

Offshore Petroleum and Greenhouse Gas Storage Amendment (Cross‑boundary Greenhouse Gas Titles and Other Measures) Act 2020

No. 43, 2020

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

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Offshore Petroleum and Greenhouse Gas Storage Amendment (Cross-boundary Greenhouse Gas Titles and Other Measures) Act 2020

No. 43, 2020

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

[*Assented to 15 May 2020*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Cross‑boundary Greenhouse Gas Titles and Other Measures) Act 2020*.

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.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | 15 May 2020 |
| 2. Schedule 1, Parts 1 and 2 | A single day to be fixed by Proclamation.  However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period. | 1 October 2020  (F2020N00102) |
| 3. Schedule 1, Part 3 | The later of:  (a) immediately after the commencement of the provisions covered by table item 2; and  (b) immediately after the commencement of Schedule 2 to the *Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019*.  However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur. |  |
| 4. Schedule 2 | The day after this Act receives the Royal Assent. | 16 May 2020 |
| 5. Schedule 3, Part 1, Division 1 | The day after this Act receives the Royal Assent. | 16 May 2020 |
| 6. Schedule 3, Part 1, Division 2 | 26 July 2018. | 26 July 2018 |
| 7. Schedule 3, Part 2 | The day after this Act receives the Royal Assent. | 16 May 2020 |
| 8. Schedule 4, Part 1 | The later of:  (a) the start of the day after this Act receives the Royal Assent; and  (b) the commencement of Division 1 of Part 1 of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Act 2019*. | 16 May 2020  (paragraph (a) applies) |
| 9. Schedule 4, Part 2 | A single day to be fixed by Proclamation.  However, if the provisions do not commence within the period of 6 months beginning on the day that the provisions covered by table item 8 commenced, they commence on the day after the end of that period. | 1 October 2020  (F2020N00102) |
| 10. Schedule 4, Part 3 | The later of:  (a) the start of the day after this Act receives the Royal Assent; and  (b) the commencement of Division 1 of Part 1 of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Act 2019*. | 16 May 2020  (paragraph (a) applies) |
| 11. Schedule 4, Part 4 | The later of:  (a) immediately after the commencement of the provisions covered by table item 8; and  (b) immediately after the commencement of Schedule 2 to the *Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019*.  However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur. |  |

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 Schedules

Legislation 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—Cross‑boundary greenhouse gas storage etc.

Part 1—General amendments

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Section 7 (definition of *approved*)

Repeal the definition, substitute:

***approved*** means approved in writing by the Titles Administrator. This definition does not apply to:

(a) the expression ***approved site plan***; or

(b) section 286A; or

(c) section 452A; or

(d) section 650; or

(e) subsection 695B(3); or

(f) section 695F.

2 Section 7 (definition of *block*)

Omit “or 282”, substitute “, 282, 461A or 462”.

3 Section 7

Insert:

***compatible cross‑boundary law*** has the meaning given by section 24A.

***consolidated work‑bid greenhouse gas assessment permit*** means:

(a) a greenhouse gas assessment permit granted under Subdivision B of Division 2 of Part 3.2; or

(b) a greenhouse gas assessment permit granted under Division 4 of Part 3.2 by way of the renewal of a permit referred to in paragraph (a).

***Cross‑boundary Authority*** has the meaning given by section 76A and, when used in the expression ***the Cross‑boundary Authority***, means the Cross‑boundary Authority for the offshore area concerned.

***cross‑boundary greenhouse gas assessment permit*** means a greenhouse gas assessment permit granted under:

(a) Division 3A of Part 3.2; or

(b) Subdivision B of Division 4 of Part 3.2.

***cross‑boundary greenhouse gas holding lease*** means a greenhouse gas holding lease granted under:

(a) Subdivision AA, BA or CA of Division 2 of Part 3.3; or

(b) Subdivision B of Division 3 of Part 3.3.

***cross‑boundary greenhouse gas injection licence*** means a greenhouse gas injection licence granted under Subdivision AA of Division 2 of Part 3.4.

4 Section 7 (paragraph (b) of the definition of *fundamental suitability determinants*)

After “312(11)”, insert “or 312A(11)”.

5 Section 7

Insert:

***holder***, in relation to:

(a) a State/Territory petroleum exploration title; or

(b) a State/Territory petroleum retention title; or

(c) a State/Territory petroleum production title; or

(d) a State/Territory greenhouse gas assessment title;

means the person who, under a law of a State or Territory, is the registered holder of the State/Territory petroleum exploration title, the State/Territory petroleum retention title, the State/Territory petroleum production title or the State/Territory greenhouse gas assessment title, as the case may be.

6 Section 7 (definition of *identified greenhouse gas storage formation*)

After “312”, insert “or 312A”.

7 Section 7 (at the end of the definition of *offshore area*)

Add:

Note 4: See also section 295B (permit area of a cross‑boundary greenhouse gas assessment permit is taken to be included in the offshore area).

Note 5: See also section 323B (lease area of a cross‑boundary greenhouse gas holding lease is taken to be included in the offshore area).

Note 6: See also section 360A (licence area of a cross‑boundary greenhouse gas injection licence is taken to be included in the offshore area).

8 Section 7

Insert:

***original consolidated work‑bid greenhouse gas assessment permit*** means a consolidated work‑bid greenhouse gas assessment permit that was granted otherwise than by way of renewal.

***original cross‑boundary greenhouse gas assessment permit*** means a cross‑boundary greenhouse gas assessment permit granted otherwise than by way of renewal.

***original cross‑boundary greenhouse gas holding lease*** means a cross‑boundary greenhouse gas holding lease granted otherwise than by way of renewal.

***original State/Territory greenhouse gas assessment title*** means a State/Territory greenhouse gas assessment title granted otherwise than by way of renewal.

***original State/Territory petroleum exploration title*** means a State/Territory petroleum exploration title granted otherwise than by way of renewal.

***original State/Territory petroleum retention title*** means a State/Territory petroleum retention title granted otherwise than by way of renewal.

***post‑commencement State/Territory petroleum exploration title*** means:

(a) an original State/Territory petroleum exploration titlethat was granted:

(i) under a law of a State or Territory; and

(ii) after the commencement of the provisions of the law that correspond to Chapter 3; or

(b) a State/Territory petroleum exploration titlethat was granted by way of renewal, where the original State/Territory petroleum exploration title was granted:

(i) under a law of a State or Territory; and

(ii) after the commencement of the provisions of the law that correspond to Chapter 3.

***post‑commencement State/Territory petroleum production title*** means:

(a) a State/Territory petroleum production titlethat was granted to the holder of:

(i) a post‑commencement State/Territory petroleum exploration title; or

(ii) a post‑commencement State/Territory petroleum retention title;

that was in force over the State/Territory block or State/Territory blocks to which the State/Territory petroleum production title relates; or

(b) a State/Territory petroleum production title granted under a provision of a law of a State or Territory that corresponds to section 181; or

(c) a State/Territory petroleum production title granted under a provision of a law of a State or Territory that corresponds to section 183, where the initial State/Territory petroleum production title mentioned in the provision of a law of a State or Territory that corresponds to section 182 was a post‑commencement State/Territory petroleum production title; or

(d) a State/Territory petroleum production title granted under a provision of a law of a State or Territory that corresponds to section 183A; or

(e) a State/Territory petroleum production title that was granted by way of renewal, where the original State/Territory petroleum production title was granted under a provision of a law of a State or Territory that corresponds to section 183A.

***post‑commencement State/Territory petroleum retention title*** means:

(a) an original State/Territory petroleum retention titlethat was granted to the holder of:

(i) a post‑commencement State/Territory petroleum exploration title; or

(ii) a post‑commencement State/Territory petroleum production title;

that was in force over the State/Territory block or State/Territory blocks to which the original State/Territory petroleum retention title relates; or

(b) a State/Territory petroleum retention titlethat was granted by way of renewal, where the original State/Territory petroleum retention title was granted to the holder of:

(i) a post‑commencement State/Territory petroleum exploration title; or

(ii) a post‑commencement State/Territory petroleum production title;

that was in force over the State/Territory block or State/Territory blocks to which the original State/Territory petroleum retention title related; or

(c) a State/Territory petroleum retention title granted under a provision of a law of a State or Territory that corresponds to section 152A; or

(d) a State/Territory petroleum retention title that was granted by way of renewal, where the original State/Territory petroleum retention title was granted under a provision of a law of a State or Territory that corresponds to section 152A.

***post‑commencement State/Territory petroleum title*** means:

(a) a post‑commencement State/Territory petroleum exploration title; or

(b) a post‑commencement State/Territory petroleum retention title; or

(c) a post‑commencement State/Territory petroleum production title.

***pre‑commencement State/Territory petroleum exploration title*** means a State/Territory petroleum exploration title other than a post‑commencement State/Territory petroleum exploration title.

***pre‑commencement State/Territory petroleum production title*** means a State/Territory petroleum production title other than a post‑commencement State/Territory petroleum production title.

***pre‑commencement State/Territory petroleum retention title*** means a State/Territory petroleum retention title other than a post‑commencement State/Territory petroleum retention title.

***pre‑commencement State/Territory petroleum title*** means:

(a) a pre‑commencement State/Territory petroleum exploration title; or

(b) a pre‑commencement State/Territory petroleum retention title; or

(c) a pre‑commencement State/Territory petroleum production title.

***relevant area***:

(a) in relation to a State/Territory greenhouse gas assessment title—means the area constituted by the State/Territory block or State/Territory blocks that are the subject of the title; or

(b) in relation to a pre‑commencement State/Territory petroleum title—means the area constituted by the State/Territory block or State/Territory blocks that are the subject of the title; or

(c) in relation to a pre‑commencement State/Territory petroleum exploration title—means the area constituted by the State/Territory block or State/Territory blocks that are the subject of the title; or

(d) in relation to a pre‑commencement State/Territory petroleum retention title—means the area constituted by the State/Territory block or State/Territory blocks that are the subject of the title; or

(e) in relation to a State/Territory petroleum production title—means the area constituted by the State/Territory block or State/Territory blocks that are the subject of the title.

9 Section 7 (definition of *significant risk*)

After “27,”, insert “27A,”.

10 Section 7 (definition of *significant risk*)

After “28”, insert “, 28A”.

11 Section 7

Insert:

***special cross‑boundary greenhouse gas holding lease*** means a greenhouse gas holding lease granted under section 342C.

***State/Territory block***, when used in relation to:

(a) a State/Territory petroleum exploration title; or

(b) a State/Territory petroleum retention title; or

(c) a State/Territory petroleum production title; or

(d) a State/Territory greenhouse gas assessment title;

means a block within the meaning of the State PSLA or Territory PSLA under which the title was granted, so long as no part of the block is within the limits of a State or Territory. For this purpose, ***State PSLA*** and ***Territory PSLA*** have the same meaning as in Part 6.9.

***State/Territory greenhouse gas assessment title*** means an instrument under a law of a State or the Northern Territory that confers, in relation to the coastal waters of the State or the Northern Territory, rights that correspond to the rights that a greenhouse gas assessment permit confers in relation to the offshore area of the State or the Principal Northern Territory offshore area, as the case requires.

***State/Territory greenhouse gas storage administrator*** has the meaning given by section 30A.

***State/Territory identified greenhouse gas storage formation*** means an identified greenhouse gas storage formation within the meaning of a State PSLA or Territory PSLA. For this purpose, ***State PSLA*** and ***Territory PSLA*** have the same meaning as in Part 6.9.

12 After section 24

Insert:

24A Compatible cross‑boundary law

(1) The responsible Commonwealth Minister may, by legislative instrument, declare a law of a State to be a ***compatible cross‑boundary law*** for the purposes of this Act.

(2) The responsible Commonwealth Minister may, by legislative instrument, declare a law of the Northern Territory to be a ***compatible cross‑boundary law*** for the purposes of this Act.

(3) The responsible Commonwealth Minister must not, in exercising the power conferred by subsection (1), give preference (within the meaning of section 99 of the Constitution) to one State or part of a State over another State or part of a State.

13 Section 27 (at the end of the heading)

Add “**(general)**”.

14 After section 27

Insert:

27A Significant risk of a significant adverse impact—approval of key greenhouse gas operations (cross‑boundary)

(1) For the purposes of sections 292A and 321A and paragraph 749(2)(ba), the question of whether there is a significant risk that a key greenhouse gas operation will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing petroleum exploration permit; or

(b) an existing petroleum retention lease; or

(c) an existing petroleum production licence; or

(d) a future petroleum exploration permit; or

(e) a future petroleum retention lease; or

(f) a future petroleum production licence; or

(g) an existing State/Territory petroleum exploration title; or

(h) an existing State/Territory petroleum retention title; or

(i) an existing State/Territory petroleum production title; or

(j) a future State/Territory petroleum exploration title; or

(k) a future State/Territory petroleum retention title; or

(l) a future State/Territory petroleum production title;

is to be determined in a manner ascertained in accordance with the regulations.

(2) A manner ascertained in accordance with regulations made for the purposes of subsection (1) must take into account:

(a) the probability, or range of probabilities, of the occurrence of the adverse impact; and

(b) the economic consequences of the adverse impact; and

(c) the economic consequences of the adverse impact relative to the potential economic value of the petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under the permit, lease, licence or title referred to in whichever of paragraph (1)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l) is applicable.

(3) Subsection (2) does not limit the matters that may be taken into account.

(4) Subsections (1) and (2) have effect subject to subsections (5) and (6).

(5) For the purposes of sections 292A and 321A and paragraph 749(2)(ba), a key greenhouse gas operation will have an adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing petroleum exploration permit; or

(b) an existing petroleum retention lease; or

(c) an existing petroleum production licence; or

(d) a future petroleum exploration permit; or

(e) a future petroleum retention lease; or

(f) a future petroleum production licence; or

(g) an existing State/Territory petroleum exploration title; or

(h) an existing State/Territory petroleum retention title; or

(i) an existing State/Territory petroleum production title; or

(j) a future State/Territory petroleum exploration title; or

(k) a future State/Territory petroleum retention title; or

(l) a future State/Territory petroleum production title;

if, and only if, the key greenhouse gas operation will result in:

(m) an increase in the capital costs (other than prescribed costs) of the petroleum exploration operations or petroleum recovery operations; or

(n) an increase in the operating costs (other than prescribed costs) of the petroleum exploration operations or petroleum recovery operations; or

(o) a reduction in the rate of recovery of the petroleum; or

(p) a reduction in the quantity of the petroleum that will be able to be recovered.

(6) For the purposes of sections 292A and 321A and paragraph 749(2)(ba), if there is a risk that a key greenhouse gas operation will have an adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing petroleum exploration permit; or

(b) an existing petroleum retention lease; or

(c) an existing petroleum production licence; or

(d) a future petroleum exploration permit; or

(e) a future petroleum retention lease; or

(f) a future petroleum production licence; or

(g) an existing State/Territory petroleum exploration title; or

(h) an existing State/Territory petroleum retention title; or

(i) an existing State/Territory petroleum production title; or

(j) a future State/Territory petroleum exploration title; or

(k) a future State/Territory petroleum retention title; or

(l) a future State/Territory petroleum production title;

then that risk is not to be treated as significant, and that adverse impact is not to be treated as significant, if the amount that, under the regulations, is taken to be the probability‑weighted impact cost of the key greenhouse gas operation is less than the amount that, under the regulations, is taken to be the threshold amount.

15 Section 28 (at the end of the heading)

Add “**(general)**”.

16 After section 28

Insert:

28A Significant risk of a significant adverse impact—grant of greenhouse gas injection licence (cross‑boundary)

(1) For the purposes of section 368B and paragraph 749(2)(ca), the question of whether there is a significant risk that any of the operations that could be carried on under a greenhouse gas injection licence will have a significant adverse impact on operations that are being, or could be, carried on under:

(a) an existing petroleum exploration permit; or

(b) an existing petroleum retention lease; or

(c) an existing petroleum production licence; or

(d) a future petroleum exploration permit; or

(e) a future petroleum retention lease; or

(f) a future petroleum production licence; or

(g) an existing State/Territory petroleum exploration title; or

(h) an existing State/Territory petroleum retention title; or

(i) an existing State/Territory petroleum production title; or

(j) a future State/Territory petroleum exploration title; or

(k) a future State/Territory petroleum retention title; or

(l) a future State/Territory petroleum production title;

is to be determined in a manner ascertained in accordance with the regulations.

(2) A manner ascertained in accordance with regulations made for the purposes of subsection (1) must take into account:

(a) the probability, or range of probabilities, of the occurrence of the adverse impact; and

(b) the economic consequences of the adverse impact; and

(c) the economic consequences of the adverse impact relative to the potential economic value of the operations that are being, or could be, carried on under the permit, lease, licence or title referred to in whichever of paragraph (1)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l) is applicable.

(3) Subsection (2) does not limit the matters that may be taken into account.

(4) Subsections (1) and (2) have effect subject to subsections (5) and (6).

(5) For the purposes of section 368B and paragraph 749(2)(ca), an operation that could be carried on under a greenhouse gas injection licence (the ***injection licence operation***) will have an adverse impact on operations (the ***relevant petroleum operations***) that are being, or could be, carried on under:

(a) an existing petroleum exploration permit; or

(b) an existing petroleum retention lease; or

(c) an existing petroleum production licence; or

(d) a future petroleum exploration permit; or

(e) a future petroleum retention lease; or

(f) a future petroleum production licence; or

(g) an existing State/Territory petroleum exploration title; or

(h) an existing State/Territory petroleum retention title; or

(i) an existing State/Territory petroleum production title; or

(j) a future State/Territory petroleum exploration title; or

(k) a future State/Territory petroleum retention title; or

(l) a future State/Territory petroleum production title;

if, and only if, the injection licence operation will result in:

(m) an increase in the capital costs (other than prescribed costs) of the relevant petroleum operations; or

(n) an increase in the operating costs (other than prescribed costs) of the relevant petroleum operations; or

(o) a reduction in the rate of recovery of the petroleum; or

(p) a reduction in the quantity of the petroleum that will be able to be recovered.

(6) For the purposes of section 368B and paragraph 749(2)(ca), if there is a risk that an operation that could be carried on under a greenhouse gas injection licence (the ***injection licence operation***) will have an adverse impact on operations that are being, or could be, carried on under:

(a) an existing petroleum exploration permit; or

(b) an existing petroleum retention lease; or

(c) an existing petroleum production licence; or

(d) a future petroleum exploration permit; or

(e) a future petroleum retention lease; or

(f) a future petroleum production licence; or

(g) an existing State/Territory petroleum exploration title; or

(h) an existing State/Territory petroleum retention title; or

(i) an existing State/Territory petroleum production title; or

(j) a future State/Territory petroleum exploration title; or

(k) a future State/Territory petroleum retention title; or

(l) a future State/Territory petroleum production title;

then that risk is not to be treated as significant, and that adverse impact is not to be treated as significant, if the amount that, under the regulations, is taken to be the probability‑weighted impact cost of the injection licence operation is less than the amount that, under the regulations, is taken to be the threshold amount.

17 After section 30

Insert:

30A State/Territory greenhouse gas storage administrator

(1) For the purposes of this Act, ***State/Territory greenhouse gas storage administrator*** of a State means:

(a) if a person:

(i) performs functions, or exercises powers, under the provisions of the law of the State that correspond to Chapter 5; and

(ii) is specified in a written notice given by the responsible State Minister to the Titles Administrator for the purposes of this paragraph;

that person; or

(b) otherwise—the responsible State Minister.

(2) For the purposes of this Act, ***State/Territory greenhouse gas storage administrator*** of the Northern Territory means:

(a) if a person:

(i) performs functions, or exercises powers, under the provisions of the law of the Northern Territory that correspond to Chapter 5; and

(ii) is specified in a written notice given by the responsible Northern Territory Minister to the Titles Administrator for the purposes of this paragraph;

that person; or

(b) otherwise—the responsible Northern Territory Minister.

(3) The Titles Administrator must publish on the Titles Administrator’s website a copy of a notice under paragraph (1)(a) or (2)(a).

