



Offshore Petroleum and Greenhouse Gas Storage Act 2006

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Volume 1: sections 1–465

Volume 2: sections 466–791

**Volume 3: Schedules
Endnotes**

Each volume has its own contents

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About this compilation

This compilation

This is a compilation of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that shows the text of the law as amended and in force on 16 May 2020 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

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

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Schedule 1—Scheduled areas for the States and Territories

		1
1	Scheduled area for New South Wales.....	1
2	Scheduled area for Victoria	3
3	Scheduled area for Queensland	4
4	Scheduled area for South Australia	7
5	Scheduled area for Western Australia.....	7
6	Scheduled area for Tasmania.....	12
7	Scheduled area for the Northern Territory.....	15
8	Scheduled area for the Territory of Ashmore and Cartier Islands.....	17
9	References to this Schedule in other laws.....	20

Schedule 2—Area that includes the area to be avoided

1	Area that includes the area to be avoided	21
---	---	----

Schedule 2A—Environmental management laws: additional NOPSEMA inspection powers

Part 1—Introduction

		22
1	Simplified outline of this Schedule.....	22
2	Definitions	23
2A	Declared oil pollution emergency.....	28
2B	Emergency response premises	32

Part 2—Environmental inspections

Division 1—Environmental inspections: general provisions

3	Environmental inspections—nature of inspections.....	35
4	Environmental inspections—offshore premises	37
5	Environmental inspections—regulated business premises	38
6	Environmental inspections—obstructing or hindering NOPSEMA inspector	41

Division 2—Environmental inspections: compliance powers

7	Environmental inspections—power to require assistance.....	42
8	Environmental inspections—powers to require information, and the production of documents and things	44

9	Environmental inspections—power to take possession of plant and samples etc.	51
10	Environmental do not disturb notices (general)	54
11	Environmental inspections—environmental do not disturb notices (notification and display).....	56
11A	Environmental inspections—environmental prohibition notices (issue).....	56
11B	Environmental inspections—environmental prohibition notices (notification).....	59
11C	Environmental inspections—environmental improvement notices (issue).....	61
11D	Environmental inspections—environmental improvement notices (compliance and notification).....	63
12	Environmental inspections—tampering with and removing notices.....	65
12A	Environmental inspections—publishing environmental prohibition notices and environmental improvement notices	67
Division 3—Reports: inspections concerning environmental management laws		68
13	Reports on inspections concerning environmental management laws	68
Part 3—General		70
14	Meaning of <i>offence against an environmental management law</i>	70
15	Offences against environmental management laws—prosecutions.....	70
16	Offences against environmental management laws—conduct of directors, employees and agents	70
17	Environmental inspections—civil proceedings	72
18	Offences against environmental management laws—defence of circumstances preventing compliance	72
19	Constitutional basis of this Schedule	73
20	Additional operation of this Schedule	73
Schedule 2B—Well integrity laws: additional NOPSEMA inspection powers		74
Part 1—Introduction		74
1	Simplified outline of this Schedule.....	74
2	Definitions.....	74

Part 2—Well integrity inspections	78
Division 1—Well integrity inspections: general provisions	78
3	Well integrity inspections—nature of inspections 78
4	Well integrity inspections—facility 79
5	Well integrity inspections—regulated business premises 80
6	Well integrity inspections—obstructing or hindering NOPSEMA inspector 81
Division 2—Well integrity inspections: compliance powers	83
7	Well integrity inspections—power to require assistance 83
8	Well integrity inspections—powers to require information, and the production of documents and things 84
9	Well integrity inspections—power to take possession of plant and samples etc. 90
10	Well integrity inspections—well integrity do not disturb notices (general) 92
11	Well integrity inspections—well integrity do not disturb notices (notification and display) 94
12	Well integrity inspections—well integrity prohibition notices (issue) 94
13	Well integrity inspections—well integrity prohibition notices (notification) 96
14	Well integrity inspections—well integrity improvement notices (issue) 97
15	Well integrity inspections—well integrity improvement notices (compliance and notification) 99
16	Well integrity inspections—tampering with and removing notices 100
17	Well integrity inspections—publishing well integrity prohibition notices and well integrity improvement notices 101
Division 3—Reports: inspections concerning well integrity laws	103
18	Reports on inspections concerning well integrity laws 103
Part 3—General	105
19	Meaning of <i>offence against a well integrity law</i> 105
20	Offences against well integrity laws—prosecutions 105
21	Offences against well integrity laws—conduct of directors, employees and agents 105
22	Well integrity inspections—civil proceedings 107
23	Offences against well integrity laws—defence of circumstances preventing compliance 107

Schedule 3—Occupational health and safety	108
Part 1—Introduction	108
1 Objects.....	108
2 Simplified outline	108
3 Definitions	110
4 Facilities	117
5 Operator of a facility or proposed facility.....	122
6 Operator must ensure presence of operator’s representative.....	122
7 Health and safety of persons using an accommodation facility.....	123
8 Contractor.....	124
8A When a petroleum title is derived from another petroleum title.....	124
8B When a greenhouse gas title is derived from another greenhouse gas title	125
Part 2—Occupational health and safety	127
Division 1—Duties relating to occupational health and safety	127
9 Duties of operator.....	127
10 Duties of persons in control of parts of facility or particular work.....	129
11 Duties of employers.....	130
12 Duties of manufacturers in relation to plant and substances	132
13 Duties of suppliers of facilities, plant and substances.....	134
13A Duties of petroleum titleholders in relation to wells.....	136
13B Duties of greenhouse gas titleholders in relation to wells.....	138
14 Duties of persons erecting facilities or installing plant	140
15 Duties of persons in relation to occupational health and safety	141
16 Reliance on information supplied or results of research	142
Division 1A—Occupational health and safety duties: enforcement	145
16A Meaning of <i>health and safety requirement</i>	145
16B Occupational health and safety duties offence—recklessness	145
16C Occupational health and safety duties offence—negligence.....	146
Division 2—Regulations relating to occupational health and safety	147
17 Regulations relating to occupational health and safety	147

Part 3—Workplace arrangements	149
Division 1—Introduction	149
18 Simplified outline	149
Division 2—Designated work groups	150
Subdivision A—Establishment of designated work groups	150
19 Establishment of designated work groups by request	150
20 Establishment of designated work groups at initiative of operator.....	151
Subdivision B—Variation of designated work groups	151
21 Variation of designated work groups by request	151
22 Variation of designated work groups at initiative of operator.....	153
Subdivision C—General	154
23 Referral of disagreement to reviewing authority	154
24 Manner of grouping members of the workforce	154
Division 3—Health and safety representatives	156
Subdivision A—Selection of health and safety representatives	156
25 Selection of health and safety representatives	156
26 Election of health and safety representatives.....	156
27 List of health and safety representatives	158
28 Members of designated work group must be notified of selection etc. of health and safety representative	158
29 Term of office.....	158
30 Training of health and safety representatives	159
31 Resignation etc. of health and safety representatives.....	159
32 Disqualification of health and safety representatives.....	160
33 Deputy health and safety representatives.....	162
Subdivision B—Powers of health and safety representatives	162
34 Powers of health and safety representatives	162
35 Assistance by consultant.....	164
36 Information.....	165
37 Obligations and liabilities of health and safety representatives	165
38 Provisional OHS improvement notices—issue and notification	166
39 Provisional OHS improvement notices—effect.....	168

Subdivision C—Duties of the operator and other employers in relation to health and safety representatives	170
40 Duties of the operator and other employers in relation to health and safety representatives	170
Division 4—Health and safety committees	173
41 Health and safety committees	173
42 Functions of health and safety committees	174
43 Duties of the operator and other employers in relation to health and safety committees	175
Division 5—Emergency procedures	177
44 Action by health and safety representatives	177
45 Direction to perform other work	178
Division 6—Exemptions	180
46 Exemptions	180
Part 4—OHS inspections	181
Division 1—Introduction	181
47 Simplified outline	181
Division 2—OHS inspections: general provisions	183
49 OHS inspections—nature of inspections	183
50 OHS inspections—facilities	184
51 OHS inspections—regulated business premises (non-facilities)	185
54 OHS inspections—obstructing or hindering NOPSEMA inspector	187
Division 3—OHS inspections: compliance powers	189
73 OHS inspections—power to require assistance	189
74 OHS inspections—powers to require information, and the production of documents and things	190
75 OHS inspections—power to take possession of plant and samples etc.	198
76 OHS inspections—OHS do not disturb notices (general)	201
76A OHS inspections—OHS do not disturb notices (notification and display)	203
77 OHS inspections—OHS prohibition notices (issue)	204
77A OHS inspections—OHS prohibition notices (notification, display and compliance)	206
78 OHS inspections—OHS improvement notices (issue)	208
78A OHS inspections—OHS improvement notices (compliance)	209

78B	OHS inspections—OHS improvement notices (notification and display)	210
79	OHS inspections—tampering with and removal of notices	212
80AA	OHS inspections—publishing OHS prohibition notices and OHS improvement notices.....	213
Division 4—Reports: OHS inspections etc.		215
80	Reports on listed OHS law inspections.....	215
Division 5—Appeals: OHS inspections etc.		217
80A	Appeals concerning OHS inspections etc.—decisions subject to appeal	217
81	Appeals concerning OHS inspections etc.—associated rules and procedure	223
Part 5—General provisions		225
82	Notifying and reporting accidents and dangerous occurrences.....	225
83	Records of accidents and dangerous occurrences to be kept.....	227
84	Codes of practice	228
85	Use of codes of practice in criminal proceedings	228
86	Interference etc. with equipment etc.....	229
87	Members of workforce not to be levied.....	229
88	Employer not to dismiss etc. employees on certain grounds	230
89	Institution of prosecutions	231
90	Conduct of directors, employees and agents.....	233
91	Schedule not to give rise to other liabilities etc.	234
92	Circumstances preventing compliance may be defence to prosecution	235
93	Regulations—general	235
Schedule 4—Petroleum production licences to which the Royalty Act applies		237
Part 1—Introduction		237
1	Definitions.....	237
Part 2—Applying for a petroleum production licence		238
2	Application for petroleum production licence by holder of petroleum exploration permit to which the Royalty Act applies.....	238
3	Application period	241
4	Application for petroleum production licence by holder of petroleum retention lease to which the Royalty Act applies	242

Part 3—Obtaining a petroleum production licence	245
5 Secondary petroleum production licence—offer document must specify rate of royalty	245
6 Limit on grant of secondary petroleum production licence	245
Part 4—Variation of licence area	246
7 Variation of licence area of petroleum production licence	246
Part 5—What happens if a block is not taken up	248
8 Revocation of petroleum exploration permit or petroleum retention lease to the extent to which it relates to a block not taken up	248
Schedule 5—Release of technical information given to the Designated Authority before 7 March 2000	251
1 Simplified outline	251
2 Definitions	251
3 Time of receipt of certain information	252
4 Protection of the confidentiality of information	253
5 Titles Administrator may make information available to a Minister, a State Minister or a Northern Territory Minister	253
6 Disclosure of basic information given in connection with an application	253
7 Disclosure of basic information after authorised release day	254
8 Disclosure of information that is in the public domain	257
9 Disclosure of derivative information after 5 years	258
10 Transitional—section 118 of the repealed <i>Petroleum (Submerged Lands) Act 1967</i>	262
Schedule 6—Transitional provisions	263
Part 1—Basic provisions	263
1 Definitions	263
2 Re-enactment of the <i>Petroleum (Submerged Lands) Act 1967</i>	264
3 Old titles continue in force	264
4 Transitional—eligible instruments	264
5 Transitional—acts or things done before commencement	265
6 Transitional—conditions of old titles	266
7 Translation of references in documents	266
8 Transitional regulations	269

Part 2—Specific provisions	271
9 Joint Authority.....	271
10 Joint Authority for an external Territory	271
11 Designated Authority.....	272
12 Chief Executive Officer of the National Offshore Petroleum Safety Authority	272
13 Project inspectors—late commencement of greenhouse gas provisions	273
13A Petroleum project inspectors—early commencement of greenhouse gas provisions	273
13B Petroleum project inspectors—late commencement of greenhouse gas provisions	274
14 Offshore area	274
15 Registers	275
16 Registration fees—transfer	276
17 Registration fees—dealings	276
18 Retention and inspection of documents	277
19 Assessment of registration fee	277
20 Payments by the Commonwealth to the States and the Northern Territory	277
21 Adjustment to period required or allowed for doing an act or thing etc.	278
22 Old titles—continuation in force beyond date of expiry	280
23 Renewal of petroleum exploration permits	280
24 Renewal of petroleum retention leases	281
25 Grant of petroleum production licences over individual blocks	281
26 Renewal of fixed-term petroleum production licences	281
27 Grant of pipeline licences	282
28 Requirement to provide further information in connection with application for title	282
29 Revocation of petroleum exploration permits, petroleum retention leases, petroleum production licences and petroleum access authorities	283
30 Surrender of title.....	283
31 Cancellation of old titles.....	284
32 Commencement of works or operations	284
33 Deduction of debts from proceeds of sale of property	285
34 Authorised persons	285
35 Release of regulatory information	286

36	Release of technical information—deemed time of receipt of certain information and samples	286
37	Liability for acts and omissions	287
38	Reconsideration and review of decisions.....	287
39	Meaning of <i>petroleum</i> in the <i>Petroleum (Submerged Lands) Act 1967</i>	287
40	OHS inspections	287
41	OHS prosecutions.....	289
42	Disqualification of health and safety representatives.....	289
43	Designated frontier areas for 2005.....	289
Schedule 7—Greater Sunrise areas		291
2	Eastern Greater Sunrise offshore area	291
3	Western Greater Sunrise area	292
Schedule 8—Bayu-Undan pipeline international offshore area		293
1	Bayu-Undan pipeline international offshore area	293
Endnotes		294
Endnote 1—About the endnotes		294
Endnote 2—Abbreviation key		296
Endnote 3—Legislation history		297
Endnote 4—Amendment history		306
Endnote 5—Editorial changes		370
Endnote 6—Miscellaneous		371

Schedule 1—Scheduled areas for the States and Territories

Note: See section 8 (for datum, see sections 40, 48 and 49).

1 Scheduled area for New South Wales

- (1) The *scheduled area* for New South Wales is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the geodesic between the trigonometrical station known as Point Danger near Point Danger and a point of Latitude $27^{\circ}57'54.23''\text{S}$, Longitude $154^{\circ}00'03.78''\text{E}$ and runs thence north-easterly along that geodesic to the last-mentioned point:
- (a) thence north-easterly along the geodesic to a point of Latitude $27^{\circ}47'54.22''\text{S}$, Longitude $154^{\circ}22'03.75''\text{E}$; and
 - (b) thence easterly along the geodesic to a point of Latitude $26^{\circ}58'58.99''\text{S}$, Longitude $165^{\circ}40'03.01''\text{E}$; and
 - (c) thence south along the loxodrome to a point of Latitude $31^{\circ}49'56.57''\text{S}$, Longitude $165^{\circ}40'03.13''\text{E}$; and
 - (d) thence clockwise north-westerly along the geodesic arc of radius 200 nautical miles concave to Norfolk Island to a point of Latitude $31^{\circ}30'00.01''\text{S}$, Longitude $165^{\circ}13'27.08''\text{E}$; and
 - (e) thence south-westerly along the geodesic to a point of Latitude $32^{\circ}30'00.01''\text{S}$, Longitude $163^{\circ}06'58.81''\text{E}$; and
 - (f) thence clockwise southerly along the geodesic arc of radius 200 nautical miles concave to Lord Howe Island to a point of Latitude $33^{\circ}52'40.26''\text{S}$, Longitude $162^{\circ}21'59.44''\text{E}$; and
 - (g) thence south-easterly along the geodesic to a point of Latitude $36^{\circ}36'25.68''\text{S}$, Longitude $163^{\circ}15'37.64''\text{E}$; and
 - (h) thence clockwise south-westerly along the geodesic arc of radius 350 nautical miles concave to Lord Howe Island to a point of Latitude $37^{\circ}26'21.32''\text{S}$, Longitude $161^{\circ}04'38.06''\text{E}$; and

Clause 1

- (i) thence south-westerly along the geodesic to a point of Latitude 37°30'11.13"S, Longitude 161°00'14.00"E; and
 - (j) thence south-westerly along the geodesic to a point of Latitude 37°43'11.19"S, Longitude 160°49'46.53"E; and
 - (k) thence south-westerly along the geodesic to a point of Latitude 37°52'48.03"S, Longitude 160°41'59.88"E; and
 - (l) thence south-westerly along the geodesic to a point of Latitude 37°56'01.02"S, Longitude 160°39'23.45"E; and
 - (m) thence south-westerly along the geodesic to a point of Latitude 38°03'21.96"S, Longitude 160°33'24.99"E; and
 - (n) thence south-westerly along the geodesic to a point of Latitude 38°19'36.20"S, Longitude 160°23'49.32"E; and
 - (o) thence south-westerly along the geodesic to a point of Latitude 39°11'54.09"S, Longitude 160°00'03.82"E; and
 - (p) thence south-westerly along the geodesic to a point of Latitude 40°39'54.14"S, Longitude 158°53'03.98"E; and
 - (q) thence north-westerly along the geodesic to a point of Latitude 37°34'54.39"S, Longitude 150°10'04.43"E; and
 - (r) thence north-westerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the States of New South Wales and Victoria; and
 - (s) thence generally northerly along the coastline of Australia at mean low water to the point of commencement.
- (2) If there is any difference between:
- (a) the position on the surface of the Earth of a point (the *first point*) mentioned in any of paragraphs (1)(c) to (n); and
 - (b) the position on the surface of the Earth of the closest point on a line described in Article 2 of the New Zealand boundary treaty;
- subclause (1) has effect as if the reference to the first point were replaced by a reference to that closest point.

2 Scheduled area for Victoria

The *scheduled area* for Victoria is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of New South Wales and Victoria and runs thence south-easterly along the geodesic to a point of Latitude 37°34'54.39"S, Longitude 150°10'04.43"E:

- (a) thence south-easterly along the geodesic to a point of Latitude 40°39'54.14"S, Longitude 158°53'03.98"E; and
- (b) thence south-westerly along the geodesic to a point of Latitude 41°29'54.17"S, Longitude 158°13'04.08"E; and
- (c) thence north-westerly along the geodesic to a point of Latitude 39°11'54.42"S, Longitude 150°00'04.52"E; and
- (d) thence westerly along the loxodrome to a point of Latitude 39°11'54.71"S to its intersection by the meridian of Longitude 142°30'04.95"E; and
- (e) thence south-westerly along the geodesic to a point of Latitude 39°49'54.74"S, Longitude 142°00'05.02"E; and
- (f) thence south-westerly along the geodesic to a point of Latitude 43°59'55.11"S, Longitude 136°29'05.64"E; and
- (g) thence north-easterly along the geodesic to a point of Latitude 38°40'42.76"S, Longitude 140°40'49.00"E; and
- (h) thence north-easterly along the geodesic to a point of Latitude 38°35'24.75"S, Longitude 140°44'41.98"E; and
- (i) thence north-easterly along the geodesic to a point of Latitude 38°25'54.75"S, Longitude 140°53'04.96"E; and
- (j) thence north-easterly along the geodesic to a point of Latitude 38°14'54.73"S, Longitude 140°57'04.94"E; and
- (k) thence north-easterly along the geodesic to a point that is the intersection of the parallel of Latitude 38°09'54.73"S by the meridian passing through the intersection of the coastline at mean low water by the boundary between the States of South Australia and Victoria; and
- (l) thence north along that meridian to its intersection by the coastline at mean low water; and

Clause 3

- (m) thence along the coastline of the State of Victoria at mean low water to the point of commencement.

3 Scheduled area for Queensland

The *scheduled area* for Queensland is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Queensland and runs:

- (a) thence north-easterly along the geodesic to the point of Latitude 15°54'54.66"S, Longitude 138°30'04.17"E; and
- (b) thence northerly along the loxodrome to a point of Latitude 14°29'54.67"S, Longitude 138°30'04.15"E; and
- (c) thence easterly along the loxodrome to a point of Latitude 14°29'54.66"S, Longitude 139°15'04.12"E; and
- (d) thence northerly along the loxodrome to a point of Latitude 10°59'54.71"S, Longitude 139°15'04.06"E; and
- (e) thence north-westerly along the geodesic to the point of Latitude 10°50'54.71"S, Longitude 139°12'34.06"E; and
- (f) thence north-westerly along the geodesic to the point of Latitude 10°49'54.71"S, Longitude 139°12'04.06"E; and
- (g) thence south-easterly along the geodesic to the point of Latitude 11°08'54.70"S, Longitude 139°23'04.06"E; and
- (h) thence north-easterly along the geodesic to the point of Latitude 10°58'54.70"S, Longitude 140°00'04.04"E; and
- (i) thence north-easterly along the geodesic to the point of Latitude 09°45'54.65"S, Longitude 142°00'04.00"E; and
- (j) thence north-easterly along the geodesic to the point of Latitude 09°45'18.64"S, Longitude 142°03'34.00"E; and
- (k) thence north-easterly along the geodesic to the point of Latitude 09°41'54.60"S, Longitude 142°23'04.02"E; and
- (l) thence north-easterly along the geodesic to the point of Latitude 09°40'24.61"S, Longitude 142°51'03.99"E; and
- (m) thence north-easterly along the geodesic to the point of Latitude 09°39'54.62"S, Longitude 143°00'03.97"E; and

- (n) thence north-easterly along the geodesic to the point of Latitude 09°32'54.64"S, Longitude 143°05'03.96"E; and
- (o) thence easterly along the loxodrome to a point of Latitude 09°32'54.67"S, Longitude 143°20'03.91"E; and
- (p) thence north-easterly along the geodesic to the point of Latitude 09°23'54.69"S, Longitude 143°30'03.89"E; and
- (q) thence north-easterly along the geodesic to the point of Latitude 09°21'54.68"S, Longitude 143°48'03.88"E; and
- (r) thence south-easterly along the geodesic to the point of Latitude 09°29'54.68"S, Longitude 144°15'03.86"E; and
- (s) thence south-easterly along the geodesic to the point of Latitude 09°50'54.66"S, Longitude 144°44'03.85"E; and
- (t) thence south-easterly along the geodesic to the point of Latitude 12°19'54.58"S, Longitude 146°30'03.81"E; and
- (u) thence south-easterly along the geodesic to the point of Latitude 12°38'24.57"S, Longitude 147°08'33.78"E; and
- (v) thence south-easterly along the geodesic to the point of Latitude 12°56'17.56"S, Longitude 147°40'03.76"E; and
- (w) thence southerly along the loxodrome to a point of Latitude 13°59'54.53"S, Longitude 147°40'03.78"E; and
- (x) thence westerly along the loxodrome to a point of Latitude 13°59'54.54"S, Longitude 146°55'03.81"E; and
- (y) thence southerly along the loxodrome to a point of Latitude 17°04'54.49"S, Longitude 146°55'03.87"E; and
- (z) thence easterly along the loxodrome to a point of Latitude 17°04'54.47"S, Longitude 147°45'03.83"E; and
- (za) thence southerly along the loxodrome to a point of Latitude 18°29'54.45"S, Longitude 147°45'03.86"E; and
- (zb) thence easterly along the loxodrome to a point of Latitude 18°29'54.40"S, Longitude 150°50'03.71"E; and
- (zc) thence southerly along the loxodrome to a point of Latitude 19°59'54.37"S, Longitude 150°50'03.74"E; and
- (zd) thence easterly along the loxodrome to a point of Latitude 19°59'54.36"S, Longitude 151°30'03.71"E; and

Clause 3

- (ze) thence south along the loxodrome to a point of Latitude 20°24'54.35"S, Longitude 151°30'03.71"E; and
- (zf) thence easterly along the loxodrome to a point of Latitude 20°24'54.32"S, Longitude 153°05'03.63"E; and
- (zg) thence southerly along the loxodrome to a point of Latitude 22°49'54.29"S, Longitude 153°05'03.69"E; and
- (zh) thence easterly along the loxodrome to a point of Latitude 22°49'54.28"S, Longitude 153°40'03.65"E; and
- (zi) thence southerly along the loxodrome to a point of Latitude 23°14'54.27"S, Longitude 153°40'03.66"E; and
- (zj) thence east along the loxodrome to a point of Latitude 23°14'54.27"S, Longitude 154°00'03.65"E; and
- (zk) thence southerly along the loxodrome to a point of Latitude 23°49'54.26"S, Longitude 154°00'03.66"E; and
- (zl) thence easterly along the loxodrome to a point of Latitude 23°49'54.23"S, Longitude 155°15'03.59"E; and
- (zm) thence southerly along the loxodrome to a point of Latitude 24°59'54.22"S, Longitude 155°15'03.62"E; and
- (zn) thence easterly along the loxodrome to a point of Latitude 24°59'54.15"S, Longitude 158°32'50.43"E; and
- (zo) thence south-easterly along the geodesic to the point of Latitude 25°08'48.15"S, Longitude 158°36'39.42"E; and
- (zp) thence south-easterly along the geodesic to the point of Latitude 26°26'30.03"S, Longitude 163°43'30.13"E; and
- (zq) thence north-easterly along the geodesic to the point of Latitude 26°13'27.00"S, Longitude 165°40'02.99"E; and
- (zr) thence southerly along the loxodrome to a point of Latitude 26°58'58.99"S, Longitude 165°40'03.01"E; and
- (zs) thence south-westerly along the geodesic to the point of Latitude 27°47'54.22"S, Longitude 154°22'03.75"E; and
- (zt) thence south-westerly along the geodesic to the point of Latitude 27°57'54.23"S, Longitude 154°00'03.78"E; and
- (zu) thence south-westerly along the geodesic between the last-mentioned point and the trigonometrical station known as Point Danger near Point Danger to its intersection by the coastline at mean low water; and

- (zv) thence along the coastline of the State of Queensland at mean low water to the point of commencement.

4 Scheduled area for South Australia

The *scheduled area* for South Australia is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Victoria and runs thence south along the meridian through that point to its intersection by the parallel of Latitude 38°09'54.73"S:

- (a) thence south-westerly along the geodesic to a point of Latitude 38°14'54.73"S, Longitude 140°57'04.94"E; and
- (b) thence south-westerly along the geodesic to a point of Latitude 38°25'54.75"S, Longitude 140°53'04.96"E; and
- (c) thence south-westerly along the geodesic to a point of Latitude 38°35'24.75"S, Longitude 140°44'41.98"E; and
- (d) thence south-westerly along the geodesic to a point of Latitude 38°40'42.76"S, Longitude 140°40'49.00"E; and
- (e) thence south-westerly along the geodesic to a point of Latitude 43°59'55.11"S, Longitude 136°29'05.64"E; and
- (f) thence westerly along the loxodrome to a point of Latitude 43°59'55.49"S, Longitude 129°00'05.95"E; and
- (g) thence northerly along the loxodrome to a point of Latitude 31°44'55.02"S, Longitude 129°00'05.08"E; and
- (h) thence northerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia; and
- (i) thence along the coastline of the State of South Australia at mean low water to the point of commencement.

5 Scheduled area for Western Australia

The *scheduled area* for Western Australia is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia and runs thence southerly

Clause 5

along the geodesic to a point of Latitude 31°44'55.02"S, Longitude 129°00'05.08"E:

- (a) thence southerly along the loxodrome to a point of Latitude 43°59'55.49"S, Longitude 129°00'05.95"E; and
- (b) thence westerly along the loxodrome to a point of Latitude 43°59'56.85"S, Longitude 104°00'06.27"E; and
- (c) thence northerly along the loxodrome to a point of Latitude 13°59'55.41"S, Longitude 104°00'04.55"E; and
- (d) thence easterly along the loxodrome to a point of Latitude 13°59'55.22"S, Longitude 111°45'04.59"E; and
- (e) thence northerly along the loxodrome to a point of Latitude 12°39'55.20"S, Longitude 111°45'04.56"E; and
- (f) thence easterly along the loxodrome to a point of Latitude 12°39'55.14"S, Longitude 114°40'04.56"E; and
- (g) thence southerly along the loxodrome to a point of Latitude 13°05'27.14"S, Longitude 114°40'04.57"E; and
- (h) thence easterly along the loxodrome to a point of Latitude 13°05'27.00"S, Longitude 118°10'08.9"E; and
- (i) thence north-easterly along the geodesic to a point of Latitude 12°49'54.8"S, Longitude 118°14'22.6"E; and
- (j) thence north-westerly along the geodesic to a point of Latitude 12°04'24.9"S, Longitude 118°06'17.2"E; and
- (k) thence north-westerly along the geodesic to a point of Latitude 12°04'08.8"S, Longitude 118°06'14.4"E; and
- (l) thence south-easterly along the geodesic to a point of Latitude 12°04'19.0"S, Longitude 118°07'44.0"E; and
- (m) thence south-easterly along the geodesic to a point of Latitude 12°06'21.0"S, Longitude 118°20'45.0"E; and
- (n) thence south-easterly along the geodesic to a point of Latitude 12°07'46.0"S, Longitude 118°25'07.0"E; and
- (o) thence south-easterly along the geodesic to a point of Latitude 12°10'06.0"S, Longitude 118°35'16.0"E; and
- (p) thence south-easterly along the geodesic to a point of Latitude 12°10'26.0"S, Longitude 118°37'28.0"E; and

- (q) thence south-easterly along the geodesic to a point of Latitude 12°11'01.0"S, Longitude 118°39'00.0"E; and
- (r) thence south-easterly along the geodesic to a point of Latitude 12°13'12.0"S, Longitude 118°43'09.0"E; and
- (s) thence south-easterly along the geodesic to a point of Latitude 12°15'57.0"S, Longitude 118°49'30.0"E; and
- (t) thence south-easterly along the geodesic to a point of Latitude 12°17'54.0"S, Longitude 118°55'12.0"E; and
- (u) thence south-easterly along the geodesic to a point of Latitude 12°18'50.0"S, Longitude 118°58'31.0"E; and
- (v) thence south-easterly along the geodesic to a point of Latitude 12°19'55.0"S, Longitude 119°02'40.0"E; and
- (w) thence south-easterly along the geodesic to a point of Latitude 12°20'21.0"S, Longitude 119°05'00.0"E; and
- (x) thence south-easterly along the geodesic to a point of Latitude 12°21'51.0"S, Longitude 119°09'03.0"E; and
- (y) thence south-easterly along the geodesic to a point of Latitude 12°23'42.0"S, Longitude 119°15'23.0"E; and
- (z) thence south-easterly along the geodesic to a point of Latitude 12°23'58.0"S, Longitude 119°16'35.0"E; and
- (za) thence south-easterly along the geodesic to a point of Latitude 12°24'59.0"S, Longitude 119°20'34.0"E; and
- (zb) thence south-easterly along the geodesic to a point of Latitude 12°25'43.0"S, Longitude 119°21'35.0"E; and
- (zc) thence south-easterly along the geodesic to a point of Latitude 12°29'19.0"S, Longitude 119°27'17.0"E; and
- (zd) thence south-easterly along the geodesic to a point of Latitude 12°32'31.0"S, Longitude 119°33'16.0"E; and
- (ze) thence south-easterly along the geodesic to a point of Latitude 12°35'43.0"S, Longitude 119°40'33.0"E; and
- (zf) thence south-easterly along the geodesic to a point of Latitude 12°40'33.0"S, Longitude 119°50'28.0"E; and
- (zg) thence south-easterly along the geodesic to a point of Latitude 12°41'36.0"S, Longitude 119°52'38.0"E; and

- (zh) thence south-easterly along the geodesic to a point of Latitude 12°41'46.0"S, Longitude 119°52'57.0"E; and
- (zi) thence south-easterly along the geodesic to a point of Latitude 12°41'57.0"S, Longitude 119°53'18.0"E; and
- (zj) thence south-easterly along the geodesic to a point of Latitude 12°43'46.0"S, Longitude 119°56'13.0"E; and
- (zk) thence south-easterly along the geodesic to a point of Latitude 12°45'38.0"S, Longitude 119°59'15.0"E; and
- (zl) thence south-easterly along the geodesic to a point of Latitude 12°45'47.0"S, Longitude 119°59'31.0"E; and
- (zm) thence south-easterly along the geodesic to a point of Latitude 12°46'27.9"S, Longitude 120°00'46.9"E; and
- (zn) thence south along the loxodrome to a point of Latitude 13°56'31.7"S, Longitude 120°00'46.9"E; and
- (zo) thence north-easterly along the geodesic to a point of Latitude 12°43'08.29"S, Longitude 121°49'15.80"E; and
- (zp) thence south-easterly along the geodesic to a point of Latitude 12°55'54.99"S, Longitude 122°06'04.50"E; and
- (zq) thence south-easterly along the geodesic to a point of Latitude 13°19'54.98"S, Longitude 122°41'04.50"E; and
- (zr) thence easterly along the geodesic to a point of Latitude 13°19'24.97"S, Longitude 123°16'49.49"E; and
- (zs) thence easterly along the loxodrome to a point of Latitude 13°19'24.94"S, Longitude 124°27'49.48"E; and
- (zt) thence north-easterly along the geodesic to a point of Latitude 13°13'09.94"S, Longitude 124°36'19.47"E; and
- (zu) thence north-easterly along the geodesic to a point of Latitude 12°46'09.93"S, Longitude 124°55'34.46"E; and
- (zv) thence north-easterly along the geodesic to a point of Latitude 11°50'54.92"S, Longitude 125°27'49.43"E; and
- (zw) thence north-easterly along the geodesic to a point of Latitude 11°44'24.92"S, Longitude 125°31'34.43"E; and
- (zx) thence north-easterly along the geodesic to a point of Latitude 10°37'19.03"S, Longitude 126°03'07.94"E; and

- (zy) thence south-easterly along the geodesic to a point of Latitude 11°24'00.61"S, Longitude 126°18'22.48"E; and
- (zz) thence easterly along the geodesic to a point of Latitude 11°21'00.00"S, Longitude 126°28'00.00"E; and
- (zzaa) thence easterly along the geodesic to a point of Latitude 11°20'00.00"S, Longitude 126°31'00.00"E; and
- (zzab) thence easterly along the geodesic to a point of Latitude 11°20'02.90"S, Longitude 126°31'58.40"E; and
- (zzac) thence easterly along the geodesic to a point of Latitude 11°07'14.30"S, Longitude 127°28'11.56"E; and
- (zza) thence south-easterly along the geodesic to a point of Latitude 11°13'09.88"S, Longitude 127°32'04.38"E; and
- (zzb) thence south-easterly along the geodesic to a point of Latitude 11°47'54.88"S, Longitude 127°53'49.38"E; and
- (zzc) thence south-easterly along the geodesic to a point of Latitude 12°26'24.87"S, Longitude 128°22'04.39"E; and
- (zzd) thence south-easterly along the geodesic to a point of Latitude 12°32'39.87"S, Longitude 128°24'04.39"E; and
- (zze) thence south-easterly along the geodesic to a point of Latitude 12°55'24.86"S, Longitude 128°28'04.39"E; and
- (zzf) thence southerly along the loxodrome to a point of Latitude 13°15'24.86"S, Longitude 128°28'04.40"E; and
- (zzg) thence south-easterly along the geodesic to a point of Latitude 13°39'39.86"S, Longitude 128°30'49.41"E; and
- (zzh) thence south-easterly along the geodesic to a point of Latitude 13°49'39.86"S, Longitude 128°33'19.41"E; and
- (zzi) thence south-easterly along the geodesic to a point of Latitude 13°59'54.86"S, Longitude 128°42'19.41"E; and
- (zzj) thence south-easterly along the geodesic to a point of Latitude 14°19'24.89"S, Longitude 128°53'04.39"E; and
- (zzk) thence south-easterly along the geodesic to a point of Latitude 14°32'24.91"S, Longitude 129°01'19.38"E; and
- (zzl) thence southerly along the geodesic to a point of Latitude 14°37'24.91"S, Longitude 129°01'49.38"E; and

Clause 6

- (zzm) thence southerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Western Australia; and
- (zzn) thence along the coastline of the State of Western Australia at mean low water to the point of commencement.

6 Scheduled area for Tasmania

- (1) The *scheduled area* for Tasmania is the area the boundary of which commences at a point of Latitude 39°11'54.71"S, Longitude 142°30'04.95"E and runs thence easterly along the loxodrome to a point of Latitude 39°11'54.42"S, Longitude 150°00'04.52"E:
 - (a) thence south-easterly along the geodesic to a point of Latitude 41°29'54.17"S, Longitude 158°13'04.08"E; and
 - (b) thence south-westerly along the geodesic to a point of Latitude 45°59'54.35"S, Longitude 155°24'04.60"E; and
 - (c) thence south-easterly along the geodesic to a point of Latitude 51°04'48.97"S, Longitude 158°01'25.98"E; and
 - (d) thence clockwise easterly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 51°01'38.45"S, Longitude 158°59'53.57"E; and
 - (e) thence clockwise easterly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 51°10'36.31"S, Longitude 160°37'30.11"E; and
 - (f) thence south-easterly along the geodesic to a point of Latitude 51°26'17.81"S, Longitude 160°57'46.87"E; and
 - (g) thence south-easterly along the geodesic to a point of Latitude 52°11'26.55"S, Longitude 161°57'11.15"E; and
 - (h) thence south-easterly along the geodesic to a point of Latitude 52°15'53.25"S, Longitude 162°03'07.43"E; and
 - (i) thence south-easterly along the geodesic to a point of Latitude 52°27'43.13"S, Longitude 162°18'59.49"E; and
 - (j) thence south-easterly along the geodesic to a point of Latitude 52°40'46.87"S, Longitude 162°36'30.28"E; and

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- (k) thence south-easterly along the geodesic to a point of Latitude $52^{\circ}46'50.63''$ S, Longitude $162^{\circ}44'42.77''$ E; and
 - (l) thence south-easterly along the geodesic to a point of Latitude $52^{\circ}47'42.62''$ S, Longitude $162^{\circ}45'53.41''$ E; and
 - (m) thence south-easterly along the geodesic to a point of Latitude $53^{\circ}42'58.17''$ S, Longitude $164^{\circ}03'13.39''$ E; and
 - (n) thence south-easterly along the geodesic to a point of Latitude $53^{\circ}50'59.85''$ S, Longitude $164^{\circ}14'42.04''$ E; and
 - (o) thence south-easterly along the geodesic to a point of Latitude $54^{\circ}13'59.00''$ S, Longitude $164^{\circ}26'41.46''$ E; and
 - (p) thence south-easterly along the geodesic to a point of Latitude $54^{\circ}40'13.66''$ S, Longitude $164^{\circ}40'40.22''$ E; and
 - (q) thence south-easterly along the geodesic to a point of Latitude $54^{\circ}41'43.04''$ S, Longitude $164^{\circ}41'28.44''$ E; and
 - (r) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude $54^{\circ}56'14.19''$ S, Longitude $164^{\circ}39'00.39''$ E; and
 - (s) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude $55^{\circ}00'11.95''$ S, Longitude $164^{\circ}38'17.35''$ E; and
 - (t) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude $55^{\circ}10'06.12''$ S, Longitude $164^{\circ}36'21.26''$ E; and
 - (u) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude $55^{\circ}14'12.62''$ S, Longitude $164^{\circ}35'21.12''$ E; and
 - (v) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude $55^{\circ}42'50.11''$ S, Longitude $164^{\circ}26'46.41''$ E; and
 - (w) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a

Clause 6

- point of Latitude 55°52'23.71"S, Longitude 164°23'57.71"E;
and
- (x) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 56°38'56.16"S, Longitude 163°56'44.86"E;
and
 - (y) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 56°52'19.73"S, Longitude 163°44'04.71"E;
and
 - (z) thence clockwise south-westerly along the geodesic arc of radius 200 nautical miles concave to Macquarie Island to a point of Latitude 57°09'53.31"S, Longitude 163°23'17.53"E;
and
 - (za) thence southerly along the geodesic to a point of Latitude 57°21'25.18"S, Longitude 163°23'44.03"E; and
 - (zb) thence southerly along the geodesic to a point of Latitude 57°48'21.07"S, Longitude 163°24'47.01"E; and
 - (zc) thence south-easterly along the geodesic to a point of Latitude 58°29'54.22"S, Longitude 170°00'04.27"E; and
 - (zd) thence south-westerly along the geodesic to a point of Latitude 62°29'54.74"S, Longitude 160°00'06.18"E; and
 - (ze) thence north-westerly along the geodesic to a point of Latitude 43°59'55.11"S, Longitude 136°29'05.64"E; and
 - (zf) thence north-easterly along the geodesic to a point of Latitude 39°49'54.74"S, Longitude 142°00'05.02"E; and
 - (zg) thence north-easterly along the geodesic to the point of commencement.
- (2) If there is any difference between:
- (a) the position on the surface of the Earth of a point (the ***first point***) mentioned in any of paragraphs (1)(c) to (zb); and
 - (b) the position on the surface of the Earth of the closest point on a line described in Article 3 of the New Zealand boundary treaty;

subclause (1) has effect as if the reference to the first point were replaced by a reference to that closest point.

7 Scheduled area for the Northern Territory

The *scheduled area* for the Northern Territory is the area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Western Australia and runs thence northerly along the geodesic to a point of Latitude 14°37'24.91"S, Longitude 129°01'49.38"E:

- (a) thence northerly along the geodesic to a point of Latitude 14°32'24.91"S, Longitude 129°01'19.38"E; and
- (b) thence north-westerly along the geodesic to a point of Latitude 14°19'24.89"S, Longitude 128°53'04.39"E; and
- (c) thence north-westerly along the geodesic to a point of Latitude 13°59'54.86"S, Longitude 128°42'19.41"E; and
- (d) thence north-westerly along the geodesic to a point of Latitude 13°49'39.86"S, Longitude 128°33'19.41"E; and
- (e) thence north-westerly along the geodesic to a point of Latitude 13°39'39.86"S, Longitude 128°30'49.41"E; and
- (f) thence north-westerly along the geodesic to a point of Latitude 13°15'24.86"S, Longitude 128°28'04.40"E; and
- (g) thence northerly along the loxodrome to a point of Latitude 12°55'24.86"S, Longitude 128°28'04.39"E; and
- (h) thence north-westerly along the geodesic to a point of Latitude 12°32'39.87"S, Longitude 128°24'04.39"E; and
- (i) thence north-westerly along the geodesic to a point of Latitude 12°26'24.87"S, Longitude 128°22'04.39"E; and
- (j) thence north-westerly along the geodesic to a point of Latitude 11°47'54.88"S, Longitude 127°53'49.38"E; and
- (k) thence north-westerly along the geodesic to a point of Latitude 11°13'09.88"S, Longitude 127°32'04.38"E; and
- (l) thence north-westerly along the geodesic to a point of Latitude 11°07'14.30"S, Longitude 127°28'11.56"E; and

Clause 7

- (m) thence north-easterly along the geodesic to a point of Latitude 11°04'37.65"S, Longitude 127°39'32.81"E; and
- (n) thence north-easterly along the geodesic to a point of Latitude 10°55'20.88"S, Longitude 127°47'08.37"E; and
- (o) thence north-easterly along the geodesic to a point of Latitude 10°53'36.88"S, Longitude 127°48'49.37"E; and
- (oa) thence north-easterly along the geodesic to a point of Latitude 10°43'37.88"S, Longitude 127°59'20.36"E; and
- (ob) thence north-easterly along the geodesic to a point of Latitude 10°29'11.87"S, Longitude 128°12'28.36"E; and
- (oc) thence north-easterly along the geodesic to a point of Latitude 09°42'21.49"S, Longitude 128°28'35.97"E; and
- (od) thence north-easterly along the geodesic to a point of Latitude 09°37'57.54"S, Longitude 128°30'07.24"E; and
- (oe) thence north-westerly along the geodesic to a point of Latitude 09°36'28.43"S, Longitude 128°25'04.34"E; and
- (of) thence north along the loxodrome to a point of Latitude 09°29'54.88"S, Longitude 128°25'04.34"E; and
- (og) thence west along the loxodrome to a point of Latitude 09°29'54.88"S, Longitude 128°20'04.34"E; and
- (oh) thence north along the loxodrome to a point of Latitude 09°24'54.88"S, Longitude 128°20'04.34"E; and
- (p) thence easterly along the loxodrome to a point of Latitude 09°24'54.85"S, Longitude 130°10'04.30"E; and
- (q) thence north-easterly along the loxodrome to a point of Latitude 08°53'54.82"S, Longitude 133°14'04.22"E; and
- (r) thence north-easterly along the loxodrome to a point of Latitude 08°52'54.81"S, Longitude 133°23'04.21"E; and
- (s) thence south-easterly along the loxodrome to a point of Latitude 09°24'54.79"S, Longitude 134°50'04.18"E; and
- (t) thence north-easterly along the loxodrome to a point of Latitude 09°21'54.79"S, Longitude 135°03'04.17"E; and
- (u) thence north-easterly along the loxodrome to a point of Latitude 09°16'54.79"S, Longitude 135°13'04.17"E; and

- (v) thence north-easterly along the loxodrome to a point of Latitude 09°07'54.79"S, Longitude 135°29'04.16"E; and
- (w) thence south-easterly along the loxodrome to a point of Latitude 09°56'54.74"S, Longitude 137°45'04.10"E; and
- (x) thence south-easterly along the loxodrome to a point of Latitude 10°08'54.73"S, Longitude 138°13'04.09"E; and
- (y) thence south-easterly along the loxodrome to a point of Latitude 10°21'54.73"S, Longitude 138°35'04.08"E; and
- (z) thence south-easterly along the loxodrome to a point of Latitude 10°23'54.72"S, Longitude 138°38'04.08"E; and
- (za) thence south-easterly along the loxodrome to a point of Latitude 10°49'54.71"S, Longitude 139°12'04.06"E; and
- (zb) thence south-easterly along the geodesic to a point of Latitude 10°50'54.71"S, Longitude 139°12'34.06"E; and
- (zc) thence south-easterly along the geodesic to a point of Latitude 10°59'54.71"S, Longitude 139°15'04.06"E; and
- (zd) thence southerly along the loxodrome to a point of Latitude 14°29'54.66"S, Longitude 139°15'04.12"E; and
- (ze) thence westerly along the loxodrome to a point of Latitude 14°29'54.67"S, Longitude 138°30'04.15"E; and
- (zf) thence southerly along the loxodrome to a point of Latitude 15°54'54.66"S, Longitude 138°30'04.17"E; and
- (zg) thence south-westerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Queensland; and
- (zh) thence along the coastline of the Northern Territory of Australia at mean low water to the point of commencement.

8 Scheduled area for the Territory of Ashmore and Cartier Islands

The *scheduled area* for the Territory of Ashmore and Cartier Islands is the area the boundary of which commences at a point of Latitude 12°43'08.29"S, Longitude 121°49'15.80"E and runs thence north-easterly along the geodesic to a point of Latitude 12°14'25.8"S, Longitude 122°31'06.6"E:

Schedule 1 Scheduled areas for the States and Territories

Clause 8

- (a) thence northerly along the arc of a circle drawn concave to Ashmore Islands with a radius of 24 nautical miles to a point of Latitude 12°06'44.6"S, Longitude 122°32'24.1"E; and
- (b) thence generally northerly, north-easterly, easterly, and south-easterly along a series of intersecting circular arcs drawn concave to Ashmore Islands with a radius of 24 nautical miles and having the vertices set out in the table:

Vertices		
Item	South latitude	East longitude
1	12°03'12.2"	122°33'55.8"
2	12°02'05.0"	122°34'33.8"
3	12°00'41.4"	122°35'27.9"
4	11°55'46.7"	122°40'00.5"
5	11°54'56.3"	122°41'04.3"
6	11°52'53.4"	122°44'16.8"
7	11°51'53.3"	122°46'21.2"
8	11°51'22.4"	122°47'38.9"
9	11°51'12.9"	122°48'05.1"
10	11°50'48.1"	122°49'19.9"
11	11°50'00.6"	122°50'34.5"
12	11°48'32.1"	122°53'24.7"
13	11°47'31.0"	122°56'08.2"
14	11°47'07.4"	122°57'32.5"
15	11°46'44.2"	122°59'22.9"
16	11°46'31.8"	123°00'49.7"
17	11°46'25.7"	123°05'27.9"
18	11°47'25.6"	123°11'02.9"
19	11°47'38.9"	123°12'05.2"
20	11°47'40.3"	123°12'12.7"
21	11°47'59.3"	123°13'38.1"

-
- (c) thence south-easterly along the arc of a circle drawn concave to Ashmore Islands with a radius of 24 nautical miles to a point of Latitude $11^{\circ}48'06.1''$ S, Longitude $123^{\circ}14'04.5''$ E; and
 - (d) thence northerly along the loxodrome to a point of Latitude $11^{\circ}34'54.95''$ S, Longitude $123^{\circ}14'04.47''$ E; and
 - (e) thence north-easterly along the loxodrome to a point of Latitude $11^{\circ}22'54.94''$ S, Longitude $123^{\circ}26'04.46''$ E; and
 - (f) thence south-easterly along the loxodrome to a point of Latitude $11^{\circ}27'54.94''$ S, Longitude $123^{\circ}40'04.46''$ E; and
 - (g) thence north-easterly along the loxodrome to a point of Latitude $11^{\circ}25'54.93''$ S, Longitude $124^{\circ}00'04.45''$ E; and
 - (h) thence north-easterly along the loxodrome to a point of Latitude $11^{\circ}24'54.93''$ S, Longitude $124^{\circ}10'04.45''$ E; and
 - (i) thence north-easterly along the loxodrome to a point of Latitude $11^{\circ}06'54.92''$ S, Longitude $124^{\circ}34'04.44''$ E; and
 - (j) thence north-easterly along the loxodrome to a point of Latitude $11^{\circ}00'54.91''$ S, Longitude $125^{\circ}19'04.43''$ E; and
 - (k) thence north-easterly along the loxodrome to a point of Latitude $10^{\circ}36'54.90''$ S, Longitude $125^{\circ}41'04.41''$ E; and
 - (l) thence north-easterly along the loxodrome to a point of Latitude $10^{\circ}27'54.91''$ S, Longitude $126^{\circ}00'04.40''$ E; and
 - (m) thence south-easterly along the geodesic to a point of Latitude $10^{\circ}37'19.03''$ S, Longitude $126^{\circ}03'07.94''$ E; and
 - (n) thence south-westerly along the geodesic to a point of Latitude $11^{\circ}44'24.92''$ S, Longitude $125^{\circ}31'34.43''$ E; and
 - (o) thence south-westerly along the geodesic to a point of Latitude $11^{\circ}50'54.92''$ S, Longitude $125^{\circ}27'49.43''$ E; and
 - (p) thence south-westerly along the geodesic to a point of Latitude $12^{\circ}46'09.93''$ S, Longitude $124^{\circ}55'34.46''$ E; and
 - (q) thence south-westerly along the geodesic to a point of Latitude $13^{\circ}13'09.94''$ S, Longitude $124^{\circ}36'19.47''$ E; and
 - (r) thence south-westerly along the geodesic to a point of Latitude $13^{\circ}19'24.94''$ S, Longitude $124^{\circ}27'49.48''$ E; and
 - (s) thence westerly along the loxodrome to a point of Latitude $13^{\circ}19'24.97''$ S, Longitude $123^{\circ}16'49.49''$ E; and
-

Clause 9

- (t) thence westerly along the geodesic to a point of Latitude 13°19'54.98"S, Longitude 122°41'04.50"E; and
- (u) thence north-westerly along the geodesic to a point of Latitude 12°55'54.99"S, Longitude 122°06'04.50"E; and
- (v) thence north-westerly along the geodesic to the point of commencement.

9 References to this Schedule in other laws

- (1) A reference in a law of the Commonwealth (other than this Act) to:
 - (a) the area described in this Schedule in relation to a State or Territory; and
 - (b) the area described in this Schedule that refers to a State or Territory; and
 - (c) the area described in this Schedule under the heading that refers to a State or Territory; and
 - (d) the area:
 - (i) off the coast of a State or Territory; and
 - (ii) that is described in this Schedule;(whether or not the State or Territory is specified in that law) is a reference to the scheduled area for that State or Territory.
- (2) A reference in a law of the Commonwealth (other than this Act) to the areas described in this Schedule is a reference to the scheduled areas for the States and Territories.
- (3) A reference in a law of the Commonwealth (other than this Act) to an area adjacent to Australia as described in this Schedule is a reference to a scheduled area for a State or Territory.

Schedule 2—Area that includes the area to be avoided

Note: See section 614 (for datum, see section 40).

1 Area that includes the area to be avoided

This Schedule applies to the area the boundary of which commences at the most easterly intersection of the coastline of the State of Victoria at mean low water by the parallel of Latitude 38°14'54.50"S and runs thence south-easterly along the geodesic to the point of Latitude 38°34'54.49"S, Longitude 147°44'04.61"E:

- (a) thence south-easterly along the geodesic to the point of Latitude 38°40'54.48"S, Longitude 148°06'04.60"E; and
- (b) thence easterly along the loxodrome to a point of Latitude 38°40'54.47"S, Longitude 148°13'04.59"E; and
- (c) thence north-easterly along the geodesic to the point of Latitude 38°31'54.46"S, Longitude 148°26'04.57"E; and
- (d) thence north-easterly along the geodesic to the point of Latitude 38°18'54.46"S, Longitude 148°35'04.55"E; and
- (e) thence north-westerly along the geodesic to the point of Latitude 38°07'54.46"S, Longitude 148°31'04.55"E; and
- (f) thence north-westerly along the geodesic to the point of Latitude 38°04'54.47"S, Longitude 148°24'04.55"E; and
- (g) thence north-westerly along the geodesic to the intersection of the coastline of the State of Victoria at mean low water by the parallel of Latitude 37°57'54.48"S; and
- (h) thence along the coastline of the State of Victoria at mean low water to the point of commencement.

Schedule 2A—Environmental management laws: additional NOPSEMA inspection powers

Note: See section 602J.

Part 1—Introduction

1 Simplified outline of this Schedule

- This Schedule covers those provisions of this Act (called environmental management laws) that concern offshore petroleum and greenhouse gas storage environmental management in Commonwealth waters.
- NOPSEMA inspectors may conduct an inspection (called an environmental inspection) to monitor compliance with environmental management laws.
- A NOPSEMA inspector must prepare a report about an inspection and give the report to NOPSEMA.
- The powers that a NOPSEMA inspector may exercise for the purposes of an inspection are in addition to the powers in relation to environmental management laws that the inspector may exercise for the purposes of Division 1 of Part 6.5 of this Act.
- During a declared oil pollution emergency, NOPSEMA inspectors may conduct an inspection (called an ***oil pollution environmental inspection***) to determine either or both of the following:
 - (a) whether the oil pollution emergency provisions of a declared environment plan have been, or are being, complied with;

- (b) whether a significant incident direction has been, or is being, complied with.

2 Definitions

In this Schedule:

CEO means the Chief Executive Officer of NOPSEMA.

Commonwealth waters has the same meaning as in Part 6.9 of this Act.

declared environment plan has the meaning given by clause 2A.

declared oil pollution emergency has the meaning given by clause 2A.

eligible premises means premises (within the ordinary meaning of that expression), and includes the following:

- (a) a structure or building;
- (b) a place that is enclosed;
- (c) a part of a thing referred to in paragraph (a) or (b).

emergency response premises has the meaning given by clause 2B.

enter, when used in relation to offshore premises that are a vessel, includes board.

environmental do not disturb notice has the meaning given by subclause 10(2).

