



Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Act 2019

No. 92, 2019

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

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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No. 92, 2019

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

[Assented to 28 October 2019]

The Parliament of Australia enacts:

No. 92, 2019

*Offshore Petroleum and Greenhouse Gas Storage Amendment
(Miscellaneous Amendments) Act 2019*

1

1 Short title

This Act is the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Act 2019*.

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
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	28 October 2019
2. Schedule 1, Part 1, Division 1	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	28 April 2020
3. Schedule 1, Part 1, Division 2	At the same time as the provisions covered by table item 2. However, the provisions do not commence at all if Schedule 2 to the <i>Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019</i> commences before the commencement of the provisions covered by table item 2.	28 April 2020
4. Schedule 1, Part 1, Division 3	The later of: (a) immediately after the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of	

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
	Schedule 2 to the <i>Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019</i> . However, the provisions do not commence at all unless the event mentioned in paragraph (b) occurs.	
5. Schedule 1, Part 2	At the same time as the provisions covered by table item 2.	28 April 2020
6. Schedules 2 to 14	The day after this Act receives the Royal Assent.	29 October 2019
7. Schedule 15	Immediately after the commencement of the provisions covered by table item 2.	28 April 2020
8. Schedule 16, Part 1	The day after this Act receives the Royal Assent.	29 October 2019
9. Schedule 16, Part 2	At the same time as the provisions covered by table item 2.	28 April 2020
10. Schedule 16, Part 3	At the same time as the provisions covered by table item 7.	28 April 2020
11. Schedule 17	The day after this Act receives the Royal Assent.	29 October 2019
12. Schedule 18	Immediately after the commencement of the provisions covered by table item 7.	28 April 2020

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 Schedules

Legislation 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—Greenhouse gas storage etc.

Part 1—Amendments

Division 1—General amendments

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Section 7 (after paragraph (d) of the definition of *approved*)

Insert:

(da) section 452A; or

2 Section 7

Insert:

environmental management law has the same meaning as in
Schedule 2A.

3 Section 7 (definition of *greenhouse gas project inspector*)

Repeal the definition.

4 Section 7 (definition of *petroleum environmental law*)

Repeal the definition.

5 Section 7

Insert:

related body corporate has the same meaning as in the
Corporations Act 2001.

6 Section 7 (after paragraph (i) of the definition of *title*)

Insert:

(ia) when used in section 579A—has the meaning given by
subsection 579A(1); or

7 Paragraph 316(2)(b)

After “regulations”, insert “(other than the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*, Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* and the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*)”.

8 Paragraph 351(2)(b)

After “regulations”, insert “(other than the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*, Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* and the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*)”.

9 Subsection 360(3) (note)

Omit “section 595”, substitute “sections 594A and 595”.

10 Paragraph 376(3)(b)

After “regulations”, insert “(other than the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*, Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* and the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*)”.

11 Paragraph 430(5)(b)

After “Minister”, insert “, NOPSEMA or the Titles Administrator”.

12 Subsection 436(1) (table item 2, column headed “Event or circumstance”)

After “Minister”, insert “or the Titles Administrator”.

13 Subsection 440(1) (table item 4, column headed “Event or circumstance”)

After “Minister”, insert “or the Titles Administrator”.

14 At the end of subsection 442(3)

Add:

Note: See also paragraph 646(gp) (NOPSEMA’s advisory function).

15 Paragraph 446(b)

After “Minister”, insert “, NOPSEMA or the Titles Administrator”.

16 At the end of Division 1 of Part 3.11

Add:

449A NOPSEMA to notify the Titles Administrator of grounds for cancellation of title

If NOPSEMA reasonably believes that there is a ground for cancelling:

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

NOPSEMA must notify the Titles Administrator of:

- (d) the belief; and
- (e) the reasons for the belief.

17 After section 452

Insert:

452A Notification requirements—registered holders of titles

Registered holders as at commencement

- (1) If, as at the commencement of this section, a person is the registered holder, or one of the registered holders, of a greenhouse gas title, the person must:
 - (a) give the Titles Administrator and NOPSEMA a written notice, in the approved form, that:
 - (i) states that the person is a registered holder of the greenhouse gas title; and
 - (ii) sets out such of the person’s contact details as are required by the form; and
 - (b) do so within 30 days after the commencement of this section.

Note: For *contact details*, see subsection (12).

Becoming a registered holder

- (2) If, at any time after the commencement of this section, a person becomes the registered holder, or one of the registered holders, of a greenhouse gas title, the person must:
- (a) give the Titles Administrator and NOPSEMA a written notice, in the approved form, that:
 - (i) states that the person has become a registered holder of the greenhouse gas title; and
 - (ii) sets out such of the person's contact details as are required by the form; and
 - (b) do so within 30 days after so becoming a registered holder.

Note: For *contact details*, see subsection (12).

Ceasing to be a registered holder otherwise than because of death

- (3) If, at any time after the commencement of this section, a person ceases to be the registered holder, or one of the registered holders, of a greenhouse gas title otherwise than because of the death of the person, the person must:
- (a) notify the Titles Administrator and NOPSEMA, in writing, of the cessation; and
 - (b) do so within 30 days after the cessation.

Death of a registered holder

- (4) If, at any time after the commencement of this section, a person who is the registered holder, or one of the registered holders, of a greenhouse gas title dies, the person's legal personal representative must:
- (a) notify the Titles Administrator and NOPSEMA, in writing, of the death; and
 - (b) do so within 30 days after the death.

Change of contact details of registered holder

- (5) If:
- (a) a person is the registered holder, or one of the registered holders, of a greenhouse gas title; and
 - (b) the person has given a notice under:

- (i) subsection (1); or
 - (ii) subsection (2); or
 - (iii) this subsection;
- that sets out one or more contact details of the person; and
- (c) any or all of those contact details have changed;
- the person must:
- (d) give the Titles Administrator and NOPSEMA a written notice, in the approved form, that:
 - (i) states that the relevant contact details have changed; and
 - (ii) sets out the changed contact details; and
 - (e) do so within 30 days after the change.

Note: For *contact details*, see subsection (12).

Publication of approved form

- (6) The Titles Administrator must publish on the Department's website a form approved for the purposes of subsection (1), (2) or (5).

Offence

- (7) A person commits an offence if:
 - (a) the person is subject to a requirement under subsection (1), (2), (3), (4) or (5); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 50 penalty units.

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

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

Civil penalty

- (9) 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.

Continuing offences and continuing contraventions of civil penalty provisions

- (10) 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*.

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

Note: Subsection (9) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

Definitions

- (12) In this section:

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

contact details of a person includes the following:

- (a) the person's name;
- (b) the address of:
 - (i) the place of residence or business of the person; or
 - (ii) if the person is a body corporate—the head office, a registered office or a principal office of the body corporate;
- (c) the person's telephone number;
- (d) the person's fax number (if any);
- (e) the person's email address;
- (f) if the person is a body corporate that has an ACN (within the meaning of the *Corporations Act 2001*)—the ACN.

greenhouse gas title means:

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

(e) a greenhouse gas special authority.

18 After subsection 454(1)

Insert:

(1A) If, in the performance of its functions or the exercise of its powers, NOPSEMA becomes aware of circumstances that:

(a) relate to:

- (i) the registered holder of a greenhouse gas assessment permit; or
- (ii) the registered holder of a greenhouse gas holding lease; or
- (iii) the registered holder of a greenhouse gas injection licence; and

(b) may make it appropriate for the responsible Commonwealth Minister to require the registered holder to lodge an additional security under subsection (1);

NOPSEMA may inform the responsible Commonwealth Minister of those circumstances.

19 After subsection 454(2)

Insert:

(2A) If, in the performance of its functions or the exercise of its powers, NOPSEMA becomes aware of circumstances that:

(a) relate to:

- (i) the registered holder of a greenhouse gas assessment permit; or
- (ii) the registered holder of a greenhouse gas holding lease; or
- (iii) the registered holder of a greenhouse gas injection licence; and

(b) may make it appropriate for the responsible Commonwealth Minister to require the registered holder to lodge a security under subsection (2);

NOPSEMA may inform the responsible Commonwealth Minister of those circumstances.

20 Paragraph 454(3)(b)

After “Minister”, insert “, NOPSEMA or the Titles Administrator”.

21 Paragraph 570(7)(c)

Repeal the paragraph, substitute:

- (c) a direction given by NOPSEMA or the responsible Commonwealth Minister under:
 - (i) Chapter 3; or
 - (ii) this Chapter; and

22 Paragraph 572(7)(c)

Repeal the paragraph, substitute:

- (c) a direction given by NOPSEMA or the responsible Commonwealth Minister under:
 - (i) Chapter 3; or
 - (ii) this Chapter; and

23 Subsection 572(7) (note)

Repeal the note.

24 Subsection 574(5)

Repeal the subsection (not including the heading).

25 Subsection 576B(7)

Repeal the subsection (not including the notes).

26 Section 579

Repeal the section, substitute:

579 Simplified outline of this Part

- NOPSEMA or the responsible Commonwealth Minister may give a direction to a greenhouse gas titleholder. A direction may extend to other persons.
- If there is a breach of a direction given by NOPSEMA or the responsible Commonwealth Minister under Chapter 3, this

Chapter or the regulations, NOPSEMA or the responsible Commonwealth Minister may do anything required by the direction to be done, and NOPSEMA's costs or the responsible Commonwealth Minister's costs may be recovered from the person to whom the direction was given.

- In a prosecution for an offence relating to a breach of a direction given by NOPSEMA or the responsible Commonwealth Minister under Chapter 3, this Chapter or the regulations, it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

27 Before section 580

Insert:

579A General power to give directions—NOPSEMA

Definitions

(1) In this section:

greenhouse gas matter means:

- (a) exploring for a potential greenhouse gas storage formation; or
- (b) exploring for a potential greenhouse gas injection site; or
- (c) the injection of a greenhouse gas substance into the seabed or subsoil of an offshore area; or
- (d) the storage of a greenhouse gas substance in the seabed or subsoil of an offshore area.

title means:

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

Direction to registered holder

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

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

Note 2: For enforcement, see section 582.

Extended application of direction

- (3) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to:
- (a) a specified class of persons, so long as the class consists of, or is included in, either or both of the following classes:
 - (i) employees or agents of, or persons acting on behalf of, the registered holder;
 - (ii) persons performing work or services, whether directly or indirectly, for the registered holder; or
 - (b) any person (other than the registered holder or a person to whom the direction applies in accordance with paragraph (a)) who is:
 - (i) in an offshore area for any reason touching, concerning, arising out of, or connected with, a greenhouse gas matter; or
 - (ii) in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the offshore area for a reason of that kind.
- (4) If a direction so expressed is given, the direction is taken to apply to each person included in the specified class mentioned in paragraph (3)(a) or to each person who is in the offshore area as mentioned in paragraph (3)(b), as the case may be.

Note: For notification requirements, see section 581.

Additional matters

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

- (a) any previous direction under this section; and
- (b) anything in the regulations or the applied provisions.

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

- (6) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.
- (7) To avoid doubt, subsection (6) applies to an instrument, whether issued or made in Australia or outside Australia.
- (8) A direction under this section may prohibit the doing of an act or thing:
 - (a) unconditionally; or
 - (b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.
- (9) If NOPSEMA gives a direction under this section, NOPSEMA must:
 - (a) give the responsible Commonwealth Minister a copy of the direction; and
 - (b) do so as soon as practicable after the direction was given.

Directions

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

28 Section 580 (heading)

Repeal the heading, substitute:

580 General power to give directions—responsible Commonwealth Minister

29 Paragraph 580(5)(b)

After “regulations”, insert “(other than the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*, Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* and the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*)”.

30 After subsection 580(8)

Insert:

Inconsistency

- (8A) If a direction under this section is inconsistent with a direction under section 579A, the direction under this section has no effect to the extent of the inconsistency.

31 Before section 581

Insert:

580A Directions may extend outside of title area

- (1) A direction under this Division may require the registered holder of the title in relation to which the direction is given to take an action (or not to take an action) anywhere in an offshore area, whether within or outside the title area of the title.
- (2) If a direction under section 579A requires the registered holder of a title (the ***first title***) to take an action in, or in relation to, the title area of another title (the ***related title***), NOPSEMA must give a copy of the direction to the registered holder of the related title as soon as practicable after the direction is given to the registered holder of the first title.
- (3) If a direction under section 580 requires the registered holder of a title (the ***first title***) to take an action in, or in relation to, the title area of another title (the ***related title***), the responsible Commonwealth Minister must give a copy of the direction to the

registered holder of the related title as soon as practicable after the direction is given to the registered holder of the first title.

(4) In this section:

title means any title covered by section 572.

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

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

32 Before subsection 581(1)

Insert:

Notification—direction under section 579A

(1A) If a direction under section 579A applies to:

- (a) a registered holder; and
- (b) a person referred to in paragraph 579A(3)(a);

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

- (c) given to that other person; or
- (d) displayed at a prominent position at a place in the offshore area frequented by that other person.

(1B) If a direction under section 579A applies to:

- (a) a registered holder; and
- (b) a person referred to in paragraph 579A(3)(b);

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

(1C) If a direction under section 579A applies to:

- (a) a registered holder; and
- (b) a person referred to in paragraph 579A(3)(b);

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

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

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

33 Subsection 581(1) (heading)

Repeal the heading, substitute:

Notification—direction under section 580

34 Paragraph 581(4)(a)

After “subsection”, insert “(1A), (1B), (1C),”.

35 Paragraph 582(1)(a)

After “section”, insert “579A or”.

36 Paragraph 582(3)(a)

After “section”, insert “579A or”.

37 Division 3 of Part 6.3 (heading)

Repeal the heading, substitute:

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

38 Before section 583

Insert:

582A NOPSEMA may take action if there is a breach of a direction

Action by NOPSEMA

(1) If:

- (a) a person is subject to a direction given by NOPSEMA under:
 - (i) this Chapter (other than Part 6.2); or
 - (ii) the regulations; and
- (b) the person engages in conduct; and
- (c) the person’s conduct breaches the direction;

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

Recovery of costs and expenses incurred by NOPSEMA

- (2) Costs or expenses incurred by NOPSEMA under subsection (1) in relation to a direction are:
- (a) a debt due to NOPSEMA by the person subject to the direction; and
 - (b) recoverable in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

Exception—direction that has an extended application

- (3) If:
- (a) a direction under section 579A applies to:
 - (i) a registered holder; and
 - (ii) another person; and
 - (b) an action under subsection (2) relating to the direction is brought against the other person; and
 - (c) the other person adduces evidence that the other person did not know, and could not reasonably be expected to have known, of the existence of the direction;
- the other person is not liable under subsection (2) unless the plaintiff proves that the other person knew, or could reasonably be expected to have known, of the existence of the direction.

Defence

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

39 Subparagraph 583(1)(a)(iii)

Repeal the subparagraph.

40 Section 584

After “Minister”, insert “, NOPSEMA or the Titles Administrator”.

41 Section 591

Omit:

- The responsible Commonwealth Minister may give remedial directions to greenhouse gas titleholders or former greenhouse gas titleholders about the following matters:
 - (a) the removal of property;
 - (b) the plugging or closing off of wells;
 - (c) the conservation and protection of natural resources;
 - (d) the making good of damage to the seabed or subsoil.

substitute:

- NOPSEMA or the responsible Commonwealth Minister may give remedial directions to greenhouse gas titleholders or former greenhouse gas titleholders about the following matters:
 - (a) the removal of property;
 - (b) the plugging or closing off of wells;
 - (c) the conservation and protection of natural resources;
 - (d) the making good of damage to the seabed or subsoil.

42 Section 591

Omit:

- If there is a breach of a direction, the responsible Commonwealth Minister may do anything required by the direction to be done.
- If property has not been removed in accordance with a direction, the responsible Commonwealth Minister may direct the owner to remove or dispose of the property.

substitute:

- If there is a breach of a direction, NOPSEMA or the responsible Commonwealth Minister may do anything required by the direction to be done.
- If property has not been removed in accordance with a direction, NOPSEMA or the responsible Commonwealth Minister may direct the owner to remove or dispose of the property.

43 Section 591A

Before “the responsible Commonwealth Minister”, insert “NOPSEMA or”.

44 At the end of section 591A

Add:
; or (c) a provision of Chapter 3.

45 After section 591A

Insert:

591B Remedial directions to current holders of permits, leases and licences—NOPSEMA

Scope

- (1) This section applies to:
- (a) a greenhouse gas assessment permit; or
 - (b) a greenhouse gas holding lease; or
 - (c) a greenhouse gas injection licence, if no operations for the injection of a greenhouse gas substance into an identified greenhouse gas storage formation have been carried on under the licence.

Direction to registered holder

- (2) NOPSEMA may, by written notice given to the registered holder of the permit, lease or licence, direct the holder to do any or all of the following things on or before the applicable date:

- (a) to:
 - (i) remove, or cause to be removed, from the title area all property brought into that area by any person engaged or concerned in the operations authorised by the permit, lease or licence; or
 - (ii) make arrangements that are satisfactory to NOPSEMA in relation to that property;
- (b) to plug or close off, to the satisfaction of NOPSEMA, all wells made in the title area by any person engaged or concerned in those operations;
- (c) to provide, to the satisfaction of NOPSEMA, for the conservation and protection of the natural resources in the title area;
- (d) to make good, to the satisfaction of NOPSEMA, any damage to the seabed or subsoil in the title area caused by any person engaged or concerned in those operations.

Note 1: For **applicable date** and **title area**, see subsection (7).