(4) A notice under paragraph (1)(a) or (2)(a) may specify:

(a) a person by name; or

(b) any person from time to time holding, or performing the duties of, a specified office or position.

(5) A notice under paragraph (1)(a) or (2)(a) is not a legislative instrument.

18 After paragraph 32(m)

Insert:

(ma) paragraph 292A(5)(g);

(mb) paragraph 292A(6)(d);

(mc) subsection 292A(11);

(md) subsection 292A(12);

19 After paragraph 32(q)

Insert:

(qa) paragraph 321A(5)(g);

(qb) paragraph 321A(6)(d);

(qc) subsection 321A(11);

(qd) subsection 321A(12);

20 After paragraph 32(v)

Insert:

(va) subparagraph 368B(1)(d)(iii);

(vb) subparagraph 368B(1)(e)(iii);

(vc) subparagraph 368B(1)(f)(iii);

(vd) subparagraph 368B(1)(g)(iii);

(ve) subparagraph 368B(2)(d)(iii);

(vf) subparagraph 368B(2)(e)(iii);

(vg) subparagraph 368B(2)(f)(iii);

(vh) subparagraph 368B(2)(g)(iii);

(vj) paragraph 368B(3)(a);

21 Subsection 33(3) (note)

Omit “Note”, substitute “Note 1”.

22 At the end of subsection 33(3)

Add:

Note 2: See also section 461A (certain State/Territory blocks to be blocks).

Note 3: See also section 462 (certain portions of blocks to be blocks).

23 After Part 1.3

Insert:

Part 1.3A—Cross‑boundary Authorities

76 Simplified outline of this Part

• There is:

(a) a Cross‑boundary Authority for each offshore area of a State; and

(b) a Cross‑boundary Authority for the Principal Northern Territory offshore area.

• The Cross‑boundary Authority for an offshore area of a State is constituted by:

(a) the responsible State Minister; and

(b) the responsible Commonwealth Minister.

• The Cross‑boundary Authority for the Principal Northern Territory offshore area is constituted by:

(a) the responsible Northern Territory Minister; and

(b) the responsible Commonwealth Minister.

• A Cross‑boundary Authority has the functions and powers conferred on the Cross‑boundary Authority by this Act or the regulations.

Note: The main function of a Cross‑boundary Authority is to grant cross‑boundary greenhouse gas assessment permits, cross‑boundary greenhouse gas holding leases and cross‑boundary greenhouse gas injection licences.

76A Cross‑boundary Authorities

(1) For the purposes of this Act, there is:

(a) a Cross‑boundary Authority for each offshore area of a State; and

(b) a Cross‑boundary Authority for the Principal Northern Territory offshore area.

State

(2) The Cross‑boundary Authority for an offshore area of a State is constituted by:

(a) the responsible State Minister; and

(b) the responsible Commonwealth Minister;

and is to be known as the Commonwealth‑[name of State] Greenhouse Gas Storage Cross‑boundary Authority.

(3) The Cross‑boundary Authority for an offshore area of a State is taken to be the Cross‑boundary Authority for the State.

Northern Territory

(4) The Cross‑boundary Authority for the Principal Northern Territory offshore area is constituted by:

(a) the responsible Northern Territory Minister; and

(b) the responsible Commonwealth Minister;

and is to be known as the Commonwealth‑Northern Territory Greenhouse Gas Storage Cross‑boundary Authority.

(5) The Commonwealth‑Northern Territory Greenhouse Gas Storage Cross‑boundary Authority is taken to be the Cross‑boundary Authority for the Northern Territory.

Consent

(6) Paragraph (1)(a) does not apply to an offshore area of a State unless the State has consented to the responsible State Minister being a member of the Cross‑boundary Authority for the offshore area of the State.

(7) Paragraph (1)(b) does not apply to the Principal Northern Territory offshore area unless the Northern Territory has consented to the responsible Northern Territory Minister being a member of the Cross‑boundary Authority for the Principal Northern Territory offshore area.

76B Functions and powers of Cross‑boundary Authorities

(1) A Cross‑boundary Authority for a State has, in relation to the offshore area for that State, the functions and powers that this Act or the regulations confer on a Cross‑boundary Authority.

(2) The Cross‑boundary Authority for the Principal Northern Territory offshore area has, in relation to that offshore area, the functions and powers that this Act or the regulations confer on a Cross‑boundary Authority.

76C Procedure of Cross‑boundary Authority

(1) A Cross‑boundary Authority for a State or the Northern Territory may conduct its business:

(a) at meetings of the Cross‑boundary Authority; or

(b) by written or other communication between the members of the Cross‑boundary Authority.

(2) A written communication under paragraph (1)(b) is not a legislative instrument.

76D Decision‑making

Scope

(1) This section applies to decisions to be made by a Cross‑boundary Authority for a State or the Northern Territory on matters that are within the Cross‑boundary Authority’s functions or powers.

Decision‑making

(2) The Cross‑boundary Authority must not make:

(a) a decision under section 291A to specify a condition in an original cross‑boundary greenhouse gas assessment permit; or

(b) a decision to give an offer document under section 307B; or

(c) a decision to give an offer document under subsection 311B(3); or

(d) a decision under section 320A to specify a condition in an original cross‑boundary greenhouse gas holding lease; or

(e) a decision to give an offer document under subsection 350B(3); or

(f) a decision under section 358A to specify a condition in a cross‑boundary greenhouse gas injection licence; or

(g) a decision under subsection 439B(2) to extend the term of a cross‑boundary greenhouse gas assessment permit or cross‑boundary greenhouse gas holding lease; or

(h) a decision under paragraph 439C(2)(b) to allow a longer period;

unless:

(i) the responsible Commonwealth Minister; and

(j) the responsible State Minister or the responsible Northern Territory Minister, as the case may be;

agree about the decision.

(3) If:

(a) the responsible Commonwealth Minister; and

(b) the responsible State Minister or the responsible Northern Territory Minister, as the case may be;

disagree about a decision (other than a decision covered by subsection (2)), the responsible Commonwealth Minister may decide the matter, and the responsible Commonwealth Minister’s decision has effect as the Cross‑boundary Authority’s decision.

(4) If:

(a) the responsible Commonwealth Minister gives:

(i) in the case of a State—the responsible State Minister; or

(ii) in the case of the Northern Territory—the responsible Northern Territory Minister;

written notice of a decision (other than a decision covered by subsection (2)) that the responsible Commonwealth Minister thinks should be made on a matter; and

(b) 30 days pass after the notice is given, and:

(i) in the case of a State—the responsible State Minister has not told the responsible Commonwealth Minister what decision the responsible State Minister thinks should be made; or

(ii) in the case of the Northern Territory—the responsible Northern Territory Minister has not told the responsible Commonwealth Minister what decision the responsible Northern Territory Minister thinks should be made;

the responsible Commonwealth Minister may decide the matter, and the responsible Commonwealth Minister’s decision has effect as the Cross‑boundary Authority’s decision.

76E Opinion or state of mind of Cross‑boundary Authority

For the purposes of this Act, the opinion or state of mind of the Cross‑boundary Authority for a State or the Northern Territory is:

(a) if:

(i) the responsible Commonwealth Minister; and

(ii) the responsible State Minister or the responsible Northern Territory Minister, as the case may be;

agree on the matter concerned—the opinion or state of mind of the 2 Ministers; or

(b) if the 2 Ministers disagree—the opinion or state of mind of the responsible Commonwealth Minister.

76F Records of decisions of Cross‑boundary Authority

(1) The Titles Administrator must cause to be kept written records of the decisions of a Cross‑boundary Authority.

(2) A record kept under subsection (1) in relation to the Cross‑boundary Authority for a State or the Northern Territory is prima facie evidence that the decision was duly made as recorded if the record is signed by a person who was a member of the Cross‑boundary Authority at the time when the decision was made.

(3) A record kept under subsection (1) is not a legislative instrument.

76G Signing of documents

(1) If a document is signed by the Titles Administrator on behalf of a Cross‑boundary Authority, the document is taken to have been duly executed by the Cross‑boundary Authority.

(2) The document is taken to be in accordance with a decision of the Cross‑boundary Authority unless the contrary is proved.

76H Communications with Cross‑boundary Authority

All communications to or by a Cross‑boundary Authority are to be made through the Titles Administrator.

76J Judicial notice of signature of member of a Cross‑boundary Authority

(1) All courts must take judicial notice of:

(a) the signature of a person who is, or has been:

(i) a member of the Cross‑boundary Authority for a State or the Northern Territory; or

(ii) a delegate of the Cross‑boundary Authority for a State or the Northern Territory; and

(b) the fact that the person is, or was at a particular time:

(i) a member of the Cross‑boundary Authority for that State or the Northern Territory, as the case may be; or

(ii) a delegate of the Cross‑boundary Authority for that State or the Northern Territory, as the case may be.

Definition

(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.

76K Issue of documents, and service of notices, on behalf of Cross‑boundary Authority

(1) If this Act requires or allows a Cross‑boundary Authority to:

(a) execute or issue an instrument; or

(b) give a notice; or

(c) communicate a matter;

the Titles Administrator is to do so on behalf of the Cross‑boundary Authority in accordance with a decision of the Cross‑boundary Authority.

(2) For the purposes of any proceedings:

(a) an instrument that purports to be executed or issued by the Titles Administrator on behalf of the Cross‑boundary Authority is taken to have been executed or issued in accordance with a decision of the Cross‑boundary Authority; and

(b) a notice that purports to be given by the Titles Administrator on behalf of the Cross‑boundary Authority is taken to have been given in accordance with a decision of the Cross‑boundary Authority; and

(c) a communication that purports to be made by the Titles Administrator on behalf of the Cross‑boundary Authority is taken to have been made in accordance with a decision of the Cross‑boundary Authority;

unless the contrary is proved.

76L Delegation by a Cross‑boundary Authority

(1) A Cross‑boundary Authority for a State or the Northern Territory may, by written instrument, delegate any or all of the functions or powers of the Cross‑boundary Authority under this Act or the regulations to 2 persons together, each of whom is one of the following:

(a) an APS employee who is an SES employee or acting SES employee;

(b) an employee of the relevant State, or of the Northern Territory, as the case requires.

Note: The expressions ***APS employee***, ***SES employee*** and ***acting SES employee*** are defined in section 2B of the *Acts Interpretation Act 1901*.

(2) A delegation under this section:

(a) must specify one person as representing the responsible Commonwealth Minister; and

(b) must specify the other person as representing the responsible State Minister or responsible Northern Territory Minister of the Cross‑boundary Authority; and

(c) must be signed by both members of the Cross‑boundary Authority.

Note: See also sections 34AA and 34AB of the *Acts Interpretation Act 1901*.

(3) If the Cross‑boundary Authority delegates a function or power under this section, the delegation continues in force despite:

(a) a vacancy in the office of responsible Commonwealth Minister; or

(b) a change in the identity of the holder of the office of responsible Commonwealth Minister; or

(c) a vacancy in the office of responsible State Minister or responsible Northern Territory Minister, as the case may be; or

(d) a change in the identity of the holder of the office of responsible State Minister or responsible Northern Territory Minister, as the case may be.

(4) Despite subsection (3), a delegation under this section may be revoked by the Cross‑boundary Authority in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*.

(5) If a delegation is made under this section, sections 76D and 76E do not apply to the delegates.

(6) If the delegates are unable to agree on a matter requiring decision, they must refer the matter to the Cross‑boundary Authority.

(7) In the application to the delegates of a provision of this Act containing a reference to the opinion or state of mind of the Cross‑boundary Authority, the reference is to be read as a reference to the opinion or state of mind of the 2 delegates of the Cross‑boundary Authority unless they disagree.

(8) A referral under subsection (6) is not a legislative instrument.

24 Section 288

Omit:

• This Part provides for the grant of greenhouse gas assessment permits over blocks in an offshore area.

substitute:

• This Part provides for:

(a) the grant of greenhouse gas assessment permits over blocks in an offshore area; and

(b) the grant of greenhouse gas assessment permits over blocks in an offshore area and State/Territory blocks in the coastal waters of a State or the Northern Territory.

25 Section 288

Omit:

• There are 2 types of greenhouse gas assessment permits:

(a) a greenhouse gas assessment permit granted on the basis of work program bidding (a ***work‑bid greenhouse gas assessment permit***);

(b) a greenhouse gas assessment permit granted on the basis of cash bidding (a ***cash‑bid greenhouse gas assessment permit***).

substitute:

• There are 3 types of greenhouse gas assessment permits:

(a) a greenhouse gas assessment permit granted on the basis of work program bidding (a ***work‑bid greenhouse gas assessment permit***); and

(b) a greenhouse gas assessment permit granted on the basis of cash bidding (a ***cash‑bid greenhouse gas assessment permit***); and

(c) a greenhouse gas assessment permit granted over blocks in the offshore area and State/Territory blocks in the coastal waters of a State or the Northern Territory (a ***cross‑boundary*** ***greenhouse gas assessment permit***).

26 Section 291 (at the end of the heading)

Add “**—general**”.

27 Before subsection 291(1)

Insert:

(1A) This section does not apply to a cross‑boundary greenhouse gas assessment permit.

28 After section 291

Insert:

291A Conditions of cross‑boundary greenhouse gas assessment permits

(1) The Cross‑boundary Authority may grant a cross‑boundary greenhouse gas assessment permit subject to whatever conditions the Cross‑boundary Authority thinks appropriate.

(2) The conditions (if any) must be specified in the permit.

Approval of key greenhouse gas operations

(3) A cross‑boundary greenhouse gas assessment permit is subject to the condition that the permittee will not carry on key greenhouse gas operations under the permit unless:

(a) the responsible Commonwealth Minister has approved the operations under section 292A; and

(b) the permittee complies with the conditions (if any) to which the approval is subject.

Securities

(4) A cross‑boundary greenhouse gas assessment permit is subject to the condition that, if the permittee is given a notice under section 454, the permittee will comply with the notice.

Work to be carried out

(5) Any or all of the following conditions may be specified in a cross‑boundary greenhouse gas assessment permit:

(a) conditions requiring the permittee to carry out work in, or in relation to, the permit area (including conditions requiring the permittee to carry out the work during a period of 12 months or longer, or during periods each of which is 12 months or longer);

(b) conditions relating to the amounts that the permittee must spend in carrying out such work;

(c) conditions requiring the permittee to comply with directions that:

(i) relate to the matters covered by paragraphs (a) and (b); and

(ii) are given in accordance with the permit.

Other provisions

(6) Despite subsection (2), the conditions mentioned in subsections (3) and (4) do not need to be specified in the permit.

(7) Subsections (3), (4) and (5) do not limit subsection (1).

29 Section 292 (at the end of the heading)

Add “**—general**”.

30 Before subsection 292(1)

Insert:

(1A) This section does not apply to a cross‑boundary greenhouse gas assessment permit.

31 After section 292

Insert:

292A Approval by responsible Commonwealth Minister of key greenhouse gas operations carried on under a cross‑boundary greenhouse gas assessment permit

(1) A cross‑boundary greenhouse gas assessment permittee may apply to the responsible Commonwealth Minister for approval to carry on one or more key greenhouse gas operations under the permit.

(2) If an application for approval is made under subsection (1), the responsible Commonwealth Minister may:

(a) give the approval, with or without conditions to which the approval is subject; or

(b) by written notice given to the applicant, refuse to give the approval.

Responsible Commonwealth Minister must have regard to certain matters

(3) In deciding whether to give the approval, the responsible Commonwealth Minister must comply with subsections (4), (5), (6), (7) and (8).

(4) The responsible Commonwealth Minister must have regard to the impact (if any) that any of those key greenhouse gas operations could have on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing petroleum exploration permit; or

(b) an existing petroleum retention lease; or

(c) an existing petroleum production licence; or

(d) a future petroleum exploration permit; or

(e) a future petroleum retention lease; or

(f) a future petroleum production licence; or

(g) an existing State/Territory petroleum exploration title; or

(h) an existing State/Territory petroleum retention title; or

(i) an existing State/Territory petroleum production title; or

(j) a future State/Territory petroleum exploration title; or

(k) a future State/Territory petroleum retention title; or

(l) a future State/Territory petroleum production title.

(5) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing petroleum exploration permit held by a person other than the applicant; or

(b) an existing petroleum retention lease held by a person other than the applicant; or

(c) an existing petroleum production licence held by a person other than the applicant; or

(d) an existing State/Territory petroleum exploration title held by a person other than the applicant; or

(e) an existing State/Territory petroleum retention title held by a person other than the applicant; or

(f) an existing State/Territory petroleum production title held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(g) whether:

(i) the registered holder of the petroleum exploration permit; or

(ii) the registered holder of the petroleum retention lease; or

(iii) the registered holder of the petroleum production licence; or

(iv) the holder of the State/Territory petroleum exploration title; or

(v) the holder of the State/Territory petroleum retention title; or

(vi) the holder of the State/Territory petroleum production title;

as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(h) if so—the terms of that agreement.

(6) If:

(a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under:

(i) a future petroleum exploration permit over a block or blocks; or

(ii) a future petroleum retention lease over a block or blocks; or

(iii) a future petroleum production licence over a block or blocks; or

(iv) a future State/Territory petroleum exploration title over a State/Territory block or State/Territory blocks; or

(v) a future State/Territory petroleum retention title over a State/Territory block or State/Territory blocks; or

(vi) a future State/Territory petroleum production title over a State/Territory block or State/Territory blocks; and

(b) either:

(i) a petroleum exploration permit, petroleum retention lease or petroleum production licence is in force over the block or any of the blocks; or

(ii) a State/Territory petroleum exploration title, State/Territory petroleum retention title or State/Territory petroleum production title is in force over the State/Territory block or any of the State/Territory blocks; and

(c) the petroleum exploration permit, petroleum retention lease, petroleum production licence, State/Territory petroleum exploration title, State/Territory petroleum retention title or State/Territory petroleum production title is held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(d) whether:

(i) the registered holder of the petroleum exploration permit covered by subparagraph (b)(i); or

(ii) the registered holder of the petroleum retention lease covered by subparagraph (b)(i); or

(iii) the registered holder of the petroleum production licence covered by subparagraph (b)(i); or

(iv) the holder of the State/Territory petroleum exploration title covered by subparagraph (b)(ii); or

(v) the holder of the State/Territory petroleum retention title covered by subparagraph (b)(ii); or

(vi) the holder of the State/Territory petroleum production title covered by subparagraph (b)(ii);

as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(e) if so—the terms of that agreement.

(7) If any of those key greenhouse gas operations is:

(a) an operation to inject, on an appraisal basis, a substance into a part of a geological formation; or

(b) an operation to store, on an appraisal basis, a substance in a part of a geological formation;

the responsible Commonwealth Minister must have regard to the composition of the substance.

(8) The responsible Commonwealth Minister must have regard to the public interest.

(9) Subsections (4), (5), (6) and (7) do not limit subsection (8).

(10) Subsections (4), (5), (6), (7) and (8) do not limit the matters to which the responsible Commonwealth Minister may have regard.

Circumstances in which the approval must not be given

(11) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing pre‑commencement petroleum title held by a person other than the applicant; or

(b) an existing post‑commencement petroleum production licence held by a person other than the applicant; or

(c) an existing pre‑commencement State/Territory petroleum title held by a person other than the applicant; or

(d) an existing post‑commencement State/Territory petroleum production title held by a person other than the applicant;

the responsible Commonwealth Minister must not give the approval unless:

(e) the registered holder of the pre‑commencement petroleum title; or

(f) the registered holder of the post‑commencement petroleum production licence; or

(g) the holder of the pre‑commencement State/Territory petroleum title; or

(h) the holder of the post‑commencement State/Territory petroleum production title;

as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied.

