



Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Cross-boundary Greenhouse Gas Storage) Regulations 2020

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 17 September 2020

David Hurley
Governor-General

By His Excellency's Command

Keith Pitt
Minister for Resources, Water and Northern Australia

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1 Name

This instrument is the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Cross-boundary Greenhouse Gas Storage) Regulations 2020*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	19 September 2020
2. Schedule 1	At the same time as Part 1 of Schedule 1 to the <i>Offshore Petroleum and Greenhouse Gas Storage Amendment (Cross-boundary Greenhouse Gas Titles and Other Measures) Act 2020</i> commences.	1 October 2020
3. Schedule 2	At the same time as Part 2 of Schedule 4 to the <i>Offshore Petroleum and Greenhouse Gas Storage Amendment (Cross-boundary Greenhouse Gas Titles and Other Measures) Act 2020</i> commences.	1 October 2020

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Main amendments

Offshore Petroleum and Greenhouse Gas Storage (Greenhouse Gas Injection and Storage) Regulations 2011

1 Paragraph 1.4(1)(a)

Omit “28 (1)”, substitute “27A(1), 28(1), 28A(1)”.

2 Subregulation 1.4(1) (note)

Omit “28 (1)”, substitute “27A(1), 28(1), 28A(1)”.

3 Subregulation 1.4(5)

Omit “28 (1)”, substitute “27A(1), 28(1), 28A(1)”.

4 After subregulation 1.4(5)

Insert:

Specific information—State/Territory petroleum production title

- (5A) For the purposes of subsection 27A(1) or 28A(1) of the Act, if the title area in which the main operation would be carried on overlaps, in whole or in part, with an area in which an operation is being, or could be, carried on under a State/Territory petroleum production title:
- (a) the responsible Commonwealth Minister may request the holder of the State/Territory petroleum production title to give the responsible Commonwealth Minister information in relation to whether there is any potential significant risk that the main operation will have a significant adverse impact on the operation under the State/Territory petroleum production title; and
 - (b) the responsible Commonwealth Minister must take any information given by the holder of the State/Territory petroleum production title into account when determining the risk question.

5 Paragraph 1.5(1)(a)

Omit “28 (1)”, substitute “27A(1), 28(1), 28A(1)”.

6 Subregulation 1.5(1) (note)

Omit “28 (1)”, substitute “27A(1), 28(1), 28A(1)”.

7 Subregulation 1.5(7) (table item 6)

Omit “28”, substitute “27A, 28, 28A”.

8 Subregulation 1.5(7) (table item 7)

Omit “28 (5)”, substitute “27A(5), 28(5), 28A(5)”.

9 Paragraph 1.6(1)(a)

Omit “28 (6)”, substitute “27A(6), 28(6), 28A(6)”.

10 Subregulation 1.7(1)

Omit “28 (1)”, substitute “27A(1), 28(1), 28A(1)”.

11 Subregulation 1.7(2) (note)

Omit “28 (1)”, substitute “27A(1), 28(1), 28A(1)”.

12 Subregulation 1.7(3) (note)

Repeal the note, substitute:

- Note: The titleholder will be:
- (a) the holder of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence (see section 25 or 26 of the Act); or
 - (b) the holder of a petroleum exploration permit, petroleum retention lease or petroleum production licence (see section 27, 28 or 29 of the Act); or
 - (c) the holder of a petroleum exploration permit, petroleum retention lease, petroleum production licence, State/Territory petroleum exploration title, State/Territory petroleum retention title or State/Territory petroleum production title (see section 27A or 28A of the Act).

13 Subregulation 1.8(1)

Omit “28 (1)”, substitute “27A(1), 28(1), 28A(1)”.

14 Subregulation 1.8(2) (note)

Omit “28 (1)”, substitute “27A(1), 28(1), 28A(1)”.

15 Subregulation 1.8(3) (note)

Repeal the note, substitute:

- Note: The titleholder will be:
- (a) the holder of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence (see section 25 or 26 of the Act); or
 - (b) the holder of a petroleum exploration permit, petroleum retention lease or petroleum production licence (see section 27, 28 or 29 of the Act); or
 - (c) the holder of a petroleum exploration permit, petroleum retention lease, petroleum production licence, State/Territory petroleum exploration title, State/Territory petroleum retention title or State/Territory petroleum production title (see section 27A or 28A of the Act).

16 Regulation 2.1

Omit “paragraph 312 (3) (c)”, substitute “the purposes of paragraphs 312(3)(c) and 312A(3)(c)”.

17 Subregulation 2.2(1)

After “section 312”, insert “or 312A”.

18 Subregulation 3.5(3)

After “section 312”, insert “or 312A”.

19 Paragraph 3.9(1)(a)

Repeal the paragraph, substitute:

- (a) a declaration under section 312 or 312A of the Act has been revoked under section 314 of the Act;

20 Paragraph 3.10(3)(b)

After “section 374”, insert “or 374A”.

21 Regulation 4.2 (heading)

Repeal the heading, substitute:

4.2 Notifying responsible Commonwealth Minister of reportable incidents

22 Subregulation 4.2(2)

Omit “operator”, substitute “titleholder”.

