Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013

No. 36, 2013 as amended

Compilation start date: 28 May 2013
Includes amendments up to: Act No. 31, 2014

Prepared by the Office of Parliamentary Counsel, Canberra
About this compilation

This compilation

This is a compilation of the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013* as in force on 28 May 2013. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 2 June 2014.

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

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.
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An Act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2006, and for related purposes

1 Short title

This Act may be cited as the Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013.

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.

<table>
<thead>
<tr>
<th>Provision(s)</th>
<th>Commencement</th>
<th>Date/Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sections 1 to 3</td>
<td>The day this Act receives the Royal Assent.</td>
<td>28 May 2013</td>
</tr>
<tr>
<td>2. Schedule 1</td>
<td>The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.</td>
<td>1 October 2014 (paragraph (b) applies)</td>
</tr>
</tbody>
</table>

Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013
## Commencement information

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision(s)</td>
<td>Commencement</td>
<td>Date/Details</td>
</tr>
<tr>
<td>3. Schedule 2</td>
<td>The later of: (a) the start of the day this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 1 to the <em>Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013</em>. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.</td>
<td>1 October 2014 (paragraph (b) applies)</td>
</tr>
<tr>
<td>4. Schedule 3, Part 1</td>
<td>A day or days to be fixed by Proclamation. However, if any of the provision(s) 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.</td>
<td>28 November 2013</td>
</tr>
<tr>
<td>5. Schedule 3, Parts 2 and 3</td>
<td>The day after this Act receives the Royal Assent.</td>
<td>29 May 2013</td>
</tr>
<tr>
<td>6. Schedule 4, Part 1</td>
<td>A single day to be fixed by Proclamation. However, if the provision(s) 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.</td>
<td>28 November 2013</td>
</tr>
<tr>
<td>7. Schedule 4, Part 2</td>
<td>The day after this Act receives the Royal Assent.</td>
<td>29 May 2013</td>
</tr>
<tr>
<td>8. Schedule 4, items 15 to 19</td>
<td>A single day to be fixed by Proclamation. However, if the provision(s) 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.</td>
<td>28 November 2013</td>
</tr>
<tr>
<td>9. Schedule 4, items 20 and 21</td>
<td>The day after this Act receives the Royal Assent.</td>
<td>29 May 2013</td>
</tr>
</tbody>
</table>
## Commencement information

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision(s)</td>
<td>Commencement</td>
<td>Date/Details</td>
</tr>
<tr>
<td>10. Schedule 4, item 22</td>
<td>A single day to be fixed by Proclamation. However, if the provision(s) 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.</td>
<td>28 November 2013</td>
</tr>
<tr>
<td>11. Schedule 4, items 23 to 25</td>
<td>The day after this Act receives the Royal Assent.</td>
<td>29 May 2013</td>
</tr>
</tbody>
</table>

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

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

### 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Compliance measures

Part 1—Infringement notices, injunctions and adverse publicity orders

Division 1—Amendments


1 At the end of Part 6.5
Add:

Division 5—Infringement notices

611D Simplified outline

The following is a simplified outline of this Division:

- This Division provides for infringement notices that can be issued and enforced in accordance with Part 5 of the Regulatory Powers Act.

611E Infringement notices

Provisions subject to an infringement notice

(1) The following provisions are subject to an infringement notice under Part 5 of the Regulatory Powers Act:
   (a) subsection 249(2);
   (b) subsection 284(5);
   (c) subsection 286A(7);
   (d) subsection 508(4);
   (e) subsection 509(4);
   (f) subsection 575(4);
   (g) subsection 602K(6);
   (h) subsection 697(3);

4 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013
(i) subclause 6(3) of Schedule 3;
(j) subclause 82(9) of Schedule 3;
(k) subclause 83(4) of Schedule 3.


### Infringement officers

(2) The following table has effect.

<table>
<thead>
<tr>
<th>Item</th>
<th>For the purposes of Part 5 of the Regulatory Powers Act, each of the following persons …</th>
<th>is an infringement officer in relation to the following provisions in this Act …</th>
</tr>
</thead>
</table>
| 1    | The Chief Executive Officer of NOPSEMA                                                 | (a) subsection 286A(7);  
      |                                                                                         | (b) subsection 575(4);  
      |                                                                                         | (c) subsection 602K(6);  
      |                                                                                         | (d) subclause 6(3) of Schedule 3;  
      |                                                                                         | (e) subclause 82(9) of Schedule 3;  
      |                                                                                         | (f) subclause 83(4) of Schedule 3. |
| 2    | The Titles Administrator                                                                | (a) subsection 249(2);  
      |                                                                                         | (b) subsection 284(5);  
      |                                                                                         | (c) subsection 286A(7);  
      |                                                                                         | (d) subsection 508(4);  
      |                                                                                         | (e) subsection 509(4);  
      |                                                                                         | (f) subsection 697(3). |
| 3    | A NOPSEMA inspector                                                                     | (a) subsection 249(2);  
      |                                                                                         | (b) subsection 284(5);  
      |                                                                                         | (c) subsection 286A(7);  
      |                                                                                         | (d) subsection 508(4);  
      |                                                                                         | (e) subsection 509(4);  
      |                                                                                         | (f) subsection 575(4);  
      |                                                                                         | (g) subsection 602K(6);  
      |                                                                                         | (h) subsection 697(3);  
      |                                                                                         | (i) subclause 6(3) of Schedule 3;  
      |                                                                                         | (j) subclause 82(9) of Schedule 3;  
      |                                                                                         | (k) subclause 83(4) of Schedule 3. |
Schedule 1  Compliance measures
Part 1  Infringement notices, injunctions and adverse publicity orders

Relevant chief executive

(3) For the purposes of Part 5 of the Regulatory Powers Act, the relevant chief executive in relation to an infringement notice is as follows:

(a) the Chief Executive Officer of NOPSEMA, if the notice may be issued by the Chief Executive Officer of NOPSEMA;
(b) the Secretary, if the notice may be issued by the Titles Administrator;
(c) if the notice may be issued by either the Chief Executive Officer of NOPSEMA or the Titles Administrator—either of them.

(4) If the Secretary is the relevant chief executive, he or she may, in writing, delegate to an SES employee, or acting SES employee, in the Department the power to extend the period referred to in paragraph 108(1)(j) of the Regulatory Powers Act.

Note 1: The expressions SES employee and acting SES employee are defined in section 2B of the Acts Interpretation Act 1901.

Note 2: See also sections 34AA and 34AB of the Acts Interpretation Act 1901.

Note 3: If the Chief Executive Officer of NOPSEMA is the relevant chief executive, see section 675 for the power to delegate.

(5) A person exercising power under a delegation under subsection (4) must comply with any written directions of the relevant chief executive.

Single infringement notice may deal with more than one contravention

(6) Despite subsection 107(3) of the Regulatory Powers Act, a single infringement notice may be given to a person in respect of:

(a) 2 or more alleged contraventions of a provision mentioned in subsection (1); or
(b) alleged contraventions of 2 or more provisions mentioned in subsection (1).

However, the notice must not require the person to pay more than one amount in respect of the same conduct.
Regulations may set out other matters to be included

(7) A regulation made under this Act may set out any other matters that are to be included in an infringement notice given in relation to a contravention of a provision mentioned in subsection (1).

Extension to offshore areas

(8) Part 5 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to each offshore area.

611F Infringement notice—multiple contraventions

In addition to the circumstances set out in subsection 107(4) of the Regulatory Powers Act, and despite subsection 107(3) of that Act, an infringement officer may also give a person a single infringement notice relating to multiple contraventions of a single provision if, under this Act or a regulation, the person:

(a) commits a separate offence in respect of each day during which the offence continues; or
(b) is separately liable for a civil penalty in respect of each day during which the liability continues.

611G Evidentiary matters

(1) The relevant chief executive may issue a certificate signed by him or her stating:

(a) that the relevant chief executive did not allow further time under section 109 of the Regulatory Powers Act to pay the penalty for an offence, or a civil penalty, under this Act or a regulation, stated in an infringement notice; and

(b) that the penalty has not been paid in accordance with the notice within 28 days after the day the infringement notice is given.

(2) The relevant chief executive may issue a certificate signed by him or her stating:

(a) that the relevant chief executive allowed, under section 109 of the Regulatory Powers Act, the further time specified in the certificate for payment of the penalty for an offence, or a
Schedule 1  Compliance measures

Part 1  Infringement notices, injunctions and adverse publicity orders

civil penalty, under this Act or a regulation, stated in an
infringement notice; and

(b) that the penalty has not been paid in accordance with the
notice or within the further time allowed.

