



Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (2013 Measures No. 2) Regulation 2013

Select Legislative Instrument No. 238, 2013

I, RADM Kevin Scarce AC CSC RANR, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Dated 08 November 2013

Kevin Scarce
Administrator

By His Excellency's Command

Ian Macfarlane
Minister for Industry

OPC60230 - A

Contents

1	Name of regulation.....	1
2	Commencement.....	1
3	Authority.....	1
4	Schedule(s).....	1
Schedule 1—Amendments commencing day after registration		3
	<i>Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011</i>	3
Schedule 2—Amendments commencing immediately after commencement of Part 1 of Schedule 4 to the Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013		10
	<i>Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009</i>	10
	<i>Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011</i>	10
	<i>Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009</i>	21

1 Name of regulation

This regulation is the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (2013 Measures No. 2) Regulation 2013*.

2 Commencement

Each provision of this regulation specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 4 and anything in this regulation not elsewhere covered by this table	The day after this regulation is registered.	
2. Schedule 1	The day after this regulation is registered.	
3. Schedule 2	Immediately after the commencement of Part 1 of Schedule 4 to the <i>Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013</i> .	

3 Authority

This regulation is made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the

No. 238, 2013 *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (2013 Measures No. 2) Regulation 2013* 1

OPC60230 - A

Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

2 *Offshore Petroleum and Greenhouse Gas Storage Legislation
Amendment (2013 Measures No. 2) Regulation 2013* *No. 238, 2013*

OPC60230 - A

Schedule 1—Amendments commencing day after registration

Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011

1 Subparagraph 7.14(1)(b)(i)

Omit “12”, substitute “18”.

2 Regulation 7.15 (note)

Repeal the note.

3 Subparagraphs 7.16(1)(b)(i) to (iv)

Repeal the subparagraphs, substitute:

- (i) 18 months after the day that the acquisition of the data is completed; or
- (ii) if the Titles Administrator authorises the titleholder to give the report and data within another period—the other period.

4 Subparagraphs 7.17(1)(b)(i) to (iv)

Repeal the subparagraphs, substitute:

- (i) 24 months after the day that the acquisition of the data is completed; or
- (ii) if the Titles Administrator authorises the titleholder to give the report and data within another period—the other period.

5 Subparagraphs 7.18(1)(b)(i) to (iii)

Repeal the subparagraphs, substitute:

- (i) 30 months after the day that the acquisition of the data is completed; or
- (ii) if the Titles Administrator authorises the titleholder to give the report and data within another period—the other period.

6 Subregulation 7.20(4) (table items 6 and 7)

Omit “12”, substitute “18”.

7 Subregulation 8.11(2) (table items 1 and 2)

Repeal the items, substitute:

- | | | |
|---|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 1 | A survey that collected exclusive data, if the survey was conducted under a petroleum title that is still in force | The day 3 years after the acquisition of the data was completed |
|---|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|

8 Subregulation 8.11(4) (table items 1 and 2)

Repeal the items, substitute:

- | | | |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 1 | A survey that was conducted under a petroleum production licence, petroleum exploration permit, petroleum retention lease or scientific investigation consent that is still in force | The day 3 years after the acquisition of the data was completed |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|

9 Subregulation 8.11(5) (table items 1 and 2)

Repeal the items, substitute:

- | | | |
|---|------------------------------------------|------------------------------------------------|
| 1 | a petroleum title that is still in force | the day 2 years after the end of the operation |
|---|------------------------------------------|------------------------------------------------|

10 Subregulation 8.12(1)

Omit “(1)”.

11 Subregulations 8.12(2), 8.13(3) and 8.16(3)

Repeal the subregulations.

12 Subregulation 10.12(1)

Omit “(1)”.

13 Subregulations 10.12(2), 10.13(3) and 10.16(3)

Repeal the subregulations.