Note 2: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

- (3) Paragraph (2)(c) has effect subject to:
 - (a) Chapter 3; and
 - (b) this Chapter; and
 - (c) the regulations.
- (4) In attaining a state of satisfaction for the purposes of paragraph (2)(b), NOPSEMA must have regard to the principle that plugging or closing off wells should be carried out in a way that minimises damage to the petroleum-bearing qualities of geological formations.

Offence

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

Penalty: 100 penalty units.

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

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

Applicable date and title area

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

Applicable date and title area			
Item	In the case of ...	the applicable date is ...	and the title area is ...
1	a greenhouse gas assessment permit	the expiry date of the permit	the permit area.
2	a greenhouse gas holding lease (other than a special greenhouse gas holding lease)	the expiry date of the lease	the lease area.
3	a special greenhouse gas holding lease	the date determined, in writing, by NOPSEMA	the lease area.
4	a greenhouse gas injection licence	the first date on which the licence can be terminated under this Act	the licence area.

(8) A notice under subsection (2) need not identify the applicable date as a particular calendar date.

46 Section 592 (heading)

Repeal the heading, substitute:

592 Remedial directions to current holders of permits, leases and licences—responsible Commonwealth Minister

47 Paragraph 592(2)(d)

Omit “operations.”, substitute “operations;”.

48 At the end of subsection 592(2) (before the notes)

Add:

so long as the direction is given for a purpose that relates to:

- (e) resource management; or
- (f) resource security; or
- (g) decommissioning.

49 At the end of section 592

Add:

Inconsistency

- (8) If a direction under this section is inconsistent with a direction under section 591B, the direction under this section has no effect to the extent of the inconsistency.

50 After section 594

Insert:

594A Remedial directions to former holders of permits, leases, licences and authorities etc.—NOPSEMA

Scope

- (1) This section applies if an event specified in the table has happened:

Scope		
Item	Title	Event
1	Greenhouse gas assessment permit	(a) the permit has been cancelled; (b) the permit has expired.
2	Greenhouse gas holding lease (other than a special greenhouse gas holding lease)	(a) the lease has been cancelled; (b) the lease has expired.
3	Special greenhouse gas holding lease	the lease has been cancelled.
4	Greenhouse gas injection licence	(a) the licence has been cancelled; (b) the licence has been terminated.
5	Greenhouse gas search authority	(a) the authority has been surrendered; (b) the authority has been cancelled; (c) the authority has expired.

Schedule 1 Greenhouse gas storage etc.
Part 1 Amendments

Scope		
Item	Title	Event
6	Greenhouse gas special authority	(a) the authority has been revoked; (b) the authority has been surrendered; (c) the authority has expired.

Direction

- (2) NOPSEMA may, by written notice given to the person who was, or is, as the case may be, the registered holder of the permit, lease, licence or authority, direct the person to do any or all of the following things within the period specified in the notice:
- (a) to:
 - (i) remove, or cause to be removed, from the vacated area all property brought into that area by any person engaged or concerned in the operations authorised by the permit, lease, licence or authority; or
 - (ii) make arrangements that are satisfactory to NOPSEMA in relation to that property;
 - (b) to plug or close off, to the satisfaction of NOPSEMA, all wells made in the vacated area by any person engaged or concerned in those operations;
 - (c) to provide, to the satisfaction of NOPSEMA, for the conservation and protection of the natural resources in the vacated area;
 - (d) to make good, to the satisfaction of NOPSEMA, any damage to the seabed or subsoil in the vacated area caused by any person engaged or concerned in those operations.
- (3) The period specified in the notice must be reasonable.
- (4) Paragraph (2)(c) has effect subject to:
- (a) Chapter 3; and
 - (b) this Chapter; and
 - (c) the regulations.
- (5) In attaining a state of satisfaction for the purposes of paragraph (2)(b), NOPSEMA must have regard to the principle that plugging or closing off wells should be carried out in a way that

minimises damage to the petroleum-bearing qualities of geological formations.

Offence

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

Penalty: 100 penalty units.

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

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

51 Section 595 (heading)

Repeal the heading, substitute:

595 Remedial directions to former holders of permits, leases, licences and authorities etc.—responsible Commonwealth Minister

52 Paragraph 595(2)(d)

Omit “operations.”, substitute “operations;”.

53 At the end of subsection 595(2)

Add:

so long as the direction is given for a purpose that relates to:

- (e) resource management; or
- (f) resource security; or
- (g) decommissioning.

54 At the end of section 595

Add:

Inconsistency

- (8) If a direction under this section is inconsistent with a direction under section 594A, the direction under this section has no effect to the extent of the inconsistency.

55 After section 595

Insert:

595A NOPSEMA may take action if a direction has been breached

Scope

- (1) This section applies if a direction is given under section 594A.

NOPSEMA may take action

- (2) If:
- (a) a direction under section 594A has been breached in relation to the vacated area; or
 - (b) an arrangement under section 594A has not been carried out in relation to the vacated area;

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

- (3) If:
- (a) a direction is given under section 594A; and
 - (b) any property brought into the vacated area by any person engaged or concerned in the operations authorised by the permit, lease, licence or authority has not been removed in accordance with:
 - (i) a direction under section 594A in relation to the vacated area; or
 - (ii) an arrangement under section 594A in relation to the vacated area;

NOPSEMA may, by notifiable instrument, direct the owner or owners of that property to:

- (c) remove the property from the vacated area; or
- (d) dispose of the property to the satisfaction of NOPSEMA; within the period specified in the instrument.

Note: For sanctions, see section 596A.

- (4) The period specified in the instrument must be reasonable.
- (5) If a direction is given under subsection (3) in relation to property, NOPSEMA must give a copy of the instrument to each person whom NOPSEMA believes to be an owner of the property or of any part of the property.

56 After section 596

Insert:

596A Removal, disposal or sale of property by NOPSEMA—breach of direction

Power to remove, dispose of or sell property

- (1) If a direction under subsection 595A(3) has been breached in relation to property, NOPSEMA may do any or all of the following things:
 - (a) remove, in such manner as NOPSEMA thinks fit, any or all of that property from the vacated area concerned;
 - (b) dispose of, in such manner as NOPSEMA thinks fit, any or all of that property;
 - (c) if, under subsection 595A(5), a person was given a copy of the notice of the direction—sell, by public auction or otherwise, as NOPSEMA thinks fit, any or all of that property that belongs, or that NOPSEMA believes to belong, to that person.

Deduction of costs and expenses etc. from proceeds of sale

- (2) NOPSEMA may deduct, from the proceeds of a sale under subsection (1) of property that belongs (or that NOPSEMA believes to belong) to a particular person, the whole or a part of:
 - (a) any costs and expenses incurred by NOPSEMA under that subsection in relation to that property; and
 - (b) any costs and expenses incurred by NOPSEMA in relation to the doing of any thing required by a direction under section 594A to be done by that person; and

- (c) any fees or amounts payable by that person to NOPSEMA under this Act, so long as the fee or amount is due and payable.
- (3) NOPSEMA may, on behalf of the Commonwealth, deduct, from the proceeds of a sale under subsection (1) of property that belongs (or that NOPSEMA believes to belong) to a particular person, the whole or a part of:
 - (a) any fees or amounts payable by that person to the Commonwealth under this Act, so long as the fee or amount concerned is due and payable; and
 - (b) any amounts payable by that person under any of the following provisions of the Regulatory Levies Act:
 - (i) section 5;
 - (ii) section 7;
 - (iii) section 9;
 - (iv) section 10A;
 - (v) section 10C;
 - (vi) section 10E;
 - (vii) section 10F;so long as the amount concerned is due and payable.
- (4) If NOPSEMA deducts an amount under subsection (3), NOPSEMA must remit that amount to the Commonwealth.

Balance of proceeds of sale to be paid to owner of property

- (5) The proceeds of a sale of property under subsection (1), less any deductions under subsection (2) or (3), are to be paid to the owner of the property.

Recovery of costs and expenses—removal, disposal or sale of property

- (6) If NOPSEMA incurs any costs or expenses under subsection (1) in relation to the removal, disposal or sale of property, the costs or expenses:
 - (a) are a debt due by the owner of the property to NOPSEMA; and

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

Recovery of costs and expenses—breach of direction

- (7) If NOPSEMA incurs costs or expenses in relation to the doing of anything required by a direction under section 594A to be done by a person who is or was the registered holder 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;the costs or expenses:
 - (f) are a debt due by the person to NOPSEMA; and
 - (g) to the extent to which they are not recovered under subsection (2)—are recoverable in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

57 Paragraph 597(2)(d)

Repeal the paragraph, substitute:

- (d) any amounts payable by that person under any of the following provisions of the Regulatory Levies Act:
 - (i) section 5;
 - (ii) section 7;
 - (iii) section 9;
 - (iv) section 10A;
 - (v) section 10C;
 - (vi) section 10E;
 - (vii) section 10F;

so long as the amount concerned is due and payable.

58 After subsection 598(1)

Insert:

- (1A) Except as provided by subsection 596A(6) or section 780, no action, suit or proceeding lies in relation to the removal, disposal or sale, or the purported removal, disposal or sale, of property under section 596A.

59 Subsection 598(2)

After “(1)”, insert “or (1A)”.

60 Division 1 of Part 6.5 (heading)

Repeal the heading, substitute:

Division 1—Petroleum and greenhouse gas

61 Section 599

After:

- | |
|--|
| <ul style="list-style-type: none">• A person must not interfere with offshore petroleum installations or operations. |
|--|

insert:

- | |
|--|
| <ul style="list-style-type: none">• A person must not interfere with greenhouse gas installations or operations. |
|--|

62 Section 600

Insert:

greenhouse gas title means:

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

(f) a greenhouse gas research consent.

63 Subsection 601(1) (after table item 1)

Insert:

1A	Chapter 3	Regulation of activities related to injection and storage of greenhouse gas substances
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64 Subsection 601(1) (after table item 2)

Insert:

2A	Chapter 5	Registration of transfers of, and dealings in, greenhouse gas titles
----	-----------	--

65 Subsection 601(1) (table items 3 and 4)

Repeal the items, substitute:

3	Part 6.1	Operations
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66 Subsection 601(1) (after table item 5)

Insert:

5A	Part 6.3	Directions relating to greenhouse gas
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67 Subsection 601(1) (table item 6)

Repeal the item, substitute:

6	Part 6.4	Restoration of the environment
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68 Subsection 601(1) (table item 9, column headed “Provisions”)

Omit “, to the extent that the Part applies in relation to petroleum titles”.

69 Subsection 601(1) (table item 11, column headed “Provisions”)

Omit “, to the extent that the Division applies in relation to petroleum titles”.

70 Subsection 601(1) (after table item 12)

Insert:

12A Chapter 8 Information relating to greenhouse gas

71 Subsection 601(1) (table item 13, column headed “Topic”)

Omit “Petroleum environmental laws”, substitute “Environmental management laws”.

72 Subsection 601(1) (table item 16, column headed “Provisions”)

Omit “, to the extent that the regulations apply in relation to petroleum titles”.

73 Subsection 601(1) (after table item 16)

Insert:

16A	The provisions of the <i>Offshore Petroleum and Greenhouse Gas Storage (Greenhouse Gas Injection and Storage) Regulations 2011</i>	Regulation of greenhouse gas injection and storage
-----	--	--

74 Subsection 601(1) (table item 17)

Repeal the item, substitute:

17	The provisions of Part 5 of the <i>Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011</i>	Structural integrity of wells and well operations
----	--	---

75 Subsection 601(1) (table item 18, column headed “Provisions”)

Omit “, to the extent that the regulations apply in relation to petroleum titles”.

76 Subsection 602C(11) (before the note)

Insert:

Note 1: Under Schedule 2A to this Act, NOPSEMA inspectors may exercise additional powers, and perform additional functions, for the purpose of monitoring environmental management laws.

77 Subsection 602C(11) (note)

After “Note”, insert “2”.

78 Subsection 602C(11) (note)

Omit “, environmental management laws and structural integrity laws”.

79 Subsection 602E(1)

After “Part”, insert “2 or”.

80 Paragraph 602E(2)(a)

Omit “a petroleum environmental law”, substitute “an environmental management law”.

81 Paragraph 602E(2)(a)

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

82 Subsection 602E(3)

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

83 Paragraph 602F(3)(c)

Omit “a petroleum environmental law”, substitute “an environmental management law”.

84 Subsection 602G(3) (paragraph (b) of the definition of *responsible person*)

After “a petroleum title”, insert “or greenhouse gas title”.

85 Section 602J (heading)

Repeal the heading, substitute:

602J Environmental management laws—additional powers

86 Section 602J

Omit “the petroleum environmental laws”, substitute “environmental management laws (within the meaning of that Schedule)”.

87 Subsection 602K(8) (definition of *greenhouse gas title*)

Repeal the definition, substitute:

greenhouse gas title: see section 600.

88 Subsection 602K(8) (paragraph (b) of the definition of *inspection*)

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

89 Subsection 602K(8) (definition of *offshore premises*)

Repeal the definition, substitute:

offshore premises has the same meaning as in Schedule 2A.

90 Subsection 602K(8) (paragraph (b) of the definition of *titleholder’s obligations*)

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

91 Subsection 602K(8) (paragraph (b) of the definition of *titleholder’s obligations*)

Omit “a petroleum environmental law”, substitute “an environmental management law”.

92 Subsection 602K(8) (subparagraph (c)(ii) of the definition of *titleholder’s obligations*)

Omit “, to the extent that the Part relates to petroleum titles”.

93 Section 602L (paragraph (a) of the note)

Omit “petroleum environmental laws”, substitute “environmental management laws”.

94 Division 2 of Part 6.5 (heading)

Repeal the heading.

95 Sections 605 to 608

Repeal the sections.

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

Insert:

(ba) subsection 452A(9);

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

Insert:

(da) subsection 452A(9);

98 After paragraph 611E(1)(c)

Insert:

(ca) subsection 452A(7);

99 Subsection 611E(2) (table item 1, column headed “is an *infringement officer* in relation to the following provisions in this Act ...”, after paragraph (a))

Insert:

(aa) subsection 452A(7);

100 Subsection 611E(2) (table item 2, column headed “is an *infringement officer* in relation to the following provisions in this Act ...”, after paragraph (c))

Insert:

(ca) subsection 452A(7);

101 Subsection 611E(2) (table item 3, column headed “is an *infringement officer* in relation to the following provisions in this Act ...”, after paragraph (c))

Insert:

(ca) subsection 452A(7);

102 Subsection 611J(2) (table item 3, column headed “is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...”, after paragraph (b))

Insert:

(ba) subsections 452A(2), (3), (4) and (5);

103 Subsection 611J(2) (table item 3, column headed “is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...”, paragraph (v))

After “(2)”, insert “, (2A)”.

104 Subsection 611J(2) (table item 4, column headed “is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...”, after paragraph (d))

Insert:

(da) subsections 452A(2), (3), (4) and (5);

105 Section 612

Omit:

- The responsible Commonwealth Minister may prohibit certain vessels from entering or being present in an area (called a **greenhouse gas safety zone**) surrounding a greenhouse gas well, a structure, or an item of equipment, in an offshore area.

substitute:

- NOPSEMA may prohibit certain vessels from entering or being present in an area (called a **greenhouse gas safety zone**) surrounding a greenhouse gas well, a structure, or an item of equipment, in an offshore area.

106 Section 614 (paragraph (d) of the definition of *exempt vessel*)

Omit “the responsible Commonwealth Minister”, substitute “NOPSEMA”.

107 Paragraph 615(1)(e)

Omit “or (3)”.

108 Subsection 615(3)

Repeal the subsection.

109 Subsection 615(4)

Omit “or (3)”.

110 Subsection 617(1)

Omit “the responsible Commonwealth Minister” (wherever occurring), substitute “NOPSEMA”.

111 Section 643 (definition of *environmental management law*)

Repeal the definition.

112 Subsections 646A(5), (6) and (7)

Repeal the subsections, substitute:

Limits on greenhouse gas storage functions

(5) Section 646 does not authorise NOPSEMA to perform a function that is:

- (a) mentioned in a State greenhouse gas storage functions provision; and
- (b) conferred by or under a particular State PSLA or the Territory PSLA;

unless:

- (c) the functions mentioned in paragraph 646(b), to the extent to which it relates to occupational health and safety matters in connection with offshore greenhouse gas storage operations,

- are conferred on NOPSEMA by or under the State PSLA or Territory PSLA, as the case may be; and
- (d) the functions mentioned in paragraph 646(gb), to the extent to which it relates to structural integrity in connection with:
- (i) the exploration for potential greenhouse gas storage formations or potential greenhouse gas injection sites; or
 - (ii) the injection of a greenhouse gas substance into the seabed or subsoil; or
 - (iii) the permanent storage of a greenhouse gas substance in the seabed or subsoil; or
 - (iv) the compression, processing, offloading, piped conveyance or pre-injection storage of a greenhouse gas substance; or
 - (v) the monitoring of a greenhouse gas substance stored in the seabed or subsoil;
- are conferred on NOPSEMA by or under the State PSLA or Territory PSLA, as the case may be; and
- (e) there are provisions of the State PSLA or Territory PSLA, as the case may be, that substantially correspond to Schedule 3 to this Act as in force:
- (i) at the commencement of this subsection; or
 - (ii) at any later time; and
- (f) there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the greenhouse gas storage provisions of the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009* as in force:
- (i) at the commencement of this subsection; or
 - (ii) at any later time; and
- (g) there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the greenhouse gas storage provisions of Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* as in force:
- (i) at the commencement of this subsection; or
 - (ii) at any later time; and

- (h) if the function mentioned in paragraph 646(gj) is conferred on NOPSEMA by or under the State PSLA or Territory PSLA, as the case may be—there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the greenhouse gas storage provisions of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* as in force:
 - (i) at the commencement of this subsection; or
 - (ii) at any later time.

