008; No. 112, 2011
s. 577A.....	ad. No. 112, 2011

Division 4

s. 578.....	am. No. 117, 2008; No. 112, 2011
Note to s. 578.....	am. No. 112, 2011

Part 6.3

Part 6.3.....	ad. No. 117, 2008
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Division 1

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 579	ad. No. 117, 2008
Division 2	
s. 580	ad. No. 117, 2008
	am. No. 112, 2011
s. 581	ad. No. 117, 2008
	am. No. 118, 2010
s. 582	ad. No. 117, 2008
Division 3	
s. 583	ad. No. 117, 2008
	am. No. 112, 2011
Division 4	
s. 584	ad. No. 117, 2008
	am. No. 112, 2011
Part 6.4	
Division 1	
Heading to Div. 1 of	ad. No. 117, 2008
Part 6.4	
s. 585	am. No. 117, 2008
	rs. No. 112, 2011
s. 585A	ad. No. 36, 2013
Heading to s. 586	am. No. 112, 2011
s. 586	am. No. 117, 2008; No. 118, 2010; No. 112, 2011
Note 3 to s. 586(2)	ad. No. 112, 2011
s. 586A	ad. No. 112, 2011
Heading to s. 587	am. No. 112, 2011
s. 587	am. No. 117, 2008; No. 118, 2010; No. 112, 2011
Note to s. 587(2)	ad. No. 112, 2011
s. 587A	ad. No. 112, 2011
Heading to s. 588	am. No. 112, 2011
Subhead. to s. 588(2)	am. No. 112, 2011
s. 588	am. No. 112, 2011

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Heading to s. 589.....	am. No. 112, 2011
s. 589.....	am. No. 117, 2008; No. 112, 2011
s. 590.....	am. No. 117, 2008
s. 590A.....	ad. No. 112, 2011
Division 2	
Div. 2 of Part 6.4.....	ad. No. 117, 2008
s. 591.....	ad. No. 117, 2008
s. 591A.....	ad. No. 36, 2013
ss. 592, 593.....	ad. No. 117, 2008
	am. No. 118, 2010
s. 594.....	ad. No. 117, 2008
	am. No. 117, 2008
s. 595.....	ad. No. 117, 2008
	am. No. 118, 2010
s. 596.....	ad. No. 117, 2008
s. 597.....	ad. No. 117, 2008
	am. No. 112, 2011
s. 598.....	ad. No. 117, 2008
Part 6.5	
Division 1	
Heading to Div. 1 of.....	ad. No. 117, 2008
Part 6.5	
s. 599.....	am. No. 117, 2008; No. 112, 2011
Heading to s. 600.....	am. No. 117, 2008
s. 600.....	am. No. 49, 2007; No. 117, 2008; No. 112, 2011
Heading to s. 601.....	am. No. 117, 2008
Subhead. to s. 601(12).....	am. No. 117, 2008
s. 601.....	am. No. 49, 2007; No. 117, 2008
ss. 602, 603.....	am. No. 117, 2008
Division 2	
Div. 2 of Part 6.5.....	ad. No. 117, 2008

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
ss. 605–610.....	ad. No. 117, 2008
Division 3	
Heading to Div. 3 of.....	ad. No. 117, 2008
Part 6.5	
s. 611	am. No. 117, 2008
Part 6.6	
Division 1	
s. 612	am. No. 117, 2008; No. 112, 2011
s. 614	am. Nos. 21 and 117, 2008; No. 112, 2011
s. 615	am. No. 117, 2008; No. 112, 2011
Division 2	
Heading to Div. 2 of.....	rs. No. 117, 2008
Part 6.6	
Heading to s. 616.....	am. No. 117, 2008
s. 616	am. No. 117, 2008; No. 112, 2011
Division 3	
Div. 3 of Part 6.6	ad. No. 117, 2008
s. 617	ad. No. 117, 2008
Division 4	
Heading to s. 618.....	am. No. 112, 2011
s. 618	am. No. 112, 2011
Division 5	
ss. 621–623.....	am. No. 117, 2008
Part 6.7	
Div. 1 of Part 6.7	rep. No. 112, 2011
s. 624	am. No. 117, 2008
	rep. No. 112, 2011
ss. 625, 626.....	rep. No. 112, 2011
s. 627	am. No. 117, 2008
	rep. No. 112, 2011
s. 628	ad. No. 117, 2008

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
	rep. No. 112, 2011
Division 2	
Heading to s. 629.....	am. No. 112, 2011
s. 629.....	am. No. 117, 2008; No. 112, 2011
s. 630.....	ad. No. 117, 2008
Division 3	
Heading to s. 635.....	am. No. 112, 2011
s. 635.....	am. No. 112, 2011
Division 4	
s. 636.....	am. No. 117, 2008; No. 112, 2011
Part 6.8	
s. 638.....	am. Nos. 21 and 117, 2008; No. 118, 2010; No. 112, 2011
Note to s. 640(1)	
Renumbered Note 1	No. 49, 2007
Note 2 to s. 640(1).....	ad. No. 49, 2007
Part 6.9	
Heading to Part 6.9.....	rs. No. 112, 2011
Division 1	
s. 642.....	am. No. 117, 2008; No. 118, 2010
	rs. No. 112, 2011
s. 643.....	am. No. 49, 2007; No. 117, 2008; Nos. 28 and 112, 2011; No. 36, 2013
s. 644.....	am. Nos. 21 and 117, 2008
Division 2	
Heading to Div. 2 of.....	rs. No. 112, 2011
Part 6.9	
s. 645.....	rs. No. 112, 2011
Heading to s. 646.....	am. No. 112, 2011
s. 646.....	am. No. 117, 2008; No. 118, 2010; No. 112, 2011
s. 646A.....	ad. No. 112, 2011
s. 647.....	am. No. 112, 2011
Heading to s. 648.....	am. No. 112, 2011

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 648	am. No. 112, 2011
Heading to s. 649	am. No. 112, 2011
s. 649	am. No. 112, 2011
s. 650	am. No. 21, 2008
	rs. No. 112, 2011
s. 651	rep. No. 112, 2011
Heading to s. 652	am. No. 112, 2011
s. 652	am. No. 112, 2011

Division 3

Heading to Div. 3 of rs. No. 112, 2011
Part 6.9

Subdivision A

s. 653	rs. No. 112, 2011
s. 654	am. No. 117, 2008; No. 112, 2011; No. 36, 2013
s. 656	am. No. 112, 2011; No. 36, 2013
Note to s. 656(3)	rs. No. 46, 2011

Subdivision C

Note to s. 658(2)	rs. No. 46, 2011
s. 664	am. No. 46, 2011
Notes to s. 664(1), (2)	ad. No. 46, 2011

Division 4

Heading to Div. 4 of Part 6.9	rs. No. 112, 2011
s. 665	am. No. 112, 2011; No. 36, 2013
Note to s. 665(1)	ad. No. 112, 2011
Note to s. 665(5)	rs. No. 46, 2011
ss. 666, 667	am. No. 112, 2011
s. 674	am. No. 46, 2011
Note to s. 674	ad. No. 46, 2011
s. 675	am. No. 21, 2008; No. 112, 2011
Heading to s. 676	am. No. 112, 2011

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 676	am. No. 112, 2011
Heading to s. 677	am. No. 112, 2011
s. 677	am. No. 112, 2011
Division 5	
ss. 678, 679	am. No. 117, 2008; No. 112, 2011
Division 6	
ss. 680, 681	am. No. 112, 2011
Division 7	
Heading to Div. 7 of	rs. No. 112, 2011
Part 6.9	
s. 682	rs. No. 112, 2011
s. 683	am. No. 102, 2009; Nos. 28 and 112, 2011
s. 684	am. No. 112, 2011
Division 8	
Heading to s. 685	am. No. 112, 2011
s. 685	am. No. 112, 2011
ss. 686, 687	am. Nos. 28 and 112, 2011
s. 688	rep. No. 102, 2009
	ad. No. 28, 2011
	am. No. 112, 2011
ss. 688A, 688B	ad. No. 28, 2011
	am. No. 112, 2011
s. 688C	ad. No. 112, 2011
s. 689	am. No. 112, 2011
Division 9	
Subhead. to s. 690(1)	rs. No. 112, 2011
s. 690	am. No. 112, 2011; No. 36, 2013
Heading to s. 691	am. No. 112, 2011
s. 691	am. No. 112, 2011
Heading to s. 692	am. No. 112, 2011
s. 692	am. No. 112, 2011

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Heading to s. 694.....	am. No. 174, 2012
s. 694	rs. SLI 2009 No. 165 (as am. by SLI 2009 No. 337) am. No. 174, 2012
s. 695	am. No. 117, 2008 rs. No. 112, 2011
s. 695AA	ad. No. 112, 2011
Part 6.10	
Part 6.10	ad. No. 112, 2011
Division 1	
s. 695AB.....	ad. No. 112, 2011
Division 2	
s. 695A	ad. No. 112, 2011
s. 695B	ad. No. 112, 2011
s. 695C	ad. No. 112, 2011 am. No. 136, 2012; No. 36, 2013
Note to s. 695C(1)	ad. No. 136, 2012
s. 695D	ad. No. 112, 2011
s. 695E.....	ad. No. 112, 2011
s. 695F	ad. No. 112, 2011
s. 695G	ad. No. 112, 2011
Division 3	
s. 695H	ad. No. 112, 2011
ss. 695J, 695K	ad. No. 112, 2011
Division 4	
ss. 695L, 695M.....	ad. No. 112, 2011
Division 5	
s. 695N	ad. No. 112, 2011 am. No. 36, 2013
s. 695P	ad. No. 112, 2011 am. No. 136, 2012

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 695Q	ad. No. 112, 2011
s. 695R	ad. No. 112, 2011
Part 6.11	
Part 6.11	ad. No. 11, 2013
Division 1	
s. 695S	ad. No. 11, 2013
s. 695T	ad. No. 11, 2013
s. 695U	ad. No. 11, 2013
Division 2	
s. 695V	ad. No. 11, 2013
Division 3	
s. 695W	ad. No. 11, 2013
s. 695X	ad. No. 11, 2013
s. 695Y	ad. No. 11, 2013
Chapter 7	
Heading to Chapt. 7	rs. No. 117, 2008
Part 7.1	
Division 1	
s. 696	am. No. 117, 2008; No. 112, 2011
Division 2	
Subhead. to s. 697(2)	am. No. 112, 2011
s. 697	am. No. 117, 2008; No. 118, 2010; No. 112, 2011
s. 698	am. No. 117, 2008; No. 102, 2009; No. 112, 2011
Division 3	
Heading to s. 699	am. No. 117, 2008; No. 112, 2011
s. 699	am. No. 117, 2008; No. 112, 2011
s. 701	am. No. 117, 2008; No. 112, 2011
s. 703	am. No. 117, 2008; No. 112, 2011
Heading to s. 704	am. No. 117, 2008; No. 112, 2011
ss. 704–706	am. No. 117, 2008; No. 112, 2011

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
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s. 707A	ad. No. 112, 2011
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Part 7.2

s. 708	am. No. 117, 2008; No. 112, 2011
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Heading to s. 709	am. No. 112, 2011
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s. 709	am. No. 112, 2011
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Part 7.3

Division 1

ss. 710, 711	am. No. 112, 2011
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Division 2

Subdivision A

Heading to Subdiv. A of	rs. No. 112, 2011
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Div. 2 of Part 7.3

Heading to s. 712	am. No. 112, 2011
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s. 712	am. No. 112, 2011
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Heading to s. 713	am. No. 112, 2011
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s. 713	am. No. 112, 2011
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Heading to s. 714	am. No. 112, 2011
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s. 714	am. No. 112, 2011
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Subdivision C

s. 718	am. No. 112, 2011
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Division 3

s. 720	am. No. 112, 2011
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Chapter 8

Chapt. 8	ad. No. 117, 2008
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Part 8.1

Division 1

s. 722	ad. No. 117, 2008
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am. No. 112, 2011

Division 2

Subhead. to s. 723(2)	am. No. 112, 2011
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Subhead. to s. 723(4)	rs. No. 112, 2011
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Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 723	ad. No. 117, 2008 am. No. 118, 2010; No. 112, 2011
s. 724	ad. No. 117, 2008 am. No. 102, 2009; No. 112, 2011
Division 3	
Heading to s. 725	am. No. 112, 2011
s. 725	ad. No. 117, 2008 am. No. 112, 2011
s. 726	ad. No. 117, 2008
s. 727	ad. No. 117, 2008 am. No. 112, 2011
s. 728	ad. No. 117, 2008
s. 729	ad. No. 117, 2008 am. No. 112, 2011
Heading to s. 730	am. No. 112, 2011
ss. 730–732	ad. No. 117, 2008 am. No. 112, 2011
s. 733	ad. No. 117, 2008
s. 733A	ad. No. 112, 2011
Part 8.2	
s. 734	ad. No. 117, 2008 am. No. 112, 2011
s. 734A	ad. No. 112, 2011
Part 8.3	
Division 1	
ss. 735, 736	ad. No. 117, 2008 am. No. 112, 2011
s. 737	ad. No. 117, 2008
Division 2	
Subdivision A	

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Heading to Subdiv. A of.....	rs. No. 112, 2011
Div. 2 of Part 8.3	
Heading to s. 738.....	am. No. 112, 2011
s. 738.....	ad. No. 117, 2008
	am. No. 112, 2011
Heading to s. 739.....	am. No. 112, 2011
s. 739.....	ad. No. 117, 2008
	am. No. 112, 2011
Heading to s. 740.....	am. No. 112, 2011
s. 740.....	ad. No. 117, 2008
	am. No. 112, 2011

Subdivision B

ss. 741, 742..... ad. No. 117, 2008

Division 3

s. 743..... ad. No. 117, 2008
am. No. 112, 2011

Chapter 9

Part 9.1

Heading to Part 9.1..... rs. No. 112, 2011
s. 744..... rs. No. 112, 2011
s. 745..... am. No. 117, 2008; No. 112, 2011
s. 746..... rep. No. 112, 2011
s. 747A..... ad. No. 112, 2011

Part 9.2

Part 9.2..... ad. No. 117, 2008
s. 748..... ad. No. 117, 2008
s. 749..... ad. No. 117, 2008
am. No. 117, 2008
s. 750..... ad. No. 117, 2008
Note to s. 750(2)..... rs. No. 46, 2011
ss. 751–758..... ad. No. 117, 2008

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
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Part 9.3

Part 9.3 ad. No. 117, 2008

Division 1

s. 759 ad. No. 117, 2008
am. No. 117, 2008

ss. 760–765 ad. No. 117, 2008

Division 2

ss. 766, 767 ad. No. 117, 2008

Part 9.4

s. 768 am. No. 117, 2008; No. 112, 2011

Note to s. 768(4) rs. No. 117, 2008

Part 9.6

s. 771 am. No. 117, 2008; No. 112, 2011

s. 772 am. No. 112, 2011

s. 773 ad. No. 117, 2008

Heading to s. 774 am. No. 117, 2008

s. 774 am. No. 117, 2008; No. 112, 2011

s. 775 ad. No. 117, 2008

Part 9.6A

Part 9.6A ad. No. 118, 2010

Division 1

ss. 775A–775C ad. No. 118, 2010
am. No. 112, 2011

Division 2

s. 775D ad. No. 118, 2010
am. No. 36, 2013

s. 775E ad. No. 118, 2010
am. No. 36, 2013

Part 9.7

Heading to s. 776 am. No. 49, 2007

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 776	am. No. 49, 2007
Note to s. 776(1)	ad. No. 49, 2007
s. 777	ad. No. 49, 2007
Part 9.8	
Part 9.8	ad. No. 117, 2008
s. 778	ad. No. 117, 2008
	am. No. 112, 2011
Note to s. 778(1)	am. No. 46, 2011
Part 9.9	
Part 9.9	ad. No. 117, 2008
s. 779	ad. No. 117, 2008
	am. No. 112, 2011
Part 9.10	
Part 9.10	ad. No. 117, 2008
s. 780	ad. No. 117, 2008
Part 9.10A	
Part 9.10A	ad. No. 102, 2009
s. 780A	ad. No. 102, 2009
Note to s. 780A	ad. No. 2, 2012
ss. 780B, 780C	ad. No. 102, 2009
s. 780D	ad. No. 102, 2009
	am. No. 112, 2011
s. 780E	ad. No. 102, 2009
s. 780F	ad. No. 102, 2009
	am. No. 112, 2011
s. 780G	ad. No. 102, 2009
Part 9.10B	
Part 9.10B	ad. No. 113, 2011
s. 780H	ad. No. 113, 2011
Part 9.11	

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
s. 782	am. No. 117, 2008
s. 785	ad. No. 117, 2008
Heading to s. 786	am. No. 117, 2008
s. 786	am. No. 49, 2007
s. 787	ad. No. 117, 2008
s. 789	ad. No. 117, 2008
Schedule 1	
Schedule 1	rs. No. 21, 2008
cc. 1–9	rs. No. 21, 2008
Schedule 2	
Schedule 2	rs. No. 21, 2008
c. 1	rs. No. 21, 2008
Schedule 3	
Part 1	
c. 2	am. No. 112, 2011
c. 3	am. Nos. 21 and 117, 2008; No. 54, 2009; SLI 2009 No. 165 (as am. by SLI 2009 No. 337); No. 118, 2010; No. 174, 2012
Subhead. to c. 4(1)	am. No. 117, 2008
c. 4	am. No. 117, 2008
c. 5	am. No. 112, 2011
cc. 8A, 8B	ad. No. 118, 2010
Part 2	
Division 1	
cc. 9–11	am. No. 102, 2009
cc. 12,13	am. No. 102, 2009; No. 103, 2010
c. 13A	ad. No. 102, 2009
	rs. No. 118, 2010
	am. No. 112, 2011
c. 13B	ad. No. 118, 2010
	am. No. 112, 2011
c. 14	am. No. 102, 2009; No. 103, 2010

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
c. 15.....	am. No. 102, 2009

Part 3

Division 3

Subdivision A

c. 26.....	am. No. 112, 2011
c. 30.....	am. No. 112, 2011
c. 32.....	am. No. 112, 2011

Subdivision B

cc. 34, 35.....	am. No. 112, 2011
c. 39.....	am. No. 112, 2011

Division 5

c. 44.....	am. No. 112, 2011
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Division 6

c. 46.....	am. No. 112, 2011
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Part 4

Division 1

cc. 47, 48.....	am. No. 112, 2011
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Division 2

Subhead. to c. 49(2).....	am. No. 112, 2011
c. 49.....	am. No. 112, 2011

Division 3

Subdivision A

cc. 50–52.....	am. No. 118, 2010; No. 112, 2011
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Subdivision B

c. 56.....	am. No. 112, 2011
c. 57.....	am. No. 118, 2010; No. 112, 2011
c. 58.....	am. No. 112, 2011
cc. 65, 66.....	am. No. 112, 2011

Subdivision C

cc. 73, 74.....	am. No. 118, 2010
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Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
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Division 4

Subhead. to c. 80(1)..... am. No. 112, 2011

c. 80..... am. No. 118, 2010; No. 112, 2011

Part 5

cc. 82, 83 am. No. 112, 2011

Subhead. to c. 89(1)..... am. No. 112, 2011

c. 89..... am. No. 112, 2011

Schedule 4

Heading to Schedule 4..... am. No. 117, 2008

Part 1

c. 1 am. No. 117, 2008

Part 2

Heading to Part 2 of..... am. No. 117, 2008
Schedule 4

Heading to c. 2..... am. No. 117, 2008

Subhead. to c. 2(2)..... am. No. 117, 2008

Subheads. to c. 2(4)–(6)..... am. No. 117, 2008

c. 2..... am. No. 117, 2008; No. 112, 2011

Note 2 to c. 2(7)..... am. No. 112, 2011

c. 3..... am. No. 117, 2008; No. 112, 2011

Note to c. 3..... am. No. 117, 2008

Heading to c. 4..... am. No. 117, 2008

Subhead. to c. 4(2)..... am. No. 117, 2008

Subheads. to c. 4(4)–(6)..... am. No. 117, 2008

c. 4..... am. No. 117, 2008; No. 112, 2011

Note 2 to c. 4(7)..... am. No. 112, 2011

Part 3

Heading to Part 3 of..... am. No. 117, 2008
Schedule 4

Heading to c. 5..... am. No. 117, 2008

c. 5..... am. No. 117, 2008

Endnotes

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Heading to c. 6.....	am. No. 117, 2008
c. 6.....	am. No. 117, 2008
Part 4	
Heading to c. 7.....	am. No. 117, 2008
c. 7.....	am. No. 117, 2008; No. 112, 2011
Part 5	
Heading to c. 8.....	am. No. 117, 2008
Subhead. to c. 8(1).....	am. No. 117, 2008
Subhead. to c. 8(4).....	am. No. 117, 2008
c. 8.....	am. No. 117, 2008
Schedule 5	
c. 4.....	am. No. 112, 2011
Heading to c. 5.....	am. No. 112, 2011
c. 5.....	am. No. 112, 2011
cc. 6–8	am. No. 117, 2008; No. 112, 2011
c. 9.....	am. No. 112, 2011
Schedule 6	
Part 1	
c. 4.....	am. No. 21, 2008
c. 7.....	am. No. 49, 2007
Part 2	
c. 9.....	am. No. 49, 2007
c. 11.....	am. No. 49, 2007
Heading to c. 13.....	am. No. 117, 2008
c. 13.....	am. No. 49, 2007; No. 117, 2008
cc. 13A, 13B.....	ad. No. 117, 2008
Note to c. 14	ad. No. 49, 2007
c. 15.....	am. No. 49, 2007; No. 117, 2008
Heading to c. 23.....	am. No. 117, 2008
c. 23.....	am. No. 117, 2008

Endnote 2—Amendment history

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
exp. = expired or ceased to have effect

Provision affected	How affected
Note to c. 23(1).....	am. No. 117, 2008
Heading to c. 24.....	am. No. 117, 2008
c. 24.....	am. No. 117, 2008
Heading to c. 25.....	am. No. 117, 2008
c. 25.....	am. No. 117, 2008
Heading to c. 26.....	am. No. 117, 2008
cc. 26, 27.....	am. No. 117, 2008
Heading to c. 29.....	am. No. 117, 2008
c. 29.....	am. No. 117, 2008
c. 32.....	am. No. 117, 2008
c. 36.....	am. No. 102, 2009
c. 41.....	am. No. 102, 2009
Schedule 7	
Schedule 7	ad. No. 49, 2007
cc. 1–3	ad. No. 49, 2007

Endnotes

Endnote 3—Uncommenced amendments

Endnote 3—Uncommenced amendments

This endnote sets out amendments of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that have not yet commenced.

Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011 (No. 112, 2011)

Schedule 4

2 Section 7 (definition of *Registration Fees Act*)

Repeal the definition.

3 At the end of section 473

Add:

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

4 Subsection 479(3)

Omit “On payment of the fee provided for in the Registration Fees Act, the”, substitute “The”.

5 At the end of section 488

Add:

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

6 Subsection 494(3)

Omit “On payment of the fee provided for in the Registration Fees Act, the”, substitute “The”.

7 At the end of section 498

Add:

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

8 Section 512

Repeal the section.

9 After section 516

Insert:

516A Application fee

- (1) An eligible application must be accompanied by the fee (if any) prescribed by the regulations.
Note: For *eligible application*, see subsection (4).
- (2) Different fees may be prescribed for different eligible applications.
- (3) A fee must not be such as to amount to taxation.
- (4) For the purposes of this section, each of the following is an *eligible application*:
 - (a) an application for the approval of the transfer of a title;
 - (b) an application for the approval of a dealing (other than an application covered by section 502);
 - (c) a provisional application for the approval of a dealing.

10 Section 517

Repeal the section.

11 At the end of section 525

Add:

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

12 Subsection 530(3)

Omit “On payment of the fee provided for in the Registration Fees Act, the”, substitute “The”.

13 At the end of section 539

Add:

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

14 Subsection 544(3)

Omit “On payment of the fee provided for in the Registration Fees Act, the”, substitute “The”.

15 At the end of section 548

Add:

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

16 Section 561

Repeal the section.

17 After section 565

Insert:

565A Application fee

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

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

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

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

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

- (a) an application for the approval of the transfer of a title;
- (b) an application for the approval of a dealing (other than an application covered by section 551);
- (c) a provisional application for the approval of a dealing.

