



# **Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011**

**No. 112, 2011**

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

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011

No. 112, 2011

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

*[Assented to 14 October 2011]*

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011*.

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*Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011*

*No. 112, 2011 1*

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## 2 Commencement

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

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	14 October 2011
2. Schedule 1	The later of: (a) 1 July 2011; and (b) the first day of the month next following the month in which this Act receives the Royal Assent.	1 November 2011 (paragraph (b) applies)
3. Schedule 2, Parts 1 and 2	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	1 January 2012 (see F2011L02622)
4. Schedule 2, Part 3	The day this Act receives the Royal Assent.	14 October 2011
5. Schedule 2, Part 4	At the same time as the provision(s) covered by table item 3.	1 January 2012
6. Schedule 3	At the same time as the provision(s) covered by table item 3.	1 January 2012
7. Schedule 4	The later of: (a) the day after the end of the period of 24 months beginning at the commencement of Schedule 1 to this Act; and (b) the 15th day of the month next following the month in which the total of the amounts received by the	1 November 2013 (see C2013G01631)

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
	<p>Commonwealth:</p> <p>(i) under the <i>Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Act 2006</i>; and</p> <p>(ii) after the commencement of Schedule 1 to this Act;</p> <p>reaches:</p> <p>(iii) \$30.6 million; or</p> <p>(iv) if the Minister, by notice in the <i>Gazette</i>, specifies a lesser amount—that lesser amount.</p> <p>The Minister must not specify an amount unless, in the Minister’s opinion, the amount represents the total amount of costs and expenses incurred by:</p> <p>(a) the Commonwealth, the National Offshore Petroleum Safety Authority, and the National Offshore Petroleum Safety and Environmental Management Authority, in connection with the expansion of the functions of the National Offshore Petroleum Safety and Environmental Management Authority; and</p> <p>(b) the Commonwealth in connection with the establishment of the National Offshore Petroleum Titles Administrator;</p> <p>before the end of the 6-month period that began at the commencement of Part 1 of Schedule 2 to this Act.</p> <p>The Minister must announce by notice in the <i>Gazette</i> the day the provision(s) commenced.</p> <p>A notice under this table item is not a legislative instrument.</p>	

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
8. Schedule 5	At the same time as item 8 of Schedule 1 to the <i>Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Act 2009</i> commenced.	9 October 2009
9. Schedule 6	The day after this Act receives the Royal Assent.	15 October 2011

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

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

### **3 Schedule(s)**

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



## **Schedule 1—Amendments relating to payments to the States and the Northern Territory**

### *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

#### **1 Subparagraph 76(1)(a)(ii)**

Omit “or”.

#### **2 Subparagraph 76(1)(a)(iii)**

Repeal the subparagraph.

#### **3 Application of amendments**

The amendments made by this Schedule apply to an amount received by the Commonwealth after the commencement of this item.

## Schedule 2—General amendments

### Part 1—General amendments

#### *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

##### 1 Section 4

Omit:

- Generally, the administration of this Act in relation to an offshore area of a State is divided between:
  - (a) the Joint Authority for the State (the Joint Authority is constituted by the responsible State Minister and the responsible Commonwealth Minister); and
  - (b) the Designated Authority for the State (the Designated Authority is the responsible State Minister).
- Generally, the administration of this Act in relation to the Principal Northern Territory offshore area is divided between:
  - (a) the Joint Authority for that area (the Joint Authority is constituted by the responsible Northern Territory Minister and the responsible Commonwealth Minister); and
  - (b) the Designated Authority for that area (the Designated Authority is the responsible Northern Territory Minister).
- The responsible Commonwealth Minister is responsible for the administration of greenhouse gas injection and storage provisions.

- The National Offshore Petroleum Safety Authority is responsible for the administration of occupational health and safety provisions.

substitute:

- Generally, the administration of this Act in relation to an offshore area of a State is the responsibility of the Joint Authority for the State (the Joint Authority is constituted by the responsible State Minister and the responsible Commonwealth Minister).
- Generally, the administration of this Act in relation to the Principal Northern Territory offshore area is the responsibility of the Joint Authority for that area (the Joint Authority is constituted by the responsible Northern Territory Minister and the responsible Commonwealth Minister).
- The responsible Commonwealth Minister is responsible for the administration of greenhouse gas injection and storage provisions.
- The National Offshore Petroleum Safety and Environmental Management Authority is responsible for the administration of:
  - (a) occupational health and safety provisions; and
  - (b) structural integrity provisions; and
  - (c) environmental management provisions.
- The National Offshore Petroleum Titles Administrator is responsible for:
  - (a) assisting and advising the Joint Authority and the responsible Commonwealth Minister; and
  - (b) keeping registers of titles; and
  - (c) data and information management.

**2 Section 7 (subparagraphs (a)(ii) and (iii) of the definition of *approved*)**

Repeal the subparagraphs.

**3 Section 7 (paragraph (b) of the definition of *approved*)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**4 Section 7 (definition of *approved*)**

Omit “to the expression *approved site plan*.”, substitute:

to:

- (c) the expression *approved site plan*; or
- (d) section 286A; or
- (e) section 650; or
- (f) subsection 695B(3); or
- (g) section 695F; or
- (h) section 774.

**5 Section 7**

Insert:

*constitutional corporation* means a corporation to which paragraph 51(xx) of the Constitution applies.

**6 Section 7 (definition of *Designated Authority*)**

Repeal the definition, substitute:

*Designated Authority*:

- (a) means a person who, at any time before the commencement of Part 6.10, was a Designated Authority (within the meaning of this Act); and
- (b) when used in the expression *the Designated Authority*, means a person who, at any time before the commencement of Part 6.10, was the Designated Authority (within the meaning of this Act) for the offshore area concerned.

**7 Section 7 (definition of *non-OHS structural integrity*)**

Repeal the definition.

**8 Section 7 (definition of *non-OHS structural integrity law*)**

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Repeal the definition.

**9 Section 7**

Insert:

*NOPSEMA* means the National Offshore Petroleum Safety and Environmental Management Authority.

**10 Section 7 (definition of *referable title*)**

Repeal the definition.

**11 Section 7**

Insert:

*Regulatory Levies Act* means the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*.

**12 Section 7 (paragraph (a) of the definition of *responsible Northern Territory Minister*)**

Omit “to perform the functions of a Designated Authority”, substitute “to perform the functions, and exercise the powers, of a member of the Joint Authority for the Northern Territory”.

**13 Section 7 (paragraph (a) of the definition of *responsible State Minister*)**

Omit “to perform the functions of a Designated Authority”, substitute “to perform the functions, and exercise the powers, of a member of the Joint Authority for the State”.

**14 Section 7 (definition of *Safety Authority*)**

Repeal the definition.

**15 Section 7**

Insert:

*Secretary* means the Secretary of the Department.

**16 Section 7 (paragraph (e) of the definition of *structural integrity*)**

Repeal the paragraph, substitute:

## Schedule 2 General amendments

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- (e) mechanical integrity;
  - (f) systems integrity;
- in connection with:
- (g) the containment of:
    - (i) petroleum; or
    - (ii) a greenhouse gas substance; or
    - (iii) any other substance; or
  - (h) the health and safety of persons engaged in:
    - (i) offshore petroleum operations (within the meaning of Part 6.9); or
    - (ii) offshore greenhouse gas operations (within the meaning of Part 6.9).

For the purposes of paragraph (f), *systems integrity* includes the integrity of the following:

- (i) electrical systems;
- (j) electronic systems;
- (k) hydraulic systems;
- (l) chemical systems;
- (m) dynamic positioning systems;
- (n) other systems.

#### **17 Section 7 (definition of *structural integrity law*)**

Omit “the regulations to the extent to which they”, insert “the provisions of this Act or the regulations to the extent to which the provisions”.

#### **18 Section 7 (paragraph (d) of the definition of *title*)**

Repeal the paragraph.

#### **19 Section 7 (after paragraph (h) of the definition of *title*)**

Insert:

- (ha) when used in section 574A—has the meaning given by subsection 574A(1); or

#### **20 Section 7 (at the end of the definition of *title area*)**

Add:

- ; or (d) when used in section 586A—has the meaning given by subsection 586A(7).
-

**21 Section 7**

Insert:

*Titles Administrator* means the National Offshore Petroleum Titles Administrator.

**22 Subsection 16(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**23 Section 30**

Omit all the words after “responsible Commonwealth” (second occurring), substitute “Minister in his or her capacity as, or as a member of, the Joint Authority for an offshore area.”.

**24 Subsection 44(1) (heading to table column headed “The Designated Authority may issue an instrument varying...”)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**25 Subsection 45(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**26 Part 1.3 (heading)**

Repeal the heading, substitute:

**Part 1.3—Joint Authorities**

**27 Subsection 61(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**28 Subsection 61(1)**

Omit “the Joint Authority for a State or the Northern Territory”, substitute “a Joint Authority”.

**29 Subsection 61(2)**

After “subsection (1)”, insert “in relation to the Joint Authority for a State or the Northern Territory”.

**30 After subsection 61(2)**

Insert:

- (2A) A record kept under subsection (1) in relation to the Joint Authority for:
- (a) the Eastern Greater Sunrise Offshore area; or
  - (b) an external Territory;
- is prima facie evidence that the decision was duly made as recorded if the record is signed by a person who was the Joint Authority at the time when the decision was made.

**31 Subsection 62(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**32 Subsection 62(1)**

Omit “the Joint Authority for a State or the Northern Territory”, substitute “a Joint Authority”.

**33 Section 63**

Omit “the Joint Authority for a State or the Northern Territory”, substitute “a Joint Authority”.

**34 Section 63**

Omit “Designated Authority”, substitute “Titles Administrator”.

**35 Subsection 65(1)**

Omit “Joint Authority for a State or the Northern Territory”, substitute “Joint Authority”.

**36 Section 65**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**37 Division 2 of Part 1.3**

Repeal the Division.

**38 Sections 76 and 77**

Repeal the sections.

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**39 Paragraph 103(1)(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**40 Subsection 104(3) (note 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**41 Subsection 110(6) (note 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**42 Subsection 115(4) (note 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**43 Section 119**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**44 Subsection 136(5)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**45 Subsection 136(6)**

Omit “The Designated Authority”, substitute “The Titles Administrator”.

**46 Subsection 136(7)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**47 Paragraph 140(1)(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**48 Subsection 141(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**49 Subsection 141(2) (note 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**50 Paragraph 141(3)(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**51 Subsection 141(4)**

Omit “The Designated Authority”, substitute “The Titles Administrator”.

**52 After section 143**

Insert:

**143A Time limit for making decision about grant of petroleum retention lease**

- (1) The Joint Authority must make a decision under section 142 or 143, in relation to an application under section 141, within the period that:
  - (a) begins when the application was made; and
  - (b) runs for:
    - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
    - (ii) if no such agreement is in force—the prescribed number of days.
- (2) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (1) of this section is extended by one day for each day during the period:
  - (a) beginning on the day on which the notice is given; and
  - (b) ending when the applicant gives the Titles Administrator the information.
- (3) The Joint Authority is not required to comply with subsection (1) unless a number of days is prescribed for the purposes of subparagraph (1)(b)(ii).
- (4) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (1)(b)(i).
- (5) A failure to comply with subsection (1) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

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**53 Subsection 147(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**54 Subsection 147(2) (note 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**55 After section 149**

Insert:

**149A Time limit for making decision about grant of petroleum retention lease**

- (1) The Joint Authority must make a decision under section 148 or 149, in relation to an application under section 147, within the period that:
  - (a) begins when the application was made; and
  - (b) runs for:
    - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
    - (ii) if no such agreement is in force—the prescribed number of days.
- (2) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (1) of this section is extended by one day for each day during the period:
  - (a) beginning on the day on which the notice is given; and
  - (b) ending when the applicant gives the Titles Administrator the information.
- (3) The Joint Authority is not required to comply with subsection (1) unless a number of days is prescribed for the purposes of subparagraph (1)(b)(ii).
- (4) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (1)(b)(i).

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- (5) A failure to comply with subsection (1) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

#### **56 Subsections 153(1) and (3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

#### **57 Subsection 153(4) (note 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

#### **58 After section 155**

Insert:

#### **155A Time limit for making decision about renewal of petroleum retention lease**

- (1) The Joint Authority must make a decision under section 154 or 155, in relation to an application under section 153, within the period that:
- (a) begins when the application was made; and
  - (b) runs for:
    - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
    - (ii) if no such agreement is in force—the prescribed number of days.
- (2) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (1) of this section is extended by one day for each day during the period:
- (a) beginning on the day on which the notice is given; and
  - (b) ending when the applicant gives the Titles Administrator the information.
- (3) The Joint Authority is not required to comply with subsection (1) unless a number of days is prescribed for the purposes of subparagraph (1)(b)(ii).

(4) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (1)(b)(i).

(5) A failure to comply with subsection (1) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

**59 Paragraph 157(1)(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**60 Subsection 157(2) (note)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**61 Subsection 166(2) (at the end of the note)**

Add “or 587A”.

**62 Subsection 166(6) (note)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**63 Subsections 168(2) and (3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**64 Subsection 168(7) (note 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**65 Subsections 169(1) and (2)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**66 Subsection 170(2)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**67 Subsection 170(4) (note 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**68 After section 173**

Insert:

**173A Time limit for making decision about grant of petroleum production licence**

*Scope*

- (1) This section applies if an application for the grant of a petroleum production licence (other than a Greater Sunrise unit reservoir petroleum production licence) has been made under section 168 or 170.

Note 1: Section 168 deals with applications by permittees.

Note 2: Section 170 deals with applications by lessees.

*Time limit*

- (2) The Joint Authority must make a decision under section 171 or 173, in relation to the application, within the period that:
- (a) begins when the application was made; and
  - (b) runs for:
    - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
    - (ii) if no such agreement is in force—the prescribed number of days.
- (3) If:
- (a) section 174 applies in relation to the application; and
  - (b) the Joint Authority defers taking any action in relation to the application in accordance with that section;
- the period referred to in subsection (2) of this section is extended by one day for each day during which the deferral continues.
- (4) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (2) of this section is extended by one day for each day during the period:
- (a) beginning on the day on which the notice is given; and
  - (b) ending when the applicant gives the Titles Administrator the information.

- (5) The Joint Authority is not required to comply with subsection (2) unless a number of days is prescribed for the purposes of subparagraph (2)(b)(ii).
- (6) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (2)(b)(i).
- (7) A failure to comply with subsection (2) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

### **69 Subsection 178(3) (note 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

### **70 At the end of section 183**

Add:

*Time limit for making decision*

- (8) The Joint Authority must make a decision under subsection (2) within the period that:
  - (a) begins when the application was made; and
  - (b) runs for:
    - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
    - (ii) if no such agreement is in force—the prescribed number of days.
- (9) The Joint Authority is not required to comply with subsection (8) unless a number of days is prescribed for the purposes of subparagraph (8)(b)(ii).
- (10) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (8)(b)(i).
- (11) A failure to comply with subsection (8) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

### **71 Subsections 184(2) and (4)**

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Omit “Designated Authority”, substitute “Titles Administrator”.

## **72 After section 186**

Insert:

### **186A Time limit for making decision about renewal of fixed-term petroleum production licence**

- (1) The Joint Authority must make a decision under section 185 or 186, in relation to an application under section 184, within the period that:
  - (a) begins when the application was made; and
  - (b) runs for:
    - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
    - (ii) if no such agreement is in force—the prescribed number of days.
- (2) The Joint Authority is not required to comply with subsection (1) unless a number of days is prescribed for the purposes of subparagraph (1)(b)(ii).
- (3) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (1)(b)(i).
- (4) A failure to comply with subsection (1) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

## **73 Subparagraph 191(4)(b)(i)**

Omit “Designated Authority”, substitute “Titles Administrator”.

## **74 Subsection 191(8)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

## **75 Subsection 191(11)**

Repeal the subsection, substitute:

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*Consultation*

- (11) If a petroleum pool extends, or is reasonably believed by the Titles Administrator to extend, from the offshore area in respect of a State or Territory into lands to which:
- (a) the laws of that State or Territory relating to exploiting petroleum resources apply; or
  - (b) the laws of another State or Territory relating to exploiting petroleum resources apply;
- the Titles Administrator must consult about exploiting the petroleum pool with the appropriate authority of a State or Territory referred to in paragraph (a) or (b).

Note: The *offshore area* of a State or Territory is defined by section 8.

**76 Subsection 197(2) (at the end of the note)**

Add “or 587A”.

**77 Subsection 197(6) (note)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**78 Subsection 198(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**79 Subsection 198(2) (note 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**80 After section 200**

Insert:

**200A Time limit for making decision about grant of infrastructure licence**

- (1) The Joint Authority must make a decision under section 199 or 200, in relation to an application under section 198, within the period that:
- (a) begins when the application was made; and
  - (b) runs for:
    - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a

## Schedule 2 General amendments

### Part 1 General amendments

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number of days for the purposes of this subparagraph—  
that number of days; or

(ii) if no such agreement is in force—the prescribed number  
of days.

(2) If the Titles Administrator, by written notice under subsection  
258(2), requires the applicant to give further information in  
connection with the application, the period referred to in  
subsection (1) of this section is extended by one day for each day  
during the period:

(a) beginning on the day on which the notice is given; and

(b) ending when the applicant gives the Titles Administrator the  
information.

(3) The Joint Authority is not required to comply with subsection (1)  
unless a number of days is prescribed for the purposes of  
subparagraph (1)(b)(ii).

(4) The applicant and the Joint Authority may vary or terminate an  
agreement referred to in subparagraph (1)(b)(i).

(5) A failure to comply with subsection (1) in relation to a decision  
does not affect the validity of the decision.

Note: See also sections 286B and 286C.

#### **81 Subsection 202(3) (note)**

Omit “Designated Authority”, substitute “Titles Administrator”.

#### **82 Subsection 203(3) (note)**

Omit “Designated Authority”, substitute “Titles Administrator”.