Note 1: For *State greenhouse gas storage functions provision*, see subsection (6).

Note 2: For *greenhouse gas storage provisions*, see subsection (8).

- (6) For the purposes of this section, *State greenhouse gas storage functions provision* means:
 - (a) paragraph 646(b), to the extent to which it relates to occupational health and safety matters in connection with offshore greenhouse gas storage operations; or
 - (b) paragraph 646(gb), to the extent to which it relates to structural integrity in connection with:
 - (i) the exploration for potential greenhouse gas storage formations or potential greenhouse gas injection sites; or
 - (ii) the injection of a greenhouse gas substance into the seabed or subsoil; or
 - (iii) the permanent storage of a greenhouse gas substance in the seabed or subsoil; or
 - (iv) the compression, processing, offloading, piped conveyance or pre-injection storage of a greenhouse gas substance; or
 - (v) the monitoring of a greenhouse gas substance stored in the seabed or subsoil; or
 - (c) paragraph 646(gj).

113 Paragraph 695U(1)(b)

Omit “Act.”, substitute “Act; or”.

114 After paragraph 695U(1)(b)

Insert:

- (c) the exercise of a power, or the performance of a function, under the Regulatory Powers Act so far as it applies in relation to a provision of this Act; or
- (d) the administration of the Regulatory Powers Act so far as it applies in relation to a provision of this Act.

115 Subsection 695U(4)

Omit “information or a thing”, substitute “information, or a thing”.

116 After subsection 695U(4)

Insert:

Part does not apply in relation to Part 8.3

- (4A) This Part does not apply to:
- (a) offshore information, or a thing, covered by Part 8.3; or
 - (b) a legislative instrument made for the purposes of that Part.

117 Subsection 695U(6)

Repeal the subsection, substitute:

Part does not apply in relation to certain offshore greenhouse gas storage operations

- (6) This Part does not apply to the extent that offshore information:
- (a) relates to offshore greenhouse gas storage operations (within the meaning of Part 6.9); and
 - (b) is personal information (within the meaning of the *Privacy Act 1988*); and
 - (c) was obtained before the commencement of this subsection.

118 Section 722

Omit:

- The Titles Administrator or a greenhouse gas project inspector may obtain information or documents.

substitute:

- | |
|--|
| <ul style="list-style-type: none">• The Titles Administrator or a NOPSEMA inspector may obtain information or documents. |
|--|

119 Section 725 (heading)

Repeal the heading, substitute:

725 Titles Administrator or NOPSEMA inspector may obtain information and documents

120 Paragraph 725(1)(b)

Repeal the paragraph, substitute:

(b) a NOPSEMA inspector;

121 Subsection 725(2)

Omit “greenhouse gas project inspector” (wherever occurring), substitute “NOPSEMA inspector”.

122 Section 727

Omit “greenhouse gas project inspector” (wherever occurring), substitute “NOPSEMA inspector”.

123 Section 729

Omit “greenhouse gas project inspector”, substitute “NOPSEMA inspector”.

124 Section 730 (heading)

Repeal the heading, substitute:

730 Titles Administrator or NOPSEMA inspector may retain documents

125 Subsections 730(1), (2) and (4)

Omit “greenhouse gas project inspector”, substitute “NOPSEMA inspector”.

126 Paragraph 731(a)

Omit “greenhouse gas project inspector”, substitute “NOPSEMA inspector”.

127 Paragraph 732(b)

Omit “greenhouse gas project inspector”, substitute “NOPSEMA inspector”.

128 Subsection 733A(1)

Omit “greenhouse gas project inspector as to the exercise of the greenhouse gas project inspector’s”, substitute “NOPSEMA inspector as to the exercise of the NOPSEMA inspector’s”.

129 Subsection 733A(2)

Omit “greenhouse gas project inspector”, substitute “NOPSEMA inspector”.

130 Paragraph 768(1)(h)

Repeal the paragraph.

142 Schedule 2A (heading)

Repeal the heading (including the note), substitute:

**Schedule 2A—Environmental management
laws: additional NOPSEMA
inspection powers**

Note: See section 602J.

143 Clause 1 of Schedule 2A

Repeal the clause, substitute:

1 Simplified outline of this Schedule

- | |
|--|
| <ul style="list-style-type: none">• This Schedule covers those provisions of this Act (called environmental management laws) that concern offshore petroleum and greenhouse gas storage environmental management in Commonwealth waters. |
|--|

- NOPSEMA inspectors may conduct an inspection (called an environmental inspection) to monitor compliance with environmental management 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 an inspection are in addition to the powers in relation to environmental management laws that the inspector may exercise for the purposes of Division 1 of Part 6.5 of this Act.

144 Clause 2 of Schedule 2A

Insert:

eligible premises means premises (within the ordinary meaning of that expression), and includes the following:

- (a) a structure or building;
- (b) a place that is enclosed;
- (c) a part of a thing referred to in paragraph (a) or (b).

145 Clause 2 of Schedule 2A (definition of *enter*)

Omit “petroleum”.

146 Clause 2 of Schedule 2A

Insert:

environmental inspection: see clause 3.

environmental management law means:

- (a) the provisions of this Act, to the extent to which the provisions relate to, or empower NOPSEMA to take action in relation to, offshore petroleum environmental management (within the meaning of Part 6.9 of this Act) in relation to Commonwealth waters; or
- (b) the provisions of this Act, to the extent to which the provisions relate to, or empower NOPSEMA to take action in relation to, offshore greenhouse gas storage environmental

management (within the meaning of Part 6.9 of this Act) in relation to Commonwealth waters;

and includes:

- (c) a requirement made under a provision of this Act, to the extent mentioned in paragraph (a); and
- (d) a requirement made under a provision of this Act, to the extent mentioned in paragraph (b); and
- (e) section 571 (which deals with financial assurance); and
- (f) a regulation made for the purposes of subsection 571(3) in relation to compliance with section 571.

147 Clause 2 of Schedule 2A (definition of *facility*)

Repeal the definition, substitute:

facility has the meaning given by Schedule 3.

148 Clause 2 of Schedule 2A

Insert:

greenhouse gas title means:

- (a) a greenhouse gas assessment permit; or
- (b) a greenhouse gas holding lease; or
- (c) a greenhouse gas injection licence; or
- (d) a greenhouse gas search authority; or
- (e) a greenhouse gas special authority; or
- (f) a greenhouse gas research consent.

149 Clause 2 of Schedule 2A (definition of *offence against a petroleum environmental law*)

Repeal the definition.

150 Clause 2 of Schedule 2A

Insert:

offence against an environmental management law: see clause 14.

151 Clause 2 of Schedule 2A (definition of *offshore petroleum premises*)

Repeal the definition.

152 Clause 2 of Schedule 2A

Insert:

offshore 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;
- (c) a vessel that is or is to be used, or that has been used, to carry out a seismic survey for the following purposes:
 - (i) petroleum exploration;
 - (ii) exploration for potential greenhouse gas storage formations;
 - (iii) exploration for potential greenhouse gas injection sites;
- (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.

153 Clause 2 of Schedule 2A

Repeal the following definitions:

- (a) definition of *petroleum environmental inspection*;
- (b) definition of *petroleum environmental law*.

154 Clause 2 of Schedule 2A (definition of *premises*)

Omit "Act in its application under Division 1 of Part 6.5 of this Act (see section 602F of this Act)", substitute "Act. This definition does not apply to the definition of *eligible premises*".

155 Clause 2 of Schedule 2A (definition of *regulated business premises*)

Repeal the definition, substitute:

regulated business premises means:

- (a) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by the registered holder of a title; and
 - (iii) used, or proposed to be used, wholly or principally in connection with operations in relation to one or more titles, including that title; or
- (b) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a related body corporate of the registered holder of a title; and
 - (iii) used, or proposed to be used, wholly or principally in connection with operations in relation to one or more titles, including that title; or
- (c) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract, arrangement or understanding with the registered holder of a title, has carried out, is carrying out, or is to carry out one or more operations in connection with the exercise of the holder's rights, or the performance of the holder's obligations, under this Act; and
 - (iii) used, or proposed to be used, wholly or partly in connection with operations in relation to one or more titles, including that title; and
 - (iv) not used as a residence; or
- (d) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract, arrangement or understanding with a related body corporate of the registered holder of a title, has carried out, is carrying out, or is to carry out one or more operations in connection with the exercise of the holder's rights, or the performance of the holder's obligations, under this Act; and
 - (iii) used, or proposed to be used, wholly or partly in connection with operations in relation to one or more titles, including that title; and

(iv) not used as a residence.

156 Clause 2 of Schedule 2A

Insert:

title means:

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

157 Clause 2 of Schedule 2A (definition of *titleholder*)

Repeal the definition, substitute:

titleholder means the registered holder of:

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

158 Part 2 of Schedule 2A (heading)

Repeal the heading, substitute:

Part 2—Environmental inspections

159 Division 1 of Part 2 of Schedule 2A (heading)

Repeal the heading, substitute:

Division 1—Environmental inspections: general provisions

160 Clause 3 of Schedule 2A (heading)

Repeal the heading, substitute:

3 Environmental inspections—nature of inspections

161 Subclause 3(1) of Schedule 2A (heading)

Repeal the heading, substitute:

What is an environmental inspection?

162 Subclause 3(1) of Schedule 2A

Omit “A *petroleum*”, substitute “An”.

163 Subclause 3(2) of Schedule 2A

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

164 Paragraph 3(2)(a) of Schedule 2A

Omit “a petroleum environmental law”, substitute “an environmental management law”.

165 Paragraph 3(2)(b) of Schedule 2A

Omit “a petroleum environmental law”, substitute “an environmental management law”.

166 Subclause 3(3) of Schedule 2A

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

167 Subclause 3(4) of Schedule 2A

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

168 Clause 4 of Schedule 2A (heading)

Repeal the heading, substitute:

4 Environmental inspections—offshore premises

169 Subclause 4(1) of Schedule 2A

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

170 Subparagraph 4(1)(a)(iv) of Schedule 2A

Omit “and”.

171 At the end of paragraph 4(1)(a) of Schedule 2A

Add:

- (v) exercise the powers conferred by clause 8 in relation to the inspection;

- (vi) exercise the powers conferred by clause 9 in relation to the inspection; and

172 Clause 4 of Schedule 2A

Omit “offshore petroleum premises” (wherever occurring), substitute “offshore premises”.

173 Clause 5 of Schedule 2A (heading)

Repeal the heading, substitute:

5 Environmental inspections—regulated business premises

174 Subclause 5(1) of Schedule 2A

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

175 Paragraph 5(1)(a) of Schedule 2A

After “those premises”, insert “plant, substances,”.

176 Subparagraph 5(1)(a)(i) of Schedule 2A

After “a petroleum title”, insert “or a greenhouse gas title”.

177 Subparagraph 5(1)(a)(ii) of Schedule 2A

Omit “a petroleum environmental law”, substitute “an environmental management law”.

178 Paragraph 5(1)(b) of Schedule 2A

Repeal the paragraph, substitute:

- (b) search those premises for any such plant, substances, documents or things at those premises; and
- (c) inspect, take extracts from, or make copies of, any such documents at those premises; and
- (d) inspect, examine or measure, or conduct tests concerning:
 - (i) those premises (including any part of those premises);
or
 - (ii) any such plant, substances or things at those premises;
and

- (e) take photographs of, make video recordings of, or make sketches of:
 - (i) those premises (including any part of those premises); or
 - (ii) any such plant, substances or things at those premises; and
- (f) exercise the powers conferred by clause 8 in relation to the inspection; and
- (g) exercise the powers conferred by clause 9 in relation to the inspection.

179 Subclause 5(2) of Schedule 2A

Repeal the subclause, substitute:

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:
 - (a) in the case of an inspection at regulated business premises that are occupied by the titleholder—a person representing the titleholder; or
 - (b) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the titleholder—a person representing the related body corporate; or
 - (c) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person; or
 - (d) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person.

180 Subclause 5(3) of Schedule 2A

Omit “occupier” (first occurring), substitute “person required to be notified under subclause (2)”.

181 Subclause 5(3) of Schedule 2A

Omit “occupier” (second occurring), substitute “person”.

182 Clause 6 of Schedule 2A (heading)

Repeal the heading, substitute:

**6 Environmental inspections—obstructing or hindering NOPSEMA
inspector**

183 Division 2 of Part 2 of Schedule 2A (heading)

Repeal the heading, substitute:

**Division 2—Environmental inspections: compliance
powers**

184 Clause 7 of Schedule 2A (heading)

Repeal the heading, substitute:

7 Environmental inspections—power to require assistance

185 Subclause 7(1) of Schedule 2A

Omit “a petroleum environmental inspection”, substitute “an
environmental inspection”.

186 Subclause 7(1) of Schedule 2A

Omit “offshore petroleum premises”, substitute “offshore premises”.

187 Subclause 7(1) of Schedule 2A

After “a petroleum title”, insert “or a greenhouse gas title”.

188 Clause 8 of Schedule 2A (heading)

Repeal the heading, substitute:

8 Environmental inspections—powers to require information, and the production of documents and things

189 Paragraph 8(1)(a) of Schedule 2A

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

190 Paragraph 8(1)(a) of Schedule 2A

After “a petroleum title”, insert “or a greenhouse gas title”.

191 Subparagraph 8(1)(b)(ii) of Schedule 2A

Omit “offshore petroleum premises”, substitute “offshore premises”.

192 Subparagraph 8(1)(b)(ii) of Schedule 2A

After “petroleum activities”, insert “or greenhouse gas activities”.

193 Subparagraph 8(1)(b)(iii) of Schedule 2A

After “premises”, insert “that are occupied by the titleholder”.

194 Subparagraph 8(1)(b)(iii) of Schedule 2A

Omit “any person”, substitute “a person”.

195 At the end of paragraph 8(1)(b) of Schedule 2A

Add:

- or (iv) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the titleholder—a person representing the related body corporate; or
- (v) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of *regulated business premises* in clause 2—a person representing the person; or
- (vi) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of *regulated business premises* in clause 2—a person representing the person;

196 Subclause 8(2) of Schedule 2A

Omit “offshore petroleum premises”, substitute “offshore premises”.

197 Paragraph 8(3)(a) of Schedule 2A

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

198 Paragraph 8(3)(a) of Schedule 2A

After “a petroleum title”, insert “or a greenhouse gas title”.

199 Subparagraph 8(3)(b)(ii) of Schedule 2A

Omit “offshore petroleum premises”, substitute “offshore premises”.

200 Subparagraph 8(3)(b)(ii) of Schedule 2A

After “petroleum activities”, insert “or greenhouse gas activities”.

201 Subparagraph 8(3)(b)(iii) of Schedule 2A

After “premises”, insert “that are occupied by the titleholder”.

202 Subparagraph 8(3)(b)(iii) of Schedule 2A

Omit “any person”, substitute “a person”.

203 At the end of paragraph 8(3)(b) of Schedule 2A

Add:

- or (iv) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the titleholder—a person representing the related body corporate; or
- (v) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of *regulated business premises* in clause 2—a person representing the person; or
- (vi) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of *regulated business premises* in clause 2—a person representing the person;

204 Subclause 8(4) of Schedule 2A

Omit “offshore petroleum premises”, substitute “offshore premises”.

205 Subclause 8(15) of Schedule 2A (heading)

Repeal the heading, substitute:

Notice—taking possession at offshore premises

206 Subclause 8(15) of Schedule 2A

Omit “offshore petroleum premises”, substitute “offshore premises”.

207 Subclause 8(17) of Schedule 2A (heading)

Repeal the heading, substitute:

Notice—taking possession otherwise than at offshore premises

208 Subclause 8(17) of Schedule 2A

Omit “offshore petroleum premises”, substitute “offshore premises”.

209 Clause 9 of Schedule 2A (heading)

Repeal the heading, substitute:

9 Environmental inspections—power to take possession of plant and samples etc.

210 Subclause 9(1) of Schedule 2A

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

211 Subclause 9(1) of Schedule 2A

After “a petroleum title”, insert “or a greenhouse gas title”.

212 Subclause 9(1) of Schedule 2A

Omit “offshore petroleum premises”, substitute “offshore premises”.

213 Subclause 9(1) of Schedule 2A

Before “in connection with”, insert “, or regulated business premises,”.

214 Paragraph 9(2)(a) of Schedule 2A

Omit “in any case”, substitute “if the premises are offshore premises”.

215 After paragraph 9(2)(c) of Schedule 2A

Insert:

- (ca) if the premises are regulated business premises that are occupied by the titleholder—a person who represents the titleholder;
- (cb) if the premises are regulated business premises that are occupied by a related body corporate of the titleholder—a person who represents the related body corporate;
- (cc) if the premises are regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of *regulated business premises* in clause 2—a person who represents the person;
- (cd) if the premises are regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of *regulated business premises* in clause 2—a person who represents the person;

216 Paragraph 9(2)(d) of Schedule 2A

Omit “or (c)”, substitute “, (c), (ca), (cb), (cc) or (cd)”.

217 Subclause 9(3) of Schedule 2A

Omit “The following”, substitute “If the notice relates to offshore premises, the following”.