(3) The relevant chief executive may issue a certificate signed by him
or her stating that a specified infringement notice was withdrawn
on a day specified in the certificate.

(4) For all purposes and in all proceedings, a document purporting to
be a certificate under subsection (1), (2) or (3) must, unless the
contrary is established, be taken to be such a certificate and to have
been properly given.

(5) For all purposes and in all proceedings, a certificate under
subsection (1), (2) or (3) is prima facie evidence of the matters
stated in the certificate.

8 Offshore Petroleum and Greenhouse Gas Storage Amendment
(Compliance Measures No. 2) Act 2013
Division 6—Injunctions

611H Simplified outline

The following is a simplified outline of this Division:

- This Division provides for the grant of injunctions to enforce compliance with this Act, relying on the framework set out in Part 7 of the Regulatory Powers Act.

611J Injunctions

Enforceable provisions and authorised persons

(1) The provisions listed in the table in this section are enforceable under Part 7 of the Regulatory Powers Act.

Note: Part 7 of the Regulatory Powers Act creates a framework for using injunctions to enforce provisions.

(2) The following table has effect.

<table>
<thead>
<tr>
<th>Item</th>
<th>For the purposes of Part 7 of the Regulatory Powers Act, each of the following persons ...</th>
<th>is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The responsible Commonwealth Minister</td>
<td>(a) subsection 97(1);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) subsection 160(1);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) subsection 193(1);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d) subsection 210(1);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e) subsection 227(5);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(f) subsections 575(1), (2), (3), (3A), (3B) and (3C), in relation to a direction given by that Minister (see section 574A);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(g) subsection 576(1) in relation to a direction given by that Minister (see section 574A);</td>
</tr>
</tbody>
</table>
Schedule 1  Compliance measures

Part 1  Infringement notices, injunctions and adverse publicity orders

<table>
<thead>
<tr>
<th>Item</th>
<th>Enforceable provisions and authorised persons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>For the purposes of Part 7 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) ...</td>
</tr>
<tr>
<td>(h)</td>
<td>subsection 587B(1) in relation to a direction given by that Minister (see sections 586A and 587A);</td>
</tr>
<tr>
<td>(i)</td>
<td>subsections 758(1) and (3);</td>
</tr>
<tr>
<td>(j)</td>
<td>subsections 759(4) and (4A);</td>
</tr>
<tr>
<td>(k)</td>
<td>section 764;</td>
</tr>
<tr>
<td>(l)</td>
<td>section 765.</td>
</tr>
<tr>
<td>2</td>
<td>The Secretary Subsection 780F(5).</td>
</tr>
<tr>
<td>3</td>
<td>The Chief Executive Officer of NOPSEMA (a) subsection 280(2); (b) subsections 286A(2), (3), (4) and (5); (c) subsection 569(1); (d) subsection 571(2); (e) subsections 572(2) and (3), to the extent those subsections apply in relation to petroleum titles; (f) subsections 575(1), (2), (3), (3A), (3B) and (3C), in relation to a direction given by NOPSEMA (see section 574); (g) subsection 576(1), in relation to a direction given by NOPSEMA (see section 574); (h) subsection 576D(1); (i) subsection 587B(1) in relation to a direction given by NOPSEMA (see sections 586 and 587); (j) subsection 602K(5); (k) subsection 603(1); (l) subsections 616(3), (5), (7) and (9); (m) subsections 619(1), (3), (5) and (7);</td>
</tr>
</tbody>
</table>

Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013
### Enforceable provisions and authorised persons

<table>
<thead>
<tr>
<th>Item</th>
<th>For the purposes of Part 7 of the <em>Regulatory Powers Act</em>, each of the following persons ... is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(n) subsections 620(2), (3), (4) and (5);</td>
</tr>
<tr>
<td></td>
<td>(o) subsections 621(3), (4), (7), (9), (10), (11) and (12);</td>
</tr>
<tr>
<td></td>
<td>(p) subclauses 6(1) and (2) of Schedule 2A;</td>
</tr>
<tr>
<td></td>
<td>(q) subclause 7(3) of Schedule 2A;</td>
</tr>
<tr>
<td></td>
<td>(r) subclause 8(5) of Schedule 2A;</td>
</tr>
<tr>
<td></td>
<td>(s) subclause 10(7) of Schedule 2A;</td>
</tr>
<tr>
<td></td>
<td>(t) subclause 11A(6) of Schedule 2A;</td>
</tr>
<tr>
<td></td>
<td>(u) subclause 11D(2) of Schedule 2A;</td>
</tr>
<tr>
<td></td>
<td>(v) subclauses 12(1), (2) and (3) of Schedule 2A;</td>
</tr>
<tr>
<td></td>
<td>(w) subclauses 6(1) and (2) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td>(x) subclauses 9(1), 10(1), 11(1), 12(1) and (2), 13(1), 13A(1) and (2), 14(1) and 15(1) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td>(y) subclauses 54(1) and (1A) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td>(z) subclause 73(3) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td>(za) subclauses 74(5) and (7) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td>(zb) subclause 76(7) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td>(zc) subclause 77(7) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td>(zd) subclause 78A(1) of Schedule 3;</td>
</tr>
<tr>
<td></td>
<td>(ze) subclauses 79(1), (2) and (3) of Schedule 3;</td>
</tr>
</tbody>
</table>
### Schedule 1 Compliance measures

**Part 1** Infringement notices, injunctions and adverse publicity orders

<table>
<thead>
<tr>
<th>Item</th>
<th>Enforceable provisions and authorised persons</th>
<th>Relevant court</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>For the purposes of Part 7 of the Regulatory Powers Act, each of the following persons ...</td>
<td>(3) For the purposes of Part 7 of the Regulatory Powers Act, each of the following courts is a relevant court in relation to the provisions mentioned in subsection (1):</td>
</tr>
<tr>
<td></td>
<td>is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...</td>
<td>(a) the Federal Court;</td>
</tr>
<tr>
<td></td>
<td>(zf) subclauses 82(1) and (6) of Schedule 3; (zg) subclause 83(1) of Schedule 3; (zh) subclause 86(1) of Schedule 3; (zi) subclause 87(1) and (2) of Schedule 3; (zj) subclause 88(1) of Schedule 3.</td>
<td>(b) the Federal Circuit Court;</td>
</tr>
<tr>
<td>4</td>
<td>The Titles Administrator</td>
<td>(a) subsections 228(1) and (1A); (b) subsection 249(1); (c) subsection 284(2); (d) subsections 286A(2), (3), (4) and (5); (e) subsections 507(4), (5) and (5A); (f) subsections 508(4), (5) and (5A); (g) subsections 509(4), (6) and (6A); (h) subsection 512(1); (i) section 513; (j) subsection 514(1); (k) subsection 568(2); (l) subsections 697(3) and (3B); (m) subsections 699(5) and (5A); (n) section 705; (o) section 706; (p) section 707.</td>
</tr>
</tbody>
</table>

**Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013**
Compliance measures Schedule 1
Infringement notices, injunctions and adverse publicity orders Part 1

(c) the Supreme Court of a State or Territory.

Consent injunctions

(4) A relevant court may grant an injunction under Part 7 of the Regulatory Powers Act in relation to a provision mentioned in subsection (1) by consent of all the parties to proceedings brought under that Part, whether or not the court is satisfied that section 127 of that Act applies.

Extension to offshore areas

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

Division 7—Adverse publicity orders

611K Simplified outline

The following is a simplified outline of this Division:

- This Division provides for adverse publicity orders to be made by a court.

611L Adverse publicity orders

Scope

(1) This section applies if a court:

(a) finds a body corporate guilty of an offence against a provision of this Act, or of a regulation, whether or not the court convicts the body corporate of the offence; or

(b) finds a body corporate guilty of an offence against section 6 of the Crimes Act 1914 (whether or not the court convicts the body corporate of the offence) in relation to an offence referred to in paragraph (a) of this subsection; or

(c) orders a body corporate to pay a civil penalty for a contravention of a provision of this Act or of a regulation.

Note: For ancillary offences, see section 11.6 of the Criminal Code.
Order by court

(2) The court may make an order (the adverse publicity order):
   (a) on the application of the person prosecuting the offence or taking the action to obtain a civil penalty order; and
   (b) in addition to any penalty that may be imposed or any other action that may be taken in relation to the offence or contravention.

