



Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009

Statutory Rules No. 228, 1999 as amended

made under the

Offshore Petroleum and Greenhouse Gas Storage Act 2006

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About this compilation

This compilation

This is a compilation of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* as in force on 1 October 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 1 October 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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Part 1—Preliminary

1 Name of Regulations

These Regulations are the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

2 Commencement

These Regulations commence on 1 October 1999.

3 Object of Regulations

The object of these Regulations is to ensure that any petroleum activity or greenhouse gas activity carried out in an offshore area is:

- (a) carried out in a manner consistent with the principles of ecologically sustainable development set out in section 3A of the EPBC Act; and
- (b) carried out in a manner by which the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable; and
- (c) carried out in a manner by which the environmental impacts and risks of the activity will be of an acceptable level.

4 Definitions

In these Regulations, unless the contrary intention appears:

accepted offshore project proposal means an offshore project proposal that has been accepted by the Regulator under regulation 5D.

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

activity means a petroleum activity or a greenhouse gas activity.

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control measure means a system, an item of equipment, a person or a procedure, that is used as a basis for managing environmental impacts and risks.

environment means:

- (a) ecosystems and their constituent parts, including people and communities; and
 - (b) natural and physical resources; and
 - (c) the qualities and characteristics of locations, places and areas; and
 - (d) the heritage value of places;
- and includes
- (e) the social, economic and cultural features of the matters mentioned in paragraphs (a), (b), (c) and (d).

environmental impact means any change to the environment, whether adverse or beneficial, that wholly or partially results from an activity.

environmental management system includes the responsibilities, practices, processes and resources used to manage the environmental aspects of an activity.

environmental performance means the performance of a titleholder in relation to the environmental performance outcomes and standards mentioned in an environment plan.

environmental performance outcome means a measurable level of performance required for the management of environmental aspects of an activity to ensure that environmental impacts and risks will be of an acceptable level.

environmental performance standard means a statement of the performance required of a control measure.

Environment Minister means the Minister administering section 1 of the EPBC Act.

environment plan means the document known as an environment plan that is submitted to the Regulator under regulation 9.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999*.

facility includes a structure or installation of any kind.

greenhouse gas activity means operations or works in an offshore area undertaken for the purpose of:

- (a) exercising a right conferred on a greenhouse gas titleholder under the Act by a greenhouse gas title; or
- (b) discharging an obligation imposed on a greenhouse gas titleholder by the Act or a legislative instrument under the Act.

greenhouse gas title means any of the following:

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

greenhouse gas titleholder means any of the following:

- (a) a greenhouse gas assessment permittee;
- (b) a greenhouse gas holding lessee;
- (c) a greenhouse gas injection licensee;
- (d) a registered holder of a greenhouse gas search authority;
- (e) a registered holder of a greenhouse gas special authority;
- (f) a holder of a greenhouse gas research consent.

in force, in relation to an environment plan, including a revised environment plan, means that:

- (a) the plan has been accepted; and
- (b) the acceptance of the plan has not been withdrawn; and
- (c) the operation of the plan has not ended.

offshore project means one or more activities that are undertaken for the purpose of the recovery of petroleum, other than on an appraisal basis, including any conveyance of recovered petroleum

Regulation 4

by pipeline (whether or not the activity is undertaken for other purposes).

Note: See Part 1A.

offshore project proposal means the document known as an offshore project proposal that is submitted to the Regulator under regulation 5A or subregulation 5F(2).

petroleum activity means operations or works in an offshore area undertaken for the purpose of:

- (a) exercising a right conferred on a petroleum titleholder under the Act by a petroleum title; or
- (b) discharging an obligation imposed on a petroleum titleholder by the Act or a legislative instrument under the Act.

petroleum title means any of the following:

- (a) a petroleum exploration permit;
- (b) a petroleum retention lease;
- (c) a petroleum production licence;
- (d) a pipeline licence;
- (e) an infrastructure licence;
- (f) a petroleum access authority;
- (g) a petroleum special prospecting authority;
- (h) a petroleum scientific investigation consent.

petroleum titleholder means any of the following:

- (a) a petroleum exploration permittee;
- (b) a petroleum retention lessee;
- (c) a petroleum production licensee;
- (d) a pipeline licensee;
- (e) an infrastructure licensee;
- (f) the registered holder of a petroleum access authority;
- (g) the registered holder of a petroleum special prospecting authority;
- (h) the holder of a petroleum scientific investigation consent.

proponent means a person who submits an offshore project proposal to the Regulator.

recordable incident, for an activity, means a breach of an environmental performance outcome or environmental performance standard, in the environment plan that applies to the activity, that is not a reportable incident.

Regulator means:

- (a) in relation to a petroleum activity—NOPSEMA; or
- (b) in relation to a greenhouse gas storage activity—the responsible Commonwealth Minister.

reportable incident, for an activity, means an incident relating to the activity that has caused, or has the potential to cause, moderate to significant environmental damage.

revise, for an environment plan, includes extend or modify.

the regulations means regulations (including these Regulations) made under the Act.

titleholder means:

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

5 References to an activity

A reference in these Regulations to an activity includes, where the context permits, a reference to:

- (a) a proposed activity; and
- (b) any stage of an activity.

Part 1A—Offshore project proposals

5A Submission of an offshore project proposal

- (1) Before commencing an offshore project, a person must submit an offshore project proposal for the project to the Regulator.
- (2) However, subregulation (1) does not apply if the Environment Minister:
 - (a) has made a decision under section 75 of the EPBC Act that an action that is equivalent to or includes the project is not a controlled action; or
 - (b) has made a component decision under section 77A of the EPBC Act that a particular provision of Part 3 of that Act is not a controlling provision for an action that is equivalent to or includes the project, because the Minister believes the action will be taken in a particular manner; or
 - (c) has approved, under Part 9 of the EPBC Act, the taking of an action that is equivalent to or includes the project.
- (3) For paragraph (2)(c), despite section 146D of the EPBC Act an approval by the Environment Minister under section 146B of that Act is not taken to be an approval under Part 9 of that Act of the taking of an action.

Note 1: An environment plan for an activity that is, or is part of, an offshore project may be submitted only if there is an accepted offshore project proposal or a decision from the Environment Minister—see subregulation 9(3).

Note 2: A fee is payable for considering the proposal—see regulation 32.
- (4) The proposal must be in writing.
- (5) The proposal must:
 - (a) include the proponent's name and contact details; and
 - (b) include a summary of the project, including the following:
 - (i) a description of each activity that is part of the project;
 - (ii) the location or locations of each activity;

Regulation 5A

- (iii) a proposed timetable for carrying out the project;
 - (iv) a description of the facilities that are proposed to be used to undertake each activity;
 - (v) a description of the actions proposed to be taken, following completion of the project, in relation to those facilities; and
- (c) describe the existing environment that may be affected by the project; and
 - (d) include details of the particular relevant values and sensitivities (if any) of that environment; and
 - (e) set out the environmental performance outcomes for the project; and
 - (f) describe any feasible alternative to the project, or an activity that is part of the project, including:
 - (i) a comparison of the environmental impacts and risks arising from the project or activity and the alternative; and
 - (ii) an explanation, in adequate detail, of why the alternative was not preferred.

Note: A proposal will not be suitable for publication and will not be capable of being accepted by the Regulator if an activity or part of an activity will be undertaken in any part of a declared World Heritage property—see regulations 5C and 5D.

- (6) Without limiting paragraph (5)(d), particular relevant values and sensitivities may include any of the following:
 - (a) the world heritage values of a declared World Heritage property within the meaning of the EPBC Act;
 - (b) the national heritage values of a National Heritage place within the meaning of that Act;
 - (c) the ecological character of a declared Ramsar wetland within the meaning of that Act;
 - (d) the presence of a listed threatened species or listed threatened ecological community within the meaning of that Act;
 - (e) the presence of a listed migratory species within the meaning of that Act;

Regulation 5B

- (f) any values and sensitivities that exist in, or in relation to, part or all of:
 - (i) a Commonwealth marine area within the meaning of that Act; or
 - (ii) Commonwealth land within the meaning of that Act.
- (7) The proposal must:
 - (a) describe the requirements, including legislative requirements, that apply to the project and are relevant to the environmental management of the project; and
 - (b) describe how those requirements will be met.
- (8) The proposal must include:
 - (a) details of the environmental impacts and risks for the project; and
 - (b) an evaluation of all the impacts and risks, appropriate to the nature and scale of each impact or risk.

5B Further information

- (1) If a proponent submits an offshore project proposal, the Regulator may request the proponent to provide further written information about any matter required by regulation 5A to be included in the proposal.
- (2) The request must:
 - (a) be in writing; and
 - (b) set out each matter for which information is requested; and
 - (c) specify a reasonable period within which the information is to be provided.
- (3) If a proponent receives a request, and provides information requested by the Regulator within the period specified or within a longer period agreed to by the Regulator:
 - (a) the information becomes part of the proposal; and
 - (b) the Regulator must have regard to the information as if it had been included in the submitted proposal.