218 After subclause 9(3) of Schedule 2A

Insert:

- (3A) If the notice relates to regulated business premises, the following person must cause the notice to be displayed in a prominent place at the premises:
 - (a) if the premises are occupied by the titleholder—the titleholder;
 - (b) if the premises are occupied by a related body corporate of the titleholder—a person who represents the related body corporate;

- (c) if the premises are occupied by a person covered by subparagraph (c)(ii) of the definition of *regulated business premises* in clause 2—a person who represents the person;
- (d) if the premises are occupied by a person covered by subparagraph (d)(ii) of the definition of *regulated business premises* in clause 2—a person who represents the person.

219 Paragraph 9(4)(b) of Schedule 2A

Repeal the paragraph, substitute:

- (b) if the NOPSEMA inspector took possession of the plant, substance or thing at offshore premises—return it to the offshore premises as soon as practicable afterwards; and
- (c) if the NOPSEMA inspector took possession of the plant, substance or thing at regulated business premises—return it to a representative of the occupier of the premises as soon as practicable afterwards.

220 Clause 10 of Schedule 2A (heading)

Repeal the heading, substitute:

10 Environmental do not disturb notices (general)

221 Subclause 10(1) of Schedule 2A

Omit “a petroleum”, substitute “an”.

222 Subclause 10(1) of Schedule 2A

Omit “offshore petroleum premises”, substitute “offshore premises”.

223 Clause 11 of Schedule 2A (heading)

Repeal the heading, substitute:

11 Environmental inspections—environmental do not disturb notices (notification and display)

224 Clause 11A of Schedule 2A (heading)

Repeal the heading, substitute:

**11A Environmental inspections—environmental prohibition notices
(issue)**

225 Subclause 11A(1) of Schedule 2A

Omit “a petroleum”, substitute “an”.

226 Subclause 11A(1) of Schedule 2A

Omit “offshore petroleum premises”, substitute “offshore premises”.

227 Subclause 11A(9) of Schedule 2A (definition of *premises*)

Omit “petroleum”.

228 Clause 11B of Schedule 2A (heading)

Repeal the heading, substitute:

**11B Environmental inspections—environmental prohibition notices
(notification)**

229 Paragraph 11B(1)(a) of Schedule 2A

Omit “petroleum”.

230 Paragraph 11B(1)(b) of Schedule 2A

Omit “petroleum”.

231 Subclause 11B(5) of Schedule 2A

Omit “a petroleum”, substitute “an”.

232 Subclause 11B(7) of Schedule 2A (definition of *premises*)

Omit “petroleum”.

233 Clause 11C of Schedule 2A (heading)

Repeal the heading, substitute:

11C Environmental inspections—environmental improvement notices (issue)

234 Subclause 11C(1) of Schedule 2A

Omit “a petroleum”, substitute “an”.

235 Subclause 11C(1) of Schedule 2A

Omit “offshore petroleum premises”, substitute “offshore premises”.

236 Clause 11C of Schedule 2A

Omit “a petroleum environmental law” (wherever occurring), substitute “an environmental management law”.

237 Clause 11D of Schedule 2A (heading)

Repeal the heading, substitute:

11D Environmental inspections—environmental improvement notices (compliance and notification)

238 Subclause 11D(1) of Schedule 2A

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

239 Subclause 11D(1) of Schedule 2A

Omit “offshore petroleum premises”, substitute “offshore premises”.

240 Subclause 11D(1) of Schedule 2A

Omit “a petroleum environmental law”, substitute “an environmental management law”.

241 Clause 12 of Schedule 2A (heading)

Repeal the heading, substitute:

12 Environmental inspections—tampering with and removing notices

242 Subclause 12(1) of Schedule 2A

After “9(3)”, insert “or (3A)”.

243 After subclause 12(2) of Schedule 2A

Insert:

- (2A) If a notice has been displayed under subclause 9(3A), a person must not remove the notice until the plant, substance or thing to which the notice relates is returned to a representative of the occupier of the premises from which it was removed.

244 Paragraph 12(4)(a) of Schedule 2A

After “(2)”, insert “, (2A)”.

245 Clause 12A of Schedule 2A (heading)

Repeal the heading, substitute:

12A Environmental inspections—publishing environmental prohibition notices and environmental improvement notices

246 Division 3 of Part 2 of Schedule 2A (heading)

Repeal the heading, substitute:

Division 3—Reports: inspections concerning environmental management laws

247 Clause 13 of Schedule 2A (heading)

Repeal the heading, substitute:

13 Reports on inspections concerning environmental management laws

248 Subclause 13(1) of Schedule 2A

Omit “a petroleum environmental law”, substitute “an environmental management law”.

249 Paragraph 13(1)(a) of Schedule 2A

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

250 Subclause 13(2) of Schedule 2A

Omit “a petroleum environmental inspection”, substitute “an environmental inspection”.

251 Subclause 13(2) of Schedule 2A

After “a petroleum title”, insert “or a greenhouse gas title”.

252 Clause 14 of Schedule 2A

Repeal the clause, substitute:

14 Meaning of *offence against an environmental management law*

In this Schedule:

offence against an environmental management law includes an offence against section 6 of the *Crimes Act 1914* that relates to an offence against an environmental management law.

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

253 Clause 15 of Schedule 2A (heading)

Repeal the heading, substitute:

15 Offences against environmental management laws—prosecutions

254 Clause 15 of Schedule 2A

Omit “a petroleum environmental law”, substitute “an environmental management law”.

255 Clause 16 of Schedule 2A (heading)

Repeal the heading, substitute:

16 Offences against environmental management laws—conduct of directors, employees and agents

256 Subclause 16(1) of Schedule 2A

Omit “a petroleum environmental law”, substitute “an environmental management law”.

257 Subclause 16(8) of Schedule 2A

Omit “a petroleum environmental law”, substitute “an environmental management law”.

258 Clause 17 of Schedule 2A (heading)

Repeal the heading, substitute:

17 Environmental inspections—civil proceedings

259 Clause 17 of Schedule 2A

Omit “a petroleum environmental law” (wherever occurring), substitute “an environmental management law”.

260 Clause 18 of Schedule 2A (heading)

Repeal the heading, substitute:

18 Offences against environmental management laws—defence of circumstances preventing compliance

261 Clause 18 of Schedule 2A

Omit “a petroleum environmental law”, substitute “an environmental management law”.

262 Clause 3 of Schedule 3

Insert:

eligible premises means premises (within the ordinary meaning of that expression), and includes the following:

- (a) a structure or building;
- (b) a place that is enclosed;
- (c) a part of a thing referred to in paragraph (a) or (b).

263 Clause 3 of Schedule 3 (definition of *premises*)

Omit “Act in its application under Division 1 of Part 6.5 of this Act (see section 602F of this Act).”, substitute “Act. This definition does not apply to the definition of *eligible premises*.”.

264 Clause 3 of Schedule 3 (paragraph (b) of the definition of *regulated business premises*)

Before “premises”, insert “eligible”.

265 Clause 3 of Schedule 3 (before subparagraph (b)(i) of the definition of *regulated business premises*)

Insert:

- (ia) on land; and

266 Clause 3 of Schedule 3 (paragraphs (c) and (d) of the definition of *regulated business premises*)

Repeal the paragraphs, substitute:

- (c) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a related body corporate of the operator of a facility; and
 - (iii) used, or proposed to be used, wholly or principally in connection with the performance by the operator of the operator’s obligations under this Schedule or the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*, or both, in relation to the health and safety of persons at or near the facility; or
- (d) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract with the operator of a facility, has carried out, is carrying out, or is to carry out, activities in connection with the performance by the operator of the operator’s obligations under this Schedule or the *Offshore*

Petroleum and Greenhouse Gas Storage (Safety)

Regulations 2009, or both, in relation to the health and safety of persons at or near the facility; and

- (iii) used, or proposed to be used, wholly or partly in connection with those activities; and
- (iv) not used as a residence; or
- (e) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract with a related body corporate of the operator of a facility, has carried out, is carrying out, or is to carry out, activities in connection with the performance by the operator of the operator's obligations under this Schedule or the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*, or both, in relation to the health and safety of persons at or near the facility; and
 - (iii) used, or proposed to be used, wholly or partly in connection with those activities; and
 - (iv) not used as a residence; or
- (f) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by the registered holder of a title; and
 - (iii) used, or proposed to be used, wholly or principally in connection with offshore petroleum operations or offshore greenhouse gas storage operations; or
- (g) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a related body corporate of the registered holder of a title; and
 - (iii) used, or proposed to be used, wholly or principally in connection with offshore petroleum operations or offshore greenhouse gas storage operations; or
- (h) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract with the registered holder of a title, has carried out, is carrying out, or is to carry out, in Commonwealth waters,

- offshore petroleum operations or offshore greenhouse gas storage operations; and
- (iii) used, or proposed to be used, wholly or partly in connection with those operations; and
- (iv) not used as a residence; or
- (i) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract with a related body corporate of the registered holder of a title, has carried out, is carrying out, or is to carry out, in Commonwealth waters, offshore petroleum operations or offshore greenhouse gas storage operations; and
 - (iii) used, or proposed to be used, wholly or partly in connection with those operations; and
 - (iv) not used as a residence.

Note: See also the definition of *contract*.

267 Clause 3 of Schedule 3

Insert:

title means:

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

268 Subparagraph 50(1)(a)(iv) of Schedule 3

Omit “and”.

269 At the end of paragraph 50(1)(a) of Schedule 3

Add:

- (v) exercise the powers conferred by clause 74 in relation to the OHS inspection;
- (vi) exercise the powers conferred by clause 75 in relation to the OHS inspection; and

270 Paragraph 51(1)(a) of Schedule 3

Omit “documents”, substitute “plant, substances, documents or things”.

271 Paragraph 51(1)(b) of Schedule 3

Repeal the paragraph, substitute:

- (b) search those premises for any such plant, substances, documents or things at those premises; and
- (c) inspect, take extracts from, or make copies of, any such documents at those premises; and
- (d) inspect, examine or measure, or conduct tests concerning, any such plant, substances or things at those premises; and
- (e) take photographs of, make video recordings of, or make sketches of, any such plant, substances or things at those premises; and
- (f) exercise the powers conferred by clause 74 in relation to the OHS inspection; and
- (g) exercise the powers conferred by clause 75 in relation to the OHS inspection.

272 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:
 - (a) in the case of an inspection at regulated business premises that are occupied by the operator of a facility—a person representing the operator; or
 - (b) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the operator of a facility—a person representing the related body corporate; or
 - (c) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of ***regulated business premises*** in clause 3—a person representing the person; or
 - (d) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (e)(ii)

- of the definition of *regulated business premises* in clause 3—a person representing the person; or
- (e) in the case of an inspection at regulated business premises that are occupied by the registered holder of a title—a person representing the registered holder; or
 - (f) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the registered holder of a title—a person representing the related body corporate; or
 - (g) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (h)(ii) of the definition of *regulated business premises* in clause 3—a person representing the person; or
 - (h) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (i)(ii) of the definition of *regulated business premises* in clause 3—a person representing the person.

273 Subclause 51(3) of Schedule 3

Omit “occupier” (first occurring), substitute “person required to be notified under subclause (2)”.

274 Subclause 51(3) of Schedule 3

Omit “occupier” (second occurring), substitute “person”.

275 After subparagraph 74(1)(b)(v) of Schedule 3

Insert:

- (va) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the operator of a facility—a person representing the related body corporate; or
- (vb) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of *regulated business premises* in clause 3—a person representing the person; or
- (vc) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (e)(ii) of the definition of *regulated*

- business premises*** in clause 3—a person representing the person; or
- (vd) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the registered holder of a title—a person representing the related body corporate; or
 - (ve) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (h)(ii) of the definition of ***regulated business premises*** in clause 3—a person representing the person; or
 - (vf) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (i)(ii) of the definition of ***regulated business premises*** in clause 3—a person representing the person; or

276 After subparagraph 74(3)(b)(v) of Schedule 3

Insert:

- (va) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the operator of a facility—a person representing the related body corporate; or
- (vb) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of ***regulated business premises*** in clause 3—a person representing the person; or
- (vc) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (e)(ii) of the definition of ***regulated business premises*** in clause 3—a person representing the person; or
- (vd) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the registered holder of a title—a person representing the related body corporate; or
- (ve) in the case of an inspection at regulated business premises that are occupied by a person covered by

- subparagraph (h)(ii) of the definition of *regulated business premises* in clause 3—a person representing the person; or
- (vf) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (i)(ii) of the definition of *regulated business premises* in clause 3—a person representing the person; or

277 Subclause 75(1) of Schedule 3

After “OHS inspection”, insert “at regulated business premises”.

278 Subclause 75(1) of Schedule 3

Omit “a facility”, substitute “those premises”.

279 Paragraphs 75(1)(a) and (b) of Schedule 3

Omit “the facility”, substitute “those premises”.

280 Subclause 75(2) of Schedule 3

After “substance or thing,”, insert “in connection with an OHS inspection at a facility,”.

281 After subclause 75(2) of Schedule 3

Insert:

- (2A) On taking possession of plant, a substance or a thing, or taking a sample of a substance or thing, in connection with an OHS inspection at regulated business premises (other than a facility), the inspector must, by written notice, inform:
 - (a) in the case of an inspection at regulated business premises that are occupied by the operator of a facility—a person representing the operator; or
 - (b) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the operator of a facility—a person representing the related body corporate; or
 - (c) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii)

- of the definition of *regulated business premises* in clause 3—a person representing the person; or
- (d) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (e)(ii) of the definition of *regulated business premises* in clause 3—a person representing the person; or
 - (e) in the case of an inspection at regulated business premises that are occupied by the registered holder of a title—a person representing the registered holder; or
 - (f) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the registered holder of a title—a person representing the related body corporate; or
 - (g) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (h)(ii) of the definition of *regulated business premises* in clause 3—a person representing the person; or
 - (h) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (i)(ii) of the definition of *regulated business premises* in clause 3—a person representing the person; or
 - (i) if the plant, a substance or a thing is owned by a person other than a person mentioned in any of the preceding paragraphs—that owner;
- of the taking of possession or the taking of the sample, and the reasons for it.

282 Subclause 75(3) of Schedule 3

After “If”, insert “the OHS inspection is at a facility, and”.

283 Subclause 75(4) of Schedule 3

After “If”, insert “the OHS inspection is at a facility, and”.

284 At the end of clause 75 of Schedule 3

Add:

- (6) If the OHS inspection is at regulated business premises (other than a facility), and the inspector takes possession of plant, a substance or a thing at the premises for the purpose of inspecting, examining,

taking measurements of, 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 a representative of the occupier of the premises as soon as practicable afterwards.
- (7) 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 whom the inspector is required to notify under subclause (2A).

285 Subclause 80A(1) of Schedule 3 (table item 3, column headed “If the inspector makes the following decision ...”)

After “sample,”, insert “in conducting an OHS inspection at a facility”.

286 Subclause 80A(1) of Schedule 3 (after table item 3)

Insert:

- | | | |
|----|---|--|
| 3A | A decision to take possession of plant, a substance or thing, or to take a sample, in conducting an OHS inspection at regulated business premises (other than a facility) under clause 75 | <ul style="list-style-type: none">(a) in the case of an inspection at regulated business premises that are occupied by the operator of a facility—the operator of the facility;(b) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the operator of a facility—the related body corporate;(c) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of <i>regulated business premises</i> in clause 3—the person;(d) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (e)(ii) of the |
|----|---|--|

definition of *regulated business premises* in clause 3—the person;

- (e) a titleholder, if the reasons stated in the notice under subclause 75(2A) relate to the titleholder's well-related obligations;
- (f) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the registered holder of a title—the related body corporate;
- (g) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (h)(ii) of the definition of *regulated business premises* in clause 3—the person;
- (h) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (i)(ii) of the definition of *regulated business premises* in clause 3—the person;
- (i) a person who owns the plant, substance or thing.

**Division 2—Amendments to be made if Schedule 2 to the
Timor Sea Maritime Boundaries Treaty
Consequential Amendments Act 2019 has not
commenced**

Offshore Petroleum and Greenhouse Gas Storage Act 2006

286A Paragraph 780F(1)(b)

Omit “and”.

286B Paragraph 780F(1)(c)

Repeal the paragraph.

286C Paragraph 780F(2)(b)

Omit “or”.

286D Paragraph 780F(2)(c)

Repeal the paragraph.

286DA Paragraph 780F(7)(b)

Omit “inspector; or”, substitute “inspector.”.

286DB Paragraph 780F(7)(c)

Repeal the paragraph.

286E Paragraph 780F(8)(b)

Omit “inspector; or”, substitute “inspector.”.

286F Paragraph 780F(8)(c)

Repeal the paragraph.

286G Subsection 780F(8A)

Repeal the subsection, substitute:

- (8A) For the purposes of subsection (8), the following provisions are covered by this subsection, namely, subsection 35(6) or 76(6) of the Regulatory Powers Act, as it applies in relation to a NOPSEMA inspector (see Division 1 of Part 6.5 of this Act).

Note: The listed provisions require NOPSEMA inspectors to carry their identity cards with them at all times while exercising their powers.

286H Paragraph 780F(9)(b)

Omit “inspector;”, substitute “inspector.”.

286J Paragraph 780F(9)(c)

Repeal the paragraph.