An application may only be made within 6 years after the commission of the offence or the contravention.

(3) An adverse publicity order may require the body:
   (a) to take either or both of the following actions within the period specified in the order:
      (i) to publicise, in the way specified in the order, the offence or civil penalty order, its consequences, the penalty imposed and any other related matter;
      (ii) to notify a specified person or specified class of persons, in the way specified in the order, of the offence or civil penalty order, its consequences, the penalty imposed and any other related matter; and
   (b) to give NOPSEMA or the Titles Administrator (as specified in the order), within 7 days after the end of the period specified in the order, evidence that the action or actions were taken by the body in accordance with the order.

Failing to give evidence

(4) If the body fails to give evidence in accordance with paragraph (3)(b), NOPSEMA or the Titles Administrator (as the case requires) may take the action or actions specified in the order.

Action not in accordance with order

(5) NOPSEMA or the Titles Administrator (as the case requires) (the applicant) may apply to a court for an order authorising the applicant, or a person authorised in writing by the applicant, to take the action or actions if:
   (a) the body gives evidence to the applicant in accordance with paragraph (3)(b); but
(b) despite that evidence, the applicant is not satisfied that the body has taken the action or actions specified in the order in accordance with the order.

(6) If the applicant takes one or more actions under subsection (4) or an order under subsection (5), the applicant is entitled to recover from the body, by action in a court, an amount in relation to the reasonable expenses of taking the actions as a debt due to the applicant on behalf of the Commonwealth.

(7) An authorisation by the applicant under subsection (5) is not a legislative instrument.

2 Subsection 675(1)

After “section”, insert “611G or”.

3 After paragraph 790A(a)

Insert:

(aa) provide for a fine of not more than 50 penalty units for each day on which a contravention of a civil penalty provision occurs; and

(ab) provide that an offence or a civil penalty provision in a regulation is subject to an infringement notice (see Part 5 of the Regulatory Powers Act); and

(ac) make a provision of a legislative instrument enforceable under Part 7 of the Regulatory Powers Act (which deals with injunctions); and

(ad) provide that a person is an authorised person in relation to one or more provisions for the purposes of Part 7 of the Regulatory Powers Act; and

4 Subclause 79(4) of Schedule 3

After “offence”, insert “of strict liability”.

5 At the end of subclause 79(4) of Schedule 3

Add:

Note: For strict liability, see section 6.1 of the Criminal Code.
Schedule 1 Compliance measures
Part 1 Infringement notices, injunctions and adverse publicity orders

6 Subclause 79(6) of Schedule 3
Repeal the subclause.

7 Subclause 83(4) of Schedule 3
After “offence”, insert “of strict liability”.

8 At the end of subclause 83(4) of Schedule 3
Add:

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

9 Subclause 83(5) of Schedule 3
Repeal the subclause.

Division 2—Application

10 Application

Infringement notices

(1) Division 5 of Part 6.5 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (the Offshore Act), as inserted by Division 1 of this Part, applies in relation to an offence or contravention committed against the Offshore Act on or after the commencement of this Part.

Injunctions

(2) Division 6 of Part 6.5 of the Offshore Act, as inserted by Division 1 of this Part, applies in relation to:
(a) conduct that a person has engaged in, is engaging or is proposing to engage in, on or after the commencement of this Part; and
(b) a refusal or failure to do a thing, or a proposal to refuse or fail to do a thing, on or after the commencement of this Part.

Adverse publicity orders

(3) Division 7 of Part 6.5 of the Offshore Act, as inserted by Division 1 of this Part, applies in relation to an offence or contravention committed against the Offshore Act, or a regulation under that Act, on or after the commencement of this Part.

16 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013
Part 2—Continuing offences and civil penalty provisions

Division 1—Amendments


11 Subsection 227(5)
   After “offence”, insert “of strict liability”.

12 At the end of subsection 227(5)
   Add:
   Note: For strict liability, see section 6.1 of the Criminal Code.

13 Subsection 227(5A)
   Repeal the subsection, substitute:

   (5A) The maximum penalty for each day that an offence under
   subsection (5) continues is 10% of the maximum penalty that can
   be imposed in respect of that offence.

   Note: Subsection (5) is a continuing offence under section 4K of the Crimes
   Act 1914.

14 At the end of section 228
   Add:

   Continuing offences

   (4) A person who commits an offence against subsection (1) commits
   a separate offence in respect of each day (including a day of a
   conviction under this section or any later day) during which the
   offence continues.

   (5) The maximum penalty for each day that an offence under
   subsection (1) continues is 10% of the maximum penalty that can
   be imposed in respect of that offence.
Continuing contraventions of civil penalty provisions

(6) A person who contravenes subsection (1A) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.

(7) The maximum civil penalty for each day that a contravention of subsection (1A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

15 Subsection 249(2)
After “offence”, insert “of strict liability”.

16 At the end of subsection 249(2)
Add:

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

17 Subsection 249(3)
Repeal the subsection.

18 At the end of section 249
Add:

Continuing offences and continuing contraventions of civil penalty provisions

(5) The maximum penalty for each day that an offence under subsection (2) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (2) is a continuing offence under section 4K of the Crimes Act 1914.

(6) The maximum civil penalty for each day that a contravention of subsection (4) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (4) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.
19 Subsection 284(5)
   After “offence”, insert “of strict liability”.

20 At the end of subsection 284(5)
   Add:
   
   Note: For strict liability, see section 6.1 of the Criminal Code.

21 Subsection 284(6)
   Repeal the subsection.

22 At the end of section 284
   Add:

   Continuing offences and continuing contraventions of civil penalty provisions

   (8) The maximum penalty for each day that an offence under subsection (5) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

   Note: Subsection (5) is a continuing offence under section 4K of the Crimes Act 1914.

   (9) The maximum civil penalty for each day that a contravention of subsection (7) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

   Note: Subsection (7) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

23 Subsection 286A(7)
   After “offence”, insert “of strict liability”.

24 At the end of subsection 286A(7)
   Add:

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

25 Subsection 286A(8)
   Repeal the subsection.
26 After subsection 286A(8A)

Insert:

Continuing offences and continuing contraventions of civil penalty provisions

(8B) The maximum penalty for each day that an offence under subsection (7) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (7) is a continuing offence under section 4K of the Crimes Act 1914.

(8C) The maximum civil penalty for each day that a contravention of subsection (8A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (8A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

27 After subsection 507(5A)

Insert:

Continuing offences and continuing contraventions of civil penalty provisions

(5B) The maximum penalty for each day that an offence under subsection (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (4) is a continuing offence under section 4K of the Crimes Act 1914.

(5C) The maximum civil penalty for each day that a contravention of subsection (5A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

28 At the end of subsection 507(6) (before the note)

Add:

; (d) subsection (5B);

(e) subsection (5C).
29 **Subsection 508(4)**
After “offence”, insert “of strict liability”.

30 **At the end of subsection 508(4)**
Add:

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

31 **Subsection 508(4A)**
Repeal the subsection.

32 **After subsection 508(5A)**
Insert:

*Continuing offences and continuing contraventions of civil penalty provisions*

(5B) The maximum penalty for each day that an offence under subsection (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (4) is a continuing offence under section 4K of the *Crimes Act 1914*.

(5C) The maximum civil penalty for each day that a contravention of subsection (5A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5A) is a continuing civil penalty provision under section 96 of the *Regulatory Powers Act*.

33 **At the end of subsection 508(6) (before the note)**
Add:

; (d) subsection (5B);
(e) subsection (5C).

34 **Subsection 509(4)**
After “offence”, insert “of strict liability”.

35 **At the end of subsection 509(4)**
Add:

*Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013*
Note: For strict liability, see section 6.1 of the Criminal Code.

36 Subsection 509(5)
Repeal the subsection.

37 After subsection 509(6A)
Insert:

Continuing offences and continuing contraventions of civil penalty provisions

(6B) The maximum penalty for each day that an offence under subsection (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (4) is a continuing offence under section 4K of the Crimes Act 1914.

(6C) The maximum civil penalty for each day that a contravention of subsection (6A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (6A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

38 At the end of subsection 509(7) (before the note)
Add:

; (d) subsection (6B);
(e) subsection (6C).

39 Subsection 575(4)
After “offence”, insert “of strict liability”.

40 At the end of subsection 575(4)
Add:

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

41 Subsection 575(5)
Repeal the subsection.
42 At the end of section 575
Add:

Continuing offences

(7) A person who commits an offence against subsection (4) commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.