#### **83 Subsection 204(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

#### **84 Subsection 204(2) (note 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

#### **85 At the end of section 205**

Add:

---

*Time limit for making decision*

- (3) The Joint Authority must make a decision under subsection (1) within the period that:
- (a) begins when the application was made; and
  - (b) runs for:
    - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
    - (ii) if no such agreement is in force—the prescribed number of days.
- (4) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (3) of this section is extended by one day for each day during the period:
- (a) beginning on the day on which the notice is given; and
  - (b) ending when the applicant gives the Titles Administrator the information.
- (5) The Joint Authority is not required to comply with subsection (3) unless a number of days is prescribed for the purposes of subparagraph (3)(b)(ii).
- (6) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (3)(b)(i).
- (7) A failure to comply with subsection (3) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

**86 Subsection 206(3) (note)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**87 Subsection 207(3) (note)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**88 Paragraph 210(7)(c)**

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Omit “the Designated Authority”, substitute “NOPSEMA and the Titles Administrator”.

**89 Paragraph 210(7)(d)**

Omit “the Designated Authority”, substitute “NOPSEMA or the responsible Commonwealth Minister”.

**90 Subsection 215(2) (at the end of the note)**

Add “or 587A”.

**91 Subsection 215(7) (note)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**92 Subsection 216(2)**

Omit “Designated Authority”, substitute “responsible Commonwealth Minister”.

Note: The heading to subsection 216(2) is altered by omitting “*Designated Authority*” and substituting “*responsible Commonwealth Minister*”.

**93 Paragraph 216(4)(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

Note: The heading to subsection 216(4) is altered by omitting “*Designated Authority*” and substituting “*Responsible Commonwealth Minister*”.

**94 Subsection 216(4)**

Omit “Designated Authority” (second occurring), substitute “responsible Commonwealth Minister”.

**95 Subsection 216(5)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**96 Subsection 216(6)**

Omit “Designated Authority”, substitute “responsible Commonwealth Minister”.

**97 Subsection 217(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**98 Subsection 217(3) (note 3)**

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Omit “Designated Authority”, substitute “Titles Administrator”.

**99 Section 218**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**100 Subsection 226(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**101 Subsection 226(2) (note 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**102 Subsections 226(3) and (4)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**103 At the end of section 226**

Add:

*Time limit for making decision*

- (6) The Joint Authority must make a decision under subsection (4) within the period that:
  - (a) begins when the period referred to in subsection (3) ends; and
  - (b) runs for:
    - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph— that number of days; or
    - (ii) if no such agreement is in force—the prescribed number of days.
  
- (7) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (6) of this section is extended by one day for each day during the period:
  - (a) beginning on the day on which the notice is given; and
  - (b) ending when the applicant gives the Titles Administrator the information.

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- (8) The Joint Authority is not required to comply with subsection (6) unless a number of days is prescribed for the purposes of subparagraph (6)(b)(ii).
- (9) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (6)(b)(i).
- (10) A failure to comply with subsection (6) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

**104 Subsection 231(1)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**105 Subsection 234(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**106 Section 235**

Omit “Designated Authority”, substitute “Titles Administrator”.

**107 Subsections 236(2) and (3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**108 Subsection 237(3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**109 Subsection 240(1)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**110 Subsection 241(2)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**111 Subsection 242(1) (table)**

Omit “the Designated Authority for that offshore area” (wherever occurring), substitute “the Titles Administrator”.

**112 Subsection 243(1)**

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Omit “(1)”.

**113 Subsection 243(1)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**114 Subsection 243(2)**

Repeal the subsection.

**115 Subsection 244(2)**

Omit “Designated Authority” (first occurring), substitute “Titles Administrator”.

**116 Paragraph 244(2)(a)**

Omit “Designated Authority’s”, substitute “Titles Administrator’s”.

**117 Paragraph 244(2)(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**118 Subsections 244(3) and (4)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**119 Subsection 245(2)**

Omit “Designated Authority for the adjoining offshore area”, substitute “Titles Administrator”.

**120 Paragraph 245(2)(a)**

Omit “Designated Authority’s”, substitute “Titles Administrator’s”.

**121 Paragraph 245(2)(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**122 Subsections 245(3) and (4)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**123 Subsection 246(1)**

Omit “(1)”.

**124 Subsection 246(1)**

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Omit “Designated Authority”, substitute “Titles Administrator”.

**125 Subsection 246(2)**

Repeal the subsection.

**126 Paragraph 247(1)(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**127 Subsection 247(2)**

Omit “Designated Authority” (first occurring), substitute “Titles Administrator”.

**128 Paragraph 247(2)(a)**

Omit “Designated Authority’s”, substitute “Titles Administrator’s”.

**129 Subparagraph 247(2)(b)(ii)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**130 Subsections 247(3) and (4)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**131 Paragraph 248(1)(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**132 Subsection 248(2)**

Omit “Designated Authority for the adjoining offshore area”, substitute “Titles Administrator”.

**133 Paragraph 248(2)(a)**

Omit “Designated Authority’s”, substitute “Titles Administrator’s”.

**134 Subparagraph 248(2)(b)(ii)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**135 Subsections 248(3) and (4)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**136 Section 250**

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Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**137 Section 258**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to section 258 is altered by omitting “Designated Authority” and substituting “Titles Administrator”.

**138 Subsection 260(1) (heading to table column 3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**139 Subsection 260(1) (table items 1, 3, 5, 7, 9 and 10)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**140 Subsections 260(2) and (3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**141 Subsection 262(3) (note)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**142 Subsection 264(1) (table item 1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**143 Subsection 264(1) (table item 2)**

Omit “the Designated Authority or the Joint Authority”, substitute “the Joint Authority, the responsible Commonwealth Minister, the Titles Administrator or NOPSEMA”.

**144 Subsection 268(1) (table)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**145 Subsection 268(1) (table item 4)**

Before “gives”, insert “or NOPSEMA”.

**146 Subsection 268(2)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**147 Subsection 269(1) (heading to column headed “may apply to the Designated Authority for consent to surrender...”)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**148 Section 270**

Omit “The Designated Authority” (wherever occurring), substitute “The Joint Authority”.

**149 Paragraph 270(3)(a)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**150 Paragraph 270(3)(c)**

Omit “the Designated Authority” (wherever occurring), substitute “NOPSEMA”.

**151 Paragraphs 270(3)(d), (e) and (f)**

Omit “the Designated Authority”, substitute “NOPSEMA”.

**152 Subsection 270(3)**

Omit “Designated Authority” (last occurring), substitute “Joint Authority”.

**153 Subsection 270(5)**

Omit “Designated Authority” (wherever occurring), substitute “Joint Authority”.

**154 Subsection 271(1)**

Omit “Designated Authority”, substitute “Joint Authority”.

**155 Subsection 271(2)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**156 Sections 272 and 273**

Omit “Designated Authority”, substitute “Titles Administrator”.

**157 Paragraph 274(b)**

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Omit “Designated Authority”, substitute “responsible Commonwealth Minister, NOPSEMA”.

**158 Subsection 276(2) (note)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**159 At the end of Division 1 of Part 2.13**

Insert:

**277A NOPSEMA to notify the Titles Administrator of grounds for cancellation of title**

If NOPSEMA reasonably believes that there is a ground for cancelling:

- (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;

NOPSEMA must notify the Titles Administrator of:

- (f) the belief; and
- (g) the reasons for the belief.

**160 Section 278**

Omit “Designated Authority”, substitute “Titles Administrator”.

**161 Subsection 281(1)**

Omit “the Designated Authority”, substitute “NOPSEMA, the Titles Administrator”.

**162 Section 282**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**163 Subsection 284(2)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**164 At the end of Part 2.14**

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Add:

## **286A Notification requirements—registered holders of titles**

### *Registered holders as at commencement*

- (1) If, as at the commencement of this section, a person is the registered holder, or one of the registered holders, of a petroleum title, the person must:
  - (a) give the Titles Administrator and NOPSEMA a written notice, in the approved form, that:
    - (i) states that the person is a registered holder of the petroleum title; and
    - (ii) sets out such of the person's contact details as are required by the form; and
  - (b) do so within 30 days after the commencement of this section.

Note: For *contact details*, see subsection (9).

### *Becoming a registered holder*

- (2) If, at any time after the commencement of this section, a person becomes the registered holder, or one of the registered holders, of a petroleum title, the person must:
  - (a) give the Titles Administrator and NOPSEMA a written notice, in the approved form, that:
    - (i) states that the person has become a registered holder of the petroleum title; and
    - (ii) sets out such of the person's contact details as are required by the form; and
  - (b) do so within 30 days after so becoming a registered holder.

Note: For *contact details*, see subsection (9).

### *Ceasing to be a registered holder otherwise than because of death*

- (3) If, at any time after the commencement of this section, a person ceases to be the registered holder, or one of the registered holders, of a petroleum title otherwise than because of the death of the person, the person must, within 30 days after the cessation, notify the Titles Administrator and NOPSEMA, in writing, of the cessation.

*Death of a registered holder*

- (4) If, at any time after the commencement of this section, a person who is the registered holder, or one of the registered holders, of a petroleum title dies, the person's legal personal representative must, within 30 days after the death, notify the Titles Administrator and NOPSEMA, in writing, of the death.

*Change of contact details of registered holder*

- (5) If:
- (a) a person is the registered holder, or one of the registered holders, of a petroleum title; and
  - (b) the person has given a notice under:
    - (i) subsection (1); or
    - (ii) subsection (2); or
    - (iii) this subsection;that sets out one or more contact details of the person; and
  - (c) any or all of those contact details have changed;
- the person must:
- (d) give the Titles Administrator and NOPSEMA a written notice, in the approved form, that:
    - (i) states that the relevant contact details have changed; and
    - (ii) sets out the changed contact details; and
  - (e) do so within 30 days after the change.

Note: For *contact details*, see subsection (9).

*Publication of approved form*

- (6) The Titles Administrator must publish on the Department's website a form approved for the purposes of subsection (1), (2) or (5).

*Offence*

- (7) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (1), (2), (3), (4) or (5); and
  - (b) the person omits to do an act; and
  - (c) the omission breaches the requirement.

Penalty: 50 penalty units.

- (8) An offence against subsection (7) is an offence of strict liability.

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

*Definitions*

- (9) In this section:

***approved*** means approved, in writing, by the Titles Administrator and the Chief Executive Officer of NOPSEMA.

***contact details*** of a person includes the following:

- (a) the person's name;
- (b) the address of:
  - (i) the place of residence or business of the person; or
  - (ii) if the person is a body corporate—the head office, a registered office or a principal office of the body corporate;
- (c) the person's telephone number (if any);
- (d) the person's fax number (if any);
- (e) the person's email address (if any);
- (f) if the person is a body corporate that has an ACN (within the meaning of the *Corporations Act 2001*)—the ACN.

***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.

## **286B Publication of prescribed time limits**

The Joint Authority must cause to be published on the Department's website any periods prescribed for the purposes of any of the following provisions:

- (a) subparagraph 143A(1)(b)(ii);

- (b) subparagraph 149A(1)(b)(ii);
- (c) subparagraph 155A(1)(b)(ii);
- (d) subparagraph 173A(2)(b)(ii);
- (e) subparagraph 183(8)(b)(ii);
- (f) subparagraph 186A(1)(b)(ii);
- (g) subparagraph 200A(1)(b)(ii);
- (h) subparagraph 205(3)(b)(ii);
- (i) subparagraph 226(6)(b)(ii).

### **286C Report about decisions not made within time limits**

- (1) If a Joint Authority contravenes any of the following provisions on one or more occasions during a financial year, the Titles Administrator must, within 60 days after the end of the financial year, prepare a report describing those contraventions:
  - (a) subsection 143A(1);
  - (b) subsection 149A(1);
  - (c) subsection 155A(1);
  - (d) subsection 173A(2);
  - (e) subsection 183(8);
  - (f) subsection 186A(1);
  - (g) subsection 200A(1);
  - (h) subsection 205(3);
  - (i) subsection 226(6).
- (2) As soon as practicable after completing the preparation of the report, the Titles Administrator must give the report to the responsible Commonwealth Minister.
- (3) The responsible Commonwealth Minister must cause a copy of a report under subsection (1) to be tabled in each House of the Parliament within 15 sitting days after receiving the report.

### **165 Subsection 410(2)**

Omit “Designated Authority”, substitute “Titles Administrator”.

### **166 Section 453**

Omit “the Designated Authority” (wherever occurring), substitute “NOPSEMA”.

### 167 Section 466

Repeal the section, substitute:

### 466 Simplified outline

The following is a simplified outline of this Chapter:

- The Titles Administrator must keep a Register, for each offshore area, of petroleum titles and petroleum special prospecting authorities that relate to that offshore area.
- A transfer of a petroleum title must be approved by the Titles Administrator, and an instrument of transfer must be registered under this Part.
- A dealing in a petroleum title must be approved by the Titles Administrator, and the approval must be entered in the relevant Register.

### 168 Section 467 (definition of *referable title*)

Repeal the definition.

### 169 Section 467 (definition of *Register*)

Repeal the definition, substitute:

*Register* means a Register kept under section 469.

### 170 Section 467

Insert:

*relevant Register*:

- (a) in relation to a title or a petroleum special prospecting authority—means the Register for the offshore area to which the title or petroleum special prospecting authority relates; or
- (b) in relation to a notice under subsection 191(5), (6) or (7) that relates to a petroleum pool that is wholly or partly situated in an offshore area—means the Register for the offshore area.

### 171 Section 469

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Omit “Designated Authority for an offshore area”, substitute “Titles Administrator”.

**172 Section 469**

After “a Register”, insert “, for each offshore area,”.

**173 Subsection 470(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**174 Subsection 470(1)**

Omit “the Register”, substitute “the relevant Register”.

**175 Subsection 470(2) (table item 7, column headed “the memorial must...”)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**176 Subsection 470(3)**

Omit “Designated Authority must enter in the Register”, substitute “Titles Administrator must enter in the relevant Register”.

**177 Subsection 470(4)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**178 Subsection 470(4)**

Omit “the Register”, substitute “the relevant Register”.

**179 Subsection 470(5)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**180 Subsection 470(5)**

Omit “the Register”, substitute “the relevant Register”.

**181 Section 471**

Omit “Designated Authority must enter in the Register”, substitute “Titles Administrator must enter in the relevant Register”.

**182 Section 471A**

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Omit “Designated Authority may make a notation in the Register”, substitute “Titles Administrator may make a notation in the relevant Register”.

**183 Paragraph 472(a)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**184 Subsection 473(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**185 Paragraph 474(c)**

Repeal the paragraph.

**186 Paragraph 474(d)**

Omit “if the title is not a referable title”, substitute “in any case”.

**187 Section 475**

Repeal the section.

**188 Section 476**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**189 Section 477**

Omit “Designated Authority” (first occurring), substitute “Titles Administrator”.

**190 Paragraphs 477(a) and (b)**

Omit “in the Register”, substitute “in the relevant Register”.

**191 Paragraph 477(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**192 Subsection 478(2)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**193 Subsection 478(3)**

Repeal the subsection.

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**194 Subsection 478(4)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**195 Subsection 478(4)**

Omit “Designated Authority’s”, substitute “Titles Administrator’s”.

**196 Subsection 478(5)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**197 Subsection 478(5)**

Omit “in the Register”, substitute “in the relevant Register”.

**198 Subsections 478(6) to (9)**

Repeal the subsections.

**199 Subsections 479(1) to (3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**200 Subsections 479(3) and (4)**

Omit “in the Register”, substitute “in the relevant Register”.

**201 Subparagraph 479(5)(a)(i)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**202 Subsection 482(1)**

Omit “Designated Authority to have the person’s name entered in the Register”, substitute “Titles Administrator to have the person’s name entered in the relevant Register”.

**203 Subsection 483(2)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**204 Subsection 483(2)**

Omit “the Register”, substitute “the relevant Register”.

**205 Subsection 484(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**206 Subsections 484(1) and 485(1)**

Omit “the Register”, substitute “the relevant Register”.

**207 Subsection 485(2)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**208 Subsection 485(2)**

Omit “the Register”, substitute “the relevant Register”.

**209 Section 487**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**210 Paragraph 487(b)**

Omit “the Register”, substitute “the relevant Register”.

**211 Section 488**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**212 Paragraph 489(1)(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**213 Subsection 489(4)**

Repeal the subsection.

**214 Subsection 489(4A)**

Omit “If a dealing does not relate to a referable title, an”, substitute “An”.

**215 Section 490**

Repeal the section.

**216 Section 491**

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Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**217 Section 492**

Omit “Designated Authority” (first occurring), substitute “Titles Administrator”.

**218 Paragraphs 492(a) and (b)**

Omit “the Register”, substitute “the relevant Register”.

**219 Paragraph 492(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**220 Subsection 493(2)**

Omit “Designated Authority must”, substitute “Titles Administrator must”.

**221 Subsection 493(2) (note)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**222 Subsection 493(3)**

Repeal the subsection.

**223 Subsection 493(4)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**224 Subsection 493(4)**

Omit “Designated Authority’s”, substitute “Titles Administrator’s”.

**225 Subsection 493(5)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**226 Subsection 493(5)**

Omit “the Register”, substitute “the relevant Register”.

**227 Subsections 493(6) to (9)**

Repeal the subsections.

**228 Subsections 494(1) and (2)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**229 Subsection 494(3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**230 Subsection 494(3)**

Omit “the Register”, substitute “the relevant Register”.

**231 Subsection 495(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**232 Subsection 495(1)**

Omit “the Register”, substitute “the relevant Register”.

**233 Subparagraphs 495(2)(a)(i) and (3)(a)(i)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**234 Section 496**

Omit “the Register”, substitute “a Register”.

**235 Section 498**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**236 Paragraph 499(1)(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**237 Subsection 499(4)**

Repeal the subsection.

**238 Subsection 499(4A)**

Omit “If a dealing does not relate to a referable title, a”, substitute “A”.

**239 Section 500**

Repeal the section.

**240 Section 503**

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Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**241 Section 504**

Omit “Designated Authority”, substitute “Titles Administrator”.

**242 Section 504**

Omit “the Register” (first occurring), substitute “a Register”.

**243 Subsection 505(1)**

Omit “Designated Authority” (first occurring), substitute “Titles Administrator”.