5C Suitability of offshore project proposal for publication

- (1) Within 30 days after a proponent submits an offshore project proposal:
 - (a) if the Regulator is reasonably satisfied that the proposal meets the criteria set out in subregulation (2), the Regulator must decide that the proposal is suitable for publication; or
 - (b) if the Regulator is not reasonably satisfied that the proposal meets the criteria set out in subregulation (2), the Regulator must decide that the proposal is not suitable for publication; or
 - (c) if the Regulator is unable to make a decision on the proposal within the 30 day period, the Regulator must give the proponent notice in writing and set out a proposed timetable for consideration of the proposal.
- (2) For subregulation (1), the criteria for a proposal being suitable for publication are that the proposal:
 - (a) appropriately identifies and evaluates the environmental impacts and risks of the project; and
 - (b) sets out environmental performance outcomes that are:
 - (i) consistent with the principles of ecologically sustainable development; and
 - (ii) relevant to the identified environmental impacts and risks for the project; and
 - (c) does not involve an activity or part of an activity being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act; and
 - (d) sufficiently addresses the matters required by regulation 5A.
- (3) If the Regulator decides that the offshore project proposal is suitable for publication, the Regulator must, as soon as practicable:
 - (a) publish the proposal on the Regulator's website; and
 - (b) publish in the same place a notice:
 - (i) inviting the public to comment on the proposal; and
 - (ii) specifying a period of at least 4 weeks for giving comments; and

Regulation 5D

- (iii) explaining how to give comments.
- (4) If the Regulator decides that the offshore project proposal is not suitable for publication, the Regulator must notify the proponent, in writing, of the decision as soon as practicable.
- (5) A decision by the Regulator that the proposal is, or is not, suitable for publication is not invalid only because the Regulator did not comply with the 30 day period in subregulation (1) in relation to the proposal.

5D Actions after publication of offshore project proposal

- (1) As soon as practicable after the end of the period of public comment for an offshore project proposal mentioned in subparagraph 5C(3)(b)(ii), the proponent:
 - (a) may alter the content of the proposal; and
 - (b) must give the Regulator another copy of the proposal (whether or not the proponent has altered its content); and
 - (c) must include with the copy of the proposal:
 - (i) a summary of all comments received; and
 - (ii) an assessment of the merits of each objection or claim about the project or any activity that is part of the project; and
 - (iii) a statement of the proponent's response or proposed response to each objection or claim, including a demonstration of the changes, if any, that have been made to the proposal as a result of an objection or claim.
- (2) If the proponent gives the Regulator a copy of the proposal as described in paragraph (1)(b), the Regulator may request the proponent to provide further written information about:
 - (a) any matter required by regulation 5A to be included in the proposal; or
 - (b) any matter required by paragraph (1)(c) to be included with a copy of the proposal.

Regulation 5D

- (3) The request must:
 - (a) be in writing; and
 - (b) set out each matter for which information is requested; and
 - (c) specify a reasonable period within which the information is to be provided.

- (4) If the proponent receives a request, and provides information requested by the Regulator within the period specified or within a longer period agreed to by the Regulator:
 - (a) if the information is about a matter required by regulation 5A to be included in the proposal—the information becomes part of the proposal and the Regulator must have regard to the information as if it had been included in the submitted proposal; and
 - (b) if the information is about a matter required by paragraph (1)(c) to be included with a copy of the proposal—the Regulator must have regard to the information as if it had been so included.

- (5) Within 30 days after the proponent gives the Regulator a copy of the proposal as described in paragraph (1)(b):
 - (a) if the Regulator is reasonably satisfied that the proposal meets the criteria set out in subregulation (6), the Regulator must accept the proposal; or
 - (b) if the Regulator is not reasonably satisfied that the proposal meets the criteria set out in subregulation (6), the Regulator must refuse to accept the proposal; or
 - (c) if the Regulator is unable to make a decision on the proposal within the 30 day period, the Regulator must give the proponent notice in writing and set out a proposed timetable for consideration of the proposal.

- (6) For subregulation (5), the criteria are that the proposal:
 - (a) adequately addresses comments given during the period for public comment; and
 - (b) is appropriate for the nature and scale of the project; and
 - (c) appropriately identifies and evaluates the environmental impacts and risks of the project; and

Regulation 5E

- (d) sets out appropriate environmental performance outcomes that:
 - (i) are consistent with the principles of ecologically sustainable development; and
 - (ii) demonstrate that the environmental impacts and risks of the project will be managed to an acceptable level; and
 - (e) does not involve an activity or part of an activity being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act.
- (7) If the Regulator accepts the proposal, the Regulator must, within 10 days after making the decision, publish the accepted proposal on the Regulator's website.
 - (8) If the Regulator refuses to accept the proposal, the Regulator must, as soon as practicable:
 - (a) notify the proponent, in writing, of the decision; and
 - (b) publish a notice on the Regulator's website setting out the decision and the reasons for it.
 - (9) A decision by the Regulator to accept, or refuse to accept, the proposal is not invalid only because the Regulator did not comply with the 30 day period in subregulation (5) in relation to the proposal.

5E Withdrawal of offshore project proposal

- (1) A proponent may, by notice in writing, withdraw a submitted offshore project proposal at any time before the Regulator has made a decision to accept or refuse to accept the proposal.
- (2) If a proponent withdraws a proposal after it has been published on the Regulator's website, the Regulator must publish on the website a notice that the proposal has been withdrawn.

5F Use of the offshore project proposal system for other activities

- (1) This regulation applies to an activity that a person proposes to commence for at least one of the following purposes (whether or not the activity is undertaken for other purposes):
 - (a) exploration for petroleum;
 - (b) recovering petroleum on an appraisal basis;
 - (c) exploration for a potential greenhouse gas storage formation;
 - (d) exploration for a potential greenhouse gas injection site;
 - (e) injecting or storing, on an appraisal basis, a greenhouse gas substance in a part of a geological formation;
 - (f) injecting or permanently storing a greenhouse gas substance into an identified greenhouse gas storage formation;
 - (g) the conveyance of a greenhouse gas substance by pipeline;
 - (h) decommissioning a facility, a petroleum pipeline or a greenhouse gas pipeline.
- (2) If a person wishes to use the arrangements in this Part for one or more activities to which this regulation applies, the person may:
 - (a) prepare an offshore project proposal for the activity or activities as if they were an offshore project; and
 - (b) submit the proposal to the Regulator.
- (3) If a person submits an offshore project proposal to the Regulator under subregulation (2):
 - (a) subregulations 5A(4) to (8), regulations 5B to 5E and regulation 32 apply as if the activity or activities were an offshore project; but
 - (b) the activity or activities are not otherwise to be treated as an offshore project.

Part 2—Environment plans

Division 2.1—Requirement for an environment plan

6 Accepted environment plan required for an activity

- (1) A titleholder commits an offence if:
 - (a) the titleholder undertakes an activity; and
 - (b) there is no environment plan in force for the activity.

Penalty: 80 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

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

- (2) This regulation does not affect any other requirement under the regulations for a consent to construct or install, or a consent to use, a facility.

Note: The term ‘the regulations’ is defined in regulation 4 to mean ‘...regulations (including these Regulations) made under the Act’.

7 Operations must comply with the accepted environment plan

- (1) A titleholder must not undertake an activity in a way that is contrary to:
 - (a) the environment plan in force for the activity; or
 - (b) any limitation or condition applying to operations for the activity under these Regulations.

Penalty: 80 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

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

- (2) Subregulation (1) does not apply in relation to an activity if the titleholder has the consent in writing of the Regulator to undertake the activity in that way.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (2)—see subsection 13.3(3) of the *Criminal Code*.

- (3) The Regulator must not give a consent under subregulation (2) unless there are reasonable grounds for believing that the way in which the activity is to be carried out will not result in the occurrence of any significant new environmental impact or risk, or significant increase in any existing environmental impact or risk.

8 Operations must not continue if new or increased environmental risk identified

- (1) A titleholder commits an offence if:
- (a) the titleholder undertakes an activity after the occurrence of:
 - (i) any significant new environmental impact or risk arising from the activity; or
 - (ii) any significant increase in an existing environmental impact or risk arising from the activity; and
 - (b) the new impact or risk, or increase in the impact or risk, is not provided for in the environment plan in force for the activity.

Penalty: 80 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

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

- (2) Subregulation (1) does not apply in relation to an activity if the titleholder submits a proposed revision of the environment plan in force for the activity in accordance with subregulation 17(6) and the Regulator has not refused to accept the revision.

Note 1: Under subregulation 17(6), the titleholder is required to submit a proposed revision of the environment plan before, or as soon as practicable after, the occurrence of a significant new, or significantly increased, environmental impact or risk.