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

environmental inspection: see clause 3.

environmental management law means:

- (a) the provisions of this Act, to the extent to which the provisions relate to, or empower NOPSEMA to take action in relation to, offshore petroleum environmental management

Clause 2

(within the meaning of Part 6.9 of this Act) in relation to Commonwealth waters; or

- (aa) the provisions of this Act, to the extent to which the provisions relate to, or empower NOPSEMA to take action in relation to, the oil pollution emergency provisions of an environment plan; or
- (ab) the provisions of an environment plan that relate to preparation for an emergency that may result in oil pollution; or
- (b) the provisions of this Act, to the extent to which the provisions relate to, or empower NOPSEMA to take action in relation to, offshore greenhouse gas storage environmental management (within the meaning of Part 6.9 of this Act) in relation to Commonwealth waters;

and includes:

- (c) a requirement made under a provision of this Act, to the extent mentioned in paragraph (a); and
- (d) a requirement made under a provision of this Act, to the extent mentioned in paragraph (b); and
- (e) section 571 (which deals with financial assurance); and
- (f) a regulation made for the purposes of subsection 571(3) in relation to compliance with section 571.

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

environment plan means an environment plan that is in force under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

facility has the meaning given by Schedule 3.

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.

master, in relation to a vessel, means the person having command or charge of the vessel.

offence against an environmental management law: see clause 14.

offshore premises means any of the following, if located in Commonwealth waters:

- (a) a facility;
- (b) an infrastructure facility that is (or has been) the subject of an infrastructure licence;
- (c) a vessel that is or is to be used, or that has been used, to carry out a seismic survey for the following purposes:
 - (i) petroleum exploration;
 - (ii) exploration for potential greenhouse gas storage formations;
 - (iii) exploration for potential greenhouse gas injection sites;
- (d) any other premises (other than a vessel under the command or charge of a master) that are or are to be used, or that have been used, for the carrying out of an activity in connection with the exercise of a titleholder's rights, or the performance of a titleholder's obligations, under this Act.

oil pollution emergency provisions of an environment plan means:

- (a) any provisions of an oil pollution emergency plan contained in the environment plan; or
- (b) any other provisions of the environment plan that relate to an emergency that has resulted in, or may result in, oil pollution.

oil pollution environmental inspection means an environmental inspection covered by subclause 3(2A).

operator, in relation to a facility, has the same meaning as in Schedule 3.

Clause 2

operator's representative at the facility has the same meaning as in Schedule 3.

own includes own jointly or own in part.

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

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

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.

petroleum titleholder means the registered holder of a petroleum title.

plant includes any machinery, equipment or tool, or any component.

premises has the same meaning as in the Regulatory Powers Act. This definition does not apply to the definition of ***eligible premises***.

regulated business premises means:

- (a) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by the registered holder of a title; and

- (iii) used, or proposed to be used, wholly or principally in connection with operations in relation to one or more titles, including that title; or
- (b) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a related body corporate of the registered holder of a title; and
 - (iii) used, or proposed to be used, wholly or principally in connection with operations in relation to one or more titles, including that title; or
- (c) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract, arrangement or understanding with the registered holder of a title, has carried out, is carrying out, or is to carry out one or more operations in connection with the exercise of the holder's rights, or the performance of the holder's obligations, under this Act; and
 - (iii) used, or proposed to be used, wholly or partly in connection with operations in relation to one or more titles, including that title; and
 - (iv) not used as a residence; or
- (d) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract, arrangement or understanding with a related body corporate of the registered holder of a title, has carried out, is carrying out, or is to carry out one or more operations in connection with the exercise of the holder's rights, or the performance of the holder's obligations, under this Act; and
 - (iii) used, or proposed to be used, wholly or partly in connection with operations in relation to one or more titles, including that title; and
 - (iv) not used as a residence.

Clause 2A

significant incident direction means a direction under section 576B.

this Act includes a legislative instrument under this Act.

title means:

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

titleholder means the registered holder of:

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

titleholder's representative, in relation to a titleholder within the meaning of this Schedule, has the meaning given by section 602K.

2A Declared oil pollution emergency

Declaration

- (1) If the CEO is satisfied that:
- (a) there is an emergency that has resulted in, or may result in, oil pollution; and
 - (b) the emergency is attributable to one or more petroleum activities of a petroleum titleholder; and
 - (c) either:
 - (i) there is a single environment plan that is, or may be, relevant to the emergency; or
 - (ii) there are 2 or more environment plans that are, or may be, relevant to the emergency;

the CEO may, by writing, declare:

- (d) that there is a **declared oil pollution emergency** for the purposes of this Schedule; and
- (e) if subparagraph (c)(i) applies—that the environment plan is a **declared environment plan** for the purposes of this Schedule; and

- (f) if subparagraph (c)(ii) applies—that each of those environment plans is a ***declared environment plan*** for the purposes of this Schedule.
- (2) NOPSEMA must:
- (a) publish a copy of a declaration under subclause (1) on NOPSEMA’s website; and
 - (b) do so as soon as practicable after the declaration is made.
- (3) NOPSEMA must:
- (a) give a copy of a declaration under subclause (1) to the Secretary; and
 - (b) do so as soon as practicable after the declaration is made.
- (4) If a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities carried on in the offshore area of a State, NOPSEMA must:
- (a) give a copy of the declaration to the designated public official of the State; and
 - (b) do so as soon as practicable after the declaration is made.
- (5) If a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities carried on in the Principal Northern Territory offshore area, NOPSEMA must:
- (a) give a copy of the declaration to the designated public official of the Northern Territory; and
 - (b) do so as soon as practicable after the declaration is made.
- (6) If a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities carried on in the offshore area of a designated external Territory, NOPSEMA must:
- (a) give a copy of the declaration to the designated public official of the designated external Territory; and
 - (b) do so as soon as practicable after the declaration is made.
- (7) If a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities of a petroleum titleholder, NOPSEMA must:

Clause 2A

- (a) give a copy of the declaration to the petroleum titleholder;
and
- (b) do so as soon as practicable after the declaration is made.

Revocation of declaration

- (8) If:
 - (a) a declaration under subclause (1) is in force in relation to an emergency; and
 - (b) the CEO is satisfied that the emergency no longer exists;the CEO must, by writing, revoke the declaration.
- (9) If a declaration is revoked under subclause (8), NOPSEMA must:
 - (a) publish a copy of the instrument of revocation on NOPSEMA's website; and
 - (b) do so as soon as practicable after the instrument of revocation is made.
- (10) If a declaration is revoked under subclause (8), NOPSEMA must:
 - (a) give a copy of the instrument of revocation to the Secretary;
and
 - (b) do so as soon as practicable after the instrument of revocation is made.
- (11) If:
 - (a) a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities carried on in the offshore area of a State; and
 - (b) the declaration is revoked under subclause (8);NOPSEMA must:
 - (c) give a copy of the instrument of revocation to the designated public official of the State; and
 - (d) do so as soon as practicable after the instrument of revocation is made.
- (12) If:

- (a) a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities carried on in the Principal Northern Territory offshore area; and
 - (b) the declaration is revoked under subclause (8);
- NOPSEMA must:
- (c) give a copy of the instrument of revocation to the designated public official of the Northern Territory; and
 - (d) do so as soon as practicable after the instrument of revocation is made.
- (13) If:
- (a) a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities carried on in the offshore area of a designated external Territory; and
 - (b) the declaration is revoked under subclause (8);
- NOPSEMA must:
- (c) give a copy of the instrument of revocation to the designated public official of the designated external Territory; and
 - (d) do so as soon as practicable after the instrument of revocation is made.
- (14) If:
- (a) a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities of a petroleum titleholder; and
 - (b) the declaration is revoked under subclause (8);
- NOPSEMA must:
- (c) give a copy of the instrument of revocation to the petroleum titleholder; and
 - (d) do so as soon as practicable after the instrument of revocation is made.

Other matters

- (15) A declaration under subclause (1), and an instrument of revocation under subclause (8), are not legislative instruments.

Clause 2B

- (16) For the purposes of paragraph (1)(a), it is immaterial whether the oil pollution is:
- (a) in an offshore area; or
 - (b) within the coastal waters of a State or the Northern Territory; or
 - (c) on land, or in waters, within the limits of a State or Territory.

2B Emergency response premises

Premises other than an aircraft or a vessel

- (1) For the purposes of this Schedule, premises (other than an aircraft or a vessel) are ***emergency response premises*** if the premises:
- (a) are being used, or are proposed to be used, for the implementation of the oil pollution emergency provisions of a declared environment plan; or
 - (b) are being used, or are proposed to be used, for:
 - (i) planning; or
 - (ii) directing; or
 - (iii) coordinating; or
 - (iv) providing logistical support for;the implementation of the oil pollution emergency provisions of a declared environment plan; or
 - (c) are being used, or are proposed to be used, for compliance with a significant incident direction; or
 - (d) are being used, or are proposed to be used, for:
 - (i) planning; or
 - (ii) directing; or
 - (iii) coordinating; or
 - (iv) providing logistical support for;compliance with a significant incident direction.

Premises being an aircraft or a vessel

- (2) For the purposes of this Schedule, premises (being an aircraft or a vessel) are ***emergency response premises*** if the premises:
-

- (a) are being:
 - (i) used; or
 - (ii) prepared for use; or
 - (iii) positioned for use;
for the implementation of the oil pollution emergency provisions of a declared environment plan; or
- (b) are being:
 - (i) used; or
 - (ii) prepared for use; or
 - (iii) positioned for use;
for:
 - (iv) observing; or
 - (v) planning; or
 - (vi) directing; or
 - (vii) coordinating; or
 - (viii) providing logistical support for;
the implementation of the oil pollution emergency provisions of a declared environment plan; or
- (c) are being:
 - (i) used; or
 - (ii) prepared for use; or
 - (iii) positioned for use;
for compliance with a significant incident direction; or
- (d) are being:
 - (i) used; or
 - (ii) prepared for use; or
 - (iii) positioned for use;
for:
 - (iv) observing; or
 - (v) planning; or
 - (vi) directing; or
 - (vii) coordinating; or
 - (viii) providing logistical support for;

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 1 Introduction

Clause 2B

compliance with a significant incident direction.

Location of premises

- (3) For the purposes of subclauses (1) and (2), it is immaterial whether the premises are:
- (a) in an offshore area; or
 - (b) in or above the coastal waters of a State or the Northern Territory; or
 - (c) on or above land, or in or above waters, within the limits of a State or Territory.

Note: For the space above an offshore area, see section 9.

Part 2—Environmental inspections

Division 1—Environmental inspections: general provisions

3 Environmental inspections—nature of inspections

What is an environmental inspection?

- (1) An **environmental inspection** is an inspection under this Part. Such an inspection:
- (a) includes an investigation or inquiry; and
 - (b) need not include a physical inspection of any premises or thing.

Inspections—general power

- (2) A NOPSEMA inspector may, at any time, conduct an environmental inspection:
- (a) to determine whether an environmental management law has been, or is being, complied with; or
 - (b) to determine whether information given in compliance, or purported compliance, with an environmental management law is correct.

The inspection may be conducted at the inspector's own initiative or in compliance with a direction under subclause (3).

- (2A) If there is a declared oil pollution emergency, a NOPSEMA inspector may conduct an environmental inspection to determine either or both of the following:
- (a) whether the oil pollution emergency provisions of a declared environment plan have been, or are being, complied with;
 - (b) whether a significant incident direction has been, or is being, complied with.
- (2B) An environmental inspection under subclause (2A) is to be known as an **oil pollution environmental inspection**.

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 1 Environmental inspections: general provisions

Clause 3

- (2C) An oil pollution environmental inspection may be conducted:
- (a) at the inspector's own initiative; or
 - (b) in compliance with a direction under subclause (5).
- (2D) Subclause (2A) does not limit subclause (2).
- (2E) An oil pollution environmental inspection may be conducted concurrently with an inspection under subclause (2).
- (2F) For the purposes of this Schedule, if:
- (a) an oil pollution environmental inspection is conducted wholly or partly to determine whether the oil pollution emergency provisions of a declared environment plan have been, or are being, complied with; and
 - (b) the declared environment plan relates to one or more of the petroleum activities of the registered holder of a petroleum title;
- the oil pollution environmental inspection is taken to relate to the title.
- (2G) For the purposes of this Schedule, if:
- (a) an oil pollution environmental inspection is conducted wholly or partly to determine whether a significant incident direction has been, or is being, complied with; and
 - (b) the significant incident direction was given to the registered holder of a petroleum title;
- the oil pollution environmental inspection is taken to relate to the title.

Inspections—directed by NOPSEMA

- (3) NOPSEMA may give a written direction to a NOPSEMA inspector to conduct an environmental inspection under subclause (2).
- (4) The NOPSEMA inspector must conduct an environmental inspection under subclause (2) as directed under subclause (3).

- (5) If there is a declared oil pollution emergency, NOPSEMA may give a written direction to a NOPSEMA inspector to conduct an oil pollution environmental inspection.
- (6) The NOPSEMA inspector must conduct an oil pollution environmental inspection as directed under subclause (5).

4 Environmental inspections—offshore premises

Power to enter and search

- (1) A NOPSEMA inspector may, for the purposes of an environmental inspection, at any reasonable time during the day or night:
 - (a) enter offshore premises at which activities to which the inspection relates are being, or have been, carried on, and do any or all of the following:
 - (i) search the premises;
 - (ii) inspect, examine or measure, or conduct tests concerning, the premises (including any part of the premises and any plant, substance or thing at the premises);
 - (iii) take photographs of, make video recordings of, or make sketches of, the premises (including any part of the premises and any plant, substance or thing at the premises);
 - (iv) inspect, take extracts from, or make copies of, any documents at the premises that the inspector is satisfied on reasonable grounds relate, or are likely to relate, to the subject matter of the inspection;
 - (v) exercise the powers conferred by clause 8 in relation to the inspection;
 - (vi) exercise the powers conferred by clause 9 in relation to the inspection; and
 - (b) inspect the seabed and subsoil in the vicinity of the offshore premises to which the inspection relates.

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 1 Environmental inspections: general provisions

Clause 5

Notification of entry

- (2) Immediately on entering the offshore premises for the purposes of the inspection, a NOPSEMA inspector must take reasonable steps to notify the purpose of the entry to the following person (the **occupier**):
- (a) if the premises are a vessel under the command or charge of a master—the master;
 - (b) if paragraph (a) does not apply:
 - (i) the titleholder’s representative at the premises who is nominated for the inspection; or
 - (ii) if there is no titleholder’s representative at the premises—the person at the premises who appears to be in overall control of the premises.
- (3) The inspector must, on being requested to do so by the occupier, produce for inspection by the occupier:
- (a) the inspector’s identity card; and
 - (b) a copy of NOPSEMA’s written direction (if any) to conduct the inspection; and
 - (c) a copy of any directions given by the CEO under section 602A in relation to the exercise of the inspector’s powers.

Modified operation of this clause in relation to an oil pollution environmental inspection

- (4) If there is a declared oil pollution emergency, this clause has effect, in relation to an oil pollution environmental inspection, as if a reference in this clause to offshore premises included a reference to emergency response premises.

5 Environmental inspections—regulated business premises

Power to enter and search

- (1) A NOPSEMA inspector may, for the purposes of an environmental inspection (other than an oil pollution environmental inspection):
-

- (a) at any reasonable time, enter any regulated business premises if the inspector is satisfied on reasonable grounds that there are likely to be at those premises plant, substances, documents or things that relate to:
 - (i) operations conducted for the purposes of a petroleum title or a greenhouse gas title; or
 - (ii) compliance or non-compliance with an environmental management law; and
 - (b) search those premises for any such plant, substances, documents or things at those premises; and
 - (c) inspect, take extracts from, or make copies of, any such documents at those premises; and
 - (d) inspect, examine or measure, or conduct tests concerning:
 - (i) those premises (including any part of those premises); or
 - (ii) any such plant, substances or things at those premises; and
 - (e) take photographs of, make video recordings of, or make sketches of:
 - (i) those premises (including any part of those premises); or
 - (ii) any such plant, substances or things at those premises; and
 - (f) exercise the powers conferred by clause 8 in relation to the inspection; and
 - (g) exercise the powers conferred by clause 9 in relation to the inspection.
- (1A) If there is a declared oil pollution emergency, a NOPSEMA inspector may, for the purposes of an oil pollution environmental inspection:
- (a) at any reasonable time, enter any regulated business premises if the inspector is satisfied on reasonable grounds that there are likely to be at those premises plant, substances, documents or things that relate to compliance or non-compliance with:

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 1 Environmental inspections: general provisions

Clause 5

- (i) the oil pollution emergency provisions of a declared environment plan; or
- (ii) a significant incident direction; and
- (b) search those premises for any such plant, substances, documents or things at those premises; and
- (c) inspect, take extracts from, or make copies of, any such documents at those premises; and
- (d) inspect, examine or measure, or conduct tests concerning, any such plant, substances or things at those premises; and
- (e) take photographs of, make video recordings of, or make sketches of, any such plant, substances or things at those premises; and
- (f) exercise the powers conferred by clause 8 in relation to the inspection; and
- (g) exercise the powers conferred by clause 9 in relation to the inspection.

Notification of entry

- (2) Immediately on entering regulated business premises for the purposes of an inspection, a NOPSEMA inspector must take reasonable steps to notify the purpose of the entry to:
 - (a) in the case of an inspection at regulated business premises that are occupied by the titleholder—a person representing the titleholder; or
 - (b) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the titleholder—a person representing the related body corporate; or
 - (c) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person; or
 - (d) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person.
-

- (3) The inspector must, on being requested to do so by the person required to be notified under subclause (2), produce for inspection by the person:
- (a) the inspector's identity card; and
 - (b) a copy of NOPSEMA's written direction (if any) to conduct the inspection; and
 - (c) a copy of any directions issued by NOPSEMA under section 602A in relation to the exercise of the inspector's powers.

6 Environmental inspections—obstructing or hindering NOPSEMA inspector

- (1) A person commits an offence if:
- (a) the person engages in conduct; and
 - (b) the conduct obstructs or hinders a NOPSEMA inspector in the exercise of the inspector's powers under clause 4 or 5.

Penalty: 60 penalty units.

- (2) A person is liable for a civil penalty if the person obstructs or hinders a NOPSEMA inspector in the exercise of the inspector's powers under clause 4 or 5.

Civil penalty: 135 penalty units.

- (3) Subclause (1) or (2) does not apply if the person has a reasonable excuse.

Note 1: In proceedings for an offence against subclause (1), the defendant bears an evidential burden in relation to the matter in subclause (3)—see subsection 13.3(3) of the *Criminal Code*. The same applies in proceedings for a civil penalty under subclause (2).

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

Note 3: The same conduct may be an offence against both subclause (1) of this clause and section 149.1 of the *Criminal Code*.

Division 2—Environmental inspections: compliance powers

7 Environmental inspections—power to require assistance

Requirement to provide assistance

- (1) A NOPSEMA inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of an environmental inspection at or near offshore premises in relation to a petroleum title or a greenhouse gas title, require:
 - (a) the titleholder; or
 - (b) the titleholder’s representative at the premises who is nominated for the inspection;to provide the inspector with reasonable assistance and facilities:
 - (c) that is or are reasonably connected with the conduct of the inspection at or near the premises; or
 - (d) for the effective exercise of the inspector’s powers in connection with the conduct of the inspection at or near the premises.
- (2) The reasonable assistance referred to in subclause (1) includes, so far as the titleholder is concerned:
 - (a) appropriate transport to or from the premises for the inspector and for any equipment required by the inspector, or any thing of which the NOPSEMA inspector has taken possession; and
 - (b) reasonable accommodation and means of subsistence while the inspector is at the premises.
- (2A) If there is a declared oil pollution emergency, a NOPSEMA inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of an oil pollution environmental inspection that relates to a petroleum title, require the petroleum titleholder to provide the inspector with reasonable assistance and facilities:

- (a) that is or are reasonably connected with the conduct of the inspection; or
 - (b) for the effective exercise of the inspector's powers in connection with the conduct of the inspection.
- (2B) The reasonable assistance referred to in subclause (2A) includes:
- (a) appropriate transport to or from emergency response premises for the inspector and for any equipment required by the inspector, or any thing of which the NOPSEMA inspector has taken possession; and
 - (b) reasonable accommodation and means of subsistence while the inspector is at emergency response premises; and
 - (c) arranging for the inspector to be present on an aircraft or vessel that is being deployed or used for:
 - (i) implementing the oil pollution emergency provisions of a declared environment plan; or
 - (ii) observing the implementation of the oil pollution emergency provisions of a declared environment plan; or
 - (iii) directing the implementation of the oil pollution emergency provisions of a declared environment plan; or
 - (iv) coordinating the implementation of the oil pollution emergency provisions of a declared environment plan; or
 - (v) complying with a significant incident direction; or
 - (vi) observing compliance with a significant incident direction; or
 - (vii) directing compliance with a significant incident direction; or
 - (viii) coordinating compliance with a significant incident direction; and
 - (d) arranging for persons on board such an aircraft or vessel to facilitate the conduct by the inspector of the oil pollution environmental inspection; and

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 2 Environmental inspections: compliance powers

Clause 8

- (e) arranging for reasonable means of subsistence while the inspector is present on such an aircraft or vessel; and
- (f) arranging for reasonable accommodation while the inspector is present on such a vessel.

Offence

- (3) A person commits an offence if:
 - (a) the person is subject to a requirement under this clause; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

- (4) Subclause (3) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (4)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

8 Environmental inspections—powers to require information, and the production of documents and things

Requirement to answer questions

- (1) If:
 - (a) a NOPSEMA inspector is satisfied on reasonable grounds that a person is capable of answering a question that is reasonably connected with the conduct of an environmental inspection in relation to a petroleum title or a greenhouse gas title; and
 - (b) the person is:
 - (i) the titleholder; or
 - (ii) in the case of an inspection at offshore premises—the titleholder’s representative at the premises who is nominated for the inspection, or any person engaged in

petroleum activities or greenhouse gas activities at the premises; or

- (iii) in the case of an inspection at regulated business premises that are occupied by the titleholder—a person representing the titleholder; or
- (iv) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the titleholder—a person representing the related body corporate; or
- (v) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person; or
- (vi) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person;

the inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of the inspection, require the person to answer the question put by the inspector.

- (2) If, at the time when a requirement under subclause (1) is imposed on a person, the person is not physically present at offshore premises or regulated business premises, the person is not obliged to comply with the requirement unless the requirement:
 - (a) is in writing; and
 - (b) specifies the day on or before which the question is to be answered; and
 - (c) is accompanied by a statement to the effect that a failure to comply with the requirement is an offence.

The day specified under paragraph (b) must be at least 14 days after the day the requirement is imposed.

Requirement to produce documents or things

- (3) If:
- (a) a NOPSEMA inspector is satisfied on reasonable grounds that a person is capable of producing a document or thing that is reasonably connected with the conduct of an environmental inspection in relation to a petroleum title or a greenhouse gas title; and
 - (b) the person is:
 - (i) the titleholder; or
 - (ii) in the case of an inspection at offshore premises—the titleholder’s representative at the premises who is nominated for the inspection, or any person engaged in petroleum activities or greenhouse gas activities at the premises; or
 - (iii) in the case of an inspection at regulated business premises that are occupied by the titleholder—a person representing the titleholder; or
 - (iv) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the titleholder—a person representing the related body corporate; or
 - (v) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person; or
 - (vi) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person;
- the inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of the inspection, require the person to produce the document or thing.

- (4) If, at the time when a requirement under subclause (3) is imposed on a person, the person is not physically present at offshore premises or regulated business premises, the person is not obliged to comply with the requirement unless the requirement:
- (a) is in writing; and
 - (b) specifies the day on or before which the document or thing is to be produced; and
 - (c) is accompanied by a statement to the effect that a failure to comply with the requirement is an offence.

The day specified under paragraph (b) must be at least 14 days after the day the requirement is imposed.

Modified operation of this clause in relation to an oil pollution environmental inspection

- (4A) If there is a declared oil pollution emergency, this clause has effect, in relation to an oil pollution environmental inspection, as if a reference in this clause to offshore premises included a reference to emergency response premises.

Offence

- (5) A person commits an offence if:
- (a) the person is subject to a requirement under this clause; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

- (6) Subclause (5) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (6)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

False information

- (7) A person commits an offence if:
-

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 2 Environmental inspections: compliance powers

Clause 8

- (a) the person gives information to another person; and
- (b) the person does so knowing that the information is false or misleading in a material particular; and
- (c) the information is given in compliance or purported compliance with a requirement under this clause.

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

Note: The same conduct may be an offence against both subclause (7) of this clause and section 137.1 of the *Criminal Code*.

Self-incrimination

- (8) A person is not excused from answering a question or producing a document or thing when required to do so under subclause (1) or (3) on the ground that the answer to the question, or the production of the document or thing, may tend to incriminate the person or make the person liable to a penalty.
- (9) However, in the case of an individual:
 - (a) the answer given or document or thing produced; or
 - (b) answering the question or producing the document or thing; or
 - (c) any information, document or thing obtained as a direct or indirect consequence of the answering of the question or the production of the document or thing;is not admissible in evidence against the individual:
 - (d) in any civil proceedings; or
 - (e) in any criminal proceedings other than:
 - (i) proceedings for an offence against this clause; or
 - (ii) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this clause.

NOPSEMA inspector may retain documents

- (10) A NOPSEMA inspector may take possession of a document produced under this clause, and retain it for as long as is reasonably necessary.

- (11) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by a NOPSEMA inspector to be a true copy.
- (12) The certified copy must be received in all courts and tribunals as evidence as if it were the original.
- (13) Until a certified copy is supplied, a NOPSEMA inspector must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

NOPSEMA inspector may retain other things

- (14) A NOPSEMA inspector may take possession of a thing (other than a document) produced under this clause, and retain it for as long as is reasonably necessary.

Notice—taking possession at offshore premises

- (15) On taking possession of a thing under subclause (14) at offshore premises, the NOPSEMA inspector must, by written notice, inform the following persons of the taking of possession, and the reasons for it:
 - (a) in any case:
 - (i) the titleholder's representative at the premises who is nominated for the inspection; or
 - (ii) if there is no titleholder's representative at the premises—the titleholder;
 - (b) if the premises are a facility—the operator's representative at the facility;
 - (c) if the premises are a vessel under the command or charge of a master—the master;
 - (d) if the thing is owned by a person other than a person mentioned in paragraph (a), (b) or (c)—that owner.

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 2 Environmental inspections: compliance powers

Clause 8

Display of notice at premises

- (16) The following person must cause the notice to be displayed in a prominent place at the premises:
- (a) if the premises are a facility—the operator’s representative at the facility;
 - (b) in any other case—the person notified under paragraph (15)(a).

Note: The person notified under paragraph (15)(a) is either the titleholder’s representative or the titleholder.

Notice—taking possession otherwise than at offshore premises

- (17) On taking possession of a thing under subclause (14) otherwise than at offshore premises, the NOPSEMA inspector must, by written notice, inform the owner of the thing of the taking of possession, and the reasons for it.

Inspection of thing

- (18) If:
- (a) a NOPSEMA inspector has taken possession of a thing (other than a document) produced under this clause; and
 - (b) it is reasonably necessary for the NOPSEMA inspector to retain the thing;

the NOPSEMA inspector must provide:

- (c) the person who produced the thing; and
- (d) the person who owns the thing; and
- (e) a person authorised by a person covered by paragraph (c) or (d);

reasonable access to the thing for the purposes of inspecting the thing.

Return of thing

- (19) If:
- (a) a NOPSEMA inspector has taken possession of a thing (other than a document) produced under this clause; and

- (b) it is no longer reasonably necessary for the NOPSEMA inspector to retain the thing;
- the NOPSEMA inspector must return the thing to:
- (c) the person who produced the thing; or
 - (d) the person who owns the thing; or
 - (e) a person authorised by a person covered by paragraph (c) or (d).

9 Environmental inspections—power to take possession of plant and samples etc.

Power to take possession or samples

- (1) In conducting an environmental inspection in relation to a petroleum title or a greenhouse gas title, a NOPSEMA inspector may, to the extent that it is reasonably necessary for the purposes of inspecting, examining or measuring, or conducting tests concerning, any plant, substance or thing at offshore premises, or regulated business premises, in connection with the inspection:
 - (a) take possession of the plant, substance or thing and remove it from the premises; or
 - (b) take a sample of the substance or thing and remove that sample from the premises.

Notice

- (2) On taking possession of plant, a substance or a thing, or taking a sample of a substance or thing, the inspector must, by written notice, inform the following persons of the taking of possession or the taking of the sample, and the reasons for it:
 - (a) if the premises are offshore premises:
 - (i) the titleholder's representative at the premises who is nominated for the inspection; or
 - (ii) if there is no titleholder's representative at the premises—the titleholder;
 - (b) if the premises are a facility—the operator's representative at the facility;

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 2 Environmental inspections: compliance powers

Clause 9

- (c) if the premises are a vessel under the command or charge of a master—the master;
- (ca) if the premises are regulated business premises that are occupied by the titleholder—a person who represents the titleholder;
- (cb) if the premises are regulated business premises that are occupied by a related body corporate of the titleholder—a person who represents the related body corporate;
- (cc) if the premises are regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of **regulated business premises** in clause 2—a person who represents the person;
- (cd) if the premises are regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated business premises** in clause 2—a person who represents the person;
- (d) if the plant, substance or thing is owned by a person other than a person mentioned in paragraph (a), (b), (c), (ca), (cb), (cc) or (cd)—that owner.

Display of notice

- (3) If the notice relates to offshore premises, the following person must cause the notice to be displayed in a prominent place at the premises:
 - (a) if the premises are a facility—the operator’s representative at the facility;
 - (b) in any other case—the person notified under paragraph (2)(a).

Note: The person notified under paragraph (2)(a) is either the titleholder’s representative or the titleholder.
- (3A) If the notice relates to regulated business premises, the following person must cause the notice to be displayed in a prominent place at the premises:
 - (a) if the premises are occupied by the titleholder—the titleholder;

- (b) if the premises are occupied by a related body corporate of the titleholder—a person who represents the related body corporate;
- (c) if the premises are occupied by a person covered by subparagraph (c)(ii) of the definition of *regulated business premises* in clause 2—a person who represents the person;
- (d) if the premises are occupied by a person covered by subparagraph (d)(ii) of the definition of *regulated business premises* in clause 2—a person who represents the person.

Duties of NOPSEMA inspector

- (4) If the NOPSEMA inspector takes possession of plant, a substance or a thing for the purpose of inspecting, examining or measuring, or conducting tests concerning, the plant, substance or thing, the inspector must:
 - (a) ensure that the inspection, examination, measuring or testing is conducted as soon as practicable; and
 - (b) if the NOPSEMA inspector took possession of the plant, substance or thing at offshore premises—return it to the offshore premises as soon as practicable afterwards; and
 - (c) if the NOPSEMA inspector took possession of the plant, substance or thing at regulated business premises—return it to a representative of the occupier of the premises as soon as practicable afterwards.
- (5) As soon as practicable after completing any such inspection, examination, measurement or testing, the inspector must give a written statement setting out the results to each person the inspector is required to notify under subclause (2).

Modified operation of this clause in relation to an oil pollution environmental inspection

- (6) If there is a declared oil pollution emergency, this clause has effect, in relation to an oil pollution environmental inspection, as if a reference in this clause to offshore premises included a reference to emergency response premises.

10 Environmental do not disturb notices (general)

Scope

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

When a notice may be issued

- (2) A NOPSEMA inspector may, in connection with the conduct of the environmental inspection, issue a notice (an ***environmental do not disturb notice***) to a titleholder, in writing, under this clause if the inspector is satisfied on reasonable grounds that it is reasonably necessary to issue the notice in order to allow the inspection, examination or measurement of, or the conducting of tests concerning:
- (a) the premises; or
 - (b) particular plant, or a particular substance or thing, at the premises.

Issue of notice

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

Contents of notice

- (4) The notice must:
- (a) direct the titleholder to take all reasonably practicable steps to ensure that one or more of the following are not disturbed for a period specified in the notice:
 - (i) a particular part of the premises;
 - (ii) particular plant, or a particular substance or thing, at the premises; and
 - (b) set out the reasons for the inspector's decision to issue the notice.

- (5) The period specified in the notice must be a period that the inspector is satisfied on reasonable grounds is necessary in order to allow the inspection, examination, measuring or testing to take place.

Renewal of notice

- (6) The notice may be renewed by another notice in the same terms.

Modified operation of this clause in relation to an oil pollution environmental inspection

- (6A) If there is a declared oil pollution emergency, this clause has effect, in relation to an oil pollution environmental inspection, as if a reference in this clause to offshore premises included a reference to emergency response premises.
- (6B) In the case of an oil pollution environmental inspection, a NOPSEMA inspector must not issue an environmental do not disturb notice in relation to emergency response premises of a particular kind unless the inspector considers that it is appropriate to issue such a notice in relation to premises of that kind.

Offence

- (7) A person commits an offence if:
- (a) the person is subject to an environmental do not disturb notice; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the notice.

Penalty for contravention of subclause (7): 300 penalty units.

11 Environmental inspections—environmental do not disturb notices (notification and display)

Notice to interested persons

- (1) As soon as practicable after issuing an environmental do not disturb notice, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to the following persons:
 - (a) if the premises are a facility—the operator’s representative at the facility;
 - (b) if the premises are a vessel under the command or charge of a master—the master;
 - (c) if the premises are, or the plant, substance or thing is, owned by a person other than the titleholder or operator—that owner.

Display of direction

- (2) The following person must cause a copy of an environmental do not disturb notice to be displayed in a prominent place at the premises:
 - (a) if the premises are a facility—the operator’s representative at the facility;
 - (b) in any other case:
 - (i) if the notice is given to the titleholder’s representative under subclause 10(3)—the titleholder’s representative; or
 - (ii) if the notice is not given to the titleholder’s representative—the titleholder.

11A Environmental inspections—environmental prohibition notices (issue)

Scope

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

When notice may be issued

- (2) A NOPSEMA inspector may issue a notice (an ***environmental prohibition notice***) to a titleholder, in writing, under this clause if, in conducting the inspection, the inspector is satisfied on reasonable grounds that:
- (a) one or more of the following is the case:
 - (i) an activity is occurring at the premises that involves an immediate and significant threat to the environment;
 - (ii) an activity may occur at the premises that, if it occurred, would involve an immediate and significant threat to the environment;
 - (iii) the operation or use of the premises involves an immediate and significant threat to the environment;
 - (iv) the operation or use of the premises, if it occurred, would involve an immediate and significant threat to the environment; and
 - (b) it is reasonably necessary to issue the notice in order to remove the threat.

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

How notice may be issued

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

Contents of notice

- (4) The notice must:
- (a) state that the inspector is satisfied on reasonable grounds that a specified circumstance mentioned in paragraph (2)(a) applies, and set out those grounds; and
 - (b) specify the activity at the premises, or the operation or use of the premises, that involves a threat to the environment; and

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 2 Environmental inspections: compliance powers

Clause 11A

- (c) specify the threat to the environment, and describe the environment that is subject to the threat; and
- (d) direct the titleholder to ensure:
 - (i) that the activity is not conducted; or
 - (ii) that the activity is not conducted in a specified manner; or
 - (iii) that the premises are not operated or used; or
 - (iv) that the premises are not operated or used in a specified manner.
- (5) The notice may specify action that may be taken to satisfy a NOPSEMA inspector that adequate action has been taken to remove the threat to the environment.

Modified operation of this clause in relation to an oil pollution environmental inspection

- (5A) If there is a declared oil pollution emergency, this clause has effect, in relation to an oil pollution environmental inspection, as if:
 - (a) a reference in this clause to offshore premises included a reference to emergency response premises; and
 - (b) a reference in this clause to a threat to the environment were, by express provision, confined to a threat that is attributable to one or more petroleum activities of a petroleum titleholder.

Offence

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

(c) the omission breaches the notice.

Penalty: 600 penalty units.

Continuing offences

- (7) A person who commits an offence against subclause (6) commits a separate offence in respect of each day (including a day of a conviction for the offence or any later day) during which the offence continues.
- (8) The maximum penalty for each day that an offence under subclause (6) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Definition

- (9) In this clause:

premises, in relation to offshore premises, includes:

- (a) a particular part of the premises; and
(b) particular plant or equipment, or a particular substance or thing, at the premises.

**11B Environmental inspections—environmental prohibition notices
(notification)**

Scope

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

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 2 Environmental inspections: compliance powers

Clause 11B

Notice to interested persons

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

Display of notice

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

Inadequate action in response to notice

- (4) If a NOPSEMA inspector is satisfied that action taken by the titleholder to remove the threat to the environment is not adequate, the inspector must inform the titleholder accordingly.
- (5) In making a decision under subclause (4), a NOPSEMA inspector may exercise such of the powers of a NOPSEMA inspector conducting an environmental inspection as the inspector considers necessary for the purposes of making the decision.

When notice ceases to have effect

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

Modified operation of this clause in relation to an oil pollution environmental inspection

- (6A) If there is a declared oil pollution emergency, this clause has effect, in relation to an oil pollution environmental inspection, as if:
- (a) a reference in this clause to offshore premises included a reference to emergency response premises; and
 - (b) a reference in this clause to a threat to the environment were, by express provision, confined to a threat that is attributable to one or more petroleum activities of a petroleum titleholder.

Definition

- (7) In this clause:

premises, in relation to offshore premises, includes:

- (a) a particular part of the premises; and
- (b) particular plant or equipment, or a particular substance or thing, at the premises.

11C Environmental inspections—environmental improvement notices (issue)

Scope

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

When notice may be issued

- (2) A NOPSEMA inspector may issue a notice (an ***environmental improvement notice***) to a titleholder, in writing, under this clause if, in conducting the inspection, the inspector is satisfied on reasonable grounds that:
- (a) the titleholder:
 - (i) is contravening a provision of an environmental management law; or

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 2 Environmental inspections: compliance powers

Clause 11C

- (ii) has contravened a provision of an environmental management law and is likely to contravene that provision again; and
- (b) as a result, there is, or may be, a significant threat to the environment.

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

How notice may be issued

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

Contents of notice

- (4) The notice must:
 - (a) state that the inspector is satisfied on reasonable grounds that a specified contravention of an environmental management law is occurring, or has occurred and is likely to occur again, and set out those grounds; and
 - (b) state that the inspector is satisfied on reasonable grounds that as a result of that contravention, there is, or may be, a significant threat to the environment, and set out those grounds; and
 - (c) specify the threat to the environment, and describe the environment that is subject to the threat; and
 - (d) specify action that the inspector is satisfied on reasonable grounds is required to be taken by the titleholder to remove the threat; and
 - (e) specify a period within which the titleholder is to take the action.

Period of notice and action to be taken

- (5) The period specified in the notice must be reasonable.

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

Modified operation of this clause in relation to an oil pollution environmental inspection

- (7) If there is a declared oil pollution emergency, this clause has effect, in relation to an oil pollution environmental inspection, as if:
- (a) a reference in this clause to offshore premises included a reference to emergency response premises; and
 - (b) a reference in this clause to an environmental management law included a reference to:
 - (i) the oil pollution emergency provisions of a declared environment plan; and
 - (ii) a significant incident direction; and
 - (c) a reference in this clause to a threat to the environment were, by express provision, confined to a threat that is attributable to one or more petroleum activities of a petroleum titleholder.

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

Scope

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

Duty of titleholder

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

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 2 Environmental inspections: compliance powers

Clause 11D

Offence

- (3) A person commits an offence if:
- (a) the person is subject to a requirement under subclause (2);
and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 300 penalty units.

Civil penalty

- (4) A person is liable to a civil penalty if the person contravenes a requirement under subclause (2).

Civil penalty: 400 penalty units.

Notice to interested persons

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

Display of notice

- (6) The titleholder must cause a copy of the notice to be displayed in a prominent place at the premises. This rule does not apply in relation to an oil pollution environmental inspection.

Continuing offences and continuing contraventions of civil penalty provisions

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

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

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

Note: Subclause (4) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

Modified operation of this clause in relation to an oil pollution environmental inspection

- (9) If there is a declared oil pollution emergency, this clause has effect, in relation to an oil pollution environmental inspection, as if:
- (a) a reference in this clause to offshore premises included a reference to emergency response premises; and
 - (b) a reference in this clause to an environmental management law included a reference to:
 - (i) the oil pollution emergency provisions of a declared environment plan; and
 - (ii) a significant incident direction.

12 Environmental inspections—tampering with and removing notices

Tampering with notice

- (1) A person must not tamper with any notice that has been displayed under subclause 8(16), 9(3) or (3A), 11(2), 11B(3) or 11D(6) while that notice is so displayed.

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 2 Environmental inspections: compliance powers

Clause 12

Removal of notice

- (1A) If a notice has been displayed under subclause 8(16), a person must not remove the notice until the thing to which the notice relates is returned under subclause 8(19).
- (2) If a notice has been displayed under subclause 9(3), a person must not remove the notice until the plant, substance or thing to which the notice relates is returned to the premises from which it was removed.
- (2A) If a notice has been displayed under subclause 9(3A), a person must not remove the notice until the plant, substance or thing to which the notice relates is returned to a representative of the occupier of the premises from which it was removed.
- (3) If a notice has been displayed under subclause 11(2), 11B(3) or 11D(6) a person must not remove the notice before the notice has ceased to have effect.

Offence

- (4) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (1), (1A), (2), (2A) or (3); and
 - (b) the person engages in conduct; and
 - (c) the conduct breaches the requirement.

Penalty: 50 penalty units.

- (5) Subclause (4) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (5)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

- (6) An offence against subclause (4) is an offence of strict liability.

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

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

- (1) NOPSEMA must publish on its website an environmental prohibition notice or an environmental improvement notice within 21 days after the notice is issued.
- (2) However, NOPSEMA must not publish the notice if it is aware that the decision to issue a notice is the subject of an application for review by a court.
- (3) If the notice is published on the NOPSEMA website and the decision to issue the notice is, or becomes, the subject of an application for review by a court, NOPSEMA must remove the notice from the website as soon as practicable after becoming aware of the application.
- (4) If all rights for judicial review (including any right of appeal) in relation to the decision to issue the notice have been exhausted, and the decision to issue the notice has been upheld, NOPSEMA must publish the notice on its website within 21 days after becoming aware that the rights have been exhausted.
- (5) If a notice contains personal information (within the meaning of the *Privacy Act 1988*), NOPSEMA must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the notice is published.
- (6) Personal information is *de-identified* if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

Schedule 2A Environmental management laws: additional NOPSEMA inspection powers

Part 2 Environmental inspections

Division 3 Reports: inspections concerning environmental management laws

Clause 13

Division 3—Reports: inspections concerning environmental management laws

13 Reports on inspections concerning environmental management laws

Scope

- (1) This section applies if a NOPSEMA inspector has conducted either of the following inspections in relation to an environmental management law:
 - (a) an environmental inspection (under this Part);
 - (b) an inspection for the purposes of Division 1 of Part 6.5 of this Act.

Report to be given to NOPSEMA

- (2) If a NOPSEMA inspector has conducted an environmental inspection in relation to a petroleum title or a greenhouse gas title, the inspector must, as soon as practicable, prepare a written report relating to the inspection and give the report to NOPSEMA.
- (3) The report must include:
 - (a) the NOPSEMA inspector's conclusions from conducting the inspection and the reasons for those conclusions; and
 - (b) any recommendations that the NOPSEMA inspector wishes to make arising from the inspection; and
 - (c) such other matters (if any) as are prescribed by regulation.

Copies of report to be given to titleholder

- (4) As soon as practicable after receiving the report, NOPSEMA must give a copy of the report, together with any written comments that it wishes to make, to the titleholder.

Details of remedial action etc.

- (5) NOPSEMA may, in writing, request the titleholder to provide to NOPSEMA, within a reasonable period specified in the request, details of any action proposed to be taken as a result of the conclusions or recommendations contained in the report.
- (6) The titleholder must comply with a request under subclause (5).

Part 3—General

14 Meaning of *offence against an environmental management law*

In this Schedule:

offence against an environmental management law includes an offence against section 6 of the *Crimes Act 1914* that relates to an offence against an environmental management law.

Note: For other ancillary offences, see section 11.6 of the *Criminal Code*.

15 Offences against environmental management laws—prosecutions

Proceedings for an offence against an environmental management law may be instituted by NOPSEMA or by a NOPSEMA inspector.

16 Offences against environmental management laws—conduct of directors, employees and agents

Scope

- (1) This clause has effect for the purposes of a proceeding for an offence against an environmental management law.

State of mind of a body corporate

- (2) If it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show:
 - (a) that the conduct was engaged in by a director, employee or agent of the body corporate within the scope of actual or apparent authority; and
 - (b) that the director, employee or agent had the state of mind.

Conduct of a body corporate

- (3) Any conduct engaged in on behalf of a body corporate by a director, employee or agent of the body corporate within the scope of actual or apparent authority is taken to have been engaged in also by the body corporate unless it establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.

State of mind of an individual

- (4) If it is necessary to establish the state of mind of an individual in relation to particular conduct, it is sufficient to show:
- (a) that the conduct was engaged in by an employee or agent of the individual within the scope of actual or apparent authority; and
 - (b) that the employee or agent had the state of mind.

Conduct of an individual

- (5) Any conduct engaged in on behalf of an individual by an employee or agent of the individual within the scope of actual or apparent authority is taken to have been engaged in also by the individual unless the individual establishes that he or she took reasonable precautions and exercised due diligence to avoid the conduct.

Limitation on imprisonment

- (6) If:
- (a) an individual is convicted of an offence; and
 - (b) he or she would not have been convicted of the offence if subclauses (4) and (5) had not been enacted;
- he or she is not liable to be punished by imprisonment for that offence.

*Extended meaning of **state of mind***

- (7) A reference in subclause (2) or (4) to the **state of mind** of a person includes a reference to:

Clause 17

- (a) the person's knowledge, intention, opinion, belief or purpose; and
- (b) the person's reasons for the intention, opinion, belief or purpose.

Disapplication of Part 2.5 of the Criminal Code

- (8) Part 2.5 of the *Criminal Code* does not apply to an offence against an environmental management law.

17 Environmental inspections—civil proceedings

- (1) This Schedule does not:
 - (a) confer a right of action in any civil proceeding in respect of any contravention of a provision of an environmental management law; or
 - (b) confer a defence to an action in any civil proceeding or otherwise affect a right of action in any civil proceeding.
- (2) However, subclause (1) does not apply in relation to the enforcement, for the purposes of Division 4 of Part 6.5 of this Act, of an environmental management law that is a civil penalty provision.

18 Offences against environmental management laws—defence of circumstances preventing compliance

It is a defence to a prosecution for refusing or failing to do anything required by an environmental management law if the defendant proves that it was not practicable to do that thing because of an emergency prevailing at the relevant time.

Note: A defendant bears a legal burden in relation to the matter in this clause—see section 13.4 of the *Criminal Code*.

19 Constitutional basis of this Schedule

This Schedule relies on the Commonwealth's legislative powers under paragraphs 51(xxix) (external affairs) and (xxxix) (incidental matters) of the Constitution.

20 Additional operation of this Schedule

- (1) In addition to clause 19, this Schedule also has effect as provided by this clause.

Corporations

- (2) This Schedule also has the effect it would have if a reference to an environmental inspection were expressly confined to:
- (a) in the case of an environmental inspection under subclause 3(2)—an inspection:
 - (i) to determine whether an environmental management law has been, or is being, complied with by a constitutional corporation; or
 - (ii) to determine whether information given by a constitutional corporation in compliance, or purported compliance, with an environmental management law is correct; and
 - (b) in the case of an environmental inspection under subclause 3(2A)—an inspection to determine either or both of the following:
 - (i) whether the oil pollution emergency provisions of a declared environment plan have been, or are being, complied with by a constitutional corporation;
 - (ii) whether a significant incident direction has been, or is being, complied with by a constitutional corporation.

Territories

- (3) This Schedule also has the effect it would have if a reference to an environmental inspection were expressly confined to an environmental inspection within the limits of a Territory.

Schedule 2B—Well integrity laws: additional NOPSEMA inspection powers

Note: See section 602JA.

Part 1—Introduction

1 Simplified outline of this Schedule

- This Schedule covers those provisions of this Act (called well integrity laws) that concern the integrity of wells.
- NOPSEMA inspectors may conduct an inspection (called a well integrity inspection) to monitor compliance with well integrity laws.
- A NOPSEMA inspector must prepare a report about an inspection and give the report to NOPSEMA.
- The powers that a NOPSEMA inspector may exercise for the purposes of a well integrity inspection are in addition to the powers in relation to well integrity laws that the inspector may exercise for the purposes of Division 1 of Part 6.5 of this Act.

2 Definitions

In this Schedule:

Commonwealth waters has the same meaning as in Part 6.9 of this Act.

eligible premises means premises (within the ordinary meaning of that expression), and includes the following:

- (a) a structure or building;
- (b) a place that is enclosed;
- (c) a part of a thing referred to in paragraph (a) or (b).

enter, when used in relation to a facility that is a vessel, includes board.

facility has the same meaning as in Schedule 3.

integrity, in relation to a well, means the capacity of the well to contain petroleum, a greenhouse gas substance, or any other substance.

offence against a well integrity law: see clause 14.

operator, in relation to a facility, has the same meaning as in Schedule 3.

operator's representative at the facility has the same meaning as in Schedule 3.

own includes own jointly or own in part.

plant includes any machinery, equipment or tool, or any component.

premises has the same meaning as in the Regulatory Powers Act. This definition does not apply to the definition of **eligible premises**.

regulated business premises means:

- (a) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by the registered holder of a title; and
 - (iii) used, or proposed to be used, wholly or principally in connection with operations in relation to one or more titles, including that title; or
- (b) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a related body corporate of the registered holder of a title; and

Clause 2

- (iii) used, or proposed to be used, wholly or principally in connection with operations in relation to one or more titles, including that title; or
- (c) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract, arrangement or understanding with the registered holder of a title, has carried out, is carrying out, or is to carry out one or more operations in connection with the exercise of the holder's rights, or the performance of the holder's obligations, under this Act; and
 - (iii) used, or proposed to be used, wholly or partly in connection with operations in relation to one or more titles, including that title; and
 - (iv) not used as a residence; or
- (d) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract, arrangement or understanding with a related body corporate of the registered holder of a title, has carried out, is carrying out, or is to carry out one or more operations in connection with the exercise of the holder's rights, or the performance of the holder's obligations, under this Act; and
 - (iii) used, or proposed to be used, wholly or partly in connection with operations in relation to one or more titles, including that title; and
 - (iv) not used as a residence.

this Act includes a legislative instrument under this Act.

title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence; or
- (d) a greenhouse gas assessment permit; or

- (e) a greenhouse gas holding lease; or
- (f) a greenhouse gas injection licence.

titleholder means the registered holder of a title.

titleholder's representative, in relation to a titleholder within the meaning of this Schedule, has the meaning given by section 602K.

well includes the well-related equipment associated with a well.

well activity means an activity relating to a well that is carried out during the life of the well.

well integrity do not disturb notice has the meaning given by subclause 10(2).

well integrity improvement notice has the meaning given by subclause 14(2).

well integrity inspection: see clause 3.

well integrity law means:

- (a) prescribed regulations, or a prescribed provision of regulations, made under this Act; or
- (b) the provisions of this Act, to the extent to which the provisions:
 - (i) relate to the integrity of wells; and
 - (ii) are not covered by paragraph (a);

and includes:

- (c) a requirement made under prescribed regulations, or a prescribed provision of regulations, made under this Act; and
- (d) a requirement made under a provision of this Act, to the extent mentioned in paragraph (b).

well integrity prohibition notice has the meaning given by subclause 12(2).

Part 2—Well integrity inspections

Division 1—Well integrity inspections: general provisions

3 Well integrity inspections—nature of inspections

What is a well integrity inspection?

- (1) A *well integrity inspection* is an inspection under this Part. Such an inspection:
 - (a) includes an investigation or inquiry; and
 - (b) need not include a physical inspection of any facility, premises or thing.

Inspections—general power

- (2) A NOPSEMA inspector may, at any time, conduct a well integrity inspection:
 - (a) to determine whether a well integrity law has been, or is being, complied with; or
 - (b) to determine whether information given in compliance, or purported compliance, with a well integrity law is correct.The inspection may be conducted at the inspector's own initiative or in compliance with a direction under subclause (3).

Inspections—directed by NOPSEMA

- (3) NOPSEMA may give a written direction to a NOPSEMA inspector to conduct a well integrity inspection.
- (4) The NOPSEMA inspector must conduct a well integrity inspection as directed under subclause (3).

4 Well integrity inspections—facility

Power to enter and search

- (1) A NOPSEMA inspector may, for the purposes of a well integrity inspection, at any reasonable time during the day or night:
 - (a) enter a facility at which activities to which the inspection relates are being, or have been, carried on, and do any or all of the following:
 - (i) search the facility;
 - (ii) inspect, examine or measure, or conduct tests concerning, the facility (including any part of the facility and any plant, substance or thing at the facility);
 - (iii) take photographs of, make video recordings of, or make sketches of, the facility (including any part of the facility and any plant, substance or thing at the facility);
 - (iv) inspect, take extracts from, or make copies of, any documents at the facility that the inspector is satisfied on reasonable grounds relate, or are likely to relate, to the subject matter of the inspection;
 - (v) exercise the powers conferred by clause 8 in relation to the inspection;
 - (vi) exercise the powers conferred by clause 9 in relation to the inspection; and
 - (b) inspect the seabed and subsoil in the vicinity of the facility to which the inspection relates.

Notification of entry

- (2) Immediately on entering the facility for the purposes of the inspection, a NOPSEMA inspector must take reasonable steps to notify the purpose of the entry to:
 - (a) the operator's representative at the facility; and
 - (b) whichever of the following is applicable:
 - (i) the titleholder's representative at the facility who is nominated for the inspection;

Clause 5

- (ii) if there is no titleholder's representative at the facility—the person at the facility who appears to be in overall control of the activities to which the inspection relates.
- (3) The inspector must, on being requested to do so by a person notified under subclause (2), produce for inspection by the person:
 - (a) the inspector's identity card; and
 - (b) a copy of NOPSEMA's written direction (if any) to conduct the inspection; and
 - (c) a copy of any directions given by the CEO under section 602A in relation to the exercise of the inspector's powers.

5 Well integrity inspections—regulated business premises

Power to enter and search

- (1) A NOPSEMA inspector may, for the purposes of a well integrity inspection:
 - (a) at any reasonable time, enter any regulated business premises if the inspector is satisfied on reasonable grounds that there are likely to be at those premises plant, substances, documents or things that relate to:
 - (i) operations conducted for the purposes of a title; or
 - (ii) compliance or non-compliance with a well integrity law; and
 - (b) search those premises for any such plant, substances, documents or things at those premises; and
 - (c) inspect, take extracts from, or make copies of, any such documents at those premises; and
 - (d) inspect, examine or measure, or conduct tests concerning, any such plant, substances or things at those premises; and
 - (e) take photographs of, make video recordings of, or make sketches of, any such plant, substances or things at those premises; and
 - (f) exercise the powers conferred by clause 8 in relation to the inspection; and

- (g) exercise the powers conferred by clause 9 in relation to the inspection.