(12) If:

(a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under:

(i) a future pre‑commencement petroleum title over a block or blocks; or

(ii) a future pre‑commencement State/Territory petroleum title over a State/Territory block or State/Territory blocks; and

(b) if subparagraph (a)(i) applies—the existing pre‑commencement petroleum title in force over the block or any of the blocks is held by a person other than the applicant; and

(c) if subparagraph (a)(ii) applies—the existing pre‑commencement State/Territory petroleum title in force over the State/Territory block or any of the State/Territory blocks is held by a person other than the applicant;

the responsible Commonwealth Minister must not give the approval unless:

(d) the registered holder of the existing pre‑commencement petroleum title; or

(e) the holder of the existing pre‑commencement State/Territory petroleum title;

as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied.

No right to an approval

(13) To avoid doubt, section 290 does not imply that a cross‑boundary greenhouse gas assessment permittee who applies for approval under subsection (1) of this section is entitled to be given the approval.

Suspension of rights

(14) For the purposes of this section, disregard a suspension of rights under:

(a) section 266; or

(b) a provision of a law of a State or Territory that corresponds to section 266.

32 Subsection 293(1) (table item 1, column headed “This kind of permit...”)

After “permit”, insert “(other than an original cross‑boundary greenhouse gas assessment permit or an original consolidated work‑bid greenhouse gas assessment permit)”.

33 Subsection 293(1) (after table item 1)

Insert:

|  |  |  |
| --- | --- | --- |
| 1A | an original cross‑boundary greenhouse gas assessment permit, where the grant of the permit resulted in:  (a) the existing greenhouse gas assessment permit mentioned in section 307A ceasing to be in force before the time when it would have expired if the original cross‑boundary greenhouse gas assessment permit had not been granted; or  (b) the existing State/Territory greenhouse gas assessment title mentioned in section 307A ceasing to be in force before the time when it would have expired if the original cross‑boundary greenhouse gas assessment permit had not been granted | for the period beginning on the day on which the permit is granted and ending at whichever is the later of the following times:  (a) the time when the existing greenhouse gas assessment permit would have expired if it had not ceased to be in force;  (b) the time when the existing State/Territory greenhouse gas assessment title would have expired if it had not ceased to be in force. |
| 1B | an original cross‑boundary greenhouse gas assessment permit, where item 1A does not apply | for the period (not exceeding 12 months) specified in the permit. |
| 1C | an original consolidated work‑bid greenhouse gas assessment permit, where:  (a) both of the existing work‑bid greenhouse gas assessment permits mentioned in section 302A were original greenhouse gas assessment permits; or  (b) both of the existing work‑bid greenhouse gas assessment permits mentioned in section 302A were granted by way of first renewal; or  (c) both of the existing work‑bid greenhouse gas assessment permits mentioned in section 302A were granted by way of second renewal;  and the grant of the original consolidated work‑bid greenhouse gas assessment permit resulted in either or both of the following:  (d) one of the existing work‑bid greenhouse gas assessment permits (the ***first precursor permit***) mentioned in section 302A ceasing to be in force before the time when it would have expired if the original consolidated work‑bid greenhouse gas assessment permit had not been granted;  (e) the other existing work‑bid greenhouse gas assessment permit (the ***second precursor permit***) mentioned in section 302A ceasing to be in force before the time when it would have expired if the original consolidated work‑bid greenhouse gas assessment permit had not been granted | for the period beginning on the day on which the permit is granted and ending at whichever is the later of the following times:  (a) the time when the first precursor permit would have expired if it had not ceased to be in force;  (b) the time when the second precursor permit would have expired if it had not ceased to be in force. |
| 1D | an original consolidated work‑bid greenhouse gas assessment permit, where:  (a) one of the existing work‑bid greenhouse gas assessment permits (the ***first precursor permit***) mentioned in section 302A was an original greenhouse gas assessment permit; and  (b) the other existing work‑bid greenhouse gas assessment permit mentioned in section 302A was granted by way of first renewal or second renewal; and  (c) the grant of the original consolidated work‑bid greenhouse gas assessment permit resulted in the first precursor permit ceasing to be in force before the time when it would have expired if the original consolidated work‑bid greenhouse gas assessment permit had not been granted | for the period:  (a) beginning on the day on which the permit is granted; and  (b) ending at the time when the first precursor permit would have expired if it had not ceased to be in force. |
| 1E | an original consolidated work‑bid greenhouse gas assessment permit, where:  (a) one of the existing work‑bid greenhouse gas assessment permits (the ***first precursor permit***) mentioned in section 302A was granted by way of first renewal; and  (b) the other existing work‑bid greenhouse gas assessment permit mentioned in section 302A was granted by way of second renewal; and  (c) the grant of the original consolidated work‑bid greenhouse gas assessment permit resulted in the first precursor permit ceasing to be in force before the time when it would have expired if the original consolidated work‑bid greenhouse gas assessment permit had not been granted | for the period:  (a) beginning on the day on which the permit is granted; and  (b) ending at the time when the first precursor permit would have expired if it had not ceased to be in force. |
| 1F | an original consolidated work‑bid greenhouse gas assessment permit, where item 1C, 1D or 1E does not apply | for the period (not exceeding 12 months) specified in the permit. |

34 Subsection 293(2) (after note 1)

Insert:

Note 1AA: For a special rule about the extension of the duration of a greenhouse gas assessment permit pending a decision on an application for a consolidated work‑bid greenhouse gas assessment permit, see subsection 302A(4).

Note 1AB: For a special rule about the extension of the duration of a greenhouse gas assessment permit pending a decision on an application for a cross‑boundary greenhouse gas assessment permit, see subsection 307A(4).

35 Subsection 293(2) (note 1A)

Omit “a special rule”, substitute “special rules”.

36 Subsection 293(2) (note 1A)

Omit “subsection 308(6)”, substitute “subsections 308(6) and 311A(9)”.

37 Subsection 293(2) (note 2)

Omit “a special rule”, substitute “special rules”.

38 Subsection 293(2) (note 2)

Omit “section 295”, substitute “sections 295 and 295A”.

39 Subsection 293(2) (after note 2)

Insert:

Note 2A: For a special rule about when a greenhouse gas assessment permit ceases to be in force following the grant of a consolidated work‑bid greenhouse gas assessment permit, see section 302C.

Note 2B: For a special rule about when a greenhouse gas assessment permit ceases to be in force following the grant of a cross‑boundary greenhouse gas assessment permit, see section 307D.

40 Subsection 293(2) (note 3)

Omit “328 and 366”, substitute “328, 329E, 366 and 368F”.

41 Subsection 293(2) (note 4)

Omit “437 and 439”, substitute “437, 439 and 439B”.

42 Subsection 293(2) (note 4A)

Omit “a special rule”, substitute “special rules”.

43 Subsection 293(2) (note 4A)

Omit “section 437A”, substitute “sections 437A and 439C”.

44 Section 295 (heading)

After “**Extension of greenhouse gas assessment permit**”, insert “**(other than a cross‑boundary greenhouse gas assessment permit)**”.

45 Paragraph 295(1)(a)

After “greenhouse gas assessment permit”, insert “(other than a cross‑boundary greenhouse gas assessment permit)”.

46 At the end of Division 1 of Part 3.2

Add:

295A Extension of cross‑boundary greenhouse gas assessment permit if permittee applies for a cross‑boundary greenhouse gas holding lease or cross‑boundary greenhouse gas injection licence

(1) If:

(a) a cross‑boundary greenhouse gas assessment permit is in force over a block or blocks; and

(b) before the time when the permit would, apart from this subsection, expire, the permittee applies to the Titles Administrator for the grant by the Cross‑boundary Authority of a cross‑boundary greenhouse gas holding lease or cross‑boundary greenhouse gas injection licence over the block or one or more of the blocks;

the table has effect:

| Extension of permit | | |
| --- | --- | --- |
| Item | In this case ... | the permit continues in force over the block or blocks covered by the application until ... |
| 1 | the Cross‑boundary Authority gives the permittee an offer document relating to a cross‑boundary greenhouse gas holding lease or cross‑boundary greenhouse gas injection licence over the block or one or more of the blocks | the lease or licence is granted, the permittee withdraws the application or the application lapses. |
| 2 | the application is for a cross‑boundary greenhouse gas holding lease and the Cross‑boundary Authority refuses to grant the lease to the permittee | the end of the period of 12 months after the day on which the notice of the refusal was given to the permittee. |
| 3 | the application is for a cross‑boundary greenhouse gas injection licence and the Cross‑boundary Authority refuses to grant the licence to the permittee on a ground covered by paragraph 368B(1)(c), (d), (e), (f), (g), (h) or (i) | the end of the period of 90 days after the day on which the notice of the refusal was given to the permittee. |
| 4 | the application is for a cross‑boundary greenhouse gas injection licence and the Cross‑boundary Authority refuses to grant the licence to the permittee on a ground not mentioned in item 3 | notice of the refusal is given to the permittee. |

(2) Subsection (1) has effect subject to this Chapter but despite section 293.

Note: See the notes at the end of section 293.

295B Permit area of a cross‑boundary greenhouse gas assessment permit is taken to be included in the offshore area

Offshore area of a State

(1) If any part of the permit area of a cross‑boundary greenhouse gas assessment permit is included in the offshore area of a State, the whole of the permit area is taken, for all purposes of:

(a) this Chapter and regulations made for the purposes of this Chapter; and

(b) the remaining provisions of this Act and the regulations, so far as they relate to:

(i) this Chapter; or

(ii) exploring for a potential greenhouse gas storage formation; or

(iii) exploring for a potential greenhouse gas injection site; or

(iv) the injection of a greenhouse gas substance; or

(v) the storage of a greenhouse gas substance;

to be included in the offshore area of the State.

Principal Northern Territory offshore area

(2) If any part of the permit area of a cross‑boundary greenhouse gas assessment permit is included in the Principal Northern Territory offshore area, the whole of the permit area is taken, for all purposes of:

(a) this Chapter and regulations made for the purposes of this Chapter; and

(b) the remaining provisions of this Act and the regulations, so far as they relate to:

(i) this Chapter; or

(ii) exploring for a potential greenhouse gas storage formation; or

(iii) exploring for a potential greenhouse gas injection site; or

(iv) the injection of a greenhouse gas substance; or

(v) the storage of a greenhouse gas substance;

to be included in the Principal Northern Territory offshore area.

47 Before section 296

Insert:

Subdivision A—General provisions

48 At the end of Division 2 of Part 3.2

Add:

Subdivision B—Consolidated work‑bid greenhouse gas assessment permits

302A Application for a consolidated work‑bid greenhouse gas assessment permit

Scope

(1) This section applies if:

(a) 2 work‑bid greenhouse gas assessment permits (the ***existing work‑bid greenhouse gas assessment permits***) are in force; and

(b) a person is the registered holder of the existing work‑bid greenhouse gas assessment permits; and

(c) the permit areas of the existing work‑bid greenhouse gas assessment permits are in the same offshore area; and

(d) at least one block of the permit area of one of the existing work‑bid greenhouse gas assessment permits has a side in common with at least one block of the permit area of the other existing greenhouse gas assessment permit; and

(e) neither of the existing work‑bid greenhouse gas assessment permits is a cross‑boundary greenhouse gas assessment permit; and

(f) the person has informed the responsible Commonwealth Minister, under section 451B, that:

(i) a part of a geological formation is wholly situated in the area (the ***combined area***) that consists of the combination of the permit areas of the existing work‑bid greenhouse gas assessment permits; and

(ii) the part extends to the permit area of each existing work‑bid greenhouse gas assessment permit; and

(iii) the person has reasonable grounds to suspect that the part could be an eligible greenhouse gas storage formation; and

(g) there is no identified greenhouse gas storage formation that is wholly situated within the permit area of either of the existing work‑bid greenhouse gas assessment permits.

Application

(2) The person may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas assessment permit over all the blocks in the permit areas of the existing work‑bid greenhouse gas assessment permits.

(3) An application under subsection (2) for a greenhouse gas assessment permit must be accompanied by:

(a) details of the applicant’s proposals for work and expenditure in relation to the combined area; and

(b) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Extension of duration of existing work‑bid greenhouse gas assessment permit pending decision on application

(4) If:

(a) the person makes an application under subsection (2) for a greenhouse gas assessment permit; and

(b) one or both of the existing work‑bid greenhouse gas assessment permits would, apart from this subsection, expire before the responsible Commonwealth Minister grants, or refuses to grant, a greenhouse gas assessment permit in response to the application;

that existing work‑bid greenhouse gas assessment permit, or those existing work‑bid greenhouse gas assessment permits, continue in force until the responsible Commonwealth Minister grants, or refuses to grant, a greenhouse gas assessment permit in response to the application.

(5) Subsection (4) has effect subject to this Chapter but despite section 293.

Note: See the notes at the end of section 293.

302B Grant of consolidated work‑bid greenhouse gas assessment permit

If an application for a greenhouse gas assessment permit has been made under section 302A, the responsible Commonwealth Minister may:

(a) grant the greenhouse gas assessment permit; or

(b) by written notice given to the applicant, refuse to grant a greenhouse gas assessment permit to the applicant.

302C Consequences of grant of consolidated work‑bid greenhouse gas assessment permit

Scope

(1) This section applies if a greenhouse gas assessment permit (the ***new greenhouse gas assessment permit***) is granted under section 302B over all the blocks in the permit areas of the existing work‑bid greenhouse gas assessment permits mentioned in section 302A.

Termination of existing work‑bid greenhouse gas assessment permits

(2) The existing work‑bid greenhouse gas assessment permits cease to be in force when the new greenhouse gas assessment permit comes into force.

49 After Division 3 of Part 3.2

Insert:

Division 3A—Obtaining a cross‑boundary greenhouse gas assessment permit

307A Application for a cross‑boundary greenhouse gas assessment permit

Scope

(1) This section applies if:

(a) a greenhouse gas assessment permit (the ***existing greenhouse gas assessment permit***) is in force; and

(b) the permittee is the holder of a State/Territory greenhouse gas assessment title (the ***existing State/Territory greenhouse gas assessment title***); and

(c) at least one block of the permit area of the existing greenhouse gas assessmentpermit has a side in common with at least one State/Territory block of the relevant area of the State/Territory greenhouse gas assessment title; and

(d) the permittee has informed the responsible Commonwealth Minister, under section 451A, that:

(i) a part of a geological formation is wholly situated in the area (the ***combined area***) that consists of the combination of the permit area of the existing greenhouse gas assessment permit and the relevant area of the existing State/Territory greenhouse gas assessment title; and

(ii) the part extends to the permit area of the existing greenhouse gas assessment permit and the relevant area of the existing State/Territory greenhouse gas assessment title; and

(iii) the permittee has reasonable grounds to suspect that the part could be an eligible greenhouse gas storage formation; and

(e) there is no identified greenhouse gas storage formation that is wholly situated within the permit area of the existing greenhouse gas assessment permit; and

(f) there is no State/Territory identified greenhouse gas storage formation that is wholly situated within the relevant area of the existing State/Territory greenhouse gas assessment title; and

(g) if the existing greenhouse gas assessment permit is an original greenhouse gas assessment permit—the existing State/Territory greenhouse gas assessment title is an original State/Territory greenhouse gas assessment title; and

(h) if the existing greenhouse gas assessment permit was granted by way of first renewal—the existing State/Territory greenhouse gas assessment title was granted by way of first renewal; and

(i) if the existing greenhouse gas assessment permit was granted by way of second renewal—the existing State/Territory greenhouse gas assessment title was granted by way of second renewal; and

(j) either:

(i) in a case where the relevant area of the existing State/Territory greenhouse gas assessment title is in the coastal waters of a State—the State has a compatible cross‑boundary law; or

(ii) in a case where the relevant area of the existing State/Territory greenhouse gas assessment title is in the coastal waters of the Northern Territory—the Northern Territory has a compatible cross‑boundary law.

Application

(2) The permittee of the existing greenhouse gas assessmentpermit may apply to the Titles Administrator for the grant by the Cross‑boundary Authority of a greenhouse gas assessment permit over:

(a) all the blocks in the permit area of the existing greenhouse gas assessment permit; and

(b) all the State/Territory blocks in the relevant area of the existing State/Territory greenhouse gas assessment title.

(3) An application under subsection (2) for a greenhouse gas assessment permit must be accompanied by:

(a) details of the applicant’s proposals for work and expenditure in relation to the combined area; and

(b) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429A enables the Titles Administrator to require the applicant to give further information.

Extension of duration of existing greenhouse gas assessment permit pending decision on application

(4) If:

(a) the permittee of the existing greenhouse gas assessment permit makes an application under subsection (2) for a greenhouse gas assessment permit; and

(b) the existing greenhouse gas assessmentpermit would, apart from this subsection, expire:

(i) before the Cross‑boundary Authority grants, or refuses to grant, a greenhouse gas assessment permit in response to the application; or

(ii) before the application lapses as provided by section 431A;

the existing greenhouse gas assessmentpermit continues in force:

(c) until the Cross‑boundary Authority grants, or refuses to grant, a greenhouse gas assessment permit in response to the application; or

(d) until the application so lapses;

whichever happens first.

(5) Subsection (4) has effect subject to this Chapter but despite section 293.

Note: See the notes at the end of section 293.

(6) For the purposes of the application to this Division of the definition of ***Cross‑boundary Authority*** in section 7, the offshore area concerned is the offshore area in which the existing greenhouse gas assessment permit is situated.

(7) Subsection (6) is enacted for the avoidance of doubt.

307B Grant of cross‑boundary greenhouse gas assessment permit—offer document

Scope

(1) This section applies if an application for a greenhouse gas assessment permit has been made under section 307A.

Offer document

(2) The Cross‑boundary Authority may:

(a) give the applicant a written notice (called an ***offer document***) telling the applicant that the Cross‑boundary Authority is prepared to grant the greenhouse gas assessment permit; or

(b) by written notice given to the applicant, refuse to grant a greenhouse gas assessment permit to the applicant.

Note: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

307C Grant of cross‑boundary greenhouse gas assessment permit

If:

(a) an applicant for a greenhouse gas assessment permit has been given an offer document under section 307B; and

(b) the applicant has made a request under section 431A in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the Cross‑boundary Authority must grant the greenhouse gas assessment permit.

Note 1: If the applicant does not make a request under section 431A within the period applicable under that section, the application lapses at the end of that period—see subsection 431A(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

307D Consequences of grant of cross‑boundary greenhouse gas assessment permit

Scope

(1) This section applies if a greenhouse gas assessment permit (the ***new greenhouse gas assessment permit***) is granted under section 307C over:

(a) all the blocks in the permit area of the existing greenhouse gas assessment permit mentioned in section 307A; and

(b) all the State/Territory blocks in the relevant area of the existing State/Territory greenhouse gas assessment title mentioned in section 307A.

Termination of existing greenhouse gas assessment permit

(2) The existing greenhouse gas assessment permit ceases to be in force when the new greenhouse gas assessment permit comes into force.

Termination of State/Territory greenhouse gas assessment title

(3) The State/Territory greenhouse gas assessment title ceases to be in force when the new greenhouse gas assessment permit comes into force.

50 Before section 308

Insert:

Subdivision A—Renewal of greenhouse gas assessment permits (other than cross‑boundary greenhouse gas assessment permits)

51 Section 308 (at the end of the heading)

Add “**(other than a cross‑boundary greenhouse gas assessment permit)**”.

52 Before subsection 308(1)

Insert:

Scope—exclusion

(1AA) This section does not apply to a cross‑boundary greenhouse gas assessment permit.

53 After subsection 308(1)

Insert:

(1A) Despite subsection (1), an application to renew a consolidated work‑bid greenhouse gas assessment permit must not be made if each of the existing work‑bid greenhouse gas assessment permits mentioned in section 302A was granted by way of second renewal.

54 Subsection 308(2)

Omit “once”, substitute “twice”.

55 After subsection 308(2)

Insert:

(2A) However, a consolidated work‑bid greenhouse gas assessment permit cannot be renewed more than once if:

(a) each of the existing work‑bid greenhouse gas assessment permits mentioned in section 302A was granted by way of first renewal; or

(b) both:

(i) one of the existing work‑bid greenhouse gas assessment permits mentioned in section 302A was granted by way of first renewal; and

(ii) the other existing work‑bid greenhouse gas assessment permit mentioned in section 302A was granted by way of second renewal.