Note 2: A defendant bears an evidential burden in relation to the matter in subregulation (2)—see subsection 13.3(3) of the *Criminal Code*.

Division 2.2—Acceptance of an environment plan

9 Submission of an environment plan

- (1) Before commencing an activity, a titleholder must submit an environment plan for the activity to the Regulator.
- (2) An applicant for a petroleum access authority, petroleum special prospecting authority, pipeline licence, greenhouse gas search authority or greenhouse gas special authority:
 - (a) may submit an environment plan for an activity under the authority or licence to the Regulator; and
 - (b) is taken to be a titleholder for the purposes of this Division and Divisions 2.2A and 2.3.

Submission of plan for offshore project

- (3) However, a titleholder (or an applicant for a title) may submit an environment plan for an activity that is, or is part of, an offshore project only if:
 - (a) the Regulator has accepted an offshore project proposal that includes that activity; or
 - (b) the Environment Minister:
 - (i) has made a decision under section 75 of the EPBC Act that an action that is equivalent to or includes the activity is not a controlled action; or
 - (ii) has made a component decision under section 77A of the EPBC Act that a particular provision of Part 3 of that Act is not a controlling provision for an action that is equivalent to or includes the activity, because the Minister believes the action will be taken in a particular manner; or
 - (iii) has approved, under Part 9 of the EPBC Act, the taking of an action that is equivalent to or includes the activity.
- (4) If a titleholder (or an applicant for a title) submits an environment plan for an activity in contravention of subregulation (3), the plan is taken not to have been submitted.

Regulation 9

- (5) For subparagraph (3)(b)(iii), despite section 146D of the EPBC Act an approval by the Environment Minister under section 146B of that Act is not taken to be an approval under Part 9 of that Act of the taking of an action.

Form of environment plan

- (6) An environment plan must be in writing.
- (7) An environment plan may, if the Regulator approves, relate to:
- (a) one or more stages of an activity; or
 - (b) a specified activity in one or more identified locations specified in the plan; or
 - (c) more than one activity; or
 - (d) an activity or activities to be undertaken under 2 or more titles held by different titleholders.

Publication of information

- (8) If an environment plan is submitted to the Regulator, the Regulator must, as soon as practicable, publish on the Regulator's website:
- (a) the name of the titleholder; and
 - (b) a description of the activity or stage of the activity to which the environment plan relates; and
 - (c) the location of the activity; and
 - (d) a link or other reference to the place where the accepted offshore project proposal (if any) is published; and
 - (e) details of the titleholder's nominated liaison person for the activity; and
 - (f) the decision (if any) made by the Regulator in relation to the environment plan.

Withdrawal

- (9) A titleholder may, by notice in writing, withdraw a submitted environment plan at any time before the Regulator has made a decision to accept or refuse to accept the plan.

Regulation 9A

- (10) If an environment plan is withdrawn, the Regulator must publish a notice on the Regulator's website.

9A Further information

- (1) If a titleholder submits an environment plan, the Regulator may request the titleholder to provide further written information about any matter required by these Regulations to be included in an environment plan.
- (2) The request must:
- (a) be in writing; and
 - (b) set out each matter for which information is requested; and
 - (c) specify a reasonable period within which the information is to be provided.
- (3) If a titleholder receives a request, and provides information requested by the Regulator within the period specified or within a longer period agreed to by the Regulator:
- (a) the information becomes part of the environment plan; and
 - (b) the Regulator must have regard to the information as if it had been included in the submitted environment plan.

10 Making decision on submitted environment plan

- (1) Within 30 days after a titleholder submits an environment plan:
- (a) if the Regulator is reasonably satisfied that the environment plan meets the criteria set out in regulation 10A, the Regulator must accept the plan; or
 - (b) if the Regulator is not reasonably satisfied that the environment plan meets the criteria set out in regulation 10A, the Regulator must give the titleholder notice in writing under subregulation (2); or
 - (c) if the Regulator is unable to make a decision on the environment plan within the 30 day period, the Regulator must give the titleholder notice in writing and set out a proposed timetable for consideration of the plan.

Regulation 10

- (2) A notice to a titleholder under this subregulation must:
 - (a) state that the Regulator is not reasonably satisfied that the environment plan submitted by the titleholder meets the criteria set out in regulation 10A; and
 - (b) identify the criteria set out in regulation 10A about which the Regulator is not reasonably satisfied; and
 - (c) set a date by which the titleholder may resubmit the plan.
- (3) The date referred to in paragraph (2)(c) must give the titleholder a reasonable opportunity to modify and resubmit the plan.
- (4) Within 30 days after the titleholder has resubmitted the modified plan:
 - (a) if the Regulator is reasonably satisfied that the environment plan meets the criteria set out in regulation 10A, the Regulator must accept the plan; or
 - (b) if the Regulator is still not reasonably satisfied that the environment plan meets the criteria set out in regulation 10A, the Regulator must:
 - (i) give the titleholder a further notice under subregulation (2); or
 - (ii) refuse to accept the plan; or
 - (iii) act under subregulation (6); or
 - (c) if the Regulator is unable to make a decision on the environment plan within the 30 day period, the Regulator must give the titleholder notice in writing and set out a proposed timetable for consideration of the plan.
- (5) If the titleholder does not resubmit the plan by the date referred to in paragraph (2)(c), or a later date agreed to by the Regulator, the Regulator must:
 - (a) refuse to accept the plan; or
 - (b) act under subregulation (6).
- (6) For subparagraph (4)(b)(iii) and paragraph (5)(b), the Regulator may do either or both of the following:
 - (a) accept the plan in part for a particular stage of the activity;

Regulation 10A

- (b) accept the plan subject to limitations or conditions applying to operations for the activity.
- (7) A decision by the Regulator to accept, or refuse to accept, an environment plan is not invalid only because the Regulator did not comply with the 30 day period in subregulation (1) or (4).

10A Criteria for acceptance of environment plan

For regulation 10, the criteria for acceptance of an environment plan are that the plan:

- (a) is appropriate for the nature and scale of the activity; and
- (b) demonstrates that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable; and
- (c) demonstrates that the environmental impacts and risks of the activity will be of an acceptable level; and
- (d) provides for appropriate environmental performance outcomes, environmental performance standards and measurement criteria; and
- (e) includes an appropriate implementation strategy and monitoring, recording and reporting arrangements; and
- (f) does not involve the activity or part of the activity, other than arrangements for environmental monitoring or for responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act; and
- (g) demonstrates that:
 - (i) the titleholder has carried out the consultations required by Division 2.2A; and
 - (ii) the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate; and
- (h) complies with the Act and the regulations.

11 Notice of decision on environment plan and submission of summary

- (1) The Regulator must give the titleholder notice in writing of a decision by the Regulator to:
 - (a) accept the environment plan; or
 - (b) refuse to accept the plan; or
 - (c) accept the plan in part for a particular stage of the activity, or subject to limitations or conditions.
- (2) A notice of a decision mentioned in paragraph (1)(b) or (c) must set out:
 - (a) the terms of the decision and the reasons for it; and
 - (b) any limitations or conditions that are to apply to operations for the activity.
- (3) Within 10 days after receiving notice that the Regulator has accepted an environment plan (whether in full, in part or subject to limitations or conditions), the titleholder must submit a summary of the accepted plan to the Regulator for public disclosure.
- (4) The summary:
 - (a) must include the following material from the environment plan:
 - (i) the location of the activity;
 - (ii) a description of the receiving environment;
 - (iii) a description of the activity;
 - (iv) details of environmental impacts and risks;
 - (v) a summary of the control measures for the activity;
 - (vi) a summary of the arrangements for ongoing monitoring of the titleholder's environmental performance;
 - (vii) a summary of the response arrangements in the oil pollution emergency plan;
 - (viii) details of consultation already undertaken, and plans for ongoing consultation;

Part 2 Environment plans

Division 2.2 Acceptance of an environment plan

Regulation 11

- (ix) details of the titleholder's nominated liaison person for the activity; and
- (b) must be to the satisfaction of the Regulator.

Division 2.2A—Consultation

11A Consultation with relevant authorities, persons and organisations, etc

- (1) In the course of preparing an environment plan, or a revision of an environment plan, a titleholder must consult each of the following (a *relevant person*):
 - (a) each Department or agency of the Commonwealth to which the activities to be carried out under the environment plan, or the revision of the environment plan, may be relevant;
 - (b) each Department or agency of a State or the Northern Territory to which the activities to be carried out under the environment plan, or the revision of the environment plan, may be relevant;
 - (c) the Department of the responsible State Minister, or the responsible Northern Territory Minister;
 - (d) a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the environment plan, or the revision of the environment plan;
 - (e) any other person or organisation that the titleholder considers relevant.
- (2) For the purpose of the consultation, the titleholder must give each relevant person sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant person.
- (3) The titleholder must allow a relevant person a reasonable period for the consultation.

