



# **Offshore Electricity Infrastructure (Consequential Amendments) Act 2021**

**No. 121, 2021**

**An Act to deal with consequential matters arising  
from the enactment of the *Offshore Electricity  
Infrastructure Act 2021*, and for related 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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## Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedules.....	2
<b>Schedule 1—Amendments</b>		<b>3</b>
Part 1—Amendments of offshore petroleum and greenhouse gas storage legislation		3
<i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i>		3
Part 2—Amendments of other legislation		8
<i>Coral Sea Islands Act 1969</i>		8
<i>Environment Protection and Biodiversity Conservation Act 1999</i>		8
<i>Sea Installations Act 1987</i>		8
<i>Telecommunications Act 1997</i>		9





# Offshore Electricity Infrastructure (Consequential Amendments) Act 2021

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**An Act to deal with consequential matters arising  
from the enactment of the *Offshore Electricity  
Infrastructure Act 2021*, and for related purposes**

[Assented to 2 December 2021]

The Parliament of Australia enacts:

## 1 Short title

This Act is the *Offshore Electricity Infrastructure (Consequential Amendments) Act 2021*.

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No. 121, 2021      *Offshore Electricity Infrastructure (Consequential Amendments) Act*      1  
2021

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## 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.	2 December 2021
2. Schedule 1	At the same time as the <i>Offshore Electricity Infrastructure Act 2021</i> commences.	2 June 2022

Note: This table relates only to the provisions of this Act as originally enacted.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—Amendments**

### **Part 1—Amendments of offshore petroleum and greenhouse gas storage legislation**

#### ***Offshore Petroleum and Greenhouse Gas Storage Act 2006***

##### **1 Section 7**

Insert:

***OEI Minister*** means the Minister administering the *Offshore Electricity Infrastructure Act 2021*.

***Offshore Infrastructure Registrar*** means the Registrar within the meaning of the *Offshore Electricity Infrastructure Act 2021*.

***Offshore Infrastructure Regulator*** means the Regulator within the meaning of the *Offshore Electricity Infrastructure Act 2021*.

##### **2 At the end of paragraph 280(2)(d)**

Add:

- (iii) offshore infrastructure activities (within the meaning of the *Offshore Electricity Infrastructure Act 2021*); or

##### **3 At the end of paragraph 460(2)(d)**

Add:

- (iii) offshore infrastructure activities (within the meaning of the *Offshore Electricity Infrastructure Act 2021*); or

##### **4 After section 649**

Insert:

#### **649A Functions and powers of NOPSEMA in its capacity as the Offshore Infrastructure Regulator**

- (1) A reference in this Act to the functions or powers of NOPSEMA does not include a reference to any functions or powers of

## Schedule 1 Amendments

### Part 1 Amendments of offshore petroleum and greenhouse gas storage legislation

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NOPSEMA in its capacity as the Offshore Infrastructure Regulator.

Note: For an equivalent of this section in the *Offshore Electricity Infrastructure Act 2021*, see subsection 175(2) of that Act.

- (2) Subsection (1) does not prevent NOPSEMA from exercising a power mentioned in subsection 648(2) in its capacity as the Offshore Infrastructure Regulator.

#### **5 Subsection 650(5)**

Repeal the subsection (not including the heading), substitute:

- (5) Subsections (1) and (3) do not authorise NOPSEMA to provide a service if the provision of the service would:
- (a) impede NOPSEMA's capacity to perform its other functions;
  - or
  - (b) impede NOPSEMA's capacity to perform the functions of the Offshore Infrastructure Regulator.

#### **6 At the end of section 672**

Add:

*Duties relating to the Offshore Infrastructure Regulator*

- (6) To avoid doubt, the reference to the CEO's duties in subsection (3) includes the CEO's duties in respect of NOPSEMA in its capacity as the Offshore Infrastructure Regulator.

#### **7 Before section 678**

Insert:

##### **677A Corporate plan must deal separately with activities of the Offshore Infrastructure Regulator**

The corporate plan prepared by the CEO under section 35 of the *Public Governance, Performance and Accountability Act 2013* must consist of the following parts:

- (a) a part that relates to the activities of NOPSEMA in its capacity as the Offshore Infrastructure Regulator;
- (b) a part that relates to all other activities of NOPSEMA.



**8 Subsection 678(1)**

Omit “corporate plan prepared by the CEO under section 35 of the *Public Governance, Performance and Accountability Act 2013*”, substitute “part of the corporate plan referred to in paragraph 677A(b)”.

**9 Subsections 678(1A) and (2)**

Omit “The corporate plan”, substitute “That part of the corporate plan”.

**10 Subsection 678(3)**

After “does not apply to”, insert “any part of”.

