Offshore Petroleum and Greenhouse Gas Storage Amendment (Regulatory Powers and Other Measures) Act 2014

No. 80, 2014

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

Contents

1 Short title 2

2 Commencement 2

3 Schedule(s) 3

Schedule 1—Regulatory powers amendments 4

Part 1—Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013 4

Part 2—Offshore Petroleum and Greenhouse Gas Storage Act 2006 5

Schedule 2—Other measures 7

Part 1—Offshore Petroleum and Greenhouse Gas Storage Act 2006 7

Part 2—Application of amendments 12

Offshore Petroleum and Greenhouse Gas Storage Amendment (Regulatory Powers and Other Measures) Act 2014

No. 80, 2014

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

[*Assented to 17 July 2014*]

The Parliament of Australia enacts:

1 Short title

 This Act may be cited as the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Regulatory Powers and Other Measures) Act 2014*.

2 Commencement

 (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 |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | 17 July 2014 |
| 2. Schedule 1, Part 1 | The day after this Act receives the Royal Assent. | 18 July 2014 |
| 3. Schedule 1, Part 2 | Immediately after the commencement of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013*.However, the provision(s) do not commence at all if that Schedule does not commence. | 1 October 2014 |
| 4. Schedule 2, items 1 to 6 | The day after this Act receives the Royal Assent. | 18 July 2014 |
| 5. Schedule 2, items 7 to 11 | At the same time as items 1 and 2 of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Act 2014* commence.However, the provision(s) do not commence at all if those items do not commence. | 17 January 2015 |
| 6. Schedule 2, items 12 and 13 | The day after this Act receives the Royal Assent. | 18 July 2014 |
| 7. Schedule 2, item 14 | At the same time as items 1 and 2 of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Act 2014* commence.However, the provision(s) do not commence at all if those items do not commence. | 17 January 2015 |

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedule(s)

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

Schedule 1—Regulatory powers amendments

Part 1—Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013

1 Subsection 2(1) (table items 2 and 3, column 2, paragraph (b))

Omit “*Regulatory Powers (Standard Provisions) Act 2013*”, substitute “*Regulatory Powers (Standard Provisions) Act 2014*”.

2 Part 1 of Schedule 1 (heading)

Repeal the heading, substitute:

Part 1—Application of the Regulatory Powers (Standard Provisions) Act 2014

3 Item 154 of Schedule 1 (definition of *Regulatory Powers Act*)

Repeal the definition.

Part 2—Offshore Petroleum and Greenhouse Gas Storage Act 2006

4 Section 7 (definition of *Regulatory Powers Act*)

Omit “*Regulatory Powers (Standard Provisions) Act 2013*”, substitute “*Regulatory Powers (Standard Provisions) Act 2014*”.

5 Subsection 602C(1) (note 1)

Omit “(see section 20 of that Act)”.

6 Subsection 602C(2) (note)

Omit “(see section 20 of that Act)”.

7 Subsection 602D(1) (note 1)

Omit “(see section 50 of that Act)”.

8 Subsection 602G(2)

Omit “section 32 or 64 of the Regulatory Powers Act”, substitute “section 31 or 63 of the Regulatory Powers Act”.

9 Subparagraph 602G(2)(a)(ii)

Omit “section 24 or 54 of the Regulatory Powers Act”, substitute “section 23 or 53 of the Regulatory Powers Act”.

10 Subsection 602G(2) (note)

Omit “sections 24 and 54 of the Regulatory Powers Act”, substitute “sections 23 and 53 of the Regulatory Powers Act”.

11 At the end of paragraph 611E(1)(i)

Add “, in its application to a contravention of subclause 6(2) of that Schedule”.

12 Subsection 611E(4)

Omit “paragraph 108(1)(j) of the Regulatory Powers Act”, substitute “paragraph 104(1)(j) of the Regulatory Powers Act”.

13 Subsection 611E(6)

Omit “subsection 107(3) of the Regulatory Powers Act”, substitute “subsection 103(3) of the Regulatory Powers Act”.

14 Section 611F

Omit “subsection 107(4) of the Regulatory Powers Act, and despite subsection 107(3) of that Act”, substitute “subsection 103(4) of the Regulatory Powers Act, and despite subsection 103(3) of that Act”.

15 Paragraphs 611G(1)(a) and (2)(a)

Omit “section 109 of the Regulatory Powers Act”, substitute “section 105 of the Regulatory Powers Act”.

16 Subsection 611J(4)

Omit “section 127”, substitute “section 121”

17 Subsection 780F(8A)(a)

Omit “subsection 36(6) or 77(6) of the Regulatory Powers Act”, substitute “subsection 35(6) or 76(6) of the Regulatory Powers Act”.

18 Amendments of listed provisions—references to section 93 of the Regulatory Powers Act

Omit “section 96 of the Regulatory Powers Act” and substitute “section 93 of the Regulatory Powers Act” in the following provisions:

 (a) subsection 249(6) (note);

 (b) subsection 284(9) (note);

 (c) subsection 286A(8C) (note);

 (d) subsection 507(5C) (note);

 (e) subsection 508(5C) (note);

 (f) subsection 509(6C) (note);

 (g) subsection 576D(7) (note);

 (h) subsection 587B(5B) (note);

 (i) subsection 699(5C) (note);

 (j) subclause 11D(8) of Schedule 2A (note);

 (k) subclause 78A(5) of Schedule 3 (note).