56 At the end of Division 4 of Part 3.2

Add:

Subdivision B—Renewal of cross‑boundary greenhouse gas assessment permits

311A Application for renewal of cross‑boundary greenhouse gas assessment permit

Application for renewal

(1) The registered holder of a cross‑boundary greenhouse gas assessment permit may apply to the Titles Administrator for the renewal by the Cross‑boundary Authority of the permit.

(2) Despite subsection (1), an application to renew a cross‑boundary greenhouse gas assessment permit must not be made unless:

(a) in a case where part of the permit area is in the coastal waters of a State—the State has a compatible cross‑boundary law; or

(b) in a case where part of the permit area is in the coastal waters of the Northern Territory—the Northern Territory has a compatible cross‑boundary law.

(3) Despite subsection (1), an application to renew a cross‑boundary greenhouse gas assessment permit must not be made if the existing greenhouse gas assessment permit referred to in section 307A was granted by way of second renewal.

(4) A cross‑boundary greenhouse gas assessment permit cannot be renewed more than twice.

(5) However, a cross‑boundary greenhouse gas assessment permit cannot be renewed more than once if the existing greenhouse gas assessment permit referred to in section 307A was granted by way of first renewal.

(6) An application to renew a cross‑boundary greenhouse gas assessment permit must be made:

(a) not more than 12 months before the expiry date of the permit; and

(b) at least 180 days before the expiry date of the permit.

(7) Despite subsection (6), the Cross‑boundary Authority may accept an application to renew a cross‑boundary greenhouse gas assessment permit if the application is made:

(a) later than 180 days before the expiry date of the permit; and

(b) before the expiry date of the permit.

(8) An application to renew a cross‑boundary greenhouse gas assessment permit must be accompanied by:

(a) details of the permittee’s proposals for work and expenditure in relation to the permit area; and

(b) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429A enables the Titles Administrator to require the applicant to give further information.

Extension of duration of cross‑boundary greenhouse gas assessment permit pending decision on application

(9) If:

(a) a cross‑boundary greenhouse gas assessment permittee makes an application to renew the permit; and

(b) the permit would, apart from this subsection, expire:

(i) before the Cross‑boundary Authority grants, or refuses to grant, the renewal of the permit; or

(ii) before the application lapses as provided by section 431A;

the permit continues in force:

(c) until the Cross‑boundary Authority grants, or refuses to grant, the renewal of the permit; or

(d) until the application so lapses;

whichever happens first.

(10) Subsection (9) has effect subject to this Chapter but despite section 293.

Note: See the notes at the end of section 293.

311B Renewal of cross‑boundary greenhouse gas assessment permit—offer document

Scope

(1) This section applies if an application to renew a cross‑boundary greenhouse gas assessment permit has been made under section 311A.

Offer document—compliance with conditions etc.

(2) If each of the following has been complied with:

(a) the conditions to which the cross‑boundary greenhouse gas assessment permit is, or has from time to time been, subject;

(b) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1;

(c) the provisions of the regulations;

the Cross‑boundary Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Cross‑boundary Authority is prepared to renew the permit, so long as:

(d) in a case where part of the permit area is in the coastal waters of a State—the State has consented to the giving of the offer document; or

(e) in a case where part of the permit area is in the coastal waters of the Northern Territory—the Northern Territory has consented to the giving of the offer document.

Note: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Offer document—non‑compliance with conditions etc.

(3) If:

(a) any of:

(i) the conditions to which the cross‑boundary greenhouse gas assessment permit is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(b) in a case where:

(i) the permit is subject to one or more conditions of the kind mentioned in subsection 291A(5); and

(ii) one or more of those conditions have not been complied with;

the Cross‑boundary Authority is satisfied that the non‑compliance is attributable to unavoidable delays caused by the unavailability of essential services or essential equipment, or both; and

(c) the Cross‑boundary Authority is satisfied that there are sufficient grounds to warrant the granting of the renewal of the cross‑boundary greenhouse gas assessment permit;

the Cross‑boundary Authority may give the applicant a written notice (called an ***offer document***) telling the applicant that the Cross‑boundary Authority is prepared to renew the permit.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: See also section 76D.

Work program condition

(4) For the purposes of this section, if:

(a) the cross‑boundary greenhouse gas assessment permit is subject to a condition requiring the permittee to carry out work in, or in relation to, the permit area during a particular period; and

(b) the application for renewal of the permit was made during that period;

then, in determining whether the condition has been complied with, assume that the period had ended immediately before the application for renewal was made.

311C Refusal to renew cross‑boundary greenhouse gas assessment permit

Scope

(1) This section applies if an application to renew a cross‑boundary greenhouse gas assessment permit has been made under section 311A.

Refusal to renew

(2) If:

(a) any of:

(i) the conditions to which the cross‑boundary greenhouse gas assessment permit is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(b) in a case where:

(i) the cross‑boundary greenhouse gas assessment permit is subject to one or more conditions of the kind mentioned in subsection 291A(5); and

(ii) one or more of those conditions have not been complied with;

the Cross‑boundary Authority is not satisfied that the non‑compliance is attributable to unavoidable delays caused by the unavailability of essential services or essential equipment, or both; and

(c) the Cross‑boundary Authority is not satisfied that there are sufficient grounds to warrant the granting of the renewal of the cross‑boundary greenhouse gas assessment permit;

the Cross‑boundary Authority must, by written notice given to the applicant, refuse to renew the permit.

Note: Consultation procedures apply—see section 434A.

Work program condition

(3) For the purposes of this section, if:

(a) the cross‑boundary greenhouse gas assessment permit is subject to a condition requiring the permittee to carry out work in, or in relation to, the permit area during a particular period; and

(b) the application for renewal of the permit was made during that period;

then, in determining whether the condition has been complied with, assume that the period had ended immediately before the application for renewal was made.

311D Renewal of cross‑boundary greenhouse gas assessment permit

If:

(a) an applicant has been given an offer document under section 311B; and

(b) the applicant has made a request under section 431A in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the Cross‑boundary Authority must renew the cross‑boundary greenhouse gas assessment permit.

Note 1: If the applicant does not make a request under section 431A within the period applicable under that section, the application lapses at the end of that period—see subsection 431A(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

57 Section 312 (at the end of the heading)

Add “**—general**”.

58 After section 312

Insert:

312A Declaration of identified greenhouse gas storage formation—cross‑boundary

Scope

(1) This section applies if:

(a) a cross‑boundary greenhouse gas assessment permit is in force; and

(b) the permittee has reasonable grounds to believe that:

(i) a part of a geological formation is an eligible greenhouse gas storage formation; and

(ii) the part is wholly situated in the permit area; and

(iii) the part extends to the permit area of the precursor greenhouse gas assessment permit and the relevant area of the precursor State/Territory greenhouse gas assessment title; and

(c) there is no identified greenhouse gas storage formation wholly situated within the permit area of the precursor greenhouse gas assessment permit; and

(d) there is no State/Territory identified greenhouse gas storage formation wholly situated within the relevant area of the precursor State/Territory greenhouse gas assessment title.

Note 1: For ***precursor greenhouse gas assessment permit***, see subsection (16).

Note 2: For ***precursor State/Territory greenhouse gas assessment title***, see subsection (17).

Application for declaration of identified greenhouse gas storage formation

(2) The permittee may apply to the responsible Commonwealth Minister for the declaration of the part referred to in paragraph (1)(b) as an identified greenhouse gas storage formation.

(3) An application under this section must set out:

(a) the applicant’s reasons for believing that the part referred to in paragraph (1)(b) is an eligible greenhouse gas storage formation; and

(b) assuming that the part referred to in paragraph (1)(b) is an eligible greenhouse gas storage formation:

(i) the fundamental suitability determinants of the eligible greenhouse gas storage formation; and

(ii) an estimate of the spatial extent of the eligible greenhouse gas storage formation; and

(c) such other information (if any) as is specified in the regulations.

(4) An estimate of spatial extent must comply with such requirements as are specified in the regulations.

Requirement to give further information or carry out further analysis

(5) The responsible Commonwealth Minister may, by written notice given to the applicant, require the applicant:

(a) to give the responsible Commonwealth Minister, within the period specified in the notice, further information in connection with the application; or

(b) to:

(i) carry out such further analysis of relevant information as is specified in the notice; and

(ii) give the responsible Commonwealth Minister, within the period specified in the notice, a written report of the results of that analysis.

(6) If the applicant breaches a requirement under subsection (5), the responsible Commonwealth Minister may, by written notice given to the applicant:

(a) refuse to consider the application; or

(b) refuse to take any action, or any further action, in relation to the application.

Variation of application

(7) At any time before the responsible Commonwealth Minister makes a decision on an application under this section, the applicant may, by written notice given to the responsible Commonwealth Minister, vary:

(a) any or all of the fundamental suitability determinants specified in the application; or

(b) the spatial extent estimated in the application.

(8) A variation of an application must be made in the approved manner.

(9) A variation of an application may be made:

(a) on the applicant’s own initiative; or

(b) at the request of the responsible Commonwealth Minister.

(10) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

Declaration

(11) If:

(a) an application is made under this section in relation to a part of a geological formation; and

(b) the responsible Commonwealth Minister is satisfied that, using the fundamental suitability determinants set out in the application:

(i) that part is an eligible greenhouse gas storage formation; and

(ii) the estimate of the spatial extent set out in the application is a reasonable estimate of the spatial extent of the eligible greenhouse gas storage formation;

the responsible Commonwealth Minister must, by writing:

(c) declare that part to be an ***identified greenhouse gas storage formation*** for the purposes of this Act; and

(d) declare that, for the purposes of this Act, the spatial extent of the identified greenhouse gas storage formation is the spatial extent estimated in the application; and

(e) declare that the fundamental suitability determinants specified in the application are the ***fundamental suitability determinants*** of the identified greenhouse gas storage formation for the purposes of this Act.

(12) A declaration under paragraph (11)(d) must set out the estimate of the spatial extent specified in the application.

(13) A declaration under paragraph (11)(e) must set out the fundamental suitability determinants specified in the application.

(14) A copy of a declaration under subsection (11) must be published in the Gazette.

Refusal to make declaration

(15) If:

(a) an application is made under this section in relation to a part of a geological formation; and

(b) the responsible Commonwealth Minister is not required by subsection (11) to make declarations under that subsection in relation to that part;

the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to declare that part to be an identified greenhouse gas storage formation.

Precursor greenhouse gas assessment permit

(16) For the purposes of this section, if an original cross‑boundary greenhouse gas assessment permit was granted in response to an application under section 307A, the existing greenhouse gas assessment permit mentioned in section 307A is the ***precursor greenhouse gas assessment permit*** in relation to:

(a) the original cross‑boundary greenhouse gas assessment permit; and

(b) a cross‑boundary greenhouse gas assessment permit that was granted by way of the renewal of the original cross‑boundary greenhouse gas assessment permit.

Precursor State/Territory greenhouse gas assessment title

(17) For the purposes of this section, if an original cross‑boundary greenhouse gas assessment permit was granted in response to an application under section 307A, the existing State/Territory greenhouse gas assessment title mentioned in section 307A is the ***precursor State/Territory greenhouse gas assessment title*** in relation to:

(a) the original cross‑boundary greenhouse gas assessment permit; and

(b) a cross‑boundary greenhouse gas assessment permit that was granted by way of the renewal of the original cross‑boundary greenhouse gas assessment permit.

59 Subsections 313(1) and (8)

After “312”, insert “or 312A”.

60 Subsection 314(1)

After “312”, insert “or 312A”.

61 Paragraph 315(1)(a)

After “312”, insert “or 312A”.

62 At the end of section 318

Add:

Note: See also section 295B (permit area of a cross‑boundary greenhouse gas assessment permit is taken to be included in the offshore area).

63 Section 320 (at the end of the heading)

Add “**(other than cross‑boundary greenhouse gas holding leases)**”.

64 Before subsection 320(1)

Insert:

(1A) This section does not apply to a cross‑boundary greenhouse gas holding lease.

65 After section 320

Insert:

320A Conditions of cross‑boundary greenhouse gas holding leases

(1) The Cross‑boundary Authority may grant a cross‑boundary greenhouse gas holding lease subject to whatever conditions the Cross‑boundary Authority thinks appropriate.

(2) The conditions (if any) must be specified in the lease.

Approval of key greenhouse gas operations

(3) A cross‑boundary greenhouse gas holding lease is subject to the condition that the lessee will not carry on key greenhouse gas operations under the lease unless:

(a) the responsible Commonwealth Minister has approved the operations under section 321A; and

(b) the lessee complies with the conditions (if any) to which the approval is subject.

Securities

(4) A cross‑boundary greenhouse gas holding lease is subject to the condition that, if the lessee is given a notice under section 454, the lessee will comply with the notice.

Work to be carried out by lessee

(5) Any or all of the following conditions may be specified in a cross‑boundary greenhouse gas holding lease:

(a) conditions requiring the lessee to carry out work in, or in relation to, the lease area;

(b) conditions about the amounts that the lessee must spend in carrying out such work;

(c) conditions requiring the lessee to comply with directions that:

(i) relate to the matters covered by paragraphs (a) and (b); and

(ii) are given in accordance with the lease.

Other provisions

(6) Despite subsection (2), the conditions mentioned in subsections (3) and (4) do not need to be specified in the lease.

(7) Subsections (3), (4) and (5) do not limit subsection (1).

66 Section 321 (at the end of the heading)

Add “**—general**”.

67 Before subsection 321(1)

Insert:

(1A) This section does not apply to a cross‑boundary greenhouse gas holding lease.

68 After section 321

Insert:

321A Approval by responsible Commonwealth Minister of key greenhouse gas operations carried on under a cross‑boundary greenhouse gas holding lease

(1) A cross‑boundary greenhouse gas holding lessee may apply to the responsible Commonwealth Minister for approval to carry on one or more key greenhouse gas operations under the lease.

(2) If an application for approval is made under subsection (1), the responsible Commonwealth Minister may:

(a) give the approval, with or without conditions to which the approval is subject; or

(b) by written notice given to the applicant, refuse to give the approval.

Responsible Commonwealth Minister must have regard to certain matters

(3) In deciding whether to give the approval, the responsible Commonwealth Minister must comply with subsections (4), (5), (6), (7) and (8).

(4) The responsible Commonwealth Minister must have regard to the impact (if any) that any of those key greenhouse gas operations could have on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing petroleum exploration permit; or

(b) an existing petroleum retention lease; or

(c) an existing petroleum production licence; or

(d) a future petroleum exploration permit; or

(e) a future petroleum retention lease; or

(f) a future petroleum production licence; or

(g) an existing State/Territory petroleum exploration title; or

(h) an existing State/Territory petroleum retention title; or

(i) an existing State/Territory petroleum production title; or

(j) a future State/Territory petroleum exploration title; or

(k) a future State/Territory petroleum retention title; or

(l) a future State/Territory petroleum production title.

(5) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing petroleum exploration permit held by a person other than the applicant; or

(b) an existing petroleum retention lease held by a person other than the applicant; or

(c) an existing petroleum production licence held by a person other than the applicant; or

(d) an existing State/Territory petroleum exploration title held by a person other than the applicant; or

(e) an existing State/Territory petroleum retention title held by a person other than the applicant; or

(f) an existing State/Territory petroleum production title held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(g) whether:

(i) the registered holder of the petroleum exploration permit; or

(ii) the registered holder of the petroleum retention lease; or

(iii) the registered holder of the petroleum production licence; or

(iv) the holder of the State/Territory petroleum exploration title; or

(v) the holder of the State/Territory petroleum retention title; or

(vi) the holder of the State/Territory petroleum production title;

as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(h) if so—the terms of that agreement.

(6) If:

(a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under:

(i) a future petroleum exploration permit over a block or blocks; or

(ii) a future petroleum retention lease over a block or blocks; or

(iii) a future petroleum production licence over a block or blocks; or

(iv) a future State/Territory petroleum exploration title over a State/Territory block or State/Territory blocks; or

(v) a future State/Territory petroleum retention title over a State/Territory block or State/Territory blocks; or

(vi) a future State/Territory petroleum production title over a State/Territory block or State/Territory blocks; and

(b) either:

(i) a petroleum exploration permit, petroleum retention lease or petroleum production licence is in force over the block or any of the blocks; or

(ii) a State/Territory petroleum exploration title, State/Territory petroleum retention title or State/Territory petroleum production title is in force over the State/Territory block or any of the State/Territory blocks; and

(c) the petroleum exploration permit, petroleum retention lease, petroleum production licence, State/Territory petroleum exploration title, State/Territory petroleum retention title or State/Territory petroleum production title is held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(d) whether:

(i) the registered holder of the petroleum exploration permit covered by paragraph (b); or

(ii) the registered holder of the petroleum retention lease covered by paragraph (b); or

(iii) the registered holder of the petroleum production licence covered by paragraph (b); or

(iv) the holder of the State/Territory petroleum exploration title covered by paragraph (b); or

(v) the holder of the State/Territory petroleum retention title covered by paragraph (b); or

(vi) the holder of the State/Territory petroleum production title covered by paragraph (b);

as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(e) if so—the terms of that agreement.

(7) If any of those key greenhouse gas operations is:

(a) an operation to inject, on an appraisal basis, a substance into a part of a geological formation; or

(b) an operation to store, on an appraisal basis, a substance in a part of a geological formation;

the responsible Commonwealth Minister must have regard to the composition of the substance.

(8) The responsible Commonwealth Minister must have regard to the public interest.

(9) Subsections (4), (5), (6) and (7) do not limit subsection (8).

(10) Subsections (4), (5), (6), (7) and (8) do not limit the matters to which the responsible Commonwealth Minister may have regard.

Circumstances in which the approval must not be given

(11) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing pre‑commencement petroleum title held by a person other than the applicant; or

(b) an existing post‑commencement petroleum production licence held by a person other than the applicant; or

(c) an existing pre‑commencement State/Territory petroleum title held by a person other than the applicant; or

(d) an existing post‑commencement State/Territory petroleum production title held by a person other than the applicant;

the responsible Commonwealth Minister must not give the approval unless:

(e) the registered holder of the pre‑commencement petroleum title; or

(f) the registered holder of the post‑commencement petroleum production licence; or

(g) the holder of the pre‑commencement State/Territory petroleum title; or

(h) the holder of the post‑commencement State/Territory petroleum production title;

as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied.

(12) If:

(a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under:

(i) a future pre‑commencement petroleum title over a block or blocks; or

(ii) a future pre‑commencement State/Territory petroleum title over a State/Territory block or State/Territory blocks; and

(b) if subparagraph (a)(i) applies—the existing pre‑commencement petroleum title in force over the block or any of the blocks is held by a person other than the applicant; and

(c) if subparagraph (a)(ii) applies—the existing pre‑commencement State/Territory petroleum title in force over the State/Territory block or any of the State/Territory blocks is held by a person other than the applicant;

the responsible Commonwealth Minister must not give the approval unless:

(d) the registered holder of the existing pre‑commencement petroleum title; or

(e) the holder of the existing pre‑commencement State/Territory petroleum title;

as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied.

No right to an approval

(13) To avoid doubt, section 319 does not imply that a cross‑boundary greenhouse gas holding lessee who applies for approval under subsection (1) of this section is entitled to be given the approval.

Suspension of rights

(14) For the purposes of this section, disregard a suspension of rights under:

(a) section 266; or

(b) a provision of a law of a State or Territory that corresponds to section 266.

69 Subsections 322(1) and (2)

After “special greenhouse gas holding lease”, insert “or a special cross‑boundary greenhouse gas holding lease”.

70 Subsection 322(3) (note 1)

Omit “a special rule”, substitute “special rules”.

71 Subsection 322(3) (note 1)

Omit “section 323”, substitute “sections 323 and 323A”.

72 Subsection 322(3) (after note 2)

Insert:

Note 2AA: For a special rule about the cancellation of a special cross‑boundary greenhouse gas holding lease, see section 353A.