Notification of entry

- (2) Immediately on entering regulated business premises for the purposes of an inspection, a NOPSEMA inspector must take reasonable steps to notify the purpose of the entry to:
- (a) in the case of an inspection at regulated business premises that are occupied by the titleholder—a person representing the titleholder; or
 - (b) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the titleholder—a person representing the related body corporate; or
 - (c) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person; or
 - (d) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person.
- (3) The inspector must, on being requested to do so by the person required to be notified under subclause (2), produce for inspection by the person:
- (a) the inspector's identity card; and
 - (b) a copy of NOPSEMA's written direction (if any) to conduct the inspection; and
 - (c) a copy of any directions issued by NOPSEMA under section 602A in relation to the exercise of the inspector's powers.

6 Well integrity inspections—obstructing or hindering NOPSEMA inspector

- (1) A person commits an offence if:
-

Schedule 2B Well integrity laws: additional NOPSEMA inspection powers

Part 2 Well integrity inspections

Division 1 Well integrity inspections: general provisions

Clause 6

- (a) the person engages in conduct; and
- (b) the conduct obstructs or hinders a NOPSEMA inspector in the exercise of the inspector's powers under clause 4 or 5.

Penalty: 60 penalty units.

- (2) A person is liable for a civil penalty if the person obstructs or hinders a NOPSEMA inspector in the exercise of the inspector's powers under clause 4 or 5.

Civil penalty: 135 penalty units.

- (3) Subclause (1) or (2) does not apply if the person has a reasonable excuse.

Note 1: In proceedings for an offence against subclause (1), the defendant bears an evidential burden in relation to the matter in subclause (3)—see subsection 13.3(3) of the *Criminal Code*. The same applies in proceedings for a civil penalty under subclause (2)—see section 96 of the Regulatory Powers Act.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

Note 3: The same conduct may be an offence against both subclause (1) of this clause and section 149.1 of the *Criminal Code*.

Division 2—Well integrity inspections: compliance powers

7 Well integrity inspections—power to require assistance

Requirement to provide assistance

- (1) A NOPSEMA inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of a well integrity inspection at or near a facility that relates to a title, require:
 - (a) the titleholder; or
 - (b) the titleholder’s representative at the facility who is nominated for the inspection;to provide the inspector with reasonable assistance and facilities:
 - (c) that is or are reasonably connected with the conduct of the inspection at or near the facility; or
 - (d) for the effective exercise of the inspector’s powers in connection with the conduct of the inspection at or near the facility.
- (2) The reasonable assistance referred to in subclause (1) includes, so far as the titleholder is concerned:
 - (a) appropriate transport to or from the facility for the inspector and for any equipment required by the inspector, or any thing of which the NOPSEMA inspector has taken possession; and
 - (b) reasonable accommodation and means of subsistence while the inspector is at the facility.

Offence

- (3) A person commits an offence if:
 - (a) the person is subject to a requirement under this clause; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

Clause 8

(4) Subclause (3) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (4)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

8 Well integrity inspections—powers to require information, and the production of documents and things

Requirement to answer questions

(1) If:

- (a) a NOPSEMA inspector is satisfied on reasonable grounds that a person is capable of answering a question that is reasonably connected with the conduct of a well integrity inspection in relation to a title; and
- (b) the person is:
 - (i) the titleholder; or
 - (ii) in the case of an inspection at a facility—the titleholder’s representative at the facility who is nominated for the inspection, or any person engaged in a well activity at the facility; or
 - (iii) in the case of an inspection at regulated business premises that are occupied by the titleholder—a person representing the titleholder; or
 - (iv) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the titleholder—a person representing the related body corporate; or
 - (v) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of **regulated business premises** in clause 2—a person representing the person; or
 - (vi) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated**

business premises in clause 2—a person representing the person;

the inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of the inspection, require the person to answer the question put by the inspector.

- (2) If, at the time when a requirement under subclause (1) is imposed on a person, the person is not physically present at a facility or regulated business premises, the person is not obliged to comply with the requirement unless the requirement:
- (a) is in writing; and
 - (b) specifies the day on or before which the question is to be answered; and
 - (c) is accompanied by a statement to the effect that a failure to comply with the requirement is an offence.

The day specified under paragraph (b) must be at least 14 days after the day the requirement is imposed.

Requirement to produce documents or things

- (3) If:
- (a) a NOPSEMA inspector is satisfied on reasonable grounds that a person is capable of producing a document or thing that is reasonably connected with the conduct of a well integrity inspection in relation to a title; and
 - (b) the person is:
 - (i) the titleholder; or
 - (ii) in the case of an inspection at a facility—the titleholder’s representative at the facility who is nominated for the inspection, or any person engaged in a well activity at the facility; or
 - (iii) in the case of an inspection at regulated business premises that are occupied by the titleholder—a person representing the titleholder; or
 - (iv) in the case of an inspection at regulated business premises that are occupied by a related body corporate

Clause 8

of the titleholder—a person representing the related body corporate; or

- (v) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of ***regulated business premises*** in clause 2—a person representing the person; or
- (vi) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of ***regulated business premises*** in clause 2—a person representing the person;

the inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of the inspection, require the person to produce the document or thing.

- (4) If, at the time when a requirement under subclause (3) is imposed on a person, the person is not physically present at a facility or regulated business premises, the person is not obliged to comply with the requirement unless the requirement:
 - (a) is in writing; and
 - (b) specifies the day on or before which the document or thing is to be produced; and
 - (c) is accompanied by a statement to the effect that a failure to comply with the requirement is an offence.

The day specified under paragraph (b) must be at least 14 days after the day the requirement is imposed.

Offence

- (5) A person commits an offence if:
 - (a) the person is subject to a requirement under this clause; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

- (6) Subclause (5) does not apply if the person has a reasonable excuse.
-

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (6)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

False information

- (7) A person commits an offence if:
- (a) the person gives information to another person; and
 - (b) the person does so knowing that the information is false or misleading in a material particular; and
 - (c) the information is given in compliance or purported compliance with a requirement under this clause.

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

Self-incrimination

- (8) A person is not excused from answering a question or producing a document or thing when required to do so under subclause (1) or (3) on the ground that the answer to the question, or the production of the document or thing, may tend to incriminate the person or make the person liable to a penalty.
- (9) However, in the case of an individual:
- (a) the answer given or document or thing produced; or
 - (b) answering the question or producing the document or thing; or
 - (c) any information, document or thing obtained as a direct or indirect consequence of the answering of the question or the production of the document or thing;
- is not admissible in evidence against the individual:
- (d) in any civil proceedings; or
 - (e) in any criminal proceedings other than:
 - (i) proceedings for an offence against this clause; or
 - (ii) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this clause.

Clause 8

NOPSEMA inspector may retain documents

- (10) A NOPSEMA inspector may take possession of a document produced under this clause, and retain it for as long as is reasonably necessary.
- (11) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by a NOPSEMA inspector to be a true copy.
- (12) The certified copy must be received in all courts and tribunals as evidence as if it were the original.
- (13) Until a certified copy is supplied, a NOPSEMA inspector must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

NOPSEMA inspector may retain other things

- (14) A NOPSEMA inspector may take possession of a thing (other than a document) produced under this clause, and retain it for as long as is reasonably necessary.

Notice—taking possession at a facility

- (15) On taking possession of a thing under subclause (14) at a facility, the NOPSEMA inspector must, by written notice, inform the following persons of the taking of possession, and the reasons for it:
 - (a) in any case:
 - (i) the titleholder's representative at the facility who is nominated for the inspection; or
 - (ii) if there is no titleholder's representative at the facility—the titleholder;
 - (b) the operator's representative at the facility;
 - (c) if the thing is owned by a person other than a person mentioned in paragraph (a) or (b)—that owner.

Display of notice at facility

- (16) The operator's representative at the facility must cause the notice to be displayed in a prominent place at the facility.

Notice—taking possession at regulated business premises

- (17) On taking possession of a thing under subclause (14) at regulated business premises, the NOPSEMA inspector must, by written notice, inform the following persons of the taking of possession, and the reasons for it:
- (a) the person who produced the thing;
 - (b) if that person is not the owner of the thing—the owner of the thing.

Inspection of thing

- (18) If:
- (a) a NOPSEMA inspector has taken possession of a thing (other than a document) produced under this clause; and
 - (b) it is reasonably necessary for the NOPSEMA inspector to retain the thing;
- the NOPSEMA inspector must provide:
- (c) the person who produced the thing; and
 - (d) the person who owns the thing; and
 - (e) a person authorised by a person covered by paragraph (c) or (d);
- reasonable access to the thing for the purposes of inspecting the thing.

Return of thing

- (19) If:
- (a) a NOPSEMA inspector has taken possession of a thing (other than a document) produced under this clause; and
 - (b) it is no longer reasonably necessary for the NOPSEMA inspector to retain the thing;

Clause 9

the NOPSEMA inspector must return the thing to:

- (c) the person who produced the thing; or
- (d) the person who owns the thing; or
- (e) a person authorised by a person covered by paragraph (c) or (d).

Note: The same conduct may be an offence against both subclause (7) of this clause and section 137.1 of the *Criminal Code*.

9 Well integrity inspections—power to take possession of plant and samples etc.

Power to take possession or samples

- (1) In conducting a well integrity inspection in relation to a title, a NOPSEMA inspector may, to the extent that it is reasonably necessary for the purposes of inspecting, examining or measuring, or conducting tests concerning, any plant, substance or thing at a facility, or regulated business premises, in connection with the inspection:
 - (a) take possession of the plant, substance or thing and remove it from the facility or premises; or
 - (b) take a sample of the substance or thing and remove that sample from the facility or premises.

Notice

- (2) On taking possession of plant, a substance or a thing, or taking a sample of a substance or thing, the inspector must, by written notice, inform the following persons of the taking of possession or the taking of the sample, and the reasons for it:
 - (a) in the case of a facility:
 - (i) the titleholder's representative at the facility who is nominated for the inspection; or
 - (ii) if there is no titleholder's representative at the facility—the titleholder;
 - (b) in the case of a facility—the operator's representative at the facility;

- (c) in the case of regulated business premises that are occupied by the titleholder—a person who represents the titleholder;
- (d) in the case of regulated business premises that are occupied by a related body corporate of the titleholder—a person who represents the related body corporate;
- (e) in the case of regulated business premises that are occupied by a person covered by subparagraph (c)(ii) of the definition of **regulated business premises** in clause 2—a person who represents the person;
- (f) in the case of regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated business premises** in clause 2—a person who represents the person;
- (g) if the plant, substance or thing is owned by a person other than a person mentioned in paragraph (a), (b), (c), (d), (e) or (f)—that owner.

Display of notice

- (3) If the notice relates to a facility, the operator's representative at the facility must cause the notice to be displayed in a prominent place at the facility.
- (4) If the notice relates to regulated business premises, the following person must cause the notice to be displayed in a prominent place at the premises:
 - (a) if the premises are occupied by the titleholder—the titleholder;
 - (b) if the premises are occupied by a related body corporate of the titleholder—a person who represents the related body corporate;
 - (c) if the premises are occupied by a person covered by subparagraph (c)(ii) of the definition of **regulated business premises** in clause 2—a person who represents the person;
 - (d) if the premises are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated business premises** in clause 2—a person who represents the person.

Duties of NOPSEMA inspector

- (5) If the NOPSEMA inspector takes possession of plant, a substance or a thing for the purpose of inspecting, examining or measuring, or conducting tests concerning, the plant, substance or thing, the inspector must:
- (a) ensure that the inspection, examination, measuring or testing is conducted as soon as practicable; and
 - (b) if the NOPSEMA inspector took possession of the plant, substance or thing at a facility—return it to the facility as soon as practicable afterwards; and
 - (c) if the NOPSEMA inspector took possession of the plant, substance or thing at regulated business premises—return it to a representative of the occupier of the premises as soon as practicable afterwards.
- (6) As soon as practicable after completing any such inspection, examination, measurement or testing, the inspector must give a written statement setting out the results to each person the inspector is required to notify under subclause (2).

10 Well integrity inspections—well integrity do not disturb notices (general)

Scope

- (1) This clause applies if a NOPSEMA inspector is conducting a well integrity inspection in relation to a facility.

When a notice may be issued

- (2) A NOPSEMA inspector may issue a notice (a ***well integrity do not disturb notice***) to a titleholder, in writing, under this clause if the inspector is satisfied on reasonable grounds that it is reasonably necessary to issue the notice in order to allow the inspection, examination or measurement of, or the conducting of tests concerning:
- (a) the facility; or

- (b) particular plant, or a particular substance or thing, at the facility.

Issue of notice

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

Contents of notice

- (4) The notice must:
- (a) direct the titleholder to take all reasonably practicable steps to ensure that one or more of the following are not disturbed for a period specified in the notice:
 - (i) a particular part of the facility;
 - (ii) particular plant, or a particular substance or thing, at the facility; and
 - (b) set out the reasons for the inspector's decision to issue the notice.
- (5) The period specified in the notice must be a period that the inspector is satisfied on reasonable grounds is necessary in order to allow the inspection, examination, measuring or testing to take place.

Renewal of notice

- (6) The notice may be renewed by another notice in the same terms.

Offence

- (7) A person commits an offence if:
- (a) the person is subject to a well integrity do not disturb notice; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the notice.

Penalty for contravention of subclause (7): 300 penalty units.

11 Well integrity inspections—well integrity do not disturb notices (notification and display)

Notice to interested persons

- (1) As soon as practicable after issuing a well integrity do not disturb notice, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to the following persons:
 - (a) the operator's representative at the facility;
 - (b) in a case where the facility, plant, substance or thing is, owned by a person other than the titleholder—that owner.

Display of notice

- (2) The operator's representative at the facility must cause a copy of a well integrity do not disturb notice to be displayed in a prominent place at the facility.

12 Well integrity inspections—well integrity prohibition notices (issue)

Scope

- (1) This clause applies if a NOPSEMA inspector is conducting a well integrity inspection in relation to a facility.

When notice may be issued

- (2) A NOPSEMA inspector may issue a notice (a ***well integrity prohibition notice***) to a titleholder, in writing, under this clause if, in conducting the inspection, the inspector is satisfied on reasonable grounds that:
 - (a) either or both of the following is the case:
 - (i) an activity is occurring at the facility that involves an immediate and significant threat to the integrity of a well;

- (ii) an activity may occur at the facility that, if it occurred, would involve an immediate and significant threat to the integrity of a well; and
- (b) it is reasonably necessary to issue the notice in order to remove the threat.

Note: The notice will be published on NOPSEMA's website (see clause 17).

How notice may be issued

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

Contents of notice

- (4) The notice must:
 - (a) state that the inspector is satisfied on reasonable grounds that a specified circumstance mentioned in paragraph (2)(a) applies, and set out those grounds; and
 - (b) if subparagraph (2)(a)(i) applies—specify the activity mentioned in that subparagraph; and
 - (c) if subparagraph (2)(a)(ii) applies—specify the activity mentioned in that subparagraph; and
 - (d) specify the threat to the integrity of a well; and
 - (e) direct the titleholder to ensure:
 - (i) that the activity is not conducted; or
 - (ii) that the activity is not conducted in a specified manner.
- (5) The notice may specify action that may be taken to satisfy a NOPSEMA inspector that adequate action has been taken to remove the threat to the integrity of a well.

Offence

- (6) A person commits an offence if:
 - (a) the person is subject to a well integrity prohibition notice; and

Clause 13

- (b) the person omits to do an act; and
- (c) the omission breaches the notice.

Penalty: 600 penalty units.

Continuing offences

- (7) A person who commits an offence against subclause (6) commits a separate offence in respect of each day (including a day of a conviction for the offence or any later day) during which the offence continues.
- (8) The maximum penalty for each day that an offence under subclause (6) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

13 Well integrity inspections—well integrity prohibition notices (notification)

Scope

- (1) This clause applies if a NOPSEMA inspector issues a well integrity prohibition notice to a titleholder under clause 12 that concerns a threat to the integrity of a well and relates to an activity at a facility.

Notice to interested persons

- (2) As soon as practicable after issuing the notice, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to the operator's representative at the facility.

Display of notice

- (3) The titleholder must cause a copy of the notice to be displayed in a prominent place at the facility.

Inadequate action in response to notice

- (4) If a NOPSEMA inspector is satisfied that action taken by the titleholder to remove the threat to the integrity of a well is not adequate, the inspector must inform the titleholder accordingly.
- (5) In making a decision under subclause (4), a NOPSEMA inspector may exercise such of the powers of a NOPSEMA inspector conducting a well integrity inspection as the inspector considers necessary for the purposes of making the decision.

When notice ceases to have effect

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

14 Well integrity inspections—well integrity improvement notices (issue)

Scope

- (1) This clause applies if a NOPSEMA inspector is conducting a well integrity inspection in relation to a facility.

When notice may be issued

- (2) A NOPSEMA inspector may issue a notice (a ***well integrity improvement notice***) to a titleholder, in writing, under this clause if, in conducting the inspection, the inspector is satisfied on reasonable grounds that:
 - (a) the titleholder:
 - (i) is contravening a provision of a well integrity law; or
 - (ii) has contravened a provision of a well integrity law and is likely to contravene that provision again; and
 - (b) as a result, there is, or may be, a significant threat to the integrity of a well.

Schedule 2B Well integrity laws: additional NOPSEMA inspection powers

Part 2 Well integrity inspections

Division 2 Well integrity inspections: compliance powers

Clause 14

Note: The notice will be published on NOPSEMA's website (see clause 17).

How notice may be issued

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

Contents of notice

- (4) The notice must:
- (a) state that the inspector is satisfied on reasonable grounds that a specified contravention of a well integrity law is occurring, or has occurred and is likely to occur again, and set out those grounds; and
 - (b) state that the inspector is satisfied on reasonable grounds that as a result of that contravention, there is, or may be, a significant threat to the integrity of a well, and set out those grounds; and
 - (c) specify the threat to the integrity of a well; and
 - (d) specify action that the inspector is satisfied on reasonable grounds is required to be taken by the titleholder to remove the threat; and
 - (e) specify a period within which the titleholder is to take the action.

Period of notice and action to be taken

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

15 Well integrity inspections—well integrity improvement notices (compliance and notification)

Scope

- (1) This clause applies if, in the course of a well integrity inspection in relation to a facility, a NOPSEMA inspector issues a well integrity improvement notice to a titleholder under clause 14 that concerns a contravention, or likely contravention, of a well integrity law.

Duty of titleholder

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

Offence

- (3) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (2);
and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 300 penalty units.

Civil penalty

- (4) A person is liable to a civil penalty if the person contravenes a requirement under subclause (2).

Civil penalty: 400 penalty units.

Notice to interested persons

- (5) As soon as practicable after issuing the notice, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to the following persons:
 - (a) the operator's representative at the facility;
 - (b) if the facility is owned by a person other than the titleholder or operator—that owner.

Clause 16

Display of notice

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

Continuing offences and continuing contraventions of civil penalty provisions

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

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

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

Note: Subclause (4) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

16 Well integrity inspections—tampering with and removing notices

Tampering with notice

- (1) A person must not tamper with any notice that has been displayed under subclause 8(16), 9(3) or (4), 11(2), 13(3) or 15(6) while that notice is so displayed.

Removal of notice

- (2) If a notice has been displayed under subclause 8(16), a person must not remove the notice until the thing to which the notice relates is returned under subclause 8(19).
- (3) If a notice has been displayed under subclause 9(3), a person must not remove the notice until the plant, substance or thing to which the notice relates is returned to the facility from which it was removed.

- (4) If a notice has been displayed under subclause 9(4), a person must not remove the notice until the plant, substance or thing to which the notice relates is returned to a representative of the occupier of the premises from which it was removed.
- (5) If a notice has been displayed under subclause 11(2), 13(3) or 15(6), a person must not remove the notice before the notice has ceased to have effect.

Offence

- (6) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (1), (2), (3), (4) or (5); and
 - (b) the person engages in conduct; and
 - (c) the conduct breaches the requirement.

Penalty: 50 penalty units.

- (7) Subclause (6) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (7)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

- (8) An offence against subclause (6) is an offence of strict liability.

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

17 Well integrity inspections—publishing well integrity prohibition notices and well integrity improvement notices

- (1) NOPSEMA must:
 - (a) publish on its website a well integrity prohibition notice or a well integrity improvement notice; and
 - (b) do so within 21 days after the notice is issued.

Schedule 2B Well integrity laws: additional NOPSEMA inspection powers

Part 2 Well integrity inspections

Division 2 Well integrity inspections: compliance powers

Clause 17

- (2) However, NOPSEMA must not publish the notice if it is aware that the decision to issue a notice is the subject of an application for review by a court.
- (3) If:
- (a) the notice is published on NOPSEMA's website; and
 - (b) the decision to issue the notice is, or becomes, the subject of an application for review by a court;
- NOPSEMA must remove the notice from the website as soon as practicable after becoming aware of the application.
- (4) If:
- (a) all rights for judicial review (including any right of appeal) in relation to the decision to issue the notice have been exhausted; and
 - (b) the decision to issue the notice has been upheld;
- NOPSEMA must publish the notice on its website within 21 days after becoming aware that the rights have been exhausted.
- (5) If a notice contains personal information (within the meaning of the *Privacy Act 1988*), NOPSEMA must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the notice is published.
- (6) Personal information is ***de-identified*** if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

Division 3—Reports: inspections concerning well integrity laws

18 Reports on inspections concerning well integrity laws

Scope

- (1) This clause applies if a NOPSEMA inspector has conducted either of the following inspections in relation to a well integrity law:
 - (a) a well integrity inspection (under this Part);
 - (b) an inspection for the purposes of Division 1 of Part 6.5 of this Act.

Report to be given to NOPSEMA

- (2) If a NOPSEMA inspector has conducted a well integrity inspection in relation to a title, the inspector must, as soon as practicable, prepare a written report relating to the inspection and give the report to NOPSEMA.
- (3) The report must include:
 - (a) the NOPSEMA inspector's conclusions from conducting the inspection and the reasons for those conclusions; and
 - (b) any recommendations that the NOPSEMA inspector wishes to make arising from the inspection; and
 - (c) such other matters (if any) as are prescribed by the regulations.

Copies of report to be given to titleholder

- (4) As soon as practicable after receiving the report, NOPSEMA must give a copy of the report, together with any written comments that it wishes to make, to the titleholder.

Schedule 2B Well integrity laws: additional NOPSEMA inspection powers

Part 2 Well integrity inspections

Division 3 Reports: inspections concerning well integrity laws

Clause 18

Details of remedial action etc.

- (5) NOPSEMA may, in writing, request the titleholder to provide to NOPSEMA, within a reasonable period specified in the request, details of any action proposed to be taken as a result of the conclusions or recommendations contained in the report.
- (6) The titleholder must comply with a request under subclause (5).

Part 3—General

19 Meaning of *offence against a well integrity law*

In this Schedule:

offence against a well integrity law includes an offence against section 6 of the *Crimes Act 1914* that relates to an offence against a well integrity law.

Note: For other ancillary offences, see section 11.6 of the *Criminal Code*.

20 Offences against well integrity laws—prosecutions

Proceedings for an offence against a well integrity law may be instituted by NOPSEMA or by a NOPSEMA inspector.

21 Offences against well integrity laws—conduct of directors, employees and agents

Scope

- (1) This clause has effect for the purposes of a proceeding for an offence against a well integrity law.

State of mind of a body corporate

- (2) If it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show:
 - (a) that the conduct was engaged in by a director, employee or agent of the body corporate within the scope of actual or apparent authority; and
 - (b) that the director, employee or agent had the state of mind.

Clause 21

Conduct of a body corporate

- (3) Any conduct engaged in on behalf of a body corporate by a director, employee or agent of the body corporate within the scope of actual or apparent authority is taken to have been engaged in also by the body corporate unless it establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.

State of mind of an individual

- (4) If it is necessary to establish the state of mind of an individual in relation to particular conduct, it is sufficient to show:
- (a) that the conduct was engaged in by an employee or agent of the individual within the scope of actual or apparent authority; and
 - (b) that the employee or agent had the state of mind.

Conduct of an individual

- (5) Any conduct engaged in on behalf of an individual by an employee or agent of the individual within the scope of actual or apparent authority is taken to have been engaged in also by the individual unless the individual establishes that he or she took reasonable precautions and exercised due diligence to avoid the conduct.

Limitation on imprisonment

- (6) If:
- (a) an individual is convicted of an offence; and
 - (b) he or she would not have been convicted of the offence if subclauses (4) and (5) had not been enacted;
- he or she is not liable to be punished by imprisonment for that offence.

Extended meaning of state of mind

- (7) A reference in subclause (2) or (4) to the *state of mind* of a person includes a reference to:

- (a) the person's knowledge, intention, opinion, belief or purpose;
and
- (b) the person's reasons for the intention, opinion, belief or purpose.

Disapplication of Part 2.5 of the Criminal Code

- (8) Part 2.5 of the *Criminal Code* does not apply to an offence against a well integrity law.

22 Well integrity inspections—civil proceedings

- (1) This Schedule does not:
 - (a) confer a right of action in any civil proceeding in respect of any contravention of a provision of a well integrity law; or
 - (b) confer a defence to an action in any civil proceeding or otherwise affect a right of action in any civil proceeding.
- (2) However, subclause (1) does not apply in relation to the enforcement, for the purposes of Division 4 of Part 6.5 of this Act, of a well integrity law that is a civil penalty provision.

23 Offences against well integrity laws—defence of circumstances preventing compliance

It is a defence to a prosecution for refusing or failing to do anything required by a well integrity law if the defendant proves that it was not practicable to do that thing because of an emergency prevailing at the relevant time.

Note: A defendant bears a legal burden in relation to the matter in this clause—see section 13.4 of the *Criminal Code*.

Schedule 3—Occupational health and safety

Note: See section 637.

Part 1—Introduction

1 Objects

The objects of this Schedule are, in relation to facilities located in Commonwealth waters:

- (a) to secure the health, safety and welfare of persons at or near those facilities; and
- (b) to protect persons at or near those facilities from risks to health and safety arising out of activities being conducted at those facilities; and
- (c) to ensure that expert advice is available on occupational health and safety matters in relation to those facilities; and
- (d) to promote an occupational environment for members of the workforce at such facilities that is adapted to their needs relating to health and safety; and
- (e) to foster a consultative relationship between all relevant persons concerning the health, safety and welfare of members of the workforce at those facilities.

2 Simplified outline

The following is a simplified outline of this Schedule:

- This Schedule sets up a scheme to regulate occupational health and safety matters at or near facilities located in Commonwealth waters.
- Occupational health and safety duties are imposed on the following:
 - (a) the operator of a facility;

- (b) a person in control of a part of a facility, or of any work carried out at a facility;
 - (c) an employer;
 - (d) a manufacturer of plant, or a substance, for use at a facility;
 - (e) a supplier of a facility, or of any plant or substance for use at a facility;
 - (f) a person who erects or installs a facility, or any plant at a facility;
 - (g) a person at a facility.
- A group of members of the workforce at a facility may be established as a designated work group.
 - The members of a designated work group may select a health and safety representative for that designated work group.
 - The health and safety representative may exercise certain powers for the purpose of promoting or ensuring the health and safety of the group members.
 - A NOPSEMA inspector may conduct an inspection:
 - (a) to ascertain whether a listed OHS law is being complied with; or
 - (b) concerning an accident or dangerous occurrence that has happened at or near a facility.
 - The powers that a NOPSEMA inspector may exercise for the purposes of an OHS inspection are in addition to the powers in relation to listed OHS laws that the inspector may exercise for the purposes of Division 1 of Part 6.5 of this Act.
 - The operator of a facility must report accidents and dangerous occurrences to NOPSEMA.

3 Definitions

In this Schedule, unless the contrary intention appears:

accident includes the contraction of a disease.

associated offshore place, in relation to a facility, means any offshore place near the facility where activities (including diving activities) relating to the construction, installation, operation, maintenance or decommissioning of the facility take place, but does not include:

- (a) another facility; or
- (b) a supply vessel, offtake tanker, anchor handler or tugboat; or
- (c) a vessel, or structure, that is declared by the regulations not to be an associated offshore place.

Commonwealth waters has the same meaning as in Part 6.9 of this Act.

contract includes an arrangement or understanding.

contractor has the meaning given by clause 8.

contravention, if the contravention is an offence, includes an offence against:

- (a) section 6 of the *Crimes Act 1914*; or
 - (b) section 11.1, 11.4 or 11.5 of the *Criminal Code*;
- that relates to the first-mentioned offence.

dangerous occurrence means an occurrence declared by the regulations to be a dangerous occurrence for the purposes of this definition.

data includes:

- (a) information in any form; and
- (b) any program (or part of a program).

data held in a computer includes:

- (a) data held in any removable data storage device for the time being held in a computer; and
- (b) data held in a data storage device on a computer network of which the computer forms a part.

data storage device means a thing containing, or designed to contain, data for use by a computer.

derived:

- (a) in relation to a petroleum title—has the meaning given by clause 8A; or
- (b) in relation to a greenhouse gas title—has the meaning given by clause 8B.

designated work group means:

- (a) a group of members of the workforce at a facility that is established as a designated work group under clause 19 or 20; or
- (b) that group as varied in accordance with clause 21 or 22.

eligible premises means premises (within the ordinary meaning of that expression), and includes the following:

- (a) a structure or building;
- (b) a place that is enclosed;
- (c) a part of a thing referred to in paragraph (a) or (b).

employee, in relation to an employer, means an employee of that employer.

employer means an employer who carries on an activity at a facility.

enter, when used in relation to a vessel, includes board.

facility means a facility as defined by clause 4, and:

- (a) includes a facility (as defined by clause 4) that is being constructed or installed; and

Clause 3

- (b) except in the definition of *associated offshore place*, includes an associated offshore place in relation to a facility (as defined by clause 4).

greenhouse gas title means:

- (a) a greenhouse gas assessment permit; or
- (b) a greenhouse gas holding lease; or
- (c) a greenhouse gas injection licence.

group member, in relation to a designated work group at a facility, means a person who is:

- (a) a member of the workforce at that facility; and
- (b) included in that designated work group.

health and safety requirement: see clause 16A.

master, in relation to a vessel, means the person having command or charge of the vessel.

member of the workforce, in relation to a facility, means an individual who does work at the facility:

- (a) whether as an employee of the operator of the facility or of another person; or
- (b) whether as a contractor of the operator or of another person.

offence against a listed OHS law includes an offence against section 6 of the *Crimes Act 1914* that relates to an offence against a listed OHS law.

Note: For other ancillary offences, see section 11.6 of the *Criminal Code*.

offshore greenhouse gas storage operations has the same meaning as in Part 6.9 of this Act.

offshore petroleum operations has the same meaning as in Part 6.9 of this Act.

OHS do not disturb notice has the meaning given by subclause 76(1).

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

OHS inspection: see clause 49.

OHS prohibition notice has the meaning given by subclause 77(1).

operator, in relation to a facility or proposed facility, has the meaning given by clause 5.

operator's representative at a facility means a person present at the facility in compliance with the obligations imposed on the operator by clause 6.

own includes own jointly or own in part.

petroleum title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence.

plant includes any machinery, equipment or tool, or any component.

premises has the same meaning as in the Regulatory Powers Act. This definition does not apply to the definition of **eligible premises**.

proposed facility means a facility proposed to be constructed, installed or operated.

recovery, in relation to petroleum, includes all processes directly or indirectly associated with its recovery. This definition does not, by implication, limit the meaning of the expression **recovery** when used in a provision of this Act other than this Schedule.

registered organisation means an organisation registered or an association recognised under the *Fair Work (Registered Organisations) Act 2009*.

regulated business premises means:

Clause 3

- (a) a facility; or
- (b) eligible premises that are:
 - (ia) on land; and
 - (i) occupied by a person who is the operator of a facility; and
 - (ii) used, or proposed to be used, wholly or principally in connection with offshore petroleum operations or offshore greenhouse gas storage operations; or
- (c) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a related body corporate of the operator of a facility; and
 - (iii) used, or proposed to be used, wholly or principally in connection with the performance by the operator of the operator's obligations under this Schedule or prescribed regulations, or a prescribed provision of regulations, made under this Act, in relation to the health and safety of persons at or near the facility; or
- (d) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract with the operator of a facility, has carried out, is carrying out, or is to carry out, activities in connection with the performance by the operator of the operator's obligations under this Schedule or prescribed regulations, or a prescribed provision of regulations, made under this Act, in relation to the health and safety of persons at or near the facility; and
 - (iii) used, or proposed to be used, wholly or partly in connection with those activities; and
 - (iv) not used as a residence; or
- (e) eligible premises that are:
 - (i) on land; and
 - (ii) occupied by a person who, under a contract with a related body corporate of the operator of a facility, has carried out, is carrying out, or is to carry out, activities

- in connection with the performance by the operator of the operator's obligations under this Schedule or prescribed regulations, or a prescribed provision of regulations, made under this Act, in relation to the health and safety of persons at or near the facility; and
- (iii) used, or proposed to be used, wholly or partly in connection with those activities; and
 - (iv) not used as a residence; or
- (f) eligible premises that are:
- (i) on land; and
 - (ii) occupied by the registered holder of a title; and
 - (iii) used, or proposed to be used, wholly or principally in connection with offshore petroleum operations or offshore greenhouse gas storage operations; or
- (g) eligible premises that are:
- (i) on land; and
 - (ii) occupied by a related body corporate of the registered holder of a title; and
 - (iii) used, or proposed to be used, wholly or principally in connection with offshore petroleum operations or offshore greenhouse gas storage operations; or
- (h) eligible premises that are:
- (i) on land; and
 - (ii) occupied by a person who, under a contract with the registered holder of a title, has carried out, is carrying out, or is to carry out, in Commonwealth waters, offshore petroleum operations or offshore greenhouse gas storage operations; and
 - (iii) used, or proposed to be used, wholly or partly in connection with those operations; and
 - (iv) not used as a residence; or
- (i) eligible premises that are:
- (i) on land; and
 - (ii) occupied by a person who, under a contract with a related body corporate of the registered holder of a title,

Clause 3

- has carried out, is carrying out, or is to carry out, in Commonwealth waters, offshore petroleum operations or offshore greenhouse gas storage operations; and
- (iii) used, or proposed to be used, wholly or partly in connection with those operations; and
 - (iv) not used as a residence.

Note: See also the definition of *contract*.

regulations means regulations made for the purposes of this Schedule.

reviewing authority means the Fair Work Commission.

title means:

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

titleholder means the registered holder of:

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

titleholder's representative, in relation to a titleholder within the meaning of this Schedule, has the meaning given by section 602K.

titleholder's well-related obligations means the obligations of a titleholder to comply with:

- (a) clause 13A of this Schedule (petroleum titleholder duty of care); or
- (b) prescribed regulations, or a prescribed provision of regulations, made under this Act; or
- (c) clause 13B of this Schedule (greenhouse gas titleholder duty of care).

work means work offshore that is directly or indirectly related to the construction, installation, operation, maintenance or decommissioning of a facility.

workforce representative means:

- (a) in relation to a person who is a member of the workforce at a facility—an organisation registered or an association recognised under the *Fair Work (Registered Organisations) Act 2009*, of which that person is a member, if the person is qualified to be a member of that organisation or association because of the work the person performs at the facility; or
- (b) in relation to a designated work group or a proposed designated work group—an organisation registered or an association recognised under the *Fair Work (Registered Organisations) Act 2009*, of which a person who is, or who is likely to be, in the work group is a member, if the person is qualified to be a member of that organisation or association because of the work the person performs, or will perform, at a facility as a member of the group.

work group employer, in relation to a designated work group at a facility, means an employer of one or more group members, but does not include the operator of the facility.

workplace, in relation to a facility, means the whole facility or any part of the facility.

4 Facilities

Vessels or structures that are facilities—offshore petroleum operations

- (1) A vessel or structure is taken to be a facility for the purposes of this Schedule while that vessel or structure:
 - (a) is located at a site in Commonwealth waters; and
 - (b) is being used, or prepared for use, at that site:
 - (i) for the recovery of petroleum, for the processing of petroleum, or for the storage and offloading of petroleum, or for any combination of those activities; or
 - (ii) for the provision of accommodation for persons working on another facility, whether connected by a walkway to that other facility or not; or

Clause 4

- (iii) for drilling or servicing a well for petroleum or doing work associated with the drilling or servicing process; or
 - (iv) for laying pipes for petroleum, including any manufacturing of such pipes, or for doing work on an existing pipe; or
 - (v) for the erection, dismantling or decommissioning of a vessel or structure referred to in a previous subparagraph of this paragraph; or
 - (vi) for any other purpose related to offshore petroleum operations that is prescribed for the purposes of this subparagraph.
- (2) Subclause (1) applies to a vessel or structure:
- (a) whether it is floating or fixed; and
 - (b) whether or not it is capable of independent navigation.
- (3) Subclause (1) has effect subject to subclauses (6) and (7).
- (4) A vessel or structure used for a purpose referred to in subparagraph (1)(b)(i) includes:
- (a) any wells and associated plant and equipment by means of which petroleum processed or stored at the vessel or structure is recovered; and
 - (b) any pipe or system of pipes through which petroleum is conveyed from a well to the vessel or structure; and
 - (c) any secondary line associated with the vessel or structure.
- (5) For the purposes of subclause (1), a vessel or structure that is located offshore for the purpose of laying pipes as described in subparagraph (1)(b)(iv) is taken to be located at a site, despite the fact that the vessel or structure moves as the pipe laying process proceeds.

Vessels or structures that are facilities—offshore greenhouse gas storage operations

- (5A) A vessel or structure is taken to be a facility for the purposes of this Schedule while that vessel or structure:
- (a) is located at a site in Commonwealth waters; and
 - (b) is being used, or prepared for use, at that site:
 - (i) for the injection of a greenhouse gas substance into the seabed or subsoil; or
 - (ii) for the storage of a greenhouse gas substance in the seabed or subsoil; or
 - (iii) for the compression of a greenhouse gas substance; or
 - (iv) for the processing of a greenhouse gas substance; or
 - (v) for the pre-injection storage of a greenhouse gas substance; or
 - (vi) for the offloading of a greenhouse gas substance; or
 - (vii) for the monitoring of a greenhouse gas substance stored in the seabed or subsoil; or
 - (viii) for any combination of activities covered by any of the preceding subparagraphs; or
 - (ix) for the provision of accommodation for persons working on another facility, whether connected by a walkway to that other facility or not; or
 - (x) for drilling or servicing a well for injecting a greenhouse gas substance into the seabed or subsoil or doing work associated with the drilling or servicing process; or
 - (xi) for laying pipes for conveying a greenhouse gas substance, including any manufacturing of such pipes, or for doing work on an existing pipe; or
 - (xii) for the erection, dismantling or decommissioning of a vessel or structure referred to in a previous subparagraph of this paragraph; or
 - (xiii) for any other purpose related to offshore greenhouse gas storage operations that is prescribed for the purposes of this subparagraph.

Clause 4

- (5B) Subclause (5A) applies to a vessel or structure:
- (a) whether it is floating or fixed; and
 - (b) whether or not it is capable of independent navigation.
- (5C) Subclause (5A) has effect subject to subclauses (6) and (7).
- (5D) A vessel or structure used for a purpose referred to in subparagraph (5A)(b)(i), (ii), (iii), (iv), (v), (vi), (vii) or (viii) includes:
- (a) any wells and associated plant and equipment by means of which a greenhouse gas substance processed or temporarily stored at the vessel or structure is injected into the seabed or subsoil; and
 - (b) any pipe or system of pipes through which a greenhouse gas substance is conveyed from the vessel or structure to a well; and
 - (c) any greenhouse gas injection line associated with the vessel or structure.
- (5E) For the purposes of subclause (5A), a vessel or structure that is located offshore for the purpose of laying pipes as described in subparagraph (5A)(b)(xi) is taken to be located at a site, despite the fact that the vessel or structure moves as the pipe laying process proceeds.

Vessels or structures that are not facilities

- (6) Despite subclauses (1) and (5A), a vessel or structure is taken not to be a facility for the purposes of this Schedule if the vessel or structure is:
- (a) an offtake tanker; or
 - (b) a tug or an anchor handler; or
 - (c) a vessel or structure used for supplying a facility or otherwise travelling between a facility and the shore; or
 - (d) a vessel or structure used for any purpose such that it is declared by the regulations not to be a facility.

Use for a particular purpose

- (7) In determining when a vessel or structure that has the potential to be used for one or more of the purposes referred to in paragraph (1)(b) or (5A)(b) is in fact being so used, the vessel or structure is taken:
- (a) to commence to be so used only at the time when it arrives at the site where it is to be so used and any activities necessary to make it operational at that site are begun; and
 - (b) to cease to be so used when operations cease, and the vessel or structure has been returned either to a navigable form or to a form in which it can be towed to another place.

Pipelines that are facilities

- (8) Each of the following is taken to be a facility for the purposes of this Schedule:
- (a) a pipeline subject to a pipeline licence;
 - (b) if a pipeline subject to a pipeline licence conveys petroleum recovered from a well without the petroleum having passed through another facility—that pipeline, together with:
 - (i) that well and associated plant and equipment; and
 - (ii) any pipe or system of pipes through which petroleum is conveyed from that well to that pipeline;
 - (c) if a pipeline subject to a pipeline licence conveys a greenhouse gas substance to a well without the greenhouse gas substance having passed through another facility—that pipeline, together with:
 - (i) that well and associated plant and equipment; and
 - (ii) any pipe or system of pipes through which a greenhouse gas substance is conveyed to that well from that pipeline.
- (9) In paragraph (8)(b):
- facility*** does not include a pipeline.

5 Operator of a facility or proposed facility

- (1) For the purposes of this Schedule, the *operator*, in relation to a facility or proposed facility, is the person who, under the regulations, is registered by NOPSEMA as the operator of that facility or proposed facility.
- (2) The regulations may authorise NOPSEMA to cancel the registration of a person as the operator of a facility or proposed facility.

6 Operator must ensure presence of operator's representative

Basic requirements

- (1) The operator of a facility must ensure that, at all times when one or more individuals are present at a facility, there is also present an individual (the *operator's representative at the facility*) who has day-to-day management and control of operations at the facility.
- (2) The operator of a facility must take all reasonably practicable steps to ensure that the name of the operator's representative at the facility is displayed in a prominent place at the facility.

Offence

- (3) A person commits an offence of strict liability if:
 - (a) the person is subject to a requirement under subclause (1) or (2); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 50 penalty units.

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

Civil penalty

- (4A) A person is liable to a civil penalty if the person contravenes a requirement under subclause (1) or (2).

Civil penalty: 135 penalty units.

Continuing offences

- (4B) A person who commits an offence against subclause (3) commits a separate offence in respect of each day (including a day of a conviction under this clause or any later day) during which the offence continues.
- (4C) The maximum penalty for each day that an offence under subclause (3) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

- (4D) A person who contravenes subclause (4A) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.
- (4E) The maximum civil penalty for each day that a contravention of subclause (4A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Operators who are individuals

- (5) Subclause (1) does not imply that, if the operator is an individual, the operator's representative at the facility may not be, from time to time, the operator.

7 Health and safety of persons using an accommodation facility

For the avoidance of doubt, a reference in this Schedule to the occupational health and safety of a person includes a reference to the health and safety of a person using an accommodation facility provided for the accommodation of persons working on another facility.

Clause 8

8 Contractor

For the purposes of this Schedule, if an individual does work at a facility under a contract for services between:

- (a) a person (the *relevant person*); and
- (b) either:
 - (i) the individual; or
 - (ii) the employer of the individual;

the individual is taken to be a *contractor* of the relevant person.

8A When a petroleum title is derived from another petroleum title

Petroleum production licences

- (1) For the purposes of this Schedule, if a petroleum production licence was granted to the registered holder of:
 - (a) a petroleum retention lease; or
 - (b) a petroleum exploration permit;that was in force over the block or blocks to which the licence relates, the licence is *derived* from:
 - (c) the lease or permit; and
 - (d) each petroleum title from which the lease or permit referred to in paragraph (c) was derived.

Petroleum retention leases

- (2) For the purposes of this Schedule, if a petroleum retention lease was granted to the registered holder of:
 - (a) a petroleum exploration permit; or
 - (b) a petroleum production licence;that was in force over the block or blocks to which the lease relates, the lease is *derived* from:
 - (c) the permit or licence; and
 - (d) each petroleum title from which the permit or licence referred to in paragraph (c) was derived.

Renewals

- (3) For the purposes of this Schedule, if there is a series of one or more renewals of a petroleum title, each petroleum title in that series is **derived** from:
- (a) each of the earlier petroleum titles in that series; and
 - (b) each petroleum title from which each of those earlier petroleum titles was derived.
- For this purpose, the series includes the original petroleum title.

Application

- (4) Subclauses (1) and (2) apply to a grant, whether occurring before, at or after the commencement of this clause.
- (5) Subclause (3) applies to a renewal, whether occurring before, at or after the commencement of this clause.
- (6) For the purposes of the application of this clause to the grant of:
- (a) a petroleum production licence; or
 - (b) a petroleum retention lease;
- that occurred before the commencement of Chapter 2, a reference to a **registered holder** is a reference to a registered holder (within the meaning of the repealed *Petroleum (Submerged Lands) Act 1967*).

8B When a greenhouse gas title is derived from another greenhouse gas title

Greenhouse gas injection licences

- (1) For the purposes of this Schedule, if a greenhouse gas injection licence was granted to the registered holder of:
- (a) a greenhouse gas holding lease; or
 - (b) a greenhouse gas assessment permit;
- that was in force over the block or blocks to which the licence relates, the licence is **derived** from:
- (c) the lease or permit; and

Clause 8B

- (d) each greenhouse gas title from which the lease or permit referred to in paragraph (c) was derived.

Greenhouse gas holding leases

- (2) For the purposes of this Schedule, if a greenhouse gas holding lease was granted to the registered holder of a greenhouse gas assessment permit that was in force over the block or blocks to which the lease relates, the lease is **derived** from:
 - (a) the permit; and
 - (b) each greenhouse gas title from which the permit referred to in paragraph (a) was derived.

Renewals

- (3) For the purposes of this Schedule, if there is a series of one or more renewals of a greenhouse gas title, each greenhouse gas title in that series is **derived** from:
 - (a) each of the earlier greenhouse gas titles in that series; and
 - (b) each greenhouse gas title from which each of those earlier greenhouse gas titles was derived.

For this purpose, the series includes the original greenhouse gas title.

Application

- (4) Subclauses (1) and (2) apply to a grant, whether occurring before, at or after the commencement of this clause.
- (5) Subclause (3) applies to a renewal, whether occurring before, at or after the commencement of this clause.

Part 2—Occupational health and safety

Division 1—Duties relating to occupational health and safety

9 Duties of operator

General duties

- (1) The operator of a facility must take all reasonably practicable steps to ensure that:
 - (a) the facility is safe and without risk to the health of any person at or near the facility; and
 - (b) all work and other activities carried out on the facility are carried out in a manner that is safe and without risk to the health of any person at or near the facility.

Note 1: See also clause 16.

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

Specific duties

- (2) The operator of a facility is taken to be subject, under subclause (1), to each of the following requirements:
 - (a) to take all reasonably practicable steps to provide and maintain a physical environment at the facility that is safe and without risk to health;
 - (b) to take all reasonably practicable steps to provide and maintain adequate facilities for the welfare of all members of the workforce at the facility;
 - (c) to take all reasonably practicable steps to ensure that any plant, equipment, materials and substances at the facility are safe and without risk to health;

Schedule 3 Occupational health and safety
Part 2 Occupational health and safety
Division 1 Duties relating to occupational health and safety

Clause 9

- (d) to take all reasonably practicable steps to implement and maintain systems of work at the facility that are safe and without risk to health;
 - (e) to take all reasonably practicable steps to implement and maintain appropriate procedures and equipment for the control of, and response to, emergencies at the facility;
 - (f) to take all reasonably practicable steps to provide all members of the workforce, in appropriate languages, with the information, instruction, training and supervision necessary for them to carry out their activities in a manner that does not adversely affect the health and safety of persons at the facility;
 - (g) to take all reasonably practicable steps to monitor the health and safety of all members of the workforce and keep records of that monitoring;
 - (h) to take all reasonably practicable steps to provide appropriate medical and first aid services at the facility;
 - (i) to take all reasonably practicable steps to develop, in consultation with:
 - (i) members of the workforce; and
 - (ii) if a member of the workforce at the facility has requested a workforce representative in relation to the member to be involved in those consultations—that workforce representative;a policy, relating to occupational health and safety, that:
 - (iii) will enable the operator and the members of the workforce to cooperate effectively in promoting and developing measures to ensure the occupational health and safety of persons at the facility; and
 - (iv) will provide adequate mechanisms for reviewing the effectiveness of the measures; and
 - (v) provides for the making of an agreement that complies with subclauses (5) and (6).
- (3) Subclause (2) does not limit subclause (1).

Agreement

- (5) The agreement referred to in subparagraph (2)(i)(v) must be between:
- (a) on the one hand—the operator; and
 - (b) on the other hand:
 - (i) the members of the workforce; and
 - (ii) if a member of the workforce at the facility has requested a workforce representative in relation to the member to be a party to that agreement—that workforce representative.
- (6) The agreement referred to in subparagraph (2)(i)(v) must provide appropriate mechanisms for continuing consultation between:
- (a) on the one hand—the operator; and
 - (b) on the other hand:
 - (i) the members of the workforce; and
 - (ii) if a member of the workforce at the facility has requested a workforce representative in relation to the member to be involved in consultations on a particular occasion—that workforce representative.

The agreement must provide for such other matters (if any) as are agreed between the parties to the agreement.

10 Duties of persons in control of parts of facility or particular work

General duties

- (1) A person who is in control of any part of a facility, or of any particular work carried out at a facility, must take all reasonably practicable steps to ensure that:
- (a) that part of the facility, or the place where that work is carried out, is safe and without risk to health; and
 - (b) if the person is in control of particular work—the work is carried out in a manner that is safe and without risk to health.

Note 1: See also clause 16.

Schedule 3 Occupational health and safety
Part 2 Occupational health and safety
Division 1 Duties relating to occupational health and safety

Clause 11

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

Specific duties

- (2) A person who is in control of any part of a facility, or of any particular work carried out at a facility, is taken to be subject, under subclause (1), to each of the following requirements:
- (a) to take all reasonably practicable steps to ensure that the physical environment at that part of the facility, or at the place where the work is carried out, is safe and without risk to health;
 - (b) to take all reasonably practicable steps to ensure that any plant, equipment, materials and substances at or near that part of the facility or that place, or used in that work, are safe and without risk to health;
 - (c) to take all reasonably practicable steps to implement and maintain systems of work at that part of the facility, or in carrying out work at that place, that are safe and without risk to health;
 - (d) to take all reasonably practicable steps to ensure a means of access to, and egress from, that part of the facility or that place that is safe and without risk to health;
 - (e) to take all reasonably practicable steps to provide all members of the workforce located at that part of the facility or engaged on that work, in appropriate languages, with the information, instruction, training and supervision necessary for them to carry out their work in a manner that is safe and without risk to health.
- (3) Subclause (2) does not limit subclause (1).

11 Duties of employers

General duties in relation to employees

- (1) An employer must take all reasonably practicable steps to protect the health and safety of employees at a facility.

Note 1: See also clause 16.

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

Specific duties in relation to employees

- (2) An employer is taken to be subject, under subclause (1), to each of the following requirements:
- (a) to take all reasonably practicable steps to provide and maintain a working environment that is safe for employees and without risk to their health;
 - (b) to take all reasonably practicable steps to ensure that any plant, equipment, materials and substances used in connection with the employees' work are safe and without risk to health;
 - (c) to take all reasonably practicable steps to implement and maintain systems of work that are safe and without risk to health;
 - (d) to take all reasonably practicable steps to provide a means of access to, and egress from, the employees' work location that is safe and without risk to health;
 - (e) to take all reasonably practicable steps to provide the employees, in appropriate languages, with the information, instruction, training and supervision necessary for them to carry out their work in a manner that is safe and without risk to health.
- (3) An employer is taken to be subject, under subclause (1), to each of the following requirements:
- (a) to take all reasonably practicable steps to monitor the health and safety of employees;
 - (b) to take all reasonably practicable steps to keep records of that monitoring.
- (4) Subclauses (2) and (3) do not limit subclause (1).

Clause 12

Duties in relation to contractors

- (6) A person has, in relation to a contractor of that person, the same obligations that an employer has under subclauses (1) and (2) in relation to an employee of that employer, but only in relation to:
- (a) matters over which the first-mentioned person has control; or
 - (b) matters over which:
 - (i) the first-mentioned person would have had control apart from express provision to the contrary in a contract; and
 - (ii) the first-mentioned person would, in the circumstances, usually be expected to have had control.

12 Duties of manufacturers in relation to plant and substances

Duties of manufacturer of plant

- (1) A manufacturer of any plant that the manufacturer ought reasonably to expect will be used by members of the workforce at a facility must take all reasonably practicable steps:
- (a) to ensure that the plant is so designed and constructed as to be, when properly used, safe and without risk to health; and
 - (b) to carry out, or cause to be carried out, the research, testing and examination necessary in order to discover, and to eliminate or minimise, any risk to health and safety that may arise from the use of the plant; and
 - (c) to make available, in connection with the use of the plant at a facility, adequate written information about:
 - (i) the use for which it is designed and has been tested; and
 - (ii) details of its design and construction; and
 - (iii) any conditions necessary to ensure that, when put to the use for which it was designed and tested, it will be safe and without risk to health.

Note 1: See also clause 16.

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

Duties of manufacturer of substance

- (2) A manufacturer of any substance that the manufacturer ought reasonably to expect will be used by members of the workforce at a facility must take all reasonably practicable steps:
- (a) to ensure that the substance is so manufactured as to be, when properly used, safe and without risk to health; and
 - (b) to carry out, or cause to be carried out, the research, testing and examination necessary to discover, and to eliminate or minimise, any risk to health and safety that may arise from the use of the substance; and
 - (c) to make available, in connection with the use of the substance at a facility, adequate written information concerning:
 - (i) the use for which it is manufactured and has been tested; and
 - (ii) details of its composition; and
 - (iii) any conditions necessary to ensure that, when put to the use for which it was manufactured and tested, it will be safe and without risk to health; and
 - (iv) the first aid and medical procedures that should be followed if the substance causes injury.

Note 1: See also clause 16.

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

Importer deemed to be manufacturer

- (4) For the purposes of this clause, if:
- (a) plant or a substance is imported into Australia by a person who is not its manufacturer; and
 - (b) at the time of the importation, the manufacturer of the plant or substance does not have a place of business in Australia;
- the first-mentioned person is taken to be the manufacturer of the plant or substance.

Other laws not affected

- (5) This clause does not affect the operation of the *Competition and Consumer Act 2010*, or of any other law of the Commonwealth, a State or a Territory that imposes an obligation on a manufacturer in relation to defective goods or in relation to information to be supplied in relation to goods.