18 Section 566

Repeal the section.

19 Division 2 of Part 6.7

Repeal the Division.

20 After paragraph 636(1)(e)

Insert:

(eaa) a fee under subsection 516A(1);

21 Before paragraph 636(1)(f)

Insert:

(ec) a fee under subsection 565A(1);

Navigation (Consequential Amendments) Act 2012 (No. 129, 2012)**Schedule 2****43 Subsection 640(3) (paragraph (a) of the definition of
Commonwealth maritime legislation)**

Omit “1912”, substitute “2012”.

**Offshore Petroleum and Greenhouse Gas Storage Amendment
(Compliance Measures) Act 2013 (No. 11, 2013)****Schedule 1****1 Section 7**

Insert:

NOPSEMA inspector means a person appointed as a NOPSEMA
inspector under section 602.**2 Section 7 (definition of *petroleum project inspector*)**

Repeal the definition.

3 Section 7

Insert:

Regulatory Powers Act means the *Regulatory Powers (Standard
Provisions) Act 2013*.**4 Part 6.5 (heading)**

Repeal the heading, substitute:

Part 6.5—Compliance and enforcement

5 Section 599

Omit:

- 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.

substitute:

- The CEO may appoint inspectors (called ***NOPSEMA inspectors***). The NOPSEMA inspectors may exercise powers of entry, monitoring and investigation for the purposes of this Act.
- The exercise of some of these powers is provided for under Parts 2 and 3 of the Regulatory Powers Act. Those Parts of that Act are applied by this Division with suitable modifications.

6 Sections 600 to 602

Repeal the sections, substitute:

600 Definitions—this Division

In this Division:

CEO means the Chief Executive Officer of NOPSEMA.

evidential material has the same meaning as in the Regulatory Powers Act.

facility has the same meaning as in Schedule 3.

function includes duty.

listed NOPSEMA law: see section 601.

Endnote 3—Uncommenced amendments

operator of a facility has the same meaning as in Schedule 3.

petroleum title means:

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

this Act includes a legislative instrument under this Act.

601 Meaning of *listed NOPSEMA law*

- (1) For the purposes of this Act, the provisions listed in the following table are the *listed NOPSEMA laws*, to the extent provided in the column headed “Provisions”:

Listed NOPSEMA laws		
Item	Provisions	Topic
1	Chapter 2	Regulation of activities related to petroleum
2	Chapter 4	Registration of transfers of, and dealings in, petroleum titles
3	Sections 568 and 569	Works and operations obligations of petroleum titleholders
4	Sections 571 and 572, to the extent that the sections apply in relation to petroleum titles	Insurance and property obligations of petroleum titleholders
5	Part 6.2	Directions relating to petroleum
6	Division 1 of Part 6.4	Remedial directions for petroleum titleholders
7	Division 1 of Part 6.5	Compliance and enforcement—listed NOPSEMA laws

Endnotes

Endnote 3—Uncommenced amendments

Listed NOPSEMA laws		
Item	Provisions	Topic
8	Part 6.6	Safety zones and the area to be avoided
9	Part 6.7, to the extent that the Part applies in relation to petroleum titles	Collection of fees and royalties payable to the Titles Administrator or the Commonwealth
10	Division 8 of Part 6.9	Collection of fees and levies payable to NOPSEMA
11	Division 4 of Part 6.10, to the extent that the Division applies in relation to petroleum titles	Collection of fees and levies payable to the Titles Administrator
12	Chapter 7	Information relating to petroleum
13	Schedule 2A	Petroleum environmental laws: additional NOPSEMA inspection powers
14	Schedule 3	Occupational health and safety (applying to offshore petroleum operations and offshore greenhouse gas storage operations)
15	The provisions of the <i>Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009</i>	Safety regulation (applying to offshore petroleum operations and offshore greenhouse gas storage operations)
16	The provisions of the <i>Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009</i> , to the extent that the regulations apply in relation to petroleum titles	Environment regulation
17	The provisions of Part 5 of the <i>Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011</i> , to the extent that the Part applies in relation to petroleum titles	Structural integrity of petroleum wells and well operations

Endnote 3—Uncommenced amendments

Listed NOPSEMA laws		
Item	Provisions	Topic
18	The provisions of the <i>Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011</i> (apart from Part 5), to the extent that the regulations apply in relation to petroleum titles	Resource management and administration
19	A provision of a legislative instrument under this Act, if (and to the extent that) it is prescribed by regulation for the purposes of this section	As stated in the regulation

- (2) A ***listed NOPSEMA law*** includes a requirement made under a provision listed in the table in subsection (1).

602 NOPSEMA inspectors—appointment

Appointment generally

- (1) The CEO may, in writing, appoint as NOPSEMA inspectors any of the following:
 - (a) a member of the staff of NOPSEMA;
 - (b) an employee of the Commonwealth or of a Commonwealth authority;
 - (c) an employee of a State or of the Northern Territory, or of an authority of a State or of the Northern Territory.
- (2) Despite subsection (1), the CEO may appoint as NOPSEMA inspectors persons who are not covered by paragraph (1)(a), (b) or (c), if the appointment is for a period, and for the performance of functions, stated in the instrument of appointment.
- (3) The CEO must not appoint a person as a NOPSEMA inspector unless the CEO is satisfied that the person has suitable training or experience to properly exercise the powers of a NOPSEMA inspector (subject to any limitations as to powers or functions

stated in an instrument under subsection (2) or a direction under 602A).

Identity cards

- (4) An identity card issued to a NOPSEMA inspector under the Regulatory Powers Act must:
 - (a) state that the inspector is a NOPSEMA inspector for the purposes of this Act; and
 - (b) if the inspector is appointed subject to any limitations as to powers or functions stated in the instrument of appointment under subsection (2)—state that limitation; and
 - (c) if the appointment is in relation to the Eastern Greater Sunrise offshore area—identify the inspector as a Greater Sunrise visiting inspector.

Powers etc. given by State or Territory PSLA

- (5) In addition to the powers and functions given for the purposes of this Act, a NOPSEMA inspector has all the powers and functions that are given by or under a State PSLA or the Territory PSLA.

602A NOPSEMA inspectors—directions by CEO

Directions etc. by the CEO

- (1) The CEO may give written directions stating conditions subject to which a NOPSEMA inspector's powers may be exercised for the purposes of this Act. If the CEO does so, the inspector's powers must be exercised in accordance with those directions.
- (2) The CEO may, by written notice, impose conditions (not inconsistent with any directions under subsection (1)) on the exercise of powers, or the performance of functions, by a particular NOPSEMA inspector for the purposes of this Act. If the CEO does so, the inspector's powers and functions are to be exercised or performed subject to those conditions.

Endnote 3—Uncommenced amendments

Status of directions and notices as legislative instruments

- (3) If a direction under subsection (1) is of general application, the direction is a legislative instrument.
- (4) If a direction under subsection (1) is not of general application, the direction is not a legislative instrument.
- (5) A notice under subsection (2) is not a legislative instrument.

602B NOPSEMA inspectors—reimbursement for exercise of powers relating to the Titles Administrator*Scope*

- (1) This section applies if a NOPSEMA inspector:
 - (a) engages in activities that are preparatory to the exercise, or the possible exercise, of a power for a purpose that relates to the powers or functions of the Titles Administrator; or
 - (b) exercises a power for a purpose that relates to the powers or functions of the Titles Administrator.

Reimbursement

- (2) NOPSEMA and the Titles Administrator may, with the agreement of the responsible Commonwealth Minister, make a written determination that provides that an amount worked out in accordance with the determination is, on a day worked out in accordance with the determination, to be:
 - (a) debited from the National Offshore Petroleum Titles Administrator Special Account; and
 - (b) credited to the National Offshore Petroleum Safety and Environmental Management Authority Special Account.
- (3) The Titles Administrator must publish a determination under subsection (2) on the Department's website.
- (4) A determination under subsection (2) is not a legislative instrument.

602C Listed NOPSEMA laws—monitoring powers (general)

Provisions subject to monitoring

- (1) The listed NOPSEMA laws are ***subject to monitoring*** under Part 2 of the Regulatory Powers Act.

Note 1: Part 2 of the Regulatory Powers Act creates a framework for monitoring whether the listed NOPSEMA laws have been complied with. It includes powers of entry, search and inspection (see section 20 of that Act).

Note 2: For the ***listed NOPSEMA laws***, see section 601.

Information subject to monitoring

- (2) Information given in compliance or purported compliance with one or more of the listed NOPSEMA laws is ***subject to monitoring*** under Part 2 of the Regulatory Powers Act.

Note: Part 2 of the Regulatory Powers Act creates a framework for monitoring whether the information is correct. It includes powers of entry, search and inspection (see section 20 of that Act).

Related provisions

- (3) For the purposes of Part 2 of the Regulatory Powers Act, each of the following is ***related*** to the listed NOPSEMA laws and the information mentioned in subsection (2):
- (a) a provision for an offence against this Act;
 - (b) a civil penalty provision under this Act;
 - (c) a provision for an offence against the *Crimes Act 1914* or the *Criminal Code* that relates to this Act.

Authorised applicant

- (4) For the purposes of Part 2 of the Regulatory Powers Act, a NOPSEMA inspector is an ***authorised applicant*** in relation to both of the following:
- (a) the listed NOPSEMA laws;
 - (b) the information mentioned in subsection (2).

Endnote 3—Uncommenced amendments

Authorised person

- (5) For the purposes of Part 2 of the Regulatory Powers Act, a NOPSEMA inspector is an **authorised person** in relation to both of the following:
- (a) the listed NOPSEMA laws;
 - (b) the information mentioned in subsection (2).

Issuing officer

- (6) For the purposes of Part 2 of the Regulatory Powers Act, a magistrate, or a Judge of the Federal Circuit Court, is an **issuing officer** in relation to both of the following:
- (a) the listed NOPSEMA laws;
 - (b) the information mentioned in subsection (2).

Relevant chief executive

- (7) For the purposes of Part 2 of the Regulatory Powers Act, the CEO is the **relevant chief executive** in relation to both of the following:
- (a) the listed NOPSEMA laws;
 - (b) the information mentioned in subsection (2).

Relevant court

- (8) For the purposes of Part 2 of the Regulatory Powers Act, each of the following courts is a **relevant court** in relation to the listed NOPSEMA laws and the information mentioned in subsection (2):
- (a) the Federal Court;
 - (b) the Federal Circuit Court;
 - (c) the Supreme Court of a State or Territory.

Person assisting

- (9) For the purposes of Part 2 of the Regulatory Powers Act, a NOPSEMA inspector may be assisted by a member (or members) of the staff of NOPSEMA in exercising powers or performing functions in relation to both of the following:
- (a) the listed NOPSEMA laws;
 - (b) the information mentioned in subsection (2).

Endnote 3—Uncommenced amendments

Extension to offshore areas

- (10) Part 2 of the Regulatory Powers Act extends to each offshore area, in the application of that Part in relation to both of the following:
- (a) the listed NOPSEMA laws;
 - (b) the information mentioned in subsection (2).

Note: Under Schedule 3 to this Act, NOPSEMA inspectors may exercise additional powers, and perform additional functions, for the purpose of monitoring listed OHS laws, environmental management laws and structural integrity laws.

602D Listed NOPSEMA laws—investigation powers (general)

*Offences and civil penalty provisions that are **subject to investigation***

- (1) The following are **subject to investigation** under Part 3 of the Regulatory Powers Act:
- (a) an offence against a listed NOPSEMA law;
 - (b) a civil penalty provision that is a listed NOPSEMA law;
 - (c) an offence against the *Crimes Act 1914* or the *Criminal Code* that relates to an offence against a listed NOPSEMA law.

Note 1: Part 3 of the Regulatory Powers Act creates a framework for investigating whether offences or civil penalty provisions that are subject to investigation have been committed or contravened. It includes powers of entry, search, inspection and seizure (see section 50 of that Act).

Note 2: For the **listed NOPSEMA laws**, see section 601.

Related provisions

- (2) For the purposes of Part 3 of the Regulatory Powers Act, each of the following is **related** to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1):
- (a) a provision for an offence against this Act;
 - (b) a civil penalty provision under this Act;
 - (c) a provision for an offence against the *Crimes Act 1914* or the *Criminal Code* that relates to this Act.

Endnote 3—Uncommenced amendments

Authorised applicant

- (3) For the purposes of Part 3 of the Regulatory Powers Act, a NOPSEMA inspector is an **authorised applicant** in relation to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1).

Authorised person

- (4) For the purposes of Part 3 of the Regulatory Powers Act, a NOPSEMA inspector is an **authorised person** in relation to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1).

Issuing officer

- (5) For the purposes of Part 3 of the Regulatory Powers Act, a magistrate, or a Judge of the Federal Circuit Court, is an **issuing officer** in relation to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1).

Relevant chief executive

- (6) For the purposes of Part 3 of the Regulatory Powers Act, the CEO is the **relevant chief executive** in relation to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1).

Relevant court

- (7) For the purposes of Part 3 of the Regulatory Powers Act, each of the following courts is a **relevant court** in relation to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1):
- (a) the Federal Court;
 - (b) the Federal Circuit Court;
 - (c) the Supreme Court of a State or Territory.

Person assisting

- (8) For the purposes of Part 3 of the Regulatory Powers Act, a NOPSEMA inspector may be assisted by a member (or members) of the staff of NOPSEMA in exercising powers or performing functions in relation to evidential material that relates to an offence or civil penalty provision mentioned in subsection (1).

Use of force in executing a warrant

- (9) In executing an investigation warrant:
- (a) an authorised person may use such force against things as is necessary and reasonable in the circumstances; and
 - (b) a person assisting the authorised person may use such force against things as is necessary and reasonable in the circumstances.

Extension to offshore areas

- (10) Part 3 of the Regulatory Powers Act, as it applies in relation to an offence or civil penalty provision mentioned in subsection (1), extends to each offshore area.

602E Listed NOPSEMA laws—additional powers

Additional powers

- (1) A NOPSEMA inspector may exercise the powers covered by subsection (2) after entering premises under Part 3 of the Regulatory Powers Act (as it applies under this Division).

Powers that may be exercised

- (2) The powers covered by this subsection are as follows:
- (a) if the inspector's entry is in connection with a listed NOPSEMA law that is a petroleum environmental law—the power in relation to the premises that the inspector would have, if the inspector had entered the premises for the purposes of a petroleum environmental inspection under Schedule 2A, to issue a do not disturb notice under clause 10 of Schedule 2A;

Endnote 3—Uncommenced amendments

- (b) if the inspector's entry is in connection with a listed NOPSEMA law that is a listed OHS law—the powers in relation to the premises that the inspector would have, if the inspector had entered the premises for the purposes of an OHS inspection under Schedule 3, to issue any of the following:
 - (i) a do not disturb notice under clause 76 of Schedule 3;
 - (ii) a prohibition notice under clause 77 of Schedule 3;
 - (iii) an improvement notice under clause 78 of Schedule 3.

Application of Schedule 2A and Schedule 3

- (3) Schedule 2A applies in relation to the exercise (as provided by this section) of a power covered by paragraph (2)(a) as if the inspector were conducting a petroleum environmental inspection under that Schedule.
- (4) Schedule 3 applies in relation to the exercise (as provided by this section) of a power covered by paragraph (2)(b) as if the inspector were conducting an OHS inspection under that Schedule.

602F Listed NOPSEMA laws—monitoring and investigation powers (special provisions)*Scope*

- (1) This section provides for extended or alternative meanings of terms used in Part 2 or 3 of the Regulatory Powers Act in the application of that Part under this Division.

Premises

- (2) In that application (and without limiting its meaning under that Act) ***premises*** includes any vessel, structure or other thing located in an offshore area that is used, or that has been used, for the purposes of either of the following (within the meaning of Part 6.9):
 - (a) offshore petroleum operations;
 - (b) offshore greenhouse gas storage operations.

Examples of ***premises***:

Endnotes

Endnote 3—Uncommenced amendments

- (a) a facility (within the meaning of Schedule 3); and
- (b) an infrastructure facility (see section 15); and
- (c) a petroleum pipeline.

Occupiers of premises located offshore

- (3) In that application, but only in relation to the exercise of powers by a NOPSEMA inspector at premises that are located in an offshore area, ***occupier*** means:
- (a) in the case of the exercise of powers at a facility in relation to a listed NOPSEMA law that is a listed OHS law—the operator’s representative at the facility (within the meaning of Schedule 3); or
 - (b) if paragraph (a) does not apply, and the premises are a vessel under the command or charge of a master—the master; or
 - (c) if paragraphs (a) and (b) do not apply, and the powers are exercised in relation to any listed NOPSEMA law that is a petroleum environmental law—the titleholder’s representative (if any) at the premises; or
 - (d) if there is no occupier at the premises as provided under paragraph (a), (b) or (c)—the person at the premises who appears to be in overall control of the premises.

Note: In the case of premises that are not located in an offshore area, ***occupier*** would have its ordinary meaning as applied under the Regulatory Powers Act.

602G Listed NOPSEMA laws—monitoring and investigation powers (reasonable facilities and assistance)

Scope

- (1) This section applies if any powers are to be exercised by a NOPSEMA inspector under the Regulatory Powers Act as it applies under this Division in relation to premises that are located in an offshore area.

Note: For the meaning of ***premises*** in this context, see section 602F.

Endnote 3—Uncommenced amendments

Reasonable facilities and assistance

- (2) For the purposes of the application of section 32 or 64 of the Regulatory Powers Act under this Division, in addition to any facilities or assistance that must otherwise be provided under those sections in that application, the responsible person must provide:
- (a) appropriate transport to or from the premises for the following:
 - (i) the NOPSEMA inspector;
 - (ii) any person assisting the inspector (within the meaning of section 24 or 54 of the Regulatory Powers Act as that section applies under this Division);
 - (iii) any equipment required by the inspector;
 - (iv) any thing of which the inspector has taken possession; and
 - (b) reasonable accommodation and means of subsistence for the inspector, and any such person assisting the inspector, while the inspector is at the premises.

Note: A NOPSEMA inspector may be assisted by a member of staff of NOPSEMA (see sections 602C and 602D). Any such assistance must be necessary and reasonable (see sections 24 and 54 of the Regulatory Powers Act).

- (3) In this section:

responsible person means:

- (a) if the powers are to be exercised in relation to a facility—the operator of the facility; or
- (b) in any other case—the registered holder of a petroleum title in relation to which the powers are to be exercised.

602H Listed NOPSEMA laws—monitoring and investigation powers (Greater Sunrise visiting inspectors)

- (1) For the purposes of this Act, a Greater Sunrise visiting inspector who produces, at a reasonable time, the inspector's identity card:
- (a) is to be given access to the regions in the following areas:
 - (i) the Eastern Greater Sunrise offshore area;
 - (ii) the Principal Northern Territory offshore area; and

Endnotes

Endnote 3—Uncommenced amendments

- (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.

Note: A ***Greater Sunrise visiting inspector*** is a NOPSEMA inspector whose identity card identifies the inspector as such (see subsection 602(4)).

- (2) A Greater Sunrise visiting inspector must not, in his or her capacity as such, exercise any other powers of a NOPSEMA inspector under the Regulatory Powers Act (as applied by this Division), or otherwise under this Act.

602J Petroleum environmental laws—additional powers

NOPSEMA and NOPSEMA inspectors have the powers and functions given by Schedule 2A in relation to the petroleum environmental laws.

602K NOPSEMA inspections—titleholder's representative

Scope

- (1) This section applies in relation to an inspection by a NOPSEMA inspector at offshore premises that is wholly or partly in relation to a titleholder's compliance with the titleholder's obligations.

Meaning of titleholder's representative

- (2) For the purposes of this Act, a ***titleholder's representative*** is a person nominated by the titleholder under this section who is present at the offshore premises in compliance with a requirement imposed on the titleholder by paragraph (5)(b).

Endnote 3—Uncommenced amendments

Nomination of titleholder representative

- (3) For the purposes of an inspection, a NOPSEMA inspector may, by written notice to the titleholder, require the titleholder to nominate a representative to be present at offshore premises at the time stated in the notice.
- (4) Subsection (3) does not imply that, if the titleholder is an individual, the nominated representative of the titleholder may not be that individual.
- (5) The titleholder must:
 - (a) by written notice to the NOPSEMA inspector, nominate a representative as required by the notice under subsection (3); and
 - (b) take all reasonably practicable steps to ensure that the nominated representative is present at the offshore premises at the time stated in the notice, and remains at the offshore premises after the stated time until no longer required for the purposes of the inspection.

Offence

- (6) A person commits an offence of strict liability if:
 - (a) the person is subject to a requirement under subsection (5); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 50 penalty units.

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

Civil penalty

- (7) A person who is subject to a requirement under subsection (5) must comply with the requirement.

Civil penalty: 135 penalty units.

Definitions

(8) In this section:

greenhouse gas title means:

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

inspection means:

- (a) an inspection under Part 2 or 3 of the Regulatory Powers Act, as applied by this Division; or
- (b) a petroleum environmental inspection under Schedule 2A; or
- (c) an OHS inspection under Part 4 of Schedule 3.

offshore premises means:

- (a) a facility; or
- (b) offshore petroleum premises within the meaning of Schedule 2A (which deals with inspections concerning petroleum environmental laws).

petroleum title: see section 600.

titleholder means the registered holder of:

- (a) a petroleum title; or
- (b) a greenhouse gas title.

titleholder's obligations means the obligations of a titleholder to comply with:

- (a) for an inspection under Part 2 or 3 of the Regulatory Powers Act, as applied by this Division—a listed NOPSEMA law; or
- (b) for a petroleum environmental inspection under Schedule 2A—a petroleum environmental law; or
- (c) for an OHS inspection under Part 4 of Schedule 3:
 - (i) clause 13A of Schedule 3 (petroleum titleholder duty of care); or
 - (ii) Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration)*

Endnote 3—Uncommenced amendments

- Regulations 2011*, to the extent that the Part relates to petroleum titles; or
- (iii) clause 13B of Schedule 3 (greenhouse gas titleholder duty of care).

602L Listed NOPSEMA laws—monitoring and investigation powers (relationship with other powers)

The exercise or performance by a NOPSEMA inspector (or any other person) of a power or function under Part 2 or 3 of the Regulatory Powers Act, as it applies under this Division:

- (a) does not prevent the inspector (or other person) from exercising or performing a power or function under any provision of this Act; and
- (b) is not prevented by the exercise or performance by a NOPSEMA inspector (or any other person) of a power or function under any provision of this Act.

Note: NOPSEMA inspectors may also exercise other powers under this Act. For example:

- (a) under section 602J and Schedule 2A, in relation to provisions of this Act that are petroleum environmental laws; and
- (b) under Part 6.8 and Schedule 3, in relation to provisions of this Act that are listed OHS laws.

7 Division 6 of Part 6.9 of Chapter 6

Repeal the Division.

8 At the end of Part 9.11

Add:

790A Regulations dealing with the Regulatory Powers Act

Regulations may:

- (a) make a provision of a regulation a civil penalty provision (see Part 4 of the Regulatory Powers Act); and
- (b) modify the Regulatory Powers Act as it applies in relation to a regulation.

9 After Schedule 2

Insert:

Schedule 2A—Petroleum environmental laws: additional NOPSEMA inspection powers

Note: See section 602J.

Part 1—Introduction

1 Simplified outline

The following is a simplified outline of this Schedule:

- This Schedule covers those provisions of this Act (called *petroleum environmental laws*) that concern offshore petroleum management in Commonwealth waters (see clause 2).
- NOPSEMA inspectors may conduct an inspection (called a *petroleum environmental inspection*) to monitor compliance with petroleum environmental laws.
- A NOPSEMA inspector must prepare a report about an inspection and give the report to NOPSEMA.
- The powers that a NOPSEMA inspector may exercise for the purposes of a petroleum environmental inspection are in addition to the powers in relation to petroleum environmental laws that the inspector may exercise for the purposes of Division 1 of Part 6.5 of this Act.