Division 2.3—Contents of an environment plan

12 Contents of an environment plan

An environment plan for an activity must include the matters set out in regulations 13, 14, 15 and 16.

13 Environmental assessment

Description of the activity

- (1) The environment plan must contain a comprehensive description of the activity including the following:
 - (a) the location or locations of the activity;
 - (b) general details of the construction and layout of any facility;
 - (c) an outline of the operational details of the activity (for example, seismic surveys, exploration drilling or production) and proposed timetables;
 - (d) any additional information relevant to consideration of environmental impacts and risks of the activity.

Note: An environment plan will not be capable of being accepted by the Regulator if an activity or part of the activity, other than arrangements for environmental monitoring or for responding to an emergency, will be undertaken in any part of a declared World Heritage property—see regulation 10A.

Description of the environment

- (2) The environment plan must:
 - (a) describe the existing environment that may be affected by the activity; and
 - (b) include details of the particular relevant values and sensitivities (if any) of that environment.

Note: The definition of *environment* in regulation 4 includes its social, economic and cultural features.

- (3) Without limiting paragraph (2)(b), particular relevant values and sensitivities may include any of the following:

Regulation 13

- (a) the world heritage values of a declared World Heritage property within the meaning of the EPBC Act;
- (b) the national heritage values of a National Heritage place within the meaning of that Act;
- (c) the ecological character of a declared Ramsar wetland within the meaning of that Act;
- (d) the presence of a listed threatened species or listed threatened ecological community within the meaning of that Act;
- (e) the presence of a listed migratory species within the meaning of that Act;
- (f) any values and sensitivities that exist in, or in relation to, part or all of:
 - (i) a Commonwealth marine area within the meaning of that Act; or
 - (ii) Commonwealth land within the meaning of that Act.

Requirements

- (4) The environment plan must:
 - (a) describe the requirements, including legislative requirements, that apply to the activity and are relevant to the environmental management of the activity; and
 - (b) demonstrate how those requirements will be met.

Evaluation of environmental impacts and risks

- (5) The environment plan must include:
 - (a) details of the environmental impacts and risks for the activity; and
 - (b) an evaluation of all the impacts and risks, appropriate to the nature and scale of each impact or risk; and
 - (c) details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable and an acceptable level.
- (6) To avoid doubt, the evaluation mentioned in paragraph (5)(b) must evaluate all the environmental impacts and risks arising directly or indirectly from:

Regulation 14

- (a) all operations of the activity; and
- (b) potential emergency conditions, whether resulting from accident or any other reason.

Environmental performance outcomes and standards

- (7) The environment plan must:
 - (a) set environmental performance standards for the control measures identified under paragraph (5)(c); and
 - (b) set out the environmental performance outcomes against which the performance of the titleholder in protecting the environment is to be measured; and
 - (c) include measurement criteria that the titleholder will use to determine whether each environmental performance outcome and environmental performance standard is being met.

14 Implementation strategy for the environment plan

- (1) The environment plan must contain an implementation strategy for the activity in accordance with this regulation.
- (2) The implementation strategy must:
 - (a) state when the titleholder will report to the Regulator in relation to the titleholder's environmental performance for the activity; and
 - (b) provide that the interval between reports will not be more than 1 year.

Note: Regulation 26C requires a titleholder to report on environmental performance in accordance with the timetable set out in the environment plan.

- (3) The implementation strategy must contain a description of the environmental management system for the activity, including specific measures to be used to ensure that, for the duration of the activity:
 - (a) the environmental impacts and risks of the activity continue to be identified and reduced to a level that is as low as reasonably practicable; and

- (b) control measures detailed in the environment plan are effective in reducing the environmental impacts and risks of the activity to as low as reasonably practicable and an acceptable level; and
 - (c) environmental performance outcomes and standards set out in the environment plan are being met.
- (4) The implementation strategy must establish a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management and review of the environment plan, including during emergencies or potential emergencies.
 - (5) The implementation strategy must include measures to ensure that each employee or contractor working on, or in connection with, the activity is aware of his or her responsibilities in relation to the environment plan, including during emergencies or potential emergencies, and has the appropriate competencies and training.
 - (6) The implementation strategy must provide for sufficient monitoring, recording, audit, management of nonconformance and review of the titleholder's environmental performance and the implementation strategy to ensure that the environmental performance outcomes and standards in the environment plan are being met.
 - (7) The implementation strategy must provide for sufficient monitoring of, and maintaining a quantitative record of, emissions and discharges (whether occurring during normal operations or otherwise), such that the record can be used to assess whether the environmental performance outcomes and standards in the environment plan are being met.
 - (8) The implementation strategy must contain an oil pollution emergency plan and provide for the updating of the plan.
 - (8AA) The oil pollution emergency plan must include adequate arrangements for responding to and monitoring oil pollution, including the following:

Regulation 14

- (a) the control measures necessary for timely response to an emergency that results or may result in oil pollution;
 - (b) the arrangements and capability that will be in place, for the duration of the activity, to ensure timely implementation of the control measures, including arrangements for ongoing maintenance of response capability;
 - (c) the arrangements and capability that will be in place for monitoring the effectiveness of the control measures and ensuring that the environmental performance standards for the control measures are met;
 - (d) the arrangements and capability in place for monitoring oil pollution to inform response activities.
- (8A) The implementation strategy must include arrangements for testing the response arrangements in the oil pollution emergency plan that are appropriate to the response arrangements and to the nature and scale of the risk of oil pollution for the activity.
- (8B) The arrangements for testing the response arrangements must include:
- (a) a statement of the objectives of testing; and
 - (b) a proposed schedule of tests; and
 - (c) mechanisms to examine the effectiveness of response arrangements against the objectives of testing; and
 - (d) mechanisms to address recommendations arising from tests.
- (8C) The proposed schedule of tests must provide for the following:
- (a) testing the response arrangements when they are introduced;
 - (b) testing the response arrangements when they are significantly amended;
 - (c) testing the response arrangements not later than 12 months after the most recent test;
 - (d) if a new location for the activity is added to the environment plan after the response arrangements have been tested, and before the next test is conducted—testing the response arrangements in relation to the new location as soon as practicable after it is added to the plan;

Regulation 15

- (e) if a facility becomes operational after the response arrangements have been tested and before the next test is conducted—testing the response arrangements in relation to the facility when it becomes operational.
- (8D) The implementation strategy must provide for monitoring of impacts to the environment from oil pollution and response activities that:
 - (a) is appropriate to the nature and scale of the risk of environmental impacts for the activity; and
 - (b) is sufficient to inform any remediation activities.
- (8E) The implementation strategy must include information demonstrating that the response arrangements in the oil pollution emergency plan are consistent with the national system for oil pollution preparedness and response.
- (9) The implementation strategy must provide for appropriate consultation with:
 - (a) relevant authorities of the Commonwealth, a State or Territory; and
 - (b) other relevant interested persons or organisations.
- (10) The implementation strategy must comply with the Act, the regulations and any other environmental legislation applying to the activity.

15 Details of titleholder and liaison person

- (1) The environment plan must include the following details for the titleholder:
 - (a) name;
 - (b) business address;
 - (c) telephone number (if any);
 - (d) fax number (if any);
 - (e) email address (if any);
 - (f) if the titleholder is a body corporate that has an ACN (within the meaning of the *Corporations Act 2001*)—ACN.

Regulation 16

- (2) The environment plan must also include the following details for the titleholder's nominated liaison person:
 - (a) name;
 - (b) business address;
 - (c) telephone number (if any);
 - (d) fax number (if any);
 - (e) email address (if any).
- (3) The environment plan must include arrangements for notifying the Regulator of a change in the titleholder, a change in the titleholder's nominated liaison person or a change in the contact details for either the titleholder or the liaison person.

16 Other information in the environment plan

The environment plan must contain the following:

- (a) a statement of the titleholder's corporate environmental policy;
- (b) a report on all consultations between the titleholder and any relevant person, for regulation 11A, that contains:
 - (i) a summary of each response made by a relevant person; and
 - (ii) an assessment of the merits of any objection or claim about the adverse impact of each activity to which the environment plan relates; and
 - (iii) a statement of the titleholder's response, or proposed response, if any, to each objection or claim; and
 - (iv) a copy of the full text of any response by a relevant person;
- (c) details of all reportable incidents in relation to the proposed activity.

Division 2.4—Revision of an environment plan

17 Revision because of a change, or proposed change, of circumstances or operations

New activity

- (1) A titleholder may, with the Regulator's approval, submit to the Regulator a proposed revision of an environment plan before the commencement of a new activity.