**244 Subsection 505(1)**

Omit “the Register” (first occurring), substitute “a Register”.

**245 Subsection 505(1)**

Omit “Designated Authority” (second occurring), substitute “Titles Administrator”.

**246 Subsection 505(2)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**247 Paragraph 505(2)(b)**

Omit “Designated Authority’s”, substitute “Titles Administrator’s”.

**248 Subsection 505(3)**

Omit “Designated Authority” (first occurring), substitute “Titles Administrator”.

**249 Subsection 505(3)**

Omit “the Register” (first occurring), substitute “a Register”.

**250 Subsection 505(3)**

Omit “Designated Authority” (second occurring), substitute “Titles Administrator”.

**251 Paragraphs 505(3)(a) and (b)**

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Omit “Designated Authority”, substitute “Titles Administrator”.

**252 Subsection 505(5)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**253 Subsection 505(6)**

Omit “Designated Authority” (first occurring), substitute “Titles Administrator”.

**254 Subsection 505(6)**

Omit “the Register”, substitute “a Register”.

**255 Subsection 505(6)**

Omit “Designated Authority” (second occurring), substitute “Titles Administrator”.

**256 Subsection 506(4)**

Omit “Designated Authority”, substitute “Titles Administrator”.

Note: The heading to subsection 506(4) is altered by omitting “*Designated Authority*” and substituting “*Titles Administrator*”.

**257 Subsections 506(5) and (6)**

Omit “Designated Authority”, substitute “Titles Administrator”.

Note: The heading to subsection 506(5) is altered by omitting “*Designated Authority*” and substituting “*Titles Administrator*”.

**258 Section 507**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to section 507 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.

**259 Section 508**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to section 508 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.

**260 Section 509**

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Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**261 Section 510**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to section 510 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.

**262 Section 511**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to section 511 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.

**263 Subparagraph 514(1)(b)(ii)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**264 Subsection 515(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**265 Subsection 515(1)**

Omit “the Register”, substitute “each Register”.

**266 Subsection 515(2)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**267 Section 516**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**268 Paragraph 516(2)(a)**

Omit “the Register”, substitute “a Register”.

**269 Section 518**

Repeal the section, substitute:

## 518 Simplified outline

The following is a simplified outline of this Chapter:

- The Titles Administrator must keep a Register of greenhouse gas titles and greenhouse gas search authorities.
- A transfer of a greenhouse gas title must be approved by the Titles Administrator, and an instrument of transfer must be registered under this Part.
- A dealing in a greenhouse gas title must be approved by the Titles Administrator, and the approval must be entered in the Register.

### 270 Section 521

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

### 271 Subsection 522(1)

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

### 272 Subsection 522(2) (table item 5, column headed “the memorial must...”)

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

### 273 Subsection 522(3)

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

### 274 Subsection 522(4)

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

### 275 Subsection 522(5)

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**276 Section 523**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**277 Section 523A**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**278 Paragraph 524(a)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**279 Subsection 525(1)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**280 Section 527**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**281 Section 528**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**282 Subsections 529(2) and (3)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**283 Paragraph 529(3)(c)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**284 Subsection 529(4)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**285 Paragraph 529(4)(c)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**286 Subsection 529(5)**

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Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**287 Subsection 529(5)**

Omit “responsible Commonwealth Minister’s”, substitute “Titles Administrator’s”.

**288 Subsection 529(6)**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**289 Section 530**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**290 Subsection 533(1)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**291 Subsection 534(2)**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**292 Subsection 535(1)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**293 Subsection 536(2)**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**294 Section 538**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**295 Section 539**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

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**296 Paragraph 540(1)(b)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**297 Section 541**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**298 Section 542**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**299 Subsection 543(2)**

Omit “responsible Commonwealth Minister must”, substitute “Titles Administrator must”.

**300 Subsection 543(2) (note)**

Omit “responsible Commonwealth Minister by”, substitute “Titles Administrator by”.

**301 Subsection 543(3)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**302 Subsection 543(3)**

Omit “responsible Commonwealth Minister’s”, substitute “Titles Administrator’s”.

**303 Subsection 543(4)**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**304 Section 544**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**305 Section 545**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

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**306 Section 548**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**307 Paragraph 549(1)(b)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**308 Section 552**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**309 Section 553**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**310 Subsections 554(1) and (2)**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**311 Paragraph 554(2)(b)**

Omit “responsible Commonwealth Minister’s”, substitute “Titles Administrator’s”.

**312 Subsections 554(3), (5) and (6)**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**313 Subsection 555(4)**

Omit “responsible Commonwealth Minister concerned”, substitute “Titles Administrator”.

Note: The heading to subsection 555(4) is altered by omitting “*responsible Commonwealth Minister*” and substituting “*Titles Administrator*”.

**314 Subsections 555(5) and (6)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

Note: The heading to subsection 555(5) is altered by omitting “*responsible Commonwealth Minister*” and substituting “*Titles Administrator*”.

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**315 Section 556**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to section 556 is altered by omitting “**Responsible Commonwealth Minister**” and substituting “**Titles Administrator**”.

**316 Section 557**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to section 557 is altered by omitting “**Responsible Commonwealth Minister**” and substituting “**Titles Administrator**”.

**317 Section 558**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**318 Section 559**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to section 559 is altered by omitting “**Responsible Commonwealth Minister**” and substituting “**Titles Administrator**”.

**319 Section 560**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

Note: The heading to section 560 is altered by omitting “**Responsible Commonwealth Minister**” and substituting “**Titles Administrator**”.

**320 Subparagraph 563(b)(ii)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**321 Section 564**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**322 Section 565**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**323 Paragraph 568(2)(b)**

Omit “Designated Authority”, substitute “Joint Authority”.

**324 Subsection 569(1) (table item 1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**325 Paragraph 569(8)(c)**

After “574”, insert “or 574A”.

**326 Subsections 571(1) and (2)**

Omit “Designated Authority”, substitute “responsible Commonwealth Minister”.

**327 Paragraph 572(7)(c)**

After “574”, insert “, 574A”.

**328 Section 573**

Repeal the section, substitute:

**573 Simplified outline**

The following is a simplified outline of this Part:

- NOPSEMA or the responsible Commonwealth Minister may give a direction to a petroleum titleholder. A direction may extend to other persons.
- If there is a breach of a direction given by the Joint Authority or NOPSEMA under Chapter 2, this Chapter or the regulations, NOPSEMA may do anything required by the direction to be done, and NOPSEMA’s costs may be recovered from the person to whom the direction was given.
- If there is a breach of a direction given by the responsible Commonwealth Minister under this Part, the responsible Commonwealth Minister may do anything required by the direction to be done, and the responsible Commonwealth Minister’s costs may be recovered from the person to whom the direction was given.



- In a prosecution for an offence relating to a breach of:
    - (a) a direction given by the Joint Authority or NOPSEMA under Chapter 2, this Chapter or the regulations; or
    - (b) a direction given by the responsible Commonwealth Minister under this Part;
- it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

**329 Subsection 574(2)**

Omit “The Designated Authority”, substitute “NOPSEMA”.

Note: The heading to section 574 is altered by adding at the end “—NOPSEMA”.

**330 At the end of subsection 574(2)**

Add:

Note 3: A direction under this section has no effect to the extent of any inconsistency with a direction under section 574A: see subsection 574A(12).

**331 Subsection 574(5)**

Omit “The Designated Authority”, substitute “NOPSEMA”.

**332 After subsection 574(9)**

Insert:

(9A) If:

- (a) NOPSEMA gives a direction under this section; and
- (b) NOPSEMA considers that the direction may have significant consequences for:
  - (i) resource management; or
  - (ii) resource security;

NOPSEMA must:

- (c) give the responsible Commonwealth Minister a copy of the direction; and
- (d) do so as soon as practicable after the direction was given.

### 333 After section 574

Insert:

#### 574A General power to give directions—responsible Commonwealth Minister

##### *Definition*

(1) In this section:

*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.

##### *Direction to registered holder*

- (2) The responsible Commonwealth Minister may, by written notice given to the registered holder of a title, give the registered holder a direction as to any matter in relation to which regulations may be made, so long as that matter is a matter:
- (a) that relates to resource management; or
  - (b) that relates to resource security; or
  - (c) in relation to which regulations may be made for the purposes of section 698 (which deals with data management).

Note 1: Section 782 is the main provision setting out matters in relation to which regulations may be made.

Note 2: For enforcement, see section 576.

##### *Extended application of direction*

- (3) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to:
- (a) a specified class of persons, so long as the class consists of, or is included in, either or both of the following classes:

- (i) employees or agents of, or persons acting on behalf of, the registered holder;
  - (ii) persons performing work or services, whether directly or indirectly, for the registered holder; or
- (b) any person (other than the registered holder or a person to whom the direction applies in accordance with paragraph (a)) who is:
- (i) in the offshore area for any reason touching, concerning, arising out of, or connected with, exploring the seabed or subsoil of the offshore area for petroleum or exploiting the petroleum that occurs as a natural resource of that seabed or subsoil; or
  - (ii) in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the offshore area for a reason of that kind.
- (4) If a direction so expressed is given, the direction is taken to apply to each person included in the specified class mentioned in paragraph (3)(a) or to each person who is in the offshore area as mentioned in paragraph (3)(b), as the case may be.

Note: For notification requirements, see section 575.

*Additional matters*

- (5) The responsible Commonwealth Minister must not give a direction under this section of a standing or permanent nature except with the approval of the Joint Authority, but the validity of a direction is not affected by a breach of this subsection.
- (6) A direction under this section has effect, and must be complied with, despite:
- (a) any previous direction under this section; and
  - (b) anything in the regulations (other than the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*); and
  - (c) the applied provisions.

Note: For *applied provisions*, see subsection 80(2).

- (7) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without

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modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

- (8) To avoid doubt, subsection (7) applies to an instrument, whether issued or made in Australia or outside Australia.
- (9) A direction under this section may prohibit the doing of an act or thing:
  - (a) unconditionally; or
  - (b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.
- (10) If a direction under this section makes provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard, the responsible Commonwealth Minister must ensure that the text of the code of practice or standard applied, adopted or incorporated is published on the Department's website.
- (11) Subsection (10) does not apply if the publication would infringe copyright.

#### *Inconsistency*

- (12) If a direction under section 574 is inconsistent with a direction under this section, the direction under section 574 has no effect to the extent of the inconsistency.

#### *Directions*

- (13) If paragraph (3)(b) applies to a direction under this section, the direction is a legislative instrument.
- (14) If paragraph (3)(b) does not apply to a direction under this section, the direction is not a legislative instrument.

### **334 Subsection 575(3)**

Omit "the Designated Authority", substitute "NOPSEMA".

### **335 After subsection 575(3)**

Insert:

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*Notification*

- (3A) If a direction under section 574A applies to:
- (a) a registered holder; and
  - (b) a person referred to in paragraph 574A(3)(a);
- the registered holder must cause a copy of the notice by which the direction was given to be:
- (c) given to that other person; or
  - (d) displayed at a prominent position at a place in the offshore area frequented by that other person.
- (3B) If a direction under section 574A applies to:
- (a) a registered holder; and
  - (b) a person referred to in paragraph 574A(3)(b);
- the registered holder must cause a copy of the notice by which the direction was given to be displayed at a prominent position at a place in the offshore area.
- (3C) If a direction under section 574A applies to:
- (a) a registered holder; and
  - (b) a person referred to in paragraph 574A(3)(b);
- the responsible Commonwealth Minister may, by written notice given to the registered holder, require the registered holder to cause to be displayed:
- (c) at such places in the offshore area; and
  - (d) in such manner;
- as are specified in the notice, copies of the notice by which the direction was given.

**336 Paragraph 575(4)(a)**

Omit “or (3)”, substitute “, (3), (3A), (3B) or (3C)”.

**337 Paragraphs 576(1)(a) and (3)(a)**

After “574”, insert “or 574A”.

**338 Division 3 of Part 6.2 (heading)**

Repeal the heading, substitute:

**Division 3—NOPSEMA or the responsible Commonwealth Minister may take action if there is a breach of a direction**

**339 Subsection 577(1)**

Omit “the Designated Authority” (wherever occurring), substitute “NOPSEMA”.

Note 1: The heading to section 577 is altered by omitting “**Designated Authority**” and substituting “NOPSEMA”.

Note 2: The heading to subsection 577(1) is altered by omitting “*Designated Authority*” and substituting “NOPSEMA”.

**340 Subsection 577(2)**

Repeal the subsection.

**341 Subsection 577(3)**

Omit “the Designated Authority”, substitute “NOPSEMA”.

Note: The heading to subsection 577(3) is altered by omitting “*the Designated Authority*” and substituting “NOPSEMA”.

**342 At the end of Division 3 of Part 6.2**

Add:

**577A Responsible Commonwealth Minister may take action if there is a breach of a direction**

*Action by responsible Commonwealth Minister*

- (1) If:
- (a) a person is subject to a direction given by the responsible Commonwealth Minister under this Part; and
  - (b) the person engages in conduct; and
  - (c) the person’s conduct breaches the direction;
- the responsible Commonwealth Minister may do any or all of the things required by the direction to be done.

*Recovery of costs and expenses incurred by the responsible  
Commonwealth Minister*

- (2) Costs or expenses incurred by the responsible Commonwealth Minister under subsection (1) in relation to a direction are:
- (a) a debt due to the Commonwealth by the person subject to the direction; and
  - (b) recoverable in a court of competent jurisdiction.

*Exception—direction that has an extended application*

- (3) If:
- (a) a direction under section 574A applies to:
    - (i) a registered holder; and
    - (ii) another person; and
  - (b) an action under subsection (2) relating to the direction is brought against the other person; and
  - (c) the other person adduces evidence that the other person did not know, and could not reasonably be expected to have known, of the existence of the direction;
- the other person is not liable under subsection (2) unless the plaintiff proves that the other person knew, or could reasonably be expected to have known, of the existence of the direction.

*Defence*

- (4) In an action under subsection (2), it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

**343 Section 578**

Before “In a prosecution”, insert “(1)”.

**344 Section 578**

Omit “the Designated Authority”, substitute “NOPSEMA”.

**345 Section 578 (note)**

Omit “section” (first occurring), substitute “subsection”.

**346 At the end of section 578**

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Add:

- (2) In a prosecution for an offence in relation to a breach of a direction given by the responsible Commonwealth Minister under this Part, it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

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

#### **347 Subparagraph 583(1)(a)(ii)**

After “Chapter”, insert “(other than Part 6.2)”.

#### **348 Paragraph 584(b)**

After “Chapter”, insert “(other than Part 6.2)”.

#### **349 Section 585**

Repeal the section, substitute:

#### **585 Simplified outline**

The following is a simplified outline of this Division:

- NOPSEMA may give remedial directions to petroleum titleholders or former petroleum titleholders about the following matters:
  - (a) the removal of property;
  - (b) the plugging or closing off of wells;
  - (c) the conservation and protection of natural resources;
  - (d) the making good of damage to the seabed or subsoil.
- The responsible Commonwealth Minister may give remedial directions to petroleum titleholders or former petroleum titleholders about the following matters:
  - (a) the plugging or closing off of wells;



- (b) the conservation and protection of natural resources;
  - (c) the making good of damage to the seabed or subsoil.
- If there is a breach of a remedial direction, NOPSEMA or the responsible Commonwealth Minister may do anything required by the direction to be done.
  - If property has not been removed in accordance with a remedial direction, NOPSEMA may direct the owner to remove or dispose of the property.

**350 Subsection 586(2)**

Omit “The Designated Authority”, substitute “NOPSEMA”.

Note: The heading to section 586 is altered by adding at the end “—NOPSEMA”.

**351 Subsection 586(2)**

Omit “the Designated Authority” (wherever occurring), substitute “NOPSEMA”.

**352 At the end of subsection 586(2)**

Add:

Note 3: A direction under this section has no effect to the extent of any inconsistency with a direction under section 586A: see subsection 586A(9).

**353 Subsection 586(3)**

Omit “the Designated Authority”, substitute “NOPSEMA”.

**354 After section 586**

Insert:

**586A Remedial directions to current holders of permits, leases and licences—responsible Commonwealth Minister**

*Scope*

- (1) This section applies to:
- (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.

*Direction to registered holder*

- (2) The responsible Commonwealth Minister may, by written notice given to the registered holder of the permit, lease or licence, direct the holder to do any or all of the following things on or before the applicable date:
- (a) to plug or close off, to the satisfaction of the responsible Commonwealth Minister, all wells made in the title area by any person engaged or concerned in those operations;
  - (b) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the title area;
  - (c) to make good, to the satisfaction of the responsible Commonwealth Minister, any damage to the seabed or subsoil in the title area caused by any person engaged or concerned in those operations;
- so long as the direction is given for a purpose that relates to:
- (d) resource management; or
  - (e) resource security.

Note 1: For *applicable date* and *title area*, see subsection (7).

Note 2: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

- (3) In attaining a state of satisfaction for the purposes of paragraph (2)(a), the responsible Commonwealth Minister:
- (a) in the case of a declared petroleum exploration permit, declared petroleum retention lease or declared petroleum production licence—must have regard; or

(b) otherwise—may have regard;  
to the principle that plugging or closing off wells should be carried out in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.

- (4) Paragraph (2)(b) has effect subject to:
- (a) Chapter 2; and
  - (b) this Chapter; and
  - (c) the regulations.

*Offence*

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

Penalty: 100 penalty units.

- (6) An offence against subsection (5) is an offence of strict liability.

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

*Applicable date and title area*

- (7) For the purposes of this section, the table has effect:

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<b>Applicable date and title area</b>			
<b>Item</b>	<b>In the case of...</b>	<b>the applicable date is...</b>	<b>and the title area is...</b>
1	a petroleum exploration permit	the expiry date of the permit	the permit area.
2	a petroleum retention lease	the expiry date of the lease	the lease area.
3	a fixed-term petroleum production licence	the expiry date of the licence	the licence area.
4	a petroleum production licence that is not a fixed-term petroleum production licence	the first date on which the licence can be terminated under this Act	the licence area.