23 After regulation 4.2

Insert:

4.2A Notifying States and Northern Territory of reportable incidents

Requirements if reportable incident notified orally

- (1) Subregulation (2) applies if a titleholder notifies the responsible Commonwealth Minister of a reportable incident under subregulation 4.2(1) orally.
- (2) The titleholder commits an offence if the titleholder does not, within 3 days after notifying the responsible Commonwealth Minister:
 - (a) if the reportable incident occurred in the offshore area of a State—give to the Department of the responsible State Minister a written record setting out the details that were given to the responsible Commonwealth Minister in the oral notification; or
 - (b) if the reportable incident occurred in the Principal Northern Territory offshore area—give to the Department of the responsible Northern Territory Minister a written record setting out the details that were given to the responsible Commonwealth Minister in the oral notification.

Penalty: 40 penalty units.

Requirements if reportable incident notified in writing

- (3) Subregulation (4) applies if a titleholder notifies the responsible Commonwealth Minister of a reportable incident under subregulation 4.2(1) in writing.
- (4) The titleholder commits an offence if the titleholder does not, within 3 days after notifying the responsible Commonwealth Minister:
 - (a) if the reportable incident occurred in the offshore area of a State—give to the Department of the responsible State Minister a copy of the written notification given to the responsible Commonwealth Minister; or
 - (b) if the reportable incident occurred in the Principal Northern Territory offshore area—give to the Department of the responsible Northern Territory Minister a copy of the written notification given to the responsible Commonwealth Minister.

Penalty: 40 penalty units.

24 After subregulation 4.3(1)

Insert:

- (1A) If a titleholder gives a report to the responsible Commonwealth Minister under subregulation (1), the titleholder commits an offence if the titleholder does not, within 7 days after giving the report to the responsible Commonwealth Minister:
- (a) if the reportable incident occurred in the offshore area of a State—give a copy of the report to the Department of the responsible State Minister; or
 - (b) if the reportable incident occurred in the Principal Northern Territory offshore area—give a copy of the report to the Department of the responsible Northern Territory Minister.

Penalty: 40 penalty units.

25 Subregulation 4.3(2)

Omit “operator”, substitute “titleholder”.

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

26 Paragraph 1.06(3)(h)

Omit “or 303”, substitute “, 302A, 303 or 307A”.

27 Paragraph 1.06(3)(i)

After “308”, insert “or 311A”.

28 Paragraph 1.06(3)(j)

Omit “330, 336”, substitute “329A, 330, 335A, 336, 342A”.

29 Paragraph 1.06(3)(k)

After “347”, insert “or 350A”.

30 Paragraph 1.06(3)(l)

After “361”, insert “, 368A”.

31 At the end of Division 2 of Part 2

Add:

2.07 Information may be provided to responsible State Minister and responsible Northern Territory Minister

- (1) This regulation applies if:
- (a) petroleum is discovered in:
 - (i) part of the permit area of a cross-boundary greenhouse gas assessment permit that is in the coastal waters of a State or the coastal waters of the Northern Territory; or
 - (ii) part of the lease area of a cross-boundary greenhouse gas holding lease that is in the coastal waters of a State or the coastal waters of the Northern Territory; or

- (iii) part of the licence area of a cross-boundary greenhouse gas injection licence that is in the coastal waters of a State or the coastal waters of the Northern Territory; and
 - (b) a report of the discovery is provided to the responsible Commonwealth Minister under paragraph 2.06(1)(b).
- (2) Despite Parts 8 and 10, the responsible Commonwealth Minister may make information in the report available to the responsible State Minister or the responsible Northern Territory Minister, for the purpose of enabling or assisting the responsible State Minister or the responsible Northern Territory Minister to perform functions, or exercise powers, under a State PSLA or a Territory PSLA.

32 After regulation 11A.02

Insert:

11A.02A Giving documents to Cross-boundary Authority

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

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

33 Clause 3 of Schedule 6 (table item 121, column headed “Type of application, request or nomination”)

After “312”, insert “or 312A”.

34 Clause 3 of Schedule 6 (after table item 124)

Insert:

- | | | |
|------|--|-------|
| 124A | Application for one or more of the following under item 1 of the table in subsection 439A(1) of the Act in relation to a cross-boundary greenhouse gas assessment permit, cross-boundary greenhouse gas holding lease or cross-boundary greenhouse gas injection licence: <ul style="list-style-type: none">(a) variation or suspension of any of the conditions to which the permit, lease or licence is subject;(b) exemption from compliance with any of the conditions to which the permit, lease or licence is subject | 7 500 |
|------|--|-------|

35 Clause 4 of Schedule 6 (after table item 201)

Insert:

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|------|---|-------|
| 201A | Cross-boundary greenhouse gas assessment permit | 7 500 |
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Schedule 2—Amendments relating to environment plans

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

1 Regulation 11B.01 (after table item 8)

Insert:

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|----|--|---|
| 8A | Definition of <i>environment plan</i> in subsection 576C(9) | <i>Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009</i> |
|----|--|---|

2 Regulation 11B.01 (after table item 20)

Insert:

- | | | |
|-----|---|---|
| 20A | Subsection 790B(1) | <i>Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009</i> |
| 20B | Definition of <i>environment plan</i> in clause 2 of Schedule 2A | <i>Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009</i> |