**Division 3—Amendments contingent on the
commencement of Schedule 2 to the Timor Sea
Maritime Boundaries Treaty Consequential
Amendments Act 2019**

Offshore Petroleum and Greenhouse Gas Storage Act 2006

286K Subsections 780F(1) and (2)

Repeal the subsections, substitute:

- (1) The Secretary may, in writing, determine that a specified person, or a person included in a specified class of persons, who is engaged by the Commonwealth to assist with the conduct of a Commission of inquiry has all the functions and powers of, or specified functions and/or powers of a NOPSEMA inspector for the purposes of this Act and the regulations.
- (2) The person is taken, for the purposes of this Act and the regulations, to be a NOPSEMA inspector in connection with the performance of those functions and the exercise of those powers.

286L Subsections 780F(7), (8), (8A) and (9)

Repeal the subsections, substitute:

- (7) A person who is subject to a determination under subsection (1) must carry the identity card at all times when exercising powers, or performing functions, for the purposes of this Act or the regulations as a NOPSEMA inspector.
- (8) The provisions covered by subsection (8A) do not apply to a person who is subject to a determination under subsection (1) if the person is exercising powers, or performing functions, for the purposes of this Act or the regulations as a NOPSEMA inspector.
- (8A) For the purposes of subsection (8), the following provisions are covered by this subsection, namely, subsection 35(6) or 76(6) of the Regulatory Powers Act, as it applies in relation to a NOPSEMA inspector (see Division 1 of Part 6.5 of this Act).

Note: The listed provisions require NOPSEMA inspectors to carry their identity cards with them at all times while exercising their powers.

- (9) This Act has effect, in relation to a person who is subject to a determination under subsection (1), as if the identity card were the identity card of a NOPSEMA inspector.

Part 2—Transitional and application provisions

287 Transitional—listed NOPSEMA laws and environmental management laws

- (1) If particular provisions or a particular requirement became a listed NOPSEMA law as a result of the amendments made by this Schedule, a reference to a listed NOPSEMA law in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (as amended by this Schedule) includes a reference to those provisions or that requirement, as the case may be, as in force before the commencement of this item.
- (2) If particular provisions became an environmental management law as a result of the amendments made by this Schedule, a reference to an environmental management law in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (as amended by this Schedule) includes a reference to those provisions as in force before the commencement of this item.
- (3) Subitems (1) and (2) are enacted for the avoidance of doubt.

288 Application—general Ministerial directions

The amendments of section 580 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to a direction given after the commencement of this item.

289 Application—remedial directions to current holders of leases, permits and licences

The amendments of section 592 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to a direction given after the commencement of this item.

290 Application—remedial directions to former holders of leases, permits and licences

The amendments of section 595 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to a direction given after the commencement of this item.

Schedule 2—Protection of technical information

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Section 711

Insert:

recipient Minister means:

- (a) a Minister; or
- (b) a Minister of a State; or
- (c) a Minister of the Northern Territory;

to whom documentary information or a petroleum mining sample has been made available under section 714.

2 Subsection 714(3) (note 1)

Omit “Minister”, substitute “recipient Minister”.

3 Subsection 714(3) (note 2)

Omit “Minister”, substitute “recipient Minister”.

4 Subdivision B of Division 2 of Part 7.3 (heading)

Repeal the heading, substitute:

Subdivision B—Information and samples obtained by a recipient Minister

5 Section 715 (heading)

Repeal the heading, substitute:

715 Protection of confidentiality of information obtained by a recipient Minister

6 Subsection 715(1)

Omit “Minister” (first occurring), substitute “recipient Minister”.

7 Subsection 715(1)

Omit “responsible Commonwealth Minister”, substitute “recipient Minister”.

8 Subsection 715(2)

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “recipient Minister”.

9 At the end of section 715

Add:

- (3) If the recipient Minister makes the information available to a person (the *second recipient Minister*) who is a Minister, a Minister of a State or a Minister of the Northern Territory, the second recipient Minister must not:
- (a) make the information publicly known; or
 - (b) make the information available to a person;
- unless the second recipient Minister does so:
- (c) in accordance with regulations made for the purposes of this paragraph; or
 - (d) for the purposes of the administration of this Act or the regulations.

10 Section 716 (heading)

Repeal the heading, substitute:

716 Protection of confidentiality of petroleum mining samples obtained by a recipient Minister**11 Subsection 716(1)**

Omit “Minister” (first occurring), substitute “recipient Minister”.

12 Subsection 716(1)

Omit “responsible Commonwealth Minister”, substitute “recipient Minister”.

13 Subsection 716(2)

Omit “responsible Commonwealth Minister” (wherever occurring),
substitute “recipient Minister”.

14 At the end of section 716

Add:

- (3) If the recipient Minister permits a person (the *second recipient Minister*) who is a Minister, a Minister of a State or a Minister of the Northern Territory to inspect the sample, the second recipient Minister must not:
- (a) make publicly known any details of the sample; or
 - (b) permit a person to inspect the sample;
- unless the second recipient Minister does so:
- (c) in accordance with regulations made for the purposes of this paragraph; or
 - (d) for the purposes of the administration of this Act or the regulations.

15 After paragraph 717(1)(c)

Insert:

- (ca) paragraph 715(3)(c);

16 At the end of subsection 717(1)

Add:

- ; (e) paragraph 716(3)(c).

17 Section 736

Insert:

recipient Minister means:

- (a) a Minister; or
- (b) a Minister of a State; or
- (c) a Minister of the Northern Territory;

to whom documentary information or an eligible sample has been made available under section 740.

18 At the end of section 740

Add:

- Note 1: For protection of the confidentiality of information obtained by a recipient Minister under this section, see section 740A.
- Note 2: For protection of the confidentiality of a sample obtained by a recipient Minister under this section, see section 740B.

19 After Subdivision A of Division 2 of Part 8.3

Insert:

Subdivision AA—Information and samples obtained by a recipient Minister**740A Protection of confidentiality of information obtained by a recipient Minister**

- (1) This section restricts what a recipient Minister may do with documentary information made available to the recipient Minister under section 740.
- (2) The recipient Minister must not:
- (a) make the information publicly known; or
 - (b) make the information available to a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory);
- unless the recipient Minister does so:
- (c) in accordance with regulations made for the purposes of this paragraph; or
 - (d) for the purposes of the administration of this Act or the regulations.
- (3) If the recipient Minister makes the information available to a person (the ***second recipient Minister***) who is a Minister, a Minister of a State or a Minister of the Northern Territory, the second recipient Minister must not:
- (a) make the information publicly known; or
 - (b) make the information available to a person;
- unless the second recipient Minister does so:

- (c) in accordance with regulations made for the purposes of this paragraph; or
- (d) for the purposes of the administration of this Act or the regulations.

740B Protection of confidentiality of eligible samples obtained by a recipient Minister

- (1) This section restricts what a recipient Minister may do with an eligible sample made available to the recipient Minister under section 740.
- (2) The recipient Minister must not:
 - (a) make publicly known any details of the sample; or
 - (b) permit a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory) to inspect the sample;unless the recipient Minister does so:
 - (c) in accordance with regulations made for the purposes of this paragraph; or
 - (d) for the purposes of the administration of this Act or the regulations.
- (3) If the recipient Minister permits a person (the *second recipient Minister*) who is a Minister, a Minister of a State or a Minister of the Northern Territory to inspect the sample, the second recipient Minister must not:
 - (a) make publicly known any details of the sample; or
 - (b) permit a person to inspect the sample;unless the second recipient Minister does so:
 - (c) in accordance with regulations made for the purposes of this paragraph; or
 - (d) for the purposes of the administration of this Act or the regulations.

20 At the end of subsection 741(1)

Add:

- ; (c) paragraph 740A(2)(c);
 - (d) paragraph 740A(3)(c);
 - (e) paragraph 740B(2)(c);
-

(f) paragraph 740B(3)(c).

21 Section 745 (paragraph (a) of the definition of *reviewable Ministerial decision*)

Repeal the paragraph, substitute:

(a) regulations made for the purposes of:

- (i) paragraph 715(2)(c); or
- (ii) paragraph 715(3)(c); or
- (iii) paragraph 716(2)(c); or
- (iv) paragraph 716(3)(c); or
- (v) paragraph 738(2)(c); or
- (vi) paragraph 739(2)(c); or
- (vii) paragraph 740A(2)(c); or
- (viii) paragraph 740A(3)(c); or
- (ix) paragraph 740B(2)(c); or
- (x) paragraph 740B(3)(c); or

22 Section 745 (notes 1 and 2 to the definition of *reviewable Ministerial decision*)

Repeal the notes.

23 Section 745 (definition of *reviewable Titles Administrator decision*)

Repeal the definition (including the note), substitute:

reviewable Titles Administrator decision means a decision of the Titles Administrator under regulations made for the purposes of paragraph 712(2)(c) or 713(2)(c), where the decision is of a kind referred to in paragraph 718(2)(b).

Schedule 3—Directions given by the responsible Commonwealth Minister

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Paragraph 574A(6)(b)

After “other than the”, insert “*Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*, Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* and the”.

Schedule 4—Compliance powers

Part 1—Amendments

Offshore Petroleum and Greenhouse Gas Storage Act 2006

- 1 Subsection 611J(2) (table item 3, column headed “is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...”, paragraph (v))**

After “12(1)”, insert “, (1A)”.

- 2 Subsection 611J(2) (table item 3, column headed “is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...”, paragraph (ze))**

After “79(1)”, insert “, (1A)”.

- 3 Subsection 702(2)**

After “However”, insert “, in the case of an individual”.

- 4 Subsection 702(2)**

Omit “person”, substitute “individual”.

- 5 Subsection 728(2)**

After “However”, insert “, in the case of an individual”.

- 6 Subsection 728(2)**

Omit “person”, substitute “individual”.

- 7 Subsection 761(2)**

After “However”, insert “, in the case of an individual”.

- 8 Subsection 761(2)**

Omit “person”, substitute “individual”.

9 Subclause 8(9) of Schedule 2A

After “However”, insert “, in the case of an individual”.

10 Subclause 8(9) of Schedule 2A

Omit “person”, substitute “individual”.

11 At the end of clause 8 of Schedule 2A

Add:

NOPSEMA inspector may retain documents

- (10) A NOPSEMA inspector may take possession of a document produced under this clause, and retain it for as long as is reasonably necessary.
- (11) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by a NOPSEMA inspector to be a true copy.
- (12) The certified copy must be received in all courts and tribunals as evidence as if it were the original.
- (13) Until a certified copy is supplied, a NOPSEMA inspector must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

NOPSEMA inspector may retain other things

- (14) A NOPSEMA inspector may take possession of a thing (other than a document) produced under this clause, and retain it for as long as is reasonably necessary.

Notice—taking possession at offshore petroleum premises

- (15) On taking possession of a thing under subclause (14) at offshore petroleum premises, the NOPSEMA inspector must, by written notice, inform the following persons of the taking of possession, 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;
- (d) if the thing is owned by a person other than a person mentioned in paragraph (a), (b) or (c)—that owner.

Display of notice at premises

- (16) 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 (15)(a).

Note: The person notified under paragraph (15)(a) is either the titleholder's representative or the titleholder.

Notice—taking possession otherwise than at offshore petroleum premises

- (17) On taking possession of a thing under subclause (14) otherwise than at offshore petroleum premises, the NOPSEMA inspector must, by written notice, inform the owner of the thing of the taking of possession, and the reasons for it.

Inspection of thing

- (18) If:
- (a) a NOPSEMA inspector has taken possession of a thing (other than a document) produced under this clause; and
 - (b) it is reasonably necessary for the NOPSEMA inspector to retain the thing;
- the NOPSEMA inspector must provide:
- (c) the person who produced the thing; and
 - (d) the person who owns the thing; and

(e) a person authorised by a person covered by paragraph (c) or (d);
reasonable access to the thing for the purposes of inspecting the thing.

Return of thing

(19) If:

- (a) a NOPSEMA inspector has taken possession of a thing (other than a document) produced under this clause; and
 - (b) it is no longer reasonably necessary for the NOPSEMA inspector to retain the thing;
- the NOPSEMA inspector must return the thing to:
- (c) the person who produced the thing; or
 - (d) the person who owns the thing; or
 - (e) a person authorised by a person covered by paragraph (c) or (d).

12 Subclause 12(1) of Schedule 2A

After “subclause”, insert “8(16),”.

13 After subclause 12(1) of Schedule 2A

Insert:

Removal of notice

- (1A) If a notice has been displayed under subclause 8(16), a person must not remove the notice until the thing to which the notice relates is returned under subclause 8(19).

14 Subclause 12(2) of Schedule 2A (heading)

Repeal the heading.

15 Paragraph 12(4)(a) of Schedule 2A

After “(1),”, insert “(1A),”.

16 Subclause 74(9) of Schedule 3

After “However”, insert “, in the case of an individual”.

17 Subclause 74(9) of Schedule 3

Omit “person”, substitute “individual”.

18 At the end of clause 74 of Schedule 3

Add:

NOPSEMA inspector may retain documents

- (11) A NOPSEMA inspector may take possession of a document produced under this clause, and retain it for as long as is reasonably necessary.
- (12) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by a NOPSEMA inspector to be a true copy.
- (13) The certified copy must be received in all courts and tribunals as evidence as if it were the original.
- (14) Until a certified copy is supplied, a NOPSEMA inspector must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

NOPSEMA inspector may retain other things

- (15) A NOPSEMA inspector may take possession of a thing (other than a document) produced under this clause, and retain it for as long as is reasonably necessary.

Notice—taking possession at facility

- (16) On taking possession of a thing under subclause (15) at a facility, the NOPSEMA inspector must, by written notice, inform:
 - (a) the operator of the facility; and
 - (b) the operator’s representative at the facility; and
 - (c) if the inspection is wholly or partly in relation to the titleholder’s well-related obligations—the titleholder; and
 - (d) if the inspection is wholly or partly in relation to the titleholder’s well-related obligations—the titleholder’s

representative (if any) at the facility who is nominated for the inspection; and

- (e) if the 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
- (f) if the thing is owned by a person other than a person mentioned in paragraph (a), (b), (c), (d) or (e)—that person; and
- (g) 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;

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

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).

Display of notice at facility

- (17) If the NOPSEMA 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 thing was removed.

Notice—taking possession otherwise than at facility

- (18) On taking possession of a thing under subclause (15) otherwise than at a facility, the NOPSEMA inspector must, by written notice, inform the owner of the thing of the taking of possession, and the reasons for it.

Inspection of thing

- (19) If:
 - (a) a NOPSEMA inspector has taken possession of a thing (other than a document) produced under this clause; and
 - (b) it is reasonably necessary for the NOPSEMA inspector to retain the thing;the NOPSEMA inspector must provide:

- (c) the person who produced the thing; and
- (d) the person who owns the thing; and
- (e) a person authorised by a person covered by paragraph (c) or (d);

reasonable access to the thing for the purposes of inspecting the thing.

Return of thing

(20) If:

- (a) a NOPSEMA inspector has taken possession of a thing (other than a document) produced under this clause; and
- (b) it is no longer reasonably necessary for the NOPSEMA inspector to retain the thing;

the NOPSEMA inspector must return the thing to:

- (c) the person who produced the thing; or
- (d) the person who owns the thing; or
- (e) a person authorised by a person covered by paragraph (c) or (d).

19 Subclause 79(1) of Schedule 3

After “subclause”, insert “74(17),”.

20 After subclause 79(1) of Schedule 3

Insert:

Removal of notice

- (1A) If a notice has been displayed under subclause 74(17), a person must not remove the notice until the thing to which the notice relates is returned under subclause 74(20).

21 Subclause 79(2) of Schedule 3 (heading)

Repeal the heading.

22 Paragraph 79(4)(a) of Schedule 3

After “(1),” insert “(1A),”.

Part 2—Application provisions

23 Application of amendments

- (1) The amendments of subsections 702(2), 728(2) and 761(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to information or evidence given, or a document produced, after the commencement of this item.
- (2) The amendments of subclause 8(9) of Schedule 2A to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to an answer given, or a document or thing produced, after the commencement of this item.
- (3) The amendments of subclause 74(9) of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to an answer given, or a document or thing produced, after the commencement of this item.

Schedule 5—Variation of petroleum access authority

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Section 246

Before “The”, insert “(1)”.

2 At the end of section 246

Add:

- (2) A variation of the petroleum access authority may be made:
 - (a) on the application of the registered holder; or
 - (b) on the Titles Administrator’s own initiative.
- (3) An application for a variation of the petroleum access authority must:
 - (a) set out the proposed variation; and
 - (b) specify the reasons for the proposed variation.

3 Paragraph 255(1)(g)

After “the grant”, insert “or variation”.

4 At the end of section 695L

Add:

- (4) Sections 256 and 427 do not limit, and are taken never to have limited, subsection (1) of this section.
- (5) Subsection (4) is enacted for the avoidance of doubt.

Schedule 6—Directions by the Titles Administrator

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Paragraph 274(b)

After “NOPSEMA”, insert “, the Titles Administrator”.

2 Paragraph 577(1)(a)

After “the Joint Authority”, insert “, the Titles Administrator”.

3 Paragraph 578(2)(a)

After “the Joint Authority”, insert “, the Titles Administrator”.

4 Application of amendments

The amendments made by this Schedule apply in relation to a direction given by the Titles Administrator after the commencement of this item.

Schedule 7—Listed NOPSEMA laws

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Subsection 601(1) (after table item 4)

Insert:

4A Part 6.1A

Polluter pays

Schedule 8—Fees payable to the Titles Administrator on behalf of the Commonwealth

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Subsection 636(1)

Omit “(1)” (first occurring).