Submission of revision for activity in offshore project

- (2) However, a titleholder may submit a proposed revision of an environment plan for a new activity that is, or is part of, an offshore project only if:
 - (a) the Regulator has accepted an offshore project proposal that includes the new activity; or
 - (b) the Environment Minister:
 - (i) has made a decision under section 75 of the EPBC Act that an action that is equivalent to or includes the new activity is not a controlled action; or
 - (ii) has made a component decision under section 77A of the EPBC Act that a particular provision of Part 3 of that Act is not a controlling provision for an action that is equivalent to or includes the new activity, because the Minister believes the action will be taken in a particular manner; or
 - (iii) has approved, under Part 9 of the EPBC Act, the taking of an action that is equivalent to or includes the new activity.
- (3) If a titleholder submits a proposed revision of an environment plan for a new activity in contravention of subregulation (2), the revision is taken not to have been submitted.
- (4) For subparagraph (2)(b)(iii), despite section 146D of the EPBC Act an approval by the Environment Minister under section 146B of

Regulation 17

that Act is not taken to be an approval under Part 9 of that Act of the taking of an action.

Significant modification or new stage of activity

- (5) A titleholder must submit to the Regulator a proposed revision of the environment plan for an activity before the commencement of any significant modification or new stage of the activity that is not provided for in the environment plan as currently in force.

New or increased environmental impact or risk

- (6) A titleholder must submit a proposed revision of the environment plan for an activity before, or as soon as practicable after:
- (a) the occurrence of any significant new environmental impact or risk, or significant increase in an existing environmental impact or risk, not provided for in the environment plan in force for the activity; or
 - (b) the occurrence of a series of new environmental impacts or risks, or a series of increases in existing environmental impacts or risks, which, taken together, amount to the occurrence of:
 - (i) a significant new environmental impact or risk; or
 - (ii) a significant increase in an existing environmental impact or risk;

that is not provided for in the environment plan in force for the activity.

Change in titleholder

- (7) If a change in the titleholder will result in a change in the manner in which the environmental impacts and risks of an activity are managed, the new titleholder must submit a proposed revision of the environment plan for the activity as soon as practicable.

Transitional arrangements—changes to management of impacts and risks

- (8) Subregulation (9) applies if:
- (a) a titleholder proposes to change the manner in which the environmental impacts and risks of an activity are managed from the way in which they are managed under the environment plan in force for the activity; and
 - (b) the environment plan was in force immediately before 28 February 2014.
- (9) The titleholder must submit a proposed revision of the environment plan no later than 31 August 2014.
- (10) Subregulation (11) applies if:
- (a) a titleholder proposes to change the manner in which the environmental impacts and risks of an activity are managed from the way in which they are managed under the environment plan in force for the activity; and
 - (b) regulation 44 applied to the acceptance of the environment plan (whether as a new plan or as a revision of an earlier plan).
- (11) The titleholder must submit a proposed revision of the environment plan within 6 months after the day on which the Regulator notified the titleholder that the environment plan was accepted.

18 Revision on request by the Regulator

- (1) A titleholder must submit to the Regulator a proposed revision of the environment plan for an activity if the Regulator requests the titleholder to do so.
- (2) A request by the Regulator must be in writing and set out the following:
- (a) the matters to be addressed by the revision;
 - (b) the proposed date of effect of the revision;
 - (c) the grounds for the request.

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Division 2.4 Revision of an environment plan

Regulation 18

- (3) The titleholder may make a submission in writing to the Regulator stating the titleholder's reasons for 1 or more of the following matters:
- (a) why the revision should not occur;
 - (b) why the revision should be in different terms from the proposed terms;
 - (c) whether or not the titleholder gives other reasons—why the revision should take effect on a date later than the proposed date.
- (4) A submission by the titleholder must be made within 21 days after receiving the request, or within any longer period that the Regulator in writing allows.
- (5) If a submission complies with subregulations (3) and (4), the Regulator must:
- (a) decide whether to accept 1 or more of the reasons stated in the submission; and
 - (b) give the titleholder notice in writing of the decision; and
 - (c) to the extent (if any) that the Regulator accepts the reasons, give the titleholder notice in writing that varies or withdraws the request in accordance with the decision; and
 - (d) to the extent (if any) that the Regulator does not accept the reasons, give the titleholder notice in writing of the grounds for not accepting them.
- (6) A titleholder must comply with a request made by the Regulator under subregulation (1) and not withdrawn, or with a variation of a request under paragraph (5)(c), as soon as practicable.
- (7) Subregulations (8) to (13) apply if an environment plan:
- (a) was accepted by the Designated Authority before the commencement day; and
 - (b) is continued in force under regulation 40.

Note: As a result of amendments made by the *Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011*, NOPSEMA, as the new Regulator, may consider it appropriate to request revision of environment plans that were accepted by a different Regulator.

Regulation 18

- (8) The titleholder for the activity to which the plan relates must submit to the Regulator a proposed revision of the plan if the Regulator requests the titleholder to do so.
- (9) The Regulator may make a request under subregulation (8) if the Regulator is not satisfied that the environment plan meets one or more of the criteria set out in subregulation 11(1).
- (10) If the Regulator makes a request under subregulation (8), the Regulator must identify the criteria set out in subregulation 11(1) about which the Regulator is not satisfied.
- (11) If the Regulator makes a request under subregulation (8), the titleholder may, within 21 days after receiving the request, or within a longer period that the Regulator, in writing, allows, make a written submission to the Regulator setting out the titleholder's reasons why the plan meets the criteria identified by the Regulator in the request.
- (12) If a titleholder makes a submission under subregulation (11), the Regulator must:
 - (a) decide whether to accept one or more of the reasons stated in the submission; and
 - (b) give the titleholder notice, in writing, of the decision; and
 - (c) to the extent (if any) that the Regulator accepts the reasons, give the titleholder notice, in writing, that varies or withdraws the request in accordance with the decision; and
 - (d) to the extent (if any) that the Regulator does not accept the reasons, give the titleholder notice, in writing, of the grounds for not accepting them.
- (13) A titleholder must comply with a request made by the Regulator under subregulation (8) and not withdrawn, or a request as varied under paragraph (12)(c), as soon as practicable.
- (14) In this regulation:

commencement day means the day on which Part 1 of Schedule 2 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011* commences.

Regulation 19

19 Revision at the end of each 5 years

- (1) A titleholder must submit to the Regulator a proposed revision of the environment plan for an activity at least 14 days before the end of each period of 5 years, commencing on the latest of the following:
 - (a) the day on which the environment plan is first accepted under regulation 11 by the Regulator;
 - (b) the day on which a revised environment plan submitted under this regulation is accepted under regulation 11 by the Regulator;
 - (c) for a revision of an environment plan submitted under regulation 17 or 18, the day (if any) notified by the Regulator under subregulation (2).
- (2) For paragraph (1)(c), the Regulator may notify the titleholder that the effect of a revision of an environment plan submitted under regulation 17 or 18 is that the period of 5 years mentioned in subregulation (1) starts on the date specified in the notification.

20 Form of proposed revision

A proposed revision must be in the form of a revised environment plan or, if the titleholder and the Regulator so agree, a revised part of the environment plan.

20A Publication of information about proposed revision

If a proposed revision of an environment plan is submitted to the Regulator, the Regulator must, as soon as practicable, publish on the Regulator's website:

- (a) the name of the titleholder; and
- (b) a description of the activity or stage of the activity to which the revised environment plan or revised part relates; and
- (c) the reason for the revision; and
- (d) the location of the activity; and
- (e) a link or other reference to the place where the accepted offshore project proposal (if any) is published; and

- (f) details of the titleholder's nominated liaison person for the activity; and
- (g) the decision (if any) made by the Regulator in relation to the revised environment plan or revised part.

21 Acceptance of a revised environment plan

Regulations 9A, 10, 10A, 11 and 11A apply to the proposed revision as if:

- (a) a reference in those regulations to the submission, acceptance or non-acceptance of the environment plan were a reference to the submission, acceptance or non-acceptance of the proposed revision; and
- (b) any other reference in those regulations to the environment plan were a reference to the plan as revised by the proposed revision.

Note: These regulations deal with the consideration and acceptance of an environment plan, and the consultation required with relevant authorities, persons and organisations.

22 Effect of non-acceptance of proposed revision

If a proposed revision is not accepted, the provisions of the environment plan in force for the activity existing immediately before the proposed revision was submitted remain in force, subject to the Act and these Regulations, (in particular, the provisions of Division 2.5), as if the revision had not been proposed.

Division 2.5—Withdrawal of acceptance of an environment plan

23 Withdrawal of acceptance of environment plan

- (1) The Regulator, by notice in writing to the titleholder for an activity, may withdraw the acceptance of the environment plan for the activity on any ground set out in subregulation (2).
- (2) For subregulation (1), the grounds are that:
 - (a) the titleholder has not complied with:
 - (i) a provision of the Act relating to environmental requirements; or
 - (ii) a direction given by the Regulator under section 574, 576B, 580, 586 or 592 of the Act; or
 - (b) the titleholder has not complied with regulation 7, 8, 17, 18 or 19; or
 - (c) the Regulator has refused to accept a proposed revision of the environment plan; or
 - (d) the Regulator is not reasonably satisfied, after 2 or more requests for modification of a report on environmental performance under subregulation 26C(3), that the titleholder has given the Regulator sufficient information to enable the Regulator to determine whether the environmental performance outcomes and standards in the environment plan have been met.
- (3) A notice under subregulation (1) must set out the reasons for the decision.