14 Regulation 11.01 (heading)

Repeal the heading, substitute:

11.01 Fees in relation to applications

15 Subregulation 11.01(1)

Repeal the subregulation, substitute:

- (1) For subsection 256(2) of the Act, the prescribed fee for an application is the fee specified in Division 1 of Part 1 of Schedule 6 for the application.
- (1A) For subsection 516A(1) of the Act, the prescribed fee for an application is the fee specified in Division 2 of Part 1 of Schedule 6 for the application.
- (1B) For subsection 695L(1) of the Act, the prescribed fee for processing an application or nomination is the fee specified in Division 3 of Part 1 of Schedule 6 for the application.

16 Regulations 11.02 to 11.06

Repeal the regulations.

17 Paragraphs 12.02(1)(f) to (h)

Repeal the paragraphs.

18 After Part 12

Insert:

Part 13—Transitional arrangements

Division 1—Transitional arrangements—Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (2013 Measures No. 2) Regulation 2013

13.01 Requirements for giving reports and samples

The amendments made to these Regulations by items [1] and [3] to [6] of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (2013 Measures No. 2) Regulation 2013* apply in relation to a report or data that relates to

an activity commenced before, on or after the day that Schedule commences.

13.02 Release of data

The amendments made to these Regulations by items [7] to [9] of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (2013 Measures No. 2) Regulation 2013* apply in relation to documentary information:

- (a) acquired before, on or after the day that Schedule commences; and
- (b) not made available under regulation 8.11 before that day.

19 Part 1 of Schedule 6 (heading)

Repeal the heading, substitute:

Part 1—Fees in relation to applications

Division 1—Fees payable under section 256 of the Act

20 Part 1 of Schedule 6 (at the end of table item 101, column headed “Type of application”)

Add “under section 104 of the Act”.

21 Part 1 of Schedule 6 (cell at table item 101, column headed “Fee (\$)”)

Repeal the cell, substitute:

8183

22 Part 1 of Schedule 6 (at the end of table item 102, column headed “Type of application”)

Add: “under section 115 of the Act”.

23 Part 1 of Schedule 6 (at the end of table item 103, column headed “Type of application”)

Add: “under section 110 of the Act”.

24 Part 1 of Schedule 6 (at the end of table item 104, column headed “Type of application”)

Add: “under section 119 of the Act”.

25 Part 1 of Schedule 6 (at the end of table item 105, column headed “Type of application”)

Add: “under section 141 or 147 of the Act”.

26 Part 1 of Schedule 6 (at the end of table item 106, column headed “Type of application”)

Add: “under section 153 of the Act”.

27 Part 1 of Schedule 6 (at the end of table item 107, column headed “Type of application”)

Add: “under section 178 of the Act”.

28 Part 1 of Schedule 6 (at the end of table item 108, column headed “Type of application”)

Add: “under section 182 of the Act”.

29 Part 1 of Schedule 6 (at the end of table item 110, column headed “Type of application”)

Add: “under section 184 of the Act”.

30 Part 1 of Schedule 6 (at the end of table item 111, column headed “Type of application”)

Add: “under section 198 of the Act”.

31 Part 1 of Schedule 6 (at the end of table item 112, column headed “Type of application”)

Add: “under section 217 of the Act”.

32 Part 1 of Schedule 6 (at the end of table item 113, column headed “Type of application”)

Add: “under section 226 of the Act”.

33 Part 1 of Schedule 6 (at the end of table item 114, column headed “Type of application”)

Add: “under section 234 of the Act”.

34 Part 1 of Schedule 6 (cell at table item 114, column headed “Fee (\$)”)

Repeal the cell, substitute:

5 580

35 At the end of Part 1 of Schedule 6

Add:

Division 2—Fees payable under section 516A of the Act

Fees payable under section 516A of the Act		
Item	Type of application	Fee (\$)
115	Approval of transfer of petroleum title under section 473 of the Act	7 180
116	Approval of dealing relating to petroleum title under section 488 of the Act	2 950