2 After paragraph 636(1)(a)

Insert:

(aa) a fee under subsection 427(2);

3 After paragraph 636(1)(eaa)

Insert:

(eab) a fee under subsection 534(2);

(eac) a fee under subsection 536(2);

4 After paragraph 636(1)(f)

Insert:

(fa) a fee under regulations made for the purposes of paragraph 738(2)(c);

(fb) a fee under regulations made for the purposes of paragraph 739(2)(c);

5 Subsection 636(2)

Repeal the subsection.

Schedule 9—Functions and powers of NOPSEMA

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Section 649 (heading)

Repeal the heading, substitute:

649 Functions and powers of NOPSEMA under State or Territory PSLA

Schedule 10—Courts

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Paragraph 216(6)(b)

Repeal the paragraph, substitute:

- (b) recoverable in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

2 Paragraph 398(2)(b)

Repeal the paragraph, substitute:

- (b) are recoverable in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

3 Paragraph 572D(3)(b)

Repeal the paragraph, substitute:

- (b) recoverable by NOPSEMA in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

4 Paragraph 572E(3)(b)

Repeal the paragraph, substitute:

- (b) recoverable by the Commonwealth in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

5 Paragraph 572F(2)(b)

Repeal the paragraph, substitute:

- (b) recoverable in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

6 Paragraph 577(3)(b)

Repeal the paragraph, substitute:

- (b) recoverable in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

7 Paragraph 577A(2)(b)

Repeal the paragraph, substitute:

- (b) recoverable in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

8 Paragraph 583(2)(b)

Repeal the paragraph, substitute:

- (b) recoverable in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

9 Paragraph 589(4)(b)

Repeal the paragraph, substitute:

- (b) to the extent to which they are not recovered under subsection (2)—are recoverable in:

- (i) the Federal Court; or
- (ii) the Federal Circuit Court; or
- (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

10 Paragraph 589(5)(b)

Repeal the paragraph, substitute:

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

11 Paragraph 597(4)(b)

Repeal the paragraph, substitute:

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

12 Paragraph 597(5)(b)

Repeal the paragraph, substitute:

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

13 Subsection 634(3)

Repeal the subsection, substitute:

- (3) A royalty debt may be recovered by the Commonwealth by action in:

-
- (a) the Federal Court; or
 - (b) the Federal Circuit Court; or
 - (c) a court of a State or Territory that has jurisdiction in relation to the matter.

14 Paragraph 685(3)(b)

Repeal the paragraph, substitute:

- (b) is recoverable by NOPSEMA in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

15 Paragraph 686(5)(b)

Repeal the paragraph, substitute:

- (b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

16 Paragraph 687(7)(b)

Repeal the paragraph, substitute:

- (b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

17 Paragraph 688(5)(b)

Repeal the paragraph, substitute:

- (b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
-

- (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

18 Paragraph 688A(5)(b)

Repeal the paragraph, substitute:

- (b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

19 Paragraph 688B(5)(b)

Repeal the paragraph, substitute:

- (b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

20 Paragraph 688C(5)(b)

Repeal the paragraph, substitute:

- (b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

21 Paragraph 695L(3)(b)

Repeal the paragraph, substitute:

- (b) is recoverable by the Titles Administrator, on behalf of the Commonwealth, in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or

-
- (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

22 Paragraph 695M(7)(b)

Repeal the paragraph, substitute:

- (b) is recoverable by the Titles Administrator, on behalf of the Commonwealth, in:
- (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

Schedule 11—Recovery of costs and expenses

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Subsection 577(3)

Omit “the Commonwealth”, substitute “NOPSEMA”.

2 Paragraph 589(2)(c)

After “person”, insert “to NOPSEMA”.

3 Paragraph 589(2)(c)

Omit “payable; and”, substitute “payable.”.

4 Paragraphs 589(2)(d) and (e)

Repeal the paragraphs.

5 After subsection 589(2)

Insert:

- (2A) NOPSEMA may, on behalf of the Commonwealth, deduct, from the proceeds of a sale under subsection (1) of property that belongs (or that NOPSEMA believes to belong) to a particular person, the whole or a part of:
- (a) any fees or amounts payable to the Commonwealth by that person under this Act, so long as the fee or amount concerned is due and payable; and
 - (b) any amounts payable by that person under the Royalty Act, so long as the amount concerned is due and payable; and
 - (c) any amounts payable by that person under any of the following provisions of the Regulatory Levies Act:
 - (i) section 5;
 - (ii) section 7;
 - (iii) section 9;
 - (iv) section 10A;
 - (v) section 10C;

-
- (vi) section 10E;
 - (vii) section 10F;
- so long as the amount concerned is due and payable.

(2B) If NOPSEMA, under subsection (2A), deducts an amount payable to the Commonwealth, NOPSEMA must remit that amount to the Commonwealth.

6 Subsection 589(3)

After “subsection (2)”, insert “or (2A)”.

7 Clause 33 of Schedule 6

After “Subsection 589(2)”, insert “(as in force before the commencement of Schedule 11 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Act 2019*)”.

8 Application—recovery of costs and expenses incurred by NOPSEMA

The amendment of section 577 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule applies in relation to costs and expenses incurred by NOPSEMA after the commencement of this item.

Schedule 12—Appeals

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 After subclause 81(7) of Schedule 3

Insert:

- (7A) An appeal against a decision is to be determined on the basis of the circumstances which prevailed at the time the decision was made.

2 Application—appeals

Subclause 81(7A) of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (as amended by this Schedule) applies in relation to an appeal instituted after the commencement of this item.

Schedule 13—Boundary changes

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 At the end of section 11

Add:

(3) If:

- (a) a greenhouse gas assessment permit has been granted on the basis that an area (the ***relevant area***) is within the offshore area of a State or the Northern Territory; and
- (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceases to be within the offshore area of the State or Territory; and
 - (ii) falls within the coastal waters of the State or Territory; and
- (c) immediately before the change, the relevant area was a part of the permit area;

then, in determining what constitutes the renewal, or the grant of a renewal, of the permit, item 1A of the table in subsection (2) has effect as if:

- (d) the permit had been varied to exclude from the permit area any area that is not within the offshore area of the State or Territory; and
- (e) the variation had taken effect immediately after the change.

Note: This means that an application for renewal of the permit may be made, and the permit may be renewed, as if the permit had been so varied.

(4) For the purposes of subsection (3):

- (a) disregard section 463; and
- (b) it is immaterial whether the change occurred before, at or after the commencement of this subsection.

(5) If:

- (a) a greenhouse gas holding lease has been granted on the basis that an area (the ***relevant area***) is within the offshore area of a State or the Northern Territory; and

(b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:

- (i) ceases to be within the offshore area of the State or Territory; and
- (ii) falls within the coastal waters of the State or Territory; and

(c) immediately before the change, the relevant area was a part of the lease area;

then, in determining what constitutes the renewal, or the grant of a renewal, of the lease, item 1 of the table in subsection (2) has effect as if:

- (d) the lease had been varied to exclude from the lease area any area that is not within the offshore area of the State or Territory; and
- (e) the variation had taken effect immediately after the change.

Note: This means that an application for renewal of the lease may be made, and the lease may be renewed, as if the lease had been so varied.

(6) For the purposes of subsection (5):

- (a) disregard section 463; and
- (b) it is immaterial whether the change occurred before, at or after the commencement of this subsection.

Schedule 14—Fixed-term petroleum production licences

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Section 7 (definition of *fixed-term petroleum production licence*)

Omit “or 3”, substitute “, 3 or 5”.

Schedule 15—Additional NOPSEMA inspection powers relating to well integrity laws

Part 1—Amendments

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Section 7

Insert:

well integrity law has the same meaning as in Schedule 2B.

2 Subsection 601(1) (after table item 13)

Insert:

13A	Schedule 2B	Well integrity laws: additional NOPSEMA inspection powers
-----	-------------	---

3 Subsection 602C(11) (after note 1)

Insert:

Note 1A: Under Schedule 2B to this Act, NOPSEMA inspectors may exercise additional powers, and perform additional functions, for the purpose of monitoring well integrity laws.

4 After paragraph 602E(2)(a)

Insert:

- (aa) if the inspector's entry is in connection with a listed NOPSEMA law that is a well integrity 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 well integrity inspection under Schedule 2B, to issue any of the following:
 - (i) a well integrity do not disturb notice under clause 10 of Schedule 2B;
 - (ii) a well integrity prohibition notice under clause 12 of Schedule 2B;

- (iii) a well integrity improvement notice under clause 14 of Schedule 2B;

5 Subsection 602E(3) (heading)

Repeal the heading, substitute:

Application of Schedules 2A, 2B and 3

6 After subsection 602E(3)

Insert:

- (3A) Schedule 2B applies in relation to the exercise (as provided by this section) of a power covered by paragraph (2)(aa) as if the inspector were conducting a well integrity inspection under that Schedule.

7 After section 602J

Insert:

602JA Well integrity laws—additional powers

NOPSEMA and NOPSEMA inspectors have the powers and functions given by Schedule 2B in relation to well integrity laws.

8 Subsection 602K(8) (after paragraph (b) of the definition of *inspection*)

Insert:

- (ba) a well integrity inspection under Schedule 2B; or

9 Subsection 602K(8) (after paragraph (b) of the definition of *titleholder's obligations*)

Insert:

- (ba) for a well integrity inspection under Schedule 2B—a well integrity law; or

10 Section 602L (after paragraph (a) of the note)

Insert:

- (aa) under section 602JA and Schedule 2B, in relation to provisions of this Act that are well integrity laws; and

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

Insert:

(jc) subclause 6(2) of Schedule 2B;

(jd) subclause 15(4) of Schedule 2B;

12 Subsection 611J(2) (table item 3, column headed “is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...”, after paragraph (v))

Insert:

(va) subclauses 6(1) and (2) of Schedule 2B;

(vb) subclause 7(3) of Schedule 2B;

(vc) subclause 8(5) of Schedule 2B;

(vd) subclause 10(7) of Schedule 2B;

(ve) subclause 12(6) of Schedule 2B;

(vf) subclause 15(2) of Schedule 2B;

(vg) subclauses 16(1), (2), (3), (4) and (5) of Schedule 2B;

13 After Schedule 2A

Insert:

**Schedule 2B—Well integrity laws: additional
NOPSEMA inspection powers**

Note: See section 602JA.

Part 1—Introduction

1 Simplified outline of this Schedule

- | |
|---|
| <ul style="list-style-type: none">• This Schedule covers those provisions of this Act (called well integrity laws) that concern the integrity of wells. |
|---|

- NOPSEMA inspectors may conduct an inspection (called a well integrity inspection) to monitor compliance with well integrity 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 well integrity inspection are in addition to the powers in relation to well integrity 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.

eligible premises means premises (within the ordinary meaning of that expression), and includes the following:

- (a) a structure or building;
- (b) a place that is enclosed;
- (c) a part of a thing referred to in paragraph (a) or (b).

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

facility has the same meaning as in Schedule 3.

integrity, in relation to a well, means the capacity of the well to contain petroleum, a greenhouse gas substance, or any other substance.

offence against a well integrity law: see clause 14.

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.

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

premises has the same meaning as in the Regulatory Powers Act. This definition does not apply to the definition of **eligible premises**.

regulated business premises means:

- (a) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by the registered holder of a title; and
 - (iii) used, or proposed to be used, wholly or principally in connection with operations in relation to one or more titles, including that title; or
- (b) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a related body corporate of the registered holder of a title; and
 - (iii) used, or proposed to be used, wholly or principally in connection with operations in relation to one or more titles, including that title; or
- (c) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract, arrangement or understanding with the registered holder of a title, has carried out, is carrying out, or is to carry out one or more operations in connection with the exercise of the holder's rights, or the performance of the holder's obligations, under this Act; and
 - (iii) used, or proposed to be used, wholly or partly in connection with operations in relation to one or more titles, including that title; and
 - (iv) not used as a residence; or
- (d) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract, arrangement or understanding with a related body

corporate of the registered holder of a title, has carried out, is carrying out, or is to carry out one or more operations in connection with the exercise of the holder's rights, or the performance of the holder's obligations, under this Act; and

- (iii) used, or proposed to be used, wholly or partly in connection with operations in relation to one or more titles, including that title; and
- (iv) not used as a residence.

this Act includes a legislative instrument under this Act.

title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence; or
- (d) a greenhouse gas assessment permit; or
- (e) a greenhouse gas holding lease; or
- (f) a greenhouse gas injection licence.

titleholder means the registered holder of a title.

titleholder's representative, in relation to a titleholder within the meaning of this Schedule, has the meaning given by section 602K.

well includes the well-related equipment associated with a well.

well activity means an activity relating to a well that is carried out during the life of the well.

well integrity do not disturb notice has the meaning given by subclause 10(2).

well integrity improvement notice has the meaning given by subclause 14(2).

well integrity inspection: see clause 3.

well integrity law means:

- (a) Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*; or

- (b) the provisions of this Act, to the extent to which the provisions:
 - (i) relate to the integrity of wells; and
 - (ii) are not covered by paragraph (a);and includes:
 - (c) a requirement made under Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*; and
 - (d) a requirement made under a provision of this Act, to the extent mentioned in paragraph (b).

well integrity prohibition notice has the meaning given by subclause 12(2).

Part 2—Well integrity inspections

Division 1—Well integrity inspections: general provisions

3 Well integrity inspections—nature of inspections

What is a well integrity inspection?

- (1) A *well integrity 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 a well integrity inspection:
 - (a) to determine whether a well integrity law has been, or is being, complied with; or
 - (b) to determine whether information given in compliance, or purported compliance, with a well integrity 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 well integrity inspection.
- (4) The NOPSEMA inspector must conduct a well integrity inspection as directed under subclause (3).

4 Well integrity inspections—facility

Power to enter and search

- (1) A NOPSEMA inspector may, for the purposes of a well integrity inspection, at any reasonable time during the day or night:
 - (a) enter a facility 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 facility;
 - (ii) inspect, examine or measure, or conduct tests concerning, the facility (including any part of 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 part of the facility and any plant, substance or thing at the facility);
 - (iv) inspect, take extracts from, or make copies of, any documents at the facility that the inspector is satisfied on reasonable grounds relate, or are likely to relate, to the subject matter of the inspection;
 - (v) exercise the powers conferred by clause 8 in relation to the inspection;
 - (vi) exercise the powers conferred by clause 9 in relation to the inspection; and
 - (b) inspect the seabed and subsoil in the vicinity of the facility to which the inspection relates.

Notification of entry

- (2) Immediately on entering the facility for the purposes of the inspection, a NOPSEMA inspector must take reasonable steps to notify the purpose of the entry to:

- (a) the operator's representative at the facility; and
- (b) whichever of the following is applicable:
 - (i) the titleholder's representative at the facility who is nominated for the inspection;
 - (ii) if there is no titleholder's representative at the facility—the person at the facility who appears to be in overall control of the activities to which the inspection relates.
- (3) The inspector must, on being requested to do so by a person notified under subclause (2), produce for inspection by the person:
 - (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 Well integrity inspections—regulated business premises

Power to enter and search

- (1) A NOPSEMA inspector may, for the purposes of a well integrity 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 plant, substances, documents or things that relate to:
 - (i) operations conducted for the purposes of a title; or
 - (ii) compliance or non-compliance with a well integrity law; and
 - (b) search those premises for any such plant, substances, documents or things at those premises; and
 - (c) inspect, take extracts from, or make copies of, any such documents at those premises; and
 - (d) inspect, examine or measure, or conduct tests concerning, any such plant, substances or things at those premises; and
 - (e) take photographs of, make video recordings of, or make sketches of, any such plant, substances or things at those premises; and

- (f) exercise the powers conferred by clause 8 in relation to the inspection; and
- (g) exercise the powers conferred by clause 9 in relation to the inspection.

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:
 - (a) in the case of an inspection at regulated business premises that are occupied by the titleholder—a person representing the titleholder; or
 - (b) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the titleholder—a person representing the related body corporate; or
 - (c) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of ***regulated business premises*** in clause 2—a person representing the person; or
 - (d) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of ***regulated business premises*** in clause 2—a person representing the person.
- (3) The inspector must, on being requested to do so by the person required to be notified under subclause (2), produce for inspection by the person:
 - (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 Well integrity 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)—see section 96 of the Regulatory Powers Act.

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—Well integrity inspections: compliance powers

7 Well integrity 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 well integrity inspection at or near a facility that relates to a title, require:
 - (a) the titleholder; or
 - (b) the titleholder's representative at the facility 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 facility; or

- (d) for the effective exercise of the inspector's powers 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 titleholder is concerned:
 - (a) appropriate transport to or from the facility 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 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 or 60 penalty units, or both.

- (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 Well integrity 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 well integrity inspection in relation to a title; and
 - (b) the person is:
 - (i) the titleholder; or

- (ii) in the case of an inspection at a facility—the titleholder’s representative at the facility who is nominated for the inspection, or any person engaged in a well activity at the facility; or
- (iii) in the case of an inspection at regulated business premises that are occupied by the titleholder—a person representing the titleholder; or
- (iv) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the titleholder—a person representing the related body corporate; or
- (v) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of ***regulated business premises*** in clause 2—a person representing the person; or
- (vi) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of ***regulated business premises*** in clause 2—a person representing the person;

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 a facility 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.

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 well integrity inspection in relation to a title; and
- (b) the person is:
 - (i) the titleholder; or
 - (ii) in the case of an inspection at a facility—the titleholder’s representative at the facility who is nominated for the inspection, or any person engaged in a well activity at the facility; or
 - (iii) in the case of an inspection at regulated business premises that are occupied by the titleholder—a person representing the titleholder; or
 - (iv) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the titleholder—a person representing the related body corporate; or
 - (v) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person; or
 - (vi) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person;

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 a facility 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
 - (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.