2 Definitions

In this Schedule:

Commonwealth waters has the same meaning as in Part 6.9 of this Act.

do not disturb notice means a notice issued under clause 10.

enter, when used in relation to offshore petroleum premises that are a vessel, includes board.

facility: means a facility, within the meaning of Schedule 3, that is or is to be used, or has been used, for offshore petroleum operations (within the meaning of Part 6.9 of this Act).

master, in relation to a vessel, means the person having command or charge of the vessel.

offence against a petroleum environmental law: see clause 14.

offshore petroleum premises means any of the following, if located in Commonwealth waters:

- (a) a facility;
- (b) an infrastructure facility that is (or has been) the subject of an infrastructure licence, and that is or is to be operated, or that has been operated, for petroleum activities, as mentioned in subsection 15(2);
- (c) a vessel that is or is to be used, or that has been used, to carry out a seismic survey for the purposes of petroleum exploration;
- (d) any other premises, other than a vessel under the command or charge of a master, that are or are to be used, or that have been used, for the carrying out of an activity in connection with the exercise of a titleholder's rights, or the performance of a titleholder's obligations, under this Act.

operator, in relation to a facility, has the same meaning as in Schedule 3.

operator's representative at the facility has the same meaning as in Schedule 3.

own includes own jointly or own in part.

petroleum environmental inspection: see clause 3.

petroleum environmental law:

- (a) means the provisions of this Act, to the extent to which the provisions relate to offshore petroleum environmental management (within the meaning of Part 6.9 of this Act) in relation to Commonwealth waters; and
- (b) includes a requirement made under a provision of this Act, to the extent mentioned in paragraph (a).

petroleum title means:

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

plant includes any machinery, equipment or tool, or any component.

premises has the same meaning as in the Regulatory Powers Act in its application under Division 1 of Part 6.5 of this Act (see section 602F of this Act).

regulated business premises means premises, other than offshore petroleum premises, that are:

- (a) occupied by the registered holder of a petroleum title; and
- (b) used, or proposed to be used, wholly or principally in connection with operations in relation to one or more petroleum titles, including that petroleum title.

this Act includes a legislative instrument under this Act.

titleholder means the registered holder of a petroleum title.

titleholder's representative, in relation to a titleholder within the meaning of this Schedule, has the meaning given by section 602K.

Part 2—Petroleum environmental inspections

Division 1—Petroleum environmental inspections: general provisions

3 Petroleum environmental inspections—nature of inspections

What is a petroleum environmental inspection?

- (1) A *petroleum environmental inspection* is an inspection under this Part. Such an inspection:
- (a) includes an investigation or inquiry; and
 - (b) need not include a physical inspection of any premises or thing.

Inspections—general power

- (2) A NOPSEMA inspector may, at any time, conduct a petroleum environmental inspection:
- (a) to determine whether a petroleum environmental law has been, or is being, complied with; or
 - (b) to determine whether information given in compliance, or purported compliance, with a petroleum environmental law is correct.

The inspection may be conducted at the inspector's own initiative or in compliance with a direction under subclause (3).

Inspections—directed by NOPSEMA

- (3) NOPSEMA may give a written direction to a NOPSEMA inspector to conduct a petroleum environmental inspection.
- (4) The NOPSEMA inspector must conduct a petroleum environmental inspection as directed under subclause (3).

4 Petroleum environmental inspections—offshore petroleum premises

Power to enter and search

- (1) A NOPSEMA inspector may, for the purposes of a petroleum environmental inspection, at any reasonable time during the day or night:
 - (a) enter offshore petroleum premises at which activities to which the inspection relates are being, or have been, carried on, and do any or all of the following:
 - (i) search the premises;
 - (ii) inspect, examine or measure, or conduct tests concerning, the premises (including any part of the premises and any plant, substance or thing at the premises);
 - (iii) take photographs of, make video recordings of, or make sketches of, the premises (including any part of the premises and any plant, substance or thing at the premises);
 - (iv) inspect, take extracts from, or make copies of, any documents at the premises that the inspector is satisfied on reasonable grounds relate, or are likely to relate, to the subject matter of the inspection; and
 - (b) inspect the seabed and subsoil in the vicinity of the offshore petroleum premises to which the inspection relates.

Notification of entry

- (2) Immediately on entering the offshore petroleum premises for the purposes of the inspection, a NOPSEMA inspector must take reasonable steps to notify the purpose of the entry to the following person (the *occupier*):
 - (a) if the premises are a vessel under the command or charge of a master—the master;
 - (b) if paragraph (a) does not apply:
 - (i) the titleholder's representative at the premises who is nominated for the inspection; or

Endnote 3—Uncommenced amendments

- (ii) if there is no titleholder's representative at the premises—the person at the premises who appears to be in overall control of the premises.
- (3) The inspector must, on being requested to do so by the occupier, produce for inspection by the occupier:
 - (a) the inspector's identity card; and
 - (b) a copy of NOPSEMA's written direction (if any) to conduct the inspection; and
 - (c) a copy of any directions given by the CEO under section 602A in relation to the exercise of the inspector's powers.

5 Petroleum environmental inspections—regulated business premises

Power to enter and search

- (1) A NOPSEMA inspector may, for the purposes of a petroleum environmental inspection:
 - (a) at any reasonable time, enter any regulated business premises if the inspector is satisfied on reasonable grounds that there are likely to be at those premises documents or things that relate to:
 - (i) operations conducted for the purposes of a petroleum title; or
 - (ii) compliance or non-compliance with a petroleum environmental law; and
 - (b) search for, inspect, take extracts from, or make copies of, any such documents at those premises.

Notification of entry

- (2) Immediately on entering regulated business premises for the purposes of an inspection, a NOPSEMA inspector must take reasonable steps to notify the purpose of the entry to the occupier of the premises.
- (3) The inspector must, on being requested to do so by the occupier, produce for inspection by the occupier:

- (a) the inspector's identity card; and
- (b) a copy of NOPSEMA's written direction (if any) to conduct the inspection; and
- (c) a copy of any directions issued by NOPSEMA under section 602A in relation to the exercise of the inspector's powers.

6 Petroleum environmental inspections—obstructing or hindering NOPSEMA inspector

- (1) A person commits an offence if:
 - (a) the person engages in conduct; and
 - (b) the conduct obstructs or hinders a NOPSEMA inspector in the exercise of the inspector's powers under clause 4 or 5.

Penalty: 60 penalty units.

- (2) A person is liable for a civil penalty if the person obstructs or hinders a NOPSEMA inspector in the exercise of the inspector's powers under clause 4 or 5.

Civil penalty: 135 penalty units.

- (3) Subclause (1) or (2) does not apply if the person has a reasonable excuse.

Note 1: In proceedings for an offence against subclause (1), the defendant bears an evidential burden in relation to the matter in subclause (3)—see subsection 13.3(3) of the *Criminal Code*. The same applies in proceedings for a civil penalty under subclause (2).

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 subclause (1) of this clause and section 149.1 of the *Criminal Code*.

Division 2—Petroleum environmental inspections: compliance powers

7 Petroleum environmental inspections—power to require assistance

Requirement to provide assistance

- (1) A NOPSEMA inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of a petroleum environmental inspection at or near offshore petroleum premises in relation to a petroleum title, require:
 - (a) the titleholder; or
 - (b) the titleholder's representative at the premises who is nominated for the inspection;to provide the inspector with reasonable assistance and facilities:
 - (c) that is or are reasonably connected with the conduct of the inspection at or near the premises; or
 - (d) for the effective exercise of the inspector's powers in connection with the conduct of the inspection at or near the premises.
- (2) The reasonable assistance referred to in subclause (1) includes, so far as the titleholder is concerned:
 - (a) appropriate transport to or from the premises for the inspector and for any equipment required by the inspector, or any thing of which the NOPSEMA inspector has taken possession; and
 - (b) reasonable accommodation and means of subsistence while the inspector is at the premises.

Offence

- (3) A person commits an offence if:
 - (a) the person is subject to a requirement under this clause; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

Endnote 3—Uncommenced amendments

- (4) Subclause (3) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (4)—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).

8 Petroleum environmental inspections—powers to require information, and the production of documents and things

Requirement to answer questions

- (1) If:

(a) a NOPSEMA inspector is satisfied on reasonable grounds that a person is capable of answering a question that is reasonably connected with the conduct of a petroleum environmental inspection in relation to a petroleum title; and

(b) the person is:

(i) the titleholder; or

(ii) in the case of an inspection at offshore petroleum premises—the titleholder’s representative at the premises who is nominated for the inspection, or any person engaged in petroleum activities at the premises; or

(iii) in the case of an inspection at regulated business premises—any person representing the titleholder;

the inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of the inspection, require the person to answer the question put by the inspector.

- (2) If, at the time when a requirement under subclause (1) is imposed on a person, the person is not physically present at offshore petroleum premises or regulated business premises, the person is not obliged to comply with the requirement unless the requirement:

(a) is in writing; and

(b) specifies the day on or before which the question is to be answered; and

(c) is accompanied by a statement to the effect that a failure to comply with the requirement is an offence.

Endnote 3—Uncommenced amendments

The day specified under paragraph (b) must be at least 14 days after the day the requirement is imposed.

Requirement to produce documents or things

- (3) If:
- (a) a NOPSEMA inspector is satisfied on reasonable grounds that a person is capable of producing a document or thing that is reasonably connected with the conduct of a petroleum environmental inspection in relation to a petroleum title; and
 - (b) the person is:
 - (i) the titleholder; or
 - (ii) in the case of an inspection at offshore petroleum premises—the titleholder’s representative at the premises who is nominated for the inspection, or any person engaged in petroleum activities at the premises; or
 - (iii) in the case of an inspection at regulated business premises—any person representing the titleholder;
- the inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of the inspection, require the person to produce the document or thing.
- (4) If, at the time when a requirement under subclause (3) is imposed on a person, the person is not physically present at offshore petroleum premises or regulated business premises, the person is not obliged to comply with the requirement unless the requirement:
- (a) is in writing; and
 - (b) specifies the day on or before which the document or thing is to be produced; and
 - (c) is accompanied by a statement to the effect that a failure to comply with the requirement is an offence.

The day specified under paragraph (b) must be at least 14 days after the day the requirement is imposed.

Offence

- (5) A person commits an offence if:
- (a) the person is subject to a requirement under this clause; and

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

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

- (6) Subclause (5) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (6)—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).

False information

- (7) A person commits an offence if:

- (a) the person gives information to another person; and
- (b) the person does so knowing that the information is false or misleading in a material particular; and
- (c) the information is given in compliance or purported compliance with a requirement under this clause.

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

Note: The same conduct may be an offence against both subclause (7) of this clause and section 137.1 of the *Criminal Code*.

Self-incrimination

- (8) A person is not excused from answering a question or producing a document or thing when required to do so under subclause (1) or (3) on the ground that the answer to the question, or the production of the document or thing, may tend to incriminate the person or make the person liable to a penalty.

- (9) However:

- (a) the answer given or document or thing produced; or
- (b) answering the question or producing the document or thing; or
- (c) any information, document or thing obtained as a direct or indirect consequence of the answering of the question or the production of the document or thing;

is not admissible in evidence against the person:

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- (d) in any civil proceedings; or
- (e) in any criminal proceedings other than:
 - (i) proceedings for an offence against this clause; or
 - (ii) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this clause.

9 Petroleum environmental inspections—power to take possession of plant and samples etc.

Power to take possession or samples

- (1) In conducting a petroleum environmental inspection in relation to a petroleum title, a NOPSEMA inspector may, to the extent that it is reasonably necessary for the purposes of inspecting, examining or measuring, or conducting tests concerning, any plant, substance or thing at offshore petroleum premises in connection with the inspection:
 - (a) take possession of the plant, substance or thing and remove it from the premises; or
 - (b) take a sample of the substance or thing and remove that sample from the premises.

Notice

- (2) On taking possession of plant, a substance or a thing, or taking a sample of a substance or thing, the inspector must, by written notice, inform the following persons of the taking of possession or the taking of the sample, and the reasons for it:
 - (a) in any case:
 - (i) the titleholder's representative at the premises who is nominated for the inspection; or
 - (ii) if there is no titleholder's representative at the premises—the titleholder;
 - (b) if the premises are a facility—the operator's representative at the facility;
 - (c) if the premises are a vessel under the command or charge of a master—the master;

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- (d) if the plant, substance or thing is owned by a person other than a person mentioned in paragraph (a), (b) or (c)—that owner.

Display of notice

- (3) The following person must cause the notice to be displayed in a prominent place at the premises:
 - (a) if the premises are a facility—the operator’s representative at the facility;
 - (b) in any other case—the person notified under paragraph (2)(a).

Note: The person notified under paragraph (2)(a) is either the titleholder’s representative or the titleholder.

Duties of NOPSEMA inspector

- (4) If the NOPSEMA inspector takes possession of plant, a substance or a thing for the purpose of inspecting, examining or measuring, or conducting tests concerning, the plant, substance or thing, the inspector must:
 - (a) ensure that the inspection, examination, measuring or testing is conducted as soon as practicable; and
 - (b) return it to the premises as soon as practicable afterwards.
- (5) As soon as practicable after completing any such inspection, examination, measurement or testing, the inspector must give a written statement setting out the results to each person the inspector is required to notify under subclause (2).

10 Petroleum environmental inspections—do not disturb notices (general)

Scope

- (1) This clause applies if a NOPSEMA inspector is conducting a petroleum environmental inspection in relation to offshore petroleum premises.

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When a notice may be issued

- (2) A NOPSEMA inspector may issue a do not disturb notice to a titleholder, in writing, under this clause if the inspector is satisfied on reasonable grounds that it is reasonably necessary to issue the notice in order to allow the inspection, examination or measurement of, or the conducting of tests concerning:
- (a) the premises; or
 - (b) particular plant, or a particular substance or thing, at the premises.

Issue of notice

- (3) Without limiting the way in which the notice may be issued, the notice may be issued to the titleholder by being given to the titleholder's representative at the premises who is nominated for the inspection.

Contents of notice

- (4) The notice must:
- (a) direct the titleholder to take all reasonably practicable steps to ensure that one or more of the following are not disturbed for a period specified in the notice:
 - (i) a particular part of the premises;
 - (ii) particular plant, or a particular substance or thing, at the premises; and
 - (b) set out the reasons for the inspector's decision to issue the notice.
- (5) The period specified in the notice must be a period that the inspector is satisfied on reasonable grounds is necessary in order to allow the inspection, examination, measuring or testing to take place.

Renewal of notice

- (6) The notice may be renewed by another notice in the same terms.

Offence

- (7) A person commits an offence if:
- (a) the person is subject to a do not disturb notice; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the notice.

Penalty for contravention of subclause (7): 300 penalty units.

**11 Petroleum environmental inspections—do not disturb notices
(notification and display)**

Notice to interested persons

- (1) As soon as practicable after issuing a do not disturb notice, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to the following persons:
- (a) if the premises are a facility—the operator’s representative at the facility;
 - (b) if the premises are a vessel under the command or charge of a master—the master;
 - (c) if the premises are, or the plant, substance or thing is, owned by a person other than the titleholder or operator—that owner.

Display of direction

- (2) The following person must cause a copy of a do not disturb notice to be displayed in a prominent place at the premises:
- (a) if the premises are a facility—the operator’s representative at the facility;
 - (b) in any other case:
 - (i) if the notice is given to the titleholder’s representative under subclause 10(3)—the titleholder’s representative; or
 - (ii) if the notice is not given to the titleholder’s representative—the titleholder.

12 Petroleum environmental inspections—tampering with and removing notices

Tampering with notice

- (1) A person must not tamper with any notice that has been displayed under subclause 9(3) or 11(2) while that notice is so displayed.

Removing notice

- (2) If a notice has been displayed under subclause 9(3), a person must not remove the notice until the plant, substance or thing to which the notice relates is returned to the premises from which it was removed.
- (3) If a notice has been displayed under subclause 11(2), a person must not remove the notice before the notice has ceased to have effect.

Offence

- (4) A person commits an offence if:
- (a) the person is subject to a requirement under subclause (1), (2) or (3); and
 - (b) the person engages in conduct; and
 - (c) the conduct breaches the requirement.

Penalty: 50 penalty units.

- (5) Subclause (4) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (5)—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).

- (6) An offence against subclause (4) is an offence of strict liability.

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

Division 3—Reports: inspections concerning petroleum environmental laws

13 Reports on inspections concerning petroleum environmental laws

Scope

- (1) This section applies if a NOPSEMA inspector has conducted either of the following inspections in relation to a petroleum environmental law:
 - (a) a petroleum environmental inspection (under this Part);
 - (b) an inspection for the purposes of Division 1 of Part 6.5 of this Act.

Report to be given to NOPSEMA

- (2) If a NOPSEMA inspector has conducted a petroleum environmental inspection in relation to a petroleum title, the inspector must, as soon as practicable, prepare a written report relating to the inspection and give the report to NOPSEMA.
- (3) The report must include:
 - (a) the NOPSEMA inspector's conclusions from conducting the inspection and the reasons for those conclusions; and
 - (b) any recommendations that the NOPSEMA inspector wishes to make arising from the inspection; and
 - (c) such other matters (if any) as are prescribed by regulation.

Copies of report to be given to titleholder

- (4) As soon as practicable after receiving the report, NOPSEMA must give a copy of the report, together with any written comments that it wishes to make, to the titleholder.

Details of remedial action etc.

- (5) NOPSEMA may, in writing, request the titleholder to provide to NOPSEMA, within a reasonable period specified in the request, details of any action proposed to be taken as a result of the conclusions or recommendations contained in the report.

- (6) The titleholder must comply with a request under subclause (5).

Part 3—General

14 Meaning of *offence against a petroleum environmental law*

In this Schedule:

offence against a petroleum environmental law includes an offence against section 6 of the *Crimes Act 1914* that relates to an offence against a petroleum environmental law.

Note: For other ancillary offences, see section 11.6 of the Criminal Code.

15 Offences against petroleum environmental laws—prosecutions

Proceedings for an offence against a petroleum environmental law may be instituted by NOPSEMA or by a NOPSEMA inspector.

16 Offences against petroleum environmental laws—conduct of directors, employees and agents

Scope

- (1) This clause has effect for the purposes of a proceeding for an offence against a petroleum environmental law.

State of mind of a body corporate

- (2) If it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show:
- (a) that the conduct was engaged in by a director, employee or agent of the body corporate within the scope of actual or apparent authority; and
 - (b) that the director, employee or agent had the state of mind.

Conduct of a body corporate

- (3) Any conduct engaged in on behalf of a body corporate by a director, employee or agent of the body corporate within the scope

Endnote 3—Uncommenced amendments

of actual or apparent authority is taken to have been engaged in also by the body corporate unless it establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.

State of mind of an individual

- (4) If it is necessary to establish the state of mind of an individual in relation to particular conduct, it is sufficient to show:
- (a) that the conduct was engaged in by an employee or agent of the individual within the scope of actual or apparent authority; and
 - (b) that the employee or agent had the state of mind.

Conduct of an individual

- (5) Any conduct engaged in on behalf of an individual by an employee or agent of the individual within the scope of actual or apparent authority is taken to have been engaged in also by the individual unless the individual establishes that he or she took reasonable precautions and exercised due diligence to avoid the conduct.

Limitation on imprisonment

- (6) If:
- (a) an individual is convicted of an offence; and
 - (b) he or she would not have been convicted of the offence if subclauses (4) and (5) had not been enacted;
- he or she is not liable to be punished by imprisonment for that offence.

*Extended meaning of **state of mind***

- (7) A reference in subclause (2) or (4) to the **state of mind** of a person includes a reference to:
- (a) the person's knowledge, intention, opinion, belief or purpose; and
 - (b) the person's reasons for the intention, opinion, belief or purpose.

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Disapplication of Part 2.5 of the Criminal Code

- (8) Part 2.5 of the *Criminal Code* does not apply to an offence against a petroleum environmental law.

17 Petroleum environmental inspections—civil proceedings

- (1) This Schedule does not:
- (a) confer a right of action in any civil proceeding in respect of any contravention of a provision of a petroleum environmental law; or
 - (b) confer a defence to an action in any civil proceeding or otherwise affect a right of action in any civil proceeding.
- (2) However, subclause (1) does not apply in relation to the enforcement, for the purposes of Division 4 of Part 6.5 of this Act, of a petroleum environmental law that is a civil penalty provision.

18 Offences against petroleum environmental laws—defence of circumstances preventing compliance

It is a defence to a prosecution for refusing or failing to do anything required by a petroleum environmental law if the defendant proves that it was not practicable to do that thing because of an emergency prevailing at the relevant time.

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

10 After subsection 638(1)

Insert:

- (1A) A *listed OHS law* includes a requirement made under a provision listed in subsection (1).

11 Section 642

Omit:

- The CEO may appoint OHS inspectors.

Endnotes

Endnote 3—Uncommenced amendments

12 Section 643 (definition of *OHS inspector*)

Repeal the definition.

13 Section 675

Omit “(except a power conferred by section 680)”.

14 Section 675

After “powers”, insert “(except a power conferred by section 602)”.

15 Subsections 684(2) and 694(1)

Omit “an OHS inspector”, substitute “a NOPSEMA inspector”.

16 Clause 2 of Schedule 3

Omit:

- | |
|--|
| (b) concerning a contravention or a possible contravention of a listed OHS law; or |
|--|

17 Clause 2 of Schedule 3

Omit:

- | |
|--|
| <ul style="list-style-type: none">• The operator of a facility must report accidents and dangerous occurrences to NOPSEMA. |
|--|

substitute:

- | |
|--|
| <ul style="list-style-type: none">• The powers that a NOPSEMA inspector may exercise for the purposes of an OHS inspection are in addition to the powers in relation to listed OHS laws that the inspector may exercise for the purposes of Division 1 of Part 6.5 of this Act.• The operator of a facility must report accidents and dangerous occurrences to NOPSEMA. |
|--|

18 Clause 3 of Schedule 3

Insert:

Endnote 3—Uncommenced amendments

do not disturb notice means a do not disturb notice issued under clause 76.

19 Clause 3 of Schedule 3 (definition of *inspection*)

Repeal the definition.

20 Clause 3 of Schedule 3

Insert:

OHS inspection: see clause 49.

21 Clause 3 of Schedule 3 (definition of *OHS inspector*)

Repeal the definition.

22 Clause 3 of Schedule 3 (definition of *premises*)

Repeal the definition, substitute:

premises has the same meaning as in the Regulatory Powers Act in its application under Division 1 of Part 6.5 of this Act (see section 602F of this Act).

23 Clause 3 of Schedule 3

Insert:

titleholder means the registered holder of:

- (a) a petroleum title; or
- (b) a greenhouse gas title.

24 Clause 3 of Schedule 3

Insert:

titleholder's representative, in relation to a titleholder within the meaning of this Schedule, has the meaning given by section 602K.

25 Clause 3 of Schedule 3

Insert:

titleholder's well-related obligations means the obligations of a titleholder to comply with:

Endnote 3—Uncommenced amendments

- (a) clause 13A of this Schedule (petroleum titleholder duty of care); or
- (b) Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, to the extent that the Part applies in relation to petroleum titles; or
- (c) clause 13B of this Schedule (greenhouse gas titleholder duty of care).

26 Subparagraphs 34(1)(a)(iii) and (iv) of Schedule 3

Repeal the subparagraphs, substitute:

- (iii) make a request to a NOPSEMA inspector or to NOPSEMA that an OHS inspection be conducted at the workplace;
- (iv) accompany a NOPSEMA inspector during any OHS inspection at the workplace by the inspector (whether or not the inspection is being conducted as a result of a request made by the health and safety representative);

27 Subclause 39(1) of Schedule 3 (heading)

Repeal the heading, substitute:

Request for OHS inspection

28 Subclause 39(1) of Schedule 3

Omit “an OHS inspector that an inspection”, substitute “a NOPSEMA inspector that an OHS inspection”.

29 Subclause 39(2) of Schedule 3

Omit “an OHS inspector”, substitute “a NOPSEMA inspector”.

30 Subclause 39(3) of Schedule 3 (heading)

Repeal the heading, substitute:

Endnote 3—Uncommenced amendments

*OHS inspection***31 Subclause 39(3) of Schedule 3**

Omit “an inspection must be conducted of the work that is the subject of the disagreement, and the OHS inspector”, substitute “an OHS inspection must be conducted of the work that is the subject of the disagreement, and the NOPSEMA inspector”.

32 Subparagraph 40(1)(b)(i) of Schedule 3

Omit “an OHS inspector during an inspection at the workplace by the OHS inspector”, substitute “a NOPSEMA inspector during an OHS inspection at the workplace by the inspector”.