24 Steps to be taken before withdrawal of acceptance

- (1) Before withdrawing the acceptance of an environment plan for an activity the Regulator must comply with subregulations (2), (4) and (5).

Regulation 25

- (2) The Regulator must give the titleholder at least 30 days notice in writing of the Regulator's intention to withdraw acceptance of the plan.
- (3) The Regulator may give a copy of the notice to such other persons (if any) as the Regulator thinks fit.
- (4) The Regulator must specify in the notice a date (the *specified date*) on or before which the titleholder (or any other person to whom a copy of the notice has been given) may submit to the Regulator, in writing, any matters for the Regulator to take into account.
- (5) The Regulator must take into account:
 - (a) any action taken by the titleholder to remove the ground for withdrawal of acceptance, or to prevent the recurrence of that ground; and
 - (b) any matter submitted to the Regulator before the specified date by the titleholder or a person to whom a copy of the notice has been given.

25 Withdrawal of acceptance not affected by other provisions

- (1) The Regulator may withdraw the acceptance of an environment plan for an activity on the ground that the titleholder has not complied with a provision of the Act, or of a regulation mentioned in paragraph 23(2)(b), even though the titleholder has been convicted of an offence by reason of the failure to comply with that provision.
- (2) If the Regulator withdraws the acceptance of an environment plan on the ground that the titleholder has not complied with a provision of the Act, or of a regulation mentioned in paragraph 23(2)(b), the titleholder may be convicted of an offence by reason of the failure to comply with the provision even though the acceptance of the environment plan has been withdrawn.

Division 2.6—End of environment plan

25A Plan ends when titleholder notifies completion

The operation of an environment plan ends when:

- (a) the titleholder notifies the Regulator that:
 - (i) the activity or activities to which the plan relates have ended; and
 - (ii) all of the obligations under the environment plan have been completed; and
- (b) the Regulator accepts the notification.

Part 3—Incidents, reports and records

26 Notifying reportable incidents

- (1) A titleholder commits an offence if:
- (a) the titleholder undertakes an activity; and
 - (b) there is a reportable incident; and
 - (c) the titleholder does not notify the reportable incident in accordance with subregulation (4).

Penalty: 40 penalty units.

- (2) However, it is a defence to a prosecution for an offence against subregulation (1) if the titleholder has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the question whether he or she has a reasonable excuse (see section 13.3 of the *Criminal Code*).

- (3) An offence against subregulation (1) is an offence of strict liability.

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

- (4) A notification under subregulation (1):

- (a) must be given to the Regulator; and
- (b) must be given as soon as practicable, and in any case not later than 2 hours after:
 - (i) the first occurrence of the reportable incident; or
 - (ii) if the reportable incident was not detected by the titleholder at the time of the first occurrence—the time the titleholder becomes aware of the reportable incident; and
- (c) must be oral; and
- (d) must contain:
 - (i) all material facts and circumstances concerning the reportable incident that the titleholder knows or is able, by reasonable search or enquiry, to find out; and

Regulation 26A

- (ii) any action taken to avoid or mitigate any adverse environment impacts of the reportable incident; and
 - (iii) the corrective action that has been taken, or is proposed to be taken, to stop, control or remedy the reportable incident.
- (5) Subregulation 11A.01(5) of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* does not apply to a notification mentioned in subregulation (1).
- (6) As soon as practicable after the titleholder notifies a reportable incident, the titleholder must give a written record of the notification to:
 - (a) the Regulator; and
 - (b) the Titles Administrator; and
 - (c) the Department of the responsible State Minister, or the responsible Northern Territory Minister.
- (7) The titleholder is not required to include in the record anything that was not included in the notification.

26A Written report of reportable incidents

- (1) A titleholder commits an offence if:
 - (a) the titleholder undertakes an activity; and
 - (b) there is a reportable incident; and
 - (c) the titleholder does not submit a written report of the reportable incident in accordance with subregulation (4).

Penalty: 40 penalty units.

- (2) However, it is a defence to a prosecution for an offence against subregulation (1) if the titleholder has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the question whether he or she has a reasonable excuse (see section 13.3 of the *Criminal Code*).

Regulation 26AA

- (3) An offence against subregulation (1) is an offence of strict liability.

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

- (4) A written report under subregulation (1):
- (a) must be given to the Regulator; and
 - (b) must be given as soon as practicable, and in any case:
 - (i) not later than 3 days after the first occurrence of the reportable incident; or
 - (ii) if the Regulator specifies, within 3 days after the first occurrence of the reportable incident, another period within which the report must be provided—within that period; and
 - (c) must contain:
 - (i) all material facts and circumstances concerning the reportable incident that the titleholder knows or is able, by reasonable search or enquiry, to find out; and
 - (ii) any action taken to avoid or mitigate any adverse environment impacts of the reportable incident; and
 - (iii) the corrective action that has been taken, or is proposed to be taken, to stop, control or remedy the reportable incident; and
 - (iv) the action that has been taken, or is proposed to be taken, to prevent a similar incident occurring in the future.
- (5) Within 7 days after giving a written report of a reportable incident to the Regulator, the titleholder must give a copy of the report to:
- (a) the Titles Administrator; and
 - (b) the Department of the responsible State Minister, or the responsible Northern Territory Minister.

26AA Additional written reports if requested

- (1) This regulation applies if a titleholder notifies a reportable incident in accordance with regulation 26.

Regulation 26B

- (2) The Regulator may, by notice in writing, require the titleholder to submit one or more written reports of the reportable incident after the written report required under regulation 26A.
- (3) The notice must:
 - (a) identify the information to be contained in a report or the matters to be addressed; and
 - (b) specify when the report must be given to the Regulator.
- (4) The date or time specified for giving the report must give the titleholder a reasonable time for preparing the report.
- (5) A titleholder must submit a written report of a reportable incident in accordance with a notice given by the Regulator to the titleholder under this regulation.

Penalty: 40 penalty units.

- (6) It is a defence to a prosecution for an offence against subregulation (5) if the titleholder has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the question whether he or she has a reasonable excuse—see subsection 13.3(3) of the *Criminal Code*.

- (7) An offence against subregulation (5) is an offence of strict liability.

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

26B Reporting recordable incidents

- (1) A titleholder commits an offence if:
 - (a) the titleholder undertakes an activity; and
 - (b) there is a recordable incident; and
 - (c) the titleholder does not submit a written report of the recordable incident in accordance with subregulation (4).

Penalty: 40 penalty units.

- (2) However, it is a defence to a prosecution for an offence against subregulation (1) if the titleholder has a reasonable excuse.

Regulation 26C

Note: A defendant bears an evidential burden in relation to the question whether he or she has a reasonable excuse (see section 13.3 of the *Criminal Code*).

- (3) An offence against subregulation (1) is an offence of strict liability.

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

- (4) A written report under subregulation (1):
- (a) must be given to the Regulator; and
 - (b) must relate to a calendar month; and
 - (c) must be given as soon as practicable after the end of the calendar month, and in any case not later than 15 days after the end of the calendar month; and
 - (d) must contain:
 - (i) a record of all recordable incidents that occurred during the calendar month; and
 - (ii) all material facts and circumstances concerning the recordable incidents that the titleholder knows or is able, by reasonable search or enquiry, to find out; and
 - (iii) any action taken to avoid or mitigate any adverse environment impacts of the recordable incidents; and
 - (iv) the corrective action that has been taken, or is proposed to be taken, to stop, control or remedy the recordable incident; and
 - (v) the action that has been taken, or is proposed to be taken, to prevent a similar incident occurring in the future.

26C Reporting environmental performance

- (1) A titleholder undertaking an activity must submit a report to the Regulator in relation to the titleholder's environmental performance for the activity, at the intervals provided for in the environment plan.

Note: Subregulation 14(2) requires an environment plan to state when the titleholder will submit reports.

Regulation 27

- (2) If the Regulator is not reasonably satisfied that a report is sufficient to enable the Regulator to determine whether the environmental performance outcomes and standards in the environment plan have been met, the Regulator may ask the titleholder to modify the report.
- (3) The request must:
 - (a) be in writing; and
 - (b) identify the reasons the Regulator is not reasonably satisfied with the report.

Note: If the Regulator is still not reasonably satisfied after 2 or more requests for a modified report, this is a ground for the Regulator to withdraw acceptance of the environment plan—see paragraph 23(2)(d).