73 Subsection 322(3) (note 3)

Omit “a special rule”, substitute “special rules”.

74 Subsection 322(3) (note 3)

Omit “subsection 347(6)”, substitute “subsections 347(6) and 350A(7)”.

75 Subsection 322(3) (note 4)

After “and (5)”, insert “and 350C(4) and (5)”.

76 Subsection 322(3) (note 5)

Omit “and 439”, substitute “, 439 and 439B”.

77 Subsection 322(3) (note 5A)

Omit “a special rule”, substitute “special rules”.

78 Subsection 322(3) (note 5A)

Omit “section 437A”, substitute “sections 437A and 439C”.

79 Subsection 322(3) (note 6)

Omit “a special rule”, substitute “special rules”.

80 Subsection 322(3) (note 6)

Omit “section 366”, substitute “sections 366 and 368F”.

81 Section 323 (heading)

After “**Extension of greenhouse gas holding lease**”, insert “**(other than a cross‑boundary greenhouse gas holding lease)**”.

82 Section 323 (heading)

After “**special greenhouse gas holding lease**”, insert “**(other than a special cross‑boundary greenhouse gas holding lease)**”.

83 Section 323 (at the end of the heading)

Add “**(other than a cross‑boundary greenhouse gas injection licence)**”.

84 Paragraph 323(1)(a)

After “special greenhouse gas holding lease”, insert “or a cross‑boundary greenhouse gas holding lease”.

85 At the end of Division 1 of Part 3.3

Add:

323A Extension of cross‑boundary greenhouse gas holding lease if lessee applies for a special cross‑boundary greenhouse gas holding lease or cross‑boundary greenhouse gas injection licence

(1) If:

(a) a cross‑boundary greenhouse gas holding lease (other than a special cross‑boundary greenhouse gas holding lease) is in force over a block or blocks; and

(b) before the time when the lease would, apart from this subsection, expire, the lessee applies to the Titles Administrator for the grant by the Cross‑boundary Authority of a special cross‑boundary greenhouse gas holding lease or cross‑boundary greenhouse gas injection licence over the block or one or more of the blocks;

the table has effect:

| Extension of lease | | |
| --- | --- | --- |
| Item | In this case ... | the lease continues in force over the block or blocks covered by the application until ... |
| 1 | the Cross‑boundary Authority gives the lessee an offer document relating to a special cross‑boundary greenhouse gas holding lease or cross‑boundary greenhouse gas injection licence over the block or one or more of the blocks | the special cross‑boundary greenhouse gas holding lease or cross‑boundary greenhouse gas injection licence is granted, the lessee withdraws the application or the application lapses. |
| 2 | the application is for a special cross‑boundary greenhouse gas holding lease and the Cross‑boundary Authority refuses to grant the lease to the lessee | notice of the refusal is given to the lessee. |
| 3 | the application is for a cross‑boundary greenhouse gas injection licence and the Cross‑boundary Authority refuses to grant the licence to the lessee on a ground covered by paragraph 368B(2)(c), (d), (e), (f), (g), (h) or (i) | the end of the period of 90 days after the day on which the notice of the refusal was given to the lessee. |
| 4 | the application is for a cross‑boundary greenhouse gas injection licence and the Cross‑boundary Authority refuses to grant the licence to the lessee on a ground not mentioned in item 3 | notice of refusal is given to the lessee. |

(2) Subsection (1) has effect subject to this Chapter but despite section 322.

Note: See the notes at the end of section 322.

323B Lease area of a cross‑boundary greenhouse gas holding lease is taken to be included in the offshore area

Offshore area of a State

(1) If any part of the lease area of a cross‑boundary greenhouse gas holding lease is included in the offshore area of a State, the whole of the lease area is taken, for all purposes of:

(a) this Chapter and regulations made for the purposes of this Chapter; and

(b) the remaining provisions of this Act and the regulations, so far as they relate to:

(i) this Chapter; or

(ii) exploring for a potential greenhouse gas storage formation; or

(iii) exploring for a potential greenhouse gas injection site; or

(iv) the injection of a greenhouse gas substance; or

(v) the storage of a greenhouse gas substance;

to be included in the offshore area of the State.

Principal Northern Territory offshore area

(2) If any part of the lease area of a cross‑boundary greenhouse gas holding lease is included in the Principal Northern Territory offshore area, the whole of the lease area is taken, for all purposes of:

(a) this Chapter and regulations made for the purposes of this Chapter; and

(b) the remaining provisions of this Act and the regulations, so far as they relate to:

(i) this Chapter; or

(ii) exploring for a potential greenhouse gas storage formation; or

(iii) exploring for a potential greenhouse gas injection site; or

(iv) the injection of a greenhouse gas substance; or

(v) the storage of a greenhouse gas substance;

to be included in the Principal Northern Territory offshore area.

86 Subdivision A of Division 2 of Part 3.3 (heading)

After “**lease**”, insert “**(other than a cross‑boundary greenhouse gas holding lease)**”.

87 Subdivision A of Division 2 of Part 3.3 (at the end of the heading)

Add “**(other than a cross‑boundary greenhouse gas assessment permit)**”.

88 Section 324 (heading)

After “**lease**”, insert “**(other than a cross‑boundary greenhouse gas holding lease)**”.

89 Section 324 (at the end of the heading)

Add “**(other than a cross‑boundary greenhouse gas assessment permit)**”.

90 Paragraph 324(1)(a)

After “greenhouse gas assessment permit”, insert “(other than a cross‑boundary greenhouse gas assessment permit)”.

91 After Subdivision A of Division 2 of Part 3.3

Insert:

Subdivision AA—Application for cross‑boundary greenhouse gas holding lease by the holder of a cross‑boundary greenhouse gas assessment permit

329A Application for cross‑boundary greenhouse gas holding lease by the holder of a cross‑boundary greenhouse gas assessment permit

Scope

(1) This section applies if:

(a) a cross‑boundary greenhouse gas assessment permit is in force; and

(b) one or more identified greenhouse gas storage formations are wholly situated in the permit area; and

(c) either:

(i) in a case where part of the permit area is in the coastal waters of a State—the State has a compatible cross‑boundary law; or

(ii) in a case where part of the permit area is in the coastal waters of the Northern Territory—the Northern Territory has a compatible cross‑boundary law.

Single identified greenhouse gas storage formation

(2) If a single identified greenhouse gas storage formation extends to:

(a) only one block in the permit area; or

(b) 2 or more blocks in the permit area;

the permittee may, within the application period, apply to the Titles Administrator for the grant by the Cross‑boundary Authority of a greenhouse gas holding lease over the block or blocks to which the identified greenhouse gas storage formation extends.

Note: For ***application period***, see subsection (8).

Multiple identified greenhouse gas storage formations

(3) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to only one block in the permit area; and

(b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations;

the permittee may, within the application period, apply to the Titles Administrator for the grant by the Cross‑boundary Authority of a greenhouse gas holding lease over the block to which the identified greenhouse gas storage formations, when considered together, extend.

Note: For ***application period***, see subsection (8).

(4) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to:

(i) only one block in the permit area; or

(ii) 2 or more blocks in the permit area; and

(b) a vertical line would pass through a point in each of those identified greenhouse gas storage formations;

the permittee may, within the application period, apply to the Titles Administrator for the grant by the Cross‑boundary Authority of a greenhouse gas holding lease over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend.

Note: For ***application period***, see subsection (8).

(5) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to 2 or more blocks in the permit area; and

(b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and

(c) for each identified greenhouse gas storage formation, at least one of the blocks to which the identified greenhouse gas storage formation extends immediately adjoins a block to which the other, or another, of those identified greenhouse gas storage formations extends;

the permittee may, within the application period, apply to the Titles Administrator for the grant by the Cross‑boundary Authority of a greenhouse gas holding lease over the blocks to which the identified greenhouse gas storage formations, when considered together, extend.

Note: For ***application period***, see subsection (8).

(6) For the purposes of subsection (5), a block immediately adjoins another block if the graticular section that constitutes or includes that block and the graticular section that constitutes or includes that other block:

(a) have a side in common; or

(b) are joined together at one point only.

Application

(7) An application under this section must be accompanied by:

(a) details of the applicant’s proposals for work and expenditure in relation to:

(i) if there is a single identified greenhouse gas storage formation—the block or blocks, as the case may be, to which the identified greenhouse gas storage formation extends; or

(ii) if there are 2 or more identified greenhouse gas storage formations—the block or blocks, as the case may be, to which the identified greenhouse gas storage formations, when considered together, extend; and

(b) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429A enables the Titles Administrator to require the applicant to give further information.

Application period

(8) The ***application period*** for an application under this section is:

(a) the period of 12 months after:

(i) if there is a single identified greenhouse gas storage formation—the day on which the declaration of the identified greenhouse gas storage formation was made by the responsible Commonwealth Minister; or

(ii) if there are 2 or more identified greenhouse gas storage formations—the earliest day on which a declaration of any of the identified greenhouse gas storage formations was made by the responsible Commonwealth Minister; or

(b) such longer period, not more than 180 days after that day, as the Titles Administrator allows.

(9) The Titles Administrator may allow a longer period under paragraph (8)(b) only on written application made by the permittee within the period of 12 months mentioned in paragraph (8)(a).

Variation of application

(10) At any time before an offer document, or notice of refusal, relating to the application is given to the applicant, the applicant may, by written notice given to the Cross‑boundary Authority, vary the application.

(11) A variation of an application must be made in the approved manner.

(12) A variation of an application may be made:

(a) on the applicant’s own initiative; or

(b) at the request of the Cross‑boundary Authority.

(13) A variation of an application may set out any additional matters that the applicant wishes to be considered.

(14) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

329B Grant of cross‑boundary greenhouse gas holding lease—offer document

Single identified greenhouse gas storage formation

(1) If:

(a) an application for a greenhouse gas holding lease has been made under subsection 329A(2); and

(b) the Cross‑boundary Authority is satisfied that the applicant is not, at the time of the application, in a position to:

(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation concerned; and

(ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation concerned;

but is likely to be in such a position within 15 years;

the Cross‑boundary Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Cross‑boundary Authority is prepared to grant the applicant a greenhouse gas holding lease over the block or blocks specified in the application, so long as:

(c) in a case where part of the lease area would be in the coastal waters of a State—the State has consented to the giving of the offer document; or

(d) in a case where part of the lease area would be in the coastal waters of the Northern Territory—the Northern Territory has consented to the giving of the offer document.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 429A to provide further information, the Cross‑boundary Authority may refuse to give the applicant an offer document—see subsection 429A(4).

Multiple identified greenhouse gas storage formations

(2) If:

(a) an application for a greenhouse gas holding lease has been made under subsection 329A(3), (4) or (5); and

(b) the Cross‑boundary Authority is satisfied that the applicant is not, at the time of the application, in a position to:

(i) inject a greenhouse gas substance into at least one of the identified greenhouse gas storage formations concerned; and

(ii) permanently store the greenhouse gas substance in at least one of the identified greenhouse gas storage formations concerned;

but is likely to be in such a position within 15 years;

the Cross‑boundary Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Cross‑boundary Authority is prepared to grant the applicant a greenhouse gas holding lease over the block or blocks specified in the application, so long as:

(c) in a case where part of the lease area would be in the coastal waters of a State—the State has consented to the giving of the offer document; or

(d) in a case where part of the lease area would be in the coastal waters of the Northern Territory—the Northern Territory has consented to the giving of the offer document.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 429A to provide further information, the Cross‑boundary Authority may refuse to give the applicant an offer document—see subsection 429A(4).

329C Refusal to grant cross‑boundary greenhouse gas holding lease

Scope

(1) This section applies if an application for a greenhouse gas holding lease has been made under section 329A.

Refusal notice

(2) If the Cross‑boundary Authority is not satisfied as to:

(a) in the case of an application made under subsection 329A(2)—a matter referred to in paragraph 329B(1)(b); or

(b) in the case of an application made under subsection 329A(3), (4) or (5)—a matter referred to in paragraph 329B(2)(b);

the Cross‑boundary Authority must, by written notice given to the applicant, refuse to grant a greenhouse gas holding lease to the applicant.

329D Grant of cross‑boundary greenhouse gas holding lease

If:

(a) an applicant has been given an offer document under section 329B; and

(b) the applicant has made a request under section 431A in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the Cross‑boundary Authority must grant the applicant a greenhouse gas holding lease over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 431A within the period applicable under that section, the application lapses at the end of that period—see subsection 431A(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

329E Greenhouse gas assessment permit ceases to be in force when cross‑boundary greenhouse gas holding lease comes into force

When a greenhouse gas holding lease under section 329D comes into force in relation to one or more blocks, a greenhouse gas assessment permit ceases to be in force to the extent to which it relates to those blocks.

329F Greenhouse gas assessment permit transferred—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas assessment permit is registered under section 530:

(a) after an application has been made under section 329A for the grant of a greenhouse gas holding lease over a block or blocks in relation to which the greenhouse gas assessment permit is in force; and

(b) before any action has been taken by the Cross‑boundary Authority under section 329B or 329C in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 329A to 329D and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

92 Subdivision B of Division 2 of Part 3.3 (heading)

After “**lease**”, insert “(**other than a cross‑boundary greenhouse gas holding lease)**”.

93 Subdivision B of Division 2 of Part 3.3 (at the end of the heading)

Add “**(other than a cross‑boundary greenhouse gas injection licence)**”.

94 Section 330 (heading)

After “**lease**”, insert “(**other than a cross‑boundary greenhouse gas holding lease)**”.

95 Section 330 (at the end of the heading)

Add “**(other than a cross‑boundary greenhouse gas injection licence)**”.

96 Paragraph 330(1)(a)

After “greenhouse gas injection licence”, insert “(other than a cross‑boundary greenhouse gas injection licence)”.

97 After Subdivision B of Division 2 of Part 3.3

Insert:

Subdivision BA—Application for cross‑boundary greenhouse gas holding lease by the holder of a cross‑boundary greenhouse gas injection licence

335A Application for cross‑boundary greenhouse gas holding lease by the holder of a cross‑boundary greenhouse gas injection licence

(1) If:

(a) a cross‑boundary greenhouse gas injection licence is in force over a block or blocks; and

(b) one or more identified greenhouse gas storage formations are wholly situated in the licence area; and

(c) either:

(i) in a case where part of the licence area is in the coastal waters of a State—the State has a compatible cross‑boundary law; or

(ii) in a case where part of the licence area is in the coastal waters of the Northern Territory—the Northern Territory has a compatible cross‑boundary law;

the licensee may, within the application period, apply to the Titles Administrator for the grant by the Cross‑boundary Authority of a greenhouse gas holding lease over the block or blocks.

Note: For ***application period***, see subsection (3).

(2) An application under this section must be accompanied by:

(a) details of the applicant’s proposals for work and expenditure in relation to the block or blocks specified in the application; and

(b) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429A enables the Titles Administrator to require the applicant to give further information.

Application period

(3) The ***application period*** for an application under this section by a licensee is the period of 5 years that began on the day on which the licence was granted.

Variation of application

(4) At any time before an offer document, or a notice of refusal, relating to the application is given to the applicant, the applicant may, by written notice given to the Cross‑boundary Authority, vary the application.

(5) A variation of an application must be made in the approved manner.

(6) A variation of an application may be made:

(a) on the applicant’s own initiative; or

(b) at the request of the Cross‑boundary Authority.

(7) A variation of an application may set out any additional matters that the applicant wishes to be considered.

(8) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

335B Grant of cross‑boundary greenhouse gas holding lease—offer document

If:

(a) an application for a greenhouse gas holding lease has been made under section 335A; and

(b) the Cross‑boundary Authority is satisfied that the applicant is not, at the time of the application, in a position to:

(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(ii) store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned;

but is likely to be in such a position within 15 years;

the Cross‑boundary Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Cross‑boundary Authority is prepared to grant the applicant a greenhouse gas holding lease over the block or blocks specified in the application, so long as:

(c) in a case where part of the lease area would be in the coastal waters of a State—the State has consented to the giving of the offer document; or

(d) in a case where part of the lease area would be in the coastal waters of the Northern Territory—the Northern Territory has consented to the giving of the offer document.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 429A to provide further information, the Cross‑boundary Authority may refuse to give the applicant an offer document—see subsection 429A(4).

335C Refusal to grant cross‑boundary greenhouse gas holding lease

If:

(a) an application for a greenhouse gas holding lease has been made under section 335A; and

(b) the Cross‑boundary Authority is not satisfied as to the matter referred to in paragraph 335B(b) in relation to the block or blocks specified in the application;

the Cross‑boundary Authority must, by written notice given to the applicant, refuse to grant a greenhouse gas holding lease to the applicant.

Note: Consultation procedures apply—see section 434A.

335D Grant of cross‑boundary greenhouse gas holding lease

If:

(a) an applicant has been given an offer document under section 335B; and

(b) the applicant has made a request under section 431A in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the Cross‑boundary Authority must grant the applicant a greenhouse gas holding lease over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 431A within the period applicable under that section, the application lapses at the end of that period—see subsection 431A(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

335E Greenhouse gas injection licence ceases to be in force when greenhouse gas holding lease comes into force

When a greenhouse gas holding lease under section 335D comes into force in relation to one or more blocks, a greenhouse gas injection licence ceases to be in force to the extent to which it relates to those blocks.

335F Greenhouse gas injection licence transferred—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas injection licence is registered under section 530:

(a) after an application has been made under section 335A for the grant of a greenhouse gas holding lease over the block or blocks in relation to which the greenhouse gas injection licence is in force; and

(b) before any action has been taken by the Cross‑boundary Authority under section 335B or 335C in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 335A to 335D and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

98 Subdivision C of Division 2 of Part 3.3 (heading)

After “**lease**”, insert “**(other than a special cross‑boundary greenhouse gas holding lease)**”.

99 Subdivision C of Division 2 of Part 3.3 (at the end of the heading)

Add “**(other than a cross‑boundary greenhouse gas injection licence)**”.

100 Section 336 (heading)

After “**lease**”, insert “**(other than a special cross‑boundary greenhouse gas holding lease)**”.

101 Section 336 (at the end of the heading)

Add “**(other than a cross‑boundary greenhouse gas injection licence)**”.

102 Subparagraph 336(1)(a)(i)

After “greenhouse gas assessment permit”, insert “(other than a cross‑boundary greenhouse gas assessment permit)”.

103 Subparagraph 336(1)(a)(ii)

After “special greenhouse gas holding lease”, insert “or a cross‑boundary greenhouse gas holding lease”.

104 After Subdivision C of Division 2 of Part 3.3

Insert:

Subdivision CA—Application for special cross‑boundary greenhouse gas holding lease by an unsuccessful applicant for a cross‑boundary greenhouse gas injection licence

342A Application for special cross‑boundary greenhouse gas holding lease by an unsuccessful applicant for a cross‑boundary greenhouse gas injection licence

(1) If:

(a) either of the following is in force:

(i) a cross‑boundary greenhouse gas assessment permit;

(ii) a cross‑boundary greenhouse gas holding lease (other than a special cross‑boundary greenhouse gas holding lease); and

(b) one or more identified greenhouse gas storage formations are wholly situated in the permit area or lease area; and

(c) either:

(i) in a case where part of the permit area or lease area is in the coastal waters of a State—the State has a compatible cross‑boundary law; or

(ii) in a case where part of the permit area or lease area is in the coastal waters of the Northern Territory—the Northern Territory has a compatible cross‑boundary law; and

(d) the permittee or lessee makes an application under section 368A for the grant of a greenhouse gas injection licence over the block or blocks in which the identified greenhouse gas storage formation or formations are wholly situated; and

(e) if the applicant holds a cross‑boundary greenhouse gas assessment permit—the Cross‑boundary Authority refuses to grant the greenhouse gas injection licence on a ground covered by paragraph 368B(1)(c), (d), (e), (f), (g), (h) or (i); and

(f) if the applicant holds a cross‑boundary greenhouse gas holding lease—the Cross‑boundary Authority refuses to grant the greenhouse gas injection licence on a ground covered by paragraph 368B(2)(c), (d), (e), (f), (g), (h) or (i);

the permittee or lessee may, within the application period, apply to the Titles Administrator for the grant by the Cross‑boundary Authority of a special cross‑boundary greenhouse gas holding lease over the block or blocks covered by the unsuccessful application for the greenhouse gas injection licence.