33 Subclause 44(4) of Schedule 3 (heading)

Repeal the heading, substitute:

*OHS inspection***34 Subclause 44(4) of Schedule 3**

Omit “an OHS inspector that an inspection”, substitute “a NOPSEMA inspector that an OHS inspection”.

35 Subclause 44(5) of Schedule 3

Omit “an inspection”, substitute “an OHS inspection”.

36 Subclause 44(5) of Schedule 3

Omit “OHS inspector” (first occurring), substitute “NOPSEMA inspector”.

37 Subclause 44(5) of Schedule 3

Omit “OHS” (last occurring).

38 Subclause 44(6) of Schedule 3

Omit “an OHS inspector or to NOPSEMA that an inspection”, substitute “NOPSEMA or to a NOPSEMA inspector that an OHS inspection”.

39 Part 4 of Schedule 3 (heading)

Repeal the heading, substitute:

Part 4—OHS inspections

40 Clauses 47 and 48 of Schedule 3

Repeal the clauses, substitute:

47 Simplified outline

The following is a simplified outline of this Part:

- A NOPSEMA inspector may conduct an inspection (called an *OHS inspection*):
 - (a) to monitor compliance with listed OHS laws; or
 - (b) concerning an accident or dangerous occurrence that has happened at or near a facility.
- A number of additional compliance powers are provided. The most significant of these are as follows:
 - (a) to issue a do not disturb notice to deal with health and safety risks or to allow for measurements or tests to be carried out;
 - (b) to issue a prohibition notice to remove an immediate threat to health or safety;
 - (c) to issue an improvement notice specifying action to be taken to remove a risk to health or safety that may result from the continuation or recurrence of a contravention of a listed OHS law.
- A NOPSEMA inspector must prepare a report about an inspection and give the report to NOPSEMA.

Endnote 3—Uncommenced amendments

- The powers that a NOPSEMA inspector may exercise for the purposes of an OHS inspection are in addition to the powers in relation to listed OHS laws that the inspector may exercise for the purposes of Division 1 of Part 6.5 of this Act.

41 Division 2 of Part 4 of Schedule 3 (heading)

Repeal the heading, substitute:

Division 2—OHS inspections: general provisions**42 Clause 49 of Schedule 3**

Repeal the clause, substitute:

49 OHS inspections—nature of inspections

*What is an **OHS inspection**?*

- (1) An **OHS inspection** is an inspection under this Part. Such an inspection:
 - (a) includes an investigation or inquiry; and
 - (b) need not include a physical inspection of any facility, premises or thing.

Inspections—general power

- (2) A NOPSEMA inspector may, at any time, conduct an OHS inspection:
 - (a) to determine whether a listed OHS law has been, or is being, complied with; or
 - (b) to determine whether information given in compliance, or purported compliance, with a listed OHS law is correct; or
 - (c) concerning an accident or dangerous occurrence that has happened at or near a facility.

The inspection may be conducted at the inspector's own initiative or in compliance with a direction under subclause (3).

Endnote 3—Uncommenced amendments

Inspections—directed by NOPSEMA

- (3) NOPSEMA may give a written direction to a NOPSEMA inspector to conduct an OHS inspection.
- (4) The NOPSEMA inspector must conduct an OHS inspection as directed under subclause (3).

43 Division 3 of Part 4 of Schedule 3 (heading)

Repeal the heading.

44 Subdivision A of Division 3 of Part 4 of Schedule 3 (heading)

Repeal the heading.

45 Clause 50 of Schedule 3 (heading)

Repeal the heading, substitute:

50 OHS inspections—facilities

46 Subclause 50(1) of Schedule 3

Omit “An OHS inspector may, for the purposes of an inspection,”, substitute “A NOPSEMA inspector may, for the purposes of an OHS inspection,”.

47 Subparagraphs 50(1)(a)(ii) and (iii) of Schedule 3

Repeal the subparagraphs, substitute:

- (ii) inspect, examine or measure, or conduct tests concerning, the facility (including any workplace at the facility and any plant, substance or thing at the facility);
- (iii) take photographs of, make video recordings of, or make sketches of, the facility (including any workplace at the facility and any plant, substance or thing at the facility);

48 Subparagraph 50(1)(a)(iv) of Schedule 3

Omit “OHS inspector has reasonable grounds to believe”, substitute “inspector is satisfied on reasonable grounds”.

Endnote 3—Uncommenced amendments

49 Subclause 50(2) of Schedule 3

Repeal the subclause, substitute:

Notification of entry

- (2) Immediately on entering a facility for the purposes of an OHS inspection, a NOPSEMA inspector must take reasonable steps to notify the purpose of the entry to each of the following (an *occupier*):
- (a) the operator's representative at the facility;
 - (b) if there is a health and safety representative for a designated work group having a group member likely to be affected by the matter the subject of the inspection—that representative;
 - (c) a titleholder's representative (if any) at the facility who is nominated for the inspection.

Note: A titleholder's representative is only required to be at the facility if the inspection concerns the titleholder's well-related obligations (see section 602K).

- (2A) The inspector must, on being requested to do so by an occupier, produce for inspection by the occupier:
- (a) the inspector's identity card; and
 - (b) a copy of NOPSEMA's written direction (if any) to conduct the inspection; and
 - (c) a copy of any directions issued by NOPSEMA under section 602A in relation to the exercise of the inspector's powers.

50 Subclause 50(3) of Schedule 3

Omit "OHS".

51 Clause 51 of Schedule 3 (heading)

Repeal the heading, substitute:

51 OHS inspections—regulated business premises (non-facilities)

52 Subclause 51(1) of Schedule 3

Omit “An OHS inspector may, for the purposes of an inspection:”, substitute “A NOPSEMA inspector may, for the purposes of an OHS inspection:”

53 Paragraph 51(1)(a) of Schedule 3

Omit “OHS inspector has reasonable grounds to believe”, substitute “inspector is satisfied on reasonable grounds”.

54 Subparagraph 51(1)(a)(ii) of Schedule 3

Repeal the subparagraph, substitute:

- (ii) the titleholder’s well-related obligations; and

55 Subclause 51(2) of Schedule 3

Repeal the subclause, substitute:

Notification of entry

- (2) Immediately on entering regulated business premises (other than a facility) for the purposes of an OHS inspection, a NOPSEMA inspector must take reasonable steps to notify the purpose of the entry to the occupier of the premises.
- (3) The inspector must, on being requested to do so by the occupier, produce for inspection by the occupier:
 - (a) the inspector’s identity card; and
 - (b) a copy of NOPSEMA’s written direction (if any) to conduct the inspection; and
 - (c) a copy of any directions issued by NOPSEMA under section 602A in relation to the exercise of the inspector’s powers.

56 Clauses 52 and 53 of Schedule 3

Repeal the clauses.

57 Subdivision B of Division 3 of Part 4 of Schedule 3

Repeal the Subdivision.

58 Subdivision C of Division 3 of Part 4 of Schedule 3 (heading)

Repeal the heading, substitute:

Division 3—OHS inspections: compliance powers**59 Clause 73 of Schedule 3 (heading)**

Repeal the heading, substitute:

73 OHS inspections—power to require assistance**60 Subclause 73(1) of Schedule 3**

Omit “An OHS inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of an inspection”, substitute “A NOPSEMA inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of an OHS inspection”.

61 Paragraph 73(1)(e) of Schedule 3 (the paragraph 73(1)(e) inserted by item 66 of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Miscellaneous Measures) Act 2010*)

Repeal the paragraph, substitute:

- (da) the titleholder’s representative (if any) at a facility who is nominated for the inspection;

Note: There are currently 2 paragraphs “(e)” in subclause 73(1) of Schedule 3. This item corrects the error while also substituting a new paragraph.

62 Subclause 73(1) of Schedule 3

Omit “the OHS inspector”, substitute “the inspector”.

63 Paragraph 73(1)(f) of Schedule 3

Omit “OHS inspector’s powers under this Schedule”, substitute “inspector’s powers”.

64 Paragraphs 73(2)(a) of Schedule 3

Omit “the OHS inspector” (wherever occurring), substitute “the inspector”.

65 Paragraph 73(2)(a) of Schedule 3

Omit “article”, substitute “thing”.

66 Paragraphs 73(2)(b) of Schedule 3

Omit “the OHS inspector”, substitute “the inspector”.

67 Subclauses 73(5) and (6) of Schedule 3

Repeal the subclauses, substitute:

Titleholders and their representatives—limitation on requirements

- (5) Paragraphs (1)(ca) and (da), which give inspectors certain powers in relation to titleholders and their representatives, do not apply unless the inspection wholly or partly concerns the titleholder’s well-related obligations.

68 Clause 74 of Schedule 3 (heading)

Repeal the heading, substitute:

74 OHS inspections—powers to require information, and the production of documents and things

69 Paragraph 74(1)(a) of Schedule 3

Repeal the paragraph, substitute:

- (a) a NOPSEMA inspector is satisfied on reasonable grounds that a person is capable of answering a question that is reasonably connected with the conduct of an OHS inspection; and

70 Subparagraph 74(1)(b)(v) of Schedule 3

Repeal the subparagraph, substitute:

- (v) in the case of an inspection at a facility—the titleholder’s representative (if any) at the facility who is

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- nominated for the inspection, or anyone engaged in petroleum or greenhouse gas activities at the facility; or
- (vi) in the case of an inspection at a place other than a facility—any person representing the titleholder;

71 Subclause 74(1) of Schedule 3

Omit “the OHS inspector” (wherever occurring), substitute “the inspector”.

72 Subclause 74(3) of Schedule 3 (heading)

Repeal the heading, substitute:

Requirement to produce documents or things

73 Paragraph 74(3)(a) of Schedule 3

Repeal the paragraph, substitute:

- (a) a NOPSEMA inspector is satisfied on reasonable grounds that a person is capable of producing a document or thing that is reasonably connected with the conduct of an OHS inspection; and

74 Subparagraph 74(3)(b)(v) of Schedule 3

Repeal the subparagraph, substitute:

- (v) in the case of an inspection at a facility—the titleholder’s representative (if any) at the facility who is nominated for the inspection, or anyone engaged in petroleum or greenhouse gas activities at the facility; or
- (vi) in the case of an inspection at a place other than a facility—any person representing the titleholder;

75 Subclause 74(3) of Schedule 3

Omit “the OHS inspector”, substitute “the inspector”.

76 Subclause 74(3) of Schedule 3

Omit “article” (last occurring), substitute “thing”.

77 Paragraph 74(4)(b) of Schedule 3

Omit “article”, substitute “thing”.

78 Subclause 74(8) of Schedule 3

Omit “article” (wherever occurring), substitute “thing”.

79 Paragraphs 74(9)(a), (b) and (c) of Schedule 3

Omit “article”, substitute “thing”.

80 Subclauses 74(10) and (11) of Schedule 3

Repeal the subclauses, substitute:

Titleholders and their representatives—limitation on requirements

- (10) Subparagraphs (1)(b)(v) and (vi) and (3)(b)(v) and (vi), which give inspectors certain powers in relation to titleholders and their representatives, do not apply unless the inspection wholly or partly concerns compliance with the titleholder’s well-related obligations.

81 Clause 75 of Schedule 3 (heading)

Repeal the heading, substitute:

75 OHS inspections—power to take possession of plant and samples etc.

82 Subclause 75(1) of Schedule 3

Omit “In conducting an inspection, an OHS inspector”, substitute “In conducting an OHS inspection, a NOPSEMA inspector”.

83 Subclause 75(2) of Schedule 3

Omit “the OHS inspector”, substitute “the inspector”.

84 After paragraph 75(2)(d) of Schedule 3

Insert:

- ; and (e) the titleholder’s representative (if any) at the facility who is nominated for the inspection;

Endnote 3—Uncommenced amendments

85 At the end of subclause 75(2) of Schedule 3

Add:

Note: A titleholder's representative is only required to be at the facility if the inspection concerns the titleholder's well-related obligations (see section 602K).

86 Subclause 75(3) of Schedule 3

Omit "the OHS inspector", substitute "the inspector".

87 Subclause 75(4) of Schedule 3 (heading)

Repeal the heading, substitute:

Duties of inspector

88 Subclauses 75(4) and (5) of Schedule 3

Omit "the OHS inspector" (wherever occurring), substitute "the inspector".

89 Clauses 76, 77 and 78 of Schedule 3

Repeal the clauses, substitute:

76 OHS inspections—do not disturb notices (general)

When a notice may be issued

- (1) A NOPSEMA inspector may issue a do not disturb notice, in writing, under this clause if, in conducting an OHS inspection in relation to a facility, the inspector is satisfied on reasonable grounds that it is reasonably necessary to issue the notice in order to:
 - (a) remove an immediate threat to the health or safety of any person; or
 - (b) allow the inspection, examination or measurement of, or the conducting of tests concerning:
 - (i) the facility; or
 - (ii) particular plant, or a particular substance or thing, at the facility.

Endnote 3—Uncommenced amendments

Issue of notice

- (2) The notice may be issued to either or both of the following persons (the **responsible person**) as applicable:
 - (a) in any case—the operator;
 - (b) if the inspection wholly or partly concerns compliance with the titleholder’s well-related obligations—the titleholder.
- (3) Without limiting subclause (2), the notice may be issued to a responsible person as follows:
 - (a) if the operator is a responsible person—by being given to the operator’s representative at the facility;
 - (b) if the titleholder is a responsible person—by being given to the titleholder’s representative (if any) at the facility who is nominated for the inspection.

Note: A titleholder’s representative is only required to be at the facility if the inspection concerns the titleholder’s well-related obligations (see section 602K).

Contents of notice

- (4) The notice must:
 - (a) direct the responsible person to take all reasonably practicable steps to ensure that one or more of the following are not disturbed for a period specified in the notice:
 - (i) a particular workplace;
 - (ii) particular plant, or a particular substance or thing, at the facility; and
 - (b) set out the reasons for the inspector’s decision to issue the notice.
- (5) The period specified in the notice must be a period that the inspector is satisfied on reasonable grounds is necessary in order to allow the inspection, examination, measuring or testing to take place.

Renewal of notice

- (6) The notice may be renewed by another notice in the same terms.

Endnote 3—Uncommenced amendments

Offence

- (7) A person commits an offence if:
- (a) the person is subject to a do not disturb notice; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the notice.

Penalty for contravention of subclause (7): 300 penalty units.

76A OHS inspections—do not disturb notices (notification and display)*Scope*

- (1) This clause applies if a NOPSEMA inspector issues a do not disturb notice to a person (the *responsible person*) under clause 76.

Notification to interested persons

- (2) If the only responsible person for the notice is the titleholder, as soon as practicable after issuing the notice, the inspector must take reasonable steps to give a copy of the notice to:
- (a) the operator; and
 - (b) if the inspector is at the facility when the notice is issued—the operator's representative at the facility.
- (3) If the notice (or a copy of the notice) is not given to the operator's representative at the facility, the operator must give a copy of the notice to the operator's representative.
- (4) The operator's representative at the facility must give a copy of the notice to the following persons:
- (a) if the workplace, plant, substance or thing to which the direction relates is owned by a person other than the operator of the facility—that owner;
 - (b) if there is a health and safety representative for a designated work group that includes a group member performing work at a workplace, or involving the plant, substance or thing, to which the direction relates—that representative.

Display of notice

- (5) The operator's representative at the facility must cause a copy of the notice to be displayed in a prominent place at the workplace:
 - (a) that is to be left undisturbed; or
 - (b) where the plant, substance or thing that is to be left undisturbed is located.

77 OHS inspections—prohibition notices (issue)

When a notice may be issued

- (1) A NOPSEMA inspector may issue a prohibition notice, in writing, under this clause if, in conducting an OHS inspection in relation to a facility, the inspector is satisfied on reasonable grounds that:
 - (a) either:
 - (i) an activity is occurring at the facility that involves an immediate threat to the health or safety of a person; or
 - (ii) an activity may occur at the facility that, if it occurred, would involve an immediate threat to the health or safety of a person; and
 - (b) it is reasonably necessary to issue the notice in order to remove the threat.

Responsible person for the notice

- (2) The notice may be issued to either or both of the following (the **responsible person**), as applicable:
 - (a) in any case—the operator;
 - (b) if the inspection wholly or partly concerns compliance with the titleholder's well-related obligations—the titleholder.
- (3) Without limiting subclause (2), the notice may be issued to a responsible person as follows:
 - (a) if the operator is a responsible person—by being given to the operator's representative at the facility;
 - (b) if the titleholder is a responsible person—by being given to the titleholder's representative (if any) at the facility who is nominated for the inspection.

Endnote 3—Uncommenced amendments

Note: A titleholder's representative is only required to be at the facility if the inspection concerns the titleholder's well-related obligations (see section 602K).

Contents of notice

- (4) The notice must:
 - (a) specify the activity mentioned in subparagraph (1)(a)(i) or (ii); and
 - (b) set out the reasons for the inspector's satisfaction about the circumstances mentioned in subparagraph (1)(a)(i) or (ii); and
 - (c) if the responsible person is the operator—either:
 - (i) direct the operator to ensure that the activity is not conducted; or
 - (ii) direct the operator to ensure that the activity is not conducted in a specified manner; and
 - (d) if the responsible person is the titleholder—either:
 - (i) direct the titleholder to ensure that the activity is not conducted; or
 - (ii) direct the titleholder to ensure that the activity is not conducted in a specified manner.
- (5) For paragraph (4)(c) or (d), a specified manner may relate to any one or more of the following:
 - (a) any workplace, or part of a workplace, at which the activity is not to be conducted;
 - (b) any plant, substance or thing that is not to be used in connection with the activity;
 - (c) any procedure that is not to be followed in connection with the activity.
- (6) The notice may specify action that may be taken to satisfy a NOPSEMA inspector that adequate action has been taken to remove the threat to health or safety.

Offence

- (7) A person commits an offence if:
 - (a) the person is subject to a prohibition notice; and

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

Penalty for contravention of subclause (7): 600 penalty units.

77A OHS inspections—prohibition notices (notification, display and compliance)

Scope

- (1) This clause applies if a NOPSEMA inspector issues a prohibition notice to a person (the **responsible person**) under clause 77 in relation to a threat to health or safety at a facility.

Notification to interested persons

- (2) If the only responsible person for the prohibition notice is the titleholder, as soon as practicable after issuing the notice, the inspector must take reasonable steps to give a copy of the notice to:
 - (a) the operator; and
 - (b) if the inspector is at the facility when the notice is issued—the operator's representative at the facility.
- (3) If the notice (or a copy of the notice) is not given to the operator's representative at the facility, the operator must give a copy of the notice to the operator's representative.
- (4) The operator's representative at the facility must give a copy of the notice to the following persons:
 - (a) if the workplace, plant, substance or thing to which the notice relates is owned by a person other than the responsible person—that owner;
 - (b) if there is a health and safety representative for a designated work group that includes a group member performing work at a workplace, or involving the plant, substance or thing, to which the direction relates—that representative.

Display of notice

- (5) The operator's representative at the facility must cause a copy of the notice to be displayed in a prominent place at the workplace:

Endnote 3—Uncommenced amendments

- (a) that is to be left undisturbed; or
- (b) where the plant, substance or thing that is to be left undisturbed is located.

Inadequate action in response to notice

- (6) If a NOPSEMA inspector is satisfied that action taken by the responsible person to remove the threat to health or safety is not adequate, the inspector must inform the responsible person accordingly.
- (7) In making a decision under subclause (6), a NOPSEMA inspector may exercise such of the powers of a NOPSEMA inspector conducting an OHS inspection as the inspector considers necessary for the purposes of making the decision.

When notice ceases to have effect

- (8) The notice ceases to have effect in relation to a responsible person when a NOPSEMA inspector notifies the responsible person that the inspector is satisfied that the responsible person, or another person, has taken adequate action to remove the threat to health or safety.

78 OHS inspections—improvement notices (issue)*When a notice may be issued*

- (1) A NOPSEMA inspector may issue an improvement notice to a person (the **responsible person**), in writing, under this clause if, in conducting an OHS inspection in relation to a facility, the inspector is satisfied on reasonable grounds that:
 - (a) the responsible person:
 - (i) is contravening a provision of a listed OHS law; or
 - (ii) has contravened a provision of a listed OHS law and is likely to contravene that provision again; and
 - (b) as a result, there is, or may be, a risk to the health or safety of any person.

How notice may be issued

- (2) Without limiting subclause (1), the notice may be issued to a responsible person as follows:
- (a) if the responsible person is the operator—by being given to the operator’s representative at the facility;
 - (b) if the responsible person is an employer (other than the operator) of members of the workforce, but it is not practicable to give the notice to the employer—by being given to the operator’s representative at the facility;
 - (c) if the responsible person is the titleholder—by being given to the titleholder’s representative (if any) at the facility who is nominated for the inspection.

Note: A titleholder’s representative is only required to be at the facility if the inspection concerns the titleholder’s well-related obligations (see section 602K).

Contents of notice

- (3) The notice must:
- (a) specify the contravention that the NOPSEMA inspector is satisfied on reasonable grounds is occurring, or has occurred and is likely to occur again, and set out those grounds; and
 - (b) specify the risk to health or safety mentioned in paragraph (1)(b); and
 - (c) specify action that the inspector is satisfied on reasonable grounds is required to be taken by the responsible person to reduce or prevent the risk; and
 - (d) specify a period within which the responsible person is to take the action.

Period of notice and action to be taken

- (4) The period specified in the notice must be reasonable.
- (5) If the NOPSEMA inspector is satisfied on reasonable grounds that it is appropriate to do so, the NOPSEMA inspector may, in writing and before the end of the period, extend the period specified in the notice.

78A OHS inspections—improvement notices (compliance)*Duty of responsible person*

- (1) A responsible person in relation to an improvement notice must ensure that the notice is complied with to the extent that it relates to any matter over which the person has control.

Offence

- (2) A person commits an offence if:
- (a) the person is subject to a requirement under subclause (1); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 300 penalty units.

Civil penalty

- (3) A person is liable to a civil penalty if the person contravenes a requirement under subclause (1).

Civil penalty: 400 penalty units.

78B OHS inspections—improvement notices (notification and display)*Scope*

- (1) This clause applies if a NOPSEMA inspector issues an improvement notice to a person (the *responsible person*) under clause 78 in relation to a contravention, or likely contravention, of a listed OHS law.

If notice not given to the operator's representative—representative to be notified

- (2) If the notice is not issued by being given to the operator's representative at the facility, the responsible person (unless the

Endnote 3—Uncommenced amendments

responsible person is the titleholder) must cause a copy of the notice to be given to the operator's representative.

Note: If the responsible person is the titleholder, subclauses (4) and (5) provide for the operator and the operator's representative to be notified.

If responsible person is operator or employer—notification of health and safety representative

- (3) If the responsible person is the operator or an employer (other than the operator) of members of the workforce, the operator's representative at the facility must give a copy of the notice to each health and safety representative for a designated work group having group members performing work that is affected by the notice.

If responsible person is titleholder—notification of operator and operator's representative

- (4) If the responsible person is the titleholder, as soon as practicable after issuing the notice, the inspector must take reasonable steps to give a copy of the notice to:
- (a) the operator; and
 - (b) if the inspector is at the facility when the notice is issued—the operator's representative at the facility.
- (5) If the responsible person is the titleholder, but the inspector is not at the facility when the notice is issued, the operator must give a copy of the notice to the operator's representative at the facility.

Display of notice

- (6) The operator's representative at the facility must cause a copy of the notice to be displayed in a prominent place at or near each workplace at which work affected by the notice is being performed.

NOPSEMA to notify employer, owner etc.

- (7) As soon as practicable after issuing the notice, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to:

Endnote 3—Uncommenced amendments

- (a) the employer of an employee who is a member of the workforce, if the notice is issued:
 - (i) to the employee; and
 - (ii) in connection with work performed by the employee; and
- (b) the owner of any workplace, plant, substance or thing that the notice relates to, unless the owner is:
 - (i) the responsible person; or
 - (ii) an employer referred to in paragraph (a); and
- (c) if the responsible person is the owner of any workplace, plant, substance or thing because of which the contravention has occurred, or is likely to occur:
 - (i) the operator of the facility; and
 - (ii) if the employer of employees who work in that workplace or who use that plant, substance or thing is a person other than the operator—that employer; and
- (d) the titleholder, if:
 - (i) the responsible person is the operator; and
 - (ii) the contravention relates, or is likely to relate, to the titleholder's well-related obligations.