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, in the case of an individual:
 - (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 individual:
- (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.

NOPSEMA inspector may retain documents

- (10) A NOPSEMA inspector may take possession of a document produced under this clause, and retain it for as long as is reasonably necessary.
- (11) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by a NOPSEMA inspector to be a true copy.
- (12) The certified copy must be received in all courts and tribunals as evidence as if it were the original.
- (13) Until a certified copy is supplied, a NOPSEMA inspector must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

NOPSEMA inspector may retain other things

- (14) A NOPSEMA inspector may take possession of a thing (other than a document) produced under this clause, and retain it for as long as is reasonably necessary.

Notice—taking possession at a facility

- (15) On taking possession of a thing under subclause (14) at a facility, the NOPSEMA inspector must, by written notice, inform the

following persons of the taking of possession, and the reasons for it:

- (a) in any case:
 - (i) the titleholder's representative at the facility who is nominated for the inspection; or
 - (ii) if there is no titleholder's representative at the facility—the titleholder;
- (b) the operator's representative at the facility;
- (c) if the thing is owned by a person other than a person mentioned in paragraph (a) or (b)—that owner.

Display of notice at facility

- (16) The operator's representative at the facility must cause the notice to be displayed in a prominent place at the facility.

Notice—taking possession at regulated business premises

- (17) On taking possession of a thing under subclause (14) at regulated business premises, the NOPSEMA inspector must, by written notice, inform the following persons of the taking of possession, and the reasons for it:
 - (a) the person who produced the thing;
 - (b) if that person is not the owner of the thing—the owner of the thing.

Inspection of thing

- (18) If:
 - (a) a NOPSEMA inspector has taken possession of a thing (other than a document) produced under this clause; and
 - (b) it is reasonably necessary for the NOPSEMA inspector to retain the thing;the NOPSEMA inspector must provide:
 - (c) the person who produced the thing; and
 - (d) the person who owns the thing; and
 - (e) a person authorised by a person covered by paragraph (c) or (d);

reasonable access to the thing for the purposes of inspecting the thing.

Return of thing

(19) If:

- (a) a NOPSEMA inspector has taken possession of a thing (other than a document) produced under this clause; and
- (b) it is no longer reasonably necessary for the NOPSEMA inspector to retain the thing;

the NOPSEMA inspector must return the thing to:

- (c) the person who produced the thing; or
- (d) the person who owns the thing; or
- (e) a person authorised by a person covered by paragraph (c) or (d).

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

9 Well integrity inspections—power to take possession of plant and samples etc.

Power to take possession or samples

- (1) In conducting a well integrity inspection in relation to a 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 a facility, or regulated business premises, in connection with the inspection:
 - (a) take possession of the plant, substance or thing and remove it from the facility or premises; or
 - (b) take a sample of the substance or thing and remove that sample from the facility or 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 the case of a facility:
 - (i) the titleholder's representative at the facility who is nominated for the inspection; or
 - (ii) if there is no titleholder's representative at the facility—the titleholder;
- (b) in the case of a facility—the operator's representative at the facility;
- (c) in the case of regulated business premises that are occupied by the titleholder—a person who represents the titleholder;
- (d) in the case of regulated business premises that are occupied by a related body corporate of the titleholder—a person who represents the related body corporate;
- (e) in the case of regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of ***regulated business premises*** in clause 2—a person who represents the person;
- (f) in the case of regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of ***regulated business premises*** in clause 2—a person who represents the person;
- (g) if the plant, substance or thing is owned by a person other than a person mentioned in paragraph (a), (b), (c), (d), (e) or (f)—that owner.

Display of notice

- (3) If the notice relates to a facility, the operator's representative at the facility must cause the notice to be displayed in a prominent place at the facility.
- (4) If the notice relates to regulated business premises, the following person must cause the notice to be displayed in a prominent place at the premises:
 - (a) if the premises are occupied by the titleholder—the titleholder;
 - (b) if the premises are occupied by a related body corporate of the titleholder—a person who represents the related body corporate;

- (c) if the premises are occupied by a person covered by subparagraph (c)(ii) of the definition of ***regulated business premises*** in clause 2—a person who represents the person;
- (d) if the premises are occupied by a person covered by subparagraph (d)(ii) of the definition of ***regulated business premises*** in clause 2—a person who represents the person.

Duties of NOPSEMA inspector

- (5) 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) if the NOPSEMA inspector took possession of the plant, substance or thing at a facility—return it to the facility as soon as practicable afterwards; and
 - (c) if the NOPSEMA inspector took possession of the plant, substance or thing at regulated business premises—return it to a representative of the occupier of the premises as soon as practicable afterwards.
- (6) 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 Well integrity inspections—well integrity do not disturb notices (general)

Scope

- (1) This clause applies if a NOPSEMA inspector is conducting a well integrity inspection in relation to a facility.

When a notice may be issued

- (2) A NOPSEMA inspector may issue a notice (a ***well integrity 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 facility; or
- (b) particular plant, or a particular substance or thing, at the facility.

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 facility 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 facility;
 - (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.

Offence

- (7) A person commits an offence if:
 - (a) the person is subject to a well integrity 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 Well integrity inspections—well integrity do not disturb notices (notification and display)

Notice to interested persons

- (1) As soon as practicable after issuing a well integrity do not disturb notice, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to the following persons:
 - (a) the operator's representative at the facility;
 - (b) in a case where the facility, plant, substance or thing is, owned by a person other than the titleholder—that owner.

Display of notice

- (2) The operator's representative at the facility must cause a copy of a well integrity do not disturb notice to be displayed in a prominent place at the facility.

12 Well integrity inspections—well integrity prohibition notices (issue)

Scope

- (1) This clause applies if a NOPSEMA inspector is conducting a well integrity inspection in relation to a facility.

When notice may be issued

- (2) A NOPSEMA inspector may issue a notice (a ***well integrity prohibition notice***) to a titleholder, in writing, under this clause if, in conducting the inspection, the inspector is satisfied on reasonable grounds that:
 - (a) either or both of the following is the case:
 - (i) an activity is occurring at the facility that involves an immediate and significant threat to the integrity of a well;

- (ii) an activity may occur at the facility that, if it occurred, would involve an immediate and significant threat to the integrity of a well; 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 17).

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 facility 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) if subparagraph (2)(a)(i) applies—specify the activity mentioned in that subparagraph; and
 - (c) if subparagraph (2)(a)(ii) applies—specify the activity mentioned in that subparagraph; and
 - (d) specify the threat to the integrity of a well; and
 - (e) direct the titleholder to ensure:
 - (i) that the activity is not conducted; or
 - (ii) that the activity is not conducted 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 integrity of a well.

Offence

- (6) A person commits an offence if:
 - (a) the person is subject to a well integrity 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.

13 Well integrity inspections—well integrity prohibition notices (notification)

Scope

- (1) This clause applies if a NOPSEMA inspector issues a well integrity prohibition notice to a titleholder under clause 12 that concerns a threat to the integrity of a well and relates to an activity at a facility.

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 operator's representative at the facility.

Display of notice

- (3) The titleholder must cause a copy of the notice to be displayed in a prominent place at the facility.

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 integrity of a well 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 well integrity 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 integrity of a well.

14 Well integrity inspections—well integrity improvement notices (issue)

Scope

- (1) This clause applies if a NOPSEMA inspector is conducting a well integrity inspection in relation to a facility.

When notice may be issued

- (2) A NOPSEMA inspector may issue a notice (a ***well integrity 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 well integrity law; or
 - (ii) has contravened a provision of a well integrity law and is likely to contravene that provision again; and
 - (b) as a result, there is, or may be, a significant threat to the integrity of a well.

Note: The notice will be published on NOPSEMA's website (see clause 17).

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 facility 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 contravention of a well integrity 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 integrity of a well, and set out those grounds; and
 - (c) specify the threat to the integrity of a well; 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.

15 Well integrity inspections—well integrity improvement notices (compliance and notification)

Scope

- (1) This clause applies if, in the course of a well integrity inspection in relation to a facility, a NOPSEMA inspector issues a well integrity improvement notice to a titleholder under clause 14 that concerns a contravention, or likely contravention, of a well integrity law.

Duty of titleholder

- (2) The titleholder must ensure that the notice is complied with.

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) the operator's representative at the facility;
 - (b) if the facility is 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 facility.

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.

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 93 of the Regulatory Powers Act.

16 Well integrity inspections—tampering with and removing notices

Tampering with notice

- (1) A person must not tamper with any notice that has been displayed under subclause 8(16), 9(3) or (4), 11(2), 13(3) or 15(6) while that notice is so displayed.

Removal of notice

- (2) If a notice has been displayed under subclause 8(16), a person must not remove the notice until the thing to which the notice relates is returned under subclause 8(19).
- (3) 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 facility from which it was removed.
- (4) If a notice has been displayed under subclause 9(4), a person must not remove the notice until the plant, substance or thing to which the notice relates is returned to a representative of the occupier of the premises from which it was removed.
- (5) If a notice has been displayed under subclause 11(2), 13(3) or 15(6), a person must not remove the notice before the notice has ceased to have effect.

Offence

- (6) A person commits an offence if:
- (a) the person is subject to a requirement under subclause (1), (2), (3), (4) or (5); and
 - (b) the person engages in conduct; and
 - (c) the conduct breaches the requirement.

Penalty: 50 penalty units.

- (7) Subclause (6) 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 (7)—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) An offence against subclause (6) is an offence of strict liability.

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

17 Well integrity inspections—publishing well integrity prohibition notices and well integrity improvement notices

- (1) NOPSEMA must:

- (a) publish on its website a well integrity prohibition notice or a well integrity improvement notice; and
- (b) do so 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 a notice is the subject of an application for review by a court.

- (3) If:

- (a) the notice is published on NOPSEMA's website; and
- (b) 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:

- (a) all rights for judicial review (including any right of appeal) in relation to the decision to issue the notice have been exhausted; and

- (b) 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.

Division 3—Reports: inspections concerning well integrity laws

18 Reports on inspections concerning well integrity laws

Scope

- (1) This clause applies if a NOPSEMA inspector has conducted either of the following inspections in relation to a well integrity law:
- (a) a well integrity 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 well integrity inspection in relation to a 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 the regulations.

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

19 Meaning of *offence against a well integrity law*

In this Schedule:

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

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

20 Offences against well integrity laws—prosecutions

Proceedings for an offence against a well integrity law may be instituted by NOPSEMA or by a NOPSEMA inspector.

21 Offences against well integrity laws—conduct of directors, employees and agents

Scope

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

22 Well integrity 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 well integrity 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 well integrity law that is a civil penalty provision.

23 Offences against well integrity laws—defence of circumstances preventing compliance

It is a defence to a prosecution for refusing or failing to do anything required by a well integrity 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*.

Part 2—Application provisions

14 Application—well integrity inspections

- (1) Paragraph 3(2)(a) of Schedule 2B to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (as amended by this Act) applies in relation to determining a question that relates to an act or omission that occurred before, or that occurs at or after, the commencement of this item.
- (2) Paragraph 3(2)(b) of Schedule 2B to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (as amended by this Act) applies in relation to determining a question that relates to information that was given before, or is given at or after, the commencement of this item.

Schedule 16 Civil penalties, enforceable undertakings, infringement notices, injunctions etc.

Part 1 Amendments commencing the day after Royal Assent

Schedule 16—Civil penalties, enforceable undertakings, infringement notices, injunctions etc.

Part 1—Amendments commencing the day after Royal Assent

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 At the end of section 602C (before the note)

Add:

Extension to external Territories

- (11) Part 2 of the Regulatory Powers Act extends to each external Territory referred to in section 34, 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).

2 At the end of section 602D

Add:

Extension to external Territories

- (11) 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 external Territory referred to in section 34.

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

Insert:

- (ja) subclause 6(2) of Schedule 2A;
- (jb) subclause 11D(4) of Schedule 2A;

4 At the end of section 611B

Add:

Extension to external Territories etc.

- (5) Part 4 of the Regulatory Powers Act, as it applies in relation to the civil penalty provisions mentioned in subsection (1), extends to each external Territory referred to in section 34.

5 At the end of section 611E

Add:

Extension to external Territories etc.

- (9) Part 5 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to each external Territory referred to in section 34.

6 At the end of section 611J

Add:

Extension to external Territories etc.

- (6) Part 7 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to each external Territory referred to in section 34.

7 At the end of Part 6.5

Add:

Division 8—Enforceable undertakings

611M Simplified outline of this Division

- This Division provides for the acceptance of enforceable undertakings relating to compliance with this Act, relying on the framework set out in Part 6 of the Regulatory Powers Act.

611N Enforceable undertakings

Enforceable provisions and authorised persons

- (1) The provisions listed in the table in this section are enforceable under Part 6 of the Regulatory Powers Act.

Note: Part 6 of the Regulatory Powers Act creates a framework for accepting and enforcing undertakings relating to compliance with provisions.

- (2) The following table has effect.

Enforceable provisions and authorised persons		
Item	For the purposes of Part 6 of the Regulatory Powers Act, each of the following persons ...	is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...
1	The responsible Commonwealth Minister	(a) subsection 317(1); (b) subsection 352(1); (c) subsection 378(1); (d) subsection 382(1); (e) subsection 385(1); (f) subsections 386(7), (11) and (16); (g) subsection 420(2); (h) subsection 451(8); (i) subsection 452(5); (j) subsections 575(4) and (6), in relation to a direction given by that Minister; (k) subsection 576(1), in relation to a direction given by that Minister; (l) subsection 581(4), in relation to a direction given by that Minister; (m) subsection 582(1), in relation to a direction given by that Minister; (n) subsection 587B(1), in relation to a direction given by that Minister; (o) subsection 592(5);

Enforceable provisions and authorised persons		
Item	For the purposes of Part 6 of the Regulatory Powers Act, each of the following persons ...	is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...
		<p>(p) subsection 593(8);</p> <p>(q) subsection 595(6);</p> <p>(r) subsections 758(1) and (3);</p> <p>(s) subsections 759(4) and (4A);</p> <p>(t) section 764;</p> <p>(u) section 765.</p>
2	The Chief Executive Officer of NOPSEMA	<p>(a) subsections 280(3) and (5);</p> <p>(b) subsections 286A(7) and (8A);</p> <p>(c) subsection 460(3);</p> <p>(d) subsections 569(6) and (6B);</p> <p>(e) subsection 570(5);</p> <p>(f) subsections 572(4) and (5A);</p> <p>(g) subsections 575(4) and (6), in relation to a direction given by NOPSEMA;</p> <p>(h) subsection 576(1), in relation to a direction given by NOPSEMA;</p> <p>(i) subsection 576D(1);</p> <p>(j) subsection 587B(1), in relation to a direction given by NOPSEMA;</p> <p>(k) subsections 602K(6) and (7);</p> <p>(l) subsections 620(2), (3), (4) and (5);</p> <p>(m) subsections 621(3), (5), (8), (9), (10), (11) and (12);</p> <p>(n) subsections 699(5) and (5A);</p> <p>(o) section 705;</p> <p>(p) section 706;</p> <p>(q) section 707;</p> <p>(r) subsection 725(5);</p> <p>(s) section 731;</p> <p>(t) section 732;</p>

Schedule 16 Civil penalties, enforceable undertakings, infringement notices, injunctions etc.

Part 1 Amendments commencing the day after Royal Assent

Enforceable provisions and authorised persons		
Item	For the purposes of Part 6 of the Regulatory Powers Act, each of the following persons ...	is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...
		(u) section 733; (v) subclauses 6(1), 6(2), 7(3), 8(5), 8(7), 10(7), 11A(6), 11D(3), 11D(4) and 12(4) of Schedule 2A; (w) subclauses 6(3), 6(4A), 13B(3), 16B(1), 16C(1), 54(1), 54(1A), 73(3), 74(5), 74(7), 76(7), 77(7), 78A(2), 78A(3), 79(4), 82(4), 82(9), 83(4), 83(6), 86(1), 87(1), 87(2) and 88(2) of Schedule 3.
3	The Titles Administrator	(a) subsection 227(5); (b) subsections 228(1) and (1A); (c) subsections 249(2) and (4); (d) subsections 284(5) and (7); (e) subsections 286A(7) and (8A); (f) subsections 507(4), (5) and (5A); (g) subsections 508(4), (5) and (5A); (h) subsections 509(4), (6) and (6A); (i) section 513; (j) subsection 514(1); (k) subsections 556(4) and (5); (l) subsections 557(4) and (5); (m) subsections 558(4) and (6); (n) section 562; (o) section 563; (p) subsections 697(3) and (3B); (q) subsections 699(5) and (5A); (r) section 705; (s) section 706; (t) section 707; (u) subsection 723(3); (v) subsection 725(5);

Enforceable provisions and authorised persons		
Item	For the purposes of Part 6 of the Regulatory Powers Act, each of the following persons ...	is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...
		(w) section 731;
		(x) section 732;
		(y) section 733.

Relevant court

- (3) For the purposes of Part 6 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.

When undertaking must not be accepted

- (4) An authorised person (within the meaning of Part 6 of the Regulatory Powers Act) must not accept an undertaking that was given by a person (the **first person**) under section 114 of that Act in response to an alleged contravention of a listed OHS law if:
- (a) the alleged contravention contributed, or may have contributed, to the death of another person; or
 - (b) the alleged contravention involved recklessness (within the meaning of the *Criminal Code*); or
 - (c) during the previous 5 years, the first person has been convicted of an OHS offence that contributed to the death of another person; or
 - (d) both:
 - (i) during the previous 10 years, the first person has been convicted of 2 or more OHS offences; and
 - (ii) at least 2 of those convictions arose from separate investigations.
- (5) Subsection (4) does not apply if there are exceptional circumstances.

