Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Measures) Act 2015

No. 15, 2015

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

Note: An electronic version of this Act is available in ComLaw (http://www.comlaw.gov.au/)
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No. 15, 2015

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

[Assented to 19 March 2015]

The Parliament of Australia enacts:
1 Short title

This Act may be cited as the Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Measures) Act 2015.

2 Commencement

This Act commences on the day after this Act receives the Royal Assent.

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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


1 Subsection 572F(4) (paragraph (b) of the definition of land or waters)
   Repeal the paragraph.

2 Subsection 641(1)
   After “in relation to”, insert “an area in”.

3 Subsection 641(1)
   Omit “those designated coastal waters”, substitute “that area”.

4 Subsection 641(2)
   Omit “those designated coastal waters”, insert “that area”.

5 Section 643 (paragraph (a) of the definition of State PSLA)
   After “that State”, insert “or such other law of that State as is prescribed by the regulations for the purposes of this paragraph”.

6 Section 643 (paragraph (b) of the definition of State PSLA)
   Omit “the Petroleum (Submerged Lands) Act 1982 of that State”, substitute “the Offshore Petroleum and Greenhouse Gas Storage Act 2010 of that State or such other law of that State as is prescribed by the regulations for the purposes of this paragraph”.

7 Section 643 (paragraphs (c), (d), (e) and (f) of the definition of State PSLA)
   After “that State”, insert “or such other law of that State as is prescribed by the regulations for the purposes of this paragraph”.

8 Section 643 (definition of Territory PSLA)
   After “the Northern Territory”, insert “or such other law of the Northern Territory as is prescribed by the regulations for the purposes of this paragraph”.

Schedule 1  Designated coastal waters etc.

9 Section 643 (note at the end of the definition of Territory PSLA)

Repeal the note.

10 Section 644

Repeal the section, substitute:

644 Designated coastal waters

For the purposes of this Part, *designated coastal waters*, in relation to a State or the Northern Territory, means so much of the scheduled area for the State or Territory as consists of any waters of the sea that are on the landward side of the offshore area of the State or Territory.

11 Subparagraph 646(e)(i)

After “storage operations”, insert “in Commonwealth waters”.

12 At the end of section 646

Add:

Note 1: For a limitation on the conferral of the functions referred to in paragraphs (b), (gi) and (gj), see subsection 646A(1A).

Note 2: For a limitation on the conferral of the functions referred to in paragraph (gb), see subsection 646A(1B).

13 Before subsection 646A(1)

Insert:

(1A) A State PSLA or the Territory PSLA must not confer functions on NOPSEMA in connection with operations in waters of the sea within the limits of the State or Territory unless:

(a) the operations are carried on by a constitutional corporation; or

(b) the operations relate to vessels, structures or other things that are owned or controlled, or that are being constructed, operated or decommissioned, by a constitutional corporation.

(1B) A State PSLA or the Territory PSLA must not confer functions on NOPSEMA in relation to the structural integrity of facilities, wells

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or well-related equipment located in waters of the sea within the limits of the State or Territory unless the facilities, wells or well-related equipment:
(a) are owned or controlled by a constitutional corporation; or
(b) are being constructed, operated or decommissioned, by a constitutional corporation.

14 **Subsection 649(1)**
Omit “(1)”.

15 **Subsection 649(1)**
Omit “(other than section 650)”.

16 **Subsection 649(2)**
Repeal the subsection.

17 **Subparagraphs 650(1)(c)(iii) and (iv)**
Repeal the subparagraphs, substitute:
(iii) land, or waters (not being designated coastal waters), within the limits of the State or Territory; or

18 **Paragraph 650(1)(d)**
Omit “if subparagraph (c)(iii) applies”, substitute “if the services are to be provided on land that is, or in waters that are, within the limits of the State or Territory”.

19 **Subsection 650(1) (note)**
Repeal the note.

20 **Subsection 650(2)**
Repeal the subsection.

21 **Subsection 650(6)**
Omit all the words after “do not apply”, substitute “in relation to a power conferred by subsection (1) or (3) of this section”.

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Schedule 1  Designated coastal waters etc.