(8) The maximum penalty for each day that an offence under subsection (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

(9) A person who contravenes subsection (6) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.

(10) The maximum civil penalty for each day that a contravention of subsection (6) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

43 At the end of section 576
Add:

Continuing offences

(8) A person who commits an offence against subsection (2) or (4) commits a separate offence in respect of each day (including a day of a conviction under that subsection or any later day) during which the offence against that subsection continues.

(9) The maximum penalty for each day that the offence continues is 10% of the maximum penalty that can be imposed in respect of that offence.
Schedule 1  Compliance measures  
Part 2  Continuing offences and civil penalty provisions

Continuing contraventions of civil penalty provisions

(10) A person who contravenes subsection (5) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.

(11) The maximum civil penalty for each day that a contravention of subsection (5) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

44 At the end of section 576D
Add:

Continuing offences and continuing contraventions of civil penalty provisions

(6) The maximum penalty for each day that an offence under subsection (2) or (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsections (2) and (4) are continuing offences under section 4K of the Crimes Act 1914.

(7) The maximum civil penalty for each day that a contravention of subsection (5) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

45 After subsection 587B(5)
Insert:

Continuing offences and continuing contraventions of civil penalty provisions

(5A) The maximum penalty for each day that an offence under subsection (2) or (4) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsections (2) and (4) are continuing offences under section 4K of the Crimes Act 1914.
(5B) The maximum civil penalty for each day that a contravention of subsection (5) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (5) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

46 At the end of Division 4 of Part 6.5

Add:

611C Contravening civil penalty provisions

Scope

(1) This section applies if a person is liable for a civil penalty under a civil penalty provision of this Act, or of a regulation, because the person has contravened, or breached a requirement of, another provision of this Act, or of another regulation.

References to contraventions

(2) For the purposes of this Act, the person is taken to have contravened the civil penalty provision if the person has contravened, or breached the requirement, of the other provision.

47 Subsection 697(3)

After “offence”, insert “of strict liability”.

48 At the end of subsection 697(3)

Add:

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

49 Subsection 697(3A)

Repeal the subsection.

50 After subsection 697(3B)

Insert:
Schedule 1 Compliance measures
Part 2 Continuing offences and civil penalty provisions

Continuing offences

(3C) A person who commits an offence against subsection (3) by failing to comply with a direction to which paragraph (2)(c) applies commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.

(3D) The maximum penalty for each day to which subsection (3C) applies is 10% of the maximum penalty that can be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

(3E) A person who contravenes subsection (3B) by failing to comply with a direction to which paragraph (2)(c) applies commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.

(3F) The maximum civil penalty for each day to which subsection (3E) applies is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

51 After subsection 699(5A)

Insert:

Continuing offences and continuing contraventions of civil penalty provisions

(5B) The maximum penalty for each day that an offence under subsection (5) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: To the extent that subsection (5D) provides, subsection (5) is a continuing offence under section 4K of the Crimes Act 1914.

(5C) The maximum civil penalty for each day that a contravention of subsection (5A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: To the extent that subsection (5D) provides, subsection (5A) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.
(5D) Subsections (5B) and (5C) apply only in relation to a contravention of a requirement to which paragraph (2)(a), (b) or (c) applies.

52 After paragraph 699(6)(aa)
Insert:

(ab) subsection (5B);
(ac) subsection (5C);

53 After subsection 780F(6)
Insert:

Continuing offences

(6A) A person who commits an offence against subsection (5) commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.

(6B) The maximum penalty for each day that an offence under subsection (5) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

54 Before subclause 6(1) of Schedule 3
Insert:

Basic requirements

55 Subclause 6(3) of Schedule 3
After “offence”, insert “of strict liability”.

56 At the end of subclause 6(3) of Schedule 3
Add:

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

57 Subclause 6(4) of Schedule 3
Repeal the subclause.

58 After subclause 6(4A) of Schedule 3
Insert:
Schedule 1  Compliance measures
Part 2  Continuing offences and civil penalty provisions

Continuing offences

(4B) A person who commits an offence against subclause (3) commits a separate offence in respect of each day (including a day of a conviction under this clause or any later day) during which the offence continues.

(4C) The maximum penalty for each day that an offence under subclause (3) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

(4D) A person who contravenes subclause (4A) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.

(4E) The maximum civil penalty for each day that a contravention of subclause (4A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Operators who are individuals

59 At the end of clause 77 of Schedule 3
Add:

Continuing offences

(8) A person who commits an offence against subclause (7) commits a separate offence in respect of each day (including a day of a conviction under this clause or any later day) during which the offence continues.

(9) The maximum penalty for each day that an offence under subclause (7) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

60 At the end of clause 78A of Schedule 3
Add:

Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013
Continuing offences and continuing contraventions of civil penalty provisions

(4) The maximum penalty for each day that an offence under subclause (2) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subclause (2) is a continuing offence under section 4K of the Crimes Act 1914.

(5) The maximum civil penalty for each day that a contravention of subclause (3) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subclause (3) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

61 Subclause 82(4) of Schedule 3
After “offence”, insert “of strict liability”.

62 At the end of subclause 82(4) of Schedule 3
Add:

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

63 Subclause 82(5) of Schedule 3
Repeal the subclause.

64 Subclause 82(9) of Schedule 3
After “offence”, insert “of strict liability”.

65 At the end of subclause 82(9) of Schedule 3
Add:

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

66 Subclause 82(10) of Schedule 3
Repeal the subclause, substitute:

Continuing offences

(10) A person who commits an offence against subclause (4) or (9) commits a separate offence in respect of each day (including a day...
of a conviction under that subclause or any later day) during which
the offence continues.

(11) The maximum penalty for each day that an offence under
subclause (4) or (9) continues is 10% of the maximum penalty that
can be imposed in respect of that offence.

Division 2—Application

67 Application

The amendments of the *Offshore Petroleum and Greenhouse Gas
Storage Act 2006* made by Division 1 of this Part apply in relation to an
offence or contravention committed against that Act on or after the
commencement of this Part.
Schedule 2—Prohibition and improvement notices

Part 1—Environmental prohibition and improvement notices

Division 1—Main amendments


1 Paragraph 602E(2)(a)
   Omit “a do not disturb notice under clause 10 of Schedule 2A”, substitute “any of the following:
   (i) an environmental do not disturb notice under clause 10 of Schedule 2A;
   (ii) an environmental prohibition notice under clause 11A of Schedule 2A;
   (iii) an environmental improvement notice under clause 11C of Schedule 2A;”.

2 Clause 2 of Schedule 2A (definition of do not disturb notice)
   Repeal the definition.

3 Clause 2 of Schedule 2A
   Insert:
   
   *environmental do not disturb notice* has the meaning given by subclause 10(2).

   *environmental improvement notice* has the meaning given by subclause 11C(2).

   *environmental prohibition notice* has the meaning given by subclause 11A(2).

4 After clause 11 of Schedule 2A
   Insert:
11A Petroleum environmental inspections—environmental prohibition notices (issue)

Scope

(1) This clause applies if a NOPSEMA inspector is conducting a petroleum environmental inspection in relation to offshore petroleum premises.

When notice may be issued

(2) A NOPSEMA inspector may issue a notice (an *environmental prohibition notice*) to a titleholder, in writing, under this clause if, in conducting the inspection, the inspector is satisfied on reasonable grounds that:

(a) one or more of the following is the case:

(i) an activity is occurring at the premises that involves an immediate and significant threat to the environment;

(ii) an activity may occur at the premises that, if it occurred, would involve an immediate and significant threat to the environment;

(iii) the operation or use of the premises involves an immediate and significant threat to the environment;

(iv) the operation or use of the premises, if it occurred, would involve an immediate and significant threat to the environment; and

(b) it is reasonably necessary to issue the notice in order to remove the threat.

Note: The notice will be published on NOPSEMA’s website (see clause 12A).

How notice may be issued

(3) Without limiting the way in which the notice may be issued, the notice may be issued to the titleholder by being given to the titleholder’s representative at the premises who is nominated for the inspection.

Contents of notice

(4) The notice must:
(a) state that the inspector is satisfied on reasonable grounds that a specified circumstance mentioned in paragraph (2)(a) applies, and set out those grounds; and
(b) specify the activity at the premises, or the operation or use of the premises, that involves a threat to the environment; and
(c) specify the threat to the environment, and describe the environment that is subject to the threat; and
(d) direct the titleholder to ensure:
   (i) that the activity is not conducted; or
   (ii) that the activity is not conducted in a specified manner; or
   (iii) that the premises are not operated or used; or
   (iv) that the premises are not operated or used in a specified manner.