Schedule 2—Other measures

Part 1—Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Subsection 343(1)

Repeal the subsection, substitute:

Scope

 (1) This section applies if:

 (a) a petroleum retention lease is in force; and

 (b) one or more identified greenhouse gas storage formations are wholly situated in the lease area.

Single identified greenhouse gas storage formation

 (1A) If:

 (a) a single identified greenhouse gas storage formation extends to:

 (i) only one block in the lease area; or

 (ii) 2 or more blocks in the lease area; and

 (b) none of the following is in force over the block or blocks to which the identified greenhouse gas storage formation extends:

 (i) a greenhouse gas injection licence;

 (ii) a greenhouse gas holding lease;

 (iii) a greenhouse gas assessment permit;

the petroleum retention lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block or blocks to which the identified greenhouse gas storage formation extends.

Multiple identified greenhouse gas storage formations

 (1B) If:

 (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to only one block in the lease area; and

 (b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and

 (c) none of the following is in force over the block to which the identified greenhouse gas storage formations, when considered together, extend:

 (i) a greenhouse gas injection licence;

 (ii) a greenhouse gas holding lease;

 (iii) a greenhouse gas assessment permit;

the petroleum retention lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block to which the identified greenhouse gas storage formations, when considered together, extend.

 (1C) If:

 (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to:

 (i) only one block in the lease area; or

 (ii) 2 or more blocks in the lease area; and

 (b) a vertical line would pass through a point in each of those identified greenhouse gas storage formations; and

 (c) none of the following is in force over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend:

 (i) a greenhouse gas injection licence;

 (ii) a greenhouse gas holding lease;

 (iii) a greenhouse gas assessment permit;

the petroleum retention lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend.

 (1D) If:

 (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to 2 or more blocks in the lease area; and

 (b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and

 (c) for each identified greenhouse gas storage formation, at least one of the blocks to which the identified greenhouse gas storage formation extends immediately adjoins a block to which the other, or another, of those identified greenhouse gas storage formations extends; and

 (d) none of the following is in force over the blocks to which the identified greenhouse gas storage formations, when considered together, extend:

 (i) a greenhouse gas injection licence;

 (ii) a greenhouse gas holding lease;

 (iii) a greenhouse gas assessment permit;

the petroleum retention lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the blocks to which the identified greenhouse gas storage formations, when considered together, extend.

 (1E) For the purposes of subsection (1D), a block immediately adjoins another block if the graticular section that constitutes or includes that block and the graticular section that constitutes or includes that other block:

 (a) have a side in common; or

 (b) are joined together at one point only.

Application

2 Paragraph 474(d)

Repeal the paragraph, substitute:

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

3 Paragraphs 489(4A)(a) and 499(4A)(a)

Repeal the paragraphs.

4 Section 649 (heading)

Repeal the heading, substitute:

649 Functions and powers of NOPSEMA under State or Territory PSLA or other laws

5 Section 649

Before “For”, insert “(1)”.

6 Subsection 649(2)

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

7 Subsection 695M(1)

Omit “in relation to a year of the term of”, substitute “for a year on any of the following permits, leases or licences (each of which is a ***title***)”.

8 Paragraph 695M(1)(a)

Omit “or”.

9 Paragraph 695M(1)(aa)

Omit “and”.

10 Paragraphs 695M(1)(b) to (h)

Omit “or”.

11 Subsections 695M(2) and (3)

Repeal the subsections, substitute:

When annual titles administration levy becomes due and payable

 (2) Annual titles administration levy is due and payable at the end of 30 days after the first day of the year for which the levy is imposed.

Remittal or refund

 (3) The regulations may make provision for the remittal or refund of part (or all) of an amount of annual titles administration levy imposed on the title for a year if the title wholly or partly ceases (or will cease) to be in force before the end of the year.

Example: A petroleum exploration permit has been granted for a period of 6 years ending on 31 March 2015. The permit is extended under section 265 for a period of 6 months ending on 30 September 2015, after which it ceases to be in force. Annual titles administration levy is imposed under the Regulatory Levies Act for the year beginning on 1 April 2015.

 Because the permit ceases to be in force before the end of the year beginning on 1 April 2015, the regulations may make provision for the remittal or refund of part (or all) of the amount of the levy imposed for that year.

 (3A) Regulations made for the purposes of subsection (3) may provide for different amounts to be remitted or refunded depending on matters including the following:

 (a) when the title ceases (or will cease) to be in force;

 (b) the kind of title on which levy is imposed;

 (c) in the case of a title that partly ceases (or will cease) to be in force—the number of blocks, or the length of pipeline, as to which the title ceases (or will cease) to be in force.

Example: For paragraph (c), a title partly ceases to be in force if it is surrendered as to a certain number of blocks or a certain length of pipeline under section 271.

Part 2—Application of amendments

12 Application—definition

In this Part:

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

13 Application—greenhouse gas holding leases applied for by petroleum retention lessees

The amendment of section 343 of the Offshore Act made by Part 1 of this Schedule applies in relation to an application for a greenhouse gas holding lease that is made by a petroleum retention lessee on or after the commencement of the amendment.

14 Application—annual titles administration levy

The amendments of section 695M of the Offshore Act made by Part 1 of this Schedule apply in relation to annual titles administration levy imposed by the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* on a title for a year that begins on or after the commencement of those amendments.

[*Minister’s second reading speech made in—*

*House of Representatives on 29 May 2014*

*Senate on 19 June 2014*]

(113/14)