Note: For ***application period***, see subsection (3).

(2) An application under this section must be accompanied by such information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429A enables the Titles Administrator to require the applicant to give further information.

Application period

(3) The ***application period*** for an application under this section by a permittee or lessee is the period of 90 days that began on the day on which the permittee or lessee was notified of the refusal to grant the greenhouse gas injection licence.

Variation of application

(4) At any time before an offer document relating to the application is given to the applicant, the applicant may, by written notice given to the Cross‑boundary Authority, vary the application.

(5) A variation of an application must be made in the approved manner.

(6) A variation of an application may be made:

(a) on the applicant’s own initiative; or

(b) at the request of the Cross‑boundary Authority.

(7) A variation of an application may set out any additional matters that the applicant wishes to be considered.

(8) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

342B Grant of special cross‑boundary greenhouse gas holding lease—offer document

Scope

(1) This section applies if an application for a special cross‑boundary greenhouse gas holding lease has been made under section 342A.

Offer document

(2) The Cross‑boundary Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Cross‑boundary Authority is prepared to grant the applicant a special cross‑boundary greenhouse gas holding lease over the block or blocks covered by the application, so long as:

(a) in a case where part of the lease area would be in the coastal waters of a State—the State has consented to the giving of the offer document; or

(b) in a case where part of the lease area would be in the coastal waters of the Northern Territory—the Northern Territory has consented to the giving of the offer document.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 429A to provide further information, the Cross‑boundary Authority may refuse to give the applicant an offer document—see subsection 429A(4).

342C Grant of special cross‑boundary greenhouse gas holding lease

(1) If:

(a) an applicant has been given an offer document under section 342B; and

(b) the applicant has made a request under section 431A in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the Cross‑boundary Authority must grant the applicant a greenhouse gas holding lease over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 431A within the period applicable under that section, the application lapses at the end of that period—see subsection 431A(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

(2) A greenhouse gas holding lease granted under subsection (1) is to be known as a ***special cross‑boundary greenhouse gas holding lease***.

342D Greenhouse gas assessment permit ceases to be in force when special cross‑boundary greenhouse gas holding lease comes into force

When a special cross‑boundary greenhouse gas holding lease under section 342C comes into force in relation to one or more blocks, a greenhouse gas assessment permit ceases to be in force to the extent to which it relates to those blocks.

342E Ordinary greenhouse gas holding lease ceases to be in force when special cross‑boundary greenhouse gas holding lease comes into force

When a special cross‑boundary greenhouse gas holding lease under section 342C comes into force in relation to one or more blocks, a greenhouse gas holding lease (other than a special cross‑boundary greenhouse gas holding lease) ceases to be in force to the extent to which it relates to those blocks.

342F Greenhouse gas assessment permit transfer—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas assessment permit is registered under section 530:

(a) after an application has been made under section 342A for the grant of a special cross‑boundary greenhouse gas holding lease over a block or blocks in relation to which the greenhouse gas assessment permit is in force; and

(b) before any action has been taken by the Cross‑boundary Authority under section 342B in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 342B and 342C and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

342G Greenhouse gas holding lease transfer—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas holding lease is registered under section 530:

(a) after an application has been made under section 342A for the grant of a special cross‑boundary greenhouse gas holding lease over a block or blocks in relation to which the first‑mentioned greenhouse gas holding lease is in force; and

(b) before any action has been taken by the Cross‑boundary Authority under section 342B in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 342B and 342C and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

105 Before section 347

Insert:

Subdivision A—Renewal of a greenhouse gas holding lease (other than a cross‑boundary greenhouse gas holding lease)

106 Section 347 (at the end of the heading)

Add “**(other than a cross‑boundary greenhouse gas holding lease)**”.

107 Before subsection 347(1)

Insert:

(1A) This section does not apply to a cross‑boundary greenhouse gas holding lease.

108 At the end of Division 3 of Part 3.3

Add:

Subdivision B—Renewal of a cross‑boundary greenhouse gas holding lease

350A Application for renewal of a cross‑boundary greenhouse gas holding lease

Application for renewal

(1) The registered holder of a cross‑boundary greenhouse gas holding lease (other than a special cross‑boundary greenhouse gas holding lease) may apply to the Titles Administrator for the renewal by the Cross‑boundary Authority of the lease.

(2) Despite subsection (1), an application to renew a cross‑boundary greenhouse gas holding lease must not be made unless:

(a) in a case where part of the lease area is in the coastal waters of a State—the State has a compatible cross‑boundary law; or

(b) in a case where part of the lease area is in the coastal waters of the Northern Territory—the Northern Territory has a compatible cross‑boundary law.

(3) A cross‑boundary greenhouse gas holding lease cannot be renewed more than once.

(4) An application to renew a cross‑boundary greenhouse gas holding lease must be made:

(a) not more than 12 months before the expiry date of the lease; and

(b) at least 180 days before the expiry date of the lease.

(5) Despite subsection (4), the Titles Administrator may accept an application to renew a cross‑boundary greenhouse gas holding lease if the application is made:

(a) later than 180 days before the expiry date of the lease; and

(b) before the expiry date of the lease.

(6) An application to renew a cross‑boundary greenhouse gas holding lease must be accompanied by:

(a) details of the lessee’s proposals for work and expenditure in relation to the lease area; and

(b) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429A enables the Titles Administrator to require the applicant to give further information.

Extension of duration of greenhouse gas holding lease pending decision on application

(7) If:

(a) a cross‑boundary greenhouse gas holding lessee makes an application to renew the lease; and

(b) the lease would, apart from this subsection, expire:

(i) before the Cross‑boundary Authority grants, or refuses to grant, the renewal of the lease; or

(ii) before the application lapses as provided by section 431A;

the lease continues in force:

(c) until the Cross‑boundary Authority grants, or refuses to grant, the renewal of the lease; or

(d) until the application so lapses;

whichever happens first.

(8) Subsection (7) has effect subject to this Chapter but despite section 322.

Note: See the notes at the end of section 322.

350B Renewal of cross‑boundary greenhouse gas holding lease—offer document

Scope

(1) This section applies if an application to renew a greenhouse gas holding lease has been made under section 350A.

Offer document—compliance with conditions etc.

(2) If:

(a) each of the following has been complied with:

(i) the conditions to which the greenhouse gas holding lease is, or has from time to time been, subject;

(ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1;

(iii) the regulations; and

(b) the Cross‑boundary Authority is satisfied that the applicant is not, at the time of the application, in a position to:

(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned;

but is likely to be in such a position within 10 years;

the Cross‑boundary Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Cross‑boundary Authority is prepared to renew the lease, so long as:

(c) in a case where part of the lease area is in the coastal waters of a State—the State has consented to the giving of the offer document; or

(d) in a case where part of the lease area is in the coastal waters of the Northern Territory—the Northern Territory has consented to the giving of the offer document.

Note: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Offer document—non‑compliance with conditions etc.

(3) If:

(a) any of:

(i) the conditions to which the greenhouse gas holding lease is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(b) the Cross‑boundary Authority is satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas holding lease; and

(c) the Cross‑boundary Authority is satisfied that the applicant is not, at the time of the application, in a position to:

(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned;

but is likely to be in such a position within 10 years;

the Cross‑boundary Authority may give the applicant a written notice (called an ***offer document***) telling the applicant that the Cross‑boundary Authority is prepared to renew the lease.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: See also section 76D.

350C Refusal to renew cross‑boundary greenhouse gas holding lease

Scope

(1) This section applies if an application to renew a greenhouse gas holding lease has been made under section 350A.

Refusal on grounds of non‑compliance with conditions

(2) If:

(a) any of:

(i) the conditions to which the greenhouse gas holding lease is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(b) the Cross‑boundary Authority is not satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas holding lease;

the Cross‑boundary Authority must, by written notice given to the applicant, refuse to renew the lease.

Note: Consultation procedures apply—see section 434A.

Refusal on grounds that the applicant is in a position to inject and permanently store a greenhouse gas substance

(3) If the Cross‑boundary Authority is satisfied that the applicant is, at the time of the application, in a position to:

(a) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(b) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned;

the Cross‑boundary Authority must, by written notice given to the applicant, refuse to renew the lease.

Note: Consultation procedures apply—see section 434A.

(4) If:

(a) the Cross‑boundary Authority makes a decision under subsection (3) refusing to renew the lease; and

(b) a notice of refusal is given to the applicant; and

(c) within 12 months after the notice was given, the lessee applies for a greenhouse gas injection licence over one or more of the blocks comprised in the lease; and

(d) the lease would, apart from this subsection, expire:

(i) before the Cross‑boundary Authority grants, or refuses to grant, the greenhouse gas injection licence; or

(ii) before the application lapses;

the lease continues in force until:

(e) the Cross‑boundary Authority grants, or refuses to grant, the greenhouse gas injection licence; or

(f) the application lapses;

whichever happens first.

(5) If:

(a) the Cross‑boundary Authority makes a decision under subsection (3) refusing to renew the lease; and

(b) a notice of refusal is given to the applicant; and

(c) subsection (4) does not apply; and

(d) the lease would, apart from this subsection, expire within 12 months after the notice was given;

the lease continues in force until the end of the 12‑month period beginning on the day on which the notice was given.

(6) Subsections (4) and (5) have effect subject to this Chapter but despite section 322.

Note: See the notes at the end of section 322.

350D Renewal of cross‑boundary greenhouse gas holding lease

If:

(a) an applicant has been given an offer document under section 350B; and

(b) the applicant has made a request under section 431A in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the Cross‑boundary Authority must renew the greenhouse gas holding lease.

Note 1: If the applicant does not make a request under section 431A within the period applicable under that section, the application lapses at the end of that period—see subsection 431A(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

109 After Division 5 of Part 3.3

Insert:

Division 5A—Special cross‑boundary greenhouse gas holding lessee may be requested to apply for a cross‑boundary greenhouse gas injection licence

353A Cross‑boundary Authority may request special cross‑boundary greenhouse gas holding lessee to apply for a cross‑boundary greenhouse gas injection licence

(1) If:

(a) a special cross‑boundary greenhouse gas holding lease is in force; and

(b) one or more identified greenhouse gas storage formations are wholly situated in the lease area; and

(c) the Cross‑boundary Authority is satisfied that, if the lessee were to apply under section 368A for the grant of a greenhouse gas injection licence over the block or blocks in which the identified greenhouse gas storage formation or formations are wholly situated, the Cross‑boundary Authority would not refuse to grant the greenhouse gas injection licence on a ground covered by paragraph 368B(2)(c), (d), (e), (f), (g), (h) or (i);

the Cross‑boundary Authority may, by written notice given to the lessee:

(d) request the lessee to notify the Cross‑boundary Authority, within 180 days after the day on which the notice is given to the lessee, of the lessee’s intention to apply for the greenhouse gas injection licence; and

(e) request the lessee to apply for the greenhouse gas injection licence within 2 years after the day on which the notice is given to the lessee.

(2) If the lessee does not comply with a request under subsection (1), the Cross‑boundary Authority may cancel the lease.

110 At the end of section 355

Add:

Note 1: See also section 295B (permit area of a cross‑boundary greenhouse gas assessment permit is taken to be included in the offshore area).

Note 2: See also section 323B (lease area of a cross‑boundary greenhouse gas holding lease is taken to be included in the offshore area).

111 Section 358 (at the end of the heading)

Add “**—general**”.

112 Before subsection 358(1)

Insert:

(1A) This section does not apply to a cross‑boundary greenhouse gas injection licence.

113 After subsection 358(13)

Insert:

(13A) The regime established under subsection (13) does not apply to an identified greenhouse gas storage formation that is wholly situated in the licence area of a cross‑boundary greenhouse gas injection licence.

114 After section 358

Insert:

358A Conditions of cross‑boundary greenhouse gas injection licences

(1) The Cross‑boundary Authority may grant a cross‑boundary greenhouse gas injection licence subject to whatever conditions the Cross‑boundary Authority thinks appropriate.

(2) The conditions (if any) must be specified in the licence.

Injection and storage of greenhouse gas substance

(3) A cross‑boundary greenhouse gas injection licence is subject to the condition that the licensee will not:

(a) inject a greenhouse gas substance into an identified greenhouse gas storage formation that is wholly situated in the licence area; or

(b) permanently store a greenhouse gas substance in an identified greenhouse gas storage formation that is wholly situated in the licence area;

unless:

(c) the identified greenhouse gas storage formation is specified in the licence; and

(d) the greenhouse gas substance is of a kind that is specified in the licence; and

(e) the greenhouse gas substance complies with such requirements (if any) as are specified in the licence; and

(f) the origin or origins of the greenhouse gas substance are as specified in the licence; and

(g) the greenhouse gas substance is injected at a potential greenhouse gas injection site or sites specified in the licence; and

(h) the greenhouse gas substance is injected during a period specified in the licence; and

(i) the sum of:

(i) the total amount of greenhouse gas substance that has already been injected into the identified greenhouse gas storage formation; and

(ii) the total amount of greenhouse gas substance that is proposed to be injected into the identified greenhouse gas storage formation;

does not exceed the amount specified in the licence; and

(j) the rate, or range of rates, of injection of the greenhouse gas substance is as specified in the licence; and

(k) in a case where the fundamental suitability determinants of the identified greenhouse gas storage formation include particular engineering enhancements—those engineering enhancements have been made.

(4) The matters specified in the licence as mentioned in paragraphs (3)(d) to (k) must not be inconsistent with the fundamental suitability determinants of the identified greenhouse gas storage formation concerned.

(5) To avoid doubt, 2 or more identified greenhouse gas storage formations may be specified in a cross‑boundary greenhouse gas injection licence as mentioned in paragraph (3)(c).

(6) If 2 or more identified greenhouse gas storage formations are specified in a cross‑boundary greenhouse gas injection licence, different matters may be specified in the licence as mentioned in paragraphs (3)(d) to (j) for different identified greenhouse gas storage formations.

(7) For the purposes of paragraph (3)(f), disregard any incidental greenhouse gas‑related substances in determining the origin of a greenhouse gas substance.

(8) The condition mentioned in subsection (3) must be specified in the licence.

Securities

(9) A cross‑boundary greenhouse gas injection licence is subject to the condition that, if the licensee is given a notice under section 454, the licensee will comply with the notice.

Access regime

(10) A cross‑boundary greenhouse gas injection licence is subject to the condition that, if:

(a) regulations are made for the purposes of subsection (11); and

(b) those regulations impose requirements on the licensee;

the licensee will comply with those requirements.

(11) The regulations may establish a regime for third party access to services provided by means of the use of:

(a) identified greenhouse gas storage formations; or

(b) wells, equipment or structures for use in injecting greenhouse gas substances into identified greenhouse gas storage formations; or

(c) equipment or structures for use in the processing, compressing or storing of greenhouse gas substances prior to the injection of the substances into identified greenhouse gas storage formations.

(12) The regime established under subsection (11) does not apply to an identified greenhouse gas storage formation unless the formation is wholly situated in the licence area of a cross‑boundary greenhouse gas injection licence.

Imposition of additional conditions

(13) The Cross‑boundary Authority may, by written notice given to the registered holder of a cross‑boundary greenhouse gas injection licence, vary the licence by imposing one or more conditions to which the licence is subject.

(14) A variation of a cross‑boundary greenhouse gas injection licence under subsection (13) takes effect on the day on which notice of the variation is given to the licensee.

(15) If:

(a) a cross‑boundary greenhouse gas injection licence is subject to a condition; and

(b) the condition was imposed under subsection (13);

the Cross‑boundary Authority may, by written notice given to the licensee, vary or revoke the condition.

(16) A variation of a cross‑boundary greenhouse gas injection licence under subsection (15) takes effect on the day on which notice of the variation is given to the licensee.

(17) Subsection (16) does not limit section 439A.

Other provisions

(18) Despite subsection (2), the conditions mentioned in subsections (9) and (10) do not need to be specified in the licence.

(19) Subsections (3), (9) and (10) do not limit subsection (1) or (13).

115 Subsection 359(2) (note 1)

Omit “a special rule”, substitute “special rules”.

116 Subsection 359(2) (note 1)

Omit “section 334”, substitute “sections 334 and 335E”.

117 At the end of Division 1 of Part 3.4

Add:

360A Licence area of a cross‑boundary greenhouse gas injection licence is taken to be included in the offshore area

Offshore area of a State

(1) If any part of the licence area of a cross‑boundary greenhouse gas injection licence is included in the offshore area of a State, the whole of the licence area is taken, for all purposes of:

(a) this Chapter and regulations made for the purposes of this Chapter; and

(b) the remaining provisions of this Act and the regulations, so far as they relate to:

(i) this Chapter; or

(ii) exploring for a potential greenhouse gas storage formation; or

(iii) exploring for a potential greenhouse gas injection site; or

(iv) the injection of a greenhouse gas substance; or

(v) the storage of a greenhouse gas substance;

to be included in the offshore area of the State.

Principal Northern Territory offshore area

(2) If any part of the licence area of a cross‑boundary greenhouse gas injection licence is included in the Principal Northern Territory offshore area, the whole of the licence area is taken, for all purposes of:

(a) this Chapter and regulations made for the purposes of this Chapter; and

(b) the remaining provisions of this Act and the regulations, so far as they relate to:

(i) this Chapter; or

(ii) exploring for a potential greenhouse gas storage formation; or

(iii) exploring for a potential greenhouse gas injection site; or

(iv) the injection of a greenhouse gas substance; or

(v) the storage of a greenhouse gas substance;

to be included in the Principal Northern Territory offshore area.

118 Subdivision A of Division 2 of Part 3.4 (heading)

After “**licence**”, insert “**(other than a cross‑boundary greenhouse gas injection licence)**”.

119 Subdivision A of Division 2 of Part 3.4 (heading)

After “**permit**”, insert “**(other than a cross‑boundary greenhouse gas assessment permit)**”.

120 Subdivision A of Division 2 of Part 3.4 (at the end of the heading)

Add “**(other than a cross‑boundary greenhouse gas holding lease)**”.

121 Section 361 (heading)

After “**licence**”, insert “**(other than a cross‑boundary greenhouse gas injection licence)**”.

122 Section 361 (heading)

After “**permittee**”, insert “**(other than a cross‑boundary greenhouse gas assessment permittee)**”.

123 Section 361 (at the end of the heading)

Add “**(other than a cross‑boundary greenhouse gas holding lessee)**”.

124 Paragraph 361(1)(a)

After “permit”, insert “(other than a cross‑boundary greenhouse gas assessment permit)”.

125 Paragraph 361(1)(a)

After “lease”, insert “(other than a cross‑boundary greenhouse gas holding lease)”.

126 After Subdivision A of Division 2 of Part 3.4

Insert:

Subdivision AA—Application for cross‑boundary greenhouse gas injection licence by the holder of a cross‑boundary greenhouse gas assessment permit or cross‑boundary greenhouse gas holding lease

368A Application for cross‑boundary greenhouse gas injection licence by cross‑boundary greenhouse gas assessment permittee or cross‑boundary greenhouse gas holding lessee

Scope

(1) This section applies if:

(a) a cross‑boundary greenhouse gas assessment permit or a cross‑boundary greenhouse gas holding lease is in force; and

(b) one or more identified greenhouse gas storage formations are wholly situated in the permit area or lease area; and

(c) either:

(i) in a case where part of the permit area or lease area is in the coastal waters of a State—the State has a compatible cross‑boundary law; or

(ii) in a case where part of the permit area or lease area is in the coastal waters of the Northern Territory—the Northern Territory has a compatible cross‑boundary law.