(5) The notice may specify action that may be taken to satisfy a NOPSEMA inspector that adequate action has been taken to remove the threat to the environment.

Offence

(6) A person commits an offence if:
   (a) the person is subject to an environmental prohibition notice; and
   (b) the person omits to do an act; and
   (c) the omission breaches the notice.

Penalty: 600 penalty units.

Continuing offences

(7) A person who commits an offence against subclause (6) commits a separate offence in respect of each day (including a day of a conviction for the offence or any later day) during which the offence continues.

(8) The maximum penalty for each day that an offence under subclause (6) continues is 10% of the maximum penalty that can be imposed in respect of that offence.
Definition

(9) In this clause:

premises, in relation to offshore petroleum premises, includes:
(a) a particular part of the premises; and
(b) particular plant or equipment, or a particular substance or thing, at the premises.

11B Petroleum environmental inspections—environmental prohibition notices (notification)

Scope

(1) This clause applies if a NOPSEMA inspector issues an environmental prohibition notice to a titleholder under clause 11A that concerns a threat to the environment in relation to:
(a) an activity at offshore petroleum premises; or
(b) the operation or use of offshore petroleum premises.

Notice to interested persons

(2) As soon as practicable after issuing the notice, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to the following persons:
(a) if the premises are a facility—the operator’s representative at the facility;
(b) if the premises are a vessel under the command or charge of a master—the master;
(c) if the premises are (or the relevant plant, equipment, substance or thing is) owned by a person other than the titleholder or operator—that owner.

Display of notice

(3) The titleholder must cause a copy of the notice to be displayed in a prominent place at the premises.
Inadequate action in response to notice

(4) If a NOPSEMA inspector is satisfied that action taken by the titleholder to remove the threat to the environment is not adequate, the inspector must inform the titleholder accordingly.

(5) In making a decision under subclause (4), a NOPSEMA inspector may exercise such of the powers of a NOPSEMA inspector conducting a petroleum environmental inspection as the inspector considers necessary for the purposes of making the decision.

When notice ceases to have effect

(6) The notice ceases to have effect in relation to a titleholder when a NOPSEMA inspector notifies the titleholder that the inspector is satisfied that the titleholder, or another person, has taken adequate action to remove the threat to the environment.

Definition

(7) In this clause:

premises, in relation to offshore petroleum premises, includes:
   (a) a particular part of the premises; and
   (b) particular plant or equipment, or a particular substance or thing, at the premises.

11C Petroleum environmental inspections—environmental improvement notices (issue)

Scope

(1) This clause applies if a NOPSEMA inspector is conducting a petroleum environmental inspection in relation to offshore petroleum premises.

When notice may be issued

(2) A NOPSEMA inspector may issue a notice (an environmental improvement notice) to a titleholder, in writing, under this clause if, in conducting the inspection, the inspector is satisfied on reasonable grounds that:
Schedule 2  Prohibition and improvement notices

Part 1  Environmental prohibition and improvement notices

(a) the titleholder:

(i) is contravening a provision of a petroleum environmental law; or

(ii) has contravened a provision of a petroleum environmental law and is likely to contravene that provision again; and

(b) as a result, there is, or may be, a significant threat to the environment.

Note: The notice will be published on NOPSEMA’s website (see clause 12A).

How notice may be issued

(3) Without limiting the way in which the notice may be issued, the notice may be issued to the titleholder by being given to the titleholder’s representative at the premises who is nominated for the inspection.

Contents of notice

(4) The notice must:

(a) state that the inspector is satisfied on reasonable grounds that a specified contravention of a petroleum environmental law is occurring, or has occurred and is likely to occur again, and set out those grounds; and

(b) state that the inspector is satisfied on reasonable grounds that as a result of that contravention, there is, or may be, a significant threat to the environment, and set out those grounds; and

(c) specify the threat to the environment, and describe the environment that is subject to the threat; and

(d) specify action that the inspector is satisfied on reasonable grounds is required to be taken by the titleholder to remove the threat; and

(e) specify a period within which the titleholder is to take the action.

Period of notice and action to be taken

(5) The period specified in the notice must be reasonable.
If the NOPSEMA inspector is satisfied on reasonable grounds that it is appropriate to do so, the NOPSEMA inspector may, in writing and before the end of the period, extend the period specified in the notice.

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

Scope

(1) This clause applies if, in the course of a petroleum environmental inspection in relation to offshore petroleum premises, a NOPSEMA inspector issues an environmental improvement notice to a titleholder under clause 11C that concerns a contravention, or likely contravention, of a petroleum environmental law.

Duty of titleholder

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

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:
Schedule 2  Prohibition and improvement notices

Part 1  Environmental prohibition and improvement notices

(a) if the premises are a facility— the operator’s representative at the facility;
(b) if the premises are a vessel under the command or charge of a master— the master;
(c) if the premises are owned by a person other than the titleholder or operator— that owner.

Display of notice

(6) The titleholder must cause a copy of the notice to be displayed in a prominent place at the premises.

Continuing offences and continuing contraventions of civil penalty provisions

(7) The maximum penalty for each day that an offence under subclause (3) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subclause (3) is a continuing offence under section 4K of the Crimes Act 1914.

(8) The maximum civil penalty for each day that a contravention of subclause (4) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subclause (4) is a continuing civil penalty provision under section 96 of the Regulatory Powers Act.

5 Subclause 12(1) of Schedule 2A
Omit “or 11(2)”, substitute “, 11(2), 11B(3) or 11D(6)”.

6 Subclause 12(3) of Schedule 2A
After “11(2),”, insert “11B(3) or 11D(6)”.

Division 2—Minor amendments: do not disturb notices


7 Clause 10 of Schedule 2A (heading)
Omit “do not disturb notices”, substitute “environmental do not disturb notices”.

38  Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013
8 Subclause 10(2) of Schedule 2A
Omit “do not disturb notice”, substitute “notice (an environmental do not disturb notice)”.  

9 Paragraph 10(7)(a) of Schedule 2A
Omit “a do not disturb notice”, substitute “an environmental do not disturb notice”.  

10 Clause 11 of Schedule 2A (heading)
Omit “do not disturb notices”, substitute “environmental do not disturb notices”.  

11 Subclauses 11(1) and (2) of Schedule 2A
Omit “a do not disturb notice”, substitute “an environmental do not disturb notice”.  

12 Clause 3 of Schedule 3 (definition of do not disturb notice)
Repeal the definition.  

13 Clause 3 of Schedule 3
Insert:

\[ \textit{OHS do not disturb notice} \] has the meaning given by subclause 76(1). 

14 Clause 76 of Schedule 3 (heading)
Omit “do not disturb notices”, substitute “OHS do not disturb notices”.  

15 Subclause 76(1) of Schedule 3
Omit “do not disturb notice”, substitute “notice (an OHS do not disturb notice)”.  

16 Clause 76A of Schedule 3 (heading)
Omit “do not disturb notices”, substitute “OHS do not disturb notices”.  

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*Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013*
17 Amendments of listed provisions—OHS do not disturb notices
   Omit “a do not disturb notice” and substitute “an OHS do not disturb notice” in the following provisions:
   (a) subparagraph 602E(2)(b)(i);
   (b) clause 47 of Schedule 3;
   (c) paragraph 76(7)(a) of Schedule 3;
   (d) subclause 76A(1) of Schedule 3;
   (e) paragraph 80A(1)(b) of Schedule 3;
   (f) item 4 of the table in subclause 80A(1) of Schedule 3.

Division 3—Minor amendments: prohibition notices


18 Clause 3 of Schedule 3 (definition of prohibition notice)
   Repeal the definition.

19 Clause 3 of Schedule 3
   Insert:
   
   OHS prohibition notice has the meaning given by subclause 77(1).

20 Clause 77 of Schedule 3 (heading)
   Omit “prohibition notices”, substitute “OHS prohibition notices”.

21 Subclause 77(1) of Schedule 3
   Omit “prohibition notice”, substitute “notice (an OHS prohibition notice)”.

22 Clause 77A of Schedule 3 (heading)
   Omit “prohibition notices”, substitute “OHS prohibition notices”.

23 Amendments of listed provisions—OHS prohibition notices
   Omit “a prohibition notice” and substitute “an OHS prohibition notice” in the following provisions:
(a) subparagraph 602E(2)(b)(ii);
(b) clause 47 of Schedule 3;
(c) paragraph 77(7)(a) of Schedule 3;
(d) subclauses 77A(1) and (2) of Schedule 3;
(e) paragraph 80A(1)(b) of Schedule 3;
(f) items 5, 6 and 7 of the table in subclause 80A(1) of Schedule 3.