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<b>Applicable date and title area</b>			
<b>Item</b>	<b>In the case of..</b>	<b>the applicable date is..</b>	<b>and the title area is..</b>
5	an infrastructure licence	the first date on which the licence can be terminated under this Act	the licence area.
6	a pipeline licence	the first date on which the licence can be terminated under this Act	the part of the offshore area in which the pipeline is constructed.

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- (8) A notice under subsection (2) need not identify the applicable date as a particular calendar date.

#### *Inconsistency*

- (9) If a direction under section 586 is inconsistent with a direction under this section, the direction under section 586 has no effect to the extent of the inconsistency.

### **355 Subsection 587(2)**

Omit “The Designated Authority”, substitute “NOPSEMA”.

Note: The heading to section 587 is altered by adding at the end “—NOPSEMA”.

### **356 Subsection 587(2)**

Omit “the Designated Authority” (wherever occurring), substitute “NOPSEMA”.

### **357 At the end of subsection 587(2)**

Add:

Note: A direction under this section has no effect to the extent of any inconsistency with a direction under section 587A: see subsection 587A(8).

### **358 Subsection 587(4)**

Omit “the Designated Authority”, substitute “NOPSEMA”.

### **359 After section 587**

Insert:

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**587A Remedial directions to former holders of permits, leases, licences and authorities etc.—responsible Commonwealth Minister**

*Scope*

(1) This section applies if an event specified in the table has happened:

<b>Scope</b>		
<b>Item</b>	<b>Title</b>	<b>Event</b>
1	Petroleum exploration permit	(a) the permit has been wholly or partly revoked; (b) the permit has been wholly or partly cancelled; (c) the permit has expired.
2	Petroleum retention lease	(a) the lease has been wholly or partly revoked; (b) the lease has been cancelled; (c) the lease has expired.
3	Petroleum production licence	(a) the licence has been wholly or partly revoked; (b) the licence has been wholly or partly cancelled; (c) the licence has been terminated; (d) the licence has expired.
4	Infrastructure licence	(a) the licence has been cancelled; (b) the licence has been terminated.
5	Pipeline licence	(a) the licence has been wholly or partly cancelled; (b) the licence has been wholly or partly terminated.
6	Petroleum special prospecting authority	(a) the authority has been surrendered; (b) the authority has been cancelled; (c) the authority has expired.
7	Petroleum access authority	(a) the authority has been revoked; (b) the authority has been surrendered; (c) the authority has expired.

*Direction*

- (2) The responsible Commonwealth Minister may, by written notice given to the person who was, or is, as the case may be, the registered holder of the permit, lease, licence or authority, direct the person to do any or all of the following things within the period specified in the notice:
- (a) to plug or close off, to the satisfaction of the responsible Commonwealth Minister, all wells made in the vacated area by any person engaged or concerned in those operations;
  - (b) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the vacated area;
  - (c) to make good, to the satisfaction of the responsible Commonwealth Minister, any damage to the seabed or subsoil in the vacated area caused by any person engaged or concerned in those operations:
- so long as the direction is given for the purposes of:
- (d) resource management; or
  - (e) resource security.
- (3) The period specified in the notice must be reasonable.
- (4) In attaining a state of satisfaction for the purposes of paragraph (2)(a), the responsible Commonwealth Minister:
- (a) in the case of a declared petroleum exploration permit, declared petroleum retention lease or declared petroleum production licence—must have regard; or
  - (b) otherwise—may have regard;
- to the principle that plugging or closing off wells should be carried out in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.
- (5) Paragraph (2)(b) has effect subject to:
- (a) Chapter 2; and
  - (b) this Chapter; and
  - (c) the regulations.

*Offence*

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

Penalty: 100 penalty units.

- (7) An offence against subsection (6) is an offence of strict liability.

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

*Inconsistency*

- (8) If a direction under section 587 is inconsistent with a direction under this section, the direction under section 587 has no effect to the extent of the inconsistency.

**360 Section 588**

Omit “the Designated Authority” (wherever occurring), substitute “NOPSEMA”.

Note 1: The heading to section 588 is altered by omitting “**Designated Authority**” and substituting “**NOPSEMA**”.

Note 2: The heading to subsection 588(2) is altered by omitting “*Designated Authority*” and substituting “*NOPSEMA*”.

**361 Subsection 589(1)**

Omit “the Designated Authority” (wherever occurring), substitute “NOPSEMA”.

Note: The heading to section 589 is altered by omitting “**Designated Authority**” and substituting “**NOPSEMA**”.

**362 Subsection 589(2)**

Omit “The Designated Authority”, substitute “NOPSEMA”.

**363 Subsections 589(2), (4) and (5)**

Omit “the Designated Authority” (wherever occurring), substitute “NOPSEMA”.

**364 At the end of Division 1 of Part 6.4**

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Add:

**590A Responsible Commonwealth Minister may take action if a direction has been breached**

*Scope*

- (1) This section applies if a direction is given under section 587A.

*Responsible Commonwealth Minister may take action*

- (2) If:
- (a) a direction under section 587A has been breached in relation to the vacated area; or
  - (b) an arrangement under section 587A has not been carried out in relation to the vacated area;
- the responsible Commonwealth Minister may do any or all of the things required by the direction or arrangement to be done.

**365 Section 599**

Omit “The Designated Authority”, substitute “NOPSEMA”.

**366 Subsection 600(1)**

Omit “The Designated Authority for an offshore area”, substitute “NOPSEMA”.

**367 Subsection 600(1)**

Omit “the offshore area”, substitute “an offshore area”.

**368 Subsection 600(2)**

Omit “The Designated Authority”, substitute “NOPSEMA”.

**369 Subsection 600(3)**

Repeal the subsection, substitute:

- (3) If a person is a petroleum project inspector in relation to the Eastern Greater Sunrise offshore area, NOPSEMA may specify, in the identity card issued to the petroleum project inspector under subsection (2), that the petroleum project inspector is a Greater Sunrise visiting inspector.



**370 Subparagraphs 600(4)(c)(i) and (ii)**

Omit “the Designated Authority”, substitute “NOPSEMA”.

**371 At the end of section 600**

Add:

- (7) NOPSEMA and the Titles Administrator may, with the agreement of the responsible Commonwealth Minister, make a written determination that provides that, in the event that:
- (a) a petroleum project inspector engages in activities that are preparatory to the exercise, or the possible exercise, of a power under this Act for a purpose that relates to the functions or powers of the Titles Administrator; or
  - (b) a petroleum project inspector exercises a power under this Act for a purpose that relates to the functions or powers of the Titles Administrator;
- an amount worked out in accordance with the determination is to be:
- (c) debited from the National Offshore Petroleum Titles Administrator Special Account; and
  - (d) credited to the National Offshore Petroleum Safety and Environmental Management Authority Special Account;
- on a day worked out in accordance with the determination.
- (8) The Titles Administrator must publish a determination under subsection (7) on the Department’s website.
- (9) A determination under subsection (7) is not a legislative instrument.

**372 Section 612**

Omit “The Designated Authority”, substitute “NOPSEMA”.

**373 Section 614 (paragraph (b) of the definition of exempt vessel)**

Omit “the Designated Authority”, substitute “NOPSEMA”.

**374 Subsection 615(2)**

Omit “The Designated Authority”, substitute “NOPSEMA”.

**375 Subsection 616(1)**

Omit “the Designated Authority” (wherever occurring), substitute “NOPSEMA”.

**376 Section 618**

Omit “the Designated Authority” (wherever occurring), substitute “NOPSEMA”.

Note: The heading to section 618 is altered by omitting “**Designated Authority**” and substituting “NOPSEMA”.

**377 Section 635**

Omit “Designated Authority”, substitute “Titles Administrator”.

Note: The heading to section 635 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.

**378 Subsection 636(1)**

Omit “Designated Authority” (first occurring), substitute “Titles Administrator”.

**379 After paragraph 636(1)(e)**

Insert:

(ea) a fee under subsection 564(1) or (2);

(eb) a fee under subsection 565(2) or (4);

**380 Paragraph 636(1)(g)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**381 Paragraphs 636(2)(d) and (e)**

Repeal the paragraphs.

**382 After paragraph 638(1)(d)**

Insert:

(e) Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, to the extent to which that Part relates to occupational health and safety matters;

**383 Part 6.9 (heading)**

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Repeal the heading, substitute:

## **Part 6.9—National Offshore Petroleum Safety and Environmental Management Authority**

### **384 Section 642**

Repeal the section, substitute:

#### **642 Simplified outline**

The following is a simplified outline of this Part:

- There is to be a National Offshore Petroleum Safety and Environmental Management Authority (***NOPSEMA***).
- **NOPSEMA** has functions in relation to the occupational health and safety of persons engaged in:
  - (a) offshore petroleum operations; or
  - (b) offshore greenhouse gas storage operations.
- **NOPSEMA** also has functions in relation to:
  - (a) the structural integrity of facilities, wells and well-related equipment; and
  - (b) environmental management.
- There is to be a Chief Executive Officer (***CEO***) of **NOPSEMA**.
- There is to be a National Offshore Petroleum Safety and Environmental Management Authority Board.
- The main function of the Board is to give advice, and make recommendations, to the **CEO** about the operational policies and strategies to be followed by **NOPSEMA** in the performance of its functions.

- |   |
|---|
| <ul style="list-style-type: none"><li>• The CEO may appoint OHS inspectors.</li></ul> |
|---|

**385 Section 643 (definition of *Board*)**

After “Safety”, insert “and Environmental Management”.

**386 Section 643 (definition of *CEO*)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**387 Section 643**

Insert:

*environmental management law* means the provisions of:

(a) this Act; or

(b) the regulations;

to the extent to which the provisions relate to, or empower NOPSEMA to take action in relation to:

(c) offshore petroleum environmental management in relation to Commonwealth waters; or

(d) offshore greenhouse gas storage environmental management in relation to Commonwealth waters.

**388 Section 643 (paragraph (b) of the definition of *Greenhouse Gas Storage Ministerial Council*)**

Omit “the Ministerial Council on Mineral and Petroleum Resources”, substitute “the Standing Council on Energy and Resources”.

**389 Section 643**

Insert:

*NOPSEMA waters* means:

(a) Commonwealth waters; and

(b) the designated coastal waters of each State and of the Northern Territory.

**390 Section 643**

Insert:

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***offshore greenhouse gas storage environmental management*** means the prevention, management, mitigation or remediation of the environmental impacts of regulated operations that relate to:

- (a) the exploration for potential greenhouse gas storage formations or potential greenhouse gas injection sites; or
- (b) the injection of a greenhouse gas substance into the seabed or subsoil; or
- (c) the permanent storage of a greenhouse gas substance in the seabed or subsoil; or
- (d) the compression, processing, offloading, piped conveyance or pre-injection storage of a greenhouse gas substance; or
- (e) the monitoring of a greenhouse gas substance stored in the seabed or subsoil.

**391 Section 643 (definition of *offshore greenhouse gas storage operations*)**

Omit “Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**392 Section 643**

Insert:

***offshore petroleum environmental management*** means the prevention, management, mitigation or remediation of the environmental impacts of regulated operations that relate to:

- (a) the exploration for petroleum; or
- (b) the recovery, processing, storage, offloading or piped conveyance of petroleum.

**393 Section 643 (definition of *offshore petroleum operations*)**

Omit “Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**394 Section 643 (definition of *regulated operation*)**

After “Chapter 2”, insert “or 3”.

**395 Section 643 (definition of *Regulatory Levies Act*)**

Repeal the definition.

**396 Section 643 (definition of *Safety Authority waters*)**

Repeal the definition.

**397 Division 2 of Part 6.9 (heading)**

Repeal the heading, substitute:

**Division 2—Establishment, functions and powers of  
NOPSEMA**

**398 Section 645**

Repeal the section, substitute:

**645 National Offshore Petroleum Safety and Environmental  
Management Authority**

The body known immediately before the commencement of this section as the National Offshore Petroleum Safety Authority is continued in existence as the National Offshore Petroleum Safety and Environmental Management Authority.

Note 1: In this Act, *NOPSEMA* means the National Offshore Petroleum Safety and Environmental Management Authority—see section 7.

Note 2: See also section 25B of the *Acts Interpretation Act 1901*.

**399 Section 646**

Omit “The Safety Authority”, substitute “NOPSEMA”.

Note: The heading to section 646 is altered by omitting “**Safety Authority’s**” and substituting “**NOPSEMA’s**”.

**400 Paragraphs 646(ga), (gb), (gc), (gd) and (gf)**

Omit “non-OHS”.

**401 After paragraph 646(gf)**

Insert:

(gg) the functions conferred on it by or under this Act in relation to offshore petroleum environmental management in connection with operations in Commonwealth waters;

(gh) the functions conferred on it by or under this Act in relation to offshore greenhouse gas storage environmental

- management in connection with operations in Commonwealth waters;
- (gi) the functions conferred on it by or under a State PSLA or the Territory PSLA in relation to offshore petroleum environmental management in connection with operations in the designated coastal waters of that State or Territory;
  - (gj) the functions conferred on it by or under a State PSLA or the Territory PSLA in relation to offshore greenhouse gas storage environmental management in connection with operations in the designated coastal waters of that State or Territory;
  - (gk) to develop and implement effective monitoring and enforcement strategies to ensure compliance by persons with their obligations under an environmental management law;
  - (gl) to investigate accidents, occurrences and circumstances that involve, or may involve, deficiencies in:
    - (i) offshore petroleum environmental management in connection with operations in Commonwealth waters; or
    - (ii) offshore greenhouse gas storage environmental management in connection with operations in Commonwealth waters;
  - (gm) to report, as appropriate, to the responsible Commonwealth Minister, and to State and Northern Territory Petroleum Ministers, on investigations covered by paragraph (gl);
  - (gn) to advise persons, either on its own initiative or on request, on matters relating to offshore petroleum environmental management;
  - (go) to advise persons, either on its own initiative or on request, on matters relating to offshore greenhouse gas storage environmental management;
  - (gp) when requested by the responsible Commonwealth Minister, to provide information, assessments, analysis, reports, advice and recommendations to the responsible Commonwealth Minister in relation to the performance of the responsible Commonwealth Minister's functions, or the exercise of the responsible Commonwealth Minister's powers, in relation to offshore greenhouse gas storage operations;
  - (gq) to develop and implement effective monitoring and enforcement strategies to ensure compliance by persons with
-

their obligations under this Act and the regulations (other than the obligations referred to in paragraphs (d), (gc) and (gk));

- (gr) to cooperate with the Titles Administrator in matters relating to the administration and enforcement of this Act and the regulations;

#### **402 Paragraph 646(h)**

Repeal the paragraph, substitute:

- (h) to cooperate with:
- (i) other Commonwealth agencies or authorities having functions relating to regulated operations; and
  - (ii) State and Northern Territory agencies or authorities having functions relating to regulated operations;
- (i) such other functions as are conferred on it by or under this Act;
- (j) to do anything incidental to or conducive to the performance of any of the above functions.

#### **403 After section 646**

Insert:

#### **646A Limits on functions conferred on NOPSEMA**

- (1) Section 646 does not authorise NOPSEMA to perform a function that is:
- (a) mentioned in a State functions provision; and
  - (b) conferred by or under a particular State PSLA or the Territory PSLA;
- unless:
- (c) the functions mentioned in paragraphs 646(b) and (gb) are conferred on NOPSEMA by or under the State PSLA or Territory PSLA, as the case may be; and
  - (d) there are provisions of the State PSLA or Territory PSLA, as the case may be, that substantially correspond to Schedule 3 to this Act as in force:
    - (i) at the commencement of this section; or
    - (ii) at any later time; and



- (e) there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the petroleum provisions of the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009* as in force:
  - (i) at the commencement of this section; or
  - (ii) at any later time; and
- (f) there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the petroleum provisions of Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* as in force:
  - (i) at the commencement of this section; or
  - (ii) at any later time; and
- (g) if the function mentioned in paragraph 646(gi) or (gj) is conferred on NOPSEMA by or under the State PSLA or Territory PSLA, as the case may be—there are regulations under the State PSLA or Territory PSLA, as the case may be, that substantially correspond to the petroleum provisions of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* as in force:
  - (i) at the commencement of this section; or
  - (ii) at any later time.

Note 1: For *State functions provision*, see subsection (3).

Note 2: For *petroleum provisions*, see subsection (4).

- (2) Subsection (1) does not apply to the performance of a function by NOPSEMA during the period of 12 months beginning on the commencement of this section.
- (3) For the purposes of this section, *State functions provision* means:
  - (a) paragraph 646(b) to the extent to which it relates to occupational health and safety matters in connection with offshore petroleum operations; or
  - (b) paragraph 646(gb) to the extent to which it relates to structural integrity in connection with:
    - (i) the exploration for petroleum; or
    - (ii) the recovery, processing, storage, offloading or piped conveyance of petroleum; or
  - (c) paragraph 646(gi); or

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(d) paragraph 646(gj).

(4) For the purposes of this section, *petroleum provisions* means provisions to the extent to which they relate to:

- (a) the exploration for petroleum; or
- (b) the recovery, processing, storage, offloading or piped conveyance of petroleum.

**404 Subsection 647(1)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**405 Subsection 647(2)**

Omit “the Safety Authority’s”, substitute “NOPSEMA’s”.

**406 Subsection 647(4)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**407 Subsection 647(5)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

**408 Subsection 648(1)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

Note: The heading to section 648 is altered by omitting “**Safety Authority’s**” and substituting “**NOPSEMA’s**”.

**409 Subsection 648(2)**

Omit “The Safety Authority’s”, substitute “NOPSEMA’s”.

**410 Section 648**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**411 Subsection 649(1)**

Omit “(1)”.

**412 Subsection 649(1)**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

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Note: The heading to section 649 is altered by omitting “the Safety Authority” and substituting “NOPSEMA”.