13 Duties of suppliers of facilities, plant and substances

Duties of supplier

- (1) A supplier of a facility, or of any plant or substance that the supplier ought reasonably to expect will be used by members of the workforce at a facility, must take all reasonably practicable steps:
- (a) to ensure that, at the time of supply, the facility, or the plant or substance, is in such condition as to be, when properly used, safe and without risk to health; and
 - (b) to carry out, or cause to be carried out, the research, testing and examination necessary to discover, and to eliminate or minimise, any risk to health or safety that may arise from the condition of the facility, plant or substance; and
 - (c) to make available:
 - (i) in the case of a facility—to the operator of a facility; and
 - (ii) in the case of plant or substance—to the person to whom the plant or substance is supplied; adequate written information, in connection with the use of the facility, plant or substance, as the case requires, about:
 - (iii) the condition of the facility, plant or substance at the time of supply; and
 - (iv) any risk to the health and safety of members of the workforce at the facility to which the condition of the facility, plant or substance may give rise unless it is properly used; and
 - (v) the steps that need to be taken in order to eliminate such risk; and

- (vi) in the case of a substance—the first aid and medical procedures that should be followed if the condition of the substance causes injury to a member of the workforce at the facility.

Note 1: See also clause 16.

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

Financing arrangements

- (3) For the purposes of subclause (1), if a person (the **ostensible supplier**) supplies to a person either a facility, or any plant or substance that is to be used by members of the workforce at a facility, and the ostensible supplier:
- (a) carries on the business of financing the acquisition or the use of goods by other persons; and
 - (b) has, in the course of that business, acquired an interest in the facility, or in the plant or substance, from another person (the **actual supplier**), solely for the purpose of financing its acquisition by, or its provision to, the person to whom it is finally supplied; and
 - (c) has not taken possession of the facility, plant or substance, or has taken possession of the facility, plant or substance solely for the purpose of passing possession of the facility, plant or substance to the person to whom it is finally supplied;
- a reference in subclause (1) to a supplier is, in relation to the facility, plant or substance referred to in this subclause, to be read as a reference to the actual supplier and not as a reference to the ostensible supplier.

Other laws not affected

- (4) This clause does not affect the operation of the *Competition and Consumer Act 2010*, or of any other law of the Commonwealth, a State or a Territory that imposes an obligation in relation to the sale or supply of goods or in relation to the information to be supplied in relation to goods.

13A Duties of petroleum titleholders in relation to wells

- (1) If:
- (a) either:
 - (i) a well has been used, is being used, has been prepared for use, or is being prepared for use, in connection with operations authorised by a petroleum title (the **current title**); or
 - (ii) a well has been used in connection with operations authorised by a petroleum title from which the current title is derived, and the well is wholly or partly situated in the title area of the current title; and
 - (b) the well is not suspended, abandoned or closed off; the registered holder of the current title must ensure that the well is so designed, constructed, commissioned, altered, equipped, maintained and operated that risks to the health and safety of persons at or near a facility from:
 - (c) the well; or
 - (d) any unplanned escape of fluids from the well; or
 - (e) anything in the well; or
 - (f) anything in a geological formation, or a part of a geological formation:
 - (i) to which the well is connected; or
 - (ii) through which the well passes;
- are as low as is reasonably practicable.

Note 1: For **derived**, see clause 8A.

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

- (2) If:
- (a) either:
 - (i) a well has been used in connection with operations authorised by a petroleum title (the **current title**); or
 - (ii) a well has been used in connection with operations authorised by a petroleum title from which the current

title is derived, and the well is wholly or partly situated in the title area of the current title; and

- (b) the well has been, is being, or is to be, suspended, abandoned or closed-off;

then the registered holder of the current title must ensure that the well is so suspended, abandoned or closed-off that risks to the health and safety of persons at or near a facility from:

- (c) the well; or
(d) any unplanned escape of fluids from the well; or
(e) anything in the well; or
(f) anything in a geological formation, or a part of a geological formation:
(i) to which the well is connected; or
(ii) through which the well passes;

are as low as is reasonably practicable.

Note 1: For *derived*, see clause 8A.

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

Diving operations

- (6) For the purposes of this clause, if a person is engaged in diving operations that are:
- (a) offshore petroleum operations; or
(b) offshore greenhouse gas storage operations;
- the person is taken to be at or near a facility.

Definitions

- (7) In this clause:

construct, in relation to a well, includes:

- (a) drill, bore, or otherwise make, the well; and
(b) install any well-related equipment associated with the well.

prepare includes construct.

Clause 13B

title area:

- (a) in relation to a petroleum exploration permit—means the permit area; or
- (b) in relation to a petroleum retention lease—means the lease area; or
- (c) in relation to a petroleum production licence—means the licence area.

well includes well-related equipment associated with a well.

13B Duties of greenhouse gas titleholders in relation to wells

(1) If:

(a) either:

- (i) a well has been used, is being used, has been prepared for use, or is being prepared for use, in connection with operations authorised by a greenhouse gas title (the **current title**); or
- (ii) a well has been used in connection with operations authorised by a greenhouse gas title from which the current title is derived, and the well is wholly or partly situated in the title area of the current title; and

(b) the well is not suspended, abandoned or closed off;

the registered holder of the current title must ensure that the well is so designed, constructed, commissioned, altered, equipped, maintained and operated that risks to the health and safety of persons at or near a facility from:

- (c) the well; or
- (d) any unplanned escape of fluids from the well; or
- (e) anything in the well; or
- (f) anything in a geological formation, or a part of a geological formation:
 - (i) to which the well is connected; or
 - (ii) through which the well passes;

are as low as is reasonably practicable.

Note: For **derived**, see clause 8B.

- (2) If:
- (a) either:
 - (i) a well has been used in connection with operations authorised by a greenhouse gas title (the **current title**); or
 - (ii) a well has been used in connection with operations authorised by a greenhouse gas title from which the current title is derived, and the well is wholly or partly situated in the title area of the current title; and
 - (b) the well has been, is being, or is to be, suspended, abandoned or closed-off;

the registered holder of the current title must ensure that the well is so suspended, abandoned or closed-off that risks to the health and safety of persons at or near a facility from:

- (c) the well; or
 - (d) any unplanned escape of fluids from the well; or
 - (e) anything in the well; or
 - (f) anything in a geological formation, or a part of a geological formation:
 - (i) to which the well is connected; or
 - (ii) through which the well passes;
- are as low as is reasonably practicable.

Note: For **derived**, see clause 8B.

Offence

- (3) A person commits an offence if:
- (a) the person is subject to a requirement under subclause (1) or (2); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 200 penalty units.

- (4) Absolute liability applies to paragraph (3)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

Clause 14

- (5) The fault element for paragraphs (3)(b) and (c) is negligence.

Diving operations

- (6) For the purposes of this clause, if a person is engaged in diving operations that are:
- (a) offshore petroleum operations; or
 - (b) offshore greenhouse gas storage operations;
- the person is taken to be at or near a facility.

Definitions

- (7) In this clause:

construct, in relation to a well, includes:

- (a) drill, bore, or otherwise make, the well; and
- (b) install any well-related equipment associated with the well.

prepare includes construct.

title area:

- (a) in relation to a greenhouse gas assessment permit—means the permit area; or
- (b) in relation to a greenhouse gas holding lease—means the lease area; or
- (c) in relation to a greenhouse gas injection licence—means the licence area.

well includes well-related equipment associated with a well.

14 Duties of persons erecting facilities or installing plant

Duties

- (1) A person who erects or installs a facility, or erects or installs any plant at a facility, must take all reasonably practicable steps to ensure that the facility or plant is not erected or installed in such a way that it is unsafe or constitutes a risk to health.

Note 1: See also clause 16.

Note 2: Breach of a requirement under this subclause is an offence: see Division 1A.

Other laws not affected

- (3) This clause does not affect the operation of the *Competition and Consumer Act 2010*, or of any other law of the Commonwealth, a State or a Territory that imposes an obligation in relation to the erection or installation of goods or the supply of services.

15 Duties of persons in relation to occupational health and safety

Duties of person at a facility

- (1) A person at a facility must, at all times, take all reasonably practicable steps:
- (a) to ensure that the person does not take any action, or make any omission, that creates a risk, or increases an existing risk, to the health or safety of that person or of any other person at or near the facility; and
 - (b) in respect of any obligation imposed on the operator or on any other person by or under a listed OHS law—to cooperate with the operator or that other person to the extent necessary to enable the operator or that other person to fulfil that obligation; and
 - (c) to use equipment that is:
 - (i) supplied to the person by the operator, an employer of the person or any other person having control of work at a facility (the **equipment supplier**); and
 - (ii) necessary to protect the health and safety of the person, or of any other person at or near the facility;in accordance with any instructions given by the equipment supplier, consistent with the safe and proper use of the equipment.

Note: Breach of a requirement under this subclause is an offence: see Division 1A.

Clause 16

Agreements

- (3) Despite subclause (1), the choice or manner of use of equipment of the kind referred to in subparagraph (1)(c)(ii) is a matter that may be, consistently with each listed OHS law:
 - (a) agreed on between the equipment supplier and any relevant health and safety representative; or
 - (b) agreed on by a health and safety committee.
- (4) If an agreement of the kind referred to in paragraph (3)(a) or (b) provides a process for choosing equipment of a particular kind that is to be provided by the equipment supplier, action must not be taken against a person for failure to use equipment of that kind that is so provided unless the equipment has been chosen in accordance with that process.
- (5) If an agreement of the kind referred to in paragraph (3)(a) or (b) provides a process for determining the manner of use of equipment of a particular kind, action must not be taken against a person for failure to use, in the manner required by the equipment supplier, equipment of that kind that is so provided unless the manner has been determined in accordance with that process.

16 Reliance on information supplied or results of research

Clause 9, 10 or 11

- (1) For the purpose of the application of clause 9, 10 or 11 to the use of plant or a substance, a person on whom an obligation is imposed under that clause is regarded as having taken such reasonably practicable steps as that clause requires, in relation to the use of the plant or substance, to the extent that:
 - (a) the person ensured, so far as practicable, that its use was in accordance with the information supplied by the manufacturer or the supplier of the plant or substance relating to health and safety in its use; and
 - (b) it was reasonable for the person to rely on that information.

- (2) Subclause (1) does not limit the generality of what constitutes reasonably practicable steps as required by clause 9, 10 or 11.

Clause 12 or 13

- (3) For the purpose of the application of clause 12 or 13 to carrying out research, testing and examining a facility, or any plant or substance, a person on whom an obligation is imposed under that clause is regarded as having taken such reasonably practicable steps as that clause requires, in relation to carrying out research, testing and examining the facility, plant or substance, to the extent that:
- (a) the research, testing or examination has already been carried out by or on behalf of someone else; and
 - (b) it was reasonable for the person to rely on that research, testing or examination.
- (4) Subclause (3) does not limit the generality of what constitutes reasonably practicable steps as required by clause 12 or 13.

Clause 14

- (5) For the purpose of the application of clause 14 to the erection of a facility or the erection or installation of plant at a facility, a person on whom an obligation is imposed under that clause is regarded as having taken such reasonably practicable steps as that clause requires to the extent that:
- (a) the person ensured, so far as is reasonably practicable, that the erection of the facility, or the erection or installation of the plant, was:
 - (i) in accordance with information supplied by the manufacturer or supplier of the facility or plant relating to its erection or its installation; and
 - (ii) consistent with the health and safety of persons at the facility; and
 - (b) it was reasonable for the person to rely on that information.

Schedule 3 Occupational health and safety

Part 2 Occupational health and safety

Division 1 Duties relating to occupational health and safety

Clause 16

- (6) Subclause (5) does not limit the generality of what constitutes reasonably practicable steps as required by clause 14.

Division 1A—Occupational health and safety duties: enforcement

16A Meaning of *health and safety requirement*

In this Schedule:

health and safety requirement means a requirement under any of the following provisions:

- (a) subclause 9(1) (duties of operator);
- (b) subclause 10(1) (duties of persons in control of facility or particular work);
- (c) subclause 11(1) (duties of employers);
- (d) subclause 12(1) or (2) (duties of manufacturers in relation to plant and substances);
- (e) subclause 13(1) (duties of suppliers of facilities, plant and substances);
- (f) subclause 13A(1) or (2) (duties of petroleum titleholders in relation to wells);
- (g) subclause 14(1) (duties of persons erecting facilities or installing plant);
- (h) subclause 15(1) (duties of persons in relation to occupational health and safety).

16B Occupational health and safety duties offence—recklessness

Offence

- (1) A person commits an offence if:
 - (a) the person is subject to a health and safety requirement; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 3,500 penalty units.

Clause 16C

Fault elements

- (2) Absolute liability applies to paragraph (1)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

- (3) Recklessness applies to paragraphs (1)(b) and (c).

Note: For recklessness, see section 5.4 of the *Criminal Code*.

16C Occupational health and safety duties offence—negligence

Offence

- (1) A person commits an offence if:
- (a) the person is subject to a health and safety requirement; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 1,750 penalty units.

Fault elements

- (2) Absolute liability applies to paragraph (1)(a).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

- (3) Negligence applies to paragraphs (1)(b) and (c).

Note: For negligence, see section 5.5 of the *Criminal Code*.

Division 2—Regulations relating to occupational health and safety

17 Regulations relating to occupational health and safety

- (1) The regulations may make provision relating to any matter affecting, or likely to affect, the occupational health and safety of persons at a facility.
- (2) Subclause (1) has effect subject to this Schedule.
- (3) Regulations made for the purposes of subclause (1) may make provision for any or all of the following:
 - (a) prohibiting or restricting the performance of all work or specified work at a facility;
 - (b) prohibiting or restricting the use of all plant or specified plant at a facility;
 - (c) prohibiting or restricting the carrying out of all processes or a specified process at a facility;
 - (d) prohibiting or restricting the storage or use of all substances or specified substances at a facility;
 - (e) specifying the form in which information required to be made available under paragraph 12(1)(c) or (2)(c) or 13(1)(c) of this Schedule is to be so made available;
 - (f) prohibiting, except in accordance with licences granted under the regulations, the use of specified plant or specified substances at a facility;
 - (g) providing for:
 - (i) the issue, variation, renewal, transfer, suspension and cancellation of such licences; and
 - (ii) the conditions to which the licences may be subject;
 - (h) regulating the maintenance and testing of plant used at a facility;
 - (i) regulating the labelling or marking of substances used at a facility;

Schedule 3 Occupational health and safety

Part 2 Occupational health and safety

Division 2 Regulations relating to occupational health and safety

Clause 17

- (j) regulating the transport of specified plant or specified substances for use at a facility;
 - (k) prohibiting the performance, at a facility, of specified activities or work except:
 - (i) by persons who satisfy requirements of the regulations as to qualifications, training or experience; or
 - (ii) under the supervision specified in the regulations;
 - (l) requiring specified action to avoid accidents or dangerous occurrences;
 - (m) providing for, or prohibiting, specified action in the event of accidents or dangerous occurrences;
 - (n) providing for the employment at a facility of persons to perform specified duties relating to the maintenance of occupational health and safety at the facility;
 - (o) regulating the provision and use, at a facility, of protective clothing and equipment, safety equipment and rescue equipment;
 - (p) providing for monitoring the health of members of the workforce at a facility and the conditions at the facility;
 - (q) requiring employers to keep records of matters related to the occupational health and safety of employees;
 - (r) providing for the provision of first aid equipment and facilities at facilities.
- (4) Subclause (3) does not limit subclause (1).
- (5) Regulations made for the purposes of this clause may make different provision in respect of different classes of facility.
- (6) Subclause (5) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

Part 3—Workplace arrangements

Division 1—Introduction

18 Simplified outline

The following is a simplified outline of this Part:

- A group of members of the workforce at a facility may be established as a designated work group.
- The members of a designated work group may select a health and safety representative for that designated work group.
- The health and safety representative may exercise certain powers for the purpose of promoting or ensuring the health and safety of the group members.
- A health and safety committee may be established in relation to the members of the workforce at a facility.
- The main function of a health and safety committee is to assist the operator in relation to occupational health and safety matters.

Division 2—Designated work groups

Subdivision A—Establishment of designated work groups

19 Establishment of designated work groups by request

Request

- (1) A request to the operator of a facility to enter into consultations to establish designated work groups in relation to the members of the workforce at the facility may be made by:
 - (a) any member of the workforce; or
 - (b) if a member of the workforce requests a workforce representative in relation to the member to make the request to the operator—that workforce representative.

Consultations

- (2) The operator of a facility must, within 14 days after receiving a request under subclause (1), enter into consultations with:
 - (a) if any member of the workforce made a request to establish designated work groups:
 - (i) that member of the workforce; and
 - (ii) if that member requests that the operator enter into consultations with a workforce representative in relation to the member—that workforce representative; and
 - (iii) each employer (if any) of members of the workforce; and
 - (b) if a workforce representative made a request to establish designated work groups:
 - (i) if a member of the workforce requests that the operator enter into consultations with that workforce representative—that workforce representative; and
 - (ii) each employer of members of the workforce.

Establishment

- (3) Within 14 days after the completion of consultations about the establishment of the designated work groups, the operator must, by notifying the members of the workforce, establish the designated work groups in accordance with the outcome of the consultations.

20 Establishment of designated work groups at initiative of operator

Consultations

- (1) If, at any time, the operator of a facility considers that designated work groups should be established, the operator must enter into consultations with:
 - (a) all members of the workforce; and
 - (b) if a member of the workforce requests that the operator enter into consultations with a workforce representative in relation to the member—that workforce representative; and
 - (c) each employer (if any) of members of the workforce.

Establishment

- (2) Within 14 days after the completion of consultations about the establishment of the designated work groups, the operator must, by notifying the members of the workforce, establish the designated work groups in accordance with the outcome of the consultations.

Subdivision B—Variation of designated work groups

21 Variation of designated work groups by request

Request

- (1) A request to the operator of a facility to enter into consultations to vary designated work groups that have already been established in relation to the members of the workforce at the facility may be made by:
 - (a) any member of the workforce; or

Schedule 3 Occupational health and safety

Part 3 Workplace arrangements

Division 2 Designated work groups

Clause 21

- (b) if a member of the workforce requests a workforce representative in relation to the member to make the request to the operator—that workforce representative.

Consultations

- (2) The operator of a facility must, within 14 days after receiving a request under subclause (1), enter into consultations with:
 - (a) if any member of the workforce made a request to vary designated work groups:
 - (i) that member of the workforce; and
 - (ii) the health and safety representative of each designated work group affected by the proposed variation; and
 - (iii) each work group employer (if any) in relation to each designated work group affected by the proposed variation; and
 - (b) if a workforce representative made a request to vary designated work groups:
 - (i) if a member of a designated work group affected by the proposed variation requests that the operator enter into consultations with a workforce representative in relation to the group—that workforce representative; and
 - (ii) the health and safety representative of each designated work group affected by the proposed variation; and
 - (iii) each work group employer (if any) in relation to each designated work group affected by the proposed variation.

Variation

- (3) If:
 - (a) consultations take place about the variation of designated work groups that have already been established; and
 - (b) as a result of the consultations, it has been determined that the variation of some or all of those designated work groups is justified;

then, within 14 days after the completion of the consultations, the operator must, by notifying the members of the workforce who are affected by the variation, vary the designated work groups in accordance with the outcome of the consultations.

22 Variation of designated work groups at initiative of operator

Consultations

- (1) If the operator of a facility believes the designated work groups should be varied, the operator may, at any time, enter into consultations about the variations with:
 - (a) the health and safety representative of each of the designated work groups affected by the proposed variation; and
 - (b) if a member of a designated work group affected by the proposed variation requests that the operator enter into consultations with a workforce representative in relation to the group—that workforce representative; and
 - (c) each work group employer (if any) in relation to each designated work group affected by the proposed variation.

Variation

- (2) If:
 - (a) consultations take place about the variation of designated work groups that have already been established; and
 - (b) as a result of the consultations, it has been determined that the variation of some or all of those designated work groups is justified;

then, within 14 days after the completion of the consultations, the operator must, by notifying the members of the workforce who are affected by the variation, vary the designated work groups in accordance with the outcome of the consultations.

Subdivision C—General

23 Referral of disagreement to reviewing authority

- (1) If, in the course of consultations under clause 19, 20, 21 or 22, there is a disagreement between any of the parties to the consultation about the manner of establishing or varying a designated work group, any party may, for the purpose of facilitating that consultation, refer the matter of disagreement to the reviewing authority.
- (2) If the matter of disagreement is referred to the reviewing authority, the parties to the disagreement must complete the consultation in accordance with the resolution of that matter by the reviewing authority.

24 Manner of grouping members of the workforce

- (1) Consultations about the establishment or variation of a designated work group must be directed principally towards the determination of the manner of grouping members of the workforce:
 - (a) that best and most conveniently enables their interests relating to occupational health and safety to be represented and safeguarded; and
 - (b) that best takes account of the need for any health and safety representative selected for that designated work group to be accessible to each group member.
- (2) The parties to the consultations must have regard, in particular, to:
 - (a) the number of members of the workforce at the facility to which the consultation relates; and
 - (b) the nature of each type of work performed by such members; and
 - (c) the number and grouping of such members who perform the same or similar types of work; and
 - (d) the workplaces where each type of work is performed; and
 - (e) the nature of any risks to health and safety at each such workplace; and

- (f) any overtime or shift working arrangement at the facility.
- (3) The designated work groups must be established or varied in such a way that, so far as practicable, each of the members of the workforce at a facility is in a designated work group.
- (4) All the members of the workforce at a facility may be in one designated work group.

Division 3—Health and safety representatives

Subdivision A—Selection of health and safety representatives

25 Selection of health and safety representatives

- (1) One health and safety representative may be selected for each designated work group.
- (2) A person is not eligible for selection as the health and safety representative for a designated work group unless the person is a member of the workforce included in the group.
- (3) A person is taken to have been selected as the health and safety representative for a designated work group if:
 - (a) all the members of the workforce in the group unanimously agree to the selection; or
 - (b) the person is elected as the health and safety representative of the group in accordance with clause 26.

26 Election of health and safety representatives

Nominations

- (1) If:
 - (a) there is a vacancy in the office of health and safety representative for a designated work group; and
 - (b) within a reasonable time after the vacancy occurs, a person has not been selected under paragraph 25(3)(a) of this Schedule;the operator of the facility must invite nominations from all group members for election as the health and safety representative of the group.
- (2) If the office of health and safety representative is vacant and the operator has not invited nominations within a further reasonable

time that is no later than 6 months after the vacancy occurred, NOPSEMA may direct the operator to do so.

Election—more than one candidate

- (3) If there is more than one candidate for election at the close of the nomination period, the operator must conduct, or arrange for the conduct of, an election at the operator's expense.
- (4) An election conducted or arranged to be conducted under subclause (3) must be conducted in accordance with regulations made for the purposes of this subclause if this is requested by the lesser of:
 - (a) 100 members of the workforce normally in the designated work group; or
 - (b) a majority of the members of the workforce normally in the designated work group.

Election—only one candidate

- (5) If there is only one candidate for election at the close of the nomination period, that person is taken to have been elected.

Disqualified person cannot be a candidate

- (6) A person cannot be a candidate in the election if he or she is disqualified under clause 32.

Voting

- (7) All the members of the workforce in the designated work group are entitled to vote in the election.

Directions

- (8) An operator conducting or arranging for the conduct of an election under this clause must comply with any relevant directions issued by NOPSEMA.

27 List of health and safety representatives

The operator of a facility must:

- (a) prepare and keep up to date a list of all the health and safety representatives of designated work groups comprising members of the workforce performing work at the facility; and
- (b) ensure that the list is available for inspection, at all reasonable times, by:
 - (i) the members of the workforce at the facility; and
 - (ii) NOPSEMA inspectors.

28 Members of designated work group must be notified of selection etc. of health and safety representative

The operator of a facility must:

- (a) notify members of a designated work group in relation to the facility of a vacancy in the office of health and safety representative for the designated work group within a reasonable time after the vacancy arises; and
- (b) notify those members of the name of any person selected (whether under paragraph 25(3)(a) or (b) of this Schedule) as health and safety representative for the designated work group within a reasonable time after the selection is made.

29 Term of office

- (1) A health and safety representative for a designated work group holds office:
 - (a) if, in consultations that took place under clause 19, 20, 21 or 22, the parties to the consultations agreed to the period for which the health and safety representative for the group was to hold office—for such a period; or
 - (b) in any other case—for 2 years;beginning at the start of the day on which he or she was selected.

- (2) However, the health and safety representative is eligible to be selected for further terms of office.
- (3) Subclauses (1) and (2) have effect subject to this Part.

30 Training of health and safety representatives

- (1) A health and safety representative for a designated work group must undertake a course of training relating to occupational health and safety that is accredited by NOPSEMA for the purposes of this clause.
- (2) The operator of the facility concerned must permit the representative to take such time off work, without loss of remuneration or other entitlements, as is necessary to undertake the training.
- (3) If a person other than the operator is the employer of the representative, that person must permit the representative to take such time off work, without loss of remuneration or other entitlements, as is necessary to undertake the training.

31 Resignation etc. of health and safety representatives

When person must cease to be health and safety representative

- (1) A person ceases to be the health and safety representative for the designated work group if:
 - (a) the person resigns as the health and safety representative; or
 - (b) the person ceases to be a group member of that designated work group; or
 - (c) the person's term of office expires without the person having been selected, under clause 25, to be the health and safety representative for the designated work group for a further term; or
 - (d) the person is disqualified under clause 32.

Resignation

- (2) A person may resign as the health and safety representative for a designated work group by written notice delivered to the operator and to each work group employer.
- (3) If a person resigns as the health and safety representative for a designated work group, the person must notify the resignation to the group members.

Notification

- (4) If a person has ceased to be the health and safety representative for a designated work group because of paragraph (1)(b), the person must notify in writing:
 - (a) the group members; and
 - (b) the operator and each work group employer;that the person has ceased to be the health and safety representative for that designated work group.

32 Disqualification of health and safety representatives

Application for disqualification

- (1) An application for the disqualification of a health and safety representative for a designated work group may be made to NOPSEMA by:
 - (a) the operator; or
 - (b) a work group employer; or
 - (c) at the request of a group member of the designated work group—a workforce representative in relation to the designated work group.

Grounds for disqualification

- (2) An application under subclause (1) may be made on either or both of the following grounds:

- (a) that action taken by the health and safety representative in the exercise or purported exercise of a power under subclause 34(1) or any other provision of this Schedule was taken:
 - (i) with the intention of causing harm to the operator or work group employer or to an undertaking of the operator or work group employer; or
 - (ii) unreasonably, capriciously or not for the purpose for which the power was conferred on the health and safety representative;
- (b) that the health and safety representative has intentionally used, or disclosed to another person, for a purpose that is not connected with the exercise of a power of a health and safety representative, information acquired from the operator or work group employer.

Disqualification

- (3) If, on an application under subclause (1), NOPSEMA is satisfied that the health and safety representative has acted in a manner referred to in subclause (2), NOPSEMA may, after having regard to:
 - (a) the harm (if any) that was caused to the operator or work group employer or to an undertaking of the operator or work group employer as a result of the action of the representative; and
 - (b) the past record of the representative in exercising the powers of a health and safety representative; and
 - (c) the effect (if any) on the public interest of the action of the representative; and
 - (d) such other matters as the Authority thinks relevant;disqualify the representative, for a specified period not exceeding 5 years, from being a health and safety representative for any designated work group.

33 Deputy health and safety representatives

- (1) One deputy health and safety representative may be selected for each designated work group for which a health and safety representative has been selected.
- (2) A deputy health and safety representative is to be selected in the same way as a health and safety representative under clause 25.
- (3) If the health and safety representative for a designated work group:
 - (a) ceases to be the health and safety representative; or
 - (b) is unable (because of absence or for any other reason) to exercise the powers of a health and safety representative;then:
 - (c) the powers may be exercised by the deputy health and safety representative (if any) for the group; and
 - (d) this Schedule (other than this clause) applies in relation to the deputy health and safety representative accordingly.

Subdivision B—Powers of health and safety representatives

34 Powers of health and safety representatives

- (1) A health and safety representative for a designated work group in relation to a facility may, for the purpose of promoting or ensuring the health and safety at a workplace of the group members:
 - (a) do any or all of the following:
 - (i) inspect the whole or any part of the workplace if there has, in the immediate past, been an accident or a dangerous occurrence at the workplace, or if there is an immediate threat of such an accident or dangerous occurrence;
 - (ii) inspect the whole or any part of the workplace if the health and safety representative has given reasonable notice of the inspection to the operator's representative at the facility and to any other person having immediate control of the workplace;

- (iii) make a request to a NOPSEMA inspector or to NOPSEMA that an OHS inspection be conducted at the workplace;
 - (iv) accompany a NOPSEMA inspector during any OHS inspection at the workplace by the inspector (whether or not the inspection is being conducted as a result of a request made by the health and safety representative);
 - (v) if there is no health and safety committee in relation to the members of the workforce at the facility—represent group members in consultations with the operator and any work group employer about the development, implementation and review of measures to ensure the health and safety of those members at the workplace;
 - (vi) if a health and safety committee has been established in relation to the members of the workforce at the facility—examine any of the records of that committee; and
- (b) investigate complaints made by any group member to the health and safety representative about the health and safety of any of the members of the workforce (whether in the group or not); and
- (c) with the consent of a group member, be present at any interview about health and safety at work between that member and:
- (i) a NOPSEMA inspector; or
 - (ii) the operator or a person representing the operator; or
 - (iii) a work group employer or a person representing that employer; and
- (d) obtain access to any information under the control of the operator or any work group employer:
- (i) relating to risks to the health and safety of any group member; and
 - (ii) relating to the health and safety of any group member; and
- (e) issue provisional OHS improvement notices in accordance with clause 38.

- (2) Subparagraph (1)(d)(ii) has effect subject to clause 36.

35 Assistance by consultant

Assistance by consultant

- (1) A health and safety representative for a designated work group is entitled, in the exercise of his or her powers, to be assisted by a consultant.
- (2) A health and safety representative for a designated work group may:
- (a) be assisted by a consultant at a workplace at which work is performed; or
 - (b) provide to a consultant information that has been provided to the health and safety representative by an operator or work group employer under paragraph 34(1)(d) of this Schedule; only if the operator or NOPSEMA has, in writing, agreed to the provision of that assistance at that workplace or the provision of that information, as the case may be.

Operator etc. not liable for consultant's remuneration etc.

- (3) Neither the operator nor any workplace employer becomes, because of the agreement under subclause (2) to the provision of assistance by a consultant, liable for any remuneration or other expenses incurred in connection with the consultant's activities.

Consultant may be present at interviews

- (4) If a health and safety representative for a designated work group is being assisted by a consultant, the consultant is entitled to be present with the representative at any interview, about health and safety at work, between a group member and:
- (a) a NOPSEMA inspector; or
 - (b) the operator or any work group employer or a person representing the operator or that employer;

if, and only if, the group member consents to the presence of the consultant.

36 Information

Legal professional privilege

- (1) Neither:
- (a) the health and safety representative; nor
 - (b) if the health and safety representative is assisted by a consultant—the consultant;
- is entitled, under subparagraph 34(1)(d)(ii) of this Schedule, to have access to information in relation to which a group member is entitled to claim, and does claim, legal professional privilege.

Medical information

- (2) Neither:
- (a) the health and safety representative; nor
 - (b) if the health and safety representative is assisted by a consultant—the consultant;
- is entitled, under subparagraph 34(1)(d)(ii) of this Schedule, to have access to information of a confidential medical nature relating to a person who is or was a group member unless:
- (c) the person has delivered to the operator or any work group employer a written authority permitting the health and safety representative, or the health and safety representative and the consultant, as the case requires, to have access to the information; or
 - (d) the information is in a form that does not identify the person or enable the identity of the person to be discovered.

37 Obligations and liabilities of health and safety representatives

This Schedule does not:

- (a) impose an obligation on a person to exercise any power conferred on the person because the person is a health and safety representative; or
- (b) render a person liable in civil proceedings because of:
 - (i) a failure to exercise such a power; or
 - (ii) the way such a power was exercised.

38 Provisional OHS improvement notices—issue and notification

Consultation

- (1) If:
 - (a) a health and safety representative for a designated work group believes, on reasonable grounds, that a person:
 - (i) is contravening a provision of a listed OHS law; or
 - (ii) has contravened a provision of a listed OHS law and is likely to contravene that provision again; and
 - (b) the contravention affects or may affect one or more group members;

the representative must consult with the person supervising the relevant activity in an attempt to reach agreement on rectifying the contravention or preventing the likely contravention.

Issue of provisional OHS improvement notice

- (2) If, in the health and safety representative's opinion, agreement is not reached within a reasonable time, the health and safety representative may issue a provisional OHS improvement notice to any or all of the persons (each of whom is in this clause called a **responsible person**) responsible for the contravention.
- (3) If a responsible person is the operator, the notice may be issued to the operator by giving it to the operator's representative at the facility.
- (4) If it is not practicable to issue the notice to a responsible person (other than the operator or the supervisor) by giving it to that responsible person:

- (a) the notice may be issued to that responsible person by giving it to the person who for the time being is, or may reasonably be presumed to be, on behalf of the responsible person, in charge of the activity to which the notice relates; and
- (b) if the notice is so issued, a copy of the notice must be given to the responsible person as soon as practicable afterwards.

Content of provisional OHS improvement notice

- (5) The notice must:
 - (a) specify the contravention that, in the health and safety representative's opinion, is occurring or is likely to occur, and set out the reasons for that opinion; and
 - (b) specify a period that:
 - (i) is not less than 7 days beginning on the day after the notice is issued; and
 - (ii) is, in the representative's opinion, reasonable; within which the responsible person is to take action necessary to prevent any further contravention or to prevent the likely contravention, as the case may be.
- (6) The notice may specify action that the responsible person is to take during the period specified in the notice.

Extension of period

- (7) If, in the health and safety representative's opinion, it is appropriate to do so, the representative may, in writing and before the end of the period, extend the period specified in the notice.

Copy of provisional OHS improvement notice

- (8) On issuing the notice, the health and safety representative must give a copy of the notice to:
 - (a) if the operator is not a responsible person—the operator; and
 - (b) each work group employer other than a work group employer who is a responsible person; and

Clause 39

- (c) if the supervisor is not a responsible person—the supervisor;
and
- (d) if the notice relates to any plant, substance or thing that is owned by a person other than a responsible person or a person to whom a copy of the notice is given under paragraph (a), (b) or (c)—that owner.

39 Provisional OHS improvement notices—effect

Request for OHS inspection

- (1) Within 7 days after a notice is issued under clause 38:
 - (a) the responsible person; or
 - (b) any other person to whom a copy of the notice has been given under subclause 38(8);may make a request to NOPSEMA or to a NOPSEMA inspector that an OHS inspection of the matter be conducted.
- (2) Upon the request being made, the operation of the notice is suspended pending the determination of the matter by a NOPSEMA inspector.

OHS inspection

- (3) As soon as possible after a request is made, an OHS inspection must be conducted of the work that is the subject of the disagreement, and the NOPSEMA inspector conducting the inspection must:
 - (a) confirm, vary or cancel the notice and notify the responsible person, and any person to whom a copy of the notice has been given under subclause 38(8), accordingly; and
 - (b) make such decisions, and exercise such powers, under Part 4 of this Schedule, as the NOPSEMA inspector considers necessary in relation to the work.

Variation of notice

- (4) If the NOPSEMA inspector varies a notice, the notice as so varied has effect:
- (a) so far as the notice concerns obligations imposed on the responsible person that are unaffected by the variation—as if the notice as so varied resumed effect on the day of the variation; and
 - (b) so far as the notice concerns new obligations imposed by virtue of the variation—as if the notice as so varied were a new notice issued on the day of the variation.

Notification etc.

- (5) If the notice is issued to a responsible person, the responsible person must:
- (a) notify each group member who is affected by the notice of the fact of the issue of the notice; and
 - (b) until the notice ceases to have effect, cause a copy of the notice to be displayed at or near each workplace at which the work that is the subject of the notice is being performed.

When the notice ceases to have effect

- (6) The notice ceases to have effect if:
- (a) it is cancelled by a NOPSEMA inspector or by the health and safety representative; or
 - (b) the responsible person:
 - (i) takes such action (if any) as is specified in the notice; or
 - (ii) if no action is so specified—takes the action necessary to prevent the further contravention, or likely contravention, concerned.

Compliance with notice

- (7) The responsible person:

Clause 40

- (a) must ensure that, to the extent that the notice relates to any matter over which the person has control, the notice is complied with; and
- (b) must take reasonable steps to inform the health and safety representative who issued the notice of the action taken to comply with the notice.

Appeals

- (8) For the purposes of clause 81, if the NOPSEMA inspector confirms or varies the notice, the NOPSEMA inspector is taken to have decided, under clause 78, to issue an OHS improvement notice in those terms.

Subdivision C—Duties of the operator and other employers in relation to health and safety representatives

40 Duties of the operator and other employers in relation to health and safety representatives

Duties

- (1) The operator of a facility, in relation to which a designated work group having a health and safety representative has been established, must:
 - (a) on being requested to do so by the representative, consult with the representative on the implementation of changes at any workplace at which some or all of the group members perform work, where the changes may affect their health and safety; and
 - (b) in relation to a workplace at which some or all of the group members perform work:
 - (i) permit the representative to make such inspection of the workplace as the representative is entitled to make in accordance with subparagraph 34(1)(a)(i) of this Schedule and to accompany a NOPSEMA inspector during an OHS inspection at the workplace by the inspector; and

- (ii) if there is no health and safety committee in relation to the members of the workforce—on being requested to do so by the representative, consult with the representative about the development, implementation and review of measures to ensure the health and safety of group members; and
 - (c) permit the representative to be present at any interview at which the representative is entitled to be present under paragraph 34(1)(c); and
 - (d) provide to the representative access to any information to which the representative is entitled to obtain access under subparagraph 34(1)(d)(i) or (ii) of this Schedule and to which access has been requested; and
 - (e) permit the representative to take such time off work, without loss of remuneration or other entitlements, as is necessary to exercise the powers of a health and safety representative; and
 - (f) provide the representative with access to such facilities as are:
 - (i) prescribed for the purposes of this paragraph; or
 - (ii) necessary for the purposes of exercising the powers of a health and safety representative.
- (2) Paragraph (1)(d) has effect subject to subclauses (3) and (4).

Information

- (3) The operator must not permit a health and safety representative in relation to a designated work group to have access to information that:
- (a) is of a confidential medical nature under the control of the operator; and
 - (b) relates to a person who is or was a group member;
- unless:
- (c) the person has delivered to the employer a written authority permitting the representative to have access to the information; or

Clause 40

- (d) the information is in a form that does not identify the person or enable the identity of the person to be discovered.
- (4) The operator is not required to give a health and safety representative access to any information in relation to which the operator is entitled to claim, and does claim, legal professional privilege.

Employer and supervisor

- (5) The duties imposed by this clause on the operator in relation to the health and safety representative for a designated work group apply equally, to the extent that the matters to which the duties relate are within the control of a work group employer or of a supervisor of particular work, to that employer and to that supervisor.

Division 4—Health and safety committees

41 Health and safety committees

Establishment

- (1) A health and safety committee must be established in relation to the members of the workforce at a facility if:
 - (a) the number of those members normally present at the facility is not less than 50 (whether or not those members are all at work at the facility at the same time); and
 - (b) the members of the workforce are included in one or more designated work groups; and
 - (c) the operator is requested to establish the committee by the health and safety representative for the designated work group or for one of the designated work groups.

Constitution

- (2) The health and safety committee consists of:
 - (a) the number of members specified in an agreement reached between the operator and the members of the workforce; or
 - (b) if there is no such agreement—an equal number of:
 - (i) members, chosen by the members of the workforce, to represent the interests of members of the workforce; and
 - (ii) members, chosen by the operator, to represent the interests of the operator and the employers (other than the operator) of members of the workforce.
- (3) The agreement referred to in paragraph (2)(a) may:
 - (a) specify the persons who are to be members to represent the interests of the operator and employers (other than the operator) of members of the workforce; and
 - (b) provide for the way in which persons who are to be members to represent the interests of members of the workforce are to be chosen.

Schedule 3 Occupational health and safety

Part 3 Workplace arrangements

Division 4 Health and safety committees

Clause 42

Selection of members

- (4) If regulations made for the purposes of this clause specify procedures for the selection of persons as members of health and safety committees, to represent the interests of members of the workforce, an agreement referred to in paragraph (2)(a) must not provide for such members to be chosen in a way inconsistent with the regulations.

Meetings

- (5) A health and safety committee must hold meetings at least once every 3 months.
- (6) The procedure at meetings of a health and safety committee must, except to the extent provided for by the regulations, be the procedure agreed upon by the committee.
- (7) A health and safety committee must cause minutes of its meetings to be kept, and must retain those minutes for a period of not less than 3 years.

Other committees

- (8) This clause does not prevent an operator from establishing, in consultation with members of the workforce or any other persons, committees concerned with occupational health and safety in relation to undertakings carried on by the operator.

42 Functions of health and safety committees

- (1) A health and safety committee has the following functions:
- (a) to assist the operator of the facility concerned:
 - (i) to develop and implement measures designed to protect; and
 - (ii) to review and update measures used to protect; the health and safety at work of members of the workforce;
 - (b) to facilitate cooperation between the operator of the facility, employers (other than the operator) of members of the

- workforce, and members of the workforce, in relation to occupational health and safety matters;
- (c) to assist the operator to disseminate among members of the workforce, in appropriate languages, information relating to health and safety at work;
 - (d) such functions as are prescribed;
 - (e) such other functions as are agreed upon between the operator and the health and safety committee.
- (2) A health and safety committee has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.
- (3) This Schedule does not:
- (a) impose an obligation on a person to do any act, because the person is a member of a health and safety committee, in connection with the performance of a function conferred on the committee; or
 - (b) render such a person liable in civil proceedings because of:
 - (i) a failure to do such an act; or
 - (ii) the manner in which such an act was done.

43 Duties of the operator and other employers in relation to health and safety committees

Duties

- (1) If there is a health and safety committee, the operator and any employer (other than the operator) of a member of the workforce must:
- (a) make available to the committee any information possessed by the operator or that employer relating to risks to health and safety to members of the workforce; and
 - (b) permit any member of the committee who is a member of the workforce to take such time off work, without loss of remuneration or other entitlements, as is necessary for the

Schedule 3 Occupational health and safety

Part 3 Workplace arrangements

Division 4 Health and safety committees

Clause 43

member adequately to participate in the performance by the committee of its functions.

- (2) Paragraph (1)(a) has effect subject to subclauses (3) and (4).

Information

- (3) The operator or any employer (other than the operator) of a member of the workforce must not make available to a health and safety committee information of a confidential nature relating to a person who is or was a member of the workforce, unless:
- (a) the person has authorised the information to be made available to the committee; or
 - (b) the information is in a form that does not identify the person or enable the identity of the person to be discovered.
- (4) The operator or any employer (other than the operator) of a member of the workforce is not required to make available to a health and safety committee any information in relation to which the operator or employer is entitled to claim, and does claim, legal professional privilege.

Division 5—Emergency procedures

44 Action by health and safety representatives

Imminent and serious danger to health or safety

- (1) If a health and safety representative for a designated work group has reasonable cause to believe that there is an imminent and serious danger to the health or safety of any person at or near the facility unless a group member or group members cease to perform particular work, the representative must:
 - (a) inform a person (a *supervisor*) supervising the group member or group members in the performance of the work of the danger; or
 - (b) if no supervisor can be contacted immediately:
 - (i) direct the group member or group members to cease, in a safe manner, to perform the work; and
 - (ii) as soon as practicable, inform a supervisor that the direction has been given.
- (2) If a supervisor is informed under paragraph (1)(a) of a danger to the health or safety of any person at or near the facility, the supervisor must take such action as he or she thinks appropriate to remove that danger, and any such action may include directing a group member or group members to cease, in a safe manner, to perform the work.
- (3) If:
 - (a) a health and safety representative has informed a supervisor under paragraph (1)(a) of a danger; and
 - (b) the representative has reasonable cause to believe that, despite any action taken by the supervisor in accordance with subclause (2), there continues to be an imminent and serious danger to the health or safety of any person at or near the facility unless the group member or group members cease to perform particular work;

Schedule 3 Occupational health and safety

Part 3 Workplace arrangements

Division 5 Emergency procedures

Clause 45

the representative must:

- (c) direct the group member or group members to cease, in a safe manner, to perform the work; and
- (d) as soon as practicable, inform the supervisor that the direction has been given.

OHS inspection

(4) If:

- (a) a health and safety representative gives a direction under paragraph (1)(b), but is unable to agree with a supervisor whom the representative has informed under that paragraph that there is a need for a direction under that paragraph; or
- (b) a health and safety representative gives a direction under paragraph (3)(c);

the representative or the supervisor may make a request to NOPSEMA or to a NOPSEMA inspector that an OHS inspection be conducted of the work that is the subject of the direction.

- (5) As soon as possible after a request is made, an OHS inspection must be conducted of the work that is the subject of the direction, and the NOPSEMA inspector conducting the inspection must make such decisions, and exercise such powers, under Part 4 of this Schedule as the inspector considers necessary in relation to the work.
- (6) This clause does not limit the power of a health and safety representative under subparagraph 34(1)(a)(iii) of this Schedule to make a request to NOPSEMA or to a NOPSEMA inspector that an OHS inspection be conducted at the workplace.

45 Direction to perform other work

Scope

- (1) This clause applies if:

- (a) a group member who is an employee has ceased to perform work, in accordance with the direction of a health and safety representative under paragraph 44(1)(b) or (3)(c); and
- (b) the cessation of work does not continue after:
 - (i) the health and safety representative has agreed with a person supervising work at the workplace where the work was being performed that the cessation of work was not, or is no longer, necessary; or
 - (ii) a NOPSEMA inspector has, under subclause 44(5), made a decision to the effect that the employee should perform the work.

Direction to perform other work

- (2) The employer may direct the employee to perform suitable alternative work, and the employee is to be taken, for all purposes, to be required to perform that other work under the terms and conditions of the employee's employment.

Division 6—Exemptions

46 Exemptions

- (1) NOPSEMA may, in accordance with the regulations, make a written order exempting a specified person from any or all of the provisions of this Part (other than this clause).

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

- (2) NOPSEMA must not make an order under subclause (1) unless it is satisfied on reasonable grounds that it is impracticable for the person to comply with the provision or provisions.
- (3) An order under subclause (1) is a legislative instrument.

Part 4—OHS inspections

Division 1—Introduction

47 Simplified outline

The following is a simplified outline of this Part:

- A NOPSEMA inspector may conduct an inspection (called an ***OHS inspection***):
 - (a) to monitor compliance with listed OHS laws; or
 - (b) concerning an accident or dangerous occurrence that has happened at or near a facility.
- A number of additional compliance powers are provided. The most significant of these are as follows:
 - (a) to issue an OHS do not disturb notice to deal with health and safety risks or to allow for measurements or tests to be carried out;
 - (b) to issue an OHS prohibition notice to remove an immediate threat to health or safety;
 - (c) to issue an OHS improvement notice specifying action to be taken to remove a risk to health or safety that may result from the continuation or recurrence of a contravention of a listed OHS law.
- A NOPSEMA inspector must prepare a report about an inspection and give the report to NOPSEMA.

Schedule 3 Occupational health and safety

Part 4 OHS inspections

Division 1 Introduction

Clause 47

- The powers that a NOPSEMA inspector may exercise for the purposes of an OHS inspection are in addition to the powers in relation to listed OHS laws that the inspector may exercise for the purposes of Division 1 of Part 6.5 of this Act.

Division 2—OHS inspections: general provisions

49 OHS inspections—nature of inspections

What is an OHS inspection?

- (1) An **OHS inspection** is an inspection under this Part. Such an inspection:
 - (a) includes an investigation or inquiry; and
 - (b) need not include a physical inspection of any facility, premises or thing.

Inspections—general power

- (2) A NOPSEMA inspector may, at any time, conduct an OHS inspection:
 - (a) to determine whether a listed OHS law has been, or is being, complied with; or
 - (b) to determine whether information given in compliance, or purported compliance, with a listed OHS law is correct; or
 - (c) concerning an accident or dangerous occurrence that has happened at or near a facility.

The inspection may be conducted at the inspector's own initiative or in compliance with a direction under subclause (3).

Inspections—directed by NOPSEMA

- (3) NOPSEMA may give a written direction to a NOPSEMA inspector to conduct an OHS inspection.
- (4) The NOPSEMA inspector must conduct an OHS inspection as directed under subclause (3).

50 OHS inspections—facilities

Power to enter and search

- (1) A NOPSEMA inspector may, for the purposes of an OHS inspection, at any reasonable time during the day or night:
 - (a) enter a facility to which the inspection relates and do any or all of the following:
 - (i) search the facility;
 - (ii) inspect, examine or measure, or conduct tests concerning, the facility (including any workplace at the facility and any plant, substance or thing at the facility);
 - (iii) take photographs of, make video recordings of, or make sketches of, the facility (including any workplace at the facility and any plant, substance or thing at the facility);
 - (iv) inspect, take extracts from, or make copies of, any documents at the facility that the inspector is satisfied on reasonable grounds relate, or are likely to relate, to the subject matter of the inspection;
 - (v) exercise the powers conferred by clause 74 in relation to the OHS inspection;
 - (vi) exercise the powers conferred by clause 75 in relation to the OHS inspection; and
 - (b) inspect the seabed and subsoil in the vicinity of a facility to which the inspection relates.

Notification of entry

- (2) Immediately on entering a facility for the purposes of an OHS inspection, a NOPSEMA inspector must take reasonable steps to notify the purpose of the entry to each of the following (an **occupier**):
 - (a) the operator's representative at the facility;
 - (b) if there is a health and safety representative for a designated work group having a group member likely to be affected by the matter the subject of the inspection—that representative;

- (c) a titleholder's representative (if any) at the facility who is nominated for the inspection.

Note: A titleholder's representative is only required to be at the facility if the inspection concerns the titleholder's well-related obligations (see section 602K).

- (2A) The inspector must, on being requested to do so by an occupier, produce for inspection by the occupier:
 - (a) the inspector's identity card; and
 - (b) a copy of NOPSEMA's written direction (if any) to conduct the inspection; and
 - (c) a copy of any directions issued by NOPSEMA under section 602A in relation to the exercise of the inspector's powers.

Consultation with health and safety representative

- (3) If there is a health and safety representative for a designated work group having a group member likely to be affected by the matter the subject of the inspection, the inspector must give the health and safety representative a reasonable opportunity to consult on the matter the subject of the inspection.

51 OHS inspections—regulated business premises (non-facilities)

Power to enter and search

- (1) A NOPSEMA inspector may, for the purposes of an OHS inspection:
 - (a) at any reasonable time, enter any regulated business premises (other than a facility) if the inspector is satisfied on reasonable grounds that there are likely to be at those premises plant, substances, documents or things that relate to:
 - (i) a facility that is, or facility operations that are, the subject of the inspection; or
 - (ii) the titleholder's well-related obligations; and
 - (b) search those premises for any such plant, substances, documents or things at those premises; and

Clause 51

- (c) inspect, take extracts from, or make copies of, any such documents at those premises; and
- (d) inspect, examine or measure, or conduct tests concerning, any such plant, substances or things at those premises; and
- (e) take photographs of, make video recordings of, or make sketches of, any such plant, substances or things at those premises; and
- (f) exercise the powers conferred by clause 74 in relation to the OHS inspection; and
- (g) exercise the powers conferred by clause 75 in relation to the OHS inspection.

Notification of entry

- (2) Immediately on entering regulated business premises (other than a facility) for the purposes of an OHS inspection, a NOPSEMA inspector must take reasonable steps to notify the purpose of the entry to:
 - (a) in the case of an inspection at regulated business premises that are occupied by the operator of a facility—a person representing the operator; or
 - (b) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the operator of a facility—a person representing the related body corporate; or
 - (c) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated business premises** in clause 3—a person representing the person; or
 - (d) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (e)(ii) of the definition of **regulated business premises** in clause 3—a person representing the person; or
 - (e) in the case of an inspection at regulated business premises that are occupied by the registered holder of a title—a person representing the registered holder; or

- (f) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the registered holder of a title—a person representing the related body corporate; or
 - (g) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (h)(ii) of the definition of *regulated business premises* in clause 3—a person representing the person; or
 - (h) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (i)(ii) of the definition of *regulated business premises* in clause 3—a person representing the person.
- (3) The inspector must, on being requested to do so by the person required to be notified under subclause (2), produce for inspection by the person:
- (a) the inspector's identity card; and
 - (b) a copy of NOPSEMA's written direction (if any) to conduct the inspection; and
 - (c) a copy of any directions issued by NOPSEMA under section 602A in relation to the exercise of the inspector's powers.

54 OHS inspections—obstructing or hindering NOPSEMA inspector

- (1) A person commits an offence if:
- (a) the person engages in conduct; and
 - (b) the conduct obstructs or hinders a NOPSEMA inspector in the exercise of the inspector's powers under clause 50 or 51.

Penalty: 60 penalty units.

- (1A) A person is liable for a civil penalty if the person obstructs or hinders a NOPSEMA inspector in the exercise of the inspector's powers under clause 50 or 51.

Civil penalty: 135 penalty units.

Schedule 3 Occupational health and safety
Part 4 OHS inspections
Division 2 OHS inspections: general provisions

Clause 54

(2) Subclause (1) or (1A) does not apply if the person has a reasonable excuse.

Note 1: In proceedings for an offence against subclause (1), the defendant bears an evidential burden in relation to the matter in subclause (2): see subsection 13.3(3) of the *Criminal Code*. The same applies in proceedings for a civil penalty under subclause (1A).

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

Note 3: The same conduct may be an offence against both subclause (1) of this clause and section 149.1 of the *Criminal Code*.

Division 3—OHS inspections: compliance powers

73 OHS inspections—power to require assistance

Requirement to provide assistance

- (1) A NOPSEMA inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of an OHS inspection, require:
- (a) the operator of a facility; or
 - (b) the person in charge of operations at a workplace in relation to a facility; or
 - (c) a member of the workforce at a facility; or
 - (ca) a titleholder; or
 - (d) any person representing a person referred to in paragraph (a) or (b); or
 - (da) the titleholder's representative (if any) at a facility who is nominated for the inspection;
- to provide the inspector with reasonable assistance and facilities:
- (e) that is or are reasonably connected with the conduct of the inspection at or near the facility; or
 - (f) for the effective exercise of the inspector's powers in connection with the conduct of the inspection at or near the facility.
- (2) The reasonable assistance referred to in subclause (1) includes, so far as the operator of the facility is concerned:
- (a) appropriate transport to or from the facility for the inspector and for any equipment required by the inspector, or any thing of which the inspector has taken possession; and
 - (b) reasonable accommodation and means of subsistence while the inspector is at the facility.

Offence

- (3) A person commits an offence if:
-

Clause 74

- (a) the person is subject to a requirement under this clause; and
- (b) the person omits to do an act; and
- (c) the omission breaches the requirement.

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

- (4) Subclause (3) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (4)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

Titleholders and their representatives—limitation on requirements

- (5) Paragraphs (1)(ca) and (da), which give inspectors certain powers in relation to titleholders and their representatives, do not apply unless the inspection wholly or partly concerns the titleholder's well-related obligations.