Division 4—Minor amendments: improvement notices

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

24 Clause 3 of Schedule 3 (definition of *improvement notice*)

Repeal the definition.

25 Clause 3 of Schedule 3

Insert:

> **OHS improvement notice** has the meaning given by subclause 78(1).

26 Paragraph 34(1)(e) of Schedule 3

Omit “provisional improvement notices”, substitute “provisional OHS improvement notices”.

27 Clause 38 of Schedule 3 (heading)

Repeal the heading, substitute:

38 **Provisional OHS improvement notices—issue and notification**

28 Subclause 38(2) of Schedule 3 (heading)

Repeal the heading, substitute:

> **Issue of provisional OHS improvement notice**

29 Subclause 38(2) of Schedule 3

Omit “provisional improvement notice”, substitute “provisional OHS improvement notice”.

*Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013*
30 Subclause 38(3) of Schedule 3
   Omit “improvement”.

31 Subclause 38(5) of Schedule 3 (heading)
   Repeal the heading, substitute:

   Content of provisional OHS improvement notice

32 Subclause 38(8) of Schedule 3 (heading)
   Repeal the heading, substitute:

   Copy of provisional OHS improvement notice

33 Clause 39 of Schedule 3 (heading)
   Repeal the heading, substitute:

   Provisional OHS improvement notices—effect

34 Clause 78 of Schedule 3 (heading)
   Omit “improvement notices”, substitute “OHS improvement notices”.

35 Subclause 78(1) of Schedule 3
   Omit “an improvement notice”, substitute “a notice (an OHS improvement notice)”.

36 Clauses 78A and 78B of Schedule 3 (headings)
   Omit “improvement notices”, substitute “OHS improvement notices”.

37 Subclause 80A(1) of Schedule 3 (table items 1 and 2)
   Omit “provisional improvement notice” (wherever occurring), substitute “provisional OHS improvement notice”.

38 Subclause 81(4) of Schedule 3 (heading)
   Omit “improvement notices”, substitute “OHS improvement notices”.

42 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013
39 Amendments of listed provisions—OHS improvement notices

Omit “improvement notice” and substitute “OHS improvement notice” in the following provisions:

(a) subparagraph 602E(2)(b)(iii);
(b) subclause 39(8) of Schedule 3;
(c) clause 47 of Schedule 3;
(d) subclauses 78A(1) and 78B(1) of Schedule 3;
(e) paragraph 80A(1)(b) of Schedule 3;
(f) item 8 of the table in subclause 80A(1) of Schedule 3;
(g) subclause 81(4) of Schedule 3 (note);
(h) subclause 81(5) of Schedule 3.

Division 5—Application

40 Application

The Offshore Petroleum and Greenhouse Gas Storage Act 2006, as amended by Divisions 1 to 4 of this Part, applies on and after the commencement of this Part in relation to the following:

(a) acts or omissions of persons, whether occurring before, on or after that commencement;
(b) any other matter, whether arising before, on or after that commencement, that is relevant to the exercise of powers or the performance of functions of a NOPSEMA inspector, on or after that commencement, for the purposes of that Act.
Part 2—Publication of prohibition and improvement notices

Division 1—Amendments


41 At the end of Division 2 of Part 2 of Schedule 2A

Add:

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

(1) NOPSEMA must publish on its website an environmental prohibition notice or an environmental improvement notice within 21 days after the notice is issued.

(2) However, NOPSEMA must not publish the notice if it is aware that the decision to issue a notice is the subject of an application for review by a court.

(3) If the notice is published on the NOPSEMA website and the decision to issue the notice is, or becomes, the subject of an application for review by a court, NOPSEMA must remove the notice from the website as soon as practicable after becoming aware of the application.

(4) If all rights for judicial review (including any right of appeal) in relation to the decision to issue the notice have been exhausted, and the decision to issue the notice has been upheld, NOPSEMA must publish the notice on its website within 21 days after becoming aware that the rights have been exhausted.

(5) If a notice contains personal information (within the meaning of the Privacy Act 1988), NOPSEMA must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the notice is published.
(6) Personal information is **de-identified** if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

42 At the end of subclause 77(1) of Schedule 3
Add:

Note: The notice will be published on NOPSEMA’s website (see clause 80AA).

43 At the end of subclause 78(1) of Schedule 3
Add:

Note: The notice will be published on NOPSEMA’s website (see clause 80AA).

44 At the end of Division 3 of Part 4 of Schedule 3
Add:

80AA OHS inspections—publishing OHS prohibition notices and OHS improvement notices

(1) NOPSEMA must publish on its website an OHS prohibition notice or an OHS improvement notice within 21 days after the notice is issued.

(2) However, NOPSEMA must not publish the notice if it is aware that the decision to issue the notice is the subject of an application for an appeal to the reviewing authority or review by a court.

(3) If the notice is published on the NOPSEMA website and the decision to issue the notice is, or becomes, the subject of an application for an appeal to the reviewing authority or review by a court, NOPSEMA must remove the notice from the website as soon as practicable after becoming aware of the application.

(4) Subject to subsection (5), NOPSEMA must publish the notice on its website within 21 days after becoming aware that the decision to issue the notice has been affirmed or upheld and all appeal and review rights in relation to that decision have been exhausted.

(5) If the reviewing authority revokes the decision to issue the notice, and substitutes its own decision to issue a notice (the **substituted**
notice), NOPSEMA must publish the substituted notice on its website within 21 days after becoming aware that all appeal and review rights in relation to the decision to issue the substituted notice have been exhausted.

(6) If the notice contains personal information (within the meaning of the Privacy Act 1988), NOPSEMA must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the notice is published.

(7) Personal information is de-identified if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

Division 2—Application

45 Application

The amendments of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 made by Division 1 of this Part apply in relation to notices issued on or after the commencement of this Part.
Schedule 3—Financial assurance, polluter pays and directions

Part 1—Financial assurance

Division 1—Amendments


1 Subsections 231(1) and 240(1) (notes)
   Repeal the notes.

2 Subsections 404(1) and 413(1) (notes)
   Omit “section 571”, substitute “section 571A”.

3 Section 567
   Omit “insurance”, substitute “financial assurance”.

4 Section 571
   Repeal the section, substitute:

571 Financial assurance—petroleum titles

Scope

(1) This section applies in relation to a petroleum activity carried out in relation to any of the following titles:
   (a) a petroleum exploration permit;
   (b) a petroleum retention lease;
   (c) a petroleum production licence;
   (d) an infrastructure licence;
   (e) a pipeline licence;
   (f) a petroleum special prospecting authority;
   (g) a petroleum access authority.
Titleholder duty to maintain financial assurance

(2) The titleholder must, at all times while the title is in force, maintain financial assurance sufficient to give the titleholder the capacity to meet costs, expenses and liabilities arising in connection with, or as a result of:

(a) the carrying out of the petroleum activity; or
(b) the doing of any other thing for the purposes of the petroleum activity; or
(c) complying (or failing to comply) with a requirement under this Act, or a legislative instrument under this Act, in relation to the petroleum activity.

Examples: This subsection covers costs, expenses and liabilities arising in connection with, or as a result of, the following (without limitation):

(a) complying with the titleholder’s duty under section 572C (which relates to the escape of petroleum);
(b) a debt due to the Commonwealth, a State or the Northern Territory under section 572D, 572E or 572F (which relate to an escape of petroleum), including a debt due to NOPSEMA on behalf of the Commonwealth, or to an agency or authority on behalf of the State or the Northern Territory;
(c) complying with a direction under section 574 or 586 relating to the remediation of damage to the seabed or subsoil arising in connection with a petroleum activity.

(3) The following may be provided for by regulation:

(a) compliance with subsection (2) in relation to a petroleum activity to be demonstrated as a prior condition of acceptance of an environment plan for the activity;
(b) such compliance to be in a form acceptable to NOPSEMA;
(c) a failure to maintain such compliance, in a form acceptable to NOPSEMA, to be grounds for the withdrawal of acceptance of an environment plan for the activity.

Note: For requirements relating to environment plans, see Part 2 of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009.