#### **413 Section 650**

Repeal the section, substitute:

#### **650 Additional functions and powers**

##### *States and the Northern Territory*

- (1) NOPSEMA may provide services, under a contract entered into by NOPSEMA, to:
  - (a) a State or the Northern Territory; or
  - (b) an agency or authority of a State or the Northern Territory;where:
  - (c) the services relate to the regulation of:
    - (i) the exploration for petroleum; or
    - (ii) the recovery, processing, storage, offloading or piped conveyance of petroleum;on or in:
    - (iii) land or waters within the limits of the State or Territory; or
    - (iv) the eligible coastal waters of the State or Territory; or
    - (v) the designated coastal waters of the State or Territory; and
  - (d) if subparagraph (c)(iii) applies:
    - (i) the services relate to the regulation of activities carried on by a constitutional corporation; or
    - (ii) the services relate to the regulation of vessels, structures or other things that are owned or controlled, or that are being constructed, operated or decommissioned, by a constitutional corporation; and
  - (e) the contract is approved in writing by the responsible Commonwealth Minister.

Note: For *eligible coastal waters*, see subsection (7).

- (2) NOPSEMA has such functions and powers as are conferred on it by or under a law of a State or the Northern Territory in connection with the regulation of:

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- (a) the exploration for petroleum; or
  - (b) the recovery, processing, storage, offloading or piped conveyance of petroleum;
- in the eligible coastal waters of the State or Territory, so long as:
- (c) there is an agreement between the responsible Commonwealth Minister and the responsible State Minister, or the responsible Northern Territory Minister, as the case may be:
    - (i) that is about the conferral; and
    - (ii) that deals with the fees payable by the State or Territory to NOPSEMA, on behalf of the Commonwealth, for the performance of those functions and the exercise of those powers; and
  - (d) each of those functions and powers substantially corresponds to a function or power conferred on NOPSEMA by or under this Act.

Note: For *eligible coastal waters*, see subsection (7).

*Foreign countries*

- (3) NOPSEMA may provide services, under a contract entered into by NOPSEMA, to:
  - (a) the government of a foreign country; or
  - (b) an agency or authority of a foreign country; or
  - (c) the government of part of a foreign country; or
  - (d) an agency or authority of part of a foreign country;where:
  - (e) the services relate to the regulation of:
    - (i) the exploration for petroleum; or
    - (ii) the recovery, processing, storage, offloading or piped conveyance of petroleum;outside Australia; and
  - (f) the contract is approved in writing by the responsible Commonwealth Minister.
- (4) Before giving an approval under paragraph (3)(f), the responsible Commonwealth Minister must consult the Foreign Affairs Minister.

*Provision of services not to impede other functions*

- (5) Subsections (1) and (3) do not authorise NOPSEMA to provide a service if the provision of the service would impede NOPSEMA's capacity to perform its other functions.

*Certain governance provision do not apply*

- (6) The following provisions:

- (a) section 647;
- (b) Division 3;
- (c) section 667;
- (d) Division 5;
- (e) section 685;
- (f) section 690;
- (g) section 692;
- (h) section 693;
- (i) section 694;

do not apply in relation to:

- (j) a power conferred by subsection (1) or (3) of this section; or
- (k) a function or power covered by subsection (2) of this section.

*Definitions*

- (7) In this section:

***eligible coastal waters***, in relation to a State or the Northern Territory, means so much of the scheduled area for the State or Territory as consists of any waters that are:

- (a) on the landward side of the territorial sea; and
- (b) not within the limits of the State or Territory.

For this purpose, assume that the breadth of the territorial sea of Australia had never been determined or declared to be greater than 3 nautical miles, but had continued to be 3 nautical miles.

***Foreign Affairs Minister*** means the Minister administering the *Diplomatic Privileges and Immunities Act 1967*.

***regulation*** includes investigation.

## **414 Section 651**

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Repeal the section.

**415 Subsection 652(1)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

Note: The heading to section 652 is altered by omitting “**Safety Authority**” and substituting “**NOPSEMA**”.

**416 Subsections 652(2) and (3)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**417 Division 3 of Part 6.9 (heading)**

Repeal the heading, substitute:

**Division 3—National Offshore Petroleum Safety and  
Environmental Management Authority Board**

**418 Section 653**

Repeal the section, substitute:

**653 National Offshore Petroleum Safety and Environmental  
Management Authority Board**

The body known immediately before the commencement of this section as the National Offshore Petroleum Safety Authority Board is continued in existence as the National Offshore Petroleum Safety and Environmental Management Authority Board.

Note: See also section 25B of the *Acts Interpretation Act 1901*.

**419 Paragraph 654(1)(a)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**420 Subparagraph 654(1)(b)(iv)**

Omit “the Ministerial Council on Mineral and Petroleum Resources”, substitute “the Standing Council on Energy and Resources”.

**421 Paragraph 654(1)(b)**

Omit “either or both of the following”, substitute “any or all of the following”.

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**422 After subparagraph 654(1)(b)(v)**

Insert:

- (va) policy or strategic matters relating to the structural integrity of facilities, wells or well-related equipment that are in NOPSEMA waters;
- (vb) policy or strategic matters relating to offshore petroleum environmental management;

**423 Subparagraph 654(1)(b)(vi)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**424 Paragraph 654(1)(c)**

Omit “either or both of the following”, substitute “any or all of the following”.

**425 After subparagraph 654(1)(c)(v)**

Insert:

- (va) policy or strategic matters relating to offshore greenhouse gas storage environmental management;

**426 Subparagraph 654(1)(c)(vi)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**427 Paragraph 654(3)(c)**

Omit “the Ministerial Council on Mineral and Petroleum Resources”, substitute “the Standing Council on Energy and Resources”.

**427A Paragraph 656(1)(b)**

Omit “4 or 6”, substitute “at least 5, and not more than 7”.

**428 Subsection 656(4)**

Omit “the Ministerial Council on Mineral and Petroleum Resources”, substitute “the Standing Council on Energy and Resources”.

**429 Division 4 of Part 6.9 (heading)**

Repeal the heading, substitute:

## **Division 4—Chief Executive Officer and staff of NOPSEMA**

### **430 Subsection 665(1)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

### **431 At the end of subsection 665(1)**

Add:

Note: See also section 25B of the *Acts Interpretation Act 1901*.

### **432 Subsection 665(3)**

Omit “the Ministerial Council on Mineral and Petroleum Resources”, substitute “the Standing Council on Energy and Resources”.

### **433 Subsection 666(1)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

### **434 Subsection 666(2)**

Omit “the Safety Authority” (first occurring), substitute “NOPSEMA”.

### **435 Subsection 666(2)**

Omit “the Safety Authority’s”, substitute “NOPSEMA’s”.

### **436 Subsection 666(2)**

Omit “the Safety Authority” (second occurring), substitute “NOPSEMA”.

### **437 Section 667**

Omit “the Safety Authority’s” (wherever occurring), substitute “NOPSEMA’s”.

### **438 Paragraph 667(3)(b)**

After “Chair of the Board”, insert “reasonably”.

### **439 Paragraph 675(1)(a)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

### **440 Subsection 676(1)**

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Omit “the Safety Authority”, substitute “NOPSEMA”.

Note: The heading to section 676 is altered by omitting “the Safety Authority” and substituting “NOPSEMA”.

**441 Subsection 677(1)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

Note: The heading to section 677 is altered by omitting “the Safety Authority” and substituting “NOPSEMA”.

**442 Subsection 677(3)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

**443 Subsection 677(3)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**444 Subsection 678(1)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**445 Paragraphs 678(4)(a) and (b)**

Omit “the Safety Authority’s”, substitute “NOPSEMA’s”.

**446 Paragraph 678(4)(c)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**447 After paragraph 678(4)(e)**

Insert:

- (ea) an analysis of risk factors likely to affect the structural integrity of facilities, wells or well-related equipment that are in NOPSEMA waters;
- (eb) an analysis of risk factors likely to affect offshore petroleum environmental management or offshore greenhouse gas storage environmental management;

**448 Subsection 679(3)**

After “in respect of”, insert “occupational health and safety matters relating to”.

**449 Subsections 679(6) and (7)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

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**450 Paragraph 680(2)(a)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**451 Subsection 681(1)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

**452 Paragraph 681(3)(c)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**453 Division 7 of Part 6.9 (heading)**

Repeal the heading, substitute:

**Division 7—National Offshore Petroleum Safety and  
Environmental Management Authority Special  
Account**

**454 Section 682**

Repeal the section, substitute:

**682 National Offshore Petroleum Safety and Environmental  
Management Authority Special Account**

- (1) The National Offshore Petroleum Safety Account that was, immediately before the commencement of this subsection, in existence under this Act is continued in existence as the National Offshore Petroleum Safety and Environmental Management Authority Special Account.
- (2) The Account is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.

**455 Paragraphs 683(a) to (db)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**456 After paragraph 683(db)**

Insert:

- (dc) amounts equal to the following amounts paid to NOPSEMA on behalf of the Commonwealth:

- (i) amounts paid by way of environment plan levy imposed by the Regulatory Levies Act;
- (ii) amounts paid by way of late payment penalty under subsection 688C(2);

**457 Paragraph 683(e)**

Repeal the paragraph, substitute:

- (e) amounts equal to amounts paid to NOPSEMA, on behalf of the Commonwealth, under a contract referred to in subsection 650(1) or (3);
- (ea) amounts equal to amounts paid to NOPSEMA, on behalf of the Commonwealth, under an agreement referred to in subsection 650(2);

**458 Paragraphs 683(f) and (g)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**459 Paragraph 684(1)(a)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**460 Paragraph 684(1)(b)**

Omit “the Safety Authority;”, substitute “NOPSEMA.”.

**461 Paragraph 684(1)(c)**

Repeal the paragraph.

**462 Subsection 684(2)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**463 Section 685**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

Note: The heading to section 685 is altered by omitting “**the Safety Authority**” and substituting “**NOPSEMA**”.

**464 Subsection 686(4)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

**465 Section 686**

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Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**466 Subsection 687(6)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

**467 Section 687**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**468 Subsection 688(4)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

**469 Section 688**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**470 Subsection 688A(4)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

**471 Section 688A**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**472 Subsection 688B(4)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

**473 Section 688B**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**474 After section 688B**

Insert:

### **688C Environment plan levy**

*When environment plan levy becomes due and payable*

- (1) Environment plan levy imposed by the Regulatory Levies Act becomes due and payable at the time specified in, or worked out in accordance with, the regulations.

*Late payment penalty*

- (2) If environment plan levy payable under the Regulatory Levies Act remains wholly or partly unpaid after it becomes due and payable:
  - (a) if the levy is payable by a single person—the person is liable to pay a late payment penalty under this section; or
  - (b) if the levy is payable jointly and severally by 2 or more persons—those persons are jointly and severally liable to pay a late payment penalty under this section.
- (3) The late payment penalty is calculated at the rate of 0.333333% per day on the amount of the environment plan levy remaining unpaid.
- (4) NOPSEMA may remit the whole or a part of an amount of late payment penalty if NOPSEMA considers that there are good reasons for doing so.

*Recovery of environment plan levy and late payment penalty*

- (5) Each amount of environment plan levy, and each amount of late payment penalty payable in respect of environment plan levy:
  - (a) is a debt due to NOPSEMA on behalf of the Commonwealth; and
  - (b) is recoverable by NOPSEMA, on behalf of the Commonwealth, in a court of competent jurisdiction.

### **475 Subsection 689(1)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

### **476 Paragraph 690(1)(a)**

Omit “the Safety Authority’s”, substitute “NOPSEMA’s”.

Note: The heading to subsection 690(1) is replaced by the heading “*NOPSEMA*”.

### **477 Subparagraphs 690(1)(b)(iii) and (3)(b)(iii)**

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Omit “the Ministerial Council on Mineral and Petroleum Resources”, substitute “the Standing Council on Energy and Resources”.

**478 Subsection 691(1)**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

Note: The heading to section 691 is altered by omitting “the Safety Authority” and substituting “NOPSEMA”.

**479 Paragraph 691(1)(a)**

Omit “the Safety Authority’s” (wherever occurring), substitute “NOPSEMA’s”.

**480 Subsection 691(2)**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**481 Paragraph 691(2)(a)**

Omit “the Safety Authority’s” (wherever occurring), substitute “NOPSEMA’s”.

**482 Subsection 691(3)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

**483 Subsections 692(1) and (3)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

Note: The heading to section 692 is altered by omitting “the Safety Authority” and substituting “NOPSEMA”.

**484 Subsection 692(3)**

Omit “in Safety Authority”, substitute “in NOPSEMA”.

**485 Subsection 692(4)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**486 Subsections 692(4) and (7)**

Omit “the Safety Authority’s”, substitute “NOPSEMA’s”.

**487 Subsection 692(8)**

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Omit “the Safety Authority”, substitute “NOPSEMA”.

**488 Subsection 692(12)**

Omit “The Safety Authority”, substitute “NOPSEMA”.

**489 Section 695**

Repeal the section, substitute:

**695 Reviews of operations of NOPSEMA**

- (1) The responsible Commonwealth Minister must cause to be conducted reviews of the operation of NOPSEMA in relation to NOPSEMA waters.
- (2) Without limiting the matters to be covered by a review under subsection (1), the review must include an assessment of the effectiveness of NOPSEMA in bringing about improvements in:
  - (a) the occupational health and safety of persons engaged in offshore petroleum operations or offshore greenhouse gas storage operations; and
  - (b) the structural integrity of facilities, wells and well-related equipment; and
  - (c) offshore petroleum environmental management; and
  - (d) offshore greenhouse gas storage environmental management.
- (3) A State or Northern Territory Petroleum Minister may give the responsible Commonwealth Minister a written request that a particular review under subsection (1) be conducted in conjunction with another review that:
  - (a) is a review of the operations of the NOPSEMA in the designated coastal waters of the State or of the Northern Territory, as the case may be; and
  - (b) is being, or is to be, conducted by the State or Northern Territory Petroleum Minister at the same time.

The responsible Commonwealth Minister must ensure that the request is complied with.

*Report*

- (4) The responsible Commonwealth Minister must cause to be prepared a report of a review under subsection (1).

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- (5) The responsible Commonwealth Minister must cause copies of a report under subsection (4) to be tabled in each House of the Parliament within 15 sitting days of that House after the report is made available to the responsible Commonwealth Minister.

*First review*

- (6) The first review is to relate to the 3-year period beginning at the commencement of this section, and is to be completed within 6 months, or such longer period as the responsible Commonwealth Minister allows, after the end of that 3-year period.

*Subsequent reviews*

- (7) Subsequent reviews are to relate to successive 5-year periods, and must be completed within 6 months, or such longer period as the responsible Commonwealth Minister allows, after the end of the 5-year period to which the review relates.

*Definition*

- (8) For the purposes of this section, a review is **completed** when the report of the review is made available to the responsible Commonwealth Minister.

**490 At the end of Division 9 of Part 6.9**

Add:

**695AA NOPSEMA—consultations**

NOPSEMA may consult the Timor Sea Treaty Designated Authority before exercising any power, or performing any function, that is conferred on NOPSEMA in relation to the Eastern Greater Sunrise offshore area under this Act or the regulations.

**491 At the end of Chapter 6**

Add:



## **Part 6.10—National Offshore Petroleum Titles Administrator**

### **Division 1—Introduction**

#### **695AB Simplified outline**

The following is a simplified outline of this Part:

- There is to be a National Offshore Petroleum Titles Administrator (the ***Titles Administrator***).
- The main functions of the Titles Administrator are:
  - (a) assisting and advising the Joint Authority and the responsible Commonwealth Minister; and
  - (b) keeping registers of titles; and
  - (c) data and information management.

### **Division 2—National Offshore Petroleum Titles Administrator**

#### **695A National Offshore Petroleum Titles Administrator**

- (1) There is to be a National Offshore Petroleum Titles Administrator.

Note: In this Act, ***Titles Administrator*** means the National Offshore Petroleum Titles Administrator—see section 7.

- (2) The Titles Administrator is to be a person who is:
- (a) an SES employee in the Department; and
  - (b) specified in a written instrument made by the Secretary.
- (3) An instrument under paragraph (2)(b) is not a legislative instrument.

#### **695B Functions of the Titles Administrator**

- (1) The Titles Administrator has the following functions:
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- (a) to provide information, assessments, analysis, reports, advice and recommendations to the responsible Commonwealth Minister in relation to the performance of the functions, or the exercise of the powers, of a Joint Authority;
  - (b) to provide information, assessments, analysis, reports, advice and recommendations to the responsible State Minister, or responsible Northern Territory Minister, of a Joint Authority, as the case may be, in relation to the performance of the functions, or the exercise of the powers, of the Joint Authority;
  - (c) to provide information, assessments, analysis, reports, advice and recommendations to the responsible Commonwealth Minister in relation to the performance of the functions, or the exercise of the powers, of the responsible Commonwealth Minister under this Act or the regulations (other than in his or her capacity as, or as a member of, a Joint Authority);
  - (d) to provide information, assessments, analysis, reports, advice and recommendations to:
    - (i) the State Petroleum Minister (within the meaning of Part 6.9) in relation to the performance of the functions, or the exercise of the powers, of the State Petroleum Minister under the State PSLA (within the meaning of Part 6.9); and
    - (ii) the Northern Territory Petroleum Minister (within the meaning of Part 6.9) in relation to the performance of the functions, or the exercise of the powers, of the Northern Territory Petroleum Minister under the Territory PSLA (within the meaning of Part 6.9);
  - (e) to cooperate with NOPSEMA in matters relating to the administration and enforcement of this Act and the regulations;
  - (f) to cooperate with:
    - (i) other Commonwealth agencies or authorities having functions relating to regulated operations (within the meaning of Part 6.9); and
    - (ii) State and Northern Territory agencies or authorities having functions relating to regulated operations (within the meaning of Part 6.9);
  - (g) such other functions as are conferred on the Titles Administrator by or under this Act;
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- (h) the functions conferred on the Titles Administrator by or under a State PSLA (within the meaning of Part 6.9) or the Territory PSLA (within the meaning of Part 6.9), so long as each function substantially corresponds to a function conferred on the Titles Administrator by or under this Act;
- (i) to do anything incidental to or conducive to the performance of any of the above functions.

Note: Other functions conferred on the Titles Administrator by or under this Act include:

- (a) keeping registers of titles under Chapters 4 and 5; and
- (b) data and information management under Chapters 7 and 8.