Division 3—Fees payable under section 695L of the Act

Fees payable under section 695L of the Act		
Item	Type of application or nomination	Fee (\$)
117	Application for a petroleum access authority under section 242 of the Act	5 580
118	Application for one or more of the following under item 1 of the table in subsection 264(1) of the Act in relation to a petroleum title: (a) variation of conditions of permit, lease or licence; (b) suspension of conditions and extension of the term of permit or lease; (c) exemption from conditions of permit, lease or licence; (d) suspension of conditions of licence, permit or lease	5 340

Amendments commencing day after registration **Schedule 1**

Fees payable under section 695L of the Act		
Item	Type of application or nomination	Fee (\$)
119	Nomination by permittee for declaration of a location in relation to a petroleum title under section 129 of the Act	7 596

No. 238, 2013 *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (2013 Measures No. 2) Regulation 2013* 9

OPC60230 - A

Schedule 2—Amendments commencing immediately after commencement of Part 1 of Schedule 4 to the Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013

Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009

1 At the end of regulation 26

Add:

- (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).

2 Division 4.3 of Part 4

Repeal the Division.

Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011

3 After Part 11

Insert:

Part 11A—Giving documents

11A.01 Giving documents

- (1) The table sets out requirements for giving documents required or permitted to be given under the Act or any legislative instrument made under the Act.

Giving documents		
Item	A document required or permitted to be given to ...	must be given ...
1	the responsible Commonwealth Minister;	(a) by prepaying and posting the document as a letter addressed to the responsible Commonwealth Minister at the Department; or (b) by leaving the document at an office occupied by the Department with a person apparently employed in connection with the business of the Department and apparently at least 16 years of age
2	the Titles Administrator;	(a) by prepaying and posting the document as a letter addressed to the National Offshore Petroleum Titles Administrator at the Department; or (b) by sending the document by fax to the Titles Administrator's fax number; or (c) by sending the document by email to the Titles Administrator's email address; or (d) by sending the document electronically using the Titles Administrator's website in accordance with the instructions published by the Titles Administrator on the Titles Administrator's website; or

Schedule 2 Amendments commencing immediately after commencement of Part 1 of Schedule 4 to the Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013

Giving documents		
Item	A document required or permitted to be given to ...	must be given ...
		(e) by leaving the document at an office occupied by the Titles Administrator, or by APS employees assisting the Titles Administrator, with a person apparently employed in connection with the business of the Titles Administrator and apparently at least 16 years of age
3	NOPSEMA;	<p>(a) by prepaying and posting the document as a letter addressed to the National Offshore Petroleum Safety and Environmental Management Authority at a place of business of NOPSEMA; or</p> <p>(b) by sending the document by fax to NOPSEMA's fax number; or</p> <p>(c) by sending the document by email to NOPSEMA's email address; or</p> <p>(d) by sending the document electronically using the internet in accordance with the instructions published by the Chief Executive Officer of NOPSEMA on NOPSEMA's website; or</p> <p>(e) by leaving the document at an office occupied by NOPSEMA with a person apparently employed in connection with the business of NOPSEMA and apparently at least 16 years of age</p>
4	<p>a titleholder by any of the following:</p> <p>(a) the responsible Commonwealth Minister;</p> <p>(b) the Titles Administrator;</p> <p>(c) NOPSEMA;</p>	<p>(a) if the titleholder is not a corporation—by delivering the document to the titleholder personally; or</p> <p>(b) by prepaying and posting the document as a letter addressed to:</p> <p>(i) if the titleholder is not a</p>

12 *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (2013 Measures No. 2) Regulation 2013* No. 238, 2013

OPC60230 - A

Giving documents

Item	A document required or permitted to be given to ...	must be given ...
	(d) an inspector appointed under the Act;	<p>corporation—the titleholder at the place of residence set out in the notice given in accordance with section 286A of the Act; or</p> <p>(ii) if the titleholder is a corporation—the corporation at the place of business set out in the notice given in accordance with section 286A of the Act; or</p> <p>(c) by sending the document by fax to the fax number set out in the notice given in accordance with section 286A of the Act; or</p> <p>(d) by sending the document by email to the email address set out in the notice given in accordance with section 286A of the Act; or</p> <p>(e) if the titleholder is not a corporation—by leaving the document at the place of residence, set out in the notice given in accordance with section 286A of the Act, with another person apparently a resident of that place and apparently at least 16 years of age; or</p> <p>(f) by leaving the document at the titleholder’s place of business set out in the notice given in accordance with section 286A of the Act with another person apparently in the employment of that person or corporation and apparently at least 16 years of age</p>
5	a corporation, other than a titleholder;	(a) by prepaying and posting the document as a letter addressed to the corporation at its last known place of