74 OHS inspections—powers to require information, and the production of documents and things

Requirement to answer questions

- (1) If:
- (a) a NOPSEMA inspector is satisfied on reasonable grounds that a person is capable of answering a question that is reasonably connected with the conduct of an OHS inspection; and
 - (b) the person is:
 - (i) the operator of a facility; or
 - (ii) the person in charge of operations at a workplace in relation to a facility; or
 - (iii) a member of the workforce at a facility; or
 - (iiia) a titleholder; or
 - (iv) any person representing a person referred to in subparagraph (i) or (ii); or

- (v) in the case of an inspection at a facility—the titleholder’s representative (if any) at the facility who is nominated for the inspection, or anyone engaged in petroleum or greenhouse gas activities at the facility; or
 - (va) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the operator of a facility—a person representing the related body corporate; or
 - (vb) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated business premises** in clause 3—a person representing the person; or
 - (vc) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (e)(ii) of the definition of **regulated business premises** in clause 3—a person representing the person; or
 - (vd) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the registered holder of a title—a person representing the related body corporate; or
 - (ve) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (h)(ii) of the definition of **regulated business premises** in clause 3—a person representing the person; or
 - (vf) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (i)(ii) of the definition of **regulated business premises** in clause 3—a person representing the person; or
 - (vi) in the case of an inspection at a place other than a facility—any person representing the titleholder;
- the inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of the inspection, require the person to answer the question put by the inspector.

Clause 74

- (2) If, at the time when a requirement under subclause (1) is imposed on a person, the person is not physically present on regulated business premises, the person is not obliged to comply with the requirement unless the requirement:
- (a) is in writing; and
 - (b) specifies the day on or before which the question is to be answered; and
 - (c) is accompanied by a statement to the effect that a failure to comply with the requirement is an offence.

The day specified under paragraph (b) must be at least 14 days after the day on which the requirement is imposed.

Requirement to produce documents or things

- (3) If:
- (a) a NOPSEMA inspector is satisfied on reasonable grounds that a person is capable of producing a document or thing that is reasonably connected with the conduct of an OHS inspection; and
 - (b) the person is:
 - (i) the operator of a facility; or
 - (ii) the person in charge of operations at a workplace in relation to a facility; or
 - (iii) a member of the workforce at a facility; or
 - (iiia) a titleholder; or
 - (iv) any person representing a person referred to in subparagraph (i) or (ii); or
 - (v) in the case of an inspection at a facility—the titleholder’s representative (if any) at the facility who is nominated for the inspection, or anyone engaged in petroleum or greenhouse gas activities at the facility; or
 - (va) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the operator of a facility—a person representing the related body corporate; or

- (vb) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of ***regulated business premises*** in clause 3—a person representing the person; or
 - (vc) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (e)(ii) of the definition of ***regulated business premises*** in clause 3—a person representing the person; or
 - (vd) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the registered holder of a title—a person representing the related body corporate; or
 - (ve) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (h)(ii) of the definition of ***regulated business premises*** in clause 3—a person representing the person; or
 - (vf) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (i)(ii) of the definition of ***regulated business premises*** in clause 3—a person representing the person; or
 - (vi) in the case of an inspection at a place other than a facility—any person representing the titleholder;
- the inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of the inspection, require the person to produce the document or thing.
- (4) If, at the time when a requirement under subclause (3) is imposed on a person, the person is not physically present on regulated business premises, the person is not obliged to comply with the requirement unless the requirement:
- (a) is in writing; and
 - (b) specifies the day on or before which the document or thing is to be produced; and

Clause 74

(c) is accompanied by a statement to the effect that a failure to comply with the requirement is an offence.

The day specified under paragraph (b) must be at least 14 days after the day on which the requirement is imposed.

Offence

- (5) A person commits an offence if:
- (a) the person is subject to a requirement under this clause; and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

- (6) Subclause (5) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (6)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

False information

- (7) A person commits an offence if:
- (a) the person gives information to another person; and
 - (b) the person does so knowing that the information is false or misleading in a material particular; and
 - (c) the information is given in compliance or purported compliance with a requirement under this clause.

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

Note: The same conduct may be an offence against both subclause (7) of this clause and section 137.1 of the *Criminal Code*.

Self-incrimination

- (8) A person is not excused from answering a question or producing a document or thing when required to do so under subclause (1) or (3) on the ground that the answer to the question, or the production

of the document or thing, may tend to incriminate the person or make the person liable to a penalty.

- (9) However, in the case of an individual:
- (a) the answer given or document or thing produced; or
 - (b) answering the question or producing the document or thing; or
 - (c) any information, document or thing obtained as a direct or indirect consequence of the answering of the question or the production of the document or thing;
- is not admissible in evidence against the individual:
- (d) in any civil proceedings; or
 - (e) in any criminal proceedings other than:
 - (i) proceedings for an offence against this clause; or
 - (ii) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this clause.

Titleholders and their representatives—limitation on requirements

- (10) Subparagraphs (1)(b)(v) and (vi) and (3)(b)(v) and (vi), which give inspectors certain powers in relation to titleholders and their representatives, do not apply unless the inspection wholly or partly concerns compliance with the titleholder's well-related obligations.

NOPSEMA inspector may retain documents

- (11) A NOPSEMA inspector may take possession of a document produced under this clause, and retain it for as long as is reasonably necessary.
- (12) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by a NOPSEMA inspector to be a true copy.
- (13) The certified copy must be received in all courts and tribunals as evidence as if it were the original.
- (14) Until a certified copy is supplied, a NOPSEMA inspector must provide the person otherwise entitled to possession of the

Clause 74

document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

NOPSEMA inspector may retain other things

- (15) A NOPSEMA inspector may take possession of a thing (other than a document) produced under this clause, and retain it for as long as is reasonably necessary.

Notice—taking possession at facility

- (16) On taking possession of a thing under subclause (15) at a facility, the NOPSEMA inspector must, by written notice, inform:
- (a) the operator of the facility; and
 - (b) the operator's representative at the facility; and
 - (c) if the inspection is wholly or partly in relation to the titleholder's well-related obligations—the titleholder; and
 - (d) if the inspection is wholly or partly in relation to the titleholder's well-related obligations—the titleholder's representative (if any) at the facility who is nominated for the inspection; and
 - (e) if the thing is used for the performance of work by an employer (other than the operator) of a member or members of the workforce at the facility—that employer; and
 - (f) if the thing is owned by a person other than a person mentioned in paragraph (a), (b), (c), (d) or (e)—that person; and
 - (g) if there is a health and safety representative for a designated work group that includes a member of the workforce who is affected by the matter to which the inspection relates—that representative;

of the taking of possession, and the reasons for it.

Note: A titleholder's representative is only required to be at the facility if the inspection concerns the titleholder's well-related obligations (see section 602K).

Display of notice at facility

- (17) If the NOPSEMA inspector gives the notice to the operator of the facility to which the inspection relates, the operator's representative at the facility must cause the notice to be displayed in a prominent place at the workplace from which the thing was removed.

Notice—taking possession otherwise than at facility

- (18) On taking possession of a thing under subclause (15) otherwise than at a facility, the NOPSEMA inspector must, by written notice, inform the owner of the thing of the taking of possession, and the reasons for it.

Inspection of thing

- (19) If:
- (a) a NOPSEMA inspector has taken possession of a thing (other than a document) produced under this clause; and
 - (b) it is reasonably necessary for the NOPSEMA inspector to retain the thing;
- the NOPSEMA inspector must provide:
- (c) the person who produced the thing; and
 - (d) the person who owns the thing; and
 - (e) a person authorised by a person covered by paragraph (c) or (d);
- reasonable access to the thing for the purposes of inspecting the thing.

Return of thing

- (20) If:
- (a) a NOPSEMA inspector has taken possession of a thing (other than a document) produced under this clause; and
 - (b) it is no longer reasonably necessary for the NOPSEMA inspector to retain the thing;
- the NOPSEMA inspector must return the thing to:

- (c) the person who produced the thing; or
- (d) the person who owns the thing; or
- (e) a person authorised by a person covered by paragraph (c) or (d).

75 OHS inspections—power to take possession of plant and samples etc.

Power to take possession or samples

- (1) In conducting an OHS inspection at regulated business premises, a NOPSEMA inspector may, to the extent that it is reasonably necessary for the purposes of inspecting, examining, taking measurements of, or conducting tests concerning, any plant, substance or thing at those premises in connection with the inspection:
 - (a) take possession of the plant, substance or thing and remove it from those premises; or
 - (b) take a sample of the substance or thing and remove that sample from those premises.

Notice

- (2) On taking possession of plant, a substance or a thing, or taking a sample of a substance or thing, in connection with an OHS inspection at a facility, the inspector must, by written notice, inform:
 - (a) the operator of the facility; and
 - (b) if the plant, substance or thing is used for the performance of work by an employer (other than the operator) of a member or members of the workforce at the facility—that employer; and
 - (c) if the plant, substance or thing is owned by a person other than a person mentioned in paragraph (a) or (b)—that person; and
 - (d) if there is a health and safety representative for a designated work group that includes a member of the workforce who is

affected by the matter to which the inspection relates—that representative; and

- (e) the titleholder’s representative (if any) at the facility who is nominated for the inspection;

of the taking of possession or the taking of the sample, and the reasons for it.

Note: A titleholder’s representative is only required to be at the facility if the inspection concerns the titleholder’s well-related obligations (see section 602K).

(2A) On taking possession of plant, a substance or a thing, or taking a sample of a substance or thing, in connection with an OHS inspection at regulated business premises (other than a facility), the inspector must, by written notice, inform:

- (a) in the case of an inspection at regulated business premises that are occupied by the operator of a facility—a person representing the operator; or
- (b) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the operator of a facility—a person representing the related body corporate; or
- (c) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of **regulated business premises** in clause 3—a person representing the person; or
- (d) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (e)(ii) of the definition of **regulated business premises** in clause 3—a person representing the person; or
- (e) in the case of an inspection at regulated business premises that are occupied by the registered holder of a title—a person representing the registered holder; or
- (f) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the registered holder of a title—a person representing the related body corporate; or

Clause 75

- (g) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (h)(ii) of the definition of *regulated business premises* in clause 3—a person representing the person; or
- (h) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (i)(ii) of the definition of *regulated business premises* in clause 3—a person representing the person; or
- (i) if the plant, a substance or a thing is owned by a person other than a person mentioned in any of the preceding paragraphs—that owner;

of the taking of possession or the taking of the sample, and the reasons for it.

Display of notice

- (3) If the OHS inspection is at a facility, and the inspector gives the notice to the operator of the facility to which the inspection relates, the operator's representative at the facility must cause the notice to be displayed in a prominent place at the workplace from which the plant, substance or thing was removed.

Duties of inspector

- (4) If the OHS inspection is at a facility, and the inspector takes possession of plant, a substance or a thing at a workplace for the purpose of inspecting, examining, taking measurements of, or conducting tests concerning, the plant, substance or thing, the inspector must:
 - (a) ensure that the inspection, examination, measuring or testing is conducted as soon as practicable; and
 - (b) return it to the workplace as soon as practicable afterwards.
- (5) As soon as practicable after completing any such inspection, examination, measurement or testing, the inspector must give a written statement setting out the results to each person whom the inspector is required to notify under subclause (2).

- (6) If the OHS inspection is at regulated business premises (other than a facility), and the inspector takes possession of plant, a substance or a thing at the premises for the purpose of inspecting, examining, taking measurements of, or conducting tests concerning, the plant, substance or thing, the inspector must:
- (a) ensure that the inspection, examination, measuring or testing is conducted as soon as practicable; and
 - (b) return it to a representative of the occupier of the premises as soon as practicable afterwards.
- (7) As soon as practicable after completing any such inspection, examination, measurement or testing, the inspector must give a written statement setting out the results to each person whom the inspector is required to notify under subclause (2A).

76 OHS inspections—OHS do not disturb notices (general)

When a notice may be issued

- (1) A NOPSEMA inspector may issue a notice (an ***OHS do not disturb notice***), in writing, under this clause if, in conducting an OHS inspection in relation to a facility, the inspector is satisfied on reasonable grounds that it is reasonably necessary to issue the notice in order to:
- (a) remove an immediate threat to the health or safety of any person; or
 - (b) allow the inspection, examination or measurement of, or the conducting of tests concerning:
 - (i) the facility; or
 - (ii) particular plant, or a particular substance or thing, at the facility.

Issue of notice

- (2) The notice may be issued to either or both of the following persons (the ***responsible person***) as applicable:
- (a) in any case—the operator;

Clause 76

- (b) if the inspection wholly or partly concerns compliance with the titleholder's well-related obligations—the titleholder.
- (3) Without limiting subclause (2), the notice may be issued to a responsible person as follows:
 - (a) if the operator is a responsible person—by being given to the operator's representative at the facility;
 - (b) if the titleholder is a responsible person—by being given to the titleholder's representative (if any) at the facility who is nominated for the inspection.

Note: A titleholder's representative is only required to be at the facility if the inspection concerns the titleholder's well-related obligations (see section 602K).

Contents of notice

- (4) The notice must:
 - (a) direct the responsible person to take all reasonably practicable steps to ensure that one or more of the following are not disturbed for a period specified in the notice:
 - (i) a particular workplace;
 - (ii) particular plant, or a particular substance or thing, at the facility; and
 - (b) set out the reasons for the inspector's decision to issue the notice.
- (5) The period specified in the notice must be a period that the inspector is satisfied on reasonable grounds is necessary in order to allow the inspection, examination, measuring or testing to take place.

Renewal of notice

- (6) The notice may be renewed by another notice in the same terms.

Offence

- (7) A person commits an offence if:
 - (a) the person is subject to an OHS do not disturb notice; and

- (b) the person omits to do an act; and
- (c) the omission breaches the notice.

Penalty for contravention of subclause (7): 300 penalty units.

76A OHS inspections—OHS do not disturb notices (notification and display)

Scope

- (1) This clause applies if a NOPSEMA inspector issues an OHS do not disturb notice to a person (the *responsible person*) under clause 76.

Notification to interested persons

- (2) If the only responsible person for the notice is the titleholder, as soon as practicable after issuing the notice, the inspector must take reasonable steps to give a copy of the notice to:
 - (a) the operator; and
 - (b) if the inspector is at the facility when the notice is issued—the operator’s representative at the facility.
- (3) If the notice (or a copy of the notice) is not given to the operator’s representative at the facility, the operator must give a copy of the notice to the operator’s representative.
- (4) The operator’s representative at the facility must give a copy of the notice to the following persons:
 - (a) if the workplace, plant, substance or thing to which the direction relates is owned by a person other than the operator of the facility—that owner;
 - (b) if there is a health and safety representative for a designated work group that includes a group member performing work at a workplace, or involving the plant, substance or thing, to which the direction relates—that representative.

Display of notice

- (5) The operator's representative at the facility must cause a copy of the notice to be displayed in a prominent place at the workplace:
- (a) that is to be left undisturbed; or
 - (b) where the plant, substance or thing that is to be left undisturbed is located.

77 OHS inspections—OHS prohibition notices (issue)

When a notice may be issued

- (1) A NOPSEMA inspector may issue a notice (an ***OHS prohibition notice***), in writing, under this clause if, in conducting an OHS inspection in relation to a facility, the inspector is satisfied on reasonable grounds that:
- (a) either:
 - (i) an activity is occurring at the facility that involves an immediate threat to the health or safety of a person; or
 - (ii) an activity may occur at the facility that, if it occurred, would involve an immediate threat to the health or safety of a person; and
 - (b) it is reasonably necessary to issue the notice in order to remove the threat.

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

Responsible person for the notice

- (2) The notice may be issued to either or both of the following (the ***responsible person***), as applicable:
- (a) in any case—the operator;
 - (b) if the inspection wholly or partly concerns compliance with the titleholder's well-related obligations—the titleholder.
- (3) Without limiting subclause (2), the notice may be issued to a responsible person as follows:

- (a) if the operator is a responsible person—by being given to the operator’s representative at the facility;
- (b) if the titleholder is a responsible person—by being given to the titleholder’s representative (if any) at the facility who is nominated for the inspection.

Note: A titleholder’s representative is only required to be at the facility if the inspection concerns the titleholder’s well-related obligations (see section 602K).

Contents of notice

- (4) The notice must:
 - (a) specify the activity mentioned in subparagraph (1)(a)(i) or (ii); and
 - (b) set out the reasons for the inspector’s satisfaction about the circumstances mentioned in subparagraph (1)(a)(i) or (ii); and
 - (c) if the responsible person is the operator—either:
 - (i) direct the operator to ensure that the activity is not conducted; or
 - (ii) direct the operator to ensure that the activity is not conducted in a specified manner; and
 - (d) if the responsible person is the titleholder—either:
 - (i) direct the titleholder to ensure that the activity is not conducted; or
 - (ii) direct the titleholder to ensure that the activity is not conducted in a specified manner.
- (5) For paragraph (4)(c) or (d), a specified manner may relate to any one or more of the following:
 - (a) any workplace, or part of a workplace, at which the activity is not to be conducted;
 - (b) any plant, substance or thing that is not to be used in connection with the activity;
 - (c) any procedure that is not to be followed in connection with the activity.

Clause 77A

- (6) The notice may specify action that may be taken to satisfy a NOPSEMA inspector that adequate action has been taken to remove the threat to health or safety.

Offence

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

Penalty for contravention of subclause (7): 600 penalty units.

Continuing offences

- (8) A person who commits an offence against subclause (7) commits a separate offence in respect of each day (including a day of a conviction under this clause or any later day) during which the offence continues.
- (9) The maximum penalty for each day that an offence under subclause (7) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

77A OHS inspections—OHS prohibition notices (notification, display and compliance)

Scope

- (1) This clause applies if a NOPSEMA inspector issues an OHS prohibition notice to a person (the *responsible person*) under clause 77 in relation to a threat to health or safety at a facility.

Notification to interested persons

- (2) If the only responsible person for an OHS prohibition notice is the titleholder, as soon as practicable after issuing the notice, the inspector must take reasonable steps to give a copy of the notice to:
- (a) the operator; and

- (b) if the inspector is at the facility when the notice is issued—the operator’s representative at the facility.
- (3) If the notice (or a copy of the notice) is not given to the operator’s representative at the facility, the operator must give a copy of the notice to the operator’s representative.
- (4) The operator’s representative at the facility must give a copy of the notice to the following persons:
 - (a) if the workplace, plant, substance or thing to which the notice relates is owned by a person other than the responsible person—that owner;
 - (b) if there is a health and safety representative for a designated work group that includes a group member performing work at a workplace, or involving the plant, substance or thing, to which the direction relates—that representative.

Display of notice

- (5) The operator’s representative at the facility must cause a copy of the notice to be displayed in a prominent place at the workplace:
 - (a) that is to be left undisturbed; or
 - (b) where the plant, substance or thing that is to be left undisturbed is located.

Inadequate action in response to notice

- (6) If a NOPSEMA inspector is satisfied that action taken by the responsible person to remove the threat to health or safety is not adequate, the inspector must inform the responsible person accordingly.
- (7) In making a decision under subclause (6), a NOPSEMA inspector may exercise such of the powers of a NOPSEMA inspector conducting an OHS inspection as the inspector considers necessary for the purposes of making the decision.

When notice ceases to have effect

- (8) The notice ceases to have effect in relation to a responsible person when a NOPSEMA inspector notifies the responsible person that the inspector is satisfied that the responsible person, or another person, has taken adequate action to remove the threat to health or safety.

78 OHS inspections—OHS improvement notices (issue)

When a notice may be issued

- (1) A NOPSEMA inspector may issue a notice (an **OHS improvement notice**) to a person (the **responsible person**), in writing, under this clause if, in conducting an OHS inspection in relation to a facility, the inspector is satisfied on reasonable grounds that:
- (a) the responsible person:
 - (i) is contravening a provision of a listed OHS law; or
 - (ii) has contravened a provision of a listed OHS law and is likely to contravene that provision again; and
 - (b) as a result, there is, or may be, a risk to the health or safety of any person.

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

How notice may be issued

- (2) Without limiting subclause (1), the notice may be issued to a responsible person as follows:
- (a) if the responsible person is the operator—by being given to the operator's representative at the facility;
 - (b) if the responsible person is an employer (other than the operator) of members of the workforce, but it is not practicable to give the notice to the employer—by being given to the operator's representative at the facility;
 - (c) if the responsible person is the titleholder—by being given to the titleholder's representative (if any) at the facility who is nominated for the inspection.

Note: A titleholder's representative is only required to be at the facility if the inspection concerns the titleholder's well-related obligations (see section 602K).

Contents of notice

- (3) The notice must:
- (a) specify the contravention that the NOPSEMA inspector is satisfied on reasonable grounds is occurring, or has occurred and is likely to occur again, and set out those grounds; and
 - (b) specify the risk to health or safety mentioned in paragraph (1)(b); and
 - (c) specify action that the inspector is satisfied on reasonable grounds is required to be taken by the responsible person to reduce or prevent the risk; and
 - (d) specify a period within which the responsible person is to take the action.

Period of notice and action to be taken

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

78A OHS inspections—OHS improvement notices (compliance)

Duty of responsible person

- (1) A responsible person in relation to an OHS improvement notice must ensure that the notice is complied with to the extent that it relates to any matter over which the person has control.

Offence

- (2) A person commits an offence if:

Schedule 3 Occupational health and safety
Part 4 OHS inspections
Division 3 OHS inspections: compliance powers

Clause 78B

- (a) the person is subject to a requirement under subclause (1);
and
- (b) the person omits to do an act; and
- (c) the omission breaches the requirement.

Penalty: 300 penalty units.

Civil penalty

- (3) A person is liable to a civil penalty if the person contravenes a requirement under subclause (1).

Civil penalty: 400 penalty units.

Continuing offences and continuing contraventions of civil penalty provisions

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

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

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

Note: Subclause (3) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

78B OHS inspections—OHS improvement notices (notification and display)

Scope

- (1) This clause applies if a NOPSEMA inspector issues an OHS improvement notice to a person (the *responsible person*) under clause 78 in relation to a contravention, or likely contravention, of a listed OHS law.

If notice not given to the operator's representative—representative to be notified

- (2) If the notice is not issued by being given to the operator's representative at the facility, the responsible person (unless the responsible person is the titleholder) must cause a copy of the notice to be given to the operator's representative.

Note: If the responsible person is the titleholder, subclauses (4) and (5) provide for the operator and the operator's representative to be notified.

If responsible person is operator or employer—notification of health and safety representative

- (3) If the responsible person is the operator or an employer (other than the operator) of members of the workforce, the operator's representative at the facility must give a copy of the notice to each health and safety representative for a designated work group having group members performing work that is affected by the notice.

If responsible person is titleholder—notification of operator and operator's representative

- (4) If the responsible person is the titleholder, as soon as practicable after issuing the notice, the inspector must take reasonable steps to give a copy of the notice to:
- (a) the operator; and
 - (b) if the inspector is at the facility when the notice is issued—the operator's representative at the facility.
- (5) If the responsible person is the titleholder, but the inspector is not at the facility when the notice is issued, the operator must give a copy of the notice to the operator's representative at the facility.

Display of notice

- (6) The operator's representative at the facility must cause a copy of the notice to be displayed in a prominent place at or near each

Clause 79

workplace at which work affected by the notice is being performed.

NOPSEMA to notify employer, owner etc.

- (7) As soon as practicable after issuing the notice, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to:
- (a) the employer of an employee who is a member of the workforce, if the notice is issued:
 - (i) to the employee; and
 - (ii) in connection with work performed by the employee; and
 - (b) the owner of any workplace, plant, substance or thing that the notice relates to, unless the owner is:
 - (i) the responsible person; or
 - (ii) an employer referred to in paragraph (a); and
 - (c) if the responsible person is the owner of any workplace, plant, substance or thing because of which the contravention has occurred, or is likely to occur:
 - (i) the operator of the facility; and
 - (ii) if the employer of employees who work in that workplace or who use that plant, substance or thing is a person other than the operator—that employer; and
 - (d) the titleholder, if:
 - (i) the responsible person is the operator; and
 - (ii) the contravention relates, or is likely to relate, to the titleholder's well-related obligations.

79 OHS inspections—tampering with and removal of notices

Tampering with notice

- (1) A person must not tamper with any notice that has been displayed under subclause 74(17), 75(3), 76A(5), 77A(5) or 78B(6) while that notice is so displayed.

Removal of notice

- (1A) If a notice has been displayed under subclause 74(17), a person must not remove the notice until the thing to which the notice relates is returned under subclause 74(20).
- (2) If a notice has been displayed under subclause 75(3), a person must not remove the notice until the plant, substance or thing to which the notice relates is returned to the workplace from which it was removed.
- (3) If a notice has been displayed under subclause 76A(5), 77A(5) or 78B(6), a person must not remove the notice before the notice has ceased to have effect in relation to each person subject to the notice.

Offence

- (4) A person commits an offence of strict liability if:
 - (a) the person is subject to a requirement under subclause (1), (1A), (2) or (3); and
 - (b) the person engages in conduct; and
 - (c) the conduct breaches the requirement.

Penalty: 50 penalty units.

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

- (5) Subclause (4) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (5)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

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

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

Clause 80AA

- (2) However, NOPSEMA must not publish the notice if it is aware that the decision to issue the notice is the subject of an application for an appeal to the reviewing authority or review by a court.
- (3) If the notice is published on the NOPSEMA website and the decision to issue the notice is, or becomes, the subject of an application for an appeal to the reviewing authority or review by a court, NOPSEMA must remove the notice from the website as soon as practicable after becoming aware of the application.
- (4) Subject to subsection (5), NOPSEMA must publish the notice on its website within 21 days after becoming aware that the decision to issue the notice has been affirmed or upheld and all appeal and review rights in relation to that decision have been exhausted.
- (5) If the reviewing authority revokes the decision to issue the notice, and substitutes its own decision to issue a notice (the ***substituted notice***), NOPSEMA must publish the substituted notice on its website within 21 days after becoming aware that all appeal and review rights in relation to the decision to issue the substituted notice have been exhausted.
- (6) If the notice contains personal information (within the meaning of the *Privacy Act 1988*), NOPSEMA must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the notice is published.
- (7) Personal information is ***de-identified*** if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

Division 4—Reports: OHS inspections etc.

80 Reports on listed OHS law inspections

Scope

- (1A) This section applies if a NOPSEMA inspector has conducted either of the following inspections in relation to a listed OHS law:
- (a) an OHS inspection (under this Part);
 - (b) an inspection for the purposes of Division 1 of Part 6.5 of this Act.

Report to be given to NOPSEMA

- (1) The inspector must, as soon as practicable, prepare a written report relating to the inspection and give the report to NOPSEMA.
- (2) The report must include:
- (a) the inspector's conclusions from conducting the inspection and the reasons for those conclusions; and
 - (b) any recommendations that the inspector wishes to make arising from the inspection; and
 - (c) such other matters (if any) as are prescribed.

Copies of report to be given to operator and owner etc.

- (3) As soon as practicable after receiving the report, NOPSEMA must give a copy of the report, together with any written comments that it wishes to make:
- (a) if the report relates to a facility—to the operator of the facility; and
 - (aa) if the report relates wholly or partly to a titleholder's well-related obligations—to the titleholder; and
 - (b) if the report relates to activities performed by an employee of another person—to that other person; and

Schedule 3 Occupational health and safety

Part 4 OHS inspections

Division 4 Reports: OHS inspections etc.

Clause 80

- (c) if the report relates to any plant, substance or thing owned by another person—to that other person.

Details of remedial action etc.

- (4) NOPSEMA may, in writing, request the operator, the titleholder or any other person to whom a copy of the report is given to provide to NOPSEMA, within a reasonable period specified in the request, details of:
 - (a) any action proposed to be taken as a result of the conclusions or recommendations contained in the report; and
 - (b) if a notice has been issued under clause 77 or 78 in relation to work being performed for the operator, the titleholder or that other person—any action taken, or proposed to be taken, in respect of that notice;

and the operator, the titleholder or that other person must comply with the request.

Copies of report etc. to be given to health and safety committee etc.

- (5) As soon as practicable after receiving a report, the operator of a facility must give a copy of the report, together with any written comment made by NOPSEMA on the report:
 - (a) if there is a least one health and safety committee in respect of some or all of the members of the workforce—to each such committee; and
 - (b) if there is no such committee in respect of some or all of the members of the workforce, but some or all of those members (in respect of which there is no such committee) are in at least one designated work group for which there is a health and safety representative—to each such health and safety representative.

Division 5—Appeals: OHS inspections etc.

80A Appeals concerning OHS inspections etc.—decisions subject to appeal

Scope

- (1) The following table has effect in relation to a decision by a NOPSEMA inspector:
- (a) in any case—in conducting an OHS inspection; or
 - (b) for items 4 to 8 of the table—in relation to the issue of an OHS do not disturb notice, an OHS prohibition notice or an OHS improvement notice under section 602E (after entering premises under Part 3 of the Regulatory Powers Act as applied under Division 1 of Part 6.5 of this Act).

Decisions subject to appeal		
Item	If the inspector makes the following decision ...	the following persons may appeal against the decision to the reviewing authority by written notice ...
1	A decision to confirm or vary a provisional OHS improvement notice, under clause 39	<ul style="list-style-type: none">(a) a person to whom the provisional OHS improvement notice was issued under subclause 38(2);(b) the operator of the facility;(c) a titleholder, if the notice relates to the titleholder's well-related obligations;(d) an employer, if affected by the decision;(e) a relevant health and safety representative;(f) a relevant workforce representative, if requested by a member of the workforce affected by the decision;

Schedule 3 Occupational health and safety

Part 4 OHS inspections

Division 5 Appeals: OHS inspections etc.

Clause 80A

Decisions subject to appeal

Item	If the inspector makes the following decision ...	the following persons may appeal against the decision to the reviewing authority by written notice ...
		(g) a person who owns any workplace, plant, substance or thing to which the decision relates.
2	A decision to cancel a provisional OHS improvement notice, under clause 39	(a) a relevant health and safety representative; (b) a relevant workforce representative, if requested by a member of the workforce affected by the decision.
3	A decision to take possession of plant, a substance or thing, or to take a sample, in conducting an OHS inspection at a facility under clause 75	(a) the operator of the facility; (b) a titleholder, if the reasons stated in the notice under subclause 75(2) relate to the titleholder's well-related obligations; (c) an employer, if affected by the decision; (d) a relevant health and safety representative; (e) a relevant workforce representative, if requested by a member of the workforce affected by the decision; (f) a person who owns the workplace, plant, substance or thing.
3A	A decision to take possession of plant, a substance or thing, or to take a sample, in conducting an OHS inspection at regulated business premises (other than a facility) under clause 75	(a) in the case of an inspection at regulated business premises that are occupied by the operator of a facility—the operator of the facility; (b) in the case of an inspection at

Decisions subject to appeal		
Item	If the inspector makes the following decision ...	the following persons may appeal against the decision to the reviewing authority by written notice ...
		<p>regulated business premises that are occupied by a related body corporate of the operator of a facility—the related body corporate;</p> <p>(c) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (d)(ii) of the definition of <i>regulated business premises</i> in clause 3—the person;</p> <p>(d) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (e)(ii) of the definition of <i>regulated business premises</i> in clause 3—the person;</p> <p>(e) a titleholder, if the reasons stated in the notice under subclause 75(2A) relate to the titleholder’s well-related obligations;</p> <p>(f) in the case of an inspection at regulated business premises that are occupied by a related body corporate of the registered holder of a title—the related body corporate;</p> <p>(g) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (h)(ii) of the definition of <i>regulated business</i></p>

Schedule 3 Occupational health and safety

Part 4 OHS inspections

Division 5 Appeals: OHS inspections etc.

Clause 80A

Decisions subject to appeal

Item	If the inspector makes the following decision ...	the following persons may appeal against the decision to the reviewing authority by written notice ...
		<i>premises</i> in clause 3—the person; (h) in the case of an inspection at regulated business premises that are occupied by a person covered by subparagraph (i)(ii) of the definition of <i>regulated business premises</i> in clause 3—the person; (i) a person who owns the plant, substance or thing.
4	Either of the following: (a) a decision to issue an OHS do not disturb notice, under clause 76; (b) a decision to exercise the corresponding power under section 602E.	(a) the operator of the facility; (b) a titleholder, if the notice is issued to the titleholder; (c) an employer, if affected by the decision; (d) a relevant health and safety representative; (e) a relevant workforce representative, if requested by a member of the workforce affected by the decision; (f) a person who owns the workplace, plant, substance or thing.
5	Either of the following: (a) a decision to issue an OHS prohibition notice, under clause 77; (b) a decision to exercise the corresponding power under section 602E.	(a) the operator of the facility; (b) a titleholder, if the notice is issued to the titleholder; (c) an employer, if affected by the decision; (d) a relevant health and safety representative;

Decisions subject to appeal		
Item	If the inspector makes the following decision ...	the following persons may appeal against the decision to the reviewing authority by written notice ...
		(e) a relevant workforce representative, if requested by a member of the workforce affected by the decision.
6	<p>Either of the following:</p> <p>(a) a decision that an operator of a facility, or a titleholder, to whom an OHS prohibition notice has been issued has not taken adequate action to remove a threat to health and safety, for the purposes of subclause 77A(6);</p> <p>(b) a corresponding decision in relation to the exercise of the corresponding power under section 602E.</p>	<p>(a) the operator of the facility;</p> <p>(b) a titleholder, if the notice is issued to the titleholder;</p> <p>(c) an employer, if affected by the decision;</p> <p>(d) a relevant health and safety representative;</p> <p>(e) a relevant workforce representative, if requested by a member of the workforce affected by the decision.</p>
7	<p>Either of the following:</p> <p>(a) a decision that an operator of a facility, or a titleholder, to whom an OHS prohibition notice has been issued has taken adequate action to remove a threat to health and safety, for the purposes of subclause 77A(8);</p> <p>(b) a corresponding decision in relation to the exercise of the corresponding power under section 602E.</p>	<p>(a) a relevant health and safety representative;</p> <p>(b) a relevant workforce representative, if requested by a member of the workforce affected by the decision.</p>
8	<p>Either of the following:</p> <p>(a) a decision to issue an OHS improvement notice, under clause 78;</p>	<p>(a) the operator of the facility;</p> <p>(b) the titleholder, if the notice is issued to the titleholder;</p> <p>(c) any other person to whom the</p>

Schedule 3 Occupational health and safety

Part 4 OHS inspections

Division 5 Appeals: OHS inspections etc.

Clause 80A

Decisions subject to appeal

Item	If the inspector makes the following decision ...	the following persons may appeal against the decision to the reviewing authority by written notice ...
	(b) a decision to exercise the corresponding power under section 602E.	notice is issued; (d) an employer, if affected by the decision; (e) a relevant health and safety representative; (f) a relevant workforce representative, if requested by a member of the workforce affected by the decision; (g) a person who owns any workplace, plant, substance or thing to which the decision relates.

(2) In this clause:

relevant health and safety representative, in relation to a decision, means the health and safety representative for a designated work group having a member affected by the decision.

relevant workforce representative, in relation to a member of the workforce affected by a decision, means:

- (a) a workforce representative in relation to a designated work group, if the member of the workforce is a group member; or
- (b) if there is no designated work group in relation to the member of the workforce—any workforce representative in relation to the member.

81 Appeals concerning OHS inspections etc.—associated rules and procedure

Appeal does not affect the operation of a decision

- (3) Subject to this clause, the making of an appeal under this Division against a decision does not affect the operation of the decision or prevent the taking of action to implement the decision, except to the extent that the reviewing authority makes an order to the contrary.

Suspension of OHS improvement notices

- (4) If the decision appealed against is a decision to which item 8 of the table in subclause 80A(1) applies, the operation of the decision is suspended pending determination of the appeal, except to the extent that the reviewing authority makes an order to the contrary.

Note: Item 8 of the table in subclause 80A(1) applies to a decision to issue an OHS improvement notice, or to exercise a corresponding power under section 602E.

- (5) If the decision appealed against is a decision of a NOPSEMA inspector, under clause 39, to confirm or vary a provisional OHS improvement notice whose operation has been suspended pending the inspection of the matter to which the notice relates, the operation of the notice is further suspended pending determination of the appeal, except to the extent that the reviewing authority makes an order to the contrary.

Reviewing authority's decision on appeal

- (6) The reviewing authority may:
- (a) affirm or revoke the decision appealed against under this Division; and
 - (b) if it revokes the decision—substitute such other decision as it thinks appropriate.
- (7) If the decision is:
- (a) varied; or

Schedule 3 Occupational health and safety

Part 4 OHS inspections

Division 5 Appeals: OHS inspections etc.

Clause 81

- (b) revoked; or
 - (c) revoked with the substitution of another decision;
- the decision is taken to have effect, and always to have had effect, accordingly.
- (7A) An appeal against a decision is to be determined on the basis of the circumstances which prevailed at the time the decision was made.

Inspector's duty to return plant etc. to the workplace

- (8) If:
- (a) the decision appealed against is a decision under clause 75 to take possession of plant, a substance or a thing at a workplace; and
 - (b) the decision is not affirmed;
- the inspector who made the decision must ensure that, to the extent that the decision is not affirmed, the plant, substance or thing is returned to the workplace as soon as practicable.

Part 5—General provisions

82 Notifying and reporting accidents and dangerous occurrences

Duty of operator to notify accidents and dangerous occurrences

- (1) If, at or near a facility, there is:
 - (a) an accident that causes the death of, or serious injury to, any individual; or
 - (b) an accident that causes a member of the workforce to be incapacitated from performing work for a period prescribed for the purposes of this paragraph; or
 - (c) a dangerous occurrence;the operator must, in accordance with the regulations, give NOPSEMA notice of the accident or dangerous occurrence.
- (2) Regulations made for the purposes of subclause (1) (other than regulations made for the purposes of paragraph (1)(b)) may prescribe:
 - (a) the time within which, and the manner in which, notice of an accident or dangerous occurrence is to be given; and
 - (b) the form of such a notice.
- (3) Subclause (2) does not limit regulations that may be made for the purposes of subclause (1).
- (4) A person commits an offence of strict liability if:
 - (a) the person is subject to a requirement under subclause (1); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 250 penalty units.

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

Clause 82

Duty of operator to report accidents and dangerous occurrences

- (6) If, at or near a facility, there is:
- (a) an accident that causes the death of, or serious injury to, any individual; or
 - (b) an accident that causes a member of the workforce to be incapacitated from performing work for a period prescribed for the purposes of this paragraph; or
 - (c) a dangerous occurrence;
- the operator must, in accordance with the regulations, give NOPSEMA a report about the accident or dangerous occurrence.
- (7) Regulations made for the purposes of subclause (6) (other than regulations made for the purposes of paragraph (6)(b)) may prescribe:
- (a) the time within which, and the manner in which, a report of an accident or dangerous occurrence is to be given; and
 - (b) the form of such a report.
- (8) Subclause (7) does not limit regulations that may be made for the purposes of subclause (6).

Offence

- (9) A person commits an offence of strict liability if:
- (a) the person is subject to a requirement under subclause (6); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 100 penalty units.

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

Continuing offences

- (10) A person who commits an offence against subclause (4) or (9) commits a separate offence in respect of each day (including a day

of a conviction under that subclause or any later day) during which the offence continues.

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

83 Records of accidents and dangerous occurrences to be kept

Duty of operator

- (1) The operator of a facility must maintain, in accordance with the regulations, a record of each accident or dangerous occurrence in respect of which the operator is required by clause 82 to notify NOPSEMA.

Regulations

- (2) Regulations made for the purposes of subclause (1) may prescribe:
- (a) the nature of the contents of a record maintained under this clause; and
 - (b) the period for which such a record must be retained.
- (3) Subclause (2) does not limit regulations that may be made for the purposes of subclause (1).

Offence

- (4) A person commits an offence of strict liability if:
- (a) the person is subject to a requirement under subclause (1); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 30 penalty units.

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

Clause 84

Civil penalty

- (6) A person is liable to a civil penalty if the person contravenes a requirement under subclause (1).

Civil penalty: 60 penalty units.

84 Codes of practice

- (1) The regulations may prescribe codes of practice for the purpose of providing practical guidance to operators of facilities and employers (other than such operators) of members of the workforce at facilities.
- (2) A person is not liable to any civil or criminal proceedings for contravening a code of practice.

85 Use of codes of practice in criminal proceedings

Scope

- (1) This clause applies if, in any proceedings for an offence against a listed OHS law, it is alleged that a person contravened a provision of a listed OHS law in relation to which a code of practice was in effect at the time of the alleged contravention.

Admissibility

- (2) The code of practice is admissible in evidence in those proceedings.

Presumption

- (3) If the court is satisfied, in relation to any matter which it is necessary for the prosecution to prove in order to establish the contravention, that:
- (a) any provision of the code of practice is relevant to that matter; and

(b) the person failed at any material time to comply with that provision of the code of practice;
that matter is treated as proved unless the court is satisfied that, in respect of that matter, the person complied with that provision of a listed OHS law otherwise than by complying with the code of practice.

86 Interference etc. with equipment etc.

- (1) A person commits an offence if:
- (a) the person engages in conduct; and
 - (b) the conduct results in the interference with, or the rendering ineffective of, any equipment or device provided for the health, safety or welfare of members of the workforce at a facility; and
 - (c) the equipment or device was protective equipment or a safety device; and
 - (d) the person knew (or ought reasonably to have known) that the equipment or device was protective equipment or a safety device.

Penalty: Imprisonment for 6 months or 60 penalty units, or both.

- (2) Subclause (1) does not apply if the person has a reasonable excuse.

Note 1: A defendant bears an evidential burden in relation to the matter in subclause (2)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

87 Members of workforce not to be levied

Offence

- (1) A person commits an offence if:
- (a) the person is:
 - (i) the operator of a facility; or

Clause 88

- (ii) an employer (other than the operator) of members of the workforce at a facility; and
- (b) the person levies, or permits to be levied, on any member of the workforce at the facility, any charge in relation to anything done or provided in accordance with a listed OHS law in order to ensure the health, safety or welfare of persons at or near the facility.

Penalty: 250 penalty units.

Civil penalty

- (2) A person mentioned in paragraph (1)(a) is liable to a civil penalty if the person engages in the conduct mentioned in paragraph (1)(b).

Civil penalty: 350 penalty units.

88 Employer not to dismiss etc. employees on certain grounds

- (1) An employer (whether the operator or another person) must not:
 - (a) dismiss an employee; or
 - (b) perform an act that results in injury to an employee in his or her employment; or
 - (c) perform an act that prejudicially alters the employee's position (whether by deducting or withholding remuneration or by any other means); or
 - (d) threaten to do any of those things;because the employee:
 - (e) has complained or proposes to complain about a matter concerning the health, safety or welfare of employees at work; or
 - (f) has assisted or proposes to assist, by giving information or otherwise, the conduct of an OHS inspection or an inspection in relation to a listed OHS law for the purposes of Division 1 of Part 6.5 of this Act; or

- (g) has ceased, or proposes to cease, to perform work, in accordance with a direction by a health and safety representative under paragraph 44(1)(b) or (3)(c), and the cessation or proposed cessation does not continue after:
 - (i) the health and safety representative has agreed with a person supervising the work that the cessation or proposed cessation was not, or is no longer, necessary; or
 - (ii) a NOPSEMA inspector has, under subclause 44(5), made a decision that has the effect that the employee should perform the work.

Offence

- (2) A person commits an offence if:
 - (a) the person is subject to a requirement under subclause (1); and
 - (b) the person engages in conduct; and
 - (c) the conduct breaches the requirement.

Penalty: 600 penalty units.

- (3) In proceedings for an offence against subclause (2), if all the relevant facts and circumstances, other than the reason for an action alleged in the charge, are proved, the defendant has the onus of establishing that the action was not taken for that reason.

Note: A defendant bears a legal burden in relation to the matter in subclause (3), see section 13.4 of the *Criminal Code*.

89 Institution of prosecutions

NOPSEMA or NOPSEMA inspector may institute prosecutions

- (1) Proceedings for an offence against a listed OHS law may be instituted by NOPSEMA or by a NOPSEMA inspector.

Request to institute prosecutions

Clause 89

- (2) A health and safety representative for a designated work group may request NOPSEMA to institute proceedings for an offence against a listed OHS law in relation to the occurrence of an act or omission if:
 - (a) a period of 6 months has elapsed since the act or omission occurred; and
 - (b) the health and safety representative considers that the occurrence of the act or omission constitutes an offence against a listed OHS law; and
 - (c) proceedings in respect of the offence have not been instituted.
- (3) A workforce representative in relation to a designated work group may request NOPSEMA to institute proceedings for an offence against a listed OHS law in relation to the occurrence of an act or omission if:
 - (a) a period of 6 months has elapsed since the act or omission occurred; and
 - (b) the workforce representative considers that the occurrence of the act or omission constitutes an offence against a listed OHS law; and
 - (c) proceedings in respect of the offence have not been instituted; and
 - (d) a group member included in the group requests the workforce representative to request NOPSEMA to institute the proceedings.
- (4) A request under subclause (2) or (3) must be in writing.
- (5) NOPSEMA must, within 3 months after receiving the request, advise the health and safety representative or the workforce representative, as the case may be, whether proceedings under subclause (1) have been or will be instituted and, if not, give reasons why not.

90 Conduct of directors, employees and agents

Scope

- (1) This clause has effect for the purposes of a proceeding for an offence against a listed OHS law.

State of mind of a body corporate

- (2) If it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show:
- (a) that the conduct was engaged in by a director, employee or agent of the body corporate within the scope of actual or apparent authority; and
 - (b) that the director, employee or agent had the state of mind.

Conduct of a body corporate

- (3) Any conduct engaged in on behalf of a body corporate by a director, employee or agent of the body corporate within the scope of actual or apparent authority is taken to have been engaged in also by the body corporate unless it establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.

State of mind of an individual

- (4) If it is necessary to establish the state of mind of an individual in relation to particular conduct, it is sufficient to show:
- (a) that the conduct was engaged in by an employee or agent of the individual within the scope of actual or apparent authority; and
 - (b) that the employee or agent had the state of mind.

Conduct of an individual

- (5) Any conduct engaged in on behalf of an individual by an employee or agent of the individual within the scope of actual or apparent authority is taken to have been engaged in also by the individual

Clause 91

unless the individual establishes that he or she took reasonable precautions and exercised due diligence to avoid the conduct.

Limitation on imprisonment

- (6) If:
- (a) an individual is convicted of an offence; and
 - (b) he or she would not have been convicted of the offence if subclauses (4) and (5) had not been enacted;
- he or she is not liable to be punished by imprisonment for that offence.

*Extended meaning of **state of mind***

- (7) A reference in subclause (2) or (4) to the **state of mind** of a person includes a reference to:
- (a) the person's knowledge, intention, opinion, belief or purpose; and
 - (b) the person's reasons for the intention, opinion, belief or purpose.

Disapplication of Part 2.5 of the Criminal Code

- (8) Part 2.5 of the *Criminal Code* does not apply to an offence against a listed OHS law.

91 Schedule not to give rise to other liabilities etc.

- (1) This Schedule does not:
- (a) confer a right of action in any civil proceeding in respect of any contravention of a provision of a listed OHS law; or
 - (b) confer a defence to an action in any civil proceeding or otherwise affect a right of action in any civil proceeding.
- (2) However, subclause (1) does not apply in relation to the enforcement, for the purposes of Division 4 of Part 6.5 of this Act, of a listed OHS law that is a civil penalty provision.

92 Circumstances preventing compliance may be defence to prosecution

It is a defence to a prosecution for refusing or failing to do anything required by a listed OHS law if the defendant proves that it was not practicable to do that thing because of an emergency prevailing at the relevant time.

Note: A defendant bears a legal burden in relation to the matter in this clause—see section 13.4 of the *Criminal Code*.

93 Regulations—general

- (1) The regulations may prescribe:
 - (a) procedures for the selection of persons, under clause 41, as members of health and safety committees, to represent the interests of members of the workforce at a facility; and
 - (b) procedures to be followed at meetings of health and safety committees; and
 - (d) forms for the purposes of this Schedule or the regulations.
- (2) Subclause (1) does not limit the power to make regulations.

Exemptions

- (3) If the Minister is satisfied that:
 - (a) a power, function or duty is conferred or imposed on a person under a law of the Commonwealth or of a State or Territory; and
 - (b) the proper exercise of the power or performance of the function or duty is or would be prevented by this Schedule or a provision of this Schedule;regulations made for the purposes of this subclause may declare that this Schedule, or the provision, as the case may be, does not apply to that person, or does not apply to that person in the circumstances specified in the regulations.
- (4) Regulations made for the purposes of subclause (3) do not remain in force for longer than 5 years after they commence, but this

Schedule 3 Occupational health and safety
Part 5 General provisions

Clause 93

subclause does not prevent the making of further regulations of the same substance.

(5) In subclause (3):

this Schedule includes regulations made for the purposes of this Schedule.

Schedule 4—Petroleum production licences to which the Royalty Act applies

Note: See section 167.

Part 1—Introduction

1 Definitions

In this Schedule:

lessee's primary entitlement has the meaning given by subclause 4(3).

permittee's primary entitlement has the meaning given by subclause 2(3).

primary petroleum production licence means a petroleum production licence granted as a result of an application under any of the following provisions:

- (a) subclause 2(2) of this Schedule;
- (b) subclause 2(4) of this Schedule;
- (c) subclause 4(2) of this Schedule;
- (d) subclause 4(4) of this Schedule;
- (e) subsection 40(1) or (2) or 40B(2) or (3) of the repealed *Petroleum (Submerged Lands) Act 1967*.

secondary petroleum production licence means a petroleum production licence granted as a result of an application under any of the following provisions:

- (a) subclause 2(6) of this Schedule;
- (b) subclause 4(6) of this Schedule;
- (c) subsection 40(3) or 40B(4) of the repealed *Petroleum (Submerged Lands) Act 1967*.

Part 2—Applying for a petroleum production licence

2 Application for petroleum production licence by holder of petroleum exploration permit to which the Royalty Act applies

Scope

- (1) This clause applies to a petroleum exploration permit if the Royalty Act applies to the permit.

Note: The Royalty Act applies to a small number of North West Shelf titles.

Application for primary petroleum production licence—permittee’s primary entitlement

- (2) If a petroleum exploration permit is in force over a block that constitutes, or the blocks that constitute, a location, the permittee may, within the application period, apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over the block or blocks worked out using the table:

Permittee’s primary entitlement		
Item	In this case...	the permittee may apply for a petroleum production licence over...
1	9 or more blocks constitute the location concerned	5 of those blocks.
2	8 or 7 blocks constitute the location concerned	4 of those blocks.
3	6 or 5 blocks constitute the location concerned	3 of those blocks.

Permittee's primary entitlement		
Item	In this case...	the permittee may apply for a petroleum production licence over...
4	4 or 3 blocks constitute the location concerned	2 of those blocks.
5	2 blocks constitute the location concerned	one of those blocks.
6	one block constitutes the location concerned	that block.

Note: For *application period*, see clause 3.

- (3) The number of blocks worked out using the table is the *permittee's primary entitlement*.

Application for primary petroleum production licence—blocks less than the permittee's primary entitlement

- (4) If:

- (a) a petroleum exploration permit is in force over blocks that constitute a location; and
- (b) the permittee has not made an application under subclause (2) for a petroleum production licence over the permittee's primary entitlement;

the permittee may, within the application period, apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over a number of those blocks that is less than the permittee's primary entitlement. The permittee is not entitled to make more than one application under this subclause.

Note: For *application period*, see clause 3.

Application for variation of petroleum production licence

- (5) If a petroleum exploration permittee is granted a petroleum production licence as a result of an application under subclause (4), the permittee may, within the application period, make an application, or a series of applications, to the Titles Administrator

Schedule 4 Petroleum production licences to which the Royalty Act applies
Part 2 Applying for a petroleum production licence

Clause 2

for the variation of the licence so as to include in the licence area any or all of the blocks that:

- (a) formed part of the permittee's primary entitlement; and
- (b) were not the subject of the application under subclause (4).

Note: For *application period*, see clause 3.

Application for secondary petroleum production licence

- (6) If:
- (a) a petroleum exploration permittee applies under subclause (2) for a petroleum production licence over the permittee's primary entitlement; or
 - (b) all of the following conditions are satisfied:
 - (i) the permittee is the holder of a petroleum production licence as a result of an application under subclause (4);
 - (ii) the licence is over some of the blocks forming the permittee's primary entitlement;
 - (iii) the permittee makes an application, or a series of applications, under subclause (5) for the variation of the licence;
 - (iv) the application, or series of applications, under subclause (5) covers the remainder of the blocks forming the permittee's primary entitlement;

the permittee may, within the application period, apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over any of the other blocks forming part of the location concerned.

Proposals for work and expenditure

- (7) An application under this clause must be accompanied by details of the applicant's proposals for work and expenditure in relation to the area comprised in the block or blocks specified in the application.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 258 enables the Titles Administrator to require the applicant to give further information.

Note 3: An application under this clause is dealt with under Division 2 of Part 2.4.

3 Application period

- (1) The **application period** for an application under clause 2 is:
 - (a) the period of 2 years after the day (the **declaration day**) on which the block that constitutes the location concerned was, or the blocks that constitute the location concerned were, declared to be a location; or
 - (b) such longer period, not more than 4 years after the declaration day, as the Titles Administrator allows.
- (2) The Titles Administrator may allow a longer period under paragraph (1)(b) only on written application made by the permittee within the period of 2 years mentioned in paragraph (1)(a).
- (3) Despite subclause (1), if:
 - (a) a petroleum exploration permittee has applied for a petroleum retention lease under section 141 over a block or blocks; and
 - (b) a notice refusing to grant the petroleum retention lease has been given to the permittee under section 143; and
 - (ba) the reason for the refusal is that the Joint Authority is not satisfied as to the matter referred to in subparagraph 142(b)(ii);the **application period** for an application made by the permittee under clause 2 for the grant of a petroleum production licence over the block or blocks is whichever of the following periods ends last:
 - (c) the period that is applicable under subclause (1);
 - (d) the period of 12 months after the day on which the notice was given.

Note: Clause 8 deals with the consequences of a failure to make an application within the application period.

Clause 4

4 Application for petroleum production licence by holder of petroleum retention lease to which the Royalty Act applies

Scope

- (1) This clause applies to a petroleum retention lease if the Royalty Act applies to the lease.

Note: The Royalty Act applies to a small number of North West Shelf titles.

Application for primary petroleum production licence—lessee’s primary entitlement

- (2) If a petroleum retention lease is in force over one or more blocks, the lessee may apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over the blocks worked out using the table:

Lessee’s primary entitlement		
Item	In this case...	the lessee may apply for a petroleum production licence over...
1	The lease is over 9 or more blocks	5 of those blocks.
2	The lease is over 8 or 7 blocks	4 of those blocks.
3	The lease is over 6 or 5 blocks	3 of those blocks.
4	The lease is over 4 or 3 blocks	2 of those blocks.
5	The lease is over 2 blocks	one of those blocks.
6	The lease is over one block	that block.

- (3) The number of blocks worked out using the table is the *lessee’s primary entitlement*.

Application for primary petroleum production licence—blocks less than the lessee’s primary entitlement

- (4) If:
-

- (a) a petroleum retention lease is in force over one or more blocks; and
- (b) the lessee has not made an application under subclause (2) for a petroleum production licence over the lessee's primary entitlement;

the lessee may apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over a number of those blocks that is less than the lessee's primary entitlement. The lessee is not entitled to make more than one application under this subclause.

Application for variation of petroleum production licence

- (5) If a petroleum retention lessee is granted a petroleum production licence as a result of an application under subclause (4), the lessee may make an application, or a series of applications, to the Titles Administrator for the variation of the licence so as to include in the licence area any or all of the blocks that:
 - (a) formed part of the lessee's primary entitlement; and
 - (b) were not the subject of the application under subclause (4).