- (2) Subsection (1) does not authorise the Titles Administrator to perform a function mentioned in paragraph (1)(d) or (h) in relation to a State PSLA (within the meaning of Part 6.9) or the Territory PSLA (within the meaning of Part 6.9) unless there is in force an agreement between:
  - (a) the Titles Administrator on behalf of the Commonwealth; and
  - (b) the State Petroleum Minister (within the meaning of Part 6.9) of the State, or the Northern Territory Petroleum Minister (within the meaning of Part 6.9), as the case may be;in relation to the performance of the function.
- (3) An agreement under subsection (2):
  - (a) may deal with the fees payable by the State or Territory to the Titles Administrator, on behalf of the Commonwealth, for the performance of those functions; and
  - (b) must be approved in writing by the responsible Commonwealth Minister.

### **695C Acting Titles Administrator**

- (1) The Secretary may, by written instrument, appoint a person to act as the Titles Administrator:
  - (a) during a vacancy in the office of the Titles Administrator (whether or not an appointment has previously been made to the office); or
  - (b) during any period, or during all periods, when the Titles Administrator:
    - (i) is absent from duty or Australia; or

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- (ii) is, for any reason, unable to perform the duties of the office.
- (2) A person is not eligible for appointment to act as the Titles Administrator unless the person is eligible for appointment as the Titles Administrator.
- (3) Anything done by or in relation to a person purporting to act under an appointment is not invalid merely because:
  - (a) the occasion for the appointment had not arisen; or
  - (b) there was a defect or irregularity in connection with the appointment; or
  - (c) the appointment had ceased to have effect; or
  - (d) the occasion to act had not arisen or had ceased.

Note: See sections 20 and 33A of the *Acts Interpretation Act 1901*.

#### **695D Delegation by the Titles Administrator**

- (1) The Titles Administrator may, by writing, delegate any or all of the Titles Administrator's functions or powers to:
  - (a) an SES employee, or acting SES employee, in the Department; or
  - (b) an APS employee who holds or performs the duties of an Executive Level 2 position, or an equivalent position, in the Department; or
  - (c) an employee of a State or of the Northern Territory.
- (2) A delegate must comply with any written directions of the Titles Administrator.
- (3) Subsection (1) does not apply to a power to make, vary or revoke a legislative instrument.
- (4) Paragraphs (1)(b) and (c) do not apply to a power conferred by:
  - (a) Division 3 of Part 7.1; or
  - (b) Division 3 of Part 8.1.

Note: Division 3 of Part 7.1, and Division 3 of Part 8.1, deal with information-gathering powers.

**695E Titles Administrator to be assisted by APS employees in the Department**

The Titles Administrator is to be assisted by APS employees in the Department who are made available for the purpose by the Secretary.

**695F Other persons assisting the Titles Administrator**

The Titles Administrator may also be assisted:

- (a) by officers and employees of Agencies (within the meaning of the *Public Service Act 1999*) other than the Department; or
- (b) by officers and employees of authorities of the Commonwealth; or
- (c) by officers and employees of a State or Territory; or
- (d) by officers and employees of authorities of a State or Territory;

whose services are, with the written approval of the Secretary, made available to the Titles Administrator in connection with the performance of any of his or her functions.

**695G Consultants**

- (1) The Titles Administrator may, on behalf of the Commonwealth, engage persons having suitable qualifications and experience as consultants to the Titles Administrator.
- (2) The consultants are to be engaged on the terms and conditions that the Titles Administrator determines in writing.

**Division 3—National Offshore Petroleum Titles Administrator Special Account**

**695H National Offshore Petroleum Titles Administrator Special Account**

- (1) The National Offshore Petroleum Titles Administrator Special Account is established by this section.
- (2) The Account is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.

### **695J Credits to the Account**

The following amounts must be credited to the Account:

- (a) amounts equal to amounts paid to the Titles Administrator on behalf of the Commonwealth by way of fees paid under regulations made for the purposes of subsection 695L(1);
- (b) amounts equal to the following amounts paid to the Titles Administrator on behalf of the Commonwealth:
  - (i) amounts paid by way of annual titles administration levy imposed by the Regulatory Levies Act;
  - (ii) amounts paid by way of late payment penalty under subsection 695M(4);
- (c) amounts equal to any other amounts paid to the Titles Administrator, on behalf of the Commonwealth, by a State or the Northern Territory;
- (d) amounts equal to any other amounts paid to the Titles Administrator on behalf of the Commonwealth.

Note: An Appropriation Act may contain a provision to the effect that, if any of the purposes of a Special Account is a purpose that is covered by an item in the Appropriation Act (whether or not the item expressly refers to the Special Account), then amounts may be debited against the appropriation for that item and credited to that Special Account.

### **695K Purposes of the Account**

The purposes of the Account are as follows:

- (a) to pay or discharge the costs, expenses and other obligations incurred by the Commonwealth in connection with the performance of the Titles Administrator's functions or the exercise of the Titles Administrator's powers;
- (b) to pay any remuneration or allowances payable to:
  - (i) the Titles Administrator; and
  - (ii) APS employees assisting the Titles Administrator under section 695E; and
  - (iii) any consultants engaged under section 695G.

Note: See section 21 of the *Financial Management and Accountability Act 1997* (debits from Special Accounts).

## **Division 4—Other financial matters**

### **695L Fees**

- (1) The Titles Administrator may, on behalf of the Commonwealth, charge such fees as are specified in the regulations for specified services provided by the Titles Administrator in performing a function, or exercising a power, of the Titles Administrator under this Act or the regulations.
- (2) A fee must not be such as to amount to taxation.
- (3) A fee:
  - (a) is a debt due to the Titles Administrator on behalf of the Commonwealth; and
  - (b) is recoverable by the Titles Administrator, on behalf of the Commonwealth, in a court of competent jurisdiction.

### **695M Annual titles administration levy**

#### *Scope*

- (1) This section applies in relation to annual titles administration levy imposed by the Regulatory Levies Act in relation to a year of the term of:
  - (a) a work-bid petroleum exploration permit; or
  - (b) a special petroleum exploration permit; or
  - (c) a petroleum retention lease; or
  - (d) a petroleum production licence; or
  - (e) an infrastructure licence; or
  - (f) a pipeline licence; or
  - (g) a work-bid greenhouse gas assessment permit; or
  - (h) a greenhouse gas holding lease; or
  - (i) a greenhouse gas injection licence.

#### *When annual titles administration levy becomes due and payable*

- (2) The levy for the first year of the term of the permit, lease or licence is due and payable at the end of 30 days after the day on which the term begins.

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- (3) The levy for a later year of the term of the permit, lease or licence is due and payable at the end of 30 days after the anniversary of the day on which the first year of the term begins.

#### *Late payment penalty*

- (4) If annual titles administration levy payable by a person under the Regulatory Levies Act remains wholly or partly unpaid after it becomes due and payable, the person is liable to pay a late payment penalty under this section.
- (5) The late payment penalty is calculated at the rate of 0.333333% per day on the amount of the annual titles administration levy remaining unpaid.
- (6) The Titles Administrator may remit the whole or a part of an amount of late payment penalty if the Titles Administrator considers that there are good reasons for doing so.

#### *Recovery of annual titles administration levy and late payment penalty*

- (7) Each amount of annual titles administration levy, and each amount of late payment penalty payable in respect of titles administration levy:
- (a) is a debt due to the Titles Administrator on behalf of the Commonwealth; and
  - (b) is recoverable by the Titles Administrator, on behalf of the Commonwealth, in a court of competent jurisdiction.

## Division 5—Miscellaneous

### 695N Annual report

- (1) The Titles Administrator must, as soon as practicable after the end of each financial year, prepare and give to the responsible Commonwealth Minister, for presentation to the Parliament, a report on the Titles Administrator's activities during that year.

Note: See also section 34C of the *Acts Interpretation Act 1901*, which contains extra rules about annual reports.

- (2) The Titles Administrator must give a copy of the report to:
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- (a) each State Petroleum Minister (within the meaning of Part 6.9); and
- (b) each State Greenhouse Gas Storage Minister (within the meaning of Part 6.9); and
- (c) the Northern Territory Petroleum Minister (within the meaning of Part 6.9); and
- (d) the Northern Territory Greenhouse Gas Storage Minister (within the meaning of Part 6.9); and
- (e) the body known as the Standing Council on Energy and Resources.

### **695P Reviews of activities of Titles Administrator**

- (1) The responsible Commonwealth Minister must cause to be conducted reviews of the activities of the Titles Administrator.
- (2) Without limiting the matters to be covered by a review under subsection (1), the review must include an assessment of the effectiveness of the Titles Administrator in contributing to the efficiency of decision-making by a Joint Authority for a State or the Northern Territory.
- (3) If the Titles Administrator has functions conferred on the Titles Administrator by or under a law of a State or the Northern Territory, a Minister of the State or the Northern Territory, as the case may be, may give the responsible Commonwealth Minister a written request that a particular review under subsection (1) be conducted in conjunction with another review that:
  - (a) is a review of the activities of the Titles Administrator in the designated coastal waters of the State or of the Northern Territory, as the case may be; and
  - (b) is being, or is to be, conducted by the Minister of the State or the Northern Territory, as the case may be, at the same time.The responsible Commonwealth Minister must ensure that the request is complied with.

#### *Report*

- (4) The responsible Commonwealth Minister must cause to be prepared a report of a review under subsection (1).

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- (5) The responsible Commonwealth Minister must cause copies of a report under subsection (4) to be tabled in each House of the Parliament within 15 sitting days of that House after the report is made available to the responsible Commonwealth Minister.

*First review*

- (6) The first review is to relate to the 3-year period beginning on the commencement of this section, and is to be completed within 6 months, or such longer period as the responsible Commonwealth Minister allows, after the end of that 3-year period.

*Subsequent reviews*

- (7) Subsequent reviews are to relate to successive 5-year periods, and must be completed within 6 months, or such longer period as the responsible Commonwealth Minister allows, after the end of the 5-year period to which the review relates

*Definition*

- (8) For the purposes of this section, a review is **completed** when the report of the review is made available to the responsible Commonwealth Minister.

**695Q Judicial notice of signature of Titles Administrator**

- (1) All courts must take judicial notice of:
- (a) the signature of a person who is, or has been:
    - (i) the Titles Administrator; or
    - (ii) a delegate of the Titles Administrator; and
  - (b) the fact that the person is, or was at a particular time:
    - (i) the Titles Administrator; or
    - (ii) a delegate of the Titles Administrator.

- (2) In this section:

**court** includes a person authorised to receive evidence:

- (a) by a law of the Commonwealth, a State or a Territory; or
- (b) by consent of parties.

### **695R Communications with responsible Commonwealth Minister**

- (1) All communications to or by the responsible Commonwealth Minister under or for the purposes of this Act or the regulations are to be made through the Titles Administrator.
- (2) Subsection (1) does not apply to a communication to or by the responsible Commonwealth Minister in his or her capacity as, or as a member of, the Joint Authority for an offshore area.

### **492 Section 696**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

### **493 Subsections 697(2) and (4)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to subsection 697(2) is altered by omitting “*Designated Authority*” and substituting “*Titles Administrator*”.

### **494 Subsection 697(4)**

Omit “Designated Authority’s”, substitute “Titles Administrator’s”.

### **495 Paragraph 698(1)(c)**

Omit “Designated Authority”, substitute “Titles Administrator”.

### **496 Subsection 699(1)**

Repeal the subsection, substitute:

#### *Scope*

- (1) This section applies to a person if:
  - (a) the Titles Administrator believes on reasonable grounds that the person has information or a document, or is capable of giving evidence, that relates to any or all of the following operations in an offshore area:
    - (i) petroleum exploration operations;
    - (ii) petroleum recovery operations;
    - (iii) operations relating to the processing or storage of petroleum;

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- (iv) operations relating to the preparation of petroleum for transport;
- (v) operations connected with the construction or operation of a pipeline; or
- (b) a petroleum project inspector in relation to an offshore area believes on reasonable grounds that the person has information or a document, or is capable of giving evidence, that relates to any or all of the following operations in the offshore area:
  - (i) petroleum exploration operations;
  - (ii) petroleum recovery operations;
  - (iii) operations relating to the processing or storage of petroleum;
  - (iv) operations relating to the preparation of petroleum for transport;
  - (v) operations connected with the construction or operation of a pipeline.

Note: The heading to section 699 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.

#### **497 Subsection 699(2)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

#### **498 Section 701**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

#### **499 Section 703**

Omit “Designated Authority”, substitute “Titles Administrator”.

#### **500 Section 704**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to section 704 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.

#### **501 Paragraph 705(a)**

Omit “Designated Authority”, substitute “Titles Administrator”.

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**502 Paragraph 706(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**503 At the end of Division 3 of Part 7.1**

Add:

**707A Directions by Titles Administrator**

- (1) The Titles Administrator may give written directions to a petroleum project inspector as to the exercise of the petroleum project inspector’s powers under this Division.
- (2) A petroleum project inspector must comply with a direction under subsection (1).
- (3) If a direction under subsection (1) is of general application, the direction is a legislative instrument.
- (4) If a direction under subsection (1) relates to a particular case, the direction is not a legislative instrument.

**504 Section 708**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**505 Subsection 709(1)**

Omit “Designated Authority in connection with this Act”, substitute “Titles Administrator in connection with Chapter 2 or this Chapter”.

Note: The heading to section 709 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.

**506 Subsections 709(2) and (3)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**507 Section 710**

Before “Designated Authority” (wherever occurring), insert “Titles Administrator or the”.

**508 Section 711 (before paragraph (a) of the definition of *applicable document*)**

Insert:

- (aa) an application made to the Titles Administrator under Chapter 2; or
- (ab) a document accompanying such an application; or
- (ac) a report, return or other document that relates to a block and was given to the Titles Administrator under:
  - (i) Chapter 2 or this Chapter; or
  - (ii) regulations made for the purposes of section 698; or

**509 Section 711 (paragraphs (a) and (c) of the definition of *applicable document*)**

After “7 March 2000”, insert “and before the commencement of Part 6.10”.

**510 Section 711 (definition of *petroleum mining sample*)**

Repeal the definition, substitute:

*petroleum mining sample* means:

- (a) a core or cutting from, or a sample of, the seabed or subsoil; or
  - (b) a sample of petroleum recovered; or
  - (c) a sample of fluid recovered (other than fluid petroleum);
- that:
- (d) has been given at any time to the Titles Administrator under regulations made for the purposes of section 698; or
  - (e) has been given, at any time before the commencement of Part 6.10, to the Designated Authority;
- and includes a portion of such a core, cutting or sample.

**511 Subdivision A of Division 2 of Part 7.3**

Repeal the heading, substitute:

**Subdivision A—Information and samples obtained by the Titles Administrator**

**512 Section 712**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

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Note: The heading to section 712 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.

### **513 Section 713**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to section 713 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.

### **514 Section 714**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to section 714 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.

### **515 Paragraph 718(2)(a)**

Omit “Designated Authority”, substitute “Titles Administrator”.

### **516 Section 720**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

### **517 Section 722**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

### **518 Subsection 723(2)**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to subsection 723(2) is altered by omitting “*responsible Commonwealth Minister*” and substituting “*Titles Administrator*”.

### **519 After subsection 723(3A)**

Insert:

*Direction by responsible Commonwealth Minister*

(3B) The responsible Commonwealth Minister may give the Titles Administrator directions about the exercise of the Titles Administrator’s powers under subsection (2).

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(3C) A direction under subsection (3B) may:

- (a) relate to a particular case; or
- (b) be of general application.

**520 At the end of section 723**

Add:

- (5) If a direction under subsection (3B) is of general application, the direction is a legislative instrument.
- (6) If a direction under subsection (3B) relates to a particular case, the direction is not a legislative instrument.

Note: The heading to subsection (4) is replaced by the heading “*Directions*”.

**521 Paragraph 724(1)(c)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**522 Paragraph 725(1)(a)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

Note: The heading to section 725 is altered by omitting “**Responsible Commonwealth Minister**” and substituting “**Titles Administrator**”.

**523 Subsection 725(2)**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**524 Section 727**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**525 Section 729**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**526 Section 730**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

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Note: The heading to section 730 is altered by omitting “**Responsible Commonwealth Minister**” and substituting “**Titles Administrator**”.

**527 Paragraph 731(a)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**528 Paragraph 732(b)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

**529 At the end of Division 3 of Part 8.1**

Add:

**733A Directions by Titles Administrator**

- (1) The Titles Administrator may give written directions to a greenhouse gas project inspector as to the exercise of the greenhouse gas project inspector’s powers under this Division.
- (2) A greenhouse gas project inspector must comply with a direction under subsection (1).
- (3) If a direction under subsection (1) is of general application, the direction is a legislative instrument.
- (4) If a direction under subsection (1) relates to a particular case, the direction is not a legislative instrument.

**530 Section 734**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

**531 At the end of Part 8.2**

Add:

**734A Titles Administrator to make documents available to responsible Commonwealth Minister**

*Scope*

- (1) This section applies to a document received or issued by the Titles Administrator in connection with this Chapter.

*Document to be made available to the responsible Commonwealth Minister*

- (2) The responsible Commonwealth Minister may require the Titles Administrator to make copies of the document available to the responsible Commonwealth Minister.
- (3) The Titles Administrator must comply with a requirement under subsection (2).

**532 Section 735**

After “responsible Commonwealth Minister” (wherever occurring), insert “or the Titles Administrator”.

**533 Section 736 (paragraph (a) of the definition of *applicable document*)**

Omit “this Act”, substitute “Chapter 3”.

**534 Section 736 (paragraph (c) of the definition of *applicable document*)**

Repeal the paragraph, substitute:

- (c) a report, return or other document that relates to a block and that was given, after the commencement of Part 6.10, to the responsible Commonwealth Minister under Chapter 3 or this Chapter; or
- (d) a report, return or other document that relates to a block and that was given to the Titles Administrator under regulations made for the purposes of section 724; or
- (e) a report, return or other document that relates to a block and that was given, before the commencement of Part 6.10, to the responsible Commonwealth Minister under:
- (i) this Act; or
  - (ii) regulations made for the purposes of section 724.