Form of financial assurance

(4) The forms of financial assurance for a title that may be maintained for the purposes of this section include (without limitation) any of the following, or any combination of the following:
Financial assurance, polluter pays and directions  Schedule 3  
Financial assurance  Part 1

(a) insurance;
(b) self-insurance;
(c) a bond;
(d) the deposit of an amount as security with a financial institution;
(e) an indemnity or other surety;
(f) a letter of credit from a financial institution;
(g) a mortgage.

(5) In this section:

**environment plan** for a petroleum activity means an environment plan for the activity under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

Note: Environment plans are dealt with in Part 2 of these Regulations.

**financial institution** has its ordinary meaning, and (to avoid doubt) includes:

(a) an authorised deposit-taking institution within the meaning of the *Banking Act 1959*; and

(b) a financial institution of a foreign country.

**petroleum activity** has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

**self-insurance**: for a petroleum activity in relation to a title, the titleholder maintains financial assurance in the form of **self-insurance** to the extent that the titleholder ensures that financial resources are available at all times while the title is in force to meet costs, expenses and liabilities in relation to the activity arising as mentioned in subsection (2).

**titleholder**, for a title in relation to which this section applies, means the registered holder of the title.

571A Insurance—greenhouse gas titles

**Greenhouse gas titles**

(1) The conditions of:
Schedule 3  Financial assurance, polluter pays and directions

Part 1  Financial assurance

(a) a greenhouse gas assessment permit; or
(b) a greenhouse gas holding lease; or
(c) a greenhouse gas injection licence; or
(d) a greenhouse gas search authority; or
(e) a greenhouse gas special authority;
may include a condition that the registered holder maintain, as directed by the responsible Commonwealth Minister from time to time, insurance against:
(f) expenses; or
(g) liabilities; or
(h) specified things;
arising in connection with, or as a result of:
(i) the carrying out of work under the permit, lease, licence or authority; or
(j) the doing of any other thing under the permit, lease, licence or authority;
including insurance against expenses of complying with directions relating to the clean-up or other remediation of the effects of the escape of a greenhouse gas substance.

Direction to be in writing

(2) A direction under this section must be in writing.

5 Clause 2 of Schedule 2A (at the end of the definition of petroleum environmental law)

Add:
; and (c) includes section 571 (which deals with financial assurance), and a regulation made for the purposes of subsection 571(3) in relation to compliance with section 571.

Division 2—Application

6 Definitions for Division 2

In this Division:

Financial assurance, polluter pays and directions  Schedule 3
Financial assurance  Part 1

Note: Environment plans are dealt with in Part 2 of those Regulations.

**Offshore Act** means the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, as amended by Division 1 of this Part.

**petroleum activity** has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

**title** means a title to which section 571 or 571A of the Offshore Act applies.

7 Application
The amendments made by Division 1 of this Part apply, on or after the commencement of this Part, in relation to a title whether the title was granted before, on or after the commencement of this Part.

8 Transitional—environment plan already accepted

(1) This item applies in relation to a petroleum activity for which an environment plan was accepted before the commencement of this Part, if the plan remains in force.

(2) In conducting a petroleum environmental inspection under Schedule 2A to the Offshore Act, a NOPSEMA inspector may demand that compliance with subsection 571(2) of that Act must be demonstrated in relation to the activity, in a form that is acceptable to NOPSEMA.

(3) A failure to comply with a demand under subitem (2) is grounds for the withdrawal of acceptance of the environment plan.
Part 2—Polluter pays

Division 1—Amendments


9 After Part 6.1

Insert:

Part 6.1A—Polluter pays

Division 1—General

572A Simplified outline

The following is a simplified outline of this Part:

If there is an escape of petroleum in relation to a petroleum activity, the titleholder is required to do the following in any offshore area:

(a) eliminate or control the escape;

(b) clean up the escaped petroleum and remediate any resulting damage to the environment;

(c) carry out environmental monitoring of the impact of the escape on the environment.

If the titleholder fails to do any of these things, NOPSEMA or the responsible Commonwealth Minister may do them instead. The titleholder must reimburse NOPSEMA or the Commonwealth for the costs and expenses of any such action.

The titleholder must also reimburse a State or the Northern Territory for any reasonable costs or expenses incurred in doing any of the following in land or waters of the State or the Northern Territory:

52 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013
(a) cleaning up the escaped petroleum;
(b) remediating any resulting damage to the environment;
(c) carrying out environmental monitoring of the impact of the escape on the environment.

572B Relationship with significant offshore petroleum incident directions

Nothing in this Part limits the power of NOPSEMA to give a direction under section 576B in relation to an escape of petroleum.

Note: Section 576B allows NOPSEMA to give directions dealing with significant offshore petroleum incidents.

Division 2—Polluter pays

572C Escape of petroleum—titleholder’s duty

Scope

(1) This section applies in the event of an escape of petroleum occurring as a result of, or in connection with, a petroleum activity in relation to any of the following titles:
   (a) a petroleum exploration permit;
   (b) a petroleum retention lease;
   (c) a petroleum production licence;
   (d) an infrastructure licence;
   (e) a pipeline licence.

Titleholder’s duty

(2) The registered holder of the title must, in an offshore area, in accordance with the environment plan for the petroleum activity:
   (a) as soon as possible after becoming aware of the escape of petroleum, take all reasonably practicable steps to eliminate or control it; and
(b) clean up the escaped petroleum and remediate any resulting damage to the environment; and
(c) carry out environmental monitoring of the impact of the escape on the environment.

Definitions

(3) In this section:


Note: Environment plans are dealt with in Part 2 of those Regulations.

petroleum activity has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009.

572D Escape of petroleum—reimbursement of NOPSEMA

Scope

(1) This section applies if NOPSEMA considers on reasonable grounds that the registered holder of a title has failed to comply with subsection 572C(2) in relation to an escape of petroleum.

Action taken by NOPSEMA

(2) NOPSEMA may do any or all of the things that NOPSEMA considers, on reasonable grounds, the registered holder of the title has failed to do to comply with subsection 572C(2).

Recovery of costs and expenses incurred by NOPSEMA

(3) Costs or expenses incurred by NOPSEMA in doing any thing under subsection (2) are:

(a) a debt due to NOPSEMA on behalf of the Commonwealth by the registered holder of the title; and
(b) recoverable by NOPSEMA on behalf of the Commonwealth in a court of competent jurisdiction.
Financial assurance, polluter pays and directions  

Schedule 3

Polluter pays  

Part 2

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**572E  Escape of petroleum—reimbursement of responsible Commonwealth Minister**

*Scope*

(1) This section applies if the responsible Commonwealth Minister considers on reasonable grounds that the registered holder of a title has failed to comply with subsection 572C(2) in relation to an escape of petroleum.

*Action taken by responsible Commonwealth Minister*

(2) The responsible Commonwealth Minister may do any or all of the things that he or she considers, on reasonable grounds, the registered holder of the title has failed to do to comply with subsection 572C(2).

*Recovery of costs and expenses incurred by responsible Commonwealth Minister*

(3) Costs or expenses incurred by the responsible Commonwealth Minister in doing any thing under subsection (2) are:

(a) a debt due to the Commonwealth by the registered holder of the title; and

(b) recoverable by the Commonwealth in a court of competent jurisdiction.

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**572F  Escape of petroleum—reimbursement of State or Northern Territory**

*Scope*

(1) This section applies if:

(a) there is an escape of petroleum, in relation to a title, to which subsection 572C(1) applies; and

(b) a State or the Northern Territory (the *relevant jurisdiction*), or an agency or authority acting on behalf of the relevant jurisdiction, incurs reasonable costs or expenses (*recoverable costs or expenses*) in doing any of the following in the land or waters of the relevant jurisdiction:

(i) cleaning up the escaped petroleum;
Schedule 3  Financial assurance, polluter pays and directions

Part 2  Polluter pays

(ii) remediating any resulting damage to the environment;
(iii) carrying out environmental monitoring of the impact of the escape on the environment.

Recovery of costs and expenses incurred by the State or the Northern Territory

(2) The recoverable costs or expenses are:
   (a) a debt due to the relevant jurisdiction (or to the agency or authority acting on behalf of that jurisdiction) by the registered holder of the title; and
   (b) recoverable in a court of competent jurisdiction.

Other rights of action not affected

(3) This section does not affect any other right of action, or other remedy, that the relevant jurisdiction, an agency or authority acting on behalf of that jurisdiction or any other person may have against the registered holder of the title in relation to the escape of petroleum.