27 Storage of records

- (1) A titleholder commits an offence if the titleholder does not store the environment plan in force for an activity in a way that makes retrieval of the environment plan reasonably practicable.

Penalty: 30 penalty units.

- (2) A titleholder commits an offence if the titleholder does not store a version of an environment plan for an activity that was previously in force in a way that makes retrieval of the version reasonably practicable.

Penalty: 30 penalty units.

- (3) It is a defence to a prosecution for an offence against subregulation (2) if it is more than 5 years after the day when the version ceased to be in force (whether because the plan was revised, acceptance of the plan was withdrawn, or the operation of the plan ended).

Note: A defendant bears an evidential burden in relation to the matter in subregulation (3)—see subsection 13.3(3) of the *Criminal Code*.

- (4) A titleholder commits an offence if the titleholder:
- (a) creates a document or other record mentioned in subregulation (6); and
 - (b) does not store the document or record in a way that makes retrieval of the document or record reasonably practicable.

Penalty: 30 penalty units.

- (5) It is a defence to a prosecution for an offence against subregulation (4) if it is more than 5 years after the day that the document or record was created.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (5)—see subsection 13.3(3) of the *Criminal Code*.

- (6) For subregulation (4), the documents or other records are the following:
- (a) written reports (including monitoring, audit and review reports) about environmental performance, or about the implementation strategy, under an environment plan;
 - (b) records relating to environmental performance, or the implementation strategy, under an environment plan;
 - (c) records of emissions and discharges into the environment made in accordance with an environment plan;
 - (d) records of calibration and maintenance of monitoring devices used in accordance with an environment plan;
 - (e) records and copies of reports mentioned in:
 - (i) regulations 26, 26A and 26AA, relating to reportable incidents; and
 - (ii) regulation 26B, relating to recordable incidents; and
 - (iii) regulation 26C, relating to the titleholder's environmental performance for an activity.

- (7) An offence against subregulation (1), (2) or (4) is an offence of strict liability.

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

Regulation 28

28 Making records available

- (1) A titleholder must make available, in accordance with this regulation, copies of the records mentioned in regulation 27.

Penalty: 30 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

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

- (2) The titleholder must make copies of the records available to any of the following persons, on request in writing by the person:

- (a) the Regulator;
- (b) a delegate, under section 778 of the Act, of the responsible Commonwealth Minister;
- (c) a greenhouse gas project inspector, a NOPSEMA inspector or a Greater Sunrise visiting inspector.

- (3) If the person making the request states that copies of the records be made available to an agent of the person, the titleholder must make the copies available to the agent.

- (4) However, if the titleholder:

- (a) requests a person who is a delegate of the Regulator to produce written evidence of the delegation; or
- (b) requests a person who is a greenhouse gas project inspector or a NOPSEMA inspector to produce written evidence of the person's appointment as a greenhouse gas project inspector or a petroleum project inspector; or
- (c) requests a person who is a Greater Sunrise visiting inspector to produce written evidence of the person's appointment as a Greater Sunrise visiting inspector; or
- (d) requests a person who is an agent to produce written evidence of the person's appointment as an agent;

the titleholder is not required to make the records available unless the person produces the evidence to the titleholder.

Regulation 28

- (5) The copies of the records must be made available:
 - (a) in the case of an emergency relating to an activity—as soon as possible at any time of the day or night on any day during the emergency; or
 - (b) in any other case—during normal business hours on a business day in the place where the records are kept.
- (6) The copies of the records must be made available at the place where the records are kept or, if agreed between the titleholder and the person making the request (or the person's agent), at any other place (including by means of electronic transmission to the person or agent at that place).
- (7) If the records are stored on a computer, the records must be made available in print-out form or, if the titleholder and the Regulator so agree, in electronic form.

Part 4—Miscellaneous

Division 4.1—Information requirements

29 Notifying start and end of activity

- (1) A titleholder must notify the Regulator that an activity is to commence at least 10 days before the activity commences.
- (2) A titleholder must notify the Regulator that an activity is completed within 10 days after the completion.

30 Notifying certain operations to State or Territory

- (1) A titleholder commits an offence if:
 - (a) the titleholder commences drilling operations or seismic survey operations; and
 - (b) the titleholder did not notify the proposed date of commencement to the Department of the responsible State Minister or responsible Northern Territory Minister.

Penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

31 Titleholder may refer to information previously given

- (1) If:
 - (a) a titleholder is required, under these Regulations, to give the Regulator information or include information in a document; and
 - (b) the same information has previously been given to the Regulator for another purpose under the Act or the regulations;the titleholder may comply with the requirement to give or include the information by referring to the information previously given.

Regulation 31

- (2) Subregulation (1) does not apply if the Regulator tells the titleholder that the information is no longer available to the Regulator.
- (3) If the Regulator has power to assess whether information is sufficient or adequate for a purpose, the Regulator is not required to accept that information is sufficient or adequate for a purpose different from the one for which it was originally given.

Division 4.2—Fees

32 Offshore project proposals

- (1) For subsection 685(1) of the Act, a fee is payable to NOPSEMA on behalf of the Commonwealth for the consideration of an offshore project proposal in accordance with Part 1A.
- (2) The fee is the total amount of the expenses incurred by NOPSEMA in considering the proposal.
- (3) However, NOPSEMA may remit the whole or a part of an amount of the fee if NOPSEMA considers that there are good reasons for doing so.
- (4) The fee is:
 - (a) due when NOPSEMA issues an invoice for the fee to the person who submitted the proposal; and
 - (b) payable in accordance with the requirements of the invoice.

Note 1: Consideration of an offshore project proposal would ordinarily end with a decision by the Regulator whether to accept the proposal. However, the process may terminate before that point (for example, if the proposal is withdrawn): the fee will represent the Regulator's expenses in considering the proposal to whatever point is reached.

Note 2: It is expected that the Regulator and the person who submitted the offshore project proposal will agree on the terms of payment of the fee. The invoice will state the terms, whether or not there is an agreement.

Part 5—Transitional arrangements

Division 5.1—Transitional arrangements relating to the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011

38 Definitions for Division 5.1

In this Division:

commencement day means the day on which Part 1 of Schedule 2 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011* commences.

40 Environment plans accepted before commencement day

- (1) If an environment plan was in force immediately before the commencement day, the plan continues to be in force under these Regulations.
- (2) The plan is taken to have been accepted by the Regulator on the day it was accepted by the Designated Authority.

Note: The day from which the periods of 5 years are worked out for regulation 19 does not change. Regulation 19 explains how the periods of 5 years change.

41 Environment plans submitted but not accepted before commencement day

If:

- (a) an environment plan was submitted to the Designated Authority before the commencement day; and
 - (b) the Designated Authority neither accepted the plan nor refused to accept the plan before the commencement day;
- the plan is taken to have been submitted to the Regulator under regulation 9 on the commencement day.

Part 5 Transitional arrangements

Division 5.2 Transitional arrangements relating to the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Environment Measures) Regulation 2014

Regulation 42

Division 5.2—Transitional arrangements relating to the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Environment Measures) Regulation 2014

42 Definitions for Division 5.2

In this Division:

amending regulation means the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Environment Measures) Regulation 2014*.

old Regulations means these Regulations as in force before 28 February 2014.

43 Environment plan accepted before commencement of amendments

If an environment plan was in force immediately before 28 February 2014, the plan continues to be in force under these Regulations.

44 Environment plan submitted but not accepted before commencement of amendments

- (1) This regulation applies if:
 - (a) the operator of an activity has:
 - (i) submitted an environment plan for an activity to the Regulator under regulation 9 of the old Regulations; or
 - (ii) submitted a proposed revision of an environment plan for an activity to the Regulator under regulation 17, 18 or 19 of the old Regulations; and
 - (b) the Regulator has not given the operator notice in writing of a decision to accept the plan or proposed revision (whether in

Regulation 45

full, in part or subject to limitations or conditions) or to
refuse to accept the plan or proposed revision.

- (2) The environment plan or proposed revision is taken to have been submitted by the titleholder for the activity, on the date that it was submitted by the operator of the activity.
- (3) The Regulator must make its decision on the acceptance of the plan or proposed revision having regard to the requirements of these Regulations as in force immediately before 28 February 2014.

45 Notice given under old Regulations of intention to withdraw acceptance of environment plan

If:

- (a) the Regulator has given the operator of an activity a notice under subregulation 24(2) of the old Regulations of the Regulator's intention to withdraw acceptance of the environment plan for the activity; and
 - (b) the Regulator has not made a decision whether to withdraw acceptance of the environment plan;
- the notice has no effect.

46 Reporting and recording requirements for operators

- (1) This regulation applies in relation to:
 - (a) a reportable incident or recordable incident that occurred before 28 February 2014; and
 - (b) documents and other records made in relation to an activity before 28 February 2014.
- (2) Despite the amendments made by the amending regulation, the requirements of Part 3 of the old Regulations continue to apply on and after 28 February 2014 to a person who was an operator of an activity before 28 February 2014.