**535 Section 736 (definition of *eligible sample*)**

Repeal the definition, substitute:

*eligible sample* means:

- (a) a core or cutting from, or a sample of, the seabed or subsoil;  
or
  - (b) a sample of petroleum recovered; or
  - (c) a sample of fluid recovered (other than fluid petroleum);  
that:
  - (d) has been given at any time to the Titles Administrator under regulations made for the purposes of section 724; or
  - (e) has been given, at any time before the commencement of Part 6.10, to the responsible Commonwealth Minister;
- and includes a portion of such a core, cutting or sample.

**536 Subdivision A of Division 2 of Part 8.3 (heading)**

Repeal the heading, substitute:

**Subdivision A—Information and samples obtained by the responsible Commonwealth Minister or the Titles Administrator**

**537 Section 738**

After “responsible Commonwealth Minister” (wherever occurring), insert “or the Titles Administrator”.

Note: The heading to section 738 is altered by adding at the end “**or the Titles Administrator**”.

**538 Section 739**

After “responsible Commonwealth Minister” (wherever occurring), insert “or the Titles Administrator”.

Note: The heading to section 739 is altered by adding at the end “**or the Titles Administrator**”.

**539 Section 740**

After “responsible Commonwealth Minister”, insert “or the Titles Administrator”.

Note: The heading to section 740 is altered by inserting “**or the Titles Administrator**” after “**Responsible Commonwealth Minister**”.

**540 Section 743**

After “responsible Commonwealth Minister” (wherever occurring), insert “or the Titles Administrator”.

**541 Part 9.1 (heading)**

Repeal the heading, substitute:

**Part 9.1—Review of decisions**

**542 Section 744**

Repeal the section, substitute:

**744 Simplified outline**

The following is a simplified outline of this Part:

- Certain decisions of the Titles Administrator and the responsible Commonwealth Minister relating to the release of technical information may be reviewed by the Administrative Appeals Tribunal.

**543 Section 745 (definition of *reviewable delegated decision*)**

Repeal the definition.

**544 Section 745 (definition of *reviewable Ministerial decision*)**

Repeal the definition, substitute:

*reviewable Ministerial decision* means a decision of the responsible Commonwealth Minister under:

- (a) regulations made for the purposes of paragraph 738(2)(c) or 739(2)(c); or
- (b) clause 6, subclause 7(1), clause 8, or subclause 9(6) or (10), of Schedule 5.

Note 1: Paragraph (1)(a) relates to the release of technical information.

Note 2: Paragraph (1)(c) relates to the release of technical information given to the Designated Authority before 7 March 2000.

**545 Section 745**

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Insert:

*reviewable Titles Administrator decision* means a decision of the Titles Administrator under:

- (a) regulations made for the purposes of paragraph 712(2)(c) or 713(2)(c), where the decision is of a kind referred to in paragraph 718(2)(b); or
- (b) regulations made for the purposes of paragraph 715(2)(c) or 716(2)(c).

Note: Paragraphs (a) and (b) relate to the release of technical information.

**546 Section 746**

Repeal the section.

**547 At the end of Part 9.1**

Add:

**747A Review of reviewable Titles Administrator decision**

Applications may be made to the Administrative Appeals Tribunal for review of a reviewable Titles Administrator decision.

Note: For notification of decision and review rights, see section 27A of the *Administrative Appeals Tribunal Act 1975*.

**548 Paragraph 768(1)(d)**

Repeal the paragraph, substitute:

- (d) the Titles Administrator;

**549 Paragraphs 768(1)(e) and (f)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**550 Paragraph 768(1)(j)**

Omit “Designated Authority”, substitute “Titles Administrator”.

**551 Paragraph 768(1)(k)**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**552 Subsection 768(2)**

**Schedule 2** General amendments

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Omit “Designated Authority or the Safety Authority”, substitute “Titles Administrator or NOPSEMA”.

**553 Subsection 771(1) (cell at table item 1, column headed “A document required or permitted by this Act to be given to...”)**

Repeal the cell, substitute:

a person other than:

- (a) the responsible Commonwealth Minister; or
- (b) the Titles Administrator; or
- (c) NOPSEMA; or
- (d) a corporation

**554 Subsection 771(1) (table item 2)**

Repeal the item, substitute:

- |   |                          |  |
|---|--------------------------|--|
| 2 | the Titles Administrator | (a) by prepaying and posting the document as a letter addressed to the National Offshore Petroleum Titles Administrator at the Department; or  |
|   |                          | (b) by leaving it at an office occupied by the Titles Administrator, or by APS employees assisting the Titles Administrator, with some person apparently employed in connection with the business of the Titles Administrator and apparently at least 16 years of age. |
-

- |    |         |  |
|----|---------|--|
| 2A | NOPSEMA | (a) by prepaying and posting the document as a letter addressed to the National Offshore Petroleum Safety and Environmental Management Authority at a place of business of NOPSEMA; or |
|    |         | (b) by leaving it at an office occupied by NOPSEMA with some person apparently employed in connection with the business of NOPSEMA and apparently at least 16 years of age.            |

**555 Section 772**

Omit “the Designated Authority” (wherever occurring), substitute “the Titles Administrator”.

**556 Subsection 774(2)**

Omit “the Designated Authority”, substitute “the Titles Administrator and NOPSEMA”.

**557 After subsection 774(3)**

Insert:

- (3A) The joint written notice must be in the form approved, in writing, by the Titles Administrator and the Chief Executive Officer of NOPSEMA.

**558 Paragraph 774(5)(b)**

Omit “the Designated Authority”, substitute “the Titles Administrator and NOPSEMA”.

**559 After subsection 774(5)**

Insert:

- (5A) A notice under subsection (5) must be in the form approved, in writing, by the Titles Administrator and the Chief Executive Officer of NOPSEMA.

**560 Subsection 775A(1)**

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Omit “Designated Authority”, substitute “Titles Administrator”.

**561 Section 775B**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**562 Section 775C**

Omit “Designated Authority” (wherever occurring), substitute “responsible Commonwealth Minister”.

**563 Before paragraph 778(1)(a)**

Insert:

(aa) the Chief Executive Officer of NOPSEMA; or

**564 Paragraph 778(1)(a)**

Omit “Secretary of the Department”, substitute “Secretary”.

**565 Subsection 778(3)**

Omit all the words after “or the”, substitute “regulations as, or as a member of, the Joint Authority for an offshore area.”.

**566 At the end of section 778**

Add:

*Sub-delegation*

- (4) If a function or power is delegated to the Chief Executive Officer of NOPSEMA under subsection (1), the Chief Executive Officer of NOPSEMA may, by writing, sub-delegate the function or power to a member of the staff of NOPSEMA.
- (5) Sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* apply in relation to the sub-delegation in a corresponding way to the way in which they apply in relation to a delegation.
- (6) In performing functions or exercising powers under a sub-delegation, the sub-delegate must comply with any directions of the responsible Commonwealth Minister.

**567 Paragraph 779(1)(c)**

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Repeal the paragraph, substitute:

- (c) the Titles Administrator; or
- (d) NOPSEMA;

**568 Section 780D**

Omit “Secretary of the Department” (wherever occurring), substitute “Secretary”.

**569 Subsection 780F(1)**

Omit “Secretary of the Department”, substitute “Secretary”.

**570 Subparagraph 780F(3)(b)(i)**

Omit “Secretary of the Department”, substitute “Secretary”.

**571 Subparagraph 780F(3)(b)(ii)**

Omit “a Designated Authority”, substitute “the Titles Administrator”.

**572 Subparagraph 780F(3)(b)(iv)**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**573 Subsection 780F(4)**

Omit “Secretary of the Department”, substitute “Secretary”.

**574 Subsection 780F(5)**

Omit “Secretary of the Department” (wherever occurring), substitute “Secretary”.

**575 Clause 2 of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**576 Subclauses 5(1) and (2) of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**577 Subparagraphs 13A(1)(a)(ii), 13A(2)(a)(ii), 13B(1)(a)(ii) and 13B(2)(a)(ii) of Schedule 3**

Omit “the wellhead is”, substitute “the well is wholly or partly”.

**578 Clause 26 of Schedule 3**

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**Schedule 2** General amendments

**Part 1** General amendments

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Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**579 Subclause 30(1) of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**580 Clause 32 of Schedule 3**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**581 Subparagraph 34(1)(a)(iii) of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**582 Subclause 35(2) of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**583 Subclause 39(1) of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**584 Clause 44 of Schedule 3**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**585 Clause 46 of Schedule 3**

Omit “The Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**586 Clause 47 of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**587 Clause 48 of Schedule 3**

Omit “The Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**588 Subclause 49(2) of Schedule 3**

Omit “The Safety Authority”, substitute “NOPSEMA”.

Note: The heading to subclause 49(2) of Schedule 3 is altered by omitting “*the Safety Authority*” and substituting “*NOPSEMA*”.

**589 Subclause 49(2) of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**590 Paragraph 50(2)(d) of Schedule 3**

Omit “the Safety Authority’s”, substitute “NOPSEMA’s”.

**591 Paragraph 51(2)(b) of Schedule 3**

Omit “the Safety Authority’s”, substitute “NOPSEMA’s”.

**592 Subparagraph 52(3)(c)(i) of Schedule 3**

Omit “the Safety Authority’s”, substitute “NOPSEMA’s”.

**593 Subparagraph 56(5)(c)(i) of Schedule 3**

Omit “the Safety Authority’s”, substitute “NOPSEMA’s”.

**594 Subparagraph 57(5)(c)(i) of Schedule 3**

Omit “the Safety Authority’s”, substitute “NOPSEMA’s”.

**595 Subclause 58(4) of Schedule 3**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**596 Subclause 65(1) of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**597 Subclause 65(2) of Schedule 3**

Omit “The Safety Authority”, substitute “NOPSEMA”.

**598 Paragraph 65(2)(b) of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

**599 Clause 66 of Schedule 3**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

**600 Subclauses 80(1) and (3) of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

## Schedule 2 General amendments

### Part 1 General amendments

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Note: The heading to subclause 80(1) of Schedule 3 is altered by omitting “*the Safety Authority*” and substituting “*NOPSEMA*”.

#### **601 Subclause 80(4) of Schedule 3**

Omit “The Safety Authority”, substitute “NOPSEMA”.

#### **602 Subclause 80(5) of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

#### **603 Clause 82 of Schedule 3**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

#### **604 Subclause 83(1) of Schedule 3**

Omit “the Safety Authority”, substitute “NOPSEMA”.

#### **605 Clause 89 of Schedule 3**

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

Note: The heading to subclause 89(1) of Schedule 3 is altered by omitting “*Safety Authority*” and substituting “*NOPSEMA*”.

#### **606 Subclause 89(5) of Schedule 3**

Omit “The Safety Authority”, substitute “NOPSEMA”.

#### **607 Subclauses 2(2), (4), (5) and (6) of Schedule 4**

Omit “Designated Authority”, substitute “Titles Administrator”.

#### **608 Subclause 2(7) of Schedule 4 (note 2)**

Omit “Designated Authority”, substitute “Titles Administrator”.

#### **609 Clause 3 of Schedule 4**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

#### **610 Subclauses 4(2), (4), (5) and (6) of Schedule 4**

Omit “Designated Authority”, substitute “Titles Administrator”.

#### **611 Subclause 4(7) of Schedule 4 (note 2)**

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Omit “Designated Authority”, substitute “Titles Administrator”.

**612 Subclause 7(1) of Schedule 4**

Omit “Designated Authority”, substitute “Titles Administrator”.

**613 Paragraph 4(a) of Schedule 5**

Omit “Designated Authority”, substitute “Titles Administrator”.

**614 Subclause 5(1) of Schedule 5**

Omit “Designated Authority” (first occurring), substitute “Titles Administrator”.

Note: The heading to clause 5 of Schedule 5 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.

**615 Subclause 5(2) of Schedule 5**

Omit “Designated Authority”, substitute “Titles Administrator”.

**616 Clause 6 of Schedule 5**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**617 Subclause 7(1) of Schedule 5**

Omit “Designated Authority” (first and second occurring), substitute “Titles Administrator”.

**618 Paragraph 7(1)(e) of Schedule 5**

Omit “Designated Authority” (first occurring), substitute “Titles Administrator”.

**619 Clause 8 of Schedule 5**

Omit “Designated Authority” (second and third occurring), substitute “Titles Administrator”.

**620 Subclause 9(1) of Schedule 5**

Omit “Designated Authority” (first occurring), substitute “Titles Administrator”.

**621 Paragraph 9(1)(b) of Schedule 5**

Omit “Designated Authority”, substitute “Titles Administrator”.

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**622 Paragraph 9(1)(e) of Schedule 5**

Omit “Designated Authority” (first occurring), substitute “Titles Administrator”.

**623 Subclauses 9(3) and (6) of Schedule 5**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

**624 Subclause 9(7) of Schedule 5**

Omit “Designated Authority for a State or the Northern Territory”, substitute “Titles Administrator”.

**625 Subclause 9(7) of Schedule 5**

Omit “Designated Authority” (second occurring), substitute “Titles Administrator”.

**626 Paragraph 9(8)(a) of Schedule 5**

Omit “Designated Authority for a State or the Northern Territory”, substitute “Titles Administrator”.

**627 Subclause 9(12) of Schedule 5**

Omit “Designated Authority”, substitute “Titles Administrator”.

## **Part 2—Amendments relating to registration fees**

### ***Offshore Petroleum and Greenhouse Gas Storage Act 2006***

#### **628 Paragraph 512(1)(b)**

Omit “Designated Authority”, substitute “Titles Administrator”.

#### **629 Subsection 517(1)**

Omit “Designated Authority”, substitute “Titles Administrator”.

#### **630 Subsection 517(1)**

Omit “the Register”, substitute “the relevant Register”.

#### **631 Subsections 517(2) to (4)**

Omit “Designated Authority” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to subsection 517(2) is altered by omitting “*Designated Authority*” and substituting “*Titles Administrator*”.

#### **632 Subsection 517(5)**

Omit “Designated Authority concerned”, substitute “Titles Administrator”.

Note: The heading to subsection 517(5) is altered by omitting “*Designated Authority*” and substituting “*Titles Administrator*”.

#### **633 Paragraph 561(1)(b)**

Omit “responsible Commonwealth Minister”, substitute “Titles Administrator”.

#### **634 Subsections 566(1) to (4)**

Omit “responsible Commonwealth Minister” (wherever occurring), substitute “Titles Administrator”.

Note: The heading to subsection 566(2) is altered by omitting “*responsible Commonwealth Minister*” and substituting “*Titles Administrator*”.

#### **635 Subsection 566(5)**

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**Part 2** Amendments relating to registration fees

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Omit “responsible Commonwealth Minister concerned”, substitute “Titles Administrator”.

Note: The heading to subsection 566(5) is altered by omitting “*responsible Commonwealth Minister*” and substituting “*Titles Administrator*”.

**636 Section 629**

Omit “Designated Authority”, substitute “Titles Administrator”.

Note: The heading to section 629 is altered by omitting “**Designated Authority**” and substituting “**Titles Administrator**”.



## **Part 3—Transitional provisions commencing on Royal Assent**

### **637 Board members**

- (1) The amendments made by this Schedule do not affect the continuity of an appointment under section 656 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) Subitem (1) does not limit the operation of section 25B of the *Acts Interpretation Act 1901*.

### **638 CEO**

- (1) The amendments made by this Schedule do not affect the continuity of an appointment under section 665 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) Subitem (1) does not limit the operation of section 25B of the *Acts Interpretation Act 1901*.

### **639 Translation of references in documents**

- (1) The regulations may provide that, after the commencement of Part 1 of this Schedule, a specified document has effect as if a specified reference in the document to the Designated Authority were a reference to the Titles Administrator.

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

- (2) The regulations may provide that, after the commencement of Part 1 of this Schedule, a specified document has effect as if a specified reference in the document to the Designated Authority were a reference to NOPSEMA.

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

- (3) The regulations may provide that, after the commencement of Part 1 of this Schedule, a specified document has effect as if a specified reference in the document to the Designated Authority were a reference to the responsible Commonwealth Minister.

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

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**Part 3** Transitional provisions commencing on Royal Assent

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- (4) The regulations may provide that, after the commencement of Part 1 of this Schedule, a specified document has effect as if a specified reference in the document to the responsible Commonwealth Minister were a reference to the Titles Administrator.

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

- (5) In this item:

*document* includes the following:

- (a) a petroleum exploration permit;
- (b) a petroleum retention lease;
- (c) a petroleum production licence;
- (d) an infrastructure licence;
- (e) a pipeline licence;
- (f) a petroleum special prospecting authority;
- (g) a petroleum access authority;
- (h) a greenhouse gas assessment permit;
- (i) a greenhouse gas holding lease;
- (j) a greenhouse gas injection licence;
- (k) a greenhouse gas search authority;
- (l) a greenhouse gas special authority.

**640 Transitional—proceedings in courts and tribunals**

- (1) The regulations may provide that, if:
- (a) specified proceedings are pending in a court or tribunal immediately before the commencement of Part 1 of this Schedule; and
  - (b) the Designated Authority is a party to the proceedings;
- then, at the commencement of Part 1 of this Schedule, the Titles Administrator is substituted as a party to the proceedings.

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

- (2) The regulations may provide that, if:
- (a) specified proceedings are pending in a court or tribunal immediately before the commencement of Part 1 of this Schedule; and
  - (b) the Designated Authority is a party to the proceedings;

then, at the commencement of Part 1 of this Schedule, NOPSEMA is substituted as a party to the proceedings.

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

- (3) The regulations may provide that, if:
- (a) specified proceedings are pending in a court or tribunal immediately before the commencement of Part 1 of this Schedule; and
  - (b) the Designated Authority is a party to the proceedings;

then, at the commencement of Part 1 of this Schedule, the responsible Commonwealth Minister is substituted as a party to the proceedings.