Application for secondary petroleum production licence

- (6) If:
 - (a) a petroleum retention lessee applies under subclause (2) for a petroleum production licence over the lessee's primary entitlement; or
 - (b) all of the following conditions are satisfied:
 - (i) the lessee is the holder of a petroleum production licence as a result of an application under subclause (4);
 - (ii) the licence is over some of the blocks forming the lessee's primary entitlement;
 - (iii) the lessee makes an application, or a series of applications, under subclause (5) for the variation of the licence;

Schedule 4 Petroleum production licences to which the Royalty Act applies
Part 2 Applying for a petroleum production licence

Clause 4

- (iv) the application, or series of applications, under subclause (5) covers the remainder of the blocks forming the lessee's primary entitlement;

the lessee may apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over any of the other blocks forming part of the lease.

Proposals for work and expenditure

- (7) An application under this clause must be accompanied by details of the applicant's proposals for work and expenditure in relation to the area comprised in the block or blocks specified in the application.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 258 enables the Titles Administrator to require the applicant to give further information.

Note 3: An application under this clause is dealt with under Division 2 of Part 2.4.

Part 3—Obtaining a petroleum production licence

5 Secondary petroleum production licence—offer document must specify rate of royalty

If an offer document under section 171 relates to an application for a secondary petroleum production licence, the offer document must specify the rate of royalty determined by the Joint Authority under subsection 6(2) of the Royalty Act.

6 Limit on grant of secondary petroleum production licence

A secondary petroleum production licence may be granted to a petroleum exploration permittee or lessee over any one or more of the blocks that constitute a location only if:

- (a) a primary petroleum production licence has been granted over a block or blocks forming part of that location; and
- (b) the aggregate of:
 - (i) the number of blocks over which the primary petroleum production licence was granted; and
 - (ii) the number of blocks included in that petroleum production licence because of variations of the licence under clause 7;

is the permittee's or lessee's primary entitlement.

Part 4—Variation of licence area

7 Variation of licence area of petroleum production licence

Variation

- (1) If:
- (a) a licensee applies under subclause 2(5) or 4(5) for a variation of the petroleum production licence; and
 - (b) the Joint Authority is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum;
- the Titles Administrator must, by written notice given to the licensee, vary the licence to include in the licence area the block or blocks which the Joint Authority is satisfied contains or contain petroleum.

When variation takes effect

- (2) A variation of a petroleum production licence under this clause takes effect on the day on which notice of the variation is published in the *Gazette*.

Effect of variation

- (3) On and after the day on which a variation of a petroleum production licence under this clause has effect:
- (a) the blocks included in the licence area because of the variation are, for the remainder of the term of the licence, blocks in relation to which the licence is in force; and
 - (b) if the application for variation was made under subclause 2(5)—the petroleum exploration permit that is in force over those blocks ceases to be in force over those blocks; and

- (c) if the application for variation was made under subclause 4(5)—the petroleum retention lease that is in force over those blocks ceases to be in force over those blocks.
- (4) Paragraph (3)(a) has effect subject to Chapter 2.

Part 5—What happens if a block is not taken up

8 Revocation of petroleum exploration permit or petroleum retention lease to the extent to which it relates to a block not taken up

Permittee does not apply for a petroleum production licence or a petroleum retention lease

- (1) If:
- (a) a petroleum exploration permittee could apply under clause 2 in relation to a block; and
 - (b) the permittee does not:
 - (i) within the application period mentioned in subclause 3(1), make the application; or
 - (ii) within the application period mentioned in subsection 141(3), apply under section 141 for a petroleum retention lease;
- then:
- (c) the petroleum exploration permit is revoked to the extent to which it relates to that block; and
 - (d) the revocation has effect at the end of whichever is the later of the application periods mentioned in paragraph (b).

Permittee does not apply for a petroleum production licence

- (1A) If:
- (a) a petroleum exploration permittee applies under section 141 for a petroleum retention lease in relation to a block or blocks; and
 - (b) a notice refusing to grant the petroleum retention lease is given to the permittee under section 143; and

- (c) the reason for the refusal is that the Joint Authority is not satisfied as to the matter referred to in subparagraph 142(b)(ii); and
 - (d) after the section 143 notice is given, the permittee does not, within the application period mentioned in subclause 3(3), apply under clause 2 for a petroleum production licence in relation to that block or those blocks;
- then:
- (e) the petroleum exploration permit is revoked to the extent to which it relates to that block or those blocks; and
 - (f) the revocation has effect at the end of the application period mentioned in subclause 3(3).

Permittee's application lapses

- (2) If all applications made by a petroleum exploration permittee under clause 2 in relation to a block have lapsed:
 - (a) the petroleum exploration permit is revoked to the extent to which it relates to that block; and
 - (b) the revocation has effect:
 - (i) at the end of the application period; or
 - (ii) on the lapsing of the last of the applications;whichever is the later.

Lessee's application lapses

- (3) If all applications made by a petroleum retention lessee under clause 4 in relation to a block have lapsed:
 - (a) the petroleum retention lease is revoked to the extent to which it relates to that block; and
 - (b) the revocation has effect on the lapsing of the last of those applications.

Clause 8

Application for secondary petroleum production licence

- (4) Despite subclauses (1), (2) and (3), if a petroleum exploration permittee or lessee applies for a secondary petroleum production licence:
- (a) the petroleum exploration permit or petroleum retention lease is revoked to the extent to which it relates to any blocks forming part of the location concerned that are not the subject of:
 - (i) that application; or
 - (ii) any application for a primary petroleum production licence; or
 - (iii) an application for the variation of a primary petroleum production licence; and
 - (b) the revocation has effect on the making of the application.

Exception—permit affected by a change to the boundary of the coastal waters of a State or Territory

- (5) This clause does not apply in relation to a petroleum exploration permit if:
- (a) the permit has been granted on the basis that an area (the **relevant area**) is within the offshore area of a State or the Northern Territory; and
 - (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceases to be within the offshore area of the State or Territory; and
 - (ii) falls within the coastal waters of the State or Territory; and
 - (c) immediately before the change, the relevant area was a part of the permit area.
- (6) For the purposes of subclause (5):
- (a) disregard section 283; and
 - (b) it is immaterial whether the change occurred before, at or after the commencement of this subclause.

Schedule 5—Release of technical information given to the Designated Authority before 7 March 2000

Note: See section 721.

1 Simplified outline

The following is a simplified outline of this Schedule:

- This Schedule protects the confidentiality of information contained in certain documents given to the Designated Authority before 7 March 2000.
- The information may be disclosed only if this Schedule authorises the disclosure.
- This Schedule authorises disclosure in the following situations:
 - (a) disclosure of certain basic information given in connection with applications;
 - (b) disclosure of basic information after the authorised release day;
 - (c) disclosure of information that is in the public domain;
 - (d) disclosure of derivative information after 5 years.

2 Definitions

In this Schedule:

applicable document means:

Clause 3

- (a) an application made before 7 March 2000 to the Designated Authority under the repealed *Petroleum (Submerged Lands) Act 1967*; and
- (b) a document accompanying such an application; and
- (c) a report, return or other document that:
 - (i) relates to a block; and
 - (ii) was given before 7 March 2000 to the Designated Authority under the repealed *Petroleum (Submerged Lands) Act 1967*.

authorised release day has the meaning given by subclause 7(2).

3 Time of receipt of certain information

Drilling of a well

- (1) For the purposes of this Schedule:
 - (a) well data relating to the drilling of a well; and
 - (b) logs relating to the drilling of a well; and
 - (c) sample descriptions and other documents relating to the drilling of a well;

are taken to have been given to the Designated Authority not later than one month after the drilling of the well was, in the Designated Authority's opinion, substantially completed.

Geophysical or geochemical surveys

- (2) For the purposes of this Schedule, geophysical or geochemical data relating to geophysical or geochemical surveys are taken to have been given to the Designated Authority not later than one year after the geophysical or geochemical field work was, in the Designated Authority's opinion, substantially completed.

4 Protection of the confidentiality of information

Except as provided by this Schedule or for the purposes of the administration of this Act and the regulations:

- (a) the Titles Administrator; or
- (b) a Minister to whom any information has been made available under subclause 5(1) or (2);

must not make publicly known, or make available to any person (other than a Minister, a Minister of a State or a Minister of the Northern Territory), any information contained in an applicable document.

5 Titles Administrator may make information available to a Minister, a State Minister or a Northern Territory Minister

- (1) The Titles Administrator may, at any time, make available to a Minister, a Minister of a State or a Minister of the Northern Territory any information contained in an applicable document that has been given to the Designated Authority.
- (2) The Titles Administrator must, as and when required by the responsible Commonwealth Minister, make available to the responsible Commonwealth Minister any information referred to in subclause (1).

6 Disclosure of basic information given in connection with an application

The Titles Administrator or the responsible Commonwealth Minister may, at any time after the grant or renewal, or refusal to grant or renew, a petroleum exploration permit, petroleum retention lease, petroleum production licence, pipeline licence, petroleum access authority or petroleum special prospecting authority:

- (a) make publicly known; or
- (b) on request by a person and, if the Titles Administrator or the responsible Commonwealth Minister so requires, on payment

Clause 7

of a fee calculated in accordance with the regulations, make available to that person;

any information contained in, or accompanying, the application for the grant or renewal, as the case may be, but not including:

- (c) information of a kind referred to in subclause 7(1) or 9(1); or
- (d) details of:
 - (i) the technical qualifications of the applicant and of the applicant's employees; or
 - (ii) the technical advice available to the applicant; or
 - (iii) the financial resources available to the applicant.

7 Disclosure of basic information after authorised release day

- (1) The Titles Administrator or the responsible Commonwealth Minister may, at any time after the authorised release day:
 - (a) make publicly known; or
 - (b) on request by a person and, if the Titles Administrator or the responsible Commonwealth Minister so requires, on payment of a fee calculated in accordance with the regulations, make available to that person;any information that:
 - (c) is contained in an applicable document that has been given to the Designated Authority or has been made available to the responsible Commonwealth Minister under subclause 5(1) or (2); and
 - (d) relates to the seabed or subsoil, or to petroleum, in a block; and
 - (e) in the opinion of the Titles Administrator or the responsible Commonwealth Minister, is not a conclusion drawn, in whole or in part, from, or an opinion based, in whole or in part, on, information contained in an applicable document that has been given to the Designated Authority or has been made available to the responsible Commonwealth Minister under subclause 5(1) or (2).

Authorised release day

(2) The table has effect:

Authorised release day		
Item	If the following conditions are satisfied...	the authorised release day is...
1	<p>(a) the applicable document that contains the information was given to the Designated Authority when a petroleum exploration permit, petroleum retention lease or petroleum production licence was not in force in relation to the block concerned;</p> <p>(b) the information was collected for the purpose of the sale of the information on a non-exclusive basis</p>	the day determined by the Designated Authority (the day must not be more than 5 years after the day on which the document was given to the Designated Authority).
2	<p>(a) the applicable document that contains the information was given to the Designated Authority when a petroleum exploration permit, petroleum retention lease or petroleum production licence was not in force in relation to the block concerned;</p> <p>(b) item 1 does not apply</p>	the day determined by the Designated Authority (the day must not be more than 2 years after the day on which the document was given to the Designated Authority).
3	<p>(a) the applicable document that contains the information was given to the Designated Authority when a petroleum exploration permit, petroleum retention lease or petroleum production licence was in force in relation to the block concerned;</p> <p>(b) the permit, lease or licence is subsequently surrendered, cancelled or revoked (or, in the case of a licence, subsequently terminated after the commencement of this subclause) in relation to the block</p>	the day of the surrender, cancellation, or revocation or termination, as the case may be, whether or not another petroleum exploration permit, petroleum retention lease or petroleum production licence is afterwards in force in relation to the block.

Schedule 5 Release of technical information given to the Designated Authority before
7 March 2000

Clause 7

Authorised release day		
Item	If the following conditions are satisfied...	the authorised release day is...
4	<p>(a) the applicable document that contains the information was given to the Designated Authority when a petroleum exploration permit, petroleum retention lease or petroleum production licence was in force in relation to the block concerned;</p> <p>(b) the permit, lease or licence subsequently expires but is not renewed in relation to the block</p>	the day of the expiry, whether or not another petroleum exploration permit, petroleum retention lease or petroleum production licence is afterwards in force in relation to the block.
5	<p>(a) a petroleum production licence is in force over the block concerned;</p> <p>(b) the applicable document that contains the information was given to the Designated Authority when the licence was in force over the block</p>	the last day of the period of one year that began on the day on which the document was given to the Designated Authority.
6	<p>(a) a petroleum production licence is in force over the block concerned;</p> <p>(b) a petroleum exploration permit or petroleum retention lease ceased to be in force over the block, because of section 176 of this Act or subsection 44(5) of the repealed <i>Petroleum (Submerged Lands) Act 1967</i>, on the day on which the licence came into force;</p> <p>(c) the applicable document that contains the information was given to the Designated Authority when the permit or lease was in force over the block</p>	the last day of the period of one year that began on the day on which the document was given to the Designated Authority.
7	<p>(a) a petroleum exploration permit or petroleum retention lease is in force over the block concerned;</p> <p>(b) the applicable document that contains the information was given to the Designated Authority when the permit or lease was in force over the block</p>	the last day of the period of 2 years that began on the day on which the document was given to the Designated Authority.

Authorised release day		
Item	If the following conditions are satisfied...	the authorised release day is...
8	<p>(a) a petroleum retention lease is in force over the block concerned;</p> <p>(b) a petroleum exploration permit ceased to be in force over the block, because of section 145 of this Act or subsection 38B(7) of the repealed <i>Petroleum (Submerged Lands) Act 1967</i>, on the day on which the lease came into force;</p> <p>(c) the applicable document that contains the information was given to the Designated Authority when the permit was in force over the block</p>	<p>the last day of the period of 2 years that began on the day on which the document was given to the Designated Authority.</p>

8 Disclosure of information that is in the public domain

If:

- (a) an applicable document was given to the Designated Authority:
 - (i) during or in relation to a period during which a petroleum exploration permit, petroleum retention lease or petroleum production licence was in force in relation to the block; or
 - (ii) during or in relation to a period during which a petroleum special prospecting authority or petroleum access authority was in force in relation to the block but during which a petroleum exploration permit, petroleum retention lease or petroleum production licence was not in force in relation to the block; and
- (b) whichever of the following is applicable:
 - (i) if the petroleum exploration permit, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority is in force—the permittee, lessee, licensee or holder of the

Clause 9

petroleum special prospecting authority or petroleum access authority;

- (ii) if the petroleum exploration permit, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority has ceased to be in force—the person who was the holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority;

has made publicly known any information contained in the document or has consented in writing to any of that information being made publicly known;

the Titles Administrator or the responsible Commonwealth Minister to whom that information has been made available under subclause 5(1) or (2) may, at any time after that information has been made publicly known or after that consent has been given:

- (c) make that information publicly known; or
(d) on request by any other person and, if the Titles Administrator or the responsible Commonwealth Minister so requires, on payment of a fee calculated in accordance with the regulations, make that information available to that other person.

9 Disclosure of derivative information after 5 years

- (1) The Titles Administrator or the responsible Commonwealth Minister may, at any time after the end of the period of 5 years after an applicable document was given to the Designated Authority:
- (a) make publicly known; or
(b) on request by a person and, if the Titles Administrator or the responsible Commonwealth Minister so requires, on payment of a fee calculated in accordance with the regulations, make available to that person;
- any information that:
- (c) is contained in the document; and

-
- (d) relates to the seabed or subsoil, or to petroleum, in a block;
and
 - (e) in the opinion of the Titles Administrator or the responsible Commonwealth Minister, is a conclusion drawn, in whole or in part, from, or an opinion based, in whole or in part, on, any information contained in an applicable document that has been given to the Designated Authority or has been made available to the responsible Commonwealth Minister under subclause 5(1) or (2).

This subclause has effect subject to subclause (12).

- (2) This clause applies to information contained in an applicable document that was given to the Designated Authority before or after the commencement of section 31 of the *Petroleum (Submerged Lands) Amendment Act 1985*.

Objection to the disclosure of information

- (3) Before the Titles Administrator or the responsible Commonwealth Minister makes available or publicly known any information under subclause (1), the Titles Administrator or the responsible Commonwealth Minister, as the case may be, must:
 - (a) cause to be published in the *Gazette* a notice:
 - (i) stating that the Titles Administrator or the responsible Commonwealth Minister, as the case may be, proposes to make the information available or publicly known;
and
 - (ii) inviting interested persons to give to the Titles Administrator or the responsible Commonwealth Minister, as the case may be, by such day as is specified in the notice (being a day not earlier than 45 days after the publication of the notice), a notice objecting to the whole or any part of the information being made available or publicly known; and
 - (iii) stating that, if a person does not make an objection in accordance with the invitation, the person will be taken to have consented to the information being made available or publicly known; and

Clause 9

- (b) if it is practicable to do so—cause a copy of the notice so published in the *Gazette* to be given to the person who provided the document containing the information.
- (4) The notice of objection must set out the reasons for making the objection.
- (5) A person is not entitled to make an objection to information being made available or publicly known except on the grounds that to do so would disclose:
 - (a) a trade secret; or
 - (b) any other information the disclosure of which would, or could reasonably be expected to, adversely affect the person in relation to the lawful business, commercial or financial affairs of the person.

Decision on objection

- (6) If a person makes an objection to the Titles Administrator or the responsible Commonwealth Minister in accordance with such an invitation, the Titles Administrator or the responsible Commonwealth Minister must, within 45 days after the receipt of the notice of objection, consider the objection, and may:
 - (a) allow it wholly; or
 - (b) allow it partly and disallow the remainder of it; or
 - (c) disallow it wholly;and must cause to be given to the person written notice of the decision on the objection.

Review of decision on objection

- (7) A notice of a decision of the Titles Administrator on an objection must include a statement to the effect that, if the relevant person is dissatisfied with the decision of the Titles Administrator on the objection, the person may, in accordance with subclause (8), request the responsible Commonwealth Minister to review the decision.
 - (8) A person who:
-

Clause 9

- (a) has made an objection to the Titles Administrator; and
 - (b) is dissatisfied with the decision on the objection;
- may, by written notice given to the responsible Commonwealth Minister not later than 30 days after the day on which the notice of the decision referred to in subclause (6) was given to the person, request the responsible Commonwealth Minister to review the decision.
- (9) The notice of request must set out the reasons for making the request.
 - (10) The responsible Commonwealth Minister must, within 45 days after the receipt of the request, review the decision, and may make a decision:
 - (a) in substitution for the first-mentioned decision, whether in the same terms as the first-mentioned decision or not; or
 - (b) revoking the first-mentioned decision.
 - (11) If, as a result of a review under subclause (10), the responsible Commonwealth Minister makes a decision under subclause (10) in substitution for, or revoking, a decision, the responsible Commonwealth Minister must, by written notice given to the person who made the request under subclause (8) for the review:
 - (a) inform the person of the result of the review; and
 - (b) give reasons for the subclause (10) decision.

Information not to be disclosed if objection is in force

- (12) The Titles Administrator or the responsible Commonwealth Minister must not make available or publicly known any information under subclause (1) if there is in force an objection made in relation to the information being made available or publicly known. However, if such an objection is in force, this Schedule does not prevent a further invitation under subclause (3) being made in relation to the information.

Clause 10

10 Transitional—section 118 of the repealed *Petroleum (Submerged Lands) Act 1967*

- (1) After the commencement of this clause, section 118 of the repealed *Petroleum (Submerged Lands) Act 1967* ceases to apply in relation to information contained in an applicable document.
- (2) Subclause (1) has effect despite item 142 of Schedule 1 to the *Petroleum (Submerged Lands) Legislation Amendment Act (No. 1) 2000*.
- (3) A reference in Schedule 6 to a **provision** of the *Petroleum (Submerged Lands) Act 1967* includes a reference to section 118 of the repealed *Petroleum (Submerged Lands) Act 1967* as that section continued to apply, before the commencement of this clause, because of item 142 of Schedule 1 to the *Petroleum (Submerged Lands) Legislation Amendment Act (No. 1) 2000*.

Schedule 6—Transitional provisions

Note: See section 791.

Part 1—Basic provisions

1 Definitions

In this Schedule:

corresponding provision: in determining whether a provision is a corresponding provision:

- (a) regard must be had to the substance of the provision; and
- (b) if the provision appears to have expressed the same idea in a different form of words for the purpose of using a clearer style—disregard the difference.

eligible instrument means regulations, a declaration, a determination, a direction, an agreement, a delegation, an approval, an appointment, a notice or any other instrument, but does not include an old title.

old title means:

- (a) an exploration permit under Division 2 of Part III of the *Petroleum (Submerged Lands) Act 1967*; or
- (b) a retention lease under Division 2A of Part III of the *Petroleum (Submerged Lands) Act 1967*; or
- (c) a production licence under:
 - (i) Division 3 of Part III of the *Petroleum (Submerged Lands) Act 1967*; or
 - (ii) section 148 of the *Petroleum (Submerged Lands) Act 1967*; or
- (d) an infrastructure licence under Division 3A of Part III of the *Petroleum (Submerged Lands) Act 1967*; or
- (e) a pipeline licence under Division 4 of Part III of the *Petroleum (Submerged Lands) Act 1967*; or

Clause 2

- (f) a special prospecting authority under section 111 of the *Petroleum (Submerged Lands) Act 1967*; or
- (g) an access authority under section 112 of the *Petroleum (Submerged Lands) Act 1967*; or
- (h) a scientific investigation consent under section 123 of the *Petroleum (Submerged Lands) Act 1967*.

2 Re-enactment of the *Petroleum (Submerged Lands) Act 1967*

This Act re-enacts the *Petroleum (Submerged Lands) Act 1967* with certain modifications.

Note: Section 15AC of the *Acts Interpretation Act 1901* provides that if an Act has expressed an idea in a particular form of words, and a later Act appears to have expressed the same idea in a different form of words for the purpose of using a clearer style, the ideas shall not be taken to be different merely because different forms of words were used.

3 Old titles continue in force

- (1) To avoid doubt, an old title does not lapse merely because of the repeal of the *Petroleum (Submerged Lands) Act 1967*.
- (2) An old title continues in force subject to, and in accordance with, the provisions of this Act.

Note: This Act includes provisions about the duration of titles.

4 Transitional—eligible instruments

- (1) This clause applies to an eligible instrument if:
 - (a) the eligible instrument was in force immediately before the commencement of this clause; and
 - (b) the eligible instrument was made or given under, or for the purposes of, a particular provision of the *Petroleum (Submerged Lands) Act 1967* (other than subsection 150N(1) of that Act).
- (2) The eligible instrument has effect, after the commencement of this clause, as if:

- (a) it had been made or given under, or for the purposes of, the corresponding provision of this Act; and
 - (b) any requirement imposed by this Act or the *Legislation Act 2003* in relation to the making or giving of the eligible instrument (including a requirement about the form of words) had been satisfied.
- (3) If:
- (a) under the eligible instrument, a particular act or thing was required, permitted or proposed to be done within, or at the end of, a particular period; and
 - (b) if the *Petroleum (Submerged Lands) Act 1967* had not been repealed, that period would have:
 - (i) begun before the commencement of this clause; and
 - (ii) ended after the commencement of this clause;
- this Act and the eligible instrument have effect, after the commencement of this clause, as if the act or thing was required, permitted or proposed to be done within, or at the end of:
- (c) if that period was one month—whichever is the longer of:
 - (i) 30 days; or
 - (ii) one month; or
 - (d) if that period was 3 months—whichever is the longer of:
 - (i) 90 days; or
 - (ii) 3 months; or
 - (e) in any other case—that period;
- instead of the period that would otherwise be applicable.

5 Transitional—acts or things done before commencement

- (1) This clause applies to an act or thing (other than the grant of an old title or the making or giving of an eligible instrument) if:
 - (a) the act or thing was done before the commencement of this clause; and
 - (b) the act or thing was done under, or for the purposes of, a particular provision of the *Petroleum (Submerged Lands) Act 1967*.

Clause 6

- (2) The act or thing has effect, after the commencement of this clause, as if it had been done under, or for the purposes of, the corresponding provision of this Act.

6 Transitional—conditions of old titles

In a condition of an old title, the expression *the Act* includes this Act.

7 Translation of references in documents

- (1) The responsible Commonwealth Minister may, by writing, make any or all of the following declarations in relation to a specified document:
- (a) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the *Petroleum (Submerged Lands) Act 1967* included a reference to this Act;
 - (b) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of the *Petroleum (Submerged Lands) Act 1967* included a reference to the corresponding provision of this Act or the Royalty Act;
 - (c) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to regulations under the *Petroleum (Submerged Lands) Act 1967* included a reference to regulations under this Act;
 - (d) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of regulations under the *Petroleum (Submerged Lands) Act 1967* included a reference to the corresponding provision of regulations under this Act;

- (e) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to an adjacent area within the meaning of the *Petroleum (Submerged Lands) Act 1967* were a reference to the corresponding offshore area of a State or Territory within the meaning of this Act;
- (ea) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the Eastern Greater Sunrise area within the meaning of the *Petroleum (Submerged Lands) Act 1967* were a reference to the Eastern Greater Sunrise offshore area within the meaning of this Act;
- (eb) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the Principal Northern Territory PSL area within the meaning of the *Petroleum (Submerged Lands) Act 1967* were a reference to the Principal Northern Territory offshore area within the meaning of this Act;
- (f) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the relinquished area within the meaning of the *Petroleum (Submerged Lands) Act 1967* were a reference to the corresponding vacated area within the meaning of this Act;
- (g) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the *Petroleum (Submerged Lands) (Royalty) Act 1967* included a reference to the Royalty Act;
- (h) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of the *Petroleum (Submerged Lands) (Royalty) Act 1967* included a reference to the corresponding provision of the Royalty Act or Part 6.7 of this Act;

Clause 7

- (i) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the *Petroleum (Submerged Lands) (Registration Fees) Act 1967* included a reference to the Registration Fees Act;
- (j) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of the *Petroleum (Submerged Lands) (Registration Fees) Act 1967* included a reference to the corresponding provision of the Registration Fees Act or Part 6.7 of this Act;
- (k) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to regulations under the *Petroleum (Submerged Lands) (Registration Fees) Act 1967* included a reference to regulations under the Registration Fees Act;
- (l) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of regulations under the *Petroleum (Submerged Lands) (Registration Fees) Act 1967* included a reference to the corresponding provision of regulations under the Registration Fees Act;
- (m) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to the *Petroleum (Submerged Lands) Fees Act 1994* included a reference to the Annual Fees Act;
- (n) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of the *Petroleum (Submerged Lands) Fees Act 1994* included a reference to the corresponding provision of the Annual Fees Act or Part 6.7 of this Act;
- (o) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other

than a specified reference, in the document to regulations under the *Petroleum (Submerged Lands) Fees Act 1994* included a reference to regulations under the Annual Fees Act;

- (p) that the document has effect, after the commencement of this clause, as if a specified reference, or each reference other than a specified reference, in the document to a particular provision of regulations under the *Petroleum (Submerged Lands) Fees Act 1994* included a reference to the corresponding provision of regulations under the Annual Fees Act.

Note 1: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

Note 2: For specification of more than one document, or more than one reference, see paragraph 23(b) of the *Acts Interpretation Act 1901*.

- (2) A declaration under subclause (1) has effect accordingly.

- (3) A declaration under subclause (1) is a legislative instrument.

Note: This means that the declaration could be disallowed by either House of the Parliament.

- (4) This clause does not authorise the imposition of taxation within the meaning of section 55 of the Constitution.

- (5) In this clause:

document includes:

- (a) an eligible instrument; and
(b) an old title.

8 Transitional regulations

- (1) The Governor-General may make regulations in relation to transitional matters arising out of the repeal of the *Petroleum (Submerged Lands) Act 1967*.

Schedule 6 Transitional provisions
Part 1 Basic provisions

Clause 8

- (2) The Governor-General may make regulations in relation to transitional matters arising out of the repeal of the *Petroleum (Submerged Lands) (Royalty) Act 1967*.
- (3) The Governor-General may make regulations in relation to transitional matters arising out of the repeal of the *Petroleum (Submerged Lands) (Registration Fees) Act 1967*.
- (4) The Governor-General may make regulations in relation to transitional matters arising out of the repeal of the *Petroleum (Submerged Lands) Fees Act 1994*.
- (5) This clause does not authorise the imposition of taxation within the meaning of section 55 of the Constitution.

Part 2—Specific provisions

9 Joint Authority

- (1) A Joint Authority for an offshore area under this Act (other than the Joint Authority for the Principal Northern Territory offshore area or the Joint Authority for the Eastern Greater Sunrise offshore area) is, for all purposes, a continuation of the Joint Authority for the corresponding adjacent area under the *Petroleum (Submerged Lands) Act 1967*.
- (1A) The Joint Authority for the Principal Northern Territory offshore area under this Act is, for all purposes, a continuation of the Joint Authority in respect of the Principal Northern Territory PSL area under the *Petroleum (Submerged Lands) Act 1967*.
- (1B) The Joint Authority for the Eastern Greater Sunrise offshore area under this Act is, for all purposes, a continuation of the Joint Authority in respect of the Eastern Greater Sunrise area under the *Petroleum (Submerged Lands) Act 1967*.
- (2) Despite the repeal of subsections 8D(4) and (5) of the *Petroleum (Submerged Lands) Act 1967*, those subsections continue to apply, in relation to a record or document signed before the commencement of this clause, as if that repeal had not happened.
- Note 1: Subsection 8D(4) of the *Petroleum (Submerged Lands) Act 1967* deals with the evidentiary effect of signed records of the decisions of a Joint Authority.
- Note 2: Subsection 8D(5) of the *Petroleum (Submerged Lands) Act 1967* deals with the legal effect of documents signed, on behalf of the Joint Authority, by the Designated Authority.

10 Joint Authority for an external Territory

- (1) This clause applies to an act or thing that was done:

Clause 11

- (a) by, or in relation to, the Designated Authority for an adjacent area of an external Territory under the *Petroleum (Submerged Lands) Act 1967*; and
 - (b) in, or in connection with, the performance of the functions, or the exercise of the powers, referred to in subsection 8G(1) of that Act.
- (2) The act or thing has effect, after the commencement of this clause, as if it had been done by, or in relation to, the Joint Authority for the corresponding offshore area under this Act.

11 Designated Authority

- (1) A Designated Authority for an offshore area under this Act (other than the Designated Authority for the Principal Northern Territory offshore area or the Designated Authority for the Eastern Greater Sunrise offshore area) is, for all purposes, a continuation of the Designated Authority for the corresponding adjacent area under the *Petroleum (Submerged Lands) Act 1967*.
- (2) The Designated Authority for the Principal Northern Territory offshore area under this Act is, for all purposes, a continuation of the Designated Authority in respect of the Principal Northern Territory PSL area under the *Petroleum (Submerged Lands) Act 1967*.
- (3) The Designated Authority for the Eastern Greater Sunrise offshore area under this Act is, for all purposes, a continuation of the Designated Authority in respect of the Eastern Greater Sunrise area under the *Petroleum (Submerged Lands) Act 1967*.

12 Chief Executive Officer of the National Offshore Petroleum Safety Authority

The office of Chief Executive Officer of the National Offshore Petroleum Safety Authority under this Act is, for all purposes, a continuation of the office of Chief Executive Officer of the National Offshore Petroleum Safety Authority under the *Petroleum (Submerged Lands) Act 1967*.

13 Project inspectors—late commencement of greenhouse gas provisions

- (1) This clause applies to an appointment of a person as an inspector in respect of an adjacent area or a part of an adjacent area if:
 - (a) the appointment was in force immediately before the commencement of this clause; and
 - (b) the appointment was made under section 125 of the *Petroleum (Submerged Lands) Act 1967*; and
 - (c) Schedule 1 to the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* does not commence immediately after the commencement of item 32 of Schedule 1 to the *Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008*.
- (2) The appointment has effect, after the commencement of this clause, as if it had been an appointment of the person as a project inspector under section 600 of this Act in respect of the corresponding offshore area.
- (3) For the purposes of subclause (2):
 - (a) the Principal Northern Territory offshore area under this Act is taken to correspond to the Principal Northern Territory PSL area under the *Petroleum (Submerged Lands) Act 1967*; and
 - (b) the Eastern Greater Sunrise offshore area under this Act is taken to correspond to the Eastern Greater Sunrise area under the *Petroleum (Submerged Lands) Act 1967*.

13A Petroleum project inspectors—early commencement of greenhouse gas provisions

- (1) This clause applies to an appointment of a person as an inspector in respect of an adjacent area if:
 - (a) the appointment was in force immediately before the commencement of section 600 of this Act; and
 - (b) the appointment was made under section 125 of the *Petroleum (Submerged Lands) Act 1967*; and

Clause 13B

- (c) Schedule 1 to the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* commences immediately after the commencement of item 32 of Schedule 1 to the *Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008*.
- (2) The appointment has effect, after the commencement of this clause, as if it had been an appointment of the person as a petroleum project inspector under section 600 of this Act in respect of the corresponding offshore area.

13B Petroleum project inspectors—late commencement of greenhouse gas provisions

- (1) This clause applies to an appointment of a person as a project inspector in respect of an offshore area if:
- (a) the appointment was in force immediately before the commencement of this clause; and
 - (b) the appointment was made under section 600 of this Act; and
 - (c) Schedule 1 to the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* does not commence immediately after the commencement of item 32 of Schedule 1 to the *Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008*.
- (2) The appointment has effect, after the commencement of this clause, as if it had been an appointment of the person as a petroleum project inspector under section 600 of this Act in respect of the offshore area.

14 Offshore area

The offshore area of a State or Territory under this Act corresponds to the area which, immediately before the repeal of the *Petroleum (Submerged Lands) Act 1967*, was the adjacent area in respect of that State or Territory determined in accordance with section 5A of that Act.

Note: The *offshore area* of a State or Territory is defined by section 8.

15 Registers

- (1) A section 469 Register for an offshore area under this Act (other than the Register for the Principal Northern Territory offshore area or the Register for the Eastern Greater Sunrise offshore area) is, for all purposes, a continuation of the Register for the corresponding adjacent area under the *Petroleum (Submerged Lands) Act 1967*.
- (1A) The section 469 Register for the Principal Northern Territory offshore area under this Act is, for all purposes, a continuation of the Register for the Principal Northern Territory PSL area under the *Petroleum (Submerged Lands) Act 1967*.
- (1B) The section 469 Register for the Eastern Greater Sunrise offshore area under this Act is, for all purposes, a continuation of the Register for the Eastern Greater Sunrise area under the *Petroleum (Submerged Lands) Act 1967*.
- (2) Subsection 516(1) of this Act has effect as if the reference in that subsection to Chapter 4 of this Act included a reference to Division 5 of Part III of the *Petroleum (Submerged Lands) Act 1967*.
- Note: Subsection 516(1) of this Act deals with the reception in evidence of a Register.
- (3) Despite the repeal of subsection 87(2) of the *Petroleum (Submerged Lands) Act 1967*, that subsection continues to apply, in relation to a copy or extract certified before the commencement of this clause, as if that repeal had not happened.
- Note: Subsection 87(2) of the *Petroleum (Submerged Lands) Act 1967* deals with the evidentiary effect of certified copies and extracts.
- (4) Despite the repeal of subsection 87(3) of the *Petroleum (Submerged Lands) Act 1967*, that subsection continues to apply, in relation to a certificate given before the commencement of this clause, as if that repeal had not happened.
- Note: Subsection 87(3) of the *Petroleum (Submerged Lands) Act 1967* is about evidentiary certificates.

Clause 16

16 Registration fees—transfer

- (1) This clause applies if, before the commencement of this clause:
 - (a) an application for approval of a transfer of a title was made under section 78 of the *Petroleum (Submerged Lands) Act 1967*; and
 - (b) a payment was made in relation to the approval as mentioned in subsection 78(9) of that Act; and
 - (c) the Designated Authority had not entered in the Register a memorandum of the transfer.
- (2) Subsection 479(3) of this Act has effect, in relation to the approval, as if that payment had been the payment mentioned in that subsection.

17 Registration fees—dealings

- (1) This clause applies if, before the commencement of this clause:
 - (a) either:
 - (i) an application for approval of a dealing was made under section 81 of the *Petroleum (Submerged Lands) Act 1967*; or
 - (ii) a provisional application for approval of a dealing was made under section 81A of the *Petroleum (Submerged Lands) Act 1967*; and
 - (b) a payment was made in relation to the approval as mentioned in subsection 81(12) of that Act; and
 - (c) the Designated Authority had not made an entry in the Register of the approval.
- (2) Subsection 494(3) of this Act has effect, in relation to the approval, as if that payment had been the payment mentioned in that subsection.

18 Retention and inspection of documents

- (1) This clause applies if a provision of Division 5 of Part III of the *Petroleum (Submerged Lands) Act 1967* required that a particular document be:
 - (a) retained by the Designated Authority; and
 - (b) made available for inspection in accordance with that Division.
- (2) The document must be:
 - (a) retained by the Designated Authority; and
 - (b) made available for inspection in accordance with Chapter 4 of this Act.

19 Assessment of registration fee

Section 517 of this Act has effect as if:

- (a) each reference in that section to the Registration Fees Act included a reference to the *Petroleum (Submerged Lands) (Registration Fees) Act 1967*; and
- (b) the reference in paragraph (2)(b) of that section to section 512 of this Act included a reference to subsection 82(1) of the *Petroleum (Submerged Lands) Act 1967*.

20 Payments by the Commonwealth to the States and the Northern Territory

- (1) Despite the repeal of subsections 129(1), (2), (2A) and (3) of the *Petroleum (Submerged Lands) Act 1967*, those subsections continue to apply, in relation to an amount received by the Commonwealth before the commencement of this clause, as if that repeal had not happened.
- (2) Despite the repeal of subsections 129(1A), (2A) and (3) of the *Petroleum (Submerged Lands) Act 1967*, those subsections continue to apply, in relation to an amount that became payable

Clause 21

under Part III of that Act before the commencement of this clause, as if that repeal had not happened.

- (3) If, apart from this subclause, the same amount would be counted for the purposes of a provision of section 129 of the *Petroleum (Submerged Lands) Act 1967* and for the purposes of the corresponding provision of this Act, the amount is to be counted only for the purposes of one of those provisions.
- (4) Section 76 of this Act has effect, in relation to an amount received by the Commonwealth, as if:
- (a) the reference in subparagraph (1)(a)(i) of that section to this Act included a reference to the *Petroleum (Submerged Lands) Act 1967*; and
 - (b) the reference in subparagraph (1)(a)(ii) of that section to the Annual Fees Act included a reference to the *Petroleum (Submerged Lands) Fees Act 1994*; and
 - (c) the reference in subparagraph (1)(a)(iii) of that section to the Registration Fees Act included a reference to the *Petroleum (Submerged Lands) (Registration Fees) Act 1967*.

21 Adjustment to period required or allowed for doing an act or thing etc.

30 days

- (1) If:
- (a) under a particular provision of the *Petroleum (Submerged Lands) Act 1967*, a particular act or thing was required or permitted to be done within a period of one month; and
 - (b) if that Act had not been repealed, the period of one month would have:
 - (i) begun before the commencement of this clause; and
 - (ii) ended after the commencement of this clause; and
 - (c) under the corresponding provision of this Act, the act or thing is required or permitted to be done within 30 days; and
 - (d) the period of one month is longer than the period of 30 days;

this Act has effect as if the act or thing was required or permitted to be done within the period of one month instead of within the period of 30 days.

(2) If:

- (a) under a particular provision of the *Petroleum (Submerged Lands) Act 1967*, the Joint Authority or the Designated Authority was required to give not less than one month's notice of something; and
 - (b) the Joint Authority or the Designated Authority gave notice before the commencement of this clause; and
 - (c) if that Act had not been repealed, the period of one month would have:
 - (i) begun before the commencement of this clause; and
 - (ii) ended after the commencement of this clause; and
 - (d) under the corresponding provision of this Act, the Joint Authority or the Designated Authority is required to give at least 30 days notice of that thing; and
 - (e) the period of one month is longer than the period of 30 days;
- this Act has effect as if the Joint Authority or the Designated Authority had been required to give at least one month's notice of that thing instead of at least 30 days notice.

90 days

(3) If:

- (a) under a particular provision of the *Petroleum (Submerged Lands) Act 1967*, a particular act or thing was required or permitted to be done within a period of 3 months; and
- (b) if that Act had not been repealed, the period of 3 months would have:
 - (i) begun before the commencement of this clause; and
 - (ii) ended after the commencement of this clause; and
- (c) under the corresponding provision of this Act, the act or thing is required or permitted to be done within 90 days; and
- (d) the period of 3 months is longer than the period of 90 days;

Clause 22

this Act has effect as if the act or thing was required or permitted to be done within the period of 3 months instead of within the period of 90 days.

180 days

- (4) If:
- (a) under a particular provision of the *Petroleum (Submerged Lands) Act 1967*, a particular act or thing was required or permitted to be done within a period of 6 months; and
 - (b) if that Act had not been repealed, the period of 6 months would have:
 - (i) begun before the commencement of this clause; and
 - (ii) ended after the commencement of this clause; and
 - (c) under the corresponding provision of this Act, the act or thing is required or permitted to be done within 180 days;
- this Act has effect as if the act or thing was required or permitted to be done within the period of 6 months instead of within the period of 180 days.

22 Old titles—continuation in force beyond date of expiry

- (1) This clause applies if, immediately before the commencement of this clause, an old title was being continued in force beyond its date of expiry subject to, and in accordance with, a particular provision of the *Petroleum (Submerged Lands) Act 1967*.
- (2) The old title continues in force subject to, and in accordance with, the corresponding provision of this Act.

Note: For example, see subsection 32(8) of the *Petroleum (Submerged Lands) Act 1967* and subsection 119(5) of this Act.

23 Renewal of petroleum exploration permits

- (1) The reference in item 1 of the table in subsection 122(2) of this Act to subsection 104(1) of this Act includes a reference to subsection 20(1) of the *Petroleum (Submerged Lands) Act 1967*.

Note: Item 1 is about invitations to apply for the grant of a petroleum exploration permit.

- (2) Sections 125 and 126 of this Act have effect, in relation to an application for the renewal of a petroleum exploration permit that is an old title, as if:
- (a) each reference in those sections to Chapter 2, Chapter 4, Chapter 6 or Part 7.1 of this Act included a reference to Part III of the *Petroleum (Submerged Lands) Act 1967*; and
 - (b) each reference in those sections to regulations under this Act included a reference to regulations under the *Petroleum (Submerged Lands) Act 1967*.

24 Renewal of petroleum retention leases

Sections 154 and 155 of this Act have effect, in relation to an application for the renewal of a petroleum retention lease that is an old title, as if:

- (a) each reference in those sections (other than subsection 155(8)) to Chapter 2, Chapter 4, Chapter 6 or Part 7.1 of this Act included a reference to Part III of the *Petroleum (Submerged Lands) Act 1967*; and
- (b) each reference in those sections to regulations under this Act included a reference to the regulations under the *Petroleum (Submerged Lands) Act 1967*.

25 Grant of petroleum production licences over individual blocks

Section 183 of this Act has effect as if a petroleum production licence granted as a result of an application under section 51 of the *Petroleum (Submerged Lands) Act 1967* had been granted under section 183 of this Act.

26 Renewal of fixed-term petroleum production licences

Sections 185 and 186 of this Act have effect, in relation to an application for the renewal of a fixed-term petroleum production licence that is an old title, as if:

Clause 27

- (a) each reference in those sections to Chapter 2, Chapter 4, Chapter 6 or Part 7.1 of this Act included a reference to Part III of the *Petroleum (Submerged Lands) Act 1967*; and
- (b) each reference in those sections to regulations under this Act included a reference to the regulations under the *Petroleum (Submerged Lands) Act 1967*.

27 Grant of pipeline licences

Sections 221, 222, 223 and 224 of this Act have effect, in relation to an application for the grant of a pipeline licence in a case where the applicant is the licensee of a petroleum production licence that is an old title, as if:

- (a) each reference in those sections to Chapter 2, Chapter 4, Chapter 6 or Part 7.1 of this Act included a reference to Part III of the *Petroleum (Submerged Lands) Act 1967*; and
- (b) each reference in those sections to regulations under this Act included a reference to the regulations under the *Petroleum (Submerged Lands) Act 1967*.

28 Requirement to provide further information in connection with application for title

Section 258 of this Act has effect as if a requirement under any of the following provisions of the *Petroleum (Submerged Lands) Act 1967* were a requirement under subsection 258(2) of this Act:

- (a) subsection 21(4);
- (b) subsection 22A(6);
- (c) subsection 23(5);
- (d) subsection 38A(3);
- (e) subsection 38BB(3);
- (f) subsection 38F(4);
- (g) subsection 41(2);
- (h) subsection 47(7);
- (i) subsection 59B(3);
- (j) subsection 59K(3);

- (k) subsection 64(4);
- (l) subsection 71(3).

29 Revocation of petroleum exploration permits, petroleum retention leases, petroleum production licences and petroleum access authorities

- (1) If a petroleum exploration permit or petroleum retention lease was wholly determined under the *Petroleum (Submerged Lands) Act 1967*, this Act has effect as if the permit or lease had been wholly revoked.
- (2) If a petroleum exploration permit or petroleum retention lease was partly determined to a particular extent under the *Petroleum (Submerged Lands) Act 1967*, this Act has effect as if the permit or lease had been partly revoked to that extent.
- (3) If a petroleum production licence was determined under the *Petroleum (Submerged Lands) Act 1967*, this Act has effect as if the licence had been revoked.
- (4) If a petroleum retention lease was cancelled under section 38E of the *Petroleum (Submerged Lands) Act 1967*, this Act has effect as if the lease had been revoked.
- (5) If a petroleum access authority was cancelled under the *Petroleum (Submerged Lands) Act 1967*, this Act has effect as if the authority had been revoked.

30 Surrender of title

Section 270 of this Act has effect, in relation to the surrender of an old title, as if:

- (a) the reference in subparagraph (3)(a)(i) of that section to this Act included a reference to the *Petroleum (Submerged Lands) Act 1967*; and
- (b) the reference in subparagraph (3)(a)(ii) of that section to the Royalty Act included a reference to the *Petroleum (Submerged Lands) (Royalty) Act 1967*; and

Clause 31

- (c) the reference in subparagraph (3)(a)(iii) of that section to the Annual Fees Act included a reference to the *Petroleum (Submerged Lands) Fees Act 1994*; and
- (d) each reference in paragraphs (3)(b) and (5)(a) of that section to Chapter 2, Chapter 4, Chapter 6 or Part 7.1 of this Act included a reference to Part III of the *Petroleum (Submerged Lands) Act 1967*; and
- (e) each reference in paragraphs (3)(b) and (5)(a) of that section to regulations under this Act included a reference to regulations under the *Petroleum (Submerged Lands) Act 1967*.

31 Cancellation of old titles

Sections 274 and 277 of this Act have effect, in relation to the cancellation of an old title, as if:

- (a) each reference in those sections to Chapter 2, Chapter 4, Chapter 6 or Part 7.1 of this Act included a reference to Part III of the *Petroleum (Submerged Lands) Act 1967*; and
- (b) each reference in those sections to regulations under this Act included a reference to regulations under the *Petroleum (Submerged Lands) Act 1967*; and
- (c) each reference in those sections to this Act included a reference to the *Petroleum (Submerged Lands) Act 1967*; and
- (d) each reference in those sections to the Royalty Act included a reference to the *Petroleum (Submerged Lands) (Royalty) Act 1967*; and
- (e) each reference in those sections to the Annual Fees Act included a reference to the *Petroleum (Submerged Lands) Fees Act 1994*.

32 Commencement of works or operations

- (1) This clause applies if, immediately before the commencement of this clause, an instrument under subsection 96(2) of the *Petroleum (Submerged Lands) Act 1967* was in force in relation to:
 - (a) a petroleum exploration permit; or

- (b) a petroleum retention lease; or
 - (c) an infrastructure licence; or
 - (d) a pipeline licence.
- (2) The instrument ceases to be in force at the commencement of this clause.
- (3) Subsection 568(2) of this Act has effect, in relation to the permit, lease or licence, as if the period specified in the instrument under paragraph 96(2)(b) of the *Petroleum (Submerged Lands) Act 1967* had been allowed by the Designated Authority under paragraph 568(2)(b) of this Act.

33 Deduction of debts from proceeds of sale of property

Subsection 589(2) (as in force before the commencement of Schedule 11 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Act 2019*) of this Act has effect as if:

- (a) the reference in that subsection to this Act included a reference to the *Petroleum (Submerged Lands) Act 1967*; and
- (b) the reference in that subsection to the Royalty Act included a reference to the *Petroleum (Submerged Lands) (Royalty) Act 1967*; and
- (c) the reference in that subsection to the Annual Fees Act included a reference to the *Petroleum (Submerged Lands) Fees Act 1994*.

34 Authorised persons

- (1) This clause applies if, immediately before the commencement of this clause, an authorisation under subsection 140A(4) of the *Petroleum (Submerged Lands) Act 1967* was in force in relation to a person or a person included in a class of persons.
- (2) This Act has effect as if the Designated Authority had made a declaration under subsection 615(2) of this Act in relation to that

Clause 35

person, or a person included in that class of persons, as the case requires.

35 Release of regulatory information

Section 709 of this Act has effect as if the reference in that section to this Act included a reference to the *Petroleum (Submerged Lands) Act 1967*.

36 Release of technical information—deemed time of receipt of certain information and samples

Drilling of a well

- (1) For the purposes of Part 7.3 of this Act:
 - (a) cores and cuttings relating to the drilling of a well; and
 - (b) well data relating to the drilling of a well; and
 - (c) logs relating to the drilling of a well; and
 - (d) sample descriptions and other documents relating to the drilling of a well;are taken to have been given to the Designated Authority not later than 30 days after the drilling of the well was, in the Designated Authority's opinion, substantially completed.
- (2) Subclause (1) does not apply in relation to the drilling of a well unless the drilling of the well was, in the Designated Authority's opinion, substantially completed before 4 June 2004.

Geophysical or geochemical surveys

- (3) For the purposes of Part 7.3 of this Act, geophysical or geochemical data relating to geophysical or geochemical surveys are taken to have been given to the Designated Authority not later than one year after the geophysical or geochemical field work was, in the Designated Authority's opinion, substantially completed.
- (4) Subclause (3) does not apply in relation to a geophysical or geochemical survey unless the geophysical or geochemical field

work was, in the Designated Authority's opinion, substantially completed before 4 June 2004.

37 Liability for acts and omissions

Despite the repeal of section 140AA of the *Petroleum (Submerged Lands) Act 1967*, that section continues to apply, in relation to an act or matter done or omitted to be done before the commencement of this clause, as if that repeal had not happened.

38 Reconsideration and review of decisions

Sections 746 and 747 of this Act have effect as if:

- (a) each reference in those sections to a reviewable delegated decision included a reference to a relevant decision within the meaning of section 152 of the *Petroleum (Submerged Lands) Act 1967*; and
- (b) each reference in those sections to a reviewable Ministerial decision included a reference to a reviewable decision within the meaning of section 152 of the *Petroleum (Submerged Lands) Act 1967*.

39 Meaning of *petroleum* in the *Petroleum (Submerged Lands) Act 1967*

Disregard the definition of *petroleum* in section 7 of this Act in determining the meaning that the expression *petroleum* has or had in the *Petroleum (Submerged Lands) Act 1967*.

40 OHS inspections

Clause 49 of Schedule 3 has effect, after the commencement of this clause, as if the following paragraphs were inserted after each of paragraphs (1)(c) and (2)(c) of that clause:

- (d) to ascertain whether the requirements of, or any requirements properly made under:

Clause 40

- (i) Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967* (as in force before the commencement of this paragraph); or
- (ii) the regulations (within the meaning of Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967* as in force before 1 January 2005); or
- (iii) regulations set out in or prescribed for the purposes of subsection 140H(2) of the repealed *Petroleum (Submerged Lands) Act 1967* as in force during the period that began on 1 January 2005 and ended immediately before the commencement of this paragraph;
were being complied with before the commencement of this paragraph; or
- (e) concerning a contravention, or possible contravention, before the commencement of this paragraph, of:
 - (i) Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967* (as in force before the commencement of this paragraph); or
 - (ii) the regulations (within the meaning of Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967* as in force before 1 January 2005); or
 - (iii) regulations set out in or prescribed for the purposes of subsection 140H(2) of the repealed *Petroleum (Submerged Lands) Act 1967* as in force during the period that began on 1 January 2005 and ended immediately before the commencement of this paragraph; or
- (f) concerning an accident or dangerous occurrence that has happened, before the commencement of this paragraph, in the performing of work (within the meaning of Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967* as in force before the commencement of this paragraph).

41 OHS prosecutions

Clause 89 of Schedule 3 has effect, after the commencement of this clause, as if each reference in that clause to a listed OHS law included a reference to:

- (a) Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967* as in force before the commencement of this clause; and
- (b) the regulations within the meaning of that Schedule as in force before 1 January 2005; and
- (c) regulations set out in or prescribed for the purposes of subsection 140H(2) of the repealed *Petroleum (Submerged Lands) Act 1967*, to the extent that those regulations were in force before the commencement of this clause.

42 Disqualification of health and safety representatives

Subclause 32(2) of Schedule 3 to this Act has effect as if:

- (a) the reference in that subclause to subclause 34(1) of that Schedule included a reference to the corresponding provision of Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967*; and
- (b) the reference in that subclause to Schedule 3 to this Act included a reference to Schedule 7 to the repealed *Petroleum (Submerged Lands) Act 1967*.

43 Designated frontier areas for 2005

The *Petroleum Resource Rent Tax Assessment Act 1987* has effect, and is taken always to have had effect, as if:

- (a) the following areas had been specified in an instrument made under subsection 36B(1) of that Act on 17 April 2005:
 - (i) Area S05-2, as first gazetted in the South Australian Government Gazette on 14 April 2005 under subsection 20(1) of the repealed *Petroleum (Submerged Lands) Act 1967*;

Schedule 6 Transitional provisions
Part 2 Specific provisions

Clause 43

- (ii) Areas W05-5, W05-23 and W05-24, as first gazetted in the Western Australia Government Gazette on 15 April 2005 under subsection 20(1) of the repealed *Petroleum (Submerged Lands) Act 1967*; and
- (b) subsection 36B(3) of the *Petroleum Resource Rent Tax Assessment Act 1987* did not apply to that instrument.

Schedule 7—Greater Sunrise areas

Note: See section 7 (for datum, see section 40).

2 Eastern Greater Sunrise offshore area

The *Eastern Greater Sunrise offshore area* is so much of the offshore area of the Northern Territory as consists of the area the boundary of which commences at the point of Latitude 09°49'54.88"S, Longitude 128°03'26.86"E and runs:

- (a) thence easterly along the loxodrome to the point of Latitude 09°49'54.88"S, Longitude 128°20'04.34"E; and
- (b) thence northerly along the loxodrome to the point of Latitude 09°39'54.88"S, Longitude 128°20'04.34"E; and
- (c) thence easterly along the loxodrome to the point of Latitude 09°39'54.88"S, Longitude 128°25'04.34"E; and
- (d) thence northerly along the loxodrome to the point of Latitude 09°29'54.88"S, Longitude 128°25'04.34"E; and
- (e) thence westerly along the loxodrome to the point of Latitude 09°29'54.88"S, Longitude 128°20'04.34"E; and
- (f) thence northerly along the loxodrome to the point of Latitude 09°24'54.88"S, Longitude 128°20'04.34"E; and
- (g) thence westerly along the loxodrome to the point of Latitude 09°24'54.88"S, Longitude 128°00'04.34"E; and
- (h) thence south-westerly along the loxodrome to the point of Latitude 09°27'54.88"S, Longitude 127°56'04.35"E; and
- (i) thence south-easterly along the geodesic to the point of Latitude 09°29'51.88"S, Longitude 127°58'51.35"E; and
- (j) thence south-easterly along the geodesic to the point of commencement.