Definition

(4) In this section:

land or waters, of the relevant jurisdiction, are:
   (a) land or waters within the limits of the jurisdiction; or
   (b) the eligible coastal waters of the jurisdiction, within the meaning of section 650; or
   (c) the designated coastal waters of the jurisdiction, within the meaning of Part 6.9 (see section 644).

Division 2—Application

10 Application

The amendments made by Division 1 of this Part apply in relation to an escape of petroleum that occurs on or after the commencement of this Part.
Part 3—Directions


11 After section 574A

Insert:

574B 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 this Division 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.

Note: A related title may cover greenhouse gas operations (see the definition of title in subsection (3)).

(3) 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.

12 Subsection 576B(5)

Omit “the offshore area”, substitute “an offshore area”.

13 After section 585

Insert:
585A Remedial directions for petroleum—power to issue directions under different provisions

The power to give a direction under a provision of this Division to a person in relation to a matter does not limit the power of NOPSEMA or the responsible Commonwealth Minister to give a direction to the person in relation to the same (or a different) matter under:

(a) another provision of this Division; or
(b) a provision of Part 6.2 (which deals with petroleum directions).

14 After section 591

Insert:

591A Remedial directions for greenhouse gas—power to issue directions under different provisions

The power to give a direction under a provision of this Division to a person in relation to a matter does not limit the power of the responsible Commonwealth Minister to give a direction to the person in relation to the same (or a different) matter under:

(a) another provision of this Division; or
(b) a provision of Part 6.3 (which deals with greenhouse gas directions).
Schedule 4—Minor amendments

Part 1—Service of documents

Division 1—Amendments

*Offshore Petroleum and Greenhouse Gas Storage Act 2006*

1 Section 7 (paragraph (a) of the definition of *approved*)

   Repeal the paragraph, substitute:
   (a) when used in Chapter 3—means approved in writing by the responsible Commonwealth Minister; or

2 Section 7 (paragraph (g) of the definition of *approved*)

   Omit “; or”.

3 Section 7 (paragraph (h) of the definition of *approved*)

   Repeal the paragraph.

4 Subsection 286A(9) (paragraphs (c) and (e) of the definition of *contact details*)

   Omit “(if any)”.

5 Part 9.6

   Repeal the Part.

6 Paragraphs 775A(2)(a) to (d)

   Repeal the paragraphs.

7 At the end of subsection 775A(2)

   Add:
   ; or (i) a provision of this Act, or a legislative instrument under this Act, that is prescribed by regulation.

8 After section 782

   Insert:

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*Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013*
782A Regulations—service of documents

(1) A regulation (a service regulation) may provide for or in relation to the way in which documents are required or permitted to be given for the purposes of this Act or a legislative instrument under this Act.

Example 1: A service regulation may require or permit documents to be given by email or fax or another form of electronic transmission.

Example 2: If a service regulation requires or permits documents to be given by email transmission, or by prepayment and postage as letters, the regulation may provide for a time at which the documents are taken to be given.

Electronic Transactions Act 1999 overridden

(2) This section, and any service regulations, have effect despite any provision in the Electronic Transactions Act 1999.

9 Paragraph 93(1)(c) of Schedule 3

Repeal the paragraph.

Division 2—Application

10 Application—documents given after commencement of amendments

(1) The amendments made by Division 1 of this Part apply in relation to a document given for the purposes of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (the Offshore Act), or a legislative instrument under that Act, on or after the commencement of this Part.

(2) However, if a document is given for the purposes of the Offshore Act by prepaying and posting the document as a letter, the amendments made by Division 1 of this Part do not apply in relation to the document if it is posted before the commencement of this Part.
Part 2—Standing Council on Energy and Resources

Division 1—Amendments


11 Section 7

Insert:

Ministers responsible for mineral and energy resources matters means a group of Ministers established or recognised by the Council of Australian Governments whose members include Commonwealth, State, Territory and New Zealand Ministers with responsibility for energy and resource matters.

12 Amendments of listed provisions—Ministers responsible for mineral and energy resources matters

Omit “the body known as the Standing Council on Energy and Resources” and substitute “the Ministers responsible for mineral and energy resources matters” in the following provisions:

(a) section 643, paragraph (b) of the definition of Greenhouse Gas Storage Ministerial Council;
(b) subparagraph 654(1)(b)(iv);
(c) paragraph 654(3)(c);
(d) subsection 656(4);
(e) subsection 665(3);
(f) subparagraphs 690(1)(b)(iii) and (3)(b)(iii);
(g) paragraph 695N(2)(e).

Division 2—Transitional

13 Board members

The amendments made by Division 1 of this Part do not affect the continuity of an appointment under section 656 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006.
14 Chief Executive Officer

The amendments made by Division 1 of this Part do not affect the continuity of an appointment under section 665 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*. 

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62 *Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013*
Part 3—Multiple titleholders

Division 1—Amendments


15 Section 775A (heading)
Repeal the heading, substitute:

775A Definitions

Eligible voluntary action

16 At the end of paragraph 775A(1)(d)
Add “or”.

17 After paragraph 775A(1)(d)
Insert:

(e) giving a plan; or
(f) giving an objection;

18 Subsection 775A(1)
Omit “or the responsible Commonwealth Minister”, substitute “, the responsible Commonwealth Minister or NOPSEMA”.

19 At the end of section 775A
Add:

This Act includes a legislative instrument

(3) For the purposes of this Division, this Act includes a legislative instrument under this Act.

20 Paragraph 775D(1)(a)
After “this Act”, insert “, or a legislative instrument under this Act,”.
21 Paragraph 775E(1)(a)  
After “this Act”, insert “, or a legislative instrument under this Act.”.

Division 2—Application

22 Application—amendments of section 775A  
The amendments of section 775A of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by Division 1 of this Part apply in relation to a nomination given to the Titles Administrator under section 775B or 775C of that Act before, on or after the commencement of this item.

23 Application—amendments of sections 775D and 775E  
The amendments of sections 775D and 775E of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by Division 1 of this Part apply in relation to an obligation incurred on or after the commencement of this item.
Part 4—Acting Titles Administrator

Division 1—Amendments


24 Subsection 695C(2)

Repeal the subsection, substitute:

(2) A person is eligible for appointment to act as the Titles Administrator if:
   (a) the person is eligible for appointment as the Titles Administrator; or
   (b) the person is an acting SES employee in the Department.

Division 2—Application

25 Application

The amendment made by Division 1 of this Part applies in relation to appointments under section 695C of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 made on or after the commencement of this Part.
Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history
Endnote 5—Uncommenced amendments
Endnote 6—Modifications
Endnote 7—Misdescribed amendments
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2
The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5
The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.
Endnotes

Endnote 1—About the endnotes

**Modifications—Endnote 6**
If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

**Misdcribed amendments—Endnote 7**
An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

**Miscellaneous—Endnote 8**
Endnote 8 includes any additional information that may be helpful for a reader of the compilation.
Endnotes

Endnote 2—Abbreviation key

ad = added or inserted
am = amended
c = clause(s)
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
exp = expired or ceased to have effect
hdg = heading(s)
LI = Legislative Instrument
LIA = Legislative Instruments Act 2003
mod = modified/modification
No = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s)
/par = paragraph(s)/subparagraph(s)
pres = present
prev = previous
(prev) = previously
Pt = Part(s)
r = regulation(s)/rule(s)
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)

68 Offshore Petroleum and Greenhouse Gas Storage Amendment
(Compliance Measures No. 2) Act 2013
### Endnote 3—Legislation history

<table>
<thead>
<tr>
<th>Act</th>
<th>Number and year</th>
<th>Assent</th>
<th>Commencement</th>
<th>Application, saving and transitional provisions</th>
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<tbody>
<tr>
<td>Offshore Petroleum and Greenhouse Gas Storage Amendment</td>
<td>36, 2013</td>
<td>28 May 2013</td>
<td>See s 2(1)</td>
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<td>(Compliance Measures No. 2) Act 2013</td>
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<td>Statute Law Revision Act (No. 1) 2014</td>
<td>31, 2014</td>
<td>27 May 2014</td>
<td>Sch 2 (item 6): 28 May</td>
<td>2013 (see 2(1) item 7)</td>
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Endnotes

Endnote 4—Amendment history

<table>
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<th>Provision affected</th>
<th>How affected</th>
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<tbody>
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<td>s 2</td>
<td>am No 31, 2014</td>
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70 Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013
Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]