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

- (4) The regulations may provide that, if:
- (a) specified proceedings are pending in a court or tribunal immediately before the commencement of Part 1 of this Schedule; and
  - (b) the responsible Commonwealth Minister is a party to the proceedings;

then, at the commencement of Part 1 of this Schedule, the responsible Titles Administrator is substituted as a party to the proceedings.

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

- (5) If:
- (a) proceedings are pending in a court or tribunal immediately before the commencement of Part 1 of this Schedule; and
  - (b) the Designated Authority is a party to the proceedings; and
  - (c) the court or tribunal considers that it is in the interests of the administration of justice to do so;

the court or tribunal may, by order, determine:

- (d) that regulations made for the purposes of subitem (1), (2) or (3) do not apply to the proceedings; and
  - (e) that a person specified in the order is substituted as a party to the proceedings.
- (6) If:
- (a) proceedings are pending in a court or tribunal immediately before the commencement of Part 1 of this Schedule; and

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**Part 3** Transitional provisions commencing on Royal Assent

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(b) the responsible Commonwealth Minister is a party to the proceedings; and

(c) the court or tribunal considers that it is in the interests of the administration of justice to do so;

the court or tribunal may, by order, determine:

(d) that regulations made for the purposes of subitem (4) do not apply to the proceedings; and

(e) that a person specified in the order is substituted as a party to the proceedings.

**641 Transitional regulations**

The Governor-General may make regulations prescribing matters permitted by this Part to be prescribed.

## **Part 4—Transitional provisions commencing on Proclamation**

### **642 Interpretation**

- (1) For the purposes of this Part, if a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* is amended by this Schedule so as to transfer a function or power of the Designated Authority for an offshore area to the Titles Administrator, that provision, as in force before the commencement of this item, is a **Category A provision** of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) For the purposes of this Part, if a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* is amended by this Schedule so as to transfer a function or power of the Designated Authority for an offshore area to NOPSEMA, that provision, as in force before the commencement of this item, is a **Category B provision** of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (3) For the purposes of this Part, if a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* is amended by this Schedule so as to transfer a function or power of the Designated Authority for an offshore area to the responsible Commonwealth Minister, that provision, as in force before the commencement of this item, is a **Category C provision** of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (4) For the purposes of this Part, if a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* is amended by this Schedule so as to transfer a function or power of the responsible Commonwealth Minister to the Titles Administrator, that provision, as in force before the commencement of this item, is a **Category D provision** of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

### **643 Transitional—instruments made or given by the Designated Authority to be attributed to the Titles Administrator etc.**

- (1) This item applies to an instrument if:

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- (a) the instrument was in force immediately before the commencement of this item; and
  - (b) the instrument was made or given, by the Designated Authority for an offshore area, under, or for the purposes of, a Category A provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) The instrument has effect, after the commencement of this item, as if it had been made or given:
  - (a) by the Titles Administrator; and
  - (b) under, or for the purposes of, the corresponding provision of that Act as amended by this Schedule.

**644 Transitional—acts of Designated Authority to be attributed to the Titles Administrator etc.**

- (1) This item applies to an act or thing (other than the making or giving of an instrument) that was done before the commencement of this item:
  - (a) by, or in relation to, the Designated Authority for an offshore area; and
  - (b) under, or for the purposes of, a Category A provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) The act or thing has effect, after the commencement of this item, as if it had been done:
  - (a) by, or in relation to, the Titles Administrator; and
  - (b) under, or for the purposes of, the corresponding provision of that Act as amended by this Schedule.

**645 Transitional—instruments made or given by the Designated Authority to be attributed to NOPSEMA etc.**

- (1) This item applies to an instrument if:
    - (a) the instrument was in force immediately before the commencement of this item; and
    - (b) the instrument was made or given, by the Designated Authority for an offshore area, under, or for the purposes of, a Category B provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
-

- (2) The instrument has effect, after the commencement of this item, as if it had been made or given:
- (a) by NOPSEMA; and
  - (b) under, or for the purposes of, the corresponding provision of that Act as amended by this Schedule.

**646 Transitional—acts of Designated Authority to be attributed to NOPSEMA etc.**

- (1) This item applies to an act or thing (other than the making or giving of an instrument) that was done before the commencement of this item:
- (a) by, or in relation to, the Designated Authority for an offshore area; and
  - (b) under, or for the purposes of, a Category B provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) The act or thing has effect, after the commencement of this item, as if it had been done:
- (a) by, or in relation to, NOPSEMA; and
  - (b) under, or for the purposes of, the corresponding provision of that Act as amended by this Schedule.

**647 Transitional—instruments made or given by the Designated Authority to be attributed to the responsible Commonwealth Minister etc.**

- (1) This item applies to an instrument if:
- (a) the instrument was in force immediately before the commencement of this item; and
  - (b) the instrument was made or given, by the Designated Authority for an offshore area, under, or for the purposes of, a Category C provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) The instrument has effect, after the commencement of this item, as if it had been made or given:
- (a) by the responsible Commonwealth Minister; and
  - (b) under, or for the purposes of, the corresponding provision of that Act as amended by this Schedule.

**648 Transitional—acts of Designated Authority to be attributed to the responsible Commonwealth Minister etc.**

- (1) This item applies to an act or thing (other than the making or giving of an instrument) that was done before the commencement of this item:
  - (a) by, or in relation to, the Designated Authority for an offshore area; and
  - (b) under, or for the purposes of, a Category C provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) The act or thing has effect, after the commencement of this item, as if it had been done:
  - (a) by, or in relation to, the responsible Commonwealth Minister; and
  - (b) under, or for the purposes of, the corresponding provision of that Act as amended by this Schedule.

**649 Transitional—instruments made or given by the responsible Commonwealth Minister to be attributed to the Titles Administrator etc.**

- (1) This item applies to an instrument if:
  - (a) the instrument was in force immediately before the commencement of this item; and
  - (b) the instrument was made or given, by the responsible Commonwealth Minister, under, or for the purposes of, a Category D provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) The instrument has effect, after the commencement of this item, as if it had been made or given:
  - (a) by the Titles Administrator; and
  - (b) under, or for the purposes of, the corresponding provision of that Act as amended by this Schedule.

**650 Transitional—acts of the responsible Commonwealth Minister to be attributed to the Titles Administrator etc.**

- (1) This item applies to an act or thing (other than the making or giving of an instrument) that was done before the commencement of this item:
-



- (a) by, or in relation to, the responsible Commonwealth Minister; and
  - (b) under, or for the purposes of, a Category D provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) The act or thing has effect, after the commencement of this item, as if it had been done:
  - (a) by, or in relation to, the Titles Administrator; and
  - (b) under, or for the purposes of, the corresponding provision of that Act as amended by this Schedule.

### **651 Transitional—continuation of Registers**

- (1) A Register for an offshore area kept under section 469 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* after the commencement of this item is, for all purposes, a continuation of the Register kept under section 469 of that Act by the Designated Authority for that offshore area immediately before the commencement of this item.
- (2) The Register kept under section 521 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* after the commencement of this item is, for all purposes, a continuation of the Register kept under section 521 of that Act by the responsible Commonwealth Minister immediately before the commencement of this item.

### **652 Transitional—transfer of Registers by Designated Authority**

- (1) This item applies to a Register that was kept under section 469 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* by the Designated Authority for an offshore area immediately before the commencement of this item.
- (2) The Register is to be transferred to the Titles Administrator after the commencement of this item.

### **653 Transitional—transfer of Register by responsible Commonwealth Minister**

- (1) This item applies to the Register that was kept under section 521 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* by the

**Schedule 2** General amendments

**Part 4** Transitional provisions commencing on Proclamation

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responsible Commonwealth Minister immediately before the commencement of this item.

- (2) The Register is to be transferred to the Titles Administrator after the commencement of this item.

**654 Transitional—transfer of petroleum records to the Titles Administrator**

- (1) This item applies to:
- (a) any records or documents that, immediately before the commencement of this item, were:
    - (i) in the possession of the Designated Authority for an offshore area; and
    - (ii) applicable documents within the meaning of Part 7.3 of, or Schedule 5 to, the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
  - (b) any cores, cuttings or samples that, immediately before the commencement of this item, were:
    - (i) in the possession of the Designated Authority for an offshore area; and
    - (ii) petroleum mining samples within the meaning of Part 7.3 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) The records, documents, cores, cuttings and samples are to be transferred to the Titles Administrator after the commencement of this item.

**655 Transitional—transfer of greenhouse gas records to the Titles Administrator**

- (1) This item applies to:
- (a) any records or documents that, immediately before the commencement of this item, were:
    - (i) in the possession of the responsible Commonwealth Minister; and
    - (ii) applicable documents within the meaning of Part 8.3 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
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- (b) any cores, cuttings or samples that, immediately before the commencement of this item, were:
  - (i) in the possession of the responsible Commonwealth Minister; and
  - (ii) eligible samples within the meaning of Part 8.3 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) The records, documents, cores, cuttings and samples are to be transferred to the Titles Administrator after the commencement of this item.

### **656 Transitional regulations**

The Governor-General may make regulations in relation to transitional matters arising out of the amendments made by this Schedule.

**Schedule 3** Amendments relating to annual fees

**Part 1** Repeal of the Offshore Petroleum and Greenhouse Gas Storage (Annual Fees) Act 2006

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## **Schedule 3—Amendments relating to annual fees**

### **Part 1—Repeal of the Offshore Petroleum and Greenhouse Gas Storage (Annual Fees) Act 2006**

#### *Offshore Petroleum and Greenhouse Gas Storage (Annual Fees) Act 2006*

##### **1 The whole of the Act**

Repeal the Act.

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136      *Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011*      No. 112, 2011

## **Part 2—Consequential amendments**

### ***Offshore Petroleum and Greenhouse Gas Storage Act 2006***

#### **2 Section 7 (definition of *Annual Fees Act*)**

Repeal the definition.

#### **3 Paragraph 270(3)(a)**

Omit “Acts”.

#### **4 Subparagraph 270(3)(a)(iii)**

Repeal the subparagraph, substitute:

(iii) section 10E of the Regulatory Levies Act;

#### **5 Subparagraph 274(d)(iii)**

Repeal the subparagraph, substitute:

(iii) section 10E of the Regulatory Levies Act;

#### **6 Subparagraph 277(3)(a)(iii)**

Repeal the subparagraph, substitute:

(iii) section 10E of the Regulatory Levies Act;

#### **7 Subparagraph 277(4)(a)(iii)**

Repeal the subparagraph, substitute:

(iii) section 10E of the Regulatory Levies Act;

#### **8 Paragraph 442(3)(a)**

Omit “Acts”.

#### **9 Subparagraph 442(3)(a)(ii)**

Repeal the subparagraph, substitute:

(ii) section 10E of the Regulatory Levies Act;

#### **10 Subparagraph 446(d)(ii)**

Repeal the subparagraph, substitute:

(ii) section 10E of the Regulatory Levies Act;

**11 Subparagraph 449(3)(a)(ii)**

Repeal the subparagraph, substitute:

(ii) section 10E of the Regulatory Levies Act;

**12 Subparagraph 449(4)(a)(ii)**

Repeal the subparagraph, substitute:

(ii) section 10E of the Regulatory Levies Act;

**13 Paragraph 589(2)(e)**

Repeal the paragraph, substitute:

(e) any amounts payable by that person under section 10E of the Regulatory Levies Act, so long as the amount concerned is due and payable.

**14 Paragraph 597(2)(d)**

Repeal the paragraph, substitute:

(d) any amounts payable by that person under section 10E of the Regulatory Levies Act, so long as the amount concerned is due and payable.

**15 Division 1 of Part 6.7**

Repeal the Division.

## **Part 3—Application and transitional provisions**

### **16 Application of repeal**

The repeal of the *Offshore Petroleum and Greenhouse Gas Storage (Annual Fees) Act 2006* by this Schedule applies:

- (a) to the extent to which that Act relates to a year of the term of:
  - (i) a work-bid petroleum exploration permit; or
  - (ii) a special petroleum exploration permit; or
  - (iii) a petroleum retention lease; or
  - (iv) a petroleum production licence; or
  - (v) an infrastructure licence; or
  - (vi) a pipeline licence;to such a year that begins at or after the commencement of this item; and
- (b) to the extent to which that Act relates to a year of the term of:
  - (i) a work-bid greenhouse gas assessment permit; or
  - (ii) a greenhouse gas holding lease; or
  - (iii) a greenhouse gas injection licence;to such a year that begins at or after the commencement of this item.

### **17 Transitional**

Despite the amendments of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule, that Act continues to apply, after the commencement of this item, in relation to:

- (a) a fee payable under the repealed *Offshore Petroleum and Greenhouse Gas Storage (Annual Fees) Act 2006*; and
  - (b) late payment penalty payable in relation to such a fee;
- as if those amendments had not been made.

**Schedule 4** Amendments relating to registration fees

**Part 1** Repeal of the Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Act 2006

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## **Schedule 4—Amendments relating to registration fees**

### **Part 1—Repeal of the Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Act 2006**

#### *Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Act 2006*

##### **1 The whole of the Act**

Repeal the Act.

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140      *Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator)  
Act 2011      No. 112, 2011*



## **Part 2—Consequential amendments**

### *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

#### **2 Section 7 (definition of *Registration Fees Act*)**

Repeal the definition.

#### **3 At the end of section 473**

Add:

Note: Section 516A requires the application to be accompanied by an application fee.

#### **4 Subsection 479(3)**

Omit “On payment of the fee provided for in the Registration Fees Act, the”, substitute “The”.

#### **5 At the end of section 488**

Add:

Note: Section 516A requires the application to be accompanied by an application fee.

#### **6 Subsection 494(3)**

Omit “On payment of the fee provided for in the Registration Fees Act, the”, substitute “The”.

#### **7 At the end of section 498**

Add:

Note: Section 516A requires the provisional application to be accompanied by an application fee.

#### **8 Section 512**

Repeal the section.

#### **9 After section 516**

Insert:

### 516A Application fee

- (1) An eligible application must be accompanied by the fee (if any) prescribed by the regulations.

Note: For *eligible application*, see subsection (4).

- (2) Different fees may be prescribed for different eligible applications.
- (3) A fee must not be such as to amount to taxation.
- (4) For the purposes of this section, each of the following is an *eligible application*:
  - (a) an application for the approval of the transfer of a title;
  - (b) an application for the approval of a dealing (other than an application covered by section 502);
  - (c) a provisional application for the approval of a dealing.

### 10 Section 517

Repeal the section.

### 11 At the end of section 525

Add:

Note: Section 565A requires the application to be accompanied by an application fee.

### 12 Subsection 530(3)

Omit “On payment of the fee provided for in the Registration Fees Act, the”, substitute “The”.

### 13 At the end of section 539

Add:

Note: Section 565A requires the application to be accompanied by an application fee.

### 14 Subsection 544(3)

Omit “On payment of the fee provided for in the Registration Fees Act, the”, substitute “The”.

### 15 At the end of section 548

Add:

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Note: Section 565A requires the provisional application to be accompanied by an application fee.

**16 Section 561**

Repeal the section.

**17 After section 565**

Insert:

**565A Application fee**

- (1) An eligible application must be accompanied by the fee (if any) prescribed by the regulations.

Note: For *eligible application*, see subsection (4).

- (2) Different fees may be prescribed for different eligible applications.
- (3) A fee must not be such as to amount to taxation.
- (4) For the purposes of this section, each of the following is an *eligible application*:
- (a) an application for the approval of the transfer of a title;
  - (b) an application for the approval of a dealing (other than an application covered by section 551);
  - (c) a provisional application for the approval of a dealing.

**18 Section 566**

Repeal the section.

**19 Division 2 of Part 6.7**

Repeal the Division.

**20 After paragraph 636(1)(e)**

Insert:

(eaa) a fee under subsection 516A(1);

**21 Before paragraph 636(1)(f)**

Insert:

(ec) a fee under subsection 565A(1);

## Part 3—Application and transitional provisions

### 22 Application of repeal

The repeal of the *Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Act 2006* by this Schedule applies:

- (a) to the extent to which that Act relates to the entry, under section 479 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, of a memorandum of the transfer of a title—to such an entry made in response to an application made after the commencement of this item; and
- (b) to the extent to which that Act relates to the entry, under section 494 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, of the approval of a dealing—to such an entry made in response to an application or provisional application made after the commencement of this item; and
- (c) to the extent to which that Act relates to the entry, under section 530 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, of a memorandum of the transfer of a title—to such an entry made in response to an application made after the commencement of this item; and
- (d) to the extent to which that Act relates to the entry, under section 544 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, of the approval of a dealing—to such an entry made in response to an application or provisional application made after the commencement of this item.

### 23 Application of provisions relating to application fees

- (1) Section 516A of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* as amended by this Schedule applies to eligible applications made after the commencement of this item.
- (2) Section 565A of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* as amended by this Schedule applies to eligible applications made after the commencement of this item.

### 24 Transitional

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Despite the amendments of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule, that Act continues to apply, after the commencement of this item, in relation to a fee imposed by the repealed *Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Act 2006*, as if those amendments had not been made.

## **Schedule 5—Technical amendments**

### *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

#### **1 Paragraph 114(2)(a)**

Omit “Designated Authority”, substitute “Joint Authority”.

## **Schedule 6—Amendments relating to directions**

### ***Offshore Petroleum and Greenhouse Gas Storage Act 2006***

#### **1 Subsection 316(3)**

Repeal the subsection, substitute:

- (3) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

#### **2 Subsection 351(3)**

Repeal the subsection, substitute:

- (3) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

#### **3 Subsection 376(5)**

Repeal the subsection, substitute:

- (5) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

#### **4 Subsection 380(7)**

Repeal the subsection, substitute:

- (7) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

#### **5 Subsection 383(7)**

Repeal the subsection, substitute:

- (7) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

#### **6 Subsection 574(7)**

Repeal the subsection, substitute:

- (7) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

#### **7 Subsection 580(6)**

Repeal the subsection, substitute:

- (6) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

#### **8 Application—directions**

The amendments made by this Schedule apply to directions given after the commencement of this item.



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*[Minister's second reading speech made in—  
House of Representatives on 25 May 2011  
Senate on 18 August 2011]*

(92/11)

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