3 Western Greater Sunrise area

The *Western Greater Sunrise area* is the area the boundary of which commences at the point of Latitude 09°27'54.88"S, Longitude 127°56'04.35"E and runs:

- (a) thence south-westerly along the loxodrome to the point of Latitude 09°29'54.88"S, Longitude 127°53'24.35"E; and
- (b) thence westerly along the loxodrome to the point of Latitude 09°29'54.88"S, Longitude 127°52'34.35"E; and
- (c) thence southerly along the loxodrome to the point of Latitude 09°34'54.88"S, Longitude 127°52'34.35"E; and
- (d) thence westerly along the loxodrome to the point of Latitude 09°34'54.88"S, Longitude 127°50'04.35"E; and
- (e) thence southerly along the loxodrome to the point of Latitude 09°37'24.88"S, Longitude 127°50'04.35"E; and
- (f) thence westerly along the loxodrome to the point of Latitude 09°37'24.89"S, Longitude 127°45'04.35"E; and
- (g) thence southerly along the loxodrome to the point of Latitude 09°44'54.88"S, Longitude 127°45'04.35"E; and
- (h) thence easterly along the loxodrome to the point of Latitude 09°44'54.88"S, Longitude 127°50'04.35"E; and
- (i) thence southerly along the loxodrome to the point of Latitude 09°47'24.88"S, Longitude 127°50'04.35"E; and
- (j) thence easterly along the loxodrome to the point of Latitude 09°47'24.88"S, Longitude 127°55'04.35"E; and
- (k) thence southerly along the loxodrome to the point of Latitude 09°49'54.88"S, Longitude 127°55'04.35"E; and
- (l) thence easterly along the loxodrome to the point of Latitude 09°49'54.88"S, Longitude 128°03'26.86"E; and
- (m) thence north-westerly along the geodesic to the point of Latitude 09°29'51.88"S, Longitude 127°58'51.35"E; and
- (n) thence north-westerly along the geodesic to the point of commencement.

Schedule 8—Bayu-Undan pipeline international offshore area

Note: See the definition of *Bayu-Undan pipeline international offshore area* in section 7.

1 Bayu-Undan pipeline international offshore area

The *Bayu-Undan pipeline international offshore area* is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Bayu-Undan pipeline international offshore area	
Item	Description
1	11°03'44.4994"S 126°37'6.5192"E
2	South-westerly along the geodesic to 11°04'03.5791"S 126°36'51.2875"E
3	South-westerly along the geodesic to 11°04'26.7849"S 126°36'32.7646"E
4	South-easterly along the geodesic to 11°15'43.6065"S 126°51'02.1405"E
5	North-easterly along the geodesic to 11°15'34.5559"S 126°51'41.9553"E
6	North-easterly along the geodesic to 11°15'28.1024"S 126°52'10.3404"E
7	North-westerly along the geodesic to the starting point

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key 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 (or will amend) the compiled law. The information includes commencement details for amending laws and details of any 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 (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Offshore Petroleum Act 2006	14, 2006	29 Mar 2006	ss. 1, 2 and Schedule 6 (cl. 39): Royal Assent Remainder: 1 July 2008 (see F2008L02273)	
Australian Energy Market Amendment (Gas Legislation) Act 2007	45, 2007	10 Apr 2007	Schedule 2 (items 5–8): 1 July 2008 (s 2(1) item 3)	—
Offshore Petroleum Amendment (Greater Sunrise) Act 2007	49, 2007	10 Apr 2007	Schedule 1 (items 1–87, 97): 1 July 2008 (s 2(1) item 2)	Sch. 1 (item 97)
as amended by Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008	117, 2008	21 Nov 2008	Schedule 3 (item 31AA): 22 Nov 2008	—
Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008	21, 2008	26 May 2008	Schedule 1: 1 July 2008 (s 2(1) items 2–5) Remainder: Royal Assent	—
Offshore Petroleum Amendment (Datum) Act 2008	88, 2008	20 Sept 2008	Schedule 1: 1 July 2008 (s 2(1) item 2) Remainder: Royal Assent	Sch. 1 (item 6)

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008	117, 2008	21 Nov 2008	Schedule 1, Schedule 2 (items 1–3, 3A, 3AD–3AF, 3B, 3C, 4–8, 8A, 8B, 9–13, 13A, 14, 14A, 15–25, 25A–25E, 25G, 25GAA, 25GAB, 25GA, 25GB, 25GL, 25GN, 25J, 25K, 25M, 26–34, 36–38, 38A–38D, 39–44) and Schedule 4 (item 1): 22 Nov 2008 (s 2(1) items 2, 3, 5)	—
Federal Financial Relations (Consequential Amendments and Transitional Provisions) Act 2009	12, 2009	26 Mar 2009	Schedule 2 (items 10–12): 1 Apr 2009 (<i>see s. 2(1)</i>)	—
Fair Work (State Referral and Consequential and Other Amendments) Act 2009	54, 2009	25 June 2009	Schedule 17 (items 2–6): 1 July 2009 (s 2(1) item 40)	—
Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Act 2009	102, 2009	8 Oct 2009	Schedule 1 (items 1–31, 38–51, 53–62, 62A–62D, 63, 64): 9 Oct 2009 Schedule 1 (items 32–37): 1 Jan 2010 Schedule 1 (items 69–88): 22 Nov 2008 (s 2(1) item 5)	Sch. 1 (items 2, 12, 15, 31, 34, 40)
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Schedule 1 (item 38) and Schedule 5 (items 74, 75, 137(a)): 1 Mar 2010 (s 2(1) items 4, 35, 38)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Personal Property Securities (Corporations and Other Amendments) Act 2010 as amended by	96, 2010	6 July 2010	Schedule 3 (items 6–8, 11, 14, 15): 30 Jan 2012 (see F2011L02397)	Sch. 3 (item 15)
Statute Law Revision Act 2013	103, 2013	29 June 2013	Sch 2 (item 11): Royal Assent	—
Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010	103, 2010	13 July 2010	Schedule 6 (items 1, 81): 1 Jan 2011	—
Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Miscellaneous Measures) Act 2010	118, 2010	16 Nov 2010	Schedule 1 (items 1–75): 17 Nov 2010 Schedule 1 (items 76–78): 1 Jan 2010 Remainder: Royal Assent	Sch. 1 (items 10, 78)
Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies (Consequential Amendments) Act 2011	28, 2011	25 May 2011	Schedule 1: 17 June 2011 (see s. 2(1)) Remainder: Royal Assent	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 879–892) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011	112, 2011	14 Oct 2011	Schedule 1: 1 Nov 2011 Schedule 2 (items 1–636): 1 Jan 2012 (<i>see</i> F2011L02622) Schedule 2 (items 642–656) and Schedule 3 (items 2–15, 17): 1 Jan 2012 Schedule 2 (items 637–641): Royal Assent Schedule 4 (items 2–21, 23, 24): 1 Nov 2013 (<i>see</i> C2013G01631) Schedule 5: 9 Oct 2009 (<i>see</i> s. 2(1)) Schedule 6: 15 Oct 2011	Sch. 1 (item 3), Sch. 2 (items 637–656), Sch. 3 (item 17), Sch. 4 (items 23, 24) and Sch. 6 (item 8)
Offshore Resources Legislation Amendment (Personal Property Securities) Act 2011	113, 2011	14 Oct 2011	Schedule 1 (item 2): 30 Jan 2012 (<i>see</i> F2011L02397)	—
Offshore Petroleum and Greenhouse Gas Storage Amendment (Significant Incident Directions) Act 2012	2, 2012	6 Mar 2012	Schedule 1: 7 Mar 2012 Remainder: Royal Assent	—
Navigation (Consequential Amendments) Act 2012	129, 2012	13 Sept 2012	Schedule 2 (item 43): 1 July 2013 (<i>see</i> s 2(1))	—
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Schedule 1 (item 93) and Schedule 4 (items 41, 42, 50): Royal Assent	Sch. 4 (item 50)
Fair Work Amendment Act 2012	174, 2012	4 Dec 2012	Schedule 9 (items 1291–1293): 1 Jan 2013 (s 2(1) item 5)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013	11, 2013	14 Mar 2013	Sch 1 and 2: 1 Oct 2014 (s 2(1) items 2, 3) Sch 3 and 4: 15 Mar 2013 (s 2(1) item 4) Remainder: 14 Mar 2013 (s 2(1) item 1)	Sch 1 (items 154–160), Sch 2 (items 109, 110), Sch 3 (items 2, 3) and Sch 4 (items 18, 19)
as amended by				
Offshore Petroleum and Greenhouse Gas Storage Amendment (Regulatory Powers and Other Measures) Act 2014	80, 2014	17 July 2014	Sch 1 (items 1, 3): 18 July 2014 (s 2(1) item 2)	—
Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013	36, 2013	28 May 2013	Sch 1 and 2: 1 Oct 2014 (s 2(1) items 2, 3) Sch 3 (items 1–8) and Sch 4 (items 1–10, 15–19, 22): 28 Nov 2013 (s 2(1) items 4, 6, 8, 10) Sch 3 (items 9–14) and Sch 4 (items 11–14, 20, 21, 23–25): 29 May 2013 (s 2(1) items 5, 7, 9, 11) Remainder: 28 May 2013 (s 2(1) item 1)	Sch 1 (items 10, 67), Sch 2 (items 40, 45), Sch 3 (items 6–8, 10) and Sch 4 (items 10, 13, 14, 22, 23, 25)
Offshore Petroleum and Greenhouse Gas Storage Amendment (Cash Bidding) Act 2013	141, 2013	13 Dec 2013	14 Dec 2013 (s 2)	—

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 5 (items 78–92), Sch 11 (items 2–15), Sch 13 (items 25–27) and Sch 14: 1 July 2014 (s 2(1) items 5, 6, 10, 14) Sch 13 (items 28–30): 1 Oct 2014 (s 2(1) items 11, 12)	Sch 5 (item 89) and Sch 14
as amended by				
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
as amended by				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
Offshore Petroleum and Greenhouse Gas Storage Amendment (Regulatory Powers and Other Measures) Act 2014	80, 2014	17 July 2014	Sch 1 (items 4–18): 1 Oct 2014 (s 2(1) item 3) Sch 2 (items 1–6, 12, 13): 18 July 2014 (s 2(1) items 4, 6) Sch 2 (items 7–11, 14): 17 Jan 2015 (s 2(1) items 5, 7)	Sch 2 (items 12–14)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision Act (No. 1) 2015	5, 2015	25 Feb 2015	Sch 1 (item 33): 25 Mar 2015 (s 2(1) item 2)	—
Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Measures) Act 2015	15, 2015	19 Mar 2015	20 Mar 2015 (s 2)	Sch 2 (items 13, 14)
Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Matters) Act 2015	33, 2015	2 Apr 2015	Sch 1 (items 48, 49): 20 June 2014 (s 2(1) item 3) Sch 1 (items 1–16, 17–47, 50–92): 3 Apr 2015 (s 2(1) items 2, 4) Sch 1 (items 93–102): 3 Apr 2015 (s 2(1) item 5)	Sch 1 (items 16, 47, 49)
Customs and Other Legislation Amendment (Australian Border Force) Act 2015	41, 2015	20 May 2015	Sch 5 (items 137–139) and Sch 9: 1 July 2015 (s 2(1) items 2, 7)	Sch 5 (item 139) and Sch 9
as amended by Australian Border Force Amendment (Protected Information) Act 2017	115, 2017	30 Oct 2017	Sch 1 (item 26): 1 July 2015 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (items 453–460): 5 Mar 2016 (s 2(1) item 2)	—
Offshore Petroleum and Greenhouse Gas Storage Amendment Act 2016	13, 2016	29 Feb 2016	1 Mar 2016 (s 2(1) item 1)	—

Offshore Petroleum and Greenhouse Gas Storage Act 2006

303

Compilation No. 46

Compilation date: 16/05/2020

Registered: 01/07/2020

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Offshore Petroleum and Greenhouse Gas Storage Amendment (Petroleum Pools and Other Measures) Act 2017	11, 2017	23 Feb 2017	Sch 1 (items 1, 4) and Sch 2 (items 1, 2, 4): 23 Feb 2017 (s 2(1) (items 2, 3, 5)) Sch 2 (item 3): 7 Dec 2011 (s 2(1) item 4)	Sch 1 (item 4) and Sch 2 (item 4)
Home Affairs and Integrity Agencies Legislation Amendment Act 2018	31, 2018	9 May 2018	Sch 2 (items 131–134, 284): 11 May 2018 (s 2(1) items 3, 7)	Sch 2 (item 284)
Treasury Laws Amendment (2019 Petroleum Resource Rent Tax Reforms No. 1) Act 2019	43, 2019	5 Apr 2019	Sch 1 (item 1): 1 July 2019 (s 2(1) item 1)	—
Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019	57, 2019	7 Aug 2019	Sch 1 (items 94–134): 30 Aug 2019 (s 2(1) item 2) Sch 2 (items 4–63): <u>awaiting commencement (s 2(1) item 3)</u>	Sch 1 (items 131–134) and <u>Sch 2 (items 61–63)</u>
Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Act 2019	92, 2019	28 Oct 2019	Sch 1 (items 1–286J, 287–290), Sch 15, Sch 16 (items 16–20) and Sch 18: 28 Apr 2020 (s 2(1) items 2, 3, 5, 7, 9, 10, 12) Sch 1 (items 286K, 286L): <u>awaiting commencement (s 2(1) item 4)</u> Sch 2–14, Sch 16 (items 1–15) and Sch 17: 29 Oct 2019 (s 2(1) items 6, 8, 11)	Sch 1 (items 287–290), Sch 4 (item 23), Sch 6 (item 4), Sch 11 (item 8), Sch 12 (item 2), Sch 15 (item 14) and Sch 18 (item 27)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Offshore Petroleum and Greenhouse Gas Storage Amendment (Cross-boundary Greenhouse Gas Titles and Other Measures) Act 2020	43, 2020	15 May 2020	Sch 1 and Sch 4 (items 46–49, 51–54): <u>awaiting commencement</u> (s 2(1) items 2, 3, 9, 11) Sch 2, Sch 3 (items 1–20, 22) and Sch 4 (items 1–45, 50): 16 May 2020 (s 2(1) items 4, 5, 7, 8, 10 Sch 3 (item 21): 26 July 2018 (s 2(1) item 6)	Sch 1 (items 218–221), Sch 3 (item 22) and Sch 4 (item 50)
Number and year	Registration	Commencement	Application, saving and transitional provisions	
2009 No. 165	30 June 2009 (F2009L02568)	1 July 2009 (r 2)	—	
as amended by				
2009 No. 337	27 Nov 2009 (F2009L04339)	Sch 2: 1 Jan 2010 (r 2(b))	—	

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	am No 117, 2008
Chapter 1	
Part 1.1	
s 1	am No 117, 2008
s 3	ad No 117, 2008
s 4	am No 49, 2007; No 117, 2008; No 112, 2011; No 11, 2013; <u>No 57, 2019</u>
s 6	am No 102, 2009; No 57, 2019
Part 1.2	
Division 1	
s 7	am No 49, 2007; Nos 21 and 117, 2008; Nos 12 and 102, 2009; Nos 8, 96 and 118, 2010; No 112, 2011; No 2, 2012; Nos 11 and 36, 2013; No 80, 2014; No 33, 2015; No 13, 2016; No 57, 2019 (<u>Sch 2 items 5–9</u>); No 92, 2019; No 43, 2020 (<u>Sch 1 items 1–11, 222</u>)
s 8	am No 49, 2007; No 57, 2019 (<u>Sch 2 item 10</u>) ed C43
s 8A.....	ad No 57, 2019
s 10	am No 117, 2008
s 11	am No 117, 2008; No 33, 2015; No 92, 2019
s 12	am No 117, 2008
s 13	ad No 117, 2008 am No 117, 2008
s 14	am No 117, 2008
s 15	am No 117, 2008
s 16	am No 117, 2008; No 112, 2011
s 17	ad No 117, 2008
s 18	ad No 117, 2008
s 19	am No 117, 2008
s 20	ad No 117, 2008
s 21	ad No 117, 2008

Endnote 4—Amendment history

Provision affected	How affected
	am No 102, 2009
s 22	ad No 117, 2008
s 23	ad No 117, 2008
s 24	ad No 117, 2008
s 24A.....	ad <u>No 43, 2020</u>
s 25	ad No 117, 2008
s 26	ad No 117, 2008
	am No 117, 2008
s 27	ad No 117, 2008
	am <u>No 43, 2020</u>
s 27A.....	ad <u>No 43, 2020</u>
s 28	ad No 117, 2008
	am <u>No 43, 2020</u>
s 28A.....	ad <u>No 43, 2020</u>
s 29	ad No 117, 2008
s 30	ad No 117, 2008
	am No 112, 2011
s 30A.....	ad <u>No 43, 2020</u>
s 31	ad No 117, 2008
s 32	ad No 117, 2008
	am <u>No 43, 2020</u>
s 33	am No 88, 2008; <u>No 43, 2020</u>
s 33A.....	ad No 43, 2020
Division 2	
Subdivision A	
s 37	am Nos 21 and 88, 2008
s 38	am Nos 21, 88 and 117, 2008
s 39	ad No 88, 2008
s 40	am No 49, 2007; Nos 21 and 88, 2008; No 57, 2019 (<u>Sch 2 item 11</u>)
s 41	am No 21, 2008
s 42	am No 117, 2008; No 102, 2009

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 43	am No 117, 2008; No 102, 2009
s 44	am No 117, 2008
	rs No 102, 2009
	am No 112, 2011
s 45	rs No 102, 2009
	am No 112, 2011
Subdivision B	
s 49	am No 57, 2019
Division 3	
ss 50, 51	am No 117, 2008
s 53	am No 49, 2007
s 54	am No 49, 2007; No 11, 2017
s 55	am No 117, 2008
Part 1.3	
Part 1.3 heading	rs No 112, 2011
Division 1	
s 56	am No 49, 2007; No 11, 2013; No 57, 2019 (<u>Sch 2 items 12–14</u>)
s 57	am No 49, 2007; No 118, 2010; No 57, 2019 (<u>Sch 2 items 15, 16</u>)
s 58	am No 11, 2013; No 126, 2015
s 59	am No 11, 2013
s 60	am No 11, 2013
s 61	am No 112, 2011; No 11, 2013; No 126, 2015; No 57, 2019 (<u>Sch 2 item 17</u>)
s 62	am No 112, 2011
s 63	am No 112, 2011
s 64	am No 49, 2007; No 11, 2013; No 57, 2019 (<u>Sch 2 item 18</u>)
s 65	am No 112, 2011
s 66	am No 49, 2007; No 21, 2008; No 46, 2011; No 11, 2013; No 126, 2015
s 66A	ad No 11, 2013
s 67	ad No 49, 2007
	am No 46, 2011

Endnote 4—Amendment history

Provision affected	How affected
	rep <u>No 57, 2019</u>
s 68	am No 46, 2011
s 68A.....	ad No 57, 2019
s 69	ad No 49, 2007
	am No 57, 2019
	rep <u>No 57, 2019</u>
s 70	am No 49, 2007
	rep No 112, 2011
	ad No 57, 2019
Division 2	rep No 112, 2011
s 71	am No 49, 2007; No 118, 2010
	rep No 112, 2011
s 72	am No 49, 2007; No 46, 2011
	rep No 112, 2011
s 73	ad No 49, 2007
	rep No 112, 2011
s 74	rep No 112, 2011
Division 3	
s 75	am No 117, 2008; No 12, 2009; No 62, 2014
Part 1.3A	
Part 1.3A.....	ad <u>No 43, 2020</u>
s 76	am No 49, 2007; No 117, 2008; No 112, 2011
	rep No 112, 2011
	ad <u>No 43, 2020</u>
	am <u>No 43, 2020</u>
s 76A.....	ad <u>No 43, 2020</u>
	am <u>No 43, 2020</u>
s 76B.....	ad <u>No 43, 2020</u>
	am <u>No 43, 2020</u>
s 76C.....	ad <u>No 43, 2020</u>
s 76D.....	ad <u>No 43, 2020</u>

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 76E.....	ad <u>No 43, 2020</u>
s 76F.....	ad <u>No 43, 2020</u>
s 76G.....	ad <u>No 43, 2020</u>
s 76H.....	ad <u>No 43, 2020</u>
s 76J.....	ad <u>No 43, 2020</u>
s 76K.....	ad <u>No 43, 2020</u>
s 76L.....	ad <u>No 43, 2020</u>
s 77.....	am No 12, 2009 rep No 112, 2011
Part 1.4	
s 78.....	am No 117, 2008
s 80.....	am No 49, 2007; No 117, 2008
s 82.....	am No 49, 2007
s 89.....	am No 49, 2007
s 91.....	am No 49, 2007
s 92.....	am No 49, 2007
Chapter 2	
Part 2.1	
s 95.....	am No 117, 2008; No 102, 2009
Part 2.2	
Part 2.2 heading.....	am No 117, 2008
Division 1	
s 96.....	am No 117, 2008; No 102, 2009; No 33, 2015
s 97.....	am No 117, 2008
s 98.....	am No 117, 2008
s 99.....	am No 117, 2008; No 33, 2015
s 100.....	ad No 117, 2008 am No 117, 2008
s 101.....	ad No 117, 2008 am No 117, 2008
s 102.....	am No 117, 2008; No 33, 2015

Endnote 4—Amendment history

Provision affected	How affected
s 103	am No 117, 2008; No 112, 2011
Division 2	
Division 2 heading	am No 117, 2008
s 104	am No 117, 2008; No 112, 2011
s 105	am No 117, 2008
s 106	am No 117, 2008; No 126, 2015
s 107	am No 117, 2008
s 108	am No 117, 2008
s 109	am No 117, 2008
Division 3	
Division 3 heading	am No 117, 2008
s 110	am No 117, 2008; No 112, 2011; No 141, 2013
s 111	am No 117, 2008 rs No 141, 2013
s 112	am No 117, 2008 rs No 141, 2013
s 112A.....	ad No 141, 2013
s 112B.....	ad No 141, 2013
s 113	am No 117, 2008; No 141, 2013
s 114	am No 117, 2008; No 112, 2011
Division 4	
Division 4 heading	am No 117, 2008
s 115	am No 117, 2008; No 112, 2011
s 116	am No 117, 2008
s 117	am No 117, 2008
s 118	am No 117, 2008
Division 4A	
Division 4A.....	ad No 33, 2015
s 118A.....	ad No 33, 2015
Division 5	
Division 5 heading	am No 117, 2008

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 119	am No 117, 2008; No 112, 2011; No 33, 2015
s 120	am No 117, 2008
s 121	am No 117, 2008
s 122	am No 117, 2008; No 33, 2015
s 122A.....	ad No 33, 2015
s 123	am No 117, 2008; No 33, 2015
s 124	am No 33, 2015
s 125	am No 117, 2008
s 126	am No 117, 2008
s 127	am No 117, 2008
Division 6	
ss 128–130	am No 117, 2008; No 102, 2009
s 131	am No 117, 2008; No 102, 2009; No 33, 2015
s 132	am No 117, 2008; No 102, 2009; No 33, 2015
s 133	am No 117, 2008; No 102, 2009
Part 2.3	
Part 2.3 heading	am No 117, 2008
Division 1	
s 134	am No 117, 2008; No 33, 2015
s 135	am No 117, 2008
s 136	am No 117, 2008; No 112, 2011; No 33, 2015
s 137	ad No 117, 2008 am No 117, 2008
s 138	ad No 117, 2008 am No 117, 2008
s 139	am No 117, 2008; No 33, 2015
s 140	am No 117, 2008; No 112, 2011
Division 2	
Division 2 heading	am No 117, 2008
Subdivision A	
Subdivision A heading.....	am No 117, 2008

Endnote 4—Amendment history

Provision affected	How affected
s 141	am Nos 21 and 117, 2008; No 112, 2011; No 33, 2015
s 142	am No 117, 2008; No 33, 2015
s 143	am No 117, 2008; No 33, 2015
s 143A.....	ad No 112, 2011
s 144	am No 117, 2008
s 145	am No 117, 2008
s 146	am Nos 21 and 117, 2008
Subdivision B	
Subdivision B heading	am No 117, 2008
s 147	am No 117, 2008; No 112, 2011
s 148	am No 117, 2008
s 149	am No 117, 2008
s 149A.....	ad No 112, 2011
s 150	am No 117, 2008
s 151	am No 117, 2008
s 152	am Nos 21 and 117, 2008
Subdivision C	
Subdivision C heading	ad No 33, 2015
s 152A.....	ad No 33, 2015
Division 3	
Division 3 heading	am No 117, 2008
s 153	am No 117, 2008; No 112, 2011
s 154	am No 117, 2008
s 155	am No 117, 2008
s 155A.....	ad No 112, 2011
s 156	am No 117, 2008
Division 4	
Division 4 heading	am No 117, 2008
s 157	am No 117, 2008; No 112, 2011
s 158	am No 117, 2008

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Part 2.4	
Part 2.4 heading	am No 117, 2008
Division 1	
s 159	am No 117, 2008; No 33, 2015
s 160	am No 117, 2008
s 161	am No 117, 2008
s 162	am No 117, 2008; No 33, 2015
s 163	ad No 117, 2008 am No 117, 2008
s 164	ad No 117, 2008 am No 117, 2008
s 165	am Nos 21 and 117, 2008; No 33, 2015
s 166	am No 117, 2008; No 112, 2011
s 167	am No 117, 2008
Division 2	
Division 2 heading	am No 117, 2008
s 168	am No 49, 2007; Nos 21 and 117, 2008; No 8, 2010; No 112, 2011; <u>No 57, 2019</u>
s 169	am No 117, 2008; No 112, 2011; No 33, 2015
s 170	am No 49, 2007; No 117, 2008; No 112, 2011; <u>No 57, 2019</u>
s 171	am No 49, 2007; No 117, 2008; <u>No 57, 2019</u>
s 172	ad No 49, 2007 am No 117, 2008; No 57, 2019 rep <u>No 57, 2019</u>
s 173	am No 49, 2007; No 117, 2008; No 57, 2019 (<u>Sch 2 item 24</u>)
s 173A	ad No 112, 2011 am <u>No 57, 2019</u>
s 174	ad No 117, 2008 am No 117, 2008
s 175	am No 117, 2008
s 176	am No 117, 2008

Endnote 4—Amendment history

Provision affected	How affected
s 177	am No 117, 2008
Division 3	
Division 3 heading	am No 117, 2008
s 178	am No 117, 2008; No 112, 2011
s 179	am No 117, 2008
s 180	am No 117, 2008
s 181	am No 117, 2008
Division 4	
Division 4 heading	am No 117, 2008
s 182	am No 117, 2008
s 183	am No 117, 2008; No 112, 2011
Division 4A	
Division 4A.....	ad No 33, 2015
s 183A.....	ad No 33, 2015
Division 5	
Division 5 heading	am No 117, 2008
s 184	am No 117, 2008; No 112, 2011; No 33, 2015
s 185	am No 117, 2008
s 186	am No 117, 2008
s 186A.....	ad No 112, 2011
s 187	am No 117, 2008
Division 6	
s 188	am No 117, 2008; No 33, 2015
Division 7	
Subdivision A	
ss 189, 190	am No 117, 2008
Subdivision B	
s 191	am No 49, 2007; No 117, 2008; No 112, 2011; <u>No 57, 2019</u>
Part 2.5	
Division 1	
s 192	am No 117, 2008

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
ss 194, 195	am No 117, 2008
s 197	am No 117, 2008; No 112, 2011
Division 2	
s 198	am No 112, 2011
s 199	am No 117, 2008
s 200A.....	ad No 112, 2011
s 202	am No 117, 2008; No 112, 2011
s 203	ad No 117, 2008 am No 112, 2011
Division 3	
s 204	am No 112, 2011
s 205	am No 117, 2008; No 112, 2011
s 206	am No 117, 2008; No 112, 2011
s 207	ad No 117, 2008 am No 112, 2011
Division 4	
Division 4	ad No 117, 2008
s 208	ad No 117, 2008
Part 2.6	
Division 1	
s 209	am No 45, 2007; No 117, 2008
s 210	am No 102, 2009; No 112, 2011
s 212	am No 117, 2008
s 213	ad No 117, 2008
s 215	am No 117, 2008; No 112, 2011
s 216	am No 112, 2011; No 92, 2019
Division 2	
s 217	am No 117, 2008; No 112, 2011
s 218	am No 117, 2008; No 112, 2011
s 219	ad No 117, 2008 am No 117, 2008

Endnote 4—Amendment history

Provision affected	How affected
s 220	ad No 117, 2008
s 221	am No 117, 2008
s 222	ad No 117, 2008 am No 117, 2008; No 102, 2009
s 223	am No 117, 2008
s 224	ad No 117, 2008 am No 117, 2008
s 225	am No 117, 2008
Division 3	
s 226	am No 112, 2011
s 227	am No 49, 2007; No 118, 2010; No 36, 2013; <u>No 57, 2019</u>
Division 4	
s 228	am No 118, 2010; No 11 and 36, 2013
Part 2.7	
Part 2.7 heading	am No 117, 2008
Division 1	
s 229	am No 117, 2008
s 230	am No 117, 2008
s 231	am No 117, 2008; No 112, 2011; No 36, 2013
s 232	am No 117, 2008
s 233	am No 117, 2008
Division 2	
Division 2 heading	am No 117, 2008
s 234	am No 117, 2008; No 112, 2011
s 235	am No 117, 2008; No 112, 2011
s 236	am No 117, 2008; No 112, 2011
s 237	ad No 117, 2008 am No 117, 2008; No 112, 2011
Part 2.8	
Part 2.8 heading	am No 117, 2008

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Division 1	
s 238	am No 117, 2008
s 239	am No 117, 2008
s 240	am No 117, 2008; No 112, 2011; No 36, 2013
s 241	am No 117, 2008; No 112, 2011
Division 2	
Division 2 heading	am No 117, 2008
s 242	am No 117, 2008; No 112, 2011; No 43, 2020
s 243	am No 117, 2008; No 112, 2011; No 43, 2020
s 244	am No 117, 2008; No 112, 2011
s 245	am No 117, 2008; No 102, 2009; No 112, 2011
Division 3	
Division 3 heading	am No 117, 2008
s 246	am No 117, 2008; No 112, 2011; No 92, 2019
s 247	am No 117, 2008; No 112, 2011
s 248	am No 117, 2008; No 112, 2011
Division 4	
Division 4 heading	am No 117, 2008
s 249	am No 117, 2008; No 118, 2010; No 11 and 36, 2013; No 80, 2014
Division 5	
Division 5 heading	am No 117, 2008
s 250	am No 117, 2008; No 112, 2011
Part 2.9	
Part 2.9 heading	am No 117, 2008
s 251	am No 117, 2008
s 252	am No 117, 2008
s 253	am No 117, 2008; No 102, 2009
s 254	am No 117, 2008; No 102, 2009
Part 2.10	
s 255	am No 117, 2008; No 141, 2013; No 92, 2019
s 256	am No 117, 2008

Endnote 4—Amendment history

Provision affected	How affected
s 257	am No 117, 2008
s 258	am No 117, 2008; No 112, 2011; No 43, 2019
s 259	am No 117, 2008; No 141, 2013
s 260	am No 117, 2008; No 112, 2011; No 141, 2013
s 260A.....	ad No 141, 2013
s 261	am No 117, 2008; No 141, 2013
s 262	am No 117, 2008; No 112, 2011
s 263	ad No 117, 2008 am No 117, 2008
Part 2.11	
Division 1	
Division 1 heading.....	am No 117, 2008
s 264	am No 45, 2007; No 117, 2008; No 112, 2011; No 33, 2015
s 265	am No 117, 2008 rs No 33, 2015
s 265A.....	ad No 33, 2015
s 266	am No 117, 2008
s 267	am No 117, 2008
s 267A.....	ad No 33, 2015 am No 43, 2020
Division 2	
Division 2 heading.....	am No 117, 2008
s 268	am No 117, 2008; No 112, 2011
Part 2.12	
Division 1	
Division 1 heading.....	am No 117, 2008
s 269	am No 117, 2008; No 112, 2011
ss 270, 271	am No 117, 2008; No 112, 2011
Division 2	
Division 2 heading.....	am No 117, 2008
s 272	am No 117, 2008; No 112, 2011

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 273	am No 117, 2008; No 112, 2011
Part 2.13	
Division 1	
Division 1 heading.....	am No 117, 2008
s 274	am No 117, 2008; No 112, 2011; No 92, 2019
s 275	am No 117, 2008
s 276	am No 112, 2011
s 277	am No 117, 2008; No 112, 2011
s 277A.....	ad No 112, 2011
Division 2	
Division 2 heading.....	am No 117, 2008
s 278	am No 117, 2008; No 112, 2011
Part 2.14	
s 279	am No 117, 2008
s 280	am No 117, 2008; No 118, 2010; No 11, 2013
s 281	am No 117, 2008; No 112, 2011
s 282	am No 117, 2008; No 112, 2011; No 33, 2015
s 283	am No 49, 2007; Nos 21 and 117, 2008
s 284	am No 117, 2008; No 102, 2009; No 118, 2010; No 112, 2011; No 11 and 36, 2013; No 80, 2014
s 285	am No 49, 2007; No 117, 2008; <u>No 57, 2019</u>
s 286	ad No 49, 2007
	am No 117, 2008; <u>No 57, 2019</u>
s 286A.....	ad No 112, 2011
	am No 11 and 36, 2013; No 80, 2014
s 286B.....	ad No 112, 2011
s 286C.....	ad No 112, 2011
Chapter 3	
Chapter 3	ad No 117, 2008
Part 3.1	
s 287	ad No 117, 2008

Endnote 4—Amendment history

Provision affected	How affected
s 287A.....	ad No 43, 2020
Part 3.2	
Division 1	
s 288	ad No 117, 2008 am <u>No 43, 2020</u>
s 289	ad No 117, 2008
s 290	ad No 117, 2008
s 291	ad No 117, 2008 am <u>No 43, 2020</u>
s 291A.....	ad <u>No 43, 2020</u>
s 292	ad No 117, 2008 am No 117, 2008; <u>No 43, 2020</u>
s 292A.....	ad <u>No 43, 2020</u>
s 293	ad No 117, 2008 am No 33, 2015; <u>No 43, 2020</u>
s 294	ad No 117, 2008
s 295	ad No 117, 2008 am <u>No 43, 2020</u>
s 295A.....	ad <u>No 43, 2020</u>
s 295B.....	ad <u>No 43, 2020</u> am <u>No 43, 2020</u>
Division 2	
Subdivision A	
Subdivision A heading.....	ad <u>No 43, 2020</u>
s 296	ad No 117, 2008
s 297	ad No 117, 2008 am No 117, 2008; No 102, 2009
ss 298–302	ad No 117, 2008
Subdivision B	
Subdivision B	ad <u>No 43, 2020</u>
s 302A.....	ad <u>No 43, 2020</u>

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 302B.....	ad <u>No 43, 2020</u>
s 302C.....	ad <u>No 43, 2020</u>
Division 3	
s 303	ad No 117, 2008
s 304	ad No 117, 2008
	am No 117, 2008; No 102, 2009
ss 305–307	ad No 117, 2008
Division 3A	
Division 3A.....	ad <u>No 43, 2020</u>
s 307A.....	ad <u>No 43, 2020</u>
s 307B.....	ad <u>No 43, 2020</u>
s 307C.....	ad <u>No 43, 2020</u>
s 307D.....	ad <u>No 43, 2020</u>
Division 4	
Subdivision A	
Subdivision A heading.....	ad <u>No 43, 2020</u>
s 308	ad No 117, 2008
	am <u>No 43, 2020</u>
s 309	ad No 117, 2008
s 310	ad No 117, 2008
s 311	ad No 117, 2008
Subdivision B	
Subdivision B	ad <u>No 43, 2020</u>
s 311A.....	ad <u>No 43, 2020</u>
s 311B.....	ad <u>No 43, 2020</u>
s 311C.....	ad <u>No 43, 2020</u>
s 311D.....	ad <u>No 43, 2020</u>
Division 5	
s 312	ad No 117, 2008
	am No 117, 2008; <u>No 43, 2020</u>
s 312A.....	ad <u>No 43, 2020</u>

Endnote 4—Amendment history

Provision affected	How affected
s 313	ad No 117, 2008 am <u>No 43, 2020</u>
s 314	ad No 117, 2008 am <u>No 43, 2020</u>
s 315	ad No 117, 2008 am No 8, 2010; <u>No 43, 2020</u>
Division 6	
s 316	ad No 117, 2008 am No 117, 2008; No 112, 2011; No 92, 2019
s 317	ad No 117, 2008
Part 3.3	
Division 1	
s 318	ad No 117, 2008 am No 117, 2008; <u>No 43, 2020</u>
s 319	ad No 117, 2008
s 320	ad No 117, 2008 am <u>No 43, 2020</u>
s 320A.....	ad <u>No 43, 2020</u>
s 321	ad No 117, 2008 am No 117, 2008; <u>No 43, 2020</u>
s 321A.....	ad <u>No 43, 2020</u>
s 322	ad No 117, 2008 am No 33, 2015; <u>No 43, 2020</u>
s 323	ad No 117, 2008 am <u>No 43, 2020</u>
s 323A.....	ad <u>No 43, 2020</u>
s 323B.....	ad <u>No 43, 2020</u> am <u>No 43, 2020</u>
Division 2	
Subdivision A	
Subdivision A heading.....	am <u>No 43, 2020</u>

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 324	ad No 117, 2008 am <u>No 43, 2020</u>
s 325	ad No 117, 2008
s 326	ad No 117, 2008
s 327	ad No 117, 2008
s 328	ad No 117, 2008
s 329	ad No 117, 2008
Subdivision AA	
Subdivision AA	ad <u>No 43, 2020</u>
s 329A.....	ad <u>No 43, 2020</u>
s 329B.....	ad <u>No 43, 2020</u>
s 329C.....	ad <u>No 43, 2020</u>
s 329D.....	ad <u>No 43, 2020</u>
s 329E.....	ad <u>No 43, 2020</u>
s 329F	ad <u>No 43, 2020</u>
Subdivision B	
Subdivision B heading	am <u>No 43, 2020</u>
s 330	ad No 117, 2008 am <u>No 43, 2020</u>
s 331	ad No 117, 2008
s 332	ad No 117, 2008
s 333	ad No 117, 2008
s 334	ad No 117, 2008
s 335	ad No 117, 2008
Subdivision BA	
Subdivision BA.....	ad <u>No 43, 2020</u>
s 335A.....	ad <u>No 43, 2020</u>
s 335B.....	ad <u>No 43, 2020</u>
s 335C.....	ad <u>No 43, 2020</u>
s 335D.....	ad <u>No 43, 2020</u>
s 335E.....	ad <u>No 43, 2020</u>

Endnote 4—Amendment history

Provision affected	How affected
s 335F	ad <u>No 43, 2020</u>
Subdivision C	
Subdivision C heading	am <u>No 43, 2020</u>
s 336	ad No 117, 2008 am <u>No 43, 2020</u>
s 337	ad No 117, 2008
s 338	ad No 117, 2008
s 339	ad No 117, 2008
s 340	ad No 117, 2008
s 341	ad No 117, 2008
s 342	ad No 117, 2008
Subdivision CA	
Subdivision CA.....	ad <u>No 43, 2020</u>
s 342A.....	ad <u>No 43, 2020</u>
s 342B.....	ad <u>No 43, 2020</u>
s 342C.....	ad <u>No 43, 2020</u>
s 342D.....	ad <u>No 43, 2020</u>
s 342E.....	ad <u>No 43, 2020</u>
s 342F	ad <u>No 43, 2020</u>
s 342G.....	ad <u>No 43, 2020</u>
Subdivision D	
Subdivision D heading.....	am No 117, 2008
s 343	ad No 117, 2008 am No 117, 2008; No 80, 2014
ss 344, 345	ad No 117, 2008
s 346	ad No 117, 2008 am No 117, 2008; No 102, 2009
Division 3	
Subdivision A	
Subdivision A heading.....	ad <u>No 43, 2020</u>
s 347	ad No 117, 2008

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am <u>No 43, 2020</u>
s 348	ad No 117, 2008
s 349	ad No 117, 2008
s 350	ad No 117, 2008
Subdivision B	
Subdivision B	ad <u>No 43, 2020</u>
s 350A.....	ad <u>No 43, 2020</u>
s 350B.....	ad <u>No 43, 2020</u>
s 350C.....	ad <u>No 43, 2020</u>
s 350D.....	ad <u>No 43, 2020</u>
Division 4	
s 351	ad No 117, 2008
	am No 117, 2008; No 112, 2011; No 92, 2019
s 352	ad No 117, 2008
Division 5	
s 353	ad No 117, 2008
Division 5A	
Division 5A.....	ad <u>No 43, 2020</u>
s 353A.....	ad <u>No 43, 2020</u>
Division 6	
Division 6 heading.....	am No 117, 2008
s 354	ad No 117, 2008
	am No 117, 2008
Part 3.4	
Division 1	
s 355	ad No 117, 2008
	am No 117, 2008; <u>No 43, 2020</u>
ss 356, 357	ad No 117, 2008
s 358	ad No 117, 2008
	am No 117, 2008; No 102, 2009; <u>No 43, 2020</u>
s 358A.....	ad <u>No 43, 2020</u>

Endnote 4—Amendment history

Provision affected	How affected
s 359	ad No 117, 2008 am <u>No 43, 2020</u>
s 360	ad No 117, 2008 am No 92, 2019
s 360A.....	ad <u>No 43, 2020</u> am <u>No 43, 2020</u>
Division 2	
Subdivision A	
Subdivision A heading	am <u>No 43, 2020</u>
s 361	ad No 117, 2008 am No 117, 2008; <u>No 43, 2020</u>
s 362	ad No 117, 2008 am No 117, 2008
ss 363, 364	ad No 117, 2008
s 365	ad No 117, 2008 am No 117, 2008
ss 366–368	ad No 117, 2008
Subdivision AA	
Subdivision AA	ad <u>No 43, 2020</u>
s 368A.....	ad <u>No 43, 2020</u>
s 368B.....	ad <u>No 43, 2020</u>
s 368C.....	ad <u>No 43, 2020</u>
s 368D.....	ad <u>No 43, 2020</u>
s 368E.....	ad <u>No 43, 2020</u>
s 368F.....	ad <u>No 43, 2020</u>
s 368G.....	ad <u>No 43, 2020</u>
s 368H.....	ad <u>No 43, 2020</u>
Subdivision B	
Subdivision B heading	am No 117, 2008
ss 369, 370	ad No 117, 2008 am No 117, 2008

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
ss 371, 372	ad No 117, 2008
s 373	ad No 117, 2008 am No 117, 2008
Division 3	
s 374	ad No 117, 2008 am No 102, 2009; <u>No 43, 2020</u>
s 374A	ad <u>No 43, 2020</u>
s 375	ad No 117, 2008 am <u>No 43, 2020</u>
Division 4	
s 376	ad No 117, 2008 am No 112, 2011; No 92, 2019; <u>No 43, 2020</u>
s 377	ad No 117, 2008 am No 117, 2008; <u>No 43, 2020</u>
s 378	ad No 117, 2008
Division 5	
s 379	ad No 117, 2008 am <u>No 43, 2020</u>
s 380	ad No 117, 2008 am No 112, 2011; <u>No 43, 2020</u>
s 381	ad No 117, 2008 am No 117, 2008
s 382	ad No 117, 2008
Division 6	
s 383	ad No 117, 2008 am No 117, 2008; No 112, 2011; <u>No 43, 2020</u>
s 384	ad No 117, 2008 am No 117, 2008
s 385	ad No 117, 2008
Division 7	
s 386	ad No 117, 2008

Endnote 4—Amendment history

Provision affected	How affected
	am No 117, 2008
s 387	ad No 117, 2008
s 388	ad No 117, 2008
s 389	ad No 117, 2008
s 390	ad No 117, 2008
s 391	ad No 117, 2008
s 392	ad No 117, 2008
s 393	ad No 117, 2008
s 394	ad No 117, 2008
s 395	ad No 117, 2008
s 396	ad No 117, 2008
s 397	ad No 117, 2008
s 398	ad No 117, 2008
	am No 92, 2019
Division 8	
ss 399–401	ad No 117, 2008
Part 3.5	
Division 1	
s 402	ad No 117, 2008
	am No 117, 2008
s 403	ad No 117, 2008
s 404	ad No 117, 2008
	am No 36, 2013
s 405	ad No 117, 2008
s 406	ad No 117, 2008
Division 2	
s 407	ad No 117, 2008
	am No 117, 2008
ss 408, 409	ad No 117, 2008
s 410	ad No 117, 2008
	am No 117, 2008; No 112, 2011

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Part 3.6	
Division 1	
s 411	ad No 117, 2008
s 412	ad No 117, 2008
s 413	ad No 117, 2008
	am No 36, 2013
s 414	ad No 117, 2008
Division 2	
ss 415–417	ad No 117, 2008
Division 3	
ss 418, 419	ad No 117, 2008
Division 4	
s 420	ad No 117, 2008
	am No 118, 2010
Division 5	
s 421	ad No 117, 2008
Part 3.7	
ss 422–425	ad No 117, 2008
Part 3.8	
s 426	ad No 117, 2008
s 427	ad No 117, 2008
s 428	ad No 117, 2008
s 429	ad No 117, 2008
	am <u>No 43, 2020</u>
s 429A.....	ad <u>No 43, 2020</u>
s 430	ad No 117, 2008
	am No 92, 2019; <u>No 43, 2020</u>
s 431	ad No 117, 2008
	am <u>No 43, 2020</u>
s 431A.....	ad <u>No 43, 2020</u>
s 432	ad No 117, 2008

Endnote 4—Amendment history

Provision affected	How affected
s 433	ad No 117, 2008 am <u>No 43, 2020</u>
s 434	ad No 117, 2008 am <u>No 43, 2020</u>
s 434A.....	ad <u>No 43, 2020</u>
s 435	ad No 117, 2008 am <u>No 43, 2020</u>
Part 3.9	
Division 1	
Subdivision A	
Subdivision A heading.....	ad <u>No 43, 2020</u>
s 436	ad No 117, 2008 am No 33, 2015; No 92, 2019; <u>No 43, 2020</u>
s 437	ad No 117, 2008 rs No 33, 2015
s 437A.....	ad No 33, 2015 am <u>No 43, 2020</u>
s 438	ad No 117, 2008
s 439	ad No 117, 2008
Subdivision B	
Subdivision B	ad <u>No 43, 2020</u>
s 439A.....	ad <u>No 43, 2020</u>
s 439B.....	ad <u>No 43, 2020</u>
s 439C.....	ad <u>No 43, 2020</u>
Division 2	
s 440	ad No 117, 2008 am No 92, 2019
Part 3.10	
Division 1	
s 441	ad No 117, 2008
s 442	ad No 117, 2008

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am No 112, 2011; No 92, 2019; <u>No 43, 2020</u>
s 443	ad No 117, 2008
Division 2	
ss 444, 445	ad No 117, 2008
Part 3.11	
Division 1	
s 446	ad No 117, 2008
	am No 112, 2011; No 92, 2019; <u>No 43, 2020</u>
s 447	ad No 117, 2008
	am <u>No 43, 2020</u>
s 448	ad No 117, 2008
s 449	ad No 117, 2008
	am No 112, 2011
s 449A.....	ad No 92, 2019
Division 2	
s 450	ad No 117, 2008
Part 3.12	
s 451	ad No 117, 2008
	am No 118, 2010
s 451A.....	ad <u>No 43, 2020</u>
s 451B.....	ad <u>No 43, 2020</u>
s 452	ad No 117, 2008
	am No 117, 2008; No 102, 2009; No 118, 2010
s 452A.....	ad No 92, 2019
s 453	ad No 117, 2008
	am No 117, 2008; No 112, 2011
s 454	ad No 117, 2008
	am No 92, 2019
s 455	ad No 117, 2008
s 456	ad No 117, 2008
s 457	ad No 117, 2008

Endnote 4—Amendment history

Provision affected	How affected
s 458	ad No 117, 2008 am No 117, 2008; <u>No 43, 2020</u>
s 459	ad No 117, 2008
s 460	ad No 117, 2008 am No 118, 2010
s 461	ad No 117, 2008 am <u>No 43, 2020</u>
s 461A.....	ad <u>No 43, 2020</u>
s 462	ad No 117, 2008
s 463	ad No 117, 2008
s 464	ad No 117, 2008
s 465	ad No 117, 2008
Chapter 4	
Chapter 4 heading	rs No 117, 2008
Part 4.1	
s 466	rs No 117, 2008 am No 117, 2008 rs No 112, 2011
s 467	am No 117, 2008; No 102, 2009; No 112, 2011
Part 4.2	
Part 4.2 heading	am No 117, 2008
ss 469, 470	am No 117, 2008; No 112, 2011
s 471	am No 117, 2008; No 112, 2011
s 471A.....	ad No 102, 2009 am No 112, 2011
Part 4.3	
s 472	am No 112, 2011
s 473	am No 112, 2011
s 474	am No 117, 2008; No 102, 2009; No 112, 2011; No 80, 2014
s 475	ad No 117, 2008 am No 102, 2009

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	rep No 112, 2011
ss 476, 477	am No 112, 2011
s 478	am No 117, 2008; No 102, 2009; No 112, 2011
s 479	am No 112, 2011
Part 4.4	
ss 482, 483	am No 112, 2011
Part 4.5	
ss 484, 485	am No 112, 2011
Part 4.6	
s 486	am No 117, 2008
s 487	am No 112, 2011
s 488	am No 112, 2011
s 489	am No 117, 2008; No 102, 2009; No 96, 2010; No 112, 2011; No 80, 2014
s 490	ad No 117, 2008
	am No 102, 2009
	rep No 112, 2011
ss 491, 492	am No 112, 2011
s 493	am No 117, 2008; No 102, 2009; No 112, 2011
s 494	am No 112, 2011
s 495	am No 112, 2011
s 496	am No 112, 2011
Part 4.7	
s 498	am No 112, 2011
s 499	am No 117, 2008; No 102, 2009; No 96, 2010; No 112, 2011; No 80, 2014
s 500	ad No 117, 2008
	am No 102, 2009
	rep No 112, 2011
s 501	am No 117, 2008
s 503	am No 112, 2011
Part 4.8	
ss 504, 505	am No 112, 2011

Endnote 4—Amendment history

Provision affected	How affected
s 506	am No 49, 2007; No 112, 2011; <u>No 57, 2019</u>
Part 4.9	
s 507	am No 112, 2011; No 11 and 36, 2013; No 80, 2014
s 508	am No 118, 2010; No 112, 2011; No 11 and 36, 2013; No 80, 2014
s 509	am No 112, 2011; No 11 and 36, 2013; No 80, 2014
s 510	am No 112, 2011
Part 4.10	
s 511	am No 112, 2011
s 512	am No 112, 2011 rep No 112, 2011
s 514	am No 118, 2010; No 112, 2011
s 515	am No 112, 2011
s 516	am No 112, 2011
s 516A.....	ad No 112, 2011
s 517	am No 49, 2007; No 112, 2011 rep No 112, 2011
Chapter 5	
Chapter 5	ad No 117, 2008
Part 5.1	
s 518	ad No 117, 2008 rs No 112, 2011
ss 519, 520	ad No 117, 2008
Part 5.2	
ss 521–523	ad No 117, 2008 am No 112, 2011
s 523A.....	ad No 102, 2009 am No 112, 2011
Part 5.3	
s 524	ad No 117, 2008 am No 112, 2011
s 525	ad No 117, 2008

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am No 112, 2011
s 526	ad No 117, 2008
ss 527, 528	ad No 117, 2008
	am No 112, 2011
s 529	ad No 117, 2008
	am No 117, 2008; No 112, 2011
s 530	ad No 117, 2008
	am No 112, 2011
ss 531, 532	ad No 117, 2008
Part 5.4	
ss 533, 534	ad No 117, 2008
	am No 112, 2011
Part 5.5	
ss 535, 536	ad No 117, 2008
	am No 112, 2011
Part 5.6	
s 537	ad No 117, 2008
s 538	ad No 117, 2008
	am No 112, 2011
s 539	ad No 117, 2008
	am No 112, 2011
s 540	ad No 117, 2008
	am No 96, 2010; No 112, 2011
ss 541–543	ad No 117, 2008
	am No 112, 2011
s 544	ad No 117, 2008
	am No 112, 2011
s 545	ad No 117, 2008
	am No 112, 2011
ss 546, 547	ad No 117, 2008

Endnote 4—Amendment history

Provision affected	How affected
Part 5.7	
s 548	ad No 117, 2008 am No 112, 2011
s 549	ad No 117, 2008 am No 96, 2010; No 112, 2011
ss 550, 551	ad No 117, 2008
s 552	ad No 117, 2008 am No 112, 2011
Part 5.8	
ss 553, 554	ad No 117, 2008 am No 112, 2011
s 555	ad No 117, 2008 am No 112, 2011; <u>No 57, 2019</u>
Part 5.9	
s 556	ad No 117, 2008 am No 112, 2011
s 557	ad No 117, 2008 am No 118, 2010; No 112, 2011
s 558	ad No 117, 2008 am No 112, 2011
s 559	ad No 117, 2008 am No 112, 2011
Part 5.10	
s 560	ad No 117, 2008 am No 112, 2011
s 561	ad No 117, 2008 am No 112, 2011 rep No 112, 2011
s 562	ad No 117, 2008
s 563	ad No 117, 2008 am No 112, 2011

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 564	ad No 117, 2008 am No 112, 2011
s 565	ad No 117, 2008 am No 112, 2011
s 565A.....	ad No 112, 2011
s 566	ad No 117, 2008 am No 112, 2011 rep No 112, 2011
Chapter 6	
Part 6.1	
s 567	am No 36, 2013
s 568	am No 117, 2008; No 112, 2011
s 569	am No 117, 2008; No 118, 2010; No 112, 2011; No 2, 2012; No 11, 2013
s 570	ad No 117, 2008 am No 117, 2008; No 118, 2010; No 92, 2019
s 571	am No 117, 2008; No 112, 2011 rs No 36, 2013 am No 62, 2014; No 92, 2019
s 571A.....	ad No 36, 2013
s 572	am No 117, 2008; No 112, 2011; No 2, 2012; No 11, 2013; No 92, 2019
Part 6.1A	
Part 6.1A.....	ad No 36, 2013
Division 1	
s 572A.....	ad No 36, 2013 am No 43, 2020
s 572AA.....	ad No 43, 2020
s 572AB.....	ad No 43, 2020
s 572B.....	ad No 36, 2013
Division 2	
s 572C.....	ad No 36, 2013 am No 92, 2019; No 43, 2020