90 Clause 79 of Schedule 3 (heading)

Repeal the heading, substitute:

79 OHS inspections—tampering with and removal of notices**91 Subclauses 79(1) and (3) of Schedule 3**

Omit “76(4), 77(10) or 78(11)”, substitute “76A(5), 77A(5) or 78B(6)”.

92 At the end of subclause 79(3) of Schedule 3

Add “in relation to each person subject to the notice”.

93 Division 4 of Part 4 of Schedule 3 (heading)

Repeal the heading, substitute:

Division 4—Reports: OHS inspections etc.

94 Clause 80 of Schedule 3 (heading)

Repeal the heading, substitute:

80 Reports on listed OHS law inspections

95 Before subclause 80(1) of Schedule 3

Insert:

Scope

(1A) This section applies if a NOPSEMA inspector has conducted either of the following inspections in relation to a listed OHS law:

- (a) an OHS inspection (under this Part);
- (b) an inspection for the purposes of Division 1 of Part 6.5 of this Act.

96 Subclause 80(1) of Schedule 3

Omit “If an OHS inspector has conducted an inspection, the OHS inspector”, substitute “The inspector”.

97 Paragraphs 80(2)(a) and (b) of Schedule 3

Omit “OHS”.

98 Paragraphs 80(3)(aa) and (ab) of Schedule 3

Repeal the paragraphs, substitute:

- (aa) if the report relates wholly or partly to a titleholder’s well-related obligations—to the titleholder; and

99 Subclause 80(4) of Schedule 3

After “request the operator”, insert “, the titleholder”.

100 Subclause 80(4) of Schedule 3

Omit “the Authority”, substitute “NOPSEMA”.

Endnote 3—Uncommenced amendments

101 Paragraph 80(4)(b) of Schedule 3

After “for the operator”, insert “, the titleholder”.

102 Subclause 80(4) of Schedule 3

After “and the operator”, insert “, the titleholder”.

103 Division 5 of Part 4 of Schedule 3 (heading)

Repeal the heading, substitute:

Division 5—Appeals: OHS inspections etc.**80A Appeals concerning OHS inspections etc.—decisions subject to appeal***Scope*

- (1) The following table has effect in relation to a decision by a NOPSEMA inspector:
- (a) in any case—in conducting an OHS inspection; or
 - (b) for items 4 to 8 of the table—in relation to the issue of a do not disturb notice, a prohibition notice or an improvement notice under section 602E (after entering premises under Part 3 of the Regulatory Powers Act as applied under Division 1 of Part 6.5 of this Act).

Decisions subject to appeal		
Item	If the inspector makes the following decision ...	the following persons may appeal against the decision to the reviewing authority by written notice ...
1	A decision to confirm or vary a provisional improvement notice, under clause 39	(a) a person to whom the provisional improvement notice was issued under subclause 38(2); (b) the operator of the facility; (c) a titleholder, if the notice relates to the titleholder’s well-related obligations;

Endnotes

Endnote 3—Uncommenced amendments

Decisions subject to appeal		
Item	If the inspector makes the following decision ...	the following persons may appeal against the decision to the reviewing authority by written notice ...
		(d) an employer, if affected by the decision; (e) a relevant health and safety representative; (f) a relevant workforce representative, if requested by a member of the workforce affected by the decision; (g) a person who owns any workplace, plant, substance or thing to which the decision relates.
2	A decision to cancel a provisional improvement notice, under clause 39	(a) a relevant health and safety representative; (b) a relevant workforce representative, if requested by a member of the workforce affected by the decision.
3	A decision to take possession of plant, a substance or thing, or to take a sample, under clause 75	(a) the operator of the facility; (b) a titleholder, if the reasons stated in the notice under subclause 75(2) relate to the titleholder's well-related obligations; (c) an employer, if affected by the decision; (d) a relevant health and safety representative; (e) a relevant workforce representative, if requested by a member of the workforce affected by the decision; (f) a person who owns the workplace, plant, substance or thing.

Endnote 3—Uncommenced amendments

Decisions subject to appeal		
Item	If the inspector makes the following decision ...	the following persons may appeal against the decision to the reviewing authority by written notice ...
4	<p>Either of the following:</p> <p>(a) a decision to issue a do not disturb notice, under clause 76;</p> <p>(b) a decision to exercise the corresponding power under section 602E.</p>	<p>(a) the operator of the facility;</p> <p>(b) a titleholder, if the notice is issued to the titleholder;</p> <p>(c) an employer, if affected by the decision;</p> <p>(d) a relevant health and safety representative;</p> <p>(e) a relevant workforce representative, if requested by a member of the workforce affected by the decision;</p> <p>(f) a person who owns the workplace, plant, substance or thing.</p>
5	<p>Either of the following:</p> <p>(a) a decision to issue a prohibition notice, under clause 77;</p> <p>(b) a decision to exercise the corresponding power under section 602E.</p>	<p>(a) the operator of the facility;</p> <p>(b) a titleholder, if the notice is issued to the titleholder;</p> <p>(c) an employer, if affected by the decision;</p> <p>(d) a relevant health and safety representative;</p> <p>(e) a relevant workforce representative, if requested by a member of the workforce affected by the decision.</p>
6	<p>Either of the following:</p> <p>(a) a decision that an operator of a facility, or a titleholder, to whom a prohibition notice has been issued has not taken adequate action to remove a threat to health and safety, for the purposes of subclause 77A(6);</p> <p>(b) a corresponding decision in</p>	<p>(a) the operator of the facility;</p> <p>(b) a titleholder, if the notice is issued to the titleholder;</p> <p>(c) an employer, if affected by the decision;</p> <p>(d) a relevant health and safety representative;</p> <p>(e) a relevant workforce representative, if requested by a</p>

Endnotes

Endnote 3—Uncommenced amendments

Decisions subject to appeal		
Item	If the inspector makes the following decision ...	the following persons may appeal against the decision to the reviewing authority by written notice ...
	relation to the exercise of the corresponding power under section 602E.	member of the workforce affected by the decision.
7	<p>Either of the following:</p> <p>(a) a decision that an operator of a facility, or a titleholder, to whom a prohibition notice has been issued has taken adequate action to remove a threat to health and safety, for the purposes of subclause 77A(8);</p> <p>(b) a corresponding decision in relation to the exercise of the corresponding power under section 602E.</p>	<p>(a) a relevant health and safety representative;</p> <p>(b) a relevant workforce representative, if requested by a member of the workforce affected by the decision.</p>
8	<p>Either of the following:</p> <p>(a) a decision to issue an improvement notice, under clause 78;</p> <p>(b) a decision to exercise the corresponding power under section 602E.</p>	<p>(a) the operator of the facility;</p> <p>(b) the titleholder, if the notice is issued to the titleholder;</p> <p>(c) any other person to whom the notice is issued;</p> <p>(d) an employer, if affected by the decision;</p> <p>(e) a relevant health and safety representative;</p> <p>(f) a relevant workforce representative, if requested by a member of the workforce affected by the decision;</p> <p>(g) a person who owns any workplace, plant, substance or thing to which the decision relates.</p>

(2) In this clause:

Endnote 3—Uncommenced amendments

relevant health and safety representative, in relation to a decision, means the health and safety representative for a designated work group having a member affected by the decision.

relevant workforce representative, in relation to a member of the workforce affected by a decision, means:

- (a) a workforce representative in relation to a designated work group, if the member of the workforce is a group member; or
- (b) if there is no designated work group in relation to the member of the workforce—any workforce representative in relation to the member.

104 Clause 81 of Schedule 3 (heading)

Repeal the heading, substitute:

81 Appeals concerning OHS inspections etc.—associated rules and procedure

105 Subclauses 81(1) and (2) of Schedule 3

Repeal the subclauses.

106 Subclauses 81(3) and (4) of Schedule 3

Repeal the subclauses, substitute:

Appeal does not affect the operation of a decision

- (3) Subject to this clause, the making of an appeal under this Division against a decision does not affect the operation of the decision or prevent the taking of action to implement the decision, except to the extent that the reviewing authority makes an order to the contrary.

Suspension of improvement notices

- (4) If the decision appealed against is a decision to which item 8 of the table in subclause 80A(1) applies, the operation of the decision is suspended pending determination of the appeal, except to the extent that the reviewing authority makes an order to the contrary.
-

Endnotes

Endnote 3—Uncommenced amendments

Note: Item 8 of the table in subclause 80A(1) applies to a decision to issue an improvement notice, or to exercise a corresponding power under section 602E.

107 Subclause 81(5) of Schedule 3

Omit “an OHS inspector”, substitute “a NOPSEMA inspector”.

108 Paragraph 81(6)(a) of Schedule 3

Omit “subclause (1) or (2)”, substitute “this Division”.

109 Subclause 81(8) of Schedule 3 (heading)

Repeal the heading, substitute:

Inspector’s duty to return plant etc. to the workplace

110 Subclause 81(8) of Schedule 3

Omit “OHS inspector”, substitute “inspector”.

111 Paragraph 88(1)(f) of Schedule 3

Omit “an inspection”, substitute “an OHS inspection or an inspection in relation to a listed OHS law for the purposes of Division 1 of Part 6.5 of this Act”.

112 Subparagraph 88(1)(g)(ii) of Schedule 3

Omit “an OHS inspector”, substitute “a NOPSEMA inspector”.

113 Subclause 89(1) of Schedule 3 (heading)

Repeal the heading, substitute:

NOPSEMA or NOPSEMA inspector may institute prosecutions

114 Clause 91 of Schedule 3

Before “This Schedule”, insert “(1)”.

115 At the end of clause 91 of Schedule 3

Add:

Endnote 3—Uncommenced amendments

- (2) However, subclause (1) does not apply in relation to the enforcement, for the purposes of Division 4 of Part 6.5 of this Act, of a listed OHS law that is a civil penalty provision.

116 Section 7

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

117 Section 7 (definition of *Greater Sunrise visiting inspector*)

Repeal the definition, substitute:

Greater Sunrise visiting inspector means a NOPSEMA inspector identified as a Greater Sunrise visiting inspector in his or her identity card (see subsection 602(4)).

118 Section 7

Insert:

identity card of a NOPSEMA inspector means an identity card issued to the inspector under the Regulatory Powers Act in its application under Division 1 of Part 6.5 of this Act.

119 Section 7

Insert:

listed NOPSEMA law: see section 601.

120 Section 7

Insert:

petroleum environmental law has the same meaning as in Schedule 2A.

121 Section 7

Insert:

titleholder's representative: see section 602K.

Endnotes

Endnote 3—Uncommenced amendments

122 Paragraph 699(1)(b)

Omit “petroleum project inspector in relation to an offshore area”, substitute “NOPSEMA inspector”.

123 Paragraph 699(1)(b)

Omit “the offshore area”, substitute “an offshore area”.

124 Subsection 707A(1)

Omit “petroleum project inspector as to the exercise of the petroleum project inspector’s”, substitute “NOPSEMA inspector as to the exercise of the inspector’s”.

125 Subsection 707A(2)

Omit “A petroleum project inspector”, substitute “A NOPSEMA inspector”.

126 Paragraph 768(1)(g)

Repeal the paragraph, substitute:
(g) a NOPSEMA inspector;

127 Paragraph 768(1)(i)

Repeal the paragraph.

128 Paragraph 780F(1)(c)

Omit “and”.

129 Paragraph 780F(1)(d)

Repeal the paragraph.

130 Subsection 780F(1)

Omit “under this Act”, substitute “for the purposes of this Act”.

131 Paragraph 780F(2)(c)

Omit “or”.

132 Paragraph 780F(2)(d)

Repeal the paragraph.

Endnote 3—Uncommenced amendments

133 Subsection 780F(7)

Omit “under this Act”, substitute “for the purposes of this Act”.

134 Paragraph 780F(7)(c)

Omit “; or”, substitute “.”.

135 Paragraph 780F(7)(d)

Repeal the paragraph.

136 Subsection 780F(8)

Omit “Subsections 600(6), 606(5) and 681(5)”, substitute “The provisions covered by subsection (8A)”.

137 Subsection 780F(8)

Omit “under this Act”, substitute “for the purposes of this Act”.

138 Paragraph 780F(8)(c)

Omit “; or”, substitute “.”.

139 Paragraph 780F(8)(d)

Repeal the paragraph.

140 After subsection 780F(8)

Insert:

(8A) For the purposes of subsection (8), the following provisions are covered by this subsection:

- (a) subsection 36(6) or 77(6) of the Regulatory Powers Act, as it applies in relation to a NOPSEMA inspector (see Division 1 of Part 6.5 of this Act);
- (b) subsection 606(5) (which applies in relation to a greenhouse gas project inspector).

Note: The listed provisions require the inspectors concerned to carry their identity cards with them at all times while exercising their powers.

141 Paragraph 780F(9)(c)

Omit “inspector;”, substitute “inspector.”.

142 Paragraph 780F(9)(d)

Repeal the paragraph.

143 Multiple amendments

The provisions of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* listed in this Division are amended by:

- (a) omitting “a petroleum project inspector” and substituting “a NOPSEMA inspector”; and
- (b) omitting “the petroleum project inspector” and substituting “the inspector”; and
- (c) omitting “**petroleum project inspector**” and substituting “**NOPSEMA inspector**”.

144 Section 696

145 Section 699 (heading)

146 Subsection 699(2)

147 Section 701

148 Section 703

149 Section 704 (heading)

150 Subsections 704(1), (2) and (4)

151 Paragraph 705(a)

152 Paragraph 706(b)

153 Paragraphs 780F(1)(a), (2)(a), (7)(a), (8)(a) and (9)(a)

Schedule 2

1 Before subsection 228(1)

Insert:

Endnote 3—Uncommenced amendments

*Offence***2 Subsection 228(1)**

After “offence”, insert “of strict liability”.

3 At the end of subsection 228(1)

Add:

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

4 After subsection 228(1)

Insert:

Civil penalty

- (1A) A person who is a pipeline licensee in relation to a pipeline is liable to a civil penalty if the person ceases to operate the pipeline.

Civil penalty: 265 penalty units.

*Exceptions***5 Subsection 228(2)**

Omit “Subsection (1)”, substitute “Subsection (1) or (1A)”.

6 Subsection 228(2) (note)

Repeal the note, substitute:

Note: In proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matter in subsection (2): see subsection 13.3(3) of the *Criminal Code*. The same applies in proceedings for a civil penalty under subsection (1A) of this section.

7 Subsection 228(3)

Omit “Subsection (1)”, substitute “Subsection (1) or (1A)”.

8 Subsection 228(3) (note)

Repeal the note, substitute:

Note: In proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matter in subsection (3): see subsection 13.3(3) of the *Criminal Code*. The same applies in

Endnotes

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proceedings for a civil penalty under subsection (1A) of this subsection.

9 Subsection 228(4)

Repeal the subsection (including the note).

10 After subsection 249(1)

Insert:

Offence

11 At the end of section 249

Add:

Civil penalty

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

Civil penalty: 90 penalty units.

12 At the end of section 280

Add:

Civil penalty

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

Civil penalty: 265 penalty units.

13 At the end of section 284

Add:

Civil penalty

- (7) A person is liable to a civil penalty if the person contravenes a requirement under subsection (2).

Civil penalty: 150 penalty units.

14 After subsection 286A(8)

Insert:

Civil penalty

- (8A) A person is liable to a civil penalty if the person contravenes a requirement under subsection (2), (3), (4) or (5).

Civil penalty: 90 penalty units.

15 After subsection 507(5)

Insert:

Civil penalty

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

Civil penalty: 90 penalty units.

16 Subsection 507(6) (heading)

Repeal the heading, substitute:

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

17 At the end of subsection 507(6) (before the note)

Add:

; (c) subsection (5A).

18 After subsection 508(5)

Insert:

Civil penalty

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

Civil penalty: 90 penalty units.

19 Subsection 508(6) (heading)

Repeal the heading, substitute:

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

20 At the end of subsection 508(6) (before the note)

Add:

; (c) subsection (5A).

21 After subsection 509(6)

Insert:

Civil penalty

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

Civil penalty: 90 penalty units.

22 Subsection 509(7) (heading)

Repeal the heading, substitute:

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

23 At the end of subsection 509(7) (before the note)

Add:

; (c) subsection (6A).

24 After subsection 569(6A)

Insert:

Civil penalty

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

Civil penalty: 1,000 penalty units.

25 After paragraph 569(7)(a)

Insert:

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

26 Section 569 (notes 1 and 2)

Repeal the notes, substitute:

- Note: A petroleum titleholder is required to comply with any directions by NOPSEMA or the responsible Commonwealth Minister given under the following provisions:
- (a) sections 574 and 576B (by NOPSEMA);
 - (b) section 574A (by the responsible Commonwealth Minister).

27 After subsection 572(5)

Insert:

Civil penalty

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

Civil penalty: 525 penalty units.

28 Section 572 (notes 1 and 2)

Repeal the notes, substitute:

- Note: A petroleum titleholder is required to comply with any directions by NOPSEMA or the responsible Commonwealth Minister given under the following provisions:
- (a) sections 574 and 576B (by NOPSEMA);
 - (b) section 574A (by the responsible Commonwealth Minister).

29 Section 573 (fifth paragraph)

After “offence”, insert “, or a proceeding for a civil penalty order,”.

30 Subsection 574(2) (note 2)

Repeal the note, substitute:

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

31 Subsection 574A(2) (note 2)

Repeal the note, substitute:

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

32 At the end of section 575

Add:

Civil penalty

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

Civil penalty: 135 penalty units.

33 Section 576

Repeal the section, substitute:

576 Directions under sections 574 and 574A—compliance

Basic rule

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

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

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

Note 3: It is a defence in a proceeding for an offence or civil penalty order under this section if the person subject to the direction proves that the person took all reasonable steps to comply with the direction (see section 578).

Endnote 3—Uncommenced amendments

Fault-based offence

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

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

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

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

Strict liability offence

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

Penalty: 100 penalty units.

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

Civil penalty provision

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

Civil penalty: 525 penalty units.

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

- (6) Subsection (7) applies in relation to a breach of a direction if:
- (a) both of the following persons are subject to the direction:
 - (i) a registered holder;
 - (ii) another person; and
 - (b) the other person is prosecuted for an offence against subsection (2) or (4), or a civil penalty is sought for the purposes of subsection (5), in relation to the other person's breach of the direction; and

- (c) the other person adduces evidence that the other person did not know, and could not reasonably be expected to have known, of the existence of the direction.
- (7) Unless it is proved that the other person knew, or could reasonably be expected to have known, of the existence of the direction:
 - (a) if the other person is prosecuted for an offence—the other person is not to be convicted of the offence; or
 - (b) if a civil penalty order is sought against the other person—the order is not to be made against the other person.

34 Subsection 576B(7) (note 2)

Repeal the note, substitute:

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

35 Subsection 576C(1) (note 1)

Omit “general” (wherever occurring).

36 Section 576D

Repeal the section, substitute:

576D Directions for significant offshore petroleum incidents—compliance

Basic rule

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

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

Note 2: It is a defence in a proceeding for an offence or civil penalty order under this section if the person subject to the direction proves that the person took all reasonable steps to comply with the direction (see section 578).

Endnote 3—Uncommenced amendments

Fault-based offence

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

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

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

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

Strict liability offence

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

Penalty: 100 penalty units.

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

Civil penalty provision

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

Civil penalty: 2,250 penalty units.

37 Section 578

Repeal the section, substitute:

578 Defence of taking reasonable steps to comply with a direction

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

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

- (2) This subsection covers the following directions:

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- (a) a direction given by the Joint Authority or NOPSEMA under:
 - (i) Chapter 2; or
 - (ii) this Chapter; or
 - (iii) Part 7.1; or
 - (iv) a regulation; or
- (b) a direction given by the responsible Commonwealth Minister under this Part or Division 1 of Part 6.4.

38 Paragraph 584(b)

After “Part 6.2”, insert “or Division 1 of Part 6.4”.

39 At the end of subsection 586(2)

Add:

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

40 Subsections 586(5) and (5A)

Repeal the subsections.

41 At the end of subsection 586A(2)

Add:

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

42 Subsections 586A(5) and (6)

Repeal the subsections.

43 Subsection 587(2) (note)

Omit “Note”, substitute “Note 1”.

44 At the end of subsection 587(2)

Add:

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

45 Subsections 587(6) and (7)

Repeal the subsections.

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46 At the end of subsection 587A(2)

Add:

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

47 Subsections 587A(6) and (7)

Repeal the subsections.

48 After section 587A

Insert:

587B Remedial directions—compliance*Basic rule*

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

Fault-based offence

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

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

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

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

Strict liability offence

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

Penalty: 100 penalty units.

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

Endnote 3—Uncommenced amendments

Civil penalty provision

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

Civil penalty: 525 penalty units.

Remedial directions

- (6) In this section:

remedial direction means a direction under any of the following provisions:

- (a) section 586 (petroleum titleholders—NOPSEMA direction);
- (b) section 586A (petroleum titleholders—responsible Commonwealth Minister direction);
- (c) section 587 (former petroleum titleholders—NOPSEMA direction);
- (d) section 587A (former petroleum titleholders—responsible Commonwealth Minister direction).

Note 1: NOPSEMA may do anything required to be done under a direction under section 587 in the event of a breach of the direction (see section 588).

Note 2: The responsible Commonwealth Minister may do anything required to be done under a direction under section 587A in the event of a breach of the direction (see section 590A).

49 Paragraph 620(3)(b)

Omit “hinders or obstructs”, substitute “obstructs or hinders”.

50 Subsection 620(3) (penalty)

Omit “for contravention of this subsection”.

51 At the end of section 620

Add:

Civil penalties

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

Endnote 3—Uncommenced amendments

Civil penalty: 350 penalty units.

- (5) A person is liable to a civil penalty if the person obstructs or hinders an authorised person who is acting under subsection (1).

Civil penalty: 350 penalty units.

52 Paragraph 621(9)(b)

Omit “hinders or obstructs”, substitute “obstructs or hinders”.

53 Subsection 621(10) (penalty)

Omit “for contravention of this subsection”.

54 At the end of section 621

Add:

Civil penalties

- (11) A person is liable to a civil penalty if the person contravenes a requirement under subsection (1), (4) or (7).

Civil penalty: 90 penalty units.

- (12) A person is liable to a civil penalty if the person obstructs or hinders an authorised person who is acting under subsection (1).

Civil penalty: 90 penalty units.

55 After subsection 697(3A)

Insert:

Civil penalty

- (3B) A person is liable to a civil penalty if the person contravenes a direction under subsection (2).

Civil penalty: 150 penalty units.

56 After subsection 699(5)

Insert:

Civil penalty

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

Civil penalty: 150 penalty units.

57 Subsection 699(6) (heading)

Repeal the heading, substitute:

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

58 After paragraph 699(6)(a)

Insert:

(aa) subsection (5A);

59 After subsection 759(3)

Insert:

Offence

60 After subsection 759(4)

Insert:

Civil penalty

(4A) A person is liable to a civil penalty if the person contravenes a requirement in a notice under subsection (2).

Civil penalty: 150 penalty units.

61 Subsection 759(5) (heading)

Repeal the heading, substitute:

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

62 After paragraph 759(5)(a)

Insert:

(aa) subsection (4A);

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63 Clause 3 of Schedule 3

Insert:

health and safety requirement: see clause 16A.**64 After subclause 6(2) of Schedule 3**

Insert:

*Offence***65 After subclause 6(4) of Schedule 3**

Insert:

Civil penalty

(4A) A person is liable to a civil penalty if the person contravenes a requirement under subclause (1) or (2).

Civil penalty: 135 penalty units.

66 Subclause 9(1) of Schedule 3 (note)

Omit “Note”, substitute “Note 1”.

67 At the end of subclause 9(1) of Schedule 3

Add:

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

68 Subclauses 9(4), (4A) and (4B) of Schedule 3

Repeal the subclauses.

69 Subclause 10(1) of Schedule 3 (note)

Omit “Note”, substitute “Note 1”.

70 At the end of subclause 10(1) of Schedule 3

Add:

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

71 Subclauses 10(4), (5) and (6) of Schedule 3

Repeal the subclauses.

72 Subclause 11(1) of Schedule 3 (note)

Omit “Note”, substitute “Note 1”.

73 At the end of subclause 11(1) of Schedule 3

Add:

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

74 Subclauses 11(5), (5A) and (5B) of Schedule 3

Repeal the subclauses.