Single identified greenhouse gas storage formation

(2) If a single identified greenhouse gas storage formation extends to:

(a) only one block in the permit area or lease area; or

(b) 2 or more blocks in the permit area or lease area;

the permittee or lessee may apply to the Titles Administrator for the grant by the Cross‑boundary Authority of a greenhouse gas injection licence over the block or blocks to which the identified greenhouse gas storage formation extends.

Multiple identified greenhouse gas storage formations

(3) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to only one block in the permit area or lease area; and

(b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations;

the permittee or lessee may apply to the Titles Administrator for the grant by the Cross‑boundary Authority of a greenhouse gas injection licence over the block to which the identified greenhouse gas storage formations extend.

(4) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to:

(i) only one block in the permit area or lease area; or

(ii) 2 or more blocks in the permit area or lease area; and

(b) a vertical line would pass through a point in each of those identified greenhouse gas storage formations;

the permittee or lessee may apply to the Titles Administrator for the grant by the Cross‑boundary Authority of a greenhouse gas injection licence over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend.

(5) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to 2 or more blocks in the permit area or lease area; and

(b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and

(c) for each identified greenhouse gas storage formation, at least one of the blocks to which the identified greenhouse gas storage formation extends immediately adjoins a block to which the other, or another, of those identified greenhouse gas storage formations extends;

the permittee or lessee may apply to the Titles Administrator for the grant by the Cross‑boundary Authority of a greenhouse gas injection licence over the blocks to which the identified greenhouse gas storage formations, when considered together, extend.

(6) For the purposes of subsection (5), a block immediately adjoins another block if the graticular section that constitutes or includes that block and the graticular section that constitutes or includes that other block:

(a) have a side in common; or

(b) are joined together at one point only.

Application

(7) An application under this section must set out, for each identified greenhouse gas storage formation, each of the matters which the applicant seeks to have specified in the licence as mentioned in paragraphs 358A(3)(d) to (k).

(8) The matters set out in the application in accordance with subsection (7) must not be inconsistent with the fundamental suitability determinants of the identified greenhouse gas storage formation concerned.

(9) An application under this section must be accompanied by:

(a) a draft site plan for the identified greenhouse gas storage formation or draft site plans for each of the identified greenhouse gas storage formations; and

(b) details of the applicant’s proposals for work and expenditure in relation to:

(i) if there is a single identified greenhouse gas storage formation—the block or blocks, as the case may be, to which the identified greenhouse gas storage formation extends; or

(ii) if there are 2 or more identified greenhouse gas storage formations—the block or blocks, as the case may be, to which the identified greenhouse gas storage formations, when considered together, extend; and

(c) details of:

(i) the technical qualifications of the applicant and of the applicant’s employees; and

(ii) the technical advice available to the applicant; and

(iii) the financial resources available to the applicant; and

(d) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429A enables the Titles Administrator to require the applicant to give further information.

Variation of application

(10) At any time before an offer document, or a notice of refusal, relating to the application is given to the applicant, the applicant may, by written notice given to the Cross‑boundary Authority, vary the application.

(11) A variation of an application must be made in the approved manner.

(12) A variation of an application may be made:

(a) on the applicant’s own initiative; or

(b) at the request of the Cross‑boundary Authority.

(13) A variation of an application may set out any additional matters that the applicant wishes to be considered.

(14) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

368B Grant of cross‑boundary greenhouse gas injection licence—offer document

Application by permittee

(1) If:

(a) an application for the grant of a greenhouse gas injection licence has been made under section 368A by a greenhouse gas assessment permittee; and

(b) the Cross‑boundary Authority is satisfied that, if the greenhouse gas injection licence were granted to the applicant, the applicant will, within 5 years after the grant, commence operations to:

(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(c) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(i) an existing post‑commencement petroleum exploration permit; or

(ii) an existing post‑commencement petroleum retention lease (other than a petroleum retention lease granted under section 150); or

(iii) a future post‑commencement petroleum production licence over the block or any of the blocks to which an existing post‑commencement petroleum exploration permit, or an existing post‑commencement petroleum retention lease (other than a petroleum retention lease granted under section 150), relates; or

(iv) an existing post‑commencement State/Territory petroleum exploration title; or

(v) an existing post‑commencement State/Territory petroleum retention title (other than a State/Territory petroleum retention title granted under a provision of a law of a State or Territory that corresponds to section 150); or

(vi) a future post‑commencement State/Territory petroleum production title over the State/Territory block or any of the State/Territory blocks to which an existing post‑commencement State/Territory petroleum exploration title, or an existing post‑commencement State/Territory petroleum retention title (other than a State/Territory petroleum retention title granted under a provision of a law of a State or Territory that corresponds to section 150), relates;

the responsible Commonwealth Minister is satisfied that the grant of the greenhouse gas injection licence is in the public interest; and

(d) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(i) an existing pre‑commencement petroleum title held by a person other than the applicant; or

(ii) an existing petroleum production licence held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

(iii) the registered holder of the pre‑commencement petroleum title or the petroleum production licence, as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(iv) to the extent to which the agreement is a dealing to which Part 4.6 applies—the dealing has been approved under section 493 or is reasonably likely to be approved under that section; and

(v) to the extent to which the agreement is a dealing to which Part 5.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under section 543; and

(e) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(i) an existing pre‑commencement State/Territory petroleum title held by a person other than the applicant; or

(ii) an existing State/Territory petroleum production title held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

(iii) the holder of the pre‑commencement State/Territory petroleum title or the State/Territory petroleum production title, as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(iv) to the extent to which the agreement is a dealing to which provisions of a law of the relevant State or Territory that correspond to Part 4.6 apply—the dealing has been approved under a provision of a law of the relevant State or Territory that corresponds to section 493 or the relevant State/Territory greenhouse gas storage administrator has notified the responsible Commonwealth Minister that the dealing is reasonably likely to be approved under that provision; and

(f) if:

(i) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre‑commencement petroleum title over a block or blocks; and

(ii) the existing pre‑commencement petroleum title in force over the block or any of the blocks is held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

(iii) the registered holder of the existing pre‑commencement petroleum title has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(iv) to the extent to which the agreement is a dealing to which Part 4.6 applies—the dealing has been approved under section 493 or is reasonably likely to be approved under that section; and

(v) to the extent to which the agreement is a dealing to which Part 4.6 would apply if the future pre‑commencement petroleum title were to come into existence—it is reasonably likely that the dealing would, after the future pre‑commencement petroleum title comes into existence, be approved under section 493; and

(vi) to the extent to which the agreement is a dealing to which Part 5.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under section 543; and

(g) if:

(i) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre‑commencement State/Territory petroleum title over a State/Territory block or State/Territory blocks; and

(ii) the existing pre‑commencement State/Territory petroleum title in force over the State/Territory block or any of the State/Territory blocks is held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

(iii) the holder of the existing pre‑commencement State/Territory petroleum title has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(iv) to the extent to which the agreement is a dealing to which provisions of a law of the relevant State or Territory that correspond to Part 4.6 apply—the dealing has been approved under a provision of a law of the relevant State or Territory that corresponds to section 493 or the relevant State/Territory greenhouse gas storage administrator has notified the responsible Commonwealth Minister that the dealing is reasonably likely to be approved under that provision; and

(v) to the extent to which the agreement is a dealing to which provisions of a law of the relevant State or Territory that correspond to Part 4.6 would apply if the future pre‑commencement State/Territory petroleum title were to come into existence—the relevant State/Territory greenhouse gas storage administrator has notified the responsible Commonwealth Minister that it is reasonably likely that the dealing would, after the future pre‑commencement State/Territory petroleum title comes into existence, be approved under a provision of a law of the relevant State or Territory that corresponds to section 493; and

(vi) to the extent to which the agreement is a dealing to which provisions of a law of the relevant State or Territory that correspond to Part 5.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under a provision of a law of the relevant State or Territory that corresponds to section 543; and

(h) if:

(i) the responsible Commonwealth Minister is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum; and

(ii) the block or blocks as to which the responsible Commonwealth Minister is so satisfied are within the licence area of a petroleum production licence, the permit area of a pre‑commencement petroleum exploration permit, the lease area of a pre‑commencement petroleum retention lease, the relevant area of a pre‑commencement State/Territory petroleum exploration title, the relevant area of a pre‑commencement State/Territory petroleum retention title or the relevant area of a State/Territory petroleum production title; and

(iii) the recovery of the petroleum passes the commercial viability test set out in subsection (5);

the responsible Commonwealth Minister is satisfied that there is no significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on operations to recover the petroleum; and

(i) the responsible Commonwealth Minister is satisfied that:

(i) the technical qualifications of the applicant and of the applicant’s employees; and

(ii) the technical advice available to the applicant; and

(iii) the financial resources available to the applicant;

are adequate; and

(j) the responsible Commonwealth Minister is satisfied that the draft site plan that accompanied the application satisfies the criteria specified in the regulations;

the Cross‑boundary Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Cross‑boundary Authority is prepared to grant the applicant a greenhouse gas injection licence over the block or blocks specified in the application, on the basis that the matters to be specified in the greenhouse gas injection licence as mentioned in paragraphs 358A(3)(d) to (k) will be in accordance with the application, so long as:

(k) in a case where part of the licence area would be in the coastal waters of a State—the State has consented to the giving of the offer document; or

(l) in a case where part of the licence area would be in the coastal waters of the Northern Territory—the Northern Territory has consented to the giving of the offer document.

Application by lessee

(2) If:

(a) an application for the grant of a greenhouse gas injection licence has been made under section 368A by a greenhouse gas holding lessee; and

(b) the Cross‑boundary Authority is satisfied that, if the greenhouse gas injection licence were granted to the applicant, the applicant will, within 5 years after the grant, commence operations to:

(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(c) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(i) an existing post‑commencement petroleum exploration permit; or

(ii) an existing post‑commencement petroleum retention lease (other than a petroleum retention lease granted under section 150); or

(iii) a future post‑commencement petroleum production licence over the block or any of the blocks to which an existing post‑commencement petroleum exploration permit, or an existing post‑commencement petroleum retention lease (other than a petroleum retention lease granted under section 150), relates; or

(iv) an existing post‑commencement State/Territory petroleum exploration title; or

(v) an existing post‑commencement State/Territory petroleum retention title (other than a State/Territory petroleum retention title granted under a provision of a law of a State or Territory that corresponds to section 150); or

(vi) a future post‑commencement State/Territory petroleum production title over the State/Territory block or any of the State/Territory blocks to which an existing post‑commencement State/Territory petroleum exploration title, or an existing post‑commencement State/Territory petroleum retention title (other than a State/Territory petroleum retention title granted under a provision of a law of a State or Territory that corresponds to section 150), relates;

the responsible Commonwealth Minister is satisfied that the grant of the greenhouse gas injection licence is in the public interest; and

(d) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(i) an existing pre‑commencement petroleum title held by a person other than the applicant; or

(ii) an existing petroleum production licence held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

(iii) the registered holder of the pre‑commencement petroleum title or the petroleum production licence, as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(iv) to the extent to which the agreement is a dealing to which Part 4.6 applies—the dealing has been approved under section 493 or is reasonably likely to be approved under that section; and

(v) to the extent to which the agreement is a dealing to which Part 5.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under section 543; and

(e) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(i) an existing pre‑commencement State/Territory petroleum title held by a person other than the applicant; or

(ii) an existing State/Territory petroleum production title held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

(iii) the holder of the pre‑commencement State/Territory petroleum title or the State/Territory petroleum production title, as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(iv) to the extent to which the agreement is a dealing to which provisions of a law of the relevant State or Territory that correspond to Part 4.6 apply—the dealing has been approved under a provision of a law of the relevant State or Territory that corresponds to section 493 or the relevant State/Territory greenhouse gas storage administrator has notified the responsible Commonwealth Minister that the dealing is reasonably likely to be approved under that provision; and

(f) if:

(i) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre‑commencement petroleum title over a block or blocks; and

(ii) the existing pre‑commencement petroleum title in force over the block or any of the blocks is held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

(iii) the registered holder of the existing pre‑commencement petroleum title has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(iv) to the extent to which the agreement is a dealing to which Part 4.6 applies—the dealing has been approved under section 493 or is reasonably likely to be approved under that section; and

(v) to the extent to which the agreement is a dealing to which Part 4.6 would apply if the future pre‑commencement petroleum title were to come into existence—it is reasonably likely that the dealing would, after the future pre‑commencement petroleum title comes into existence, be approved under section 493; and

(vi) to the extent to which the agreement is a dealing to which Part 5.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under section 543; and

(g) if:

(i) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre‑commencement State/Territory petroleum title over a block or blocks; and

(ii) the existing pre‑commencement State/Territory petroleum title in force over the State/Territory block or any of the State/Territory blocks is held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

(iii) the holder of the existing pre‑commencement State/Territory petroleum title has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(iv) to the extent to which the agreement is a dealing to which provisions of a law of the relevant State or Territory that correspond to Part 4.6 apply—the dealing has been approved under a provision of a law of the relevant State or Territory that corresponds to section 493 or the relevant State/Territory greenhouse gas storage administrator has notified the responsible Commonwealth Minister that the dealing is reasonably likely to be approved under that provision; and

(v) to the extent to which the agreement is a dealing to which provisions of a law of the relevant State or Territory that correspond to Part 4.6 would apply if the future pre‑commencement State/Territory petroleum title were to come into existence—the relevant State/Territory greenhouse gas storage administrator has notified the responsible Commonwealth Minister that it is reasonably likely that the dealing would, after the future pre‑commencement State/Territory petroleum title comes into existence, be approved under a provision of a law of the relevant State or Territory that corresponds to section 493; and

(vi) to the extent to which the agreement is a dealing to which provisions of a law of the relevant State or Territory that correspond to Part 5.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under a provision of a law of the relevant State or Territory that corresponds to section 543; and

(h) if:

(i) the responsible Commonwealth Minister is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum; and

(ii) the block or blocks as to which the responsible Commonwealth Minister is so satisfied are within the licence area of a petroleum production licence, the permit area of a pre‑commencement petroleum exploration permit, the lease area of a pre‑commencement petroleum retention lease, the relevant area of a pre‑commencement State/Territory petroleum exploration title, the relevant area of a pre‑commencement State/Territory petroleum retention title or the relevant area of a State/Territory petroleum production title; and

(iii) the recovery of the petroleum passes the commercial viability test set out in subsection (5);

the responsible Commonwealth Minister is satisfied that there is no significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on operations to recover the petroleum; and

(i) the responsible Commonwealth Minister is satisfied that:

(i) the technical qualifications of the applicant and of the applicant’s employees; and

(ii) the technical advice available to the applicant; and

(iii) the financial resources available to the applicant;

are adequate; and

(j) the responsible Commonwealth Minister is satisfied that the draft site plan that accompanied the application satisfies the criteria specified in the regulations;

the Cross‑boundary Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Cross‑boundary Authority is prepared to grant the applicant a greenhouse gas injection licence over the block or blocks specified in the application, on the basis that the matters to be specified in the greenhouse gas injection licence as mentioned in paragraphs 358A(3)(d) to (k) will be in accordance with the application, so long as:

(k) in a case where part of the licence area would be in the coastal waters of a State—the State has consented to the giving of the offer document; or

(l) in a case where part of the licence area would be in the coastal waters of the Northern Territory—the Northern Territory has consented to the giving of the offer document.

Public interest

(3) For the purposes of paragraphs (1)(c) and (2)(c), in considering whether the grant of the greenhouse gas injection licence is in the public interest, the responsible Commonwealth Minister must have regard to:

(a) whether:

(i) the registered holder of the existing post‑commencement petroleum exploration permit or existing post‑commencement petroleum retention lease; or

(ii) the holder of the existing post‑commencement State/Territory petroleum exploration title or existing post‑commencement State/Territory petroleum retention title;

as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(b) if so—the terms of that agreement.

(4) Subsection (3) does not limit the matters to which the responsible Commonwealth Minister may have regard.

Commercial viability test

(5) For the purposes of subparagraphs (1)(h)(iii) and (2)(h)(iii), the recovery of petroleum ***passes the commercial viability test*** if, and only if, the responsible Commonwealth Minister is satisfied that:

(a) the recovery is commercially viable; or

(b) the recovery is not commercially viable, but is likely to become commercially viable within 15 years.

(6) Before attaining a state of satisfaction under subsection (5) in relation to the recovery of petroleum under a State/Territory petroleum title, the responsible Commonwealth Minister must consult:

(a) if the State/Territory petroleum title was granted under a law of a State—the responsible State Minister for the State; or

(b) if the State/Territory petroleum title was granted under a law of the Northern Territory—the responsible Northern Territory Minister.

Deferral of decision

(7) This section has effect subject to section 368E.

368C Refusal to grant cross‑boundary greenhouse gas injection licence

Scope

(1) This section applies if:

(a) an application for a greenhouse gas injection licence has been made under section 368A; and

(b) the Cross‑boundary Authority is not required by section 368B to give the applicant an offer document.

Notice

(2) The Cross‑boundary Authority must, by written notice given to the applicant, refuse to grant the applicant a greenhouse gas injection licence.

Deferral of decision

(3) This section has effect subject to section 368E.

368D Grant of cross‑boundary greenhouse gas injection licence

If:

(a) an applicant has been given an offer document under section 368B; and

(b) the applicant has made a request under section 431A in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the Cross‑boundary Authority must grant the applicant a greenhouse gas injection licence over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 431A within the period applicable under that section, the application lapses at the end of that period—see subsection 431A(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

368E Deferral of decision to grant cross‑boundary greenhouse gas injection licence—pending application for post‑commencement petroleum exploration permit

Scope

(1) This section applies if:

(a) an application for the grant of a greenhouse gas injection licence has been made under section 368A; and

(b) when the application for the greenhouse gas injection licence was made:

(i) an application for a post‑commencement petroleum exploration permit was being considered by the Joint Authority; or

(ii) an application for a post‑commencement State/Territory petroleum exploration title was being considered by the responsible State Minister or the responsible Northern Territory Minister; and

(c) the Cross‑boundary Authority considers that it would be in the public interest to defer taking any action under section 368B or 368C in relation to the application for the grant of the greenhouse gas injection licence until the application for the post‑commencement petroleum exploration permit or the post‑commencement State/Territory petroleum exploration title is finalised.

Deferral

(2) The Cross‑boundary Authority must not take any action under section 368B or 368C in relation to the application for the greenhouse gas injection licence until 24 hours after whichever of the following events happens first:

(a) if subparagraph (1)(b)(i) applies—the Joint Authority grants the post‑commencement petroleum exploration permit to the applicant for the permit;

(b) if subparagraph (1)(b)(i) applies—the application for the post‑commencement petroleum exploration permit lapses;

(c) if subparagraph (1)(b)(i) applies—the Joint Authority refuses to grant the post‑commencement petroleum exploration permit to the applicant for the permit;

(d) if subparagraph (1)(b)(ii) applies—the responsible State Minister or the responsible Northern Territory Minister grants the post‑commencement State/Territory petroleum exploration title to the applicant for the title;

(e) if subparagraph (1)(b)(ii) applies—the application for the post‑commencement State/Territory petroleum exploration title lapses;

(f) if subparagraph (1)(b)(ii) applies—the responsible State Minister or the responsible Northern Territory Minister refuses to grant the post‑commencement State/Territory petroleum exploration title to the applicant for the title.

368F Greenhouse gas assessment permit or greenhouse gas holding lease ceases to be in force when cross‑boundary greenhouse gas injection licence comes into force

When a greenhouse gas injection licence under section 368D comes into force in relation to one or more blocks, a greenhouse gas assessment permit or greenhouse gas holding lease ceases to be in force to the extent to which it relates to those blocks.

368G Greenhouse gas assessment permit transfer—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas assessment permit is registered under section 530:

(a) after an application has been made under section 368A for the grant of a greenhouse gas injection licence over a block or blocks in relation to which the greenhouse gas assessment permit is in force; and

(b) before any action has been taken by the Cross‑boundary Authority under section 368B or 368C in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 368A to 368D and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

368H Greenhouse gas holding lease transfer—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas holding lease is registered under section 530:

(a) after an application has been made under section 368A for the grant of a greenhouse gas injection licence over a block or blocks in relation to which the greenhouse gas holding lease is in force; and

(b) before any action has been taken by the Cross‑boundary Authority under section 368B or 368C in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 368A to 368D and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

127 Section 374 (heading)

After “**licence**”, insert “**(other than a cross‑boundary greenhouse gas injection licence)**”.