22 Subsection 650(6A)
Omit all the words after “include information”, substitute “about a service provided under a contract mentioned in subsection (1) or (3) of this section”.

23 Subsection 650(7) (definition of eligible coastal waters)
Repeal the definition.

24 After subsection 678(1)
Insert:

(1A) The corporate plan must include details of an analysis of risk factors in respect of the matters referred to in paragraphs (1)(a), (b) and (c) only to the extent that NOPSEMA has functions in relation to those matters.
Schedule 2—Multiple titleholders

Part 1—Amendments


1 Subsection 775A(1)
Omit “eligible voluntary action means:”, substitute “each of the following actions is an eligible voluntary action if the action is permitted, but not required, to be taken under this Act:”.

2 Subsection 775A(1)
Omit “, where the application, nomination, request or notice is permitted, but not required, to be made or given under this Act”.

3 Paragraph 775B(4)(d)
Omit “application, nomination, request or notice to which the eligible voluntary action relates is expressed to be made or given, as the case may be,”, substitute “eligible voluntary action is expressed to be taken”.

4 Subsection 775B(4)
Omit “application, nomination, request or notice to which the eligible voluntary action relates were made or given, as the case may be,,”, substitute “eligible voluntary action were taken”.

5 Subsection 775B(5)
Repeal the subsection, substitute:

(5) The registered holders are not entitled to take an eligible voluntary action except:

(a) in accordance with subsection (4); or
(b) by taking the action jointly.

6 After subsection 775B(6)
Insert:

(6A) If a registered holder of a petroleum title revokes a nomination under subsection (6), that registered holder must give written
notice of the revocation to each of the other registered holders as soon as practicable after the revocation.

7 After subsection 775B(7)
Insert:

_Effect of cessation in force of nomination_

(7A) If the nomination of a registered holder of a petroleum title ceases to be in force under subsection (6) or (7), the cessation in force of the nomination does not affect the validity of an eligible voluntary action taken by the registered holder (or former registered holder) before the nomination ceases to be in force.

8 Paragraph 775C(4)(d)
Omit “application, nomination, request or notice to which the eligible voluntary action relates is expressed to be made or given, as the case may be,”, substitute “eligible voluntary action is expressed to be taken”.

9 Subsection 775C(4)
Omit “application, nomination, request or notice to which the eligible voluntary action relates were made or given, as the case may be,”, substitute “eligible voluntary action were taken”.

10 Subsection 775C(5)
Repeal the subsection, substitute:

(5) The registered holders are not entitled to take an eligible voluntary action except:
(a) in accordance with subsection (4); or
(b) by taking the action jointly.

11 After subsection 775C(6)
Insert:

(6A) If a registered holder of a greenhouse gas title revokes a nomination under subsection (6), that registered holder must give written notice of the revocation to each of the other registered holders as soon as practicable after the revocation.
12 After subsection 775C(7)

Insert:

*Effect of cessation in force of nomination*

(7A) If the nomination of a registered holder of a greenhouse gas title ceases to be in force under subsection (6) or (7), the cessation in force of the nomination does not affect the validity of an eligible voluntary action taken by the registered holder (or former registered holder) before the nomination ceases to be in force.
13 Definition

In this Part:


14 Application—multiple titleholder amendments

(1) The amendments of sections 775A and 775B of the Offshore Act made by Part 1 of this Schedule apply in relation to:

   (a) the cessation in force of a nomination of a registered holder of a petroleum title under section 775B of the Offshore Act on or after the commencement of this Schedule; and

   (b) an eligible voluntary action taken by a registered holder of a petroleum title on behalf of the registered holders of the title before, on or after the commencement of this Schedule.

(2) The amendments of sections 775A and 775C of the Offshore Act made by Part 1 of this Schedule apply in relation to:

   (a) the cessation in force of a nomination of a registered holder of a greenhouse gas title under section 775C of the Offshore Act on or after the commencement of this Schedule; and

   (b) an eligible voluntary action taken by a registered holder of a greenhouse gas title on behalf of the registered holders of the title before, on or after the commencement of this Schedule.