75 Subclause 12(1) of Schedule 3 (note)

Omit “Note”, substitute “Note 1”.

76 At the end of subclause 12(1) of Schedule 3

Add:

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

77 Subclause 12(2) of Schedule 3 (note)

Omit “Note”, substitute “Note 1”.

78 At the end of subclause 12(2) of Schedule 3

Add:

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

79 Subclauses 12(3), (3A) and (3B) of Schedule 3

Repeal the subclauses.

80 Subclause 13(1) of Schedule 3 (note)

Omit “Note”, substitute “Note 1”.

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81 At the end of subclause 13(1) of Schedule 3

Add:

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

82 Subclauses 13(2), (2A) and (2B) of Schedule 3

Repeal the subclauses.

83 Subclause 13A(1) of Schedule 3 (note)

Omit “Note”, substitute “Note 1”.

84 At the end of subclause 13A(1) of Schedule 3

Add:

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

85 Subclause 13A(2) of Schedule 3 (note)

Omit “Note”, substitute “Note 1”.

86 At the end of subclause 13A(2) of Schedule 3

Add:

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

87 Subclauses 13A(3), (4) and (5) of Schedule 3

Repeal the subclauses.

88 Subclause 14(1) of Schedule 3 (note)

Omit “Note”, substitute “Note 1”.

89 At the end of subclause 14(1) of Schedule 3

Add:

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

90 Subclauses 14(2), (2A) and (2B) of Schedule 3

Repeal the subclauses.

91 At the end of subclause 15(1) of Schedule 3

Add:

Note: Breach of a requirement under this subclause is an offence: see Division 1A.

92 Subclauses 15(2), (2A) and (2B) of Schedule 3

Repeal the subclauses.

93 After Division 1 of Part 2 of Schedule 3

Insert:

**Division 1A—Occupational health and safety duties:
enforcement**

16A Meaning of *health and safety requirement*

In this Schedule:

health and safety requirement means a requirement under any of the following provisions:

- (a) subclause 9(1) (duties of operator);
- (b) subclause 10(1) (duties of persons in control of facility or particular work);
- (c) subclause 11(1) (duties of employers);
- (d) subclause 12(1) or (2) (duties of manufacturers in relation to plant and substances);
- (e) subclause 13(1) (duties of suppliers of facilities, plant and substances);
- (f) subclause 13A(1) or (2) (duties of petroleum titleholders in relation to wells);
- (g) subclause 14(1) (duties of persons erecting facilities or installing plant);
- (h) subclause 15(1) (duties of persons in relation to occupational health and safety).

16B Occupational health and safety duties offence—recklessness*Offence*

- (1) A person commits an offence if:
- (a) the person is subject to a health and safety requirement; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 3,500 penalty units.

Fault elements

- (2) Absolute liability applies to paragraph (1)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

- (3) Recklessness applies to paragraphs (1)(b) and (c).

Note: For recklessness, see section 5.4 of the *Criminal Code*.

16C Occupational health and safety duties offence—negligence*Offence*

- (1) A person commits an offence if:
- (a) the person is subject to a health and safety requirement; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 1,750 penalty units.

Fault elements

- (2) Absolute liability applies to paragraph (1)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

- (3) Negligence applies to paragraphs (1)(b) and (c).

Note: For negligence, see section 5.5 of the *Criminal Code*.

94 Clause 54 of Schedule 3 (heading)

Repeal the heading, substitute:

54 OHS inspections—obstructing or hindering NOPSEMA inspector

95 Paragraph 54(1)(b) of Schedule 3

Repeal the paragraph, substitute:

- (b) the conduct obstructs or hinders a NOPSEMA inspector in the exercise of the inspector’s powers under clause 50 or 51.

96 Subclause 54(1) of Schedule 3 (penalty)

Omit “50 penalty units”, substitute “60 penalty units”.

97 After subclause 54(1) of Schedule 3

Insert:

- (1A) A person is liable for a civil penalty if the person obstructs or hinders a NOPSEMA inspector in the exercise of the inspector’s powers under clause 50 or 51.

Civil penalty: 135 penalty units.

98 Subclause 54(2) of Schedule 3

After “Subclause (1)”, insert “or (1A)”.

99 Subclause 54(2) of Schedule 3 (note 1)

Repeal the note, substitute:

- Note 1: In proceedings for an offence against subclause (1), the defendant bears an evidential burden in relation to the matter in subclause (2): see subsection 13.3(3) of the *Criminal Code*. The same applies in proceedings for a civil penalty under subclause (1A).

100 Subclause 73(3) of Schedule 3 (at the end of the penalty)

Add “or 60 penalty units, or both”.

101 Subclauses 74(5) and (7) of Schedule 3 (at the end of the penalties)

Add “or 60 penalty units, or both”.

102 At the end of clause 83 of Schedule 3

Add:

Civil penalty

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

Civil penalty: 60 penalty units.

103 Subclause 86(1) of Schedule 3 (at the end of the penalty)

Add “or 60 penalty units, or both”.

104 Clause 87 of Schedule 3 (after the heading)

Insert:

*Offence***105 Clause 87 of Schedule 3**

Before “A person”, substitute “(1)”.

106 At the end of clause 87 of Schedule 3

Add:

Civil penalty

- (2) A person mentioned in paragraph (1)(a) is liable to a civil penalty if the person engages in the conduct mentioned in paragraph (1)(b).

Civil penalty: 350 penalty units.

107 Subclause 88(2) of Schedule 3 (penalty)

Omit “250 penalty units”, substitute “600 penalty units”.

108 At the end of Part 6.5

Add:

Division 4—Civil penalties**611A Simplified outline**

The following is a simplified outline of this Division:

- This Division provides that civil penalty provisions set out in this Act are enforceable under Part 4 of the Regulatory Powers Act.

611B Civil penalty provisions*Specified civil penalty provisions*

- (1) A civil penalty provision in this Act may be enforced under Part 4 of the Regulatory Powers Act.

Note: Part 4 of the Regulatory Powers Act allows a civil penalty provision to be enforced by obtaining an order for a person to pay a pecuniary penalty for the contravention of the provision.

Authorised applicants

- (2) The following table has effect.

Authorised applicants for civil penalty provisions		
Item	For the purposes of Part 4 of the Regulatory Powers Act, each of the following persons ...	is an <i>authorised applicant</i> in relation to the following civil penalty provisions in this Act (to the extent indicated) ...
1	The responsible Commonwealth Minister	(a) subsection 575(6), in relation to a direction given by that Minister (see section 574A); (b) subsection 576(5), in relation to a direction given by that Minister (see section 574A); (c) subsection 587B(5), in relation to a remedial direction given by that Minister (see sections 586A and 587A);

Endnote 3—Uncommenced amendments

Authorised applicants for civil penalty provisions		
Item	For the purposes of Part 4 of the Regulatory Powers Act, each of the following persons ...	is an <i>authorised applicant</i> in relation to the following civil penalty provisions in this Act (to the extent indicated) ...
		(d) subsection 759(4A).
2	The Chief Executive Officer of NOPSEMA	(a) subsection 280(5); (b) subsection 286A(8A); (c) subsection 569(6B); (d) subsection 572(5A); (e) subsection 575(6), in relation to a direction given by NOPSEMA (see section 574); (f) subsection 576(5), in relation to a direction given by NOPSEMA (see section 574); (g) subsection 576D(5); (h) subsection 587B(5), in relation to a remedial direction given by NOPSEMA (see sections 586 and 587); (i) subsection 620(4) or (5); (j) subsection 621(11) or (12); (k) subclause 6(4A) of Schedule 3; (l) subclause 54(1A) of Schedule 3; (m) subclause 78A(3) of Schedule 3; (n) subclause 83(6) of Schedule 3; (o) subclause 87(2) of Schedule 3.
3	The Titles Administrator	(a) subsection 228(1A); (b) subsection 249(4); (c) subsection 284(7); (d) subsection 286A(8A); (e) subsection 507(5A); (f) subsection 508(5A); (g) subsection 509(6A); (h) subsection 697(3B);

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Endnote 3—Uncommenced amendments

Authorised applicants for civil penalty provisions		
Item	For the purposes of Part 4 of the Regulatory Powers Act, each of the following persons ...	is an <i>authorised applicant</i> in relation to the following civil penalty provisions in this Act (to the extent indicated) ...
		(i) subsection 699(5A).

Relevant court

- (3) For the purposes of Part 4 of the Regulatory Powers Act, each of the following courts is a ***relevant court*** in relation to the civil penalty provisions mentioned in subsection (1):
- (a) the Federal Court;
 - (b) the Federal Circuit Court;
 - (c) the Supreme Court of a State or a Territory.

Extension to offshore areas

- (4) Part 4 of the Regulatory Powers Act, as it applies in relation to the civil penalty provisions mentioned in subsection (1), extends to each offshore area.

Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013 (No. 36, 2013)

Schedule 1

1 At the end of Part 6.5

Add:

Division 5—Infringement notices

611D Simplified outline

The following is a simplified outline of this Division:

- This Division provides for infringement notices that can be issued and enforced in accordance with Part 5 of the Regulatory Powers Act.

611E Infringement notices*Provisions subject to an infringement notice*

- (1) The following provisions are ***subject to an infringement notice*** under Part 5 of the Regulatory Powers Act:
- (a) subsection 249(2);
 - (b) subsection 284(5);
 - (c) subsection 286A(7);
 - (d) subsection 508(4);
 - (e) subsection 509(4);
 - (f) subsection 575(4);
 - (g) subsection 602K(6);
 - (h) subsection 697(3);
 - (i) subclause 6(3) of Schedule 3;
 - (j) subclause 82(9) of Schedule 3;
 - (k) subclause 83(4) of Schedule 3.

Note: Part 5 of the Regulatory Powers Act creates a framework for using infringement notices in relation to provisions.

Infringement officers

- (2) The following table has effect.

Infringement officers		
Item	For the purposes of Part 5 of the Regulatory Powers Act, each of the following persons ...	is an <i>infringement officer</i> in relation to the following provisions in this Act ...
1	The Chief Executive Officer of NOPSEMA	(a) subsection 286A(7); (b) subsection 575(4); (c) subsection 602K(6); (d) subclause 6(3) of Schedule 3; (e) subclause 82(9) of Schedule 3; (f) subclause 83(4) of Schedule 3.
2	The Titles Administrator	(a) subsection 249(2); (b) subsection 284(5); (c) subsection 286A(7);

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Endnote 3—Uncommenced amendments

Infringement officers		
Item	For the purposes of Part 5 of the Regulatory Powers Act, each of the following persons ...	is an <i>infringement officer</i> in relation to the following provisions in this Act ...
		(d) subsection 508(4); (e) subsection 509(4); (f) subsection 697(3).
3	A NOPSEMA inspector	(a) subsection 249(2); (b) subsection 284(5); (c) subsection 286A(7); (d) subsection 508(4); (e) subsection 509(4); (f) subsection 575(4); (g) subsection 602K(6); (h) subsection 697(3); (i) subclause 6(3) of Schedule 3; (j) subclause 82(9) of Schedule 3; (k) subclause 83(4) of Schedule 3.

Relevant chief executive

- (3) For the purposes of Part 5 of the Regulatory Powers Act, the ***relevant chief executive*** in relation to an infringement notice is as follows:
- (a) the Chief Executive Officer of NOPSEMA, if the notice may be issued by the Chief Executive Officer of NOPSEMA;
 - (b) the Secretary, if the notice may be issued by the Titles Administrator;
 - (c) if the notice may be issued by either the Chief Executive Officer of NOPSEMA or the Titles Administrator—either of them.
- (4) If the Secretary is the relevant chief executive, he or she may, in writing, delegate to an SES employee, or acting SES employee, in the Department the power to extend the period referred to in paragraph 108(1)(j) of the Regulatory Powers Act.

Endnote 3—Uncommenced amendments

- Note 1: The expressions **SES employee** and **acting SES employee** are defined in section 2B of the *Acts Interpretation Act 1901*.
- Note 2: See also sections 34AA and 34AB of the *Acts Interpretation Act 1901*.
- Note 3: If the Chief Executive Officer of NOPSEMA is the relevant chief executive, see section 675 for the power to delegate.

- (5) A person exercising power under a delegation under subsection (4) must comply with any written directions of the relevant chief executive.

Single infringement notice may deal with more than one contravention

- (6) Despite subsection 107(3) of the Regulatory Powers Act, a single infringement notice may be given to a person in respect of:
- (a) 2 or more alleged contraventions of a provision mentioned in subsection (1); or
 - (b) alleged contraventions of 2 or more provisions mentioned in subsection (1).

However, the notice must not require the person to pay more than one amount in respect of the same conduct.

Regulations may set out other matters to be included

- (7) A regulation made under this Act may set out any other matters that are to be included in an infringement notice given in relation to a contravention of a provision mentioned in subsection (1).

Extension to offshore areas

- (8) Part 5 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to each offshore area.

611F Infringement notice—multiple contraventions

In addition to the circumstances set out in subsection 107(4) of the Regulatory Powers Act, and despite subsection 107(3) of that Act, an infringement officer may also give a person a single infringement notice relating to multiple contraventions of a single provision if, under this Act or a regulation, the person:

- (a) commits a separate offence in respect of each day during which the offence continues; or
- (b) is separately liable for a civil penalty in respect of each day during which the liability continues.

611G Evidentiary matters

- (1) The relevant chief executive may issue a certificate signed by him or her stating:
 - (a) that the relevant chief executive did not allow further time under section 109 of the Regulatory Powers Act to pay the penalty for an offence, or a civil penalty, under this Act or a regulation, stated in an infringement notice; and
 - (b) that the penalty has not been paid in accordance with the notice within 28 days after the day the infringement notice is given.
- (2) The relevant chief executive may issue a certificate signed by him or her stating:
 - (a) that the relevant chief executive allowed, under section 109 of the Regulatory Powers Act, the further time specified in the certificate for payment of the penalty for an offence, or a civil penalty, under this Act or a regulation, stated in an infringement notice; and
 - (b) that the penalty has not been paid in accordance with the notice or within the further time allowed.
- (3) The relevant chief executive may issue a certificate signed by him or her stating that a specified infringement notice was withdrawn on a day specified in the certificate.
- (4) For all purposes and in all proceedings, a document purporting to be a certificate under subsection (1), (2) or (3) must, unless the contrary is established, be taken to be such a certificate and to have been properly given.
- (5) For all purposes and in all proceedings, a certificate under subsection (1), (2) or (3) is prima facie evidence of the matters stated in the certificate.

Division 6—Injunctions

611H Simplified outline

The following is a simplified outline of this Division:

- This Division provides for the grant of injunctions to enforce compliance with this Act, relying on the framework set out in Part 7 of the Regulatory Powers Act.

611J Injunctions

Enforceable provisions and authorised persons

- (1) The provisions listed in the table in this section are ***enforceable*** under Part 7 of the Regulatory Powers Act.

Note: Part 7 of the Regulatory Powers Act creates a framework for using injunctions to enforce provisions.

- (2) The following table has effect.

Enforceable provisions and authorised persons		
Item	For the purposes of Part 7 of the <i>Regulatory Powers Act</i>, each of the following persons ...	is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...
1	The responsible Commonwealth Minister	(a) subsection 97(1); (b) subsection 160(1); (c) subsection 193(1); (d) subsection 210(1); (e) subsection 227(5); (f) subsections 575(1), (2), (3), (3A), (3B) and (3C), in relation to a direction given by that Minister (see section 574A); (g) subsection 576(1) in relation to a direction given by that Minister (see section 574A); (h) subsection 587B(1) in relation to

Endnotes

Endnote 3—Uncommenced amendments

Enforceable provisions and authorised persons		
Item	For the purposes of Part 7 of the <i>Regulatory Powers Act</i>, each of the following persons ...	is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...
		a direction given by that Minister (see sections 586A and 587A); (i) subsections 758(1) and (3); (j) subsections 759(4) and (4A); (k) section 764; (l) section 765.
2	The Secretary	Subsection 780F(5).
3	The Chief Executive Officer of NOPSEMA	(a) subsection 280(2); (b) subsections 286A(2), (3), (4) and (5); (c) subsection 569(1); (d) subsection 571(2); (e) subsections 572(2) and (3), to the extent those subsections apply in relation to petroleum titles; (f) subsections 575(1), (2), (3), (3A), (3B) and (3C), in relation to a direction given by NOPSEMA (see section 574); (g) subsection 576(1), in relation to a direction given by NOPSEMA (see section 574); (h) subsection 576D(1); (i) subsection 587B(1) in relation to a direction given by NOPSEMA (see sections 586 and 587); (j) subsection 602K(5); (k) subsection 603(1); (l) subsections 616(3), (5), (7) and (9); (m) subsections 619(1), (3), (5) and (7); (n) subsections 620(2), (3), (4) and (5);

Endnote 3—Uncommenced amendments

Enforceable provisions and authorised persons		
Item	For the purposes of Part 7 of the <i>Regulatory Powers Act</i>, each of the following persons ...	is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...
		<ul style="list-style-type: none"> (o) subsections 621(3), (4), (7), (9), (10), (11) and (12); (p) subclauses 6(1) and (2) of Schedule 2A; (q) subclause 7(3) of Schedule 2A; (r) subclause 8(5) of Schedule 2A; (s) subclause 10(7) of Schedule 2A; (t) subclause 11A(6) of Schedule 2A; (u) subclause 11D(2) of Schedule 2A; (v) subclauses 12(1), (2) and (3) of Schedule 2A; (w) subclauses 6(1) and (2) of Schedule 3; (x) subclauses 9(1), 10(1), 11(1), 12(1) and (2), 13(1), 13A(1) and (2), 14(1) and 15(1) of Schedule 3; (y) subclauses 54(1) and (1A) of Schedule 3; (z) subclause 73(3) of Schedule 3; (za) subclauses 74(5) and (7) of Schedule 3; (zb) subclause 76(7) of Schedule 3; (zc) subclause 77(7) of Schedule 3; (zd) subclause 78A(1) of Schedule 3; (ze) subclauses 79(1), (2) and (3) of Schedule 3; (zf) subclauses 82(1) and (6) of Schedule 3; (zg) subclause 83(1) of Schedule 3; (zh) subclause 86(1) of Schedule 3;

Endnotes

Endnote 3—Uncommenced amendments

Enforceable provisions and authorised persons		
Item	For the purposes of Part 7 of the <i>Regulatory Powers Act</i> , each of the following persons ...	is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...
		(zi) subclause 87(1) and (2) of Schedule 3;
		(zj) subclause 88(1) of Schedule 3.
4	The Titles Administrator	(a) subsections 228(1) and (1A); (b) subsection 249(1); (c) subsection 284(2); (d) subsections 286A(2), (3), (4) and (5); (e) subsections 507(4), (5) and (5A); (f) subsections 508(4), (5) and (5A); (g) subsections 509(4), (6) and (6A); (h) subsection 512(1); (i) section 513; (j) subsection 514(1); (k) subsection 568(2); (l) subsections 697(3) and (3B); (m) subsections 699(5) and (5A); (n) section 705; (o) section 706; (p) section 707.

Relevant court

- (3) For the purposes of Part 7 of the Regulatory Powers Act, each of the following courts is a **relevant court** in relation to the provisions mentioned in subsection (1):
- (a) the Federal Court;
 - (b) the Federal Circuit Court;
 - (c) the Supreme Court of a State or Territory.

Endnote 3—Uncommenced amendments

Consent injunctions

- (4) A relevant court may grant an injunction under Part 7 of the Regulatory Powers Act in relation to a provision mentioned in subsection (1) by consent of all the parties to proceedings brought under that Part, whether or not the court is satisfied that section 127 of that Act applies.

Extension to offshore areas

- (5) Part 7 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to each offshore area.

Division 7—Adverse publicity orders**611K Simplified outline**

The following is a simplified outline of this Division:

- This Division provides for adverse publicity orders to be made by a court.

611L Adverse publicity orders*Scope*

- (1) This section applies if a court:
- (a) finds a body corporate guilty of an offence against a provision of this Act, or of a regulation, whether or not the court convicts the body corporate of the offence; or
 - (b) finds a body corporate guilty of an offence against section 6 of the *Crimes Act 1914* (whether or not the court convicts the body corporate of the offence) in relation to an offence referred to in paragraph (a) of this subsection; or
 - (c) orders a body corporate to pay a civil penalty for a contravention of a provision of this Act or of a regulation.

Note: For ancillary offences, see section 11.6 of the *Criminal Code*.

Order by court

- (2) The court may make an order (the ***adverse publicity order***):
- (a) on the application of the person prosecuting the offence or taking the action to obtain a civil penalty order; and
 - (b) in addition to any penalty that may be imposed or any other action that may be taken in relation to the offence or contravention.

An application may only be made within 6 years after the commission of the offence or the contravention.

- (3) An adverse publicity order may require the body:
- (a) to take either or both of the following actions within the period specified in the order:
 - (i) to publicise, in the way specified in the order, the offence or civil penalty order, its consequences, the penalty imposed and any other related matter;
 - (ii) to notify a specified person or specified class of persons, in the way specified in the order, of the offence or civil penalty order, its consequences, the penalty imposed and any other related matter; and
 - (b) to give NOPSEMA or the Titles Administrator (as specified in the order), within 7 days after the end of the period specified in the order, evidence that the action or actions were taken by the body in accordance with the order.

Failing to give evidence

- (4) If the body fails to give evidence in accordance with paragraph (3)(b), NOPSEMA or the Titles Administrator (as the case requires) may take the action or actions specified in the order.

Action not in accordance with order

- (5) NOPSEMA or the Titles Administrator (as the case requires) (the ***applicant***) may apply to a court for an order authorising the applicant, or a person authorised in writing by the applicant, to take the action or actions if:
- (a) the body gives evidence to the applicant in accordance with paragraph (3)(b); but

Endnote 3—Uncommenced amendments

- (b) despite that evidence, the applicant is not satisfied that the body has taken the action or actions specified in the order in accordance with the order.
- (6) If the applicant takes one or more actions under subsection (4) or an order under subsection (5), the applicant is entitled to recover from the body, by action in a court, an amount in relation to the reasonable expenses of taking the actions as a debt due to the applicant on behalf of the Commonwealth.
- (7) An authorisation by the applicant under subsection (5) is not a legislative instrument.

2 Subsection 675(1)

After “section”, insert “611G or”.

3 After paragraph 790A(a)

Insert:

- (aa) provide for a fine of not more than 50 penalty units for each day on which a contravention of a civil penalty provision occurs; and
- (ab) provide that an offence or a civil penalty provision in a regulation is subject to an infringement notice (see Part 5 of the Regulatory Powers Act); and
- (ac) make a provision of a legislative instrument enforceable under Part 7 of the Regulatory Powers Act (which deals with injunctions); and
- (ad) provide that a person is an authorised person in relation to one or more provisions for the purposes of Part 7 of the Regulatory Powers Act; and

4 Subclause 79(4) of Schedule 3

After “offence”, insert “of strict liability”.

5 At the end of subclause 79(4) of Schedule 3

Add:

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

6 Subclause 79(6) of Schedule 3

Repeal the subclause.

7 Subclause 83(4) of Schedule 3

After “offence”, insert “of strict liability”.

8 At the end of subclause 83(4) of Schedule 3

Add:

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

9 Subclause 83(5) of Schedule 3

Repeal the subclause.

11 Subsection 227(5)

After “offence”, insert “of strict liability”.

12 At the end of subsection 227(5)

Add:

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

13 Subsection 227(5A)

Repeal the subsection, substitute:

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

Note: Subsection (5) is a continuing offence under section 4K of the *Crimes Act 1914*.

14 At the end of section 228

Add:

Continuing offences

(4) A person who commits an offence against subsection (1) commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.

Endnote 3—Uncommenced amendments

- (5) The maximum penalty for each day that an offence under subsection (1) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

- (6) A person who contravenes subsection (1A) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.
- (7) The maximum civil penalty for each day that a contravention of subsection (1A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

15 Subsection 249(2)

After “offence”, insert “of strict liability”.

16 At the end of subsection 249(2)

Add:

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

17 Subsection 249(3)

Repeal the subsection.

18 At the end of section 249

Add:

Continuing offences and continuing contraventions of civil penalty provisions

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

Note: Subsection (2) is a continuing offence under section 4K of the *Crimes Act 1914*.