Schedule 2 Amendments commencing immediately after commencement of Part 1 of Schedule 4 to the Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013

Giving documents		
Item	A document required or permitted to be given to ...	must be given ...
		business or, if it is carrying on business at 2 or more places, at one of those places; or (b) by sending the document by fax to the corporation's last known fax number; or (c) by sending the document by email to the corporation's last known email address; or (d) by leaving the document at the corporation's last known place of business or, if the corporation is carrying on business at 2 or more places, at one of those places, with a person apparently in the employment of the corporation and apparently at least 16 years of age
6	a person other than: (a) the responsible Commonwealth Minister; or (b) the Titles Administrator; or (c) NOPSEMA; or (d) a corporation; or (e) a titleholder;	(a) by delivering the document to the person personally; or (b) by prepaying and posting the document as a letter addressed to the person at the person's last known place of residence; or (c) by prepaying and posting the document as a letter addressed to the person at the person's last known place of business (or, if the person is carrying on business at 2 or more places, at one of those places); or (d) by sending the document by fax to the person's last known residential or business fax number; or (e) by sending the document by email to the person's last known residential or business email address; or (f) by leaving the document at the last

14 *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (2013 Measures No. 2) Regulation 2013* No. 238, 2013

OPC60230 - A

Giving documents

Item	A document required or permitted to be given to ...	must be given ...
		known place of residence of the person with another person apparently a resident of that place and apparently at least 16 years of age; or (f) by leaving the document at the last known place of business of the person (or, if the person is carrying on business at 2 or more places, at one of those places) with another person apparently in the employment of that person and apparently at least 16 years of age

- (2) A person or agency mentioned in item 1, 2 or 3 of the table in subregulation (1) may, by notice in writing published on the person's or agency's website:
- (a) require that a document specified in the notice must be given to the person or agency by a method specified in the notice; or
 - (b) provide that a document specified in the notice may be given to the person or agency by sending the document electronically using the Titles Administrator's National Electronic Approvals Tracking System (*NEATS*), as an alternative to using the methods mentioned in the table in subregulation (1) for the document.
- (3) If paragraph (2)(a) applies to a document, the document may only be given in accordance with the method set out in the notice for that document.
- (4) If a document is given by prepaying and posting the document as a letter in accordance with subregulation (1) or (2), the document is taken to have been given at the time at which the letter would have been delivered in the ordinary course of post.

- (5) If a document is given by fax, email, submitting to a website or submitting to NEATS in accordance with subregulation (1) or (2), the document is taken to have been given at the end of the day on which the document was sent.

11A.02 Giving documents to Joint Authority

A document required or permitted by the Act, or any legislative instrument made under the Act, to be given to the Joint Authority is taken to have been given to the Joint Authority if it is given to:

- (a) the Titles Administrator; or
- (b) a delegate of the Titles Administrator.

11A.03 Giving documents to responsible Commonwealth Minister

A document required or permitted by the Act, or any legislative instrument made under the Act, to be given to the responsible Commonwealth Minister is taken to have been given to the responsible Commonwealth Minister if it is given to a delegate of the responsible Commonwealth Minister.

11A.04 Giving documents to 2 or more registered holders of a petroleum title

Scope

- (1) This regulation applies if there are 2 or more registered holders of a petroleum title.

Nomination of one of the registered holders

- (2) The registered holders may, by joint written notice given to the Titles Administrator and NOPSEMA, nominate one of them as being the person to whom documents may be given, if the documents:
- (a) relate to the petroleum title; and
 - (b) are required or permitted by the Act, or any legislative instrument made under the Act, to be given.