**11 Paragraphs 679(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) provide a copy of the part of the plan mentioned in paragraph 677A(b) to each State and Northern Territory Petroleum Minister; and
- (b) consult those Ministers on the content of that part; and
- (c) provide a copy of the part of the plan mentioned in paragraph 677A(a) to the OEI Minister; and
- (d) consult the OEI Minister on the content of that part.

**12 Subsection 679(3)**

Omit all the words after “safety matters”, substitute:

relating to:

- (a) particular offshore petroleum operations; or
- (b) particular offshore greenhouse gas storage operations; or
- (c) particular offshore infrastructure activities (within the meaning of the *Offshore Electricity Infrastructure Act 2021*).

**13 At the end of section 679**

Add:

- (8) The responsible Commonwealth Minister must not approve, or direct the variation of, the part of a corporate plan mentioned in paragraph 677A(a) without the approval of the OEI Minister.

**14 At the end of section 683**

Add:

- (3) Subsection (1) does not apply to money to which section 187 of the *Offshore Electricity Infrastructure Act 2021* applies.

Note: Section 187 of the *Offshore Electricity Infrastructure Act 2021* applies to money of NOPSEMA paid under that Act by the Commonwealth to NOPSEMA in its capacity as the Offshore Infrastructure Regulator.

**15 Before subsection 690(1) (before the heading)**

Insert:

- (1A) The annual report prepared by the CEO for the purposes of section 46 of the *Public Governance, Performance and Accountability Act 2013* must consist of the following parts:
- (a) a part that relates to the activities of NOPSEMA in its capacity as the Offshore Infrastructure Regulator;
  - (b) a part that relates to all other activities of NOPSEMA.

**16 After subsection 690(2)**

Insert:

- (2A) Subsections (1) and (2) do not apply to the part of the report mentioned in paragraph (1A)(a).

*Offshore Infrastructure Regulator*

- (2B) The part of the annual report mentioned in paragraph (1A)(a) must be given by the CEO to the Minister and the OEI Minister.

**17 At the end of section 695**

Add:

*Offshore Infrastructure Regulator*

- (9) This section does not apply in relation to any activities of NOPSEMA in its capacity as the Offshore Infrastructure Regulator.

**18 Subsection 695A(1) (note)**

Omit “Note”, substitute “Note 1”.

**19 At the end of subsection 695A(1) (after the note)**

Add:

Note 2: The National Offshore Petroleum Titles Administrator may also be appointed as the Offshore Infrastructure Registrar (see section 153 of the *Offshore Electricity Infrastructure Act 2021*).

**20 At the end of section 695N**

Add:

*Offshore Infrastructure Registrar*

- (3) If the Titles Administrator is appointed as the Offshore Infrastructure Registrar, this section does not apply in relation to any activities of the Titles Administrator in that capacity.

Note: See section 153 of the *Offshore Electricity Infrastructure Act 2021*.

**21 At the end of section 695P**

Add:

*Offshore Infrastructure Registrar*

- (9) If the Titles Administrator is appointed as the Offshore Infrastructure Registrar, this section does not apply in relation to any activities of the Titles Administrator in that capacity.

Note: See section 153 of the *Offshore Electricity Infrastructure Act 2021*.

## Part 2—Amendments of other legislation

### *Coral Sea Islands Act 1969*

#### **22 Subsection 8(3)**

Omit all the words after “of the provisions”, substitute:

of:

- (a) the *Offshore Electricity Infrastructure Act 2021*; or
- (b) the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

### *Environment Protection and Biodiversity Conservation Act 1999*

#### **23 After paragraph 524(3)(h)**

Insert:

- ; (i) the *Offshore Electricity Infrastructure Act 2021*.

### *Sea Installations Act 1987*

#### **24 Subsection 4(1) (at the end of paragraphs (a), (d), (e), (f), (g), (h), (j), (k), (m), (n), (p) and (qa) of the definition of *sea installation*)**

Add “or”.

#### **25 Subsection 4(1) (after paragraph (qa) of the definition of *sea installation*)**

Insert:

- (qb) offshore renewable energy infrastructure (within the meaning of the *Offshore Electricity Infrastructure Act 2021*) that is in the Commonwealth offshore area (within the meaning of that Act); or
- (qc) offshore electricity transmission infrastructure (within the meaning of the *Offshore Electricity Infrastructure Act 2021*)

that is in the Commonwealth offshore area (within the meaning of that Act); or

***Telecommunications Act 1997***

**26 After paragraph 47(2)(f) of Schedule 3A**

Insert:

(fa) the Offshore Infrastructure Registrar;

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*[Minister's second reading speech made in—  
House of Representatives on 21 October 2021  
Senate on 22 November 2021]*

(136/21)

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