- (6) The maximum civil penalty for each day that a contravention of subsection (4) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Endnotes

Endnote 3—Uncommenced amendments

Note: Subsection (4) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

19 Subsection 284(5)

After “offence”, insert “of strict liability”.

20 At the end of subsection 284(5)

Add:

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

21 Subsection 284(6)

Repeal the subsection.

22 At the end of section 284

Add:

Continuing offences and continuing contraventions of civil penalty provisions

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

Note: Subsection (5) is a continuing offence under section 4K of the *Crimes Act 1914*.

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

Note: Subsection (7) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

23 Subsection 286A(7)

After “offence”, insert “of strict liability”.

24 At the end of subsection 286A(7)

Add:

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

25 Subsection 286A(8)

Repeal the subsection.

26 After subsection 286A(8A)

Insert:

Continuing offences and continuing contraventions of civil penalty provisions

- (8B) The maximum penalty for each day that an offence under subsection (7) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (7) is a continuing offence under section 4K of the *Crimes Act 1914*.

- (8C) The maximum civil penalty for each day that a contravention of subsection (8A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (8A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

27 After subsection 507(5A)

Insert:

Continuing offences and continuing contraventions of civil penalty provisions

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

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

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

Note: Subsection (5A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

28 At the end of subsection 507(6) (before the note)

Add:

- ; (d) subsection (5B);
- (e) subsection (5C).

29 Subsection 508(4)

After “offence”, insert “of strict liability”.

30 At the end of subsection 508(4)

Add:

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

31 Subsection 508(4A)

Repeal the subsection.

32 After subsection 508(5A)

Insert:

Continuing offences and continuing contraventions of civil penalty provisions

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

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

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

Note: Subsection (5A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

33 At the end of subsection 508(6) (before the note)

Add:

- ; (d) subsection (5B);
- (e) subsection (5C).

Endnote 3—Uncommenced amendments

34 Subsection 509(4)

After “offence”, insert “of strict liability”.

35 At the end of subsection 509(4)

Add:

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

36 Subsection 509(5)

Repeal the subsection.

37 After subsection 509(6A)

Insert:

Continuing offences and continuing contraventions of civil penalty provisions

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

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

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

Note: Subsection (6A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

38 At the end of subsection 509(7) (before the note)

Add:

- ; (d) subsection (6B);
(e) subsection (6C).

39 Subsection 575(4)

After “offence”, insert “of strict liability”.

40 At the end of subsection 575(4)

Add:

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

41 Subsection 575(5)

Repeal the subsection.

42 At the end of section 575

Add:

Continuing offences

- (7) A person who commits an offence against subsection (4) commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.
- (8) The maximum penalty for each day that an offence under subsection (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

- (9) A person who contravenes subsection (6) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.
- (10) The maximum civil penalty for each day that a contravention of subsection (6) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

43 At the end of section 576

Add:

Continuing offences

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

Endnote 3—Uncommenced amendments

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

Continuing contraventions of civil penalty provisions

- (10) A person who contravenes subsection (5) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.
- (11) The maximum civil penalty for each day that a contravention of subsection (5) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

44 At the end of section 576D

Add:

Continuing offences and continuing contraventions of civil penalty provisions

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

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

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

Note: Subsection (5) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

45 After subsection 587B(5)

Insert:

Endnote 3—Uncommenced amendments

Continuing offences and continuing contraventions of civil penalty provisions

- (5A) The maximum penalty for each day that an offence under subsection (2) or (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

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

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

Note: Subsection (5) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

46 At the end of Division 4 of Part 6.5

Add:

611C Contravening civil penalty provisions

Scope

- (1) This section applies if a person is liable for a civil penalty under a civil penalty provision of this Act, or of a regulation, because the person has contravened, or breached a requirement of, another provision of this Act, or of another regulation.

References to contraventions

- (2) For the purposes of this Act, the person is taken to have contravened the civil penalty provision if the person has contravened, or breached the requirement, of the other provision.

47 Subsection 697(3)

After “offence”, insert “of strict liability”.

48 At the end of subsection 697(3)

Add:

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

49 Subsection 697(3A)

Repeal the subsection.

50 After subsection 697(3B)

Insert:

Continuing offences

- (3C) A person who commits an offence against subsection (3) by failing to comply with a direction to which paragraph (2)(c) applies commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.
- (3D) The maximum penalty for each day to which subsection (3C) applies is 10% of the maximum penalty that can be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

- (3E) A person who contravenes subsection (3B) by failing to comply with a direction to which paragraph (2)(c) applies commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.
- (3F) The maximum civil penalty for each day to which subsection (3E) applies is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

51 After subsection 699(5A)

Insert:

Continuing offences and continuing contraventions of civil penalty provisions

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

Endnotes

Endnote 3—Uncommenced amendments

Note: To the extent that subsection (5D) provides, subsection (5) is a continuing offence under section 4K of the *Crimes Act 1914*.

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

Note: To the extent that subsection (5D) provides, subsection (5A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

(5D) Subsections (5B) and (5C) apply only in relation to a contravention of a requirement to which paragraph (2)(a), (b) or (c) applies.

52 After paragraph 699(6)(aa)

Insert:

- (ab) subsection (5B);
- (ac) subsection (5C);

53 After subsection 780F(6)

Insert:

Continuing offences

(6A) A person who commits an offence against subsection (5) commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.

(6B) The maximum penalty for each day that an offence under subsection (5) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

54 Before subclause 6(1) of Schedule 3

Insert:

Basic requirements

55 Subclause 6(3) of Schedule 3

After “offence”, insert “of strict liability”.

Endnote 3—Uncommenced amendments

56 At the end of subclause 6(3) of Schedule 3

Add:

Note: For strict liability, see section 6.1 of the *Criminal Code*.**57 Subclause 6(4) of Schedule 3**

Repeal the subclause.

58 After subclause 6(4A) of Schedule 3

Insert:

Continuing offences

(4B) A person who commits an offence against subclause (3) commits a separate offence in respect of each day (including a day of a conviction under this clause or any later day) during which the offence continues.

(4C) The maximum penalty for each day that an offence under subclause (3) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

(4D) A person who contravenes subclause (4A) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.

(4E) The maximum civil penalty for each day that a contravention of subclause (4A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

*Operators who are individuals***59 At the end of clause 77 of Schedule 3**

Add:

Endnote 3—Uncommenced amendments

Continuing offences

- (8) A person who commits an offence against subclause (7) commits a separate offence in respect of each day (including a day of a conviction under this clause or any later day) during which the offence continues.
- (9) The maximum penalty for each day that an offence under subclause (7) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

60 At the end of clause 78A of Schedule 3

Add:

Continuing offences and continuing contraventions of civil penalty provisions

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

Note: Subclause (2) is a continuing offence under section 4K of the *Crimes Act 1914*.

- (5) The maximum civil penalty for each day that a contravention of subclause (3) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subclause (3) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

61 Subclause 82(4) of Schedule 3

After “offence”, insert “of strict liability”.

62 At the end of subclause 82(4) of Schedule 3

Add:

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

63 Subclause 82(5) of Schedule 3

Repeal the subclause.

64 Subclause 82(9) of Schedule 3

After “offence”, insert “of strict liability”.

65 At the end of subclause 82(9) of Schedule 3

Add:

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

66 Subclause 82(10) of Schedule 3

Repeal the subclause, substitute:

Continuing offences

- (10) A person who commits an offence against subclause (4) or (9) commits a separate offence in respect of each day (including a day of a conviction under that subclause or any later day) during which the offence continues.
- (11) The maximum penalty for each day that an offence under subclause (4) or (9) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Schedule 2**1 Paragraph 602E(2)(a)**

Omit “a do not disturb notice under clause 10 of Schedule 2A”, substitute “any of the following:

- (i) an environmental do not disturb notice under clause 10 of Schedule 2A;
- (ii) an environmental prohibition notice under clause 11A of Schedule 2A;
- (iii) an environmental improvement notice under clause 11C of Schedule 2A;”.

2 Clause 2 of Schedule 2A (definition of *do not disturb notice*)

Repeal the definition.

3 Clause 2 of Schedule 2A

Insert:

environmental do not disturb notice has the meaning given by subclause 10(2).

environmental improvement notice has the meaning given by subclause 11C(2).

environmental prohibition notice has the meaning given by subclause 11A(2).

4 After clause 11 of Schedule 2A

Insert:

11A Petroleum environmental inspections—environmental prohibition notices (issue)

Scope

- (1) This clause applies if a NOPSEMA inspector is conducting a petroleum environmental inspection in relation to offshore petroleum premises.

When notice may be issued

- (2) A NOPSEMA inspector may issue a notice (an *environmental prohibition notice*) to a titleholder, in writing, under this clause if, in conducting the inspection, the inspector is satisfied on reasonable grounds that:
 - (a) one or more of the following is the case:
 - (i) an activity is occurring at the premises that involves an immediate and significant threat to the environment;
 - (ii) an activity may occur at the premises that, if it occurred, would involve an immediate and significant threat to the environment;
 - (iii) the operation or use of the premises involves an immediate and significant threat to the environment;

Endnote 3—Uncommenced amendments

- (iv) the operation or use of the premises, if it occurred, would involve an immediate and significant threat to the environment; and
- (b) it is reasonably necessary to issue the notice in order to remove the threat.

Note: The notice will be published on NOPSEMA's website (see clause 12A).

How notice may be issued

- (3) Without limiting the way in which the notice may be issued, the notice may be issued to the titleholder by being given to the titleholder's representative at the premises who is nominated for the inspection.

Contents of notice

- (4) The notice must:
 - (a) state that the inspector is satisfied on reasonable grounds that a specified circumstance mentioned in paragraph (2)(a) applies, and set out those grounds; and
 - (b) specify the activity at the premises, or the operation or use of the premises, that involves a threat to the environment; and
 - (c) specify the threat to the environment, and describe the environment that is subject to the threat; and
 - (d) direct the titleholder to ensure:
 - (i) that the activity is not conducted; or
 - (ii) that the activity is not conducted in a specified manner; or
 - (iii) that the premises are not operated or used; or
 - (iv) that the premises are not operated or used in a specified manner.
- (5) The notice may specify action that may be taken to satisfy a NOPSEMA inspector that adequate action has been taken to remove the threat to the environment.

Offence

- (6) A person commits an offence if:
-

Endnotes

Endnote 3—Uncommenced amendments

- (a) the person is subject to an environmental prohibition notice; and
- (b) the person omits to do an act; and
- (c) the omission breaches the notice.

Penalty: 600 penalty units.

Continuing offences

- (7) A person who commits an offence against subclause (6) commits a separate offence in respect of each day (including a day of a conviction for the offence or any later day) during which the offence continues.
- (8) The maximum penalty for each day that an offence under subclause (6) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Definition

- (9) In this clause:

premises, in relation to offshore petroleum premises, includes:

- (a) a particular part of the premises; and
- (b) particular plant or equipment, or a particular substance or thing, at the premises.

11B Petroleum environmental inspections—environmental prohibition notices (notification)

Scope

- (1) This clause applies if a NOPSEMA inspector issues an environmental prohibition notice to a titleholder under clause 11A that concerns a threat to the environment in relation to:
 - (a) an activity at offshore petroleum premises; or
 - (b) the operation or use of offshore petroleum premises.

Endnote 3—Uncommenced amendments

Notice to interested persons

- (2) As soon as practicable after issuing the notice, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to the following persons:
- (a) if the premises are a facility—the operator’s representative at the facility;
 - (b) if the premises are a vessel under the command or charge of a master—the master;
 - (c) if the premises are (or the relevant plant, equipment, substance or thing is) owned by a person other than the titleholder or operator—that owner.

Display of notice

- (3) The titleholder must cause a copy of the notice to be displayed in a prominent place at the premises.

Inadequate action in response to notice

- (4) If a NOPSEMA inspector is satisfied that action taken by the titleholder to remove the threat to the environment is not adequate, the inspector must inform the titleholder accordingly.
- (5) In making a decision under subclause (4), a NOPSEMA inspector may exercise such of the powers of a NOPSEMA inspector conducting a petroleum environmental inspection as the inspector considers necessary for the purposes of making the decision.

When notice ceases to have effect

- (6) The notice ceases to have effect in relation to a titleholder when a NOPSEMA inspector notifies the titleholder that the inspector is satisfied that the titleholder, or another person, has taken adequate action to remove the threat to the environment.

Definition

- (7) In this clause:

premises, in relation to offshore petroleum premises, includes:

- (a) a particular part of the premises; and
- (b) particular plant or equipment, or a particular substance or thing, at the premises.

11C Petroleum environmental inspections—environmental improvement notices (issue)

Scope

- (1) This clause applies if a NOPSEMA inspector is conducting a petroleum environmental inspection in relation to offshore petroleum premises.

When notice may be issued

- (2) A NOPSEMA inspector may issue a notice (an ***environmental improvement notice***) to a titleholder, in writing, under this clause if, in conducting the inspection, the inspector is satisfied on reasonable grounds that:
 - (a) the titleholder:
 - (i) is contravening a provision of a petroleum environmental law; or
 - (ii) has contravened a provision of a petroleum environmental law and is likely to contravene that provision again; and
 - (b) as a result, there is, or may be, a significant threat to the environment.

Note: The notice will be published on NOPSEMA's website (see clause 12A).

How notice may be issued

- (3) Without limiting the way in which the notice may be issued, the notice may be issued to the titleholder by being given to the titleholder's representative at the premises who is nominated for the inspection.

Contents of notice

- (4) The notice must:

Endnote 3—Uncommenced amendments

- (a) state that the inspector is satisfied on reasonable grounds that a specified contravention of a petroleum environmental law is occurring, or has occurred and is likely to occur again, and set out those grounds; and
- (b) state that the inspector is satisfied on reasonable grounds that as a result of that contravention, there is, or may be, a significant threat to the environment, and set out those grounds; and
- (c) specify the threat to the environment, and describe the environment that is subject to the threat; and
- (d) specify action that the inspector is satisfied on reasonable grounds is required to be taken by the titleholder to remove the threat; and
- (e) specify a period within which the titleholder is to take the action.

Period of notice and action to be taken

- (5) The period specified in the notice must be reasonable.
- (6) If the NOPSEMA inspector is satisfied on reasonable grounds that it is appropriate to do so, the NOPSEMA inspector may, in writing and before the end of the period, extend the period specified in the notice.

11D Petroleum environmental inspections—environmental improvement notices (compliance and notification)*Scope*

- (1) This clause applies if, in the course of a petroleum environmental inspection in relation to offshore petroleum premises, a NOPSEMA inspector issues an environmental improvement notice to a titleholder under clause 11C that concerns a contravention, or likely contravention, of a petroleum environmental law.

Duty of titleholder

- (2) The titleholder must ensure that the notice is complied with.

Endnote 3—Uncommenced amendments

Offence

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

Penalty: 300 penalty units.

Civil penalty

- (4) A person is liable to a civil penalty if the person contravenes a requirement under subclause (2).

Civil penalty: 400 penalty units.

Notice to interested persons

- (5) As soon as practicable after issuing the notice, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to the following persons:
- (a) if the premises are a facility—the operator’s representative at the facility;
 - (b) if the premises are a vessel under the command or charge of a master—the master;
 - (c) if the premises are owned by a person other than the titleholder or operator—that owner.

Display of notice

- (6) The titleholder must cause a copy of the notice to be displayed in a prominent place at the premises.

Continuing offences and continuing contraventions of civil penalty provisions

- (7) The maximum penalty for each day that an offence under subclause (3) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Endnote 3—Uncommenced amendments

Note: Subclause (3) is a continuing offence under section 4K of the *Crimes Act 1914*.

- (8) The maximum civil penalty for each day that a contravention of subclause (4) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subclause (4) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

5 Subclause 12(1) of Schedule 2A

Omit “or 11(2)”, substitute “, 11(2), 11B(3) or 11D(6)”.

6 Subclause 12(3) of Schedule 2A

After “11(2),”, insert “11B(3) or 11D(6)”.

7 Clause 10 of Schedule 2A (heading)

Omit “do not disturb notices”, substitute “environmental do not disturb notices”.

8 Subclause 10(2) of Schedule 2A

Omit “do not disturb notice”, substitute “notice (an *environmental do not disturb notice*)”.

9 Paragraph 10(7)(a) of Schedule 2A

Omit “a do not disturb notice”, substitute “an environmental do not disturb notice”.

10 Clause 11 of Schedule 2A (heading)

Omit “do not disturb notices”, substitute “environmental do not disturb notices”.

11 Subclauses 11(1) and (2) of Schedule 2A

Omit “a do not disturb notice”, substitute “an environmental do not disturb notice”.

12 Clause 3 of Schedule 3 (definition of *do not disturb notice*)

Repeal the definition.

13 Clause 3 of Schedule 3

Insert:

OHS do not disturb notice has the meaning given by subclause 76(1).

14 Clause 76 of Schedule 3 (heading)

Omit “do not disturb notices”, substitute “OHS do not disturb notices”.

15 Subclause 76(1) of Schedule 3

Omit “do not disturb notice”, substitute “notice (an *OHS do not disturb notice*)”.

16 Clause 76A of Schedule 3 (heading)

Omit “do not disturb notices”, substitute “OHS do not disturb notices”.

17 Amendments of listed provisions—OHS do not disturb notices

Omit “a do not disturb notice” and substitute “an OHS do not disturb notice” in the following provisions:

- (a) subparagraph 602E(2)(b)(i);
- (b) clause 47 of Schedule 3;
- (c) paragraph 76(7)(a) of Schedule 3;
- (d) subclause 76A(1) of Schedule 3;
- (e) paragraph 80A(1)(b) of Schedule 3;
- (f) item 4 of the table in subclause 80A(1) of Schedule 3.

18 Clause 3 of Schedule 3 (definition of *prohibition notice*)

Repeal the definition.

19 Clause 3 of Schedule 3

Insert:

OHS prohibition notice has the meaning given by subclause 77(1).

20 Clause 77 of Schedule 3 (heading)

Omit “prohibition notices”, substitute “OHS prohibition notices”.

21 Subclause 77(1) of Schedule 3

Omit “prohibition notice”, substitute “notice (an *OHS prohibition notice*)”.

22 Clause 77A of Schedule 3 (heading)

Omit “prohibition notices”, substitute “OHS prohibition notices”.

23 Amendments of listed provisions—OHS prohibition notices

Omit “a prohibition notice” and substitute “an OHS prohibition notice” in the following provisions:

- (a) subparagraph 602E(2)(b)(ii);
- (b) clause 47 of Schedule 3;
- (c) paragraph 77(7)(a) of Schedule 3;
- (d) subclauses 77A(1) and (2) of Schedule 3;
- (e) paragraph 80A(1)(b) of Schedule 3;
- (f) items 5, 6 and 7 of the table in subclause 80A(1) of Schedule 3.

24 Clause 3 of Schedule 3 (definition of *improvement notice*)

Repeal the definition.

25 Clause 3 of Schedule 3

Insert:

OHS improvement notice has the meaning given by subclause 78(1).

26 Paragraph 34(1)(e) of Schedule 3

Omit “provisional improvement notices”, substitute “provisional OHS improvement notices”.

27 Clause 38 of Schedule 3 (heading)

Repeal the heading, substitute:

38 Provisional OHS improvement notices—issue and notification

28 Subclause 38(2) of Schedule 3 (heading)

Repeal the heading, substitute:

Issue of provisional OHS improvement notice

29 Subclause 38(2) of Schedule 3

Omit “provisional improvement notice”, substitute “provisional OHS improvement notice”.

30 Subclause 38(3) of Schedule 3

Omit “improvement”.

31 Subclause 38(5) of Schedule 3 (heading)

Repeal the heading, substitute:

Content of provisional OHS improvement notice

32 Subclause 38(8) of Schedule 3 (heading)

Repeal the heading, substitute:

Copy of provisional OHS improvement notice

33 Clause 39 of Schedule 3 (heading)

Repeal the heading, substitute:

39 Provisional OHS improvement notices—effect

34 Clause 78 of Schedule 3 (heading)

Omit “improvement notices”, substitute “OHS improvement notices”.

35 Subclause 78(1) of Schedule 3

Omit “an improvement notice”, substitute “a notice (an *OHS improvement notice*)”.

36 Clauses 78A and 78B of Schedule 3 (headings)

Omit “improvement notices”, substitute “OHS improvement notices”.

37 Subclause 80A(1) of Schedule 3 (table items 1 and 2)

Omit “provisional improvement notice” (wherever occurring), substitute “provisional OHS improvement notice”.

38 Subclause 81(4) of Schedule 3 (heading)

Omit “*improvement notices*”, substitute “*OHS improvement notices*”.

39 Amendments of listed provisions—OHS improvement notices

Omit “improvement notice” and substitute “OHS improvement notice” in the following provisions:

- (a) subparagraph 602E(2)(b)(iii);
- (b) subclause 39(8) of Schedule 3;
- (c) clause 47 of Schedule 3;
- (d) subclauses 78A(1) and 78B(1) of Schedule 3;
- (e) paragraph 80A(1)(b) of Schedule 3;
- (f) item 8 of the table in subclause 80A(1) of Schedule 3;
- (g) subclause 81(4) of Schedule 3 (note);
- (h) subclause 81(5) of Schedule 3.

41 At the end of Division 2 of Part 2 of Schedule 2A

Add:

12A Petroleum environmental inspections—publishing environmental prohibition notices and environmental improvement notices

- (1) NOPSEMA must publish on its website an environmental prohibition notice or an environmental improvement notice within 21 days after the notice is issued.

Endnote 3—Uncommenced amendments

- (2) However, NOPSEMA must not publish the notice if it is aware that the decision to issue a notice is the subject of an application for review by a court.
- (3) If the notice is published on the NOPSEMA website and the decision to issue the notice is, or becomes, the subject of an application for review by a court, NOPSEMA must remove the notice from the website as soon as practicable after becoming aware of the application.
- (4) If all rights for judicial review (including any right of appeal) in relation to the decision to issue the notice have been exhausted, and the decision to issue the notice has been upheld, NOPSEMA must publish the notice on its website within 21 days after becoming aware that the rights have been exhausted.
- (5) If a notice contains personal information (within the meaning of the *Privacy Act 1988*), NOPSEMA must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the notice is published.
- (6) Personal information is *de-identified* if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

42 At the end of subclause 77(1) of Schedule 3

Add:

Note: The notice will be published on NOPSEMA's website (see clause 80AA).

43 At the end of subclause 78(1) of Schedule 3

Add:

Note: The notice will be published on NOPSEMA's website (see clause 80AA).

44 At the end of Division 3 of Part 4 of Schedule 3

Add:

80AA OHS inspections—publishing OHS prohibition notices and OHS improvement notices

- (1) NOPSEMA must publish on its website an OHS prohibition notice or an OHS improvement notice within 21 days after the notice is issued.
- (2) However, NOPSEMA must not publish the notice if it is aware that the decision to issue the notice is the subject of an application for an appeal to the reviewing authority or review by a court.
- (3) If the notice is published on the NOPSEMA website and the decision to issue the notice is, or becomes, the subject of an application for an appeal to the reviewing authority or review by a court, NOPSEMA must remove the notice from the website as soon as practicable after becoming aware of the application.
- (4) Subject to subsection (5), NOPSEMA must publish the notice on its website within 21 days after becoming aware that the decision to issue the notice has been affirmed or upheld and all appeal and review rights in relation to that decision have been exhausted.
- (5) If the reviewing authority revokes the decision to issue the notice, and substitutes its own decision to issue a notice (the ***substituted notice***), NOPSEMA must publish the substituted notice on its website within 21 days after becoming aware that all appeal and review rights in relation to the decision to issue the substituted notice have been exhausted.
- (6) If the notice contains personal information (within the meaning of the *Privacy Act 1988*), NOPSEMA must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the notice is published.
- (7) Personal information is ***de-identified*** if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

Schedule 3

1 Subsections 231(1) and 240(1) (notes)

Repeal the notes.

2 Subsections 404(1) and 413(1) (notes)

Omit “section 571”, substitute “section 571A”.

3 Section 567

Omit “insurance”, substitute “financial assurance”.

4 Section 571

Repeal the section, substitute:

571 Financial assurance—petroleum titles

Scope

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

Titleholder duty to maintain financial assurance

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

Endnote 3—Uncommenced amendments

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

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

- (a) complying with the titleholder's duty under section 572C (which relates to the escape of petroleum);
- (b) a debt due to the Commonwealth, a State or the Northern Territory under section 572D, 572E or 572F (which relate to an escape of petroleum), including a debt due to NOPSEMA on behalf of the Commonwealth, or to an agency or authority on behalf of the State or the Northern Territory;
- (c) complying with a direction under section 574 or 586 relating to the remediation of damage to the seabed or subsoil arising in connection with a petroleum activity.