- (3) The joint written notice must be executed in an approved manner by or on behalf of each of the registered holders.
- (4) The joint written notice must be in the form approved, in writing, by the Titles Administrator and the Chief Executive Officer of NOPSEMA.

Document may be given to nominated person

- (5) If:
 - (a) a document relating to a petroleum title is required or permitted by the Act, or any legislative instrument made under the Act, to be given to the registered holder; and
 - (b) there are 2 or more registered holders of the petroleum title; and
 - (c) a nomination of a person under subregulation (2) is in force in relation to the petroleum title; and
 - (d) the document is given to the nominated person;the document is taken to have been given to each of the registered holders.

Revocation of nomination

- (6) If:
 - (a) a person has been nominated under subregulation (2) in relation to a petroleum title; and
 - (b) one of the registered holders of the petroleum title, by written notice given to the Titles Administrator and NOPSEMA, revokes the nomination;the nomination ceases to be in force.
- (7) A notice under subregulation (6) must be in the form approved, in writing, by the Titles Administrator and the Chief Executive Officer of NOPSEMA.

Cessation of nomination—nominee ceases to be a registered holder

- (8) If:

- (a) a person has been nominated under subregulation (2) in relation to a petroleum title; and
 - (b) the nominated person ceases to be one of the registered holders of the petroleum title;
- the nomination ceases to be in force.

Definition

- (9) In this regulation:

petroleum title means:

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

11A.05 Giving documents to 2 or more registered holders of a greenhouse gas title

Scope

- (1) This regulation applies if there are 2 or more registered holders of a greenhouse gas title.

Nomination of one of the registered holders

- (2) The registered holders may, by joint written notice given to the responsible Commonwealth Minister, nominate one of them as being the person to whom documents may be given, if the documents:
- (a) relate to the greenhouse gas title; and
 - (b) are required or permitted by the Act, or any legislative instrument made under the Act, to be given.

- (3) The joint written notice must be executed in an approved manner by or on behalf of each of the registered holders.

Document may be given to nominated person

- (4) If:
- (a) a document relating to a greenhouse gas title is required or permitted by the Act, or any legislative instrument made under the Act, to be given to the registered holder; and
 - (b) there are 2 or more registered holders of the greenhouse gas title; and
 - (c) a nomination of a person under subregulation (2) is in force in relation to the greenhouse gas title; and
 - (d) the document is given to the nominated person;
- the document is taken to have been given to each of the registered holders.

Revocation of nomination

- (5) If:
- (a) a person has been nominated under subregulation (2) in relation to a greenhouse gas title; and
 - (b) one of the registered holders of the greenhouse gas title, by written notice given to the responsible Commonwealth Minister, revokes the nomination;
- the nomination ceases to be in force.

Cessation of nomination—nominee ceases to be a registered holder

- (6) If:
- (a) a person has been nominated under subregulation (2) in relation to a greenhouse gas title; and
 - (b) the nominated person ceases to be one of the registered holders of the greenhouse gas title;
- the nomination ceases to be in force.

Definition

- (7) In this regulation:
-

greenhouse gas title means:

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

4 At the end of Division 1 of Part 13

Add:

13.03 Nomination of registered titleholder

Nomination of registered holder for petroleum title

- (1) This regulation applies to a nomination that is in force under section 774 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* immediately before the commencement of Part 1 of Schedule 4 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013*.
- (2) The nomination is in force, after the commencement of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (2013 Measures No. 2) Regulation 2013*, as if it had been made under subregulation 11A.04(2).

Nomination of registered holder for greenhouse gas title

- (3) This regulation applies to a nomination that is in force under section 775 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* immediately before the commencement of Part 1 of Schedule 4 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013*.
- (4) The nomination is in force, after the commencement of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (2013 Measures No. 2) Regulation 2013*, as if it had been made under subregulation 11A.05(2).

***Offshore Petroleum and Greenhouse Gas Storage (Safety)
Regulations 2009***

5 Part 6 of Chapter 3

Repeal the Part.