Note: The requirements of Part 3 of the old Regulations in relation to an operator of an activity include notifying a reportable incident, submitting a written report of a reportable incident or recordable incident, storing records and making records available.

Part 5 Transitional arrangements

Division 5.2 Transitional arrangements relating to the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Environment Measures) Regulation 2014

Regulation 47

47 Reporting on environmental performance

Regulation 26C does not apply in relation to an environment plan if:

- (a) the plan was in force before 28 February 2014 and has not been revised; or
- (b) the plan was in force before 28 February 2014 and any revision of the plan was submitted to the Regulator before 28 February 2014; or
- (c) the plan was submitted to the Regulator under regulation 9 of the old Regulations (but was not yet in force).

48 Notifying operations

Regulation 30 applies to drilling operations or seismic survey operations if the environment plan for the activity to which they relate was submitted to the Regulator under regulation 9 on or after 28 February 2014.

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.

Misdescribed 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.

Endnote 2—Abbreviation key

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

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
1999 No. 228	29 Sept 1999	1 Oct 1999	
2001 No. 346	21 Dec 2001	21 Dec 2001	—
2005 No. 318	19 Dec 2005 (F2005L03952)	20 Dec 2005	r 4
2009 No. 383	16 Dec 2009 (F2009L04589)	17 Dec 2009	—
2011 No. 251	14 Dec 2011 (F2011L02671)	1 Jan 2011 (r 2 and F2011L02622)	r 4
238, 2013	8 Nov 2013 (F2013L01914)	Sch 2 (items 1, 2): 28 Nov 2013 (s 2 item 3)	—
5, 2014	19 Feb 2014 (F2014L00157)	Sch 1 (items 1–99): 28 Feb 2014 (s 2 item 2) Sch 2: 1 Oct 2014 (s 2 item 3)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
r. 1	rs. 2009 No. 383
r. 3	rs. 2009 No. 383 am No 5, 2014
r. 4	am. 2005 No. 318; 2009 No. 383; 2011 No. 251; No 5, 2014
Note 1 to r. 4(2)	rep. 2009 No. 383
Note 2 to r. 4(2)	rep. 2009 No. 383
Note to r. 4(2)	ad. 2009 No. 383 am. 2011 No. 251 rep No 5, 2014
Heading to r. 5	am. 2009 No. 383
r. 5	am. 2009 No. 383
Pt 1A	
Pt 1A	ad No 5, 2014
r 5A	ad No 5, 2014
r 5B	ad No 5, 2014
r 5C	ad No 5, 2014
r 5D	ad No 5, 2014
r 5E	ad No 5, 2014
r 5F	ad No 5, 2014
Pt 2	
Div 2.1	
Heading to r. 6	am. 2009 No. 383
r. 6	am. 2001 No. 346; 2005 No. 318; 2009 No. 383; No 5, 2014
Note 1 to r. 6(1)	am. 2009 No. 383 rep No 5, 2014
r. 7	am. 2001 No. 346; 2005 No. 318; 2009 No. 383; No 5, 2014
Heading to r. 8	rs. 2005 No. 318
r. 8	am. 2001 No. 346; 2005 No. 318; 2009 No. 383; No 5, 2014

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Note to r. 8(2).....	am. 2005 No. 318 rep No 5, 2014
Note 1 to r 8(2)	ad No 5, 2014
Note 2 to r 8(2)	ad No 5, 2014
Div 2.2	
Div 2.2 of Pt 2.....	rs No 5, 2014
r. 9.....	am. 2005 No. 318; 2009 No. 383 rs No 5, 2014
r 9A.....	ad No 5, 2014
r. 10.....	am. 2005 No. 318; 2009 No. 383 rs No 5, 2014
r 10A.....	ad No 5, 2014
r. 11.....	am. 2005 No. 318; 2009 No. 383; 2011 No. 251 rs No 5, 2014
Division 2.2A	
Div. 2.2A of Part 2.....	ad. 2011 No. 251
11A.....	ad. 2011 No. 251 am No 5, 2014
Division 2.3	
r. 12.....	am. 2009 No. 383
r. 13.....	am. 2005 No. 318; 2009 No. 383 am No 5, 2014
Note to r 13(1).....	ad No 5, 2014
Note to r 13(2).....	ad No 5, 2014
r. 14.....	am. 2005 No. 318; 2009 No. 383; 2011 No. 251; No 5, 2014
r. 15.....	am. 2009 No. 383; 2011 No. 251 rs No 5, 2014
r. 16.....	am. 2005 No. 318; 2011 No. 251; No 5, 2014
Division 2.4	
r. 17.....	am. 2005 No. 318; 2009 No. 383 rs No 5, 2014
Heading to r. 18.....	am. 2009 No. 383

Endnote 4—Amendment history

Provision affected	How affected
r. 18	am. 2009 No. 383; 2011 No. 251; No 5, 2014
r. 19	rs. 2009 No. 383 am No 5, 2014
r. 20	am. 2009 No. 383; No 5, 2014
r 20A	ad No 5, 2014
Heading to r. 21	rs. 2009 No. 383
r. 21	am. 2011 No. 251; No 5, 2014
Note to r. 21	am. 2009 No. 383; 2011 No. 251 rs No 5, 2014
Division 2.5	
r. 23	am. 2009 No. 383; No 5, 2014
r. 24	am. 2005 No. 318; 2009 No. 383; No 5, 2014
r. 25	am. 2009 No. 383; No 5, 2014
Div 2.6	
Div 2.6 of Pt 2	ad No 5, 2014
r 25A	ad No 5, 2014
Part 3	
r. 26	rs. 2001 No. 346; 2005 No. 318 am. 2009 No. 383; No 238, 2013; No 5, 2014
r. 26A	ad. 2005 No. 318 am. 2009 No. 383; No 5, 2014
r. 26AA	ad. 2011 No. 251 rs No 5, 2014
r. 26B	ad. 2005 No. 318 am. 2009 No. 383; No 5, 2014
r 26C	ad No 5, 2014
r. 27	am. 2001 No. 346; 2005 No. 318; 2009 No. 383 rs No 5, 2014
r. 28	am. 2001 No. 346; 2009 No. 383; No 5, 2014
Pt 4	
Div 4.1	
Div 4.1 of Pt 4	rs No 5, 2014

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r. 29	am. 2001 No. 346 rs. 2005 No. 318 am. 2009 No. 383 rs No 5, 2014
r. 29A	ad. 2005 No. 318 am. 2009 No. 383 rep No 5, 2014
r. 30	am. 2005 No. 318 rs No 5, 2014
r. 31	am. 2009 No. 383 rs No 5, 2014
Div 4.2	
Div 4.2 of Pt 4	rs No 5, 2014
r. 32	am. 2001 No. 346; 2009 No. 383 rs No 5, 2014
r. 33	am. 2009 No. 383 rep No 5, 2014
Heading to r. 34	am. 2009 No. 383 rep No 5, 2014
r. 34	am. 2009 No. 383 rep No 5, 2014
Heading to r. 35	am. 2009 No. 383 rep No 5, 2014
r. 35	am. 2009 No. 383 rep No 5, 2014
r. 36	am. 2009 No. 383 rep No 5, 2014
Div 4.3 of Pt 4	rep No 238, 2013
r. 37	am. 2009 No. 383 rep No 238, 2013
r. 38	rep. 2001 No. 346
Div. 4.4 of Part 4	rep. 2005 No. 318

Endnote 4—Amendment history

Provision affected	How affected
r. 39	rep. 2005 No. 318
Pt 5	
hdg to Pt 5	rs No 5, 2014
Pt 5	ad. 2011 No. 251
Div 5.1	
hdg to Div 5.1 of Pt 5	ad No 5, 2014
hdg to r 38	rs No 5, 2014
r. 38	ad. 2011 No. 251
	am No 5, 2014
r. 39	ad. 2011 No. 251
	rep No 5, 2014
r. 40	ad. 2011 No. 251
	am No 5, 2014
r. 41	ad. 2011 No. 251
Div 5.2	
Div 5.2 of Pt 2	ad No 5, 2014
r 42	ad No 5, 2014
r 43	ad No 5, 2014
r 44	ad No 5, 2014
r 45	ad No 5, 2014
r 46	ad No 5, 2014
r 47	ad No 5, 2014
r 48	ad No 5, 2014

Endnotes

Endnote 5—Uncommenced amendments [none]

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous

The *Petroleum (Submerged Lands) Act 1967* was repealed on 01/07/2008 by the *Offshore Petroleum (Repeals and Consequential Amendments) Act 2006* (No. 17 of 2006) however this instrument remains in force under the transitional provisions in clause 4 of Schedule 6 to the *Offshore Petroleum Act 2006*.