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

- (a) compliance with subsection (2) in relation to a petroleum activity to be demonstrated as a prior condition of acceptance of an environment plan for the activity;
- (b) such compliance to be in a form acceptable to NOPSEMA;
- (c) a failure to maintain such compliance, in a form acceptable to NOPSEMA, to be grounds for the withdrawal of acceptance of an environment plan for the activity.

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

Form of financial assurance

- (4) The forms of financial assurance for a title that may be maintained for the purposes of this section include (without limitation) any of the following, or any combination of the following:
- (a) insurance;
 - (b) self-insurance;
 - (c) a bond;
 - (d) the deposit of an amount as security with a financial institution;
 - (e) an indemnity or other surety;
 - (f) a letter of credit from a financial institution;
 - (g) a mortgage.

(5) In this section:

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

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

financial institution has its ordinary meaning, and (to avoid doubt) includes:

- (a) an authorised deposit-taking institution within the meaning of the *Banking Act 1959*; and
- (b) a financial institution of a foreign country.

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

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

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

571A Insurance—greenhouse gas titles

Greenhouse gas titles

(1) The conditions of:

- (a) a greenhouse gas assessment permit; or
- (b) a greenhouse gas holding lease; or
- (c) a greenhouse gas injection licence; or
- (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:

Endnote 3—Uncommenced amendments

- (f) expenses; or
 - (g) liabilities; or
 - (h) specified things;
- arising in connection with, or as a result of:
- (i) the carrying out of work under the permit, lease, licence or authority; or
 - (j) the doing of any other thing under the permit, lease, licence or authority;
- including insurance against expenses of complying with directions relating to the clean-up or other remediation of the effects of the escape of a greenhouse gas substance.

Direction to be in writing

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

5 Clause 2 of Schedule 2A (at the end of the definition of *petroleum environmental law*)

Add:

- ; and (c) includes section 571 (which deals with financial assurance), and a regulation made for the purposes of subsection 571(3) in relation to compliance with section 571.

Schedule 4

1 Section 7 (paragraph (a) of the definition of *approved*)

Repeal the paragraph, substitute:

- (a) when used in Chapter 3—means approved in writing by the responsible Commonwealth Minister; or

2 Section 7 (paragraph (g) of the definition of *approved*)

Omit “; or”.

3 Section 7 (paragraph (h) of the definition of *approved*)

Repeal the paragraph.

4 Subsection 286A(9) (paragraphs (c) and (e) of the definition of contact details)

Omit “(if any)”.

5 Part 9.6

Repeal the Part.

6 Paragraphs 775A(2)(a) to (d)

Repeal the paragraphs.

7 At the end of subsection 775A(2)

Add:

; or (i) a provision of this Act, or a legislative instrument under this Act, that is prescribed by regulation.

8 After section 782

Insert:

782A Regulations—service of documents

- (1) A regulation (a *service regulation*) may provide for or in relation to the way in which documents are required or permitted to be given for the purposes of this Act or a legislative instrument under this Act.

Example 1: A service regulation may require or permit documents to be given by email or fax or another form of electronic transmission.

Example 2 If a service regulation requires or permits documents to be given by email transmission, or by prepayment and postage as letters, the regulation may provide for a time at which the documents are taken to be given.

Electronic Transactions Act 1999 overridden

- (2) This section, and any service regulations, have effect despite any provision in the *Electronic Transactions Act 1999*.

9 Paragraph 93(1)(c) of Schedule 3

Repeal the paragraph.

15 Section 775A (heading)

Repeal the heading, substitute:

775A Definitions

Eligible voluntary action

16 At the end of paragraph 775A(1)(d)

Add “or”.

17 After paragraph 775A(1)(d)

Insert:

- (e) giving a plan; or
- (f) giving an objection;

18 Subsection 775A(1)

Omit “or the responsible Commonwealth Minister”, substitute “, the responsible Commonwealth Minister or NOPSEMA”.

19 At the end of section 775A

Add:

This Act includes a legislative instrument

- (3) For the purposes of this Division, *this Act* includes a legislative instrument under this Act.

Endnotes

Endnote 4—Misdescribed amendments [none]

Endnote 4—Misdescribed amendments [none]

There are no misdescribed amendments.

Endnote 5—Modifications [none]

Endnote 5—Modifications [none]

There are no modifications.

Endnotes

Endnote 6—Renumbering tables

Endnote 6—Renumbering tables

This endnote sets out details of the renumbering of provisions of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, made by the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008*.

Old number	New number	Old number	New number
Chapter 1	Chapter 1	15FA	26
Part 1.1	Part 1.1	15FB	27
Section	Section	15FC	28
1	1	15FD	29
2	2	15G	30
2A	3	15H	31
3	4	15J	32
4	5	16	33
5	6	17	34
Part 1.2	Part 1.2	18	35
Division 1	Division 1	19	36
Section	Section	Division 2	Division 2
6	7	Subdivision A	Subdivision A
7	8	Section	Section
8	9	20	37
9	10	21	38
10	11	21A	39
11	12	22	40
11A	13	23	41
12	14	24	42
13	15	25	43
14	16	26	44
14A	17	27	45
14B	18	28	46
15	19	29	47
15A	20	30	48
15B	21	Subdivision B	Subdivision B
15C	22	Section	Section
15D	23	31	49
15E	24	Division 3	Division 3
15F	25	Section	Section

Endnote 6—Renumbering tables

Old number	New number	Old number	New number
32	50	57	78
33	51	58	79
34	52	59	80
35	53	60	81
36	54	61	82
37	55	62	83
Part 1.3	Part 1.3	63	84
Division 1	Division 1	64	85
Section	Section	65	86
38	56	66	87
39	57	67	88
40	58	68	89
41	59	70	90
42	60	71	91
43	61	72	92
44	62	73	93
45	63	74	94
46	64	Chapter 2	Chapter 2
47	65	Part 2.1	Part 2.1
48	66	Section	Section
48A	67	75	95
49	68	Part 2.2	Part 2.2
49A	69	Division 1	Division 1
Division 2	Division 2	Section	Section
Section	Section	76	96
50	70	77	97
51	71	78	98
52	72	79	99
52A	73	79A	100
53	74	79B	101
Division 3	Division 3	80	102
Section	Section	81	103
54	75	Division 2	Division 2
55	76	Section	Section
56	77	82	104
Part 1.4	Part 1.4	83	105
Section	Section	84	106

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85	107	Section	Section
86	108	112	134
87	109	113	135
Division 3	Division 3	114	136
Section	Section	114A	137
88	110	114B	138
89	111	115	139
90	112	116	140
91	113	Division 2	Division 2
92	114	Subdivision A	Subdivision A
Division 4	Division 4	Section	Section
Section	Section	117	141
93	115	118	142
94	116	119	143
95	117	120	144
96	118	121	145
Division 5	Division 5	122	146
Section	Section	Subdivision B	Subdivision B
97	119	Section	Section
98	120	123	147
99	121	124	148
100	122	125	149
101	123	126	150
102	124	127	151
103	125	128	152
104	126	Division 3	Division 3
105	127	Section	Section
Division 6	Division 6	129	153
Section	Section	130	154
106	128	131	155
107	129	132	156
108	130	Division 4	Division 4
109	131	Section	Section
110	132	133	157
111	133	134	158
Part 2.3	Part 2.3	Part 2.4	Part 2.4
Division 1	Division 1	Division 1	Division 1

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Old number	New number	Old number	New number
Section	Section	159	187
135	159	Division 6	Division 6
136	160	Section	Section
137	161	160	188
138	162	Division 7	Division 7
138A	163	Subdivision A	Subdivision A
138B	164	Section	Section
139	165	161	189
140	166	162	190
141	167	Subdivision B	Subdivision B
Division 2	Division 2	Section	Section
Section	Section	163	191
142	168	Part 2.5	Part 2.5
143	169	Division 1	Division 1
144	170	Section	Section
145	171	164	192
145A	172	165	193
146	173	166	194
146A	174	167	195
147	175	168	196
148	176	169	197
149	177	Division 2	Division 2
Division 3	Division 3	Section	Section
Section	Section	170	198
150	178	171	199
151	179	172	200
152	180	173	201
153	181	174	202
Division 4	Division 4	174A	203
Section	Section	Division 3	Division 3
154	182	Section	Section
155	183	175	204
Division 5	Division 5	176	205
Section	Section	177	206
156	184	177A	207
157	185	Division 4	Division 4
158	186	Section	Section

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Endnote 6—Renumbering tables

Old number	New number	Old number	New number
177B	208	198	233
Part 2.6	Part 2.6	Division 2	Division 2
Division 1	Division 1	Section	Section
Section	Section	199	234
178	209	200	235
179	210	201	236
180	211	201A	237
181	212	Part 2.8	Part 2.8
181A	213	Division 1	Division 1
182	214	Section	Section
183	215	202	238
184	216	203	239
Division 2	Division 2	204	240
Section	Section	205	241
185	217	Division 2	Division 2
186	218	Section	Section
186A	219	206	242
186B	220	207	243
187	221	208	244
187A	222	209	245
188	223	Division 3	Division 3
188A	224	Section	Section
189	225	210	246
Division 3	Division 3	211	247
Section	Section	212	248
190	226	Division 4	Division 4
191	227	Section	Section
Division 4	Division 4	213	249
Section	Section	Division 5	Division 5
193	228	Section	Section
Part 2.7	Part 2.7	214	250
Division 1	Division 1	Part 2.9	Part 2.9
Section	Section	Section	Section
194	229	215	251
195	230	216	252
196	231	217	253
197	232	218	254

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Old number	New number	Old number	New number
Part 2.10	Part 2.10	240	277
Section	Section	Division 2	Division 2
219	255	Section	Section
220	256	241	278
221	257	Part 2.14	Part 2.14
222	258	Section	Section
223	259	242	279
224	260	243	280
225	261	244	281
226	262	245	282
226A	263	246	283
Part 2.11	Part 2.11	247	284
Division 1	Division 1	248	285
Section	Section	248A	286
227	264	Chapter 2A	Chapter 3
228	265	Part 2A.1	Part 3.1
229	266	Section	Section
230	267	249AA	287
Division 2	Division 2	Part 2A.2	Part 3.2
Section	Section	Division 1	Division 1
231	268	Section	Section
Part 2.12	Part 2.12	249AB	288
Division 1	Division 1	249AC	289
Section	Section	249AD	290
232	269	249AE	291
233	270	249AF	292
234	271	249AH	293
Division 2	Division 2	249AHA	294
Section	Section	249AI	295
235	272	Division 2	Division 2
236	273	Section	Section
Part 2.13	Part 2.13	249AJ	296
Division 1	Division 1	249AJA	297
Section	Section	249AK	298
237	274	249AL	299
238	275	249AM	300
239	276	249AN	301

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249AO	302	249BI	325
Division 3	Division 3	249BJ	326
Section	Section	249BK	327
249AP	303	249BL	328
249APA	304	249BM	329
249AQ	305	Subdivision B	Subdivision B
249AR	306	Section	Section
249AS	307	249BN	330
Division 3A	Division 4	249BO	331
Section	Section	249BP	332
249ASA	308	249BQ	333
249ASB	309	249BR	334
249ASC	310	249BS	335
249ASD	311	Subdivision C	Subdivision C
Division 4	Division 5	Section	Section
Section	Section	249BSA	336
249AU	312	249BSB	337
249AUA	313	249BSC	338
249AUB	314	249BSD	339
249AUBA	315	249BSE	340
Division 5	Division 6	249BSF	341
Section	Section	249BSFA	342
249AV	316	Subdivision D	Subdivision D
249AW	317	Section	Section
Part 2A.3	Part 3.3	249BSG	343
Division 1	Division 1	249BSH	344
Section	Section	249BSI	345
249BA	318	249BSJ	346
249BB	319	Division 3	Division 3
249BC	320	Section	Section
249BD	321	249BT	347
249BF	322	249BU	348
249BG	323	249BV	349
Division 2	Division 2	249BW	350
Subdivision A	Subdivision A	Division 4	Division 4
Section	Section	Section	Section
249BH	324	249BZ	351

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249BZA	352	249CTA	375
Division 5	Division 5	Division 4	Division 4
Section	Section	Section	Section
249BZB	353	249CXA	376
Division 6	Division 6	249CXB	377
Section	Section	249CY	378
249BZC	354	Division 5	Division 5
Part 2A.4	Part 3.4	Section	Section
Division 1	Division 1	249CZ	379
Section	Section	249CZA	380
249CB	355	249CZAA	381
249CC	356	249CZB	382
249CD	357	Division 6	Division 6
249CE	358	Section	Section
249CF	359	249CZC	383
249CG	360	249CZCA	384
Division 2	Division 2	249CZD	385
Subdivision A	Subdivision A	Division 7	Division 7
Section	Section	Section	Section
249CH	361	249CZE	386
249CI	362	249CZEA	387
249CJ	363	249CZF	388
249CJA	364	249CZFB	389
249CK	365	249CZG	390
249CO	366	249CZGAA	391
249CP	367	249CZGA	392
249CPA	368	249CZH	393
Subdivision B	Subdivision B	249CZJ	394
Section	Section	249CZJA	395
249CQ	369	249CZJB	396
249CR	370	249CZJC	397
249CRA	371	249CZM	398
249CRB	372	Division 8	Division 8
249CRE	373	Section	Section
Division 3	Division 3	249CZN	399
Section	Section	249CZO	400
249CT	374	249CZP	401

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Endnote 6—Renumbering tables

Old number	New number	Old number	New number
Part 2A.5	Part 3.5	Section	Section
Division 1	Division 1	249HM	422
Section	Section	249HN	423
249GA	402	249HO	424
249GB	403	249HP	425
249GC	404	Part 2A.8	Part 3.8
249GD	405	Section	Section
249GE	406	249JA	426
Division 2	Division 2	249JB	427
Section	Section	249JC	428
249GF	407	249JD	429
249GG	408	249JE	430
249GH	409	249JF	431
249GJ	410	249JG	432
Part 2A.6	Part 3.6	249JGAA	433
Division 1	Division 1	249JH	434
Section	Section	249JHA	435
249HA	411	Part 2A.9	Part 3.9
249HB	412	Division 1	Division 1
249HC	413	Section	Section
249HD	414	249KA	436
Division 2	Division 2	249KB	437
Section	Section	249KC	438
249HE	415	249KD	439
249HF	416	Division 2	Division 2
249HG	417	Section	Section
Division 3	Division 3	249KE	440
Section	Section	Part 2A.10	Part 3.10
249HI	418	Division 1	Division 1
249HJ	419	Section	Section
Division 4	Division 4	249LA	441
Section	Section	249LB	442
249HK	420	249LC	443
Division 5	Division 5	Division 2	Division 2
Section	Section	Section	Section
249HL	421	249LCA	444
Part 2A.7	Part 3.7	249LD	445

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Old number	New number	Old number	New number
Part 2A.11	Part 3.11	255	471
Division 1	Division 1	Part 3.3	Part 4.3
Section	Section	Section	Section
249MA	446	256	472
249MB	447	257	473
249MC	448	258	474
249MD	449	258A	475
Division 2	Division 2	259	476
Section	Section	260	477
249ME	450	261	478
Part 2A.12	Part 3.12	262	479
Section	Section	263	480
249NA	451	264	481
249NB	452	Part 3.4	Part 4.4
249NC	453	Section	Section
249NCA	454	265	482
249NCB	455	266	483
249NCC	456	Part 3.5	Part 4.5
249ND	457	Section	Section
249NDA	458	267	484
249NE	459	268	485
249NF	460	Part 3.6	Part 4.6
249NG	461	Section	Section
249NH	462	269	486
249NJ	463	270	487
249NK	464	271	488
249NL	465	272	489
Chapter 3	Chapter 4	272A	490
Part 3.1	Part 4.1	273	491
Section	Section	274	492
250	466	275	493
251	467	276	494
252	468	277	495
Part 3.2	Part 4.2	278	496
Section	Section	279	497
253	469	Part 3.7	Part 4.7
254	470	Section	Section

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280	498	Part 3A.3	Part 5.3
281	499	Section	Section
281A	500	298-256	524
282	501	298-257	525
283	502	298-258	526
284	503	298-259	527
Part 3.8	Part 4.8	298-260	528
Section	Section	298-261	529
285	504	298-262	530
286	505	298-263	531
287	506	298-264	532
Part 3.9	Part 4.9	Part 3A.4	Part 5.4
Section	Section	Section	Section
288	507	298-265	533
289	508	298-266	534
290	509	Part 3A.5	Part 5.5
291	510	Section	Section
Part 3.10	Part 4.10	298-267	535
Section	Section	298-268	536
292	511	Part 3A.6	Part 5.6
293	512	Section	Section
294	513	298-269	537
295	514	298-270	538
296	515	298-271	539
297	516	298-272	540
298	517	298-273	541
Chapter 3A	Chapter 5	298-274	542
Part 3A.1	Part 5.1	298-275	543
Section	Section	298-276	544
298-250	518	298-277	545
298-251	519	298-278	546
298-252	520	298-279	547
Part 3A.2	Part 5.2	Part 3A.7	Part 5.7
Section	Section	Section	Section
298-253	521	298-280	548
298-254	522	298-281	549
298-255	523	298-282	550

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298-283	551	305	574
298-284	552	306	575
Part 3A.8	Part 5.8	307	576
Section	Section	Division 3	Division 3
298-285	553	Section	Section
298-286	554	308	577
298-287	555	Division 4	Division 4
Part 3A.9	Part 5.9	Section	Section
Section	Section	309	578
298-288	556	Part 4.2A	Part 6.3
298-289	557	Division 1	Division 1
298-290	558	Section	Section
298-291	559	316-304	579
Part 3A.10	Part 5.10	Division 2	Division 2
Section	Section	Section	Section
298-292	560	316-305	580
298-293	561	316-306	581
298-294	562	316-307	582
298-295	563	Division 3	Division 3
298-296	564	Section	Section
298-297	565	316-308	583
298-298	566	Division 4	Division 4
Chapter 4	Chapter 6	Section	Section
Part 4.1	Part 6.1	316-309	584
Section	Section	Part 4.3	Part 6.4
299	567	Division 1	Division 1
300	568	Section	Section
301	569	310	585
316-301	570	311	586
302	571	312	587
303	572	313	588
Part 4.2	Part 6.2	314	589
Division 1	Division 1	315	590
Section	Section	Division 2	Division 2
304	573	Section	Section
Division 2	Division 2	316-310	591
Section	Section	316-311	592

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316-311A	593	Section	Section
316-311B	594	335-329	617
316-312	595	Division 3	Division 4
316-313	596	Section	Section
316-314	597	330	618
316-315	598	331	619
Part 4.4	Part 6.5	Division 4	Division 5
Division 1	Division 1	Section	Section
Section	Section	332	620
317	599	333	621
318	600	334	622
319	601	335	623
320	602	Part 4.6	Part 6.7
321	603	Division 1	Division 1
322	604	Section	Section
Division 2	Division 2	336	624
Section	Section	337	625
316-317	605	338	626
316-318	606	339	627
316-319	607	339A	628
316-320	608	Division 2	Division 2
316-321	609	Section	Section
316-322	610	340	629
Division 3	Division 3	340A	630
Section	Section	Division 3	Division 3
323	611	Section	Section
Part 4.5	Part 6.6	341	631
Division 1	Division 1	342	632
Section	Section	343	633
324	612	344	634
325	613	345	635
326	614	Division 4	Division 4
328	615	Section	Section
Division 2	Division 2	346	636
Section	Section	Part 4.7	Part 6.8
329	616	Section	Section
Division 2A	Division 3	347	637

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Old number	New number	Old number	New number
348	638	373	663
349	639	374	664
350	640	Division 4	Division 4
351	641	Section	Section
Part 4.8	Part 6.9	375	665
Division 1	Division 1	376	666
Section	Section	377	667
352	642	378	668
353	643	379	669
354	644	380	670
Division 2	Division 2	381	671
Section	Section	382	672
355	645	383	673
356	646	384	674
357	647	385	675
358	648	386	676
359	649	387	677
360	650	Division 5	Division 5
361	651	Section	Section
362	652	388	678
Division 3	Division 3	389	679
Subdivision A	Subdivision A	Division 6	Division 6
Section	Section	Section	Section
363	653	390	680
364	654	391	681
365	655	Division 7	Division 7
366	656	Section	Section
Subdivision B	Subdivision B	392	682
Section	Section	393	683
367	657	394	684
Subdivision C	Subdivision C	Division 8	Division 8
Section	Section	Section	Section
368	658	395	685
369	659	396	686
370	660	397	687
371	661	398	688
372	662	399	689

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Division 9	Division 9	Division 2	Division 2
Section	Section	Subdivision A	Subdivision A
400	690	Section	Section
401	691	422	712
402	692	423	713
403	693	424	714
404	694	Subdivision B	Subdivision B
405	695	Section	Section
Chapter 5	Chapter 7	425	715
Part 5.1	Part 7.1	426	716
Division 1	Division 1	Subdivision C	Subdivision C
Section	Section	Section	Section
406	696	427	717
Division 2	Division 2	428	718
Section	Section	429	719
407	697	Division 3	Division 3
408	698	Section	Section
Division 3	Division 3	430	720
Section	Section	Division 4	Division 4
409	699	Section	Section
410	700	431	721
411	701	Chapter 5A	Chapter 8
412	702	Part 5A.1	Part 8.1
413	703	Division 1	Division 1
414	704	Section	Section
415	705	406-406	722
416	706	Division 2	Division 2
417	707	Section	Section
Part 5.2	Part 7.2	406-407	723
Section	Section	406-408	724
418	708	Division 3	Division 3
419	709	Section	Section
Part 5.3	Part 7.3	406-409	725
Division 1	Division 1	406-410	726
Section	Section	406-411	727
420	710	406-412	728
421	711	406-413	729

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Old number	New number	Old number	New number
406-414	730	435C	750
406-415	731	435D	751
406-416	732	435E	752
406-417	733	435F	753
Part 5A.2	Part 8.2	435G	754
Section	Section	435H	755
406-418	734	435J	756
Part 5A.3	Part 8.3	435K	757
Division 1	Division 1	435L	758
Section	Section	Part 6.1B	Part 9.3
406-420	735	Division 1	Division 1
406-421	736	Section	Section
406-421A	737	435N	759
Division 2	Division 2	435P	760
Subdivision A	Subdivision A	435Q	761
Section	Section	435R	762
406-422	738	435S	763
406-423	739	435T	764
406-424	740	435U	765
Subdivision B	Subdivision B	Division 2	Division 2
Section	Section	Section	Section
406-427	741	435V	766
406-429	742	435W	767
Division 3	Division 3	Part 6.2	Part 9.4
Section	Section	Section	Section
406-430	743	436	768
Chapter 6	Chapter 9	Part 6.3	Part 9.5
Part 6.1	Part 9.1	Section	Section
Section	Section	437	769
432	744	438	770
433	745	Part 6.4	Part 9.6
434	746	Section	Section
435	747	439	771
Part 6.1A	Part 9.2	440	772
Section	Section	440A	773
435A	748	441	774
435B	749	441A	775

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Endnote 6—Renumbering tables

Old number	New number	Old number	New number
Part 6.5	Part 9.7	Section	Section
Section	Section	443	781
442	776	444	782
442A	777	445	783
Part 6.5A	Part 9.8	446	784
Section	Section	446A	785
442B	778	447	786
Part 6.5B	Part 9.9	447A	787
Section	Section	448	788
442C	779	448A	789
Part 6.5C	Part 9.10	449	790
Section	Section	Part 6.7	Part 9.12
442D	780	Section	Section
Part 6.6	Part 9.11	450	791

Endnote 7—Repeal tables

Endnote 7—Repeal tables

This endnote sets out the provisions of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, that had been repealed before the renumbering of provisions of that Act made by the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008*.

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted	
Provision affected	How affected
s. 69	rep. No. 45, 2007
s. 192	rep. No. 45, 2007
s. 249	rep. No. 117, 2008
s. 316	rep. No. 117, 2008
s. 327	rep. No. 21, 2008