Schedule 16 Civil penalties, enforceable undertakings, infringement notices, injunctions etc.

Part 1 Amendments commencing the day after Royal Assent

- (6) For the purposes of subsection (4), **OHS offence** means an offence against a listed OHS law.

Extension to offshore areas

- (7) Part 6 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to each offshore area.

Extension to external Territories etc.

- (8) Part 6 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to each external Territory referred to in section 34.

611P Publication of enforceable undertakings

Responsible Commonwealth Minister

- (1) If:
- (a) the responsible Commonwealth Minister is an authorised person in relation to a provision mentioned in subsection 611N(1); and
 - (b) a person has given an undertaking under section 114 of the Regulatory Powers Act in relation to the provision; and
 - (c) the undertaking has been accepted by the responsible Commonwealth Minister under section 114 of the Regulatory Powers Act; and
 - (d) the undertaking has not been withdrawn or cancelled;
- the responsible Commonwealth Minister must publish the undertaking on the Department's website.
- (2) If an undertaking contains personal information (within the meaning of the *Privacy Act 1988*), the responsible Commonwealth Minister must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the undertaking is published under subsection (1).

Chief Executive Officer of NOPSEMA

- (3) If:
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- (a) the Chief Executive Officer of NOPSEMA is an authorised person in relation to a provision mentioned in subsection 611N(1); and
 - (b) a person has given an undertaking under section 114 of the Regulatory Powers Act in relation to the provision; and
 - (c) the undertaking has been accepted by the Chief Executive Officer of NOPSEMA under section 114 of the Regulatory Powers Act; and
 - (d) the undertaking has not been withdrawn or cancelled;
- the Chief Executive Officer of NOPSEMA must publish the undertaking on NOPSEMA's website.
- (4) If an undertaking contains personal information (within the meaning of the *Privacy Act 1988*), the Chief Executive Officer of NOPSEMA must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the undertaking is published under subsection (3).

Titles Administrator

- (5) If:
- (a) the Titles Administrator is an authorised person in relation to a provision mentioned in subsection 611N(1); and
 - (b) a person has given an undertaking under section 114 of the Regulatory Powers Act in relation to the provision; and
 - (c) the undertaking has been accepted by the Titles Administrator under section 114 of the Regulatory Powers Act; and
 - (d) the undertaking has not been withdrawn or cancelled;
- the Titles Administrator must publish the undertaking on the Department's website.
- (6) If an undertaking contains personal information (within the meaning of the *Privacy Act 1988*), the Titles Administrator must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the undertaking is published under subsection (5).

De-identified information

- (7) For the purposes of this section, information is ***de-identified*** if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

611Q Compliance with enforceable undertaking

A person commits an offence if:

- (a) the person has given an undertaking under section 114 of the Regulatory Powers Act in relation to a provision mentioned in subsection 611N(1); and
- (b) the undertaking has been accepted under section 114 of the Regulatory Powers Act; and
- (c) the undertaking has not been withdrawn or cancelled; and
- (d) the person engages in conduct; and
- (e) the person's conduct breaches the undertaking.

Penalty: 250 penalty units.

8 Section 790A

Before "Regulations may", insert "(1)".

9 Paragraph 790A(aa)

Repeal the paragraph, substitute:

- (aa) provide that a civil penalty provision of the regulations may be enforced under Part 4 of the Regulatory Powers Act; and
- (aaa) provide that a person is an authorised applicant in relation to one or more civil penalty provisions of the regulations for the purposes of Part 4 of the Regulatory Powers Act; and
- (aab) provide that a court is a relevant court in relation to one or more civil penalty provisions of the regulations for the purposes of Part 4 of the Regulatory Powers Act; and

10 Paragraph 790A(ab)

After "offence", insert "provision".

11 After paragraph 790A(ab)

Insert:

- (aba) provide that a person is an infringement officer in relation to one or more provisions of the regulations for the purposes of Part 5 of the Regulatory Powers Act; and
- (abb) provide that a person is the relevant chief executive in relation to one or more provisions of the regulations for the purposes of Part 5 of the Regulatory Powers Act; and
- (abc) make a provision of the regulations enforceable under Part 6 of the Regulatory Powers Act (which deals with enforceable undertakings); and
- (abd) provide that a person is an authorised person in relation to one or more provisions of the regulations for the purposes of Part 6 of the Regulatory Powers Act; and
- (abe) provide that a court is a relevant court in relation to one or more provisions of the regulations for the purposes of Part 6 of the Regulatory Powers Act; and

12 Paragraph 790A(ac)

Omit “a legislative instrument”, substitute “an OP/GGS legislative instrument”.

13 Paragraph 790A(ad)

After “provisions”, insert “of an OP/GGS legislative instrument”.

14 After paragraph 790A(ad)

Insert:

- (ae) provide that a court is a relevant court in relation to one or more provisions of an OP/GGS legislative instrument for the purposes of Part 7 of the Regulatory Powers Act; and

15 At the end of section 790A

Add:

Continuing contravention

- (2) If a contravention of a civil penalty provision in the regulations is a continuing contravention, the regulations may provide that the maximum civil penalty for each day that the contravention continues is 10% of the maximum civil penalty that could be imposed in respect of that contravention.

Schedule 16 Civil penalties, enforceable undertakings, infringement notices, injunctions etc.

Part 1 Amendments commencing the day after Royal Assent

Extension to offshore areas

- (3) Part 4 of the Regulatory Powers Act, as it applies in relation to the civil penalty provisions covered by regulations made for the purposes of paragraph (1)(aa), extends to each offshore area.
- (4) Part 5 of the Regulatory Powers Act, as it applies in relation to the provisions covered by regulations made for the purposes of paragraph (1)(ab), extends to each offshore area.
- (5) Part 6 of the Regulatory Powers Act, as it applies in relation to the provisions covered by regulations made for the purposes of paragraph (1)(abc), extends to each offshore area.
- (6) Part 7 of the Regulatory Powers Act, as it applies in relation to the provisions covered by regulations made for the purposes of paragraph (1)(ac), extends to each offshore area.

Extension to external Territories etc.

- (7) Part 4 of the Regulatory Powers Act, as it applies in relation to the civil penalty provisions covered by regulations made for the purposes of paragraph (1)(aa), extends to each external Territory referred to in section 34.
- (8) Part 5 of the Regulatory Powers Act, as it applies in relation to the provisions covered by regulations made for the purposes of paragraph (1)(ab), extends to each external Territory referred to in section 34.
- (9) Part 6 of the Regulatory Powers Act, as it applies in relation to the provisions covered by regulations made for the purposes of paragraph (1)(abc), extends to each external Territory referred to in section 34.
- (10) Part 7 of the Regulatory Powers Act, as it applies in relation to the provisions covered by regulations made for the purposes of paragraph (1)(ac), extends to each external Territory referred to in section 34.

Application of the Regulatory Powers Act

- (11) In determining the meaning of the expression ***an Act provides***, when used in Part 4, 5, 6 or 7 of the Regulatory Powers Act, assume that regulations made for the purposes of subsection (1) are an Act.

OP/GGS legislative instrument

- (12) For the purposes of this section, ***OP/GGS legislative instrument*** means a legislative instrument made under this Act.

Schedule 16 Civil penalties, enforceable undertakings, infringement notices, injunctions etc.

Part 2 Amendments commencing the same time as Schedule 1 commences

Part 2—Amendments commencing the same time as Schedule 1 commences

Offshore Petroleum and Greenhouse Gas Storage Act 2006

16 Subsection 611N(2) (table item 2, column headed “is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...”, after paragraph (b))

Insert:

(ba) subsections 452A(7) and (9);

17 Subsection 611N(2) (table item 2, column headed “is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...”, after paragraph (i))

Insert:

(ia) subsection 581(4), in relation to a direction given by NOPSEMA;

(ib) subsection 582(1), in relation to a direction given by NOPSEMA;

18 Subsection 611N(2) (table item 2, column headed “is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...”, after paragraph (j))

Insert:

(ja) subsection 591B(5);

(jb) subsection 594A(6);

19 Subsection 611N(2) (table item 3, column headed “is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...”, after paragraph (e))

Insert:

(ea) subsections 452A(7) and (9);

Part 3—Amendments commencing the same time as Schedule 15 commences

Offshore Petroleum and Greenhouse Gas Storage Act 2006

20 Subsection 611N(2) (table item 2, column headed “is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...”, after paragraph (v))

Insert:

(va) subclauses 6(1), 6(2), 7(3), 8(5), 8(7), 10(7), 12(6), 15(3), 15(4) and 16(6) of
Schedule 2B;

Schedule 17—Designated frontier areas

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 At the end of Schedule 6

Add:

43 Designated frontier areas for 2005

The *Petroleum Resource Rent Tax Assessment Act 1987* has effect, and is taken always to have had effect, as if:

- (a) the following areas had been specified in an instrument made under subsection 36B(1) of that Act on 17 April 2005:
 - (i) Area S05-2, as first gazetted in the South Australian Government Gazette on 14 April 2005 under subsection 20(1) of the repealed *Petroleum (Submerged Lands) Act 1967*;
 - (ii) Areas W05-5, W05-23 and W05-24, as first gazetted in the Western Australia Government Gazette on 15 April 2005 under subsection 20(1) of the repealed *Petroleum (Submerged Lands) Act 1967*; and
- (b) subsection 36B(3) of the *Petroleum Resource Rent Tax Assessment Act 1987* did not apply to that instrument.

Schedule 18—Regulations references

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Paragraph 316(2)(b)

Omit “the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*, Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* and the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*”, substitute “prescribed regulations, or a prescribed provision of regulations, made under this Act”.

2 Paragraph 351(2)(b)

Omit “the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*, Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* and the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*”, substitute “prescribed regulations, or a prescribed provision of regulations, made under this Act”.

3 Paragraph 376(3)(b)

Omit “the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*, Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* and the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*”, substitute “prescribed regulations, or a prescribed provision of regulations, made under this Act”.

4 Subsection 571(3) (note)

Repeal the note.

5 Subsection 571(5) (definition of *environment plan*)

Repeal the definition, substitute:

environment plan for a petroleum activity means an environment plan for the activity under prescribed regulations, or a prescribed provision of regulations, made under this Act.

6 Subsection 571(5) (definition of *petroleum activity*)

Repeal the definition, substitute:

petroleum activity has the meaning given by prescribed regulations, or a prescribed provision of regulations, made under this Act.

7 Subsection 572C(3) (definition of *environment plan*)

Repeal the definition, substitute:

environment plan for a petroleum activity means an environment plan for the activity under prescribed regulations, or a prescribed provision of regulations, made under this Act.

8 Subsection 572C(3) (definition of *petroleum activity*)

Repeal the definition, substitute:

petroleum activity has the meaning given by prescribed regulations, or a prescribed provision of regulations, made under this Act.

9 Paragraph 574A(6)(b)

Omit “the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*, Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* and the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*”, substitute “prescribed regulations, or a prescribed provision of regulations, made under this Act”.

10 Paragraph 580(5)(b)

Omit “the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*, Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* and the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*”, substitute “prescribed regulations, or a prescribed provision of regulations, made under this Act”.

11 Subsection 601(1) (cell at table item 15, column headed “Provisions”)

Repeal the cell, substitute:

Prescribed regulations, or a prescribed provision of regulations, made under this Act

12 Subsection 601(1) (cell at table item 16, column headed “Provisions”)

Repeal the cell, substitute:

Prescribed regulations, or a prescribed provision of regulations, made under this Act

13 Subsection 601(1) (cell at table item 16A, column headed “Provisions”)

Repeal the cell, substitute:

Prescribed regulations, or a prescribed provision of regulations, made under this Act

14 Subsection 601(1) (cell at table item 17, column headed “Provisions”)

Repeal the cell, substitute:

Prescribed regulations, or a prescribed provision of regulations, made under this Act

15 Subsection 601(1) (cell at table item 18, column headed “Provisions”)

Repeal the cell, substitute:

Prescribed regulations made under this Act (apart from any prescribed provisions of those regulations) or a prescribed provision of regulations made under this Act

16 Subsection 602K(8) (subparagraph (c)(ii) of the definition of titleholder's obligations)

Repeal the subparagraph, substitute:

- (ii) prescribed regulations, or a prescribed provision of regulations, made under this Act; or

17 Paragraphs 638(1)(d), (e) and (h)

Repeal the paragraphs, substitute:

- (d) prescribed regulations, or a prescribed provision of regulations, made under this Act;
- (e) a prescribed provision of regulations made under this Act, to the extent to which that provision relates to occupational health and safety matters.

18 Subsection 638(2)

Repeal the subsection.

19 Paragraphs 646A(1)(e), (f) and (g)

Repeal the paragraphs, substitute:

- (e) there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the petroleum provisions of any of the following:
 - (i) the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009* as those regulations were in force on 1 January 2012 or at any later time;
 - (ii) any prescribed regulations made under this Act, as those prescribed regulations are in force at any time;
 - (iii) any prescribed provision of regulations made under this Act, as that prescribed provision is in force at any time;and
- (f) there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the petroleum provisions of any of the following:
 - (i) Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* as those regulations were in force on 1 January 2012 or at any later time;

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- (ii) any prescribed regulations made under this Act, as those prescribed regulations are in force at any time;
 - (iii) any prescribed provision of regulations made under this Act, as that prescribed provision is in force at any time;
 - and
 - (g) if the function mentioned in paragraph 646(gi) is conferred on NOPSEMA by or under the State PSLA or Territory PSLA, as the case may be—there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the petroleum provisions of any of the following:
 - (i) the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* as those regulations were in force on 1 January 2012 or at any later time;
 - (ii) any prescribed regulations made under this Act, as those prescribed regulations are in force at any time;
 - (iii) any prescribed provision of regulations made under this Act, as that prescribed provision is in force at any time.

20 Paragraphs 646A(5)(f), (g) and (h)

Repeal the paragraphs, substitute:

- (f) there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the greenhouse gas storage provisions of the following:
 - (i) any prescribed regulations made under this Act, as those prescribed regulations are in force at any time;
 - (ii) any prescribed provision of regulations made under this Act, as that prescribed provision is in force at any time;
 - and
- (g) if the function mentioned in paragraph 646(gj) is conferred on NOPSEMA by or under the State PSLA or Territory PSLA, as the case may be—there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the greenhouse gas storage provisions of the following:
 - (i) any prescribed regulations made under this Act, as those prescribed regulations are in force at any time;

- (ii) any prescribed provision of regulations made under this Act, as that prescribed provision is in force at any time.

21 Clause 2 of Schedule 2B (paragraph (a) of the definition of *well integrity law*)

Repeal the paragraph, substitute:

- (a) prescribed regulations, or a prescribed provision of regulations, made under this Act; or

22 Clause 2 of Schedule 2B (paragraph (c) of the definition of *well integrity law*)

Repeal the paragraph, substitute:

- (c) a requirement made under prescribed regulations, or a prescribed provision of regulations, made under this Act; and

23 Clause 3 of Schedule 3 (subparagraph (c)(iii) of the definition of *regulated business premises*)

Omit “the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*, or both”, substitute “prescribed regulations, or a prescribed provision of regulations, made under this Act”.

24 Clause 3 of Schedule 3 (subparagraph (d)(ii) of the definition of *regulated business premises*)

Omit “the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*, or both”, substitute “prescribed regulations, or a prescribed provision of regulations, made under this Act”.

25 Clause 3 of Schedule 3 (subparagraph (e)(ii) of the definition of *regulated business premises*)

Omit “the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*, or both”, substitute “prescribed regulations, or a prescribed provision of regulations, made under this Act”.

26 Clause 3 of Schedule 3 (paragraph (b) of the definition of *titleholder’s well-related obligations*)

Repeal the paragraph, substitute:

- (b) prescribed regulations, or a prescribed provision of regulations, made under this Act; or

27 Saving provisions

- (1) Despite the amendments of section 601 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule, that section, as in force immediately before the commencement of this item, continues to apply on and after that commencement for the purposes of the operation of Part 6.5 of that Act in relation to the listed NOPSEMA laws covered by items 15 to 18 of the table in subsection 601(1) of that Act as so in force.
- (2) Despite the amendment of section 602K of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule, that section, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a titleholder's compliance with Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* before that commencement.
- (3) Despite the amendments of section 638 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule, that section, as in force immediately before the commencement of this item, continues to apply on and after that commencement for the purposes of the operation of Schedule 3 to that Act in relation to the listed OHS laws covered by paragraphs 638(1)(d) and (e) of that Act as so in force.
- (4) Despite the amendments of clause 2 of Schedule 2B to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule, that clause, as in force immediately before the commencement of this item, continues to apply on and after that commencement for the purposes of the operation of that Schedule in relation to the well integrity laws covered by paragraphs (a) and (c) of the definition of **well integrity law** in that clause as so in force.
- (5) Despite the amendments of clause 3 of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule, that clause, as in force immediately before the commencement of this item, continues to apply on and after that commencement for the purposes of the operation of that Schedule in relation to premises that were regulated business premises, or to a titleholder's compliance with Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, before that commencement.

*[Minister's second reading speech made in—
House of Representatives on 25 July 2019
Senate on 11 September 2019]*

(123/19)

No. 92, 2019

*Offshore Petroleum and Greenhouse Gas Storage Amendment
(Miscellaneous Amendments) Act 2019*

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