Endnote 4—Amendment history

Provision affected	How affected
s 572D.....	ad No 36, 2013 am No 62, 2014; No 92, 2019; No 43, 2020
s 572E.....	ad No 36, 2013 am No 92, 2019; No 43, 2020
s 572F.....	ad No 36, 2013 am No 15, 2015; No 92, 2019; No 43, 2020 ed C46
s 572G.....	ad No 43, 2020
s 572H.....	ad No 43, 2020
s 572J.....	ad No 43, 2020
Part 6.2	
Part 6.2 heading.....	rs No 117, 2008
Division 1	
s 573.....	rs No 117, 2008; No 112, 2011 am No 2, 2012; No 11, 2013
Division 2	
s 574.....	am No 117, 2008; No 112, 2011; No 2, 2012; No 11, 2013; No 126, 2015; No 92, 2019
s 574A.....	ad No 112, 2011 am No 2, 2012; No 11, 2013; No 92, 2019
s 574B.....	ad No 36, 2013
s 575.....	am No 118, 2010; No 112, 2011; No 11 and 36, 2013
s 576.....	am No 112, 2011 rs No 11, 2013 am No 36, 2013
Division 2A	
Division 2A.....	ad No 2, 2012
s 576A.....	ad No 2, 2012 am No 43, 2020
s 576B.....	ad No 2, 2012

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am No 11, 2013; No 36, 2013; No 92, 2019; No 43, 2020 (<u>Sch 4 items 51, 52</u>)
s 576C.....	ad No 2, 2012
	am No 11, 2013; No 43, 2020 (<u>Sch 4 item 46</u>)
s 576D.....	ad No 2, 2012
	rs No 11, 2013
	am No 36, 2013; No 80, 2014
s 576E.....	ad No 43, 2020
s 576F.....	ad No 43, 2020
s 576G.....	ad No 43, 2020
Division 3	
Division 3 heading.....	rs No 112, 2011
s 577.....	am No 49, 2007; No 117, 2008; No 112, 2011; No 92, 2019
s 577A.....	ad No 112, 2011
	am No 92, 2019
Division 4	
s 578.....	am No 117, 2008; No 112, 2011
	rs No 11, 2013
	am No 92, 2019
Part 6.3	
Part 6.3.....	ad No 117, 2008
Division 1	
s 579.....	ad No 117, 2008
	rs No 92, 2019
Division 2	
s 579A.....	ad No 92, 2019
s 580.....	ad No 117, 2008
	am No 112, 2011; No 92, 2019
s 580A.....	ad No 92, 2019
s 581.....	ad No 117, 2008
	am No 118, 2010; No 92, 2019

Endnote 4—Amendment history

Provision affected	How affected
s 582	ad No 117, 2008 am No 92, 2019
Division 3	
Division 3 heading	rs No 92, 2019
s 582A	ad No 92, 2019
s 583	ad No 117, 2008 am No 112, 2011; No 92, 2019
Division 4	
s 584	ad No 117, 2008 am No 112, 2011; No 11, 2013; No 92, 2019
Part 6.4	
Division 1	
Division 1 heading	ad No 117, 2008
s 585	am No 117, 2008 rs No 112, 2011
s 585A	ad No 36, 2013
s 586	am No 117, 2008; No 118, 2010; No 112, 2011; No 11, 2013
s 586A	ad No 112, 2011 am No 11, 2013; No 43, 2020
s 587	am No 117, 2008; No 118, 2010; No 112, 2011; No 11, 2013
s 587A	ad No 112, 2011 am No 11, 2013; No 43, 2020
s 587B	ad No 11, 2013 am No 36, 2013; No 80, 2014
s 588	am No 112, 2011
s 589	am No 117, 2008; No 112, 2011; No 62, 2014; No 92, 2019
s 590	am No 117, 2008
s 590A	ad No 112, 2011
Division 2	
Division 2	ad No 117, 2008
s 591	ad No 117, 2008

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am No 92, 2019
s 591A.....	ad No 36, 2013
	am No 92, 2019
s 591B.....	ad No 92, 2019
s 592	ad No 117, 2008
	am No 118, 2010; No 92, 2019
s 593	ad No 117, 2008
	am No 118, 2010
s 594	ad No 117, 2008
	am No 117, 2008; <u>No 43, 2020</u>
s 594A.....	ad No 92, 2019
s 595	ad No 117, 2008
	am No 118, 2010; No 92, 2019
s 595A.....	ad No 92, 2019
s 596	ad No 117, 2008
s 596A.....	ad No 92, 2019
s 597	ad No 117, 2008
	am No 112, 2011; No 92, 2019
s 598	ad No 117, 2008
	am No 92, 2019
Part 6.5	
Part 6.5 heading.....	rs No 11, 2013
Division 1	
Division 1 heading.....	ad No 117, 2008
	rs No 92, 2019
s 599	am No 117, 2008; No 112, 2011; No 11, 2013; No 92, 2019
s 600	am No 49, 2007; No 117, 2008; No 112, 2011; No 62, 2014
	rs No 11, 2013
	am No 92, 2019
s 601	am No 49, 2007; No 117, 2008
	rs No 11, 2013

Endnote 4—Amendment history

Provision affected	How affected
	am No 92, 2019
s 602	am No 117, 2008
	rs No 11, 2013
	am <u>No 57, 2019</u>
s 602A.....	ad No 11, 2013
s 602B.....	ad No 11, 2013
	am No 62, 2014
s 602C.....	ad No 11, 2013
	am No 80, 2014; No 92, 2019
s 602D.....	ad No 11, 2013
	am No 80, 2014; No 92, 2019
s 602E.....	ad No 11, 2013
	am No 36, 2013; No 92, 2019
s 602F.....	ad No 11, 2013
	am No 92, 2019
s 602G.....	ad No 11, 2013
	am No 80, 2014; No 92, 2019
s 602H.....	ad No 11, 2013
	rep <u>No 57, 2019</u>
s 602J.....	ad No 11, 2013
	am No 92, 2019
s 602JA.....	ad No 92, 2019
s 602K.....	ad No 11, 2013
	am No 92, 2019
s 602L.....	ad No 11, 2013
	am No 92, 2019
s 603	am No 117, 2008
s 604	am No 31, 2018
Division 2 heading.....	rep No 92, 2019
Division 2	ad No 117, 2008
s 605	ad No 117, 2008

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	rep No 92, 2019
s 606	ad No 117, 2008
	rep No 92, 2019
s 607	ad No 117, 2008
	rep No 92, 2019
s 608	ad No 117, 2008
	rep No 92, 2019
s 609	ad No 117, 2008
s 610	ad No 117, 2008
	am No 31, 2018
Division 3	
Division 3 heading	ad No 117, 2008
s 611	am No 117, 2008
Division 4	
Division 4	ad No 11, 2013
s 611A	ad No 11, 2013
s 611B	ad No 11, 2013
	am No 92, 2019; <u>No 43, 2020</u>
s 611C	ad No 36, 2013
Division 5	
Division 5	ad No 36, 2013
s 611D	ad No 36, 2013
s 611E	ad No 36, 2013
	am No 80, 2014; No 92, 2019
s 611F	ad No 36, 2013
	am No 80, 2014
s 611G	ad No 36, 2013
	am No 80, 2014
Division 6	
Division 6	ad No 36, 2013
s 611H	ad No 36, 2013

Endnote 4—Amendment history

Provision affected	How affected
s 611J.....	ad No 36, 2013 am No 80, 2014; No 92, 2019; <u>No 43, 2020</u>
Division 7	
Division 7	ad No 36, 2013
s 611K.....	ad No 36, 2013
s 611L.....	ad No 36, 2013 am No 62, 2014
Division 8	
Division 8	ad No 92, 2019
s 611M.....	ad No 92, 2019
s 611N.....	ad No 92, 2019 am No 92, 2019
s 611P.....	ad No 92, 2019
s 611Q.....	ad No 92, 2019
Part 6.6	
Division 1	
s 612	am No 117, 2008; No 112, 2011; No 92, 2019
s 614	am Nos 21 and 117, 2008; No 112, 2011; No 92, 2019
s 615	am No 117, 2008; No 112, 2011; No 41, 2015; No 126, 2015; No 92, 2019
Division 2	
Division 2 heading.....	rs No 117, 2008
s 616	am No 117, 2008; No 112, 2011; No 126, 2015
Division 3	
Division 3	ad No 117, 2008
s 617	ad No 117, 2008 am No 92, 2019
Division 4	
s 618	am No 112, 2011
Division 5	
s 620	am No 11, 2013
s 621	am No 117, 2008; No 11, 2013

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 622	am No 117, 2008
s 623	am No 117, 2008
Part 6.7	
Division 1	rep No 112, 2011
s 624	am No 117, 2008 rep No 112, 2011
ss 625, 626	rep No 112, 2011
s 627	am No 117, 2008 rep No 112, 2011
s 628	ad No 117, 2008 rep No 112, 2011
Division 2	rep No 112, 2011
s 629	am No 117, 2008; No 112, 2011 rep No 112, 2011
s 630	ad No 117, 2008 rep No 112, 2011
Division 3	
s 634	am No 92, 2019
s 635	am No 112, 2011
Division 4	
s 636	am No 117, 2008; No 112, 2011; No 92, 2019
Part 6.8	
s 638	am Nos 21 and 117, 2008; No 118, 2010; No 112, 2011; No 11, 2013; No 92, 2019
s 640	am No 49, 2007; No 129, 2012
s 641	am No 15, 2015
Part 6.9	
Part 6.9 heading	rs No 112, 2011
Division 1	
s 642	am No 117, 2008; No 118, 2010 rs No 112, 2011

Endnote 4—Amendment history

Provision affected	How affected
	am No 11, 2013
s 643	am No 49, 2007; No 117, 2008; No 28, 2011; No 112, 2011; No 11, 2013; No 36, 2013; No 15, 2015; No 57, 2019; No 92, 2019; <u>No 43, 2020</u>
s 644	am No 21, 2008; No, 117, 2008
	rs No 15, 2015
Division 2	
Division 2 heading	rs No 112, 2011
s 645	rs No 112, 2011
s 646	am No 117, 2008; No 118, 2010; No 112, 2011; No 15, 2015
s 646A	ad No 112, 2011
	am No 15, 2015; No 33, 2015; No 92, 2019
s 647	am No 112, 2011; No 126, 2015
s 648	am No 112, 2011; No 62, 2014
s 649	am No 112, 2011; No 80, 2014; No 15, 2015; No 92, 2019
s 650	am No 21, 2008
	rs No 112, 2011
	am No 62, 2014; No 15, 2015
s 651	rep No 112, 2011
s 652	am No 112, 2011
Division 3	
Division 3 heading	rs No 112, 2011
Subdivision A	
s 653	rs No 112, 2011
s 654	am No 117, 2008; No 112, 2011; No 36, 2013; No 126, 2015
s 656	am No 46, 2011; No 112, 2011; No 36, 2013
Subdivision B	
s 657	am No 126, 2015
Subdivision C	
s 658	am No 46, 2011
s 664	am No 46, 2011

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Division 4	
Division 4 heading	rs No 112, 2011
s 665	am No 46, 2011; No 112, 2011; No 36, 2013
s 666	am No 112, 2011; No 62, 2014
s 667	am No 112, 2011; No 62, 2014
s 671	rep No 62, 2014
s 672	am No 62, 2014
s 674	am No 46, 2011
s 675	am No 21, 2008; No 112, 2011; No 11, 2013 (md); No 36, 2013
s 676	am No 112, 2011
s 677	am No 112, 2011; No 62, 2014; No 126, 2015
Division 5	
s 678	am No 117, 2008; No 112, 2011 rs No 62, 2014 am No 15, 2015
s 679	am No 117, 2008; No 112, 2011; No 62, 2014
Division 6	rep No 11, 2013
s 680	am No 112, 2011 rep No 11, 2013
s 681	am No 112, 2011 rep No 11, 2013
Division 7	
Division 7 heading	rs No 112, 2011; No 62, 2014
Division 7	rs No 62, 2014
s 682	rs No 112, 2011; No 62, 2014 am No 62, 2014 rs No 62, 2014
s 683	am No 102, 2009; Nos 28 and 112, 2011 rs No 62, 2014
s 684	am No 112, 2011 rep No 62, 2014

Endnote 4—Amendment history

Provision affected	How affected
Division 8	
s 685	am No 112, 2011; No 62, 2014; No 92, 2019
s 686	am Nos 28 and 112, 2011; No 92, 2019
s 687	am No 28, 2011; No 112, 2001; No 11, 2017; No 92, 2019
s 688	rep No 102, 2009
	ad No 28, 2011
	am No 112, 2011; No 92, 2019
s 688A.....	ad No 28, 2011
	am No 112, 2011; No 92, 2019
s 688B.....	ad No 28, 2011
	am No 112, 2011; No 92, 2019
s 688C.....	ad No 112, 2011
	am No 11, 2017; No 92, 2019
s 689	am No 112, 2011; No 126, 2015
Division 9	
s 690	am No 112, 2011; No 36, 2013; No 62, 2014
s 691	am No 112, 2011; No 126, 2015
s 692	am No 112, 2011; No 126, 2015
s 694	rs SLI 2009 No 165 (as am by SLI 2009 No 337)
	am No 174, 2012; No 11, 2013
s 695	am No 117, 2008
	rs No 112, 2011
s 695AA.....	ad No 112, 2011
	rep No 57, 2019
Part 6.10	
Part 6.10.....	ad No 112, 2011
Division 1	
s 695AB.....	ad No 112, 2011
Division 2	
s 695A.....	ad No 112, 2011
s 695B.....	ad No 112, 2011

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am No 43, 2020
s 695C.....	ad No 112, 2011
	am No 136, 2012; No 36, 2013
s 695D.....	ad No 112, 2011
s 695E.....	ad No 112, 2011
s 695F.....	ad No 112, 2011
s 695G.....	ad No 112, 2011
Division 3	
s 695H.....	ad No 112, 2011
	am No 62, 2014
s 695J.....	ad No 112, 2011
	am No 62, 2014
s 695K.....	ad No 112, 2011
	am No 141, 2013; No 62, 2014
Division 4	
s 695L.....	ad No 112, 2011
	am No 92, 2019
s 695M.....	ad No 112, 2011
	am No 141, 2013; No 80, 2014; No 33, 2015; No 92, 2019
Division 5	
s 695N.....	ad No 112, 2011
	am No 36, 2013
s 695P.....	ad No 112, 2011
	am No 136, 2012
s 695Q.....	ad No 112, 2011
s 695R.....	ad No 112, 2011
Part 6.11	
Part 6.11.....	ad No 11, 2013
Division 1	
s 695S.....	ad No 11, 2013
	am No 43, 2020

Endnote 4—Amendment history

Provision affected	How affected
s 695T	ad No 11, 2013
s 695U	ad No 11, 2013 am No 92, 2019
Division 2	
s 695V	ad No 11, 2013
Division 3	
s 695W	ad No 11, 2013 am <u>No 43, 2020</u>
s 695X	ad No 11, 2013 am No 41, 2015
s 695XA	ad No 57, 2019
s 695Y	ad No 11, 2013
Chapter 7	
Chapter 7 heading	rs No 117, 2008
Part 7.1	
Division 1	
s 696	am No 117, 2008; No 112, 2011; No 11, 2013
Division 2	
s 697	am No 117, 2008; No 118, 2010; No 112, 2011; No 11, 2013; No 36, 2013; No 126, 2015
s 698	am No 117, 2008; No 102, 2009; No 112, 2011
Division 3	
s 699	am No 117, 2008; No 112, 2011; No 11 and 36, 2013; No 80, 2014
s 701	am No 117, 2008; No 112, 2011; No 11, 2013
s 702	am No 92, 2019
s 703	am No 117, 2008; No 112, 2011; No 11, 2013
s 704	am No 117, 2008; No 112, 2011; No 11, 2013
s 705	am No 117, 2008; No 112, 2011; No 11, 2013
s 706	am No 117, 2008; No 112, 2011; No 11, 2013
s 707A	ad No 112, 2011 am No 11, 2013

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Part 7.2	
s 708	am No 117, 2008; No 112, 2011
s 709	am No 112, 2011
Part 7.3	
Division 1	
s 710	am No 112, 2011
s 711	am No 112, 2011; No 92, 2019
Division 2	
Subdivision A	
Subdivision A heading	rs No 112, 2011
s 712	am No 112, 2011
s 713	am No 112, 2011
s 714	am No 112, 2011; No 92, 2019
Subdivision B	
Subdivision B heading	rs No 92, 2019
s 715	am No 92, 2019
s 716	am No 92, 2019
Subdivision C	
s 717	am No 92, 2019
s 718	am No 112, 2011
Division 3	
s 720	am No 112, 2011
Chapter 8	
Chapter 8	ad No 117, 2008
Part 8.1	
Division 1	
s 722	ad No 117, 2008
	am No 112, 2011; No 92, 2019
Division 2	
s 723	ad No 117, 2008
	am No 118, 2010; No 112, 2011

Endnote 4—Amendment history

Provision affected	How affected
s 724	ad No 117, 2008 am No 102, 2009; No 112, 2011
Division 3	
Division 3 heading	am <u>No 43, 2020</u>
s 725	ad No 117, 2008 am No 112, 2011; No 92, 2019
s 726	ad No 117, 2008
s 727	ad No 117, 2008 am No 112, 2011; No 92, 2019
s 728	ad No 117, 2008 am No 92, 2019
s 729	ad No 117, 2008 am No 112, 2011; No 92, 2019
s 730	ad No 117, 2008 am No 112, 2011; No 92, 2019
s 731	ad No 117, 2008 am No 112, 2011; No 92, 2019
s 732	ad No 117, 2008 am No 112, 2011; No 92, 2019
s 733	ad No 117, 2008
s 733A.....	ad No 112, 2011 am No 92, 2019
Division 4	
Division 4	ad <u>No 43, 2020</u>
s 733B.....	ad <u>No 43, 2020</u>
s 733C.....	ad <u>No 43, 2020</u>
s 733D.....	ad <u>No 43, 2020</u>
s 733E.....	ad <u>No 43, 2020</u>
s 733F.....	ad <u>No 43, 2020</u>
s 733G.....	ad <u>No 43, 2020</u>
s 733H.....	ad <u>No 43, 2020</u>

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 733J.....	ad <u>No 43, 2020</u>
Part 8.2	
s 734	ad No 117, 2008 am No 112, 2011
s 734A.....	ad No 112, 2011
Part 8.3	
Division 1	
s 735	ad No 117, 2008 am No 112, 2011; No 43, 2020
s 736	ad No 117, 2008 am No 112, 2011; No 92, 2019; <u>No 43, 2020</u>
s 737	ad No 117, 2008
Division 2	
Subdivision A	
Subdivision A heading.....	rs No 112, 2011
s 738	ad No 117, 2008 am No 112, 2011
s 739	ad No 117, 2008 am No 112, 2011
s 740	ad No 117, 2008 am No 112, 2011; No 92, 2019
Subdivision AA	
Subdivision AA	ad No 92, 2019
s 740A.....	ad No 92, 2019
s 740B.....	ad No 92, 2019
Subdivision B	
s 741	ad No 117, 2008 am No 92, 2019
s 742	ad No 117, 2008
Division 3	
s 743	ad No 117, 2008

Endnote 4—Amendment history

Provision affected	How affected
	am No 112, 2011
Chapter 9	
Part 9.1	
Part 9.1 heading	rs No 112, 2011
s 744	rs No 112, 2011
s 745	am No 117, 2008; No 112, 2011; No 92, 2019
s 746	rep No 112, 2011
s 747A.....	ad No 112, 2011
Part 9.2	
Part 9.2.....	ad No 117, 2008
s 748	ad No 117, 2008
s 749	ad No 117, 2008
	am No 117, 2008; <u>No 43, 2020</u>
s 750	ad No 117, 2008
	am No 46, 2011
ss 751–758	ad No 117, 2008
Part 9.3	
Part 9.3.....	ad No 117, 2008
Division 1	
Division 1 heading.....	am <u>No 43, 2020</u>
s 759	ad No 117, 2008
	am No 117, 2008; No 11, 2013; <u>No 43, 2020</u>
s 760	ad No 117, 2008
s 761	ad No 117, 2008
	am No 92, 2019
s 762	ad No 117, 2008
s 763	ad No 117, 2008
s 764	ad No 117, 2008
s 765	ad No 117, 2008
Division 2	
Division 2 heading.....	am <u>No 43, 2020</u>

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
ss 766, 767	ad No 117, 2008
Division 3	
Division 3	ad <u>No 43, 2020</u>
s 767A.....	ad <u>No 43, 2020</u>
s 767B.....	ad <u>No 43, 2020</u>
Part 9.4	
s 768	am No 117, 2008; No 112, 2011; No 11, 2013; No 92, 2019; <u>No 43, 2020</u>
Part 9.6.....	rep No 36, 2013
s 771	am No 117, 2008; No 112, 2011 rep No 36, 2013
s 772	am No 112, 2011 rep No 36, 2013
s 773	ad No 117, 2008 rep No 36, 2013
s 774	am No 117, 2008; No 112, 2011 rep No 36, 2013
s 775	ad No 117, 2008 rep No 36, 2013
Part 9.6A	
Part 9.6A.....	ad No 118, 2010
Division 1	
s 775A.....	ad No 118, 2010 am No 112, 2011; No 36, 2013; No 15, 2015; No 33, 2015; <u>No 43, 2020</u>
s 775B.....	ad No 118, 2010 am No 112, 2011; No 15, 2015
s 775C.....	ad No 118, 2010 am No 112, 2011; No 15, 2015; <u>No 43, 2020</u>
s 775CA.....	ad <u>No 43, 2020</u>
Division 2	
s 775D.....	ad No 118, 2010 am No 36, 2013

Endnote 4—Amendment history

Provision affected	How affected
s 775E.....	ad No 118, 2010 am No 36, 2013
Part 9.7	
s 776.....	am No 49, 2007; <u>No 57, 2019</u>
s 777.....	ad No 49, 2007 rep <u>No 57, 2019</u>
Part 9.8	
Part 9.8.....	ad No 117, 2008
s 778.....	ad No 117, 2008 am No 46, 2011; No 112, 2011
Part 9.9	
Part 9.9.....	ad No 117, 2008
s 779.....	ad No 117, 2008 am No 112, 2011
Part 9.10	
Part 9.10.....	ad No 117, 2008
s 780.....	ad No 117, 2008
Part 9.10A	
Part 9.10A.....	ad No 102, 2009
s 780A.....	ad No 102, 2009 am No 2, 2012
ss 780B, 780C.....	ad No 102, 2009
s 780D.....	ad No 102, 2009 am No 112, 2011
s 780E.....	ad No 102, 2009
s 780F.....	ad No 102, 2009 am No 112, 2011; No 11 and 36, 2013; No 80, 2014; <u>No 57, 2019</u> ; No 92, 2019 (<u>Sch 1 items 286K, 286L</u>)
s 780G.....	ad No 102, 2009
Part 9.10B	
Part 9.10B.....	ad No 113, 2011

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 780H.....	ad No 113, 2011
Part 9.10C	
Part 9.10C.....	ad No 13, 2016
Division 1	
s 780J.....	ad No 13, 2016
Division 2	
s 780K.....	ad No 13, 2016
s 780L.....	ad No 13, 2016
Part 9.10D	
Part 9.10D.....	ad No 57, 2019
Division 1	
s 780M.....	ad No 57, 2019
Division 2	
s 780N.....	ad No 57, 2019
Division 3	
s 780P.....	ad No 57, 2019
Part 9.11	
s 782.....	am No 117, 2008
s 782A.....	ad No 36, 2013 am No 5, 2015
s 785.....	ad No 117, 2008 am <u>No 43, 2020</u>
s 786.....	am No 49, 2007; No 117, 2008
s 787.....	ad No 117, 2008
s 789.....	ad No 117, 2008
s 790A.....	ad No 11, 2013 am No 36, 2013; No 92, 2019
s 790B.....	ad No 43, 2020 am <u>No 43, 2020</u>
s 790C.....	ad No 43, 2020 am <u>No 43, 2020</u>

Endnote 4—Amendment history

Provision affected	How affected
s 790D.....	ad No 43, 2020 am <u>No 43, 2020</u>
Schedule 1	
Schedule 1.....	rs No 21, 2008
c 1.....	rs No 21, 2008 ed C43
c 2.....	rs No 21, 2008 ed C43
c 3.....	rs No 21, 2008 ed C43
c 4.....	rs No 21, 2008 ed C43
c 5.....	rs No 21, 2008 am No 57, 2019 ed C43
c 6.....	rs No 21, 2008 ed C43
c 7.....	rs No 21, 2008 am No 57, 2019 ed C43
c 8.....	rs No 21, 2008 am No 57, 2019 ed C43
c 9.....	rs No 21, 2008
Schedule 2	
Schedule 2.....	rs No 21, 2008
c 1.....	rs No 21, 2008 ed C43
Schedule 2A	
Schedule 2A heading.....	rs No 92, 2019
Schedule 2A.....	ad No 11, 2013

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
c 1	ad No 11, 2013 rs No 92, 2019 am No 43, 2020
c 2	ad No 11, 2013 am No 36, 2013; No 92, 2019; No 43, 2020 (<u>Sch 4 item 49</u>)
c 2A	ad No 43, 2020 am <u>No 43, 2020</u>
c 2B.....	ad No 43, 2020
Part 2	
Part 2 heading	rs No 92, 2019
Division 1	
Division 1 heading	rs No 92, 2019
c 3	ad No 11, 2013 am No 92, 2019; No 43, 2020
c 4	ad No 11, 2013 am No 92, 2019; No 43, 2020
c 5	ad No 11, 2013 am No 92, 2019; No 43, 2020
c 6	ad No 11, 2013 am No 92, 2019
Division 2	
Division 2 heading	rs No 92, 2019
c 7	ad No 11, 2013 am No 92, 2019; No 43, 2020
c 8	ad No 11, 2013 am No 92, 2019; No 43, 2020
c 9	ad No 11, 2013 am No 92, 2019; No 43, 2020
c 10	ad No 11, 2013 am No 36, 2013; No 92, 2019; No 43, 2020

Endnote 4—Amendment history

Provision affected	How affected
c 11	ad No 11, 2013 am No 36, 2013; No 92, 2019
c 11A	ad No 36, 2013 am No 92, 2019; No 43, 2020
c 11B.....	ad No 36, 2013 am No 92, 2019; No 43, 2020
c 11C.....	ad No 36, 2013 am No 92, 2019; No 43, 2020
c 11D	ad No 36, 2013 am No 80, 2014; No 92, 2019; No 43, 2020
c 12	ad No 11, 2013 am No 36, 2013; No 92, 2019
c 12A	ad No 36, 2013 am No 92, 2019
Division 3	
Division 3 heading.....	rs No 92, 2019
c 13	ad No 11, 2013 am No 92, 2019
Part 3	
c 14	ad No 11, 2013 rs No 92, 2019
c 15	ad No 11, 2013 am No 92, 2019
c 16	ad No 11, 2013 am No 92, 2019
c 17	ad No 11, 2013 am No 92, 2019
c 18	ad No 11, 2013 am No 92, 2019
c 19	ad No 43, 2020
c 20	ad No 43, 2020

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Schedule 2B	
Schedule 2B.....	ad No 92, 2019
Part 1	
c 1.....	ad No 92, 2019
c 2.....	ad No 92, 2019
	am No 92, 2019
Part 2	
Division 1	
c 3.....	ad No 92, 2019
c 4.....	ad No 92, 2019
c 5.....	ad No 92, 2019
c 6.....	ad No 92, 2019
Division 2	
c 7.....	ad No 92, 2019
c 8.....	ad No 92, 2019
c 9.....	ad No 92, 2019
c 10.....	ad No 92, 2019
c 11.....	ad No 92, 2019
c 12.....	ad No 92, 2019
c 13.....	ad No 92, 2019
c 14.....	ad No 92, 2019
c 15.....	ad No 92, 2019
c 16.....	ad No 92, 2019
c 17.....	ad No 92, 2019
Division 3	
c 18.....	ad No 92, 2019
Part 3	
c 19.....	ad No 92, 2019
c 20.....	ad No 92, 2019
c 21.....	ad No 92, 2019

Endnote 4—Amendment history

Provision affected	How affected
c 22	ad No 92, 2019
c 23	ad No 92, 2019
Schedule 3	
Part 1	
c 2	am No 112, 2011; No 11, 2013; No 43, 2020
c 3	am Nos 21 and 117, 2008; No 54, 2009; SLI 2009 No 165 (as am by SLI 2009 No 337); No 118, 2010; No 174, 2012; No 11 and 36, 2013; No 92, 2019
c 4	am No 117, 2008
c 5	am No 112, 2011
c 6	am No 11 and 36, 2013
cc 8A, 8B.....	ad No 118, 2010
Part 2	
Division 1	
c 9	am No 102, 2009; No 11, 2013
c 10.....	am No 102, 2009; No 11, 2013
c 11	am No 102, 2009; No 11, 2013
c 12.....	am No 102, 2009; No 103, 2010; No 11, 2013
c 13	am No 102, 2009; No 103, 2010; No 11, 2013
c 13A	ad No 102, 2009
	rs No 118, 2010
	am No 112, 2011; No 11, 2013
c 13B.....	ad No 118, 2010
	am No 112, 2011
c 14.....	am No 102, 2009; No 103, 2010; No 11, 2013
c 15.....	am No 102, 2009; No 11, 2013
Division 1A	
Division 1A.....	ad No 11, 2013
c 16A	ad No 11, 2013
c 16B.....	ad No 11, 2013
c 16C.....	ad No 11, 2013

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Part 3	
Division 3	
Subdivision A	
c 26	am No 112, 2011
c 27	am No 43, 2020
c 30	am No 112, 2011
c 32	am No 112, 2011
Subdivision B	
c 34	am No 112, 2011; No 11, 2013; No 36, 2013; No 43, 2020
c 35	am No 112, 2011; No 43, 2020
c 38	am No 36, 2013
c 39	am No 112, 2011; No 11, 2013; No 36, 2013; No 43, 2020
Subdivision C	
c 40	am No 11, 2013
Division 5	
c 44	am No 112, 2011; No 11, 2013
c 45	am No 43, 2020
Division 6	
c 46	am No 112, 2011; No 126, 2015
Part 4	
Part 4 heading	rs No 11, 2013
Division 1	
c 47	am No 112, 2011
	rs No 11, 2013
	am No 36, 2013
c 48	am No 112, 2011
	rep No 11, 2013
Division 2	
Division 2 heading	rs No 11, 2013
c 49	am No 112, 2011
	rs No 11, 2013

Endnote 4—Amendment history

Provision affected	How affected
Division 3 heading	rep No 11, 2013
Subdivision A heading	rep No 11, 2013
c 50	am No 118, 2010; No 112, 2011; No 11, 2013; No 92, 2019
c 51	am No 118, 2010; No 112, 2011; No 11, 2013; No 92, 2019
c 52	am No 118, 2010; No 112, 2011 rep No 11, 2013
c 53	rep No 11, 2013
c 54	am No 11, 2013
Subdivision B	rep No 11, 2013
c 55	rep No 11, 2013
c 56	am No 112, 2011 rep No 11, 2013
c 57	am No 118, 2010; No 112, 2011 rep No 11, 2013
c 58	am No 112, 2011 rep No 11, 2013
c 59	rep No 11, 2013
c 60	rep No 11, 2013
c 61	rep No 11, 2013
c 62	rep No 11, 2013
c 63	rep No 11, 2013
c 64	rep No 11, 2013
c 65	am No 112, 2011 rep No 11, 2013
c 66	am No 112, 2011 rep No 11, 2013
c 67	rep No 11, 2013
c 68	rep No 11, 2013
c 69	rep No 11, 2013
c 70	rep No 11, 2013
c 71	rep No 11, 2013

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
c 72	rep No 11, 2013
Division 3	
Subdivision C	rep No 11, 2013
Division 3 heading	ad No 11, 2013
c 73	am No 118, 2010; No 11, 2013
c 74	am No 118, 2010; No 11, 2013; No 92, 2019
c 75	am No 11, 2013; No 92, 2019
c 76	rs No 11, 2013 am No 36, 2013
c 76A	ad No 11, 2013 am No 36, 2013
c 77	rs No 11, 2013 am No 36, 2013
c 77A	ad No 11, 2013 am No 36, 2013 (md)
c 78	rs No 11, 2013 am No 36, 2013
c 78A	ad No 11, 2013 am No 36, 2013; No 80, 2014
c 78B	ad No 11, 2013 am No 36, 2013
c 79	am No 11 and 36, 2013; No 92, 2019
c 80AA	ad No 36, 2013
Division 4	
Division 4 heading	rs No 11, 2013
c 80	am No 118, 2010; No 112, 2011; No 11, 2013
Division 5	
Division 5 heading	rs No 11, 2013
c 80A	ad No 11, 2013 am No 36, 2013; No 92, 2019
c 81	am No 11 and 36, 2013; No 92, 2019

Endnote 4—Amendment history

Provision affected	How affected
Part 5	
c 82	am No 112, 2011; No 36, 2013
c 83	am No 112, 2011; No 11 and 36, 2013
c 86	am No 11, 2013
c 87	am No 11, 2013 (md)
c 88	am No 11, 2013
c 89	am No 112, 2011; No 11, 2013; No 43, 2020
c 91	am No 11, 2013
c 93	am No 36, 2013
Schedule 4	
Schedule 4 heading	am No 117, 2008
Part 1	
c 1	am No 117, 2008
Part 2	
Part 2 heading	am No 117, 2008
c 2	am No 117, 2008; No 112, 2011
c 3	am No 117, 2008; No 112, 2011; No 33, 2015
c 4	am No 117, 2008; No 112, 2011
Part 3	
Part 3 heading	am No 117, 2008
c 5	am No 117, 2008
c 6	am No 117, 2008
Part 4	
c 7	am No 117, 2008; No 112, 2011
Part 5	
c 8	am No 117, 2008; No 33, 2015
Schedule 5	
c 4	am No 112, 2011
c 5	am No 112, 2011
cc 6–8	am No 117, 2008; No 112, 2011
c 9	am No 112, 2011

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Schedule 6	
Part 1	
c 4	am No 21, 2008; No 126, 2015
c 7	am No 49, 2007; No 126, 2015; <u>No 57, 2019</u>
Part 2	
c 9	am No 49, 2007; <u>No 57, 2019</u>
c 11	am No 49, 2007; <u>No 57, 2019</u>
c 13	am No 49, 2007; No 117, 2008; <u>No 57, 2019</u>
c 13A	ad No 117, 2008
c 13B	ad No 117, 2008
c 14	am No 49, 2007
c 15	am No 49, 2007; No 117, 2008; <u>No 57, 2019</u>
c 23	am No 117, 2008
c 24	am No 117, 2008
c 25	am No 117, 2008
c 26	am No 117, 2008
c 27	am No 117, 2008
c 29	am No 117, 2008
c 32	am No 117, 2008
c 33	am No 92, 2019
c 36	am No 102, 2009
c 41	am No 102, 2009
c 43	ad No 92, 2019
Schedule 7	
Schedule 7 heading	rs <u>No 57, 2019</u>
Schedule 7	ad No 49, 2007
c 1	ad No 49, 2007
	rep No 57, 2019
c 2	ad No 49, 2007
	ed C43
	rep <u>No 57, 2019</u>

Endnote 4—Amendment history

Provision affected	How affected
c 3	ad No 49, 2007 ed C43
Schedule 8	
Schedule 8.....	ad No 57, 2019
c 1	ad No 57, 2019

Endnotes

Endnote 5—Editorial changes

Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Paragraph 572F(1)(b)

Kind of editorial change

Change to punctuation

Details of editorial change

Schedule 4 item 9 of the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Cross-boundary Greenhouse Gas Titles and Other Measures) Act 2020* provides as follows:

9 Paragraph 572F(1)(b)

Omit “acting on behalf of the relevant jurisdiction”, substitute “acting on behalf of the State or the Northern Territory, as the case may be”.

This action leaves two commas after the phrase “as the case may be”.

This compilation was editorially changed to omit the redundant comma.

Endnote 6—Miscellaneous**Repeal table**

The amendment history of the repealed provisions of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* up to and including the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* (No. 117, 2008) appears in the table below.

Provision affected	How affected
s. 69	rep. No. 45, 2007
s. 192	rep. No. 45, 2007
s. 249	rep. No. 117, 2008
s. 316	rep. No. 117, 2008
s. 327	rep. No. 21, 2008

Renumbering table

The renumbering of provisions of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, made by the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* (No. 117, 2008) appears in the table below.

Old number	New number	Old number	New number
Chapter 1	Chapter 1	6	7
Part 1.1	Part 1.1	7	8
Section	Section	8	9
1	1	9	10
2	2	10	11
2A	3	11	12
3	4	11A	13
4	5	12	14
5	6	13	15
Part 1.2	Part 1.2	14	16
Division 1	Division 1	14A	17
Section	Section	14B	18

Endnotes

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
15	19	31	49
15A	20	Division 3	Division 3
15B	21	Section	Section
15C	22	32	50
15D	23	33	51
15E	24	34	52
15F	25	35	53
15FA	26	36	54
15FB	27	37	55
15FC	28	Part 1.3	Part 1.3
15FD	29	Division 1	Division 1
15G	30	Section	Section
15H	31	38	56
15J	32	39	57
16	33	40	58
17	34	41	59
18	35	42	60
19	36	43	61
Division 2	Division 2	44	62
Subdivision A	Subdivision A	45	63
Section	Section	46	64
20	37	47	65
21	38	48	66
21A	39	48A	67
22	40	49	68
23	41	49A	69
24	42	Division 2	Division 2
25	43	Section	Section
26	44	50	70
27	45	51	71
28	46	52	72
29	47	52A	73
30	48	53	74
Subdivision B	Subdivision B	Division 3	Division 3
Section	Section	Section	Section

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
54	75	80	102
55	76	81	103
56	77	Division 2	Division 2
Part 1.4	Part 1.4	Section	Section
Section	Section	82	104
57	78	83	105
58	79	84	106
59	80	85	107
60	81	86	108
61	82	87	109
62	83	Division 3	Division 3
63	84	Section	Section
64	85	88	110
65	86	89	111
66	87	90	112
67	88	91	113
68	89	92	114
70	90	Division 4	Division 4
71	91	Section	Section
72	92	93	115
73	93	94	116
74	94	95	117
Chapter 2	Chapter 2	96	118
Part 2.1	Part 2.1	Division 5	Division 5
Section	Section	Section	Section
75	95	97	119
Part 2.2	Part 2.2	98	120
Division 1	Division 1	99	121
Section	Section	100	122
76	96	101	123
77	97	102	124
78	98	103	125
79	99	104	126
79A	100	105	127
79B	101	Division 6	Division 6

Endnotes

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
Section	Section	Section	Section
106	128	129	153
107	129	130	154
108	130	131	155
109	131	132	156
110	132	Division 4	Division 4
111	133	Section	Section
Part 2.3	Part 2.3	133	157
Division 1	Division 1	134	158
Section	Section	Part 2.4	Part 2.4
112	134	Division 1	Division 1
113	135	Section	Section
114	136	135	159
114A	137	136	160
114B	138	137	161
115	139	138	162
116	140	138A	163
Division 2	Division 2	138B	164
Subdivision A	Subdivision A	139	165
Section	Section	140	166
117	141	141	167
118	142	Division 2	Division 2
119	143	Section	Section
120	144	142	168
121	145	143	169
122	146	144	170
Subdivision B	Subdivision B	145	171
Section	Section	145A	172
123	147	146	173
124	148	146A	174
125	149	147	175
126	150	148	176
127	151	149	177
128	152	Division 3	Division 3
Division 3	Division 3	Section	Section

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
150	178	Section	Section
151	179	170	198
152	180	171	199
153	181	172	200
Division 4	Division 4	173	201
Section	Section	174	202
154	182	174A	203
155	183	Division 3	Division 3
Division 5	Division 5	Section	Section
Section	Section	175	204
156	184	176	205
157	185	177	206
158	186	177A	207
159	187	Division 4	Division 4
Division 6	Division 6	Section	Section
Section	Section	177B	208
160	188	Part 2.6	Part 2.6
Division 7	Division 7	Division 1	Division 1
Subdivision A	Subdivision A	Section	Section
Section	Section	178	209
161	189	179	210
162	190	180	211
Subdivision B	Subdivision B	181	212
Section	Section	181A	213
163	191	182	214
Part 2.5	Part 2.5	183	215
Division 1	Division 1	184	216
Section	Section	Division 2	Division 2
164	192	Section	Section
165	193	185	217
166	194	186	218
167	195	186A	219
168	196	186B	220
169	197	187	221
Division 2	Division 2	187A	222

Endnotes

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
188	223	208	244
188A	224	209	245
189	225	Division 3	Division 3
Division 3	Division 3	Section	Section
Section	Section	210	246
190	226	211	247
191	227	212	248
Division 4	Division 4	Division 4	Division 4
Section	Section	Section	Section
193	228	213	249
Part 2.7	Part 2.7	Division 5	Division 5
Division 1	Division 1	Section	Section
Section	Section	214	250
194	229	Part 2.9	Part 2.9
195	230	Section	Section
196	231	215	251
197	232	216	252
198	233	217	253
Division 2	Division 2	218	254
Section	Section	Part 2.10	Part 2.10
199	234	Section	Section
200	235	219	255
201	236	220	256
201A	237	221	257
Part 2.8	Part 2.8	222	258
Division 1	Division 1	223	259
Section	Section	224	260
202	238	225	261
203	239	226	262
204	240	226A	263
205	241	Part 2.11	Part 2.11
Division 2	Division 2	Division 1	Division 1
Section	Section	Section	Section
206	242	227	264
207	243	228	265

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
229	266	Chapter 2A	Chapter 3
230	267	Part 2A.1	Part 3.1
Division 2	Division 2	Section	Section
Section	Section	249AA	287
231	268	Part 2A.2	Part 3.2
Part 2.12	Part 2.12	Division 1	Division 1
Division 1	Division 1	Section	Section
Section	Section	249AB	288
232	269	249AC	289
233	270	249AD	290
234	271	249AE	291
Division 2	Division 2	249AF	292
Section	Section	249AH	293
235	272	249AHA	294
236	273	249AI	295
Part 2.13	Part 2.13	Division 2	Division 2
Division 1	Division 1	Section	Section
Section	Section	249AJ	296
237	274	249AJA	297
238	275	249AK	298
239	276	249AL	299
240	277	249AM	300
Division 2	Division 2	249AN	301
Section	Section	249AO	302
241	278	Division 3	Division 3
Part 2.14	Part 2.14	Section	Section
Section	Section	249AP	303
242	279	249APA	304
243	280	249AQ	305
244	281	249AR	306
245	282	249AS	307
246	283	Division 3A	Division 4
247	284	Section	Section
248	285	249ASA	308
248A	286	249ASB	309

Endnotes

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
249ASC	310	249BQ	333
249ASD	311	249BR	334
Division 4	Division 5	249BS	335
Section	Section	Subdivision C	Subdivision C
249AU	312	Section	Section
249AUA	313	249BSA	336
249AUB	314	249BSB	337
249AUBA	315	249BSC	338
Division 5	Division 6	249BSD	339
Section	Section	249BSE	340
249AV	316	249BSF	341
249AW	317	249BSFA	342
Part 2A.3	Part 3.3	Subdivision D	Subdivision D
Division 1	Division 1	Section	Section
Section	Section	249BSG	343
249BA	318	249BSH	344
249BB	319	249BSI	345
249BC	320	249BSJ	346
249BD	321	Division 3	Division 3
249BF	322	Section	Section
249BG	323	249BT	347
Division 2	Division 2	249BU	348
Subdivision A	Subdivision A	249BV	349
Section	Section	249BW	350
249BH	324	Division 4	Division 4
249BI	325	Section	Section
249BJ	326	249BZ	351
249BK	327	249BZA	352
249BL	328	Division 5	Division 5
249BM	329	Section	Section
Subdivision B	Subdivision B	249BZB	353
Section	Section	Division 6	Division 6
249BN	330	Section	Section
249BO	331	249BZC	354
249BP	332	Part 2A.4	Part 3.4

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
Division 1	Division 1	Division 5	Division 5
Section	Section	Section	Section
249CB	355	249CZ	379
249CC	356	249CZA	380
249CD	357	249CZAA	381
249CE	358	249CZB	382
249CF	359	Division 6	Division 6
249CG	360	Section	Section
Division 2	Division 2	249CZC	383
Subdivision A	Subdivision A	249CZCA	384
Section	Section	249CZD	385
249CH	361	Division 7	Division 7
249CI	362	Section	Section
249CJ	363	249CZE	386
249CJA	364	249CZEA	387
249CK	365	249CZF	388
249CO	366	249CZFB	389
249CP	367	249CZG	390
249CPA	368	249CZGAA	391
Subdivision B	Subdivision B	249CZGA	392
Section	Section	249CZH	393
249CQ	369	249CZJ	394
249CR	370	249CZJA	395
249CRA	371	249CZJB	396
249CRB	372	249CZJC	397
249CRE	373	249CZM	398
Division 3	Division 3	Division 8	Division 8
Section	Section	Section	Section
249CT	374	249CZN	399
249CTA	375	249CZO	400
Division 4	Division 4	249CZP	401
Section	Section	Part 2A.5	Part 3.5
249CXA	376	Division 1	Division 1
249CXB	377	Section	Section
249CY	378	249GA	402

Endnotes

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
249GB	403	249HN	423
249GC	404	249HO	424
249GD	405	249HP	425
249GE	406	Part 2A.8	Part 3.8
Division 2	Division 2	Section	Section
Section	Section	249JA	426
249GF	407	249JB	427
249GG	408	249JC	428
249GH	409	249JD	429
249GJ	410	249JE	430
Part 2A.6	Part 3.6	249JF	431
Division 1	Division 1	249JG	432
Section	Section	249JGAA	433
249HA	411	249JH	434
249HB	412	249JHA	435
249HC	413	Part 2A.9	Part 3.9
249HD	414	Division 1	Division 1
Division 2	Division 2	Section	Section
Section	Section	249KA	436
249HE	415	249KB	437
249HF	416	249KC	438
249HG	417	249KD	439
Division 3	Division 3	Division 2	Division 2
Section	Section	Section	Section
249HI	418	249KE	440
249HJ	419	Part 2A.10	Part 3.10
Division 4	Division 4	Division 1	Division 1
Section	Section	Section	Section
249HK	420	249LA	441
Division 5	Division 5	249LB	442
Section	Section	249LC	443
249HL	421	Division 2	Division 2
Part 2A.7	Part 3.7	Section	Section
Section	Section	249LCA	444
249HM	422	249LD	445

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
Part 2A.11	Part 3.11	253	469
Division 1	Division 1	254	470
Section	Section	255	471
249MA	446	Part 3.3	Part 4.3
249MB	447	Section	Section
249MC	448	256	472
249MD	449	257	473
Division 2	Division 2	258	474
Section	Section	258A	475
249ME	450	259	476
Part 2A.12	Part 3.12	260	477
Section	Section	261	478
249NA	451	262	479
249NB	452	263	480
249NC	453	264	481
249NCA	454	Part 3.4	Part 4.4
249NCB	455	Section	Section
249NCC	456	265	482
249ND	457	266	483
249NDA	458	Part 3.5	Part 4.5
249NE	459	Section	Section
249NF	460	267	484
249NG	461	268	485
249NH	462	Part 3.6	Part 4.6
249NJ	463	Section	Section
249NK	464	269	486
249NL	465	270	487
Chapter 3	Chapter 4	271	488
Part 3.1	Part 4.1	272	489
Section	Section	272A	490
250	466	273	491
251	467	274	492
252	468	275	493
Part 3.2	Part 4.2	276	494
Section	Section	277	495

Endnotes

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
278	496	298-252	520
279	497	Part 3A.2	Part 5.2
Part 3.7	Part 4.7	Section	Section
Section	Section	298-253	521
280	498	298-254	522
281	499	298-255	523
281A	500	Part 3A.3	Part 5.3
282	501	Section	Section
283	502	298-256	524
284	503	298-257	525
Part 3.8	Part 4.8	298-258	526
Section	Section	298-259	527
285	504	298-260	528
286	505	298-261	529
287	506	298-262	530
Part 3.9	Part 4.9	298-263	531
Section	Section	298-264	532
288	507	Part 3A.4	Part 5.4
289	508	Section	Section
290	509	298-265	533
291	510	298-266	534
Part 3.10	Part 4.10	Part 3A.5	Part 5.5
Section	Section	Section	Section
292	511	298-267	535
293	512	298-268	536
294	513	Part 3A.6	Part 5.6
295	514	Section	Section
296	515	298-269	537
297	516	298-270	538
298	517	298-271	539
Chapter 3A	Chapter 5	298-272	540
Part 3A.1	Part 5.1	298-273	541
Section	Section	298-274	542
298-250	518	298-275	543
298-251	519	298-276	544

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
298-277	545	301	569
298-278	546	316-301	570
298-279	547	302	571
Part 3A.7	Part 5.7	303	572
Section	Section	Part 4.2	Part 6.2
298-280	548	Division 1	Division 1
298-281	549	Section	Section
298-282	550	304	573
298-283	551	Division 2	Division 2
298-284	552	Section	Section
Part 3A.8	Part 5.8	305	574
Section	Section	306	575
298-285	553	307	576
298-286	554	Division 3	Division 3
298-287	555	Section	Section
Part 3A.9	Part 5.9	308	577
Section	Section	Division 4	Division 4
298-288	556	Section	Section
298-289	557	309	578
298-290	558	Part 4.2A	Part 6.3
298-291	559	Division 1	Division 1
Part 3A.10	Part 5.10	Section	Section
Section	Section	316-304	579
298-292	560	Division 2	Division 2
298-293	561	Section	Section
298-294	562	316-305	580
298-295	563	316-306	581
298-296	564	316-307	582
298-297	565	Division 3	Division 3
298-298	566	Section	Section
Chapter 4	Chapter 6	316-308	583
Part 4.1	Part 6.1	Division 4	Division 4
Section	Section	Section	Section
299	567	316-309	584
300	568	Part 4.3	Part 6.4

Endnotes

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
Division 1	Division 1	Division 3	Division 3
Section	Section	Section	Section
310	585	323	611
311	586	Part 4.5	Part 6.6
312	587	Division 1	Division 1
313	588	Section	Section
314	589	324	612
315	590	325	613
Division 2	Division 2	326	614
Section	Section	328	615
316-310	591	Division 2	Division 2
316-311	592	Section	Section
316-311A	593	329	616
316-311B	594	Division 2A	Division 3
316-312	595	Section	Section
316-313	596	335-329	617
316-314	597	Division 3	Division 4
316-315	598	Section	Section
Part 4.4	Part 6.5	330	618
Division 1	Division 1	331	619
Section	Section	Division 4	Division 5
317	599	Section	Section
318	600	332	620
319	601	333	621
320	602	334	622
321	603	335	623
322	604	Part 4.6	Part 6.7
Division 2	Division 2	Division 1	Division 1
Section	Section	Section	Section
316-317	605	336	624
316-318	606	337	625
316-319	607	338	626
316-320	608	339	627
316-321	609	339A	628
316-322	610	Division 2	Division 2

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
Section	Section	362	652
340	629	Division 3	Division 3
340A	630	Subdivision A	Subdivision A
Division 3	Division 3	Section	Section
Section	Section	363	653
341	631	364	654
342	632	365	655
343	633	366	656
344	634	Subdivision B	Subdivision B
345	635	Section	Section
Division 4	Division 4	367	657
Section	Section	Subdivision C	Subdivision C
346	636	Section	Section
Part 4.7	Part 6.8	368	658
Section	Section	369	659
347	637	370	660
348	638	371	661
349	639	372	662
350	640	373	663
351	641	374	664
Part 4.8	Part 6.9	Division 4	Division 4
Division 1	Division 1	Section	Section
Section	Section	375	665
352	642	376	666
353	643	377	667
354	644	378	668
Division 2	Division 2	379	669
Section	Section	380	670
355	645	381	671
356	646	382	672
357	647	383	673
358	648	384	674
359	649	385	675
360	650	386	676
361	651	387	677

Endnotes

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
Division 5	Division 5	407	697
Section	Section	408	698
388	678	Division 3	Division 3
389	679	Section	Section
Division 6	Division 6	409	699
Section	Section	410	700
390	680	411	701
391	681	412	702
Division 7	Division 7	413	703
Section	Section	414	704
392	682	415	705
393	683	416	706
394	684	417	707
Division 8	Division 8	Part 5.2	Part 7.2
Section	Section	Section	Section
395	685	418	708
396	686	419	709
397	687	Part 5.3	Part 7.3
398	688	Division 1	Division 1
399	689	Section	Section
Division 9	Division 9	420	710
Section	Section	421	711
400	690	Division 2	Division 2
401	691	Subdivision A	Subdivision A
402	692	Section	Section
403	693	422	712
404	694	423	713
405	695	424	714
Chapter 5	Chapter 7	Subdivision B	Subdivision B
Part 5.1	Part 7.1	Section	Section
Division 1	Division 1	425	715
Section	Section	426	716
406	696	Subdivision C	Subdivision C
Division 2	Division 2	Section	Section
Section	Section	427	717

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
428	718	406-421	736
429	719	406-421A	737
Division 3	Division 3	Division 2	Division 2
Section	Section	Subdivision A	Subdivision A
430	720	Section	Section
Division 4	Division 4	406-422	738
Section	Section	406-423	739
431	721	406-424	740
Chapter 5A	Chapter 8	Subdivision B	Subdivision B
Part 5A.1	Part 8.1	Section	Section
Division 1	Division 1	406-427	741
Section	Section	406-429	742
406-406	722	Division 3	Division 3
Division 2	Division 2	Section	Section
Section	Section	406-430	743
406-407	723	Chapter 6	Chapter 9
406-408	724	Part 6.1	Part 9.1
Division 3	Division 3	Section	Section
Section	Section	432	744
406-409	725	433	745
406-410	726	434	746
406-411	727	435	747
406-412	728	Part 6.1A	Part 9.2
406-413	729	Section	Section
406-414	730	435A	748
406-415	731	435B	749
406-416	732	435C	750
406-417	733	435D	751
Part 5A.2	Part 8.2	435E	752
Section	Section	435F	753
406-418	734	435G	754
Part 5A.3	Part 8.3	435H	755
Division 1	Division 1	435J	756
Section	Section	435K	757
406-420	735	435L	758

Endnotes

Endnote 6—Miscellaneous

Old number	New number	Old number	New number
Part 6.1B	Part 9.3	Section	Section
Division 1	Division 1	442	776
Section	Section	442A	777
435N	759	Part 6.5A	Part 9.8
435P	760	Section	Section
435Q	761	442B	778
435R	762	Part 6.5B	Part 9.9
435S	763	Section	Section
435T	764	442C	779
435U	765	Part 6.5C	Part 9.10
Division 2	Division 2	Section	Section
Section	Section	442D	780
435V	766	Part 6.6	Part 9.11
435W	767	Section	Section
Part 6.2	Part 9.4	443	781
Section	Section	444	782
436	768	445	783
Part 6.3	Part 9.5	446	784
Section	Section	446A	785
437	769	447	786
438	770	447A	787
Part 6.4	Part 9.6	448	788
Section	Section	448A	789
439	771	449	790
440	772	Part 6.7	Part 9.12
440A	773	Section	Section
441	774	450	791
441A	775		
Part 6.5	Part 9.7		