128 Subsection 374(1)

After “licensee”, insert “(other than a cross‑boundary greenhouse gas injection licensee)”.

129 After section 374

Insert:

374A Variation of matters specified in cross‑boundary greenhouse gas injection licence—general

Application

(1) A cross‑boundary greenhouse gas injection licensee may apply to the Titles Administrator for the variation by the responsible Commonwealth Minister of a matter specified in the licence as mentioned in any of paragraphs 358A(3)(c) to (k).

Note 1: Consultation procedures apply—see section 434.

Note 2: Part 3.8 contains additional provisions about application procedures.

Note 3: Section 427 requires the application to be accompanied by an application fee.

Note 4: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

(2) An application under subsection (1) must:

(a) set out the proposed variation; and

(b) specify the reasons for the proposed variation.

Variation

(3) If an application is made under subsection (1), the responsible Commonwealth Minister may, by written notice given to the licensee:

(a) vary the matter in accordance with the application; or

(b) refuse to vary the matter in accordance with the application.

(4) If a matter specified in the licence as mentioned in any of paragraphs 358A(3)(c) to (k) is varied under this section, the varied matter must not be inconsistent with the fundamental suitability determinants of the identified greenhouse gas storage formation concerned.

(5) A variation of a matter under this section takes effect on the day on which notice of the variation is published in the Gazette.

Note: For publication in the Gazette of notice of the variation, see section 734.

130 Paragraph 375(1)(a)

After “312”, insert “or 312A”.

131 Paragraph 375(1)(c)

After “358(3)(c) to (k)”, insert “or 358A(3)(c) to (k)”.

132 Subsection 375(2)

After “358(3)(c) to (k)”, insert “or 358A(3)(c) to (k)”.

133 Paragraphs 376(4)(b) and (9)(b)

After “358(3)(c) to (k)”, insert “or 358A(3)(c) to (k)”.

134 Section 377 (heading)

Omit “**to do something outside the licence area**”.

135 Paragraph 377(1)(b)

Omit “in an offshore area but outside the licence area”.

136 Subparagraph 377(1)(c)(viii)

Omit “and”, substitute “or”.

137 At the end of paragraph 377(1)(c)

Add:

(ix) a State/Territory petroleum exploration title; or

(x) a State/Territory petroleum retention title; or

(xi) a State/Territory petroleum production title; and

138 Paragraphs 377(1)(d) and (e)

Repeal the paragraphs, substitute:

(d) if subparagraph (c)(i), (ii), (iii), (iv), (v), (vi), (vii) or (viii) applies—the licensee mentioned in paragraph (a) is not the registered holder of the permit, lease, licence or authority mentioned in that subparagraph; and

(e) if subparagraph (c)(i), (ii), (iii), (iv), (v), (vi), (vii) or (viii) applies—the registered holder of the permit, lease, licence or authority mentioned in that subparagraph has not given written consent to the giving of the direction; and

(f) if subparagraph (c)(ix), (x) or (xi) applies—the licensee mentioned in paragraph (a) is not the holder of the title mentioned in that subparagraph; and

(g) if subparagraph (c)(ix), (x) or (xi) applies—the holder of the title mentioned in that subparagraph has not given written consent to the giving of the direction.

139 Paragraph 377(2)(a)

Omit “paragraph (1)(c)”, substitute “subparagraph (1)(c)(i), (ii), (iii), (iv), (v), (vi), (vii) or (viii) or the holder of the title mentioned in subparagraph (1)(c)(ix), (x) or (xi), as the case requires”.

140 Paragraph 377(5)(b)

Omit “paragraph (1)(c)”, substitute “subparagraph (1)(c)(i), (ii), (iii), (iv), (v), (vi), (vii) or (viii) or the holder of the title mentioned in subparagraph (1)(c)(ix), (x) or (xi), as the case requires”.

141 Subsection 379(2) (note)

Omit “subsection 358(3)”, substitute “subsections 358(3) and 358A(3)”.

142 Paragraphs 380(6)(b) and (11)(b)

After “358(3)(c) to (k)”, insert “or 358A(3)(c) to (k)”.

143 Subparagraph 383(1)(a)(iii)

Omit “and”, substitute “or”.

144 At the end of paragraph 383(1)(a)

Add:

(iv) the area covered by a pre‑commencement State/Territory petroleum exploration title held by a person other than the registered holder of the greenhouse gas injection licence; or

(v) the area covered by a pre‑commencement State/Territory petroleum retention title held by a person other than the registered holder of the greenhouse gas injection licence; or

(vi) the area covered by a pre‑commencement State/Territory petroleum production title held by a person other than the registered holder of the greenhouse gas injection licence; and

145 Paragraph 383(1)(e)

Before “the registered holder of the petroleum exploration permit”, insert “if subparagraph (a)(i), (ii) or (iii) applies—”.

146 After paragraph 383(1)(e)

Insert:

(ea) if subparagraph (a)(iv), (v) or (vi) applies—the holder of the State/Territory petroleum exploration title, State/Territory petroleum retention title or State/Territory petroleum production title, as the case may be, has not agreed, in writing, to the registered holder of the greenhouse gas injection licence carrying on those operations; and

147 Subparagraph 383(3)(a)(iii)

Omit “and”, substitute “or”.

148 At the end of paragraph 383(3)(a)

Add:

(iv) the area covered by a pre‑commencement State/Territory petroleum exploration title held by a person other than the registered holder of the greenhouse gas injection licence; or

(v) the area covered by a pre‑commencement State/Territory petroleum retention title held by a person other than the registered holder of the greenhouse gas injection licence; or

(vi) the area covered by a pre‑commencement State/Territory petroleum production title held by a person other than the registered holder of the greenhouse gas injection licence; and

149 Paragraph 383(3)(e)

Before “the registered holder of the petroleum exploration permit”, insert “if subparagraph (a)(i), (ii) or (iii) applies—”.

150 After paragraph 383(3)(e)

Insert:

(ea) if subparagraph (a)(iv), (v) or (vi) applies—the holder of the State/Territory petroleum exploration title, State/Territory petroleum retention title or State/Territory petroleum production title, as the case may be, has not agreed, in writing, to the registered holder of the greenhouse gas injection licence carrying on those operations; and

151 Paragraphs 383(6)(b) and (11)(b)

After “358(3)(c) to (k)”, insert “or 358A(3)(c) to (k)”.

152 Paragraph 429(1)(a)

After “permit”, insert “(other than a cross‑boundary greenhouse gas assessment permit)”.

153 Paragraph 429(1)(b)

After “lease”, insert “(other than a cross‑boundary greenhouse gas holding lease)”.

154 Paragraph 429(1)(c)

Omit “or variation”.

155 Paragraph 429(1)(c)

After “licence”, insert “(other than a cross‑boundary greenhouse gas injection licence)”.

156 After paragraph 429(1)(c)

Insert:

(ca) the variation of a greenhouse gas injection licence; or

157 After section 429

Insert:

429A Titles Administrator may require further information

Scope

(1) This section applies to an application for:

(a) the grant or renewal of a cross‑boundary greenhouse gas assessment permit; or

(b) the grant or renewal of a cross‑boundary greenhouse gas holding lease; or

(c) the grant of a cross‑boundary greenhouse gas injection licence.

Requirement to give further information

(2) The Titles Administrator may, by written notice given to the applicant, require the applicant to give the Titles Administrator, within the period specified in the notice, further information in connection with the application.

Consequences of breach of requirement

(3) If the applicant breaches the requirement, the Cross‑boundary Authority may, by written notice given to the applicant:

(a) refuse to consider the application; or

(b) refuse to take any action, or any further action, in relation to the application.

(4) Subsection (3) has effect despite any provision of this Act that requires the Cross‑boundary Authority to:

(a) consider the application; or

(b) take any particular action in relation to the application.

(5) A reference in this section to taking action in relation to the application includes a reference to giving an offer document in relation to the application.

158 Paragraphs 430(2)(b) and (4)(b)

After “section 431”, insert “or 431A”.

159 Section 431 (at the end of the heading)

Add “**(titles other than cross‑boundary titles)**”.

160 Before subsection 431(1)

Insert:

(1A) This section does not apply to:

(a) a cross‑boundary greenhouse gas assessment permit; or

(b) a cross‑boundary greenhouse gas holding lease; or

(c) a cross‑boundary greenhouse gas injection licence.

161 After section 431

Insert:

431A Acceptance of offer—request by applicant (cross‑boundary titles)

(1) The table has effect:

| Acceptance of offer by applicant | | | | |
| --- | --- | --- | --- | --- |
| Item | Column 1 | | Column 2 | Column 3 |
|  | If an offer document relates to an application for the grant of ... | | the applicant may, within ... | by written notice given to the Titles Administrator, request the Cross‑boundary Authority to grant the applicant ... |
| 1 | a cross‑boundary greenhouse gas assessment permit | | 30 days after the offer document was given to the applicant | the permit. |
| 2 | | the renewal of a cross‑boundary greenhouse gas assessment permit | 30 days after the offer document was given to the applicant | the renewal of the permit. | |
| 3 | a cross‑boundary greenhouse gas holding lease | | whichever of the following periods is applicable:  (a) 30 days after the offer document was given to the applicant;  (b) such longer period, not more than 60 days after the offer document was given to the applicant, as the Titles Administrator allows | the lease. |
| 4 | the renewal of a cross‑boundary greenhouse gas holding lease | | 30 days after the offer document was given to the applicant | the renewal of the lease. |
| 5 | a cross‑boundary greenhouse gas injection licence | | whichever of the following periods is applicable:  (a) 90 days after the offer document was given to the applicant;  (b) such longer period, not more than 180 days after the offer document was given to the applicant, as the Titles Administrator allows | the licence. |

Longer periods

(2) The Titles Administrator may allow a longer period under paragraph (b) of column 2 of item 3 of the table only on written application made by the applicant within the period of 30 days mentioned in paragraph (a) of that column.

(3) The Titles Administrator may allow a longer period under paragraph (b) of column 2 of item 5 of the table only on written application made by the applicant within the period of 90 days mentioned in paragraph (a) of that column.

Application lapses if request not made within the applicable period

(4) If an applicant does not make a request under an item of the table within the period applicable under column 2 of the table, the application lapses at the end of that period.

162 Paragraph 433(b)

After “section 431”, insert “or 431A”.

163 Section 434 (at the end of the heading)

Add “**(general)**”.

164 Section 434 (at the end of the cell at table item 3, column 1)

Add “or 374A”.

165 After section 434

Insert:

434A Consultation—adverse decisions (cross‑boundary titles)

Scope

(1) This section applies to a decision set out in the table, and the ***affected person*** in relation to that decision is set out in the table:

| Decisions and affected persons | | | | |
| --- | --- | --- | --- | --- |
| Item | Column 1 | | Column 2 | Column 3 |
|  | Provision under which decision is made | | Decision of the Cross‑boundary Authority | Affected person |
| 1 | | section 311C | refusal to renew a cross‑boundary greenhouse gas assessment permit | the permittee | |
| 2 | section 335C | | refusal to grant a cross‑boundary greenhouse gas holding lease to a cross‑boundary greenhouse gas injection licensee | the licensee |
| 3 | section 350C | | refusal to renew a cross‑boundary greenhouse gas holding lease | the lessee |

Consultation

(2) Before making the decision, the Cross‑boundary Authority must:

(a) by written notice given to the affected person, give at least 30 days notice of the Cross‑boundary Authority’s intention to make the decision; and

(b) give a copy of the notice to such other persons (if any) as the Cross‑boundary Authority thinks fit.

(3) The notice must:

(a) set out details of the decision that is proposed to be made; and

(b) set out the reasons for the proposed decision; and

(c) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Cross‑boundary Authority about the proposed decision; and

(d) specify a time limit for making that submission.

(4) In deciding whether to make the decision, the Cross‑boundary Authority must take into account any submissions made in accordance with the notice.

166 Paragraph 435(1)(a)

After “292(1)”, insert “or 292A(1)”.

167 Paragraph 435(1)(b)

After “321(1)”, insert “or 321A(1)”.

168 After paragraph 435(1)(c)

Insert:

(ca) an application under section 368A for the grant of a greenhouse gas injection licence;

169 Before section 436

Insert:

Subdivision A—General

170 Before subsection 436(1)

Insert:

(1A) This section does not apply to:

(a) a cross‑boundary greenhouse gas assessment permit; or

(b) a cross‑boundary greenhouse gas holding lease; or

(c) a cross‑boundary greenhouse gas injection licence.

171 Subsection 436(1) (after table item 4)

Insert:

|  |  |  |
| --- | --- | --- |
| 4AA | a greenhouse gas assessment permit | the permit is taken to continue in force until the responsible Commonwealth Minister grants, or refuses to grant, a consolidated work‑bid greenhouse gas assessment permit (see subsection 302A(4)) |

172 Before subsection 437A(1)

Insert:

(1A) This section does not apply to:

(a) a cross‑boundary greenhouse gas assessment permit; or

(b) a cross‑boundary greenhouse gas holding lease; or

(c) a cross‑boundary greenhouse gas injection licence.

173 At the end of Division 1 of Part 3.9

Add:

Subdivision B—Cross‑boundary titles

439A Variation, suspension and exemption—conditions of cross‑boundary titles

When the conditions of a cross‑boundary title may be the subject of a variation, suspension or exemption

(1) This section applies if an event specified in the table happens, or a circumstance specified in the table exists:

| When the conditions of a title may be the subject of a variation, suspension or exemption | | | | |
| --- | --- | --- | --- | --- |
| Item | | Title | Event or circumstance | |
| 1 | | a cross‑boundary greenhouse gas assessment permit, cross‑boundary greenhouse gas holding lease or cross‑boundary greenhouse gas injection licence | the permittee, lessee or licensee applies in writing to the Cross‑boundary Authority for:  (a) a variation or suspension of any of the conditions to which the permit, lease or licence is subject; or  (b) exemption from compliance with any of the conditions to which the permit, lease or licence is subject | |
| 2 | | a cross‑boundary greenhouse gas assessment permit, cross‑boundary greenhouse gas holding lease or cross‑boundary greenhouse gas injection licence | the responsible Commonwealth Minister gives a direction or consent to the permittee, lessee or licensee under:  (a) this Chapter; or  (b) Chapter 6; or  (c) Part 8.1; or  (d) the regulations | |
| 3 | | a cross‑boundary greenhouse gas injection licence | the licence is partly surrendered | |
| 4 | | a cross‑boundary greenhouse gas assessment permit, cross‑boundary greenhouse gas holding lease or cross‑boundary greenhouse gas injection licence | the permittee, lessee or licensee consents to the making of a determination under section 462 | |
| 5 | a cross‑boundary greenhouse gas assessment permit | the permit is taken to continue in force until the Cross‑boundary Authority grants, or refuses to grant, the renewal of the permit (see subsection 311A(9)) |
| 6 | | a cross‑boundary greenhouse gas holding lease | the lease is taken to continue in force until the Cross‑boundary Authority grants, or refuses to grant, the renewal of the lease (see subsection 350A(7)) | |

(2) An application under item 1 of the table in subsection (1) for a variation of any of the conditions to which a permit, lease or licence is subject may be set out in the same document as an application under that item for a suspension of any of the conditions to which the permit, lease or licence is subject.

Variation, suspension or exemption

(3) The Cross‑boundary Authority may, by written notice given to the permittee, lessee or licensee:

(a) vary; or

(b) suspend; or

(c) exempt the permittee, lessee or licensee from compliance with;

any of the conditions to which the permit, lease, or licence is subject, on such conditions (if any) as are specified in the notice.

(4) A variation under subsection (3) may be in the same notice as a suspension under that subsection.

Notice of refusal of application

(5) If:

(a) an application is made under item 1 of the table in subsection (1); and

(b) the Cross‑boundary Authority refuses the application;

the Cross‑boundary Authority must:

(c) by written notice given to the applicant, notify the applicant of the refusal; and

(d) do so as soon as practicable after the refusal.

When variation takes effect

(6) A variation of a cross‑boundary greenhouse gas injection licence under this section takes effect on the day on which notice of the variation is published in the Gazette.

(7) A variation of a cross‑boundary greenhouse gas assessment permit or cross‑boundary greenhouse gas holding lease under this section takes effect on the day on which notice of the variation is given to the permittee or lessee.

439B Extension of term of cross‑boundary greenhouse gas assessment permit or cross‑boundary greenhouse gas holding lease—suspension of conditions

Scope

(1) This section applies if, under section 439A, the Cross‑boundary Authority decides to suspend any of the conditions to which a cross‑boundary greenhouse gas assessment permit or cross‑boundary greenhouse gas holding lease is subject.

Extension of term

(2) If the Cross‑boundary Authority considers that the circumstances make it reasonable to do so, the Cross‑boundary Authority may extend the term of the permit or lease by a period that the Cross‑boundary Authority considers appropriate.

(3) In considering what period of extension may be appropriate, the Cross‑boundary Authority must have regard to:

(a) the length of the period of suspension; and

(b) such other matters (if any) as the Cross‑boundary Authority considers relevant.

(4) The extension may be:

(a) in the notice of suspension; or

(b) by a later written notice given to the permittee or lessee.

(5) Subsection (2) has effect subject to this Chapter but despite:

(a) in the case of a cross‑boundary greenhouse gas assessment permit—section 293; and

(b) in the case of a cross‑boundary greenhouse gas holding lease—section 322.

Note: See the notes at the end of sections 293 and 322.

439C Extension of term of cross‑boundary greenhouse gas assessment permit or cross‑boundary greenhouse gas holding lease pending decision on application for suspension of conditions

(1) If:

(a) a cross‑boundary greenhouse gas assessment permittee or a cross‑boundary greenhouse gas holding lessee applies for a suspension of any of the conditions to which the permit or lease is subject; and

(b) the permit or lease would, apart from this subsection, expire before the Cross‑boundary Authority makes a decision on the application;

the permit or lease continues in force until the Cross‑boundary Authority makes a decision on the application.

(2) If the Cross‑boundary Authority refuses the application, the permit or lease continues in force until the end of:

(a) the period of 2 months that began when notice of the refusal was given to the permittee or lessee; or

(b) such longer period as the Cross‑boundary Authority allows.

(3) If a cross‑boundary greenhouse gas assessment permit or a cross‑boundary greenhouse gas holding lease continues in force during a period under subsection (2), the permittee or lessee is not entitled to make an application during that period for a suspension of any of the conditions to which the permit or lease is subject.

(4) Subsections (1) and (2) have effect subject to this Chapter but despite:

(a) in the case of a cross‑boundary greenhouse gas assessment permit—section 293; and

(b) in the case of a cross‑boundary greenhouse gas holding lease—section 322.

Note: See the notes at the end of sections 293 and 322.

174 After subsection 442(7)

Insert:

(7A) Before consenting, or refusing to consent, to the surrender of:

(a) a cross‑boundary greenhouse gas assessment permit; or

(b) a cross‑boundary greenhouse gas holding lease; or

(c) a cross‑boundary greenhouse gas injection licence;

on the basis set out in subsection (7), the responsible Commonwealth Minister must consult:

(d) if a part of the permit area, lease area or licence area, as the case may be, is located in the coastal waters of a State—the responsible State Minister of the State; or

(e) if a part of the permit area, lease area or licence area, as the case may be, is located in the coastal waters of the Northern Territory—the responsible Northern Territory Minister.

175 Subparagraphs 446(e)(i) and (ii) and (f)(i) and (ii)

After “312”, insert “or 312A”.

176 At the end of section 447

Add:

(4) Before making a decision under subsection (1) to cancel:

(a) a cross‑boundary greenhouse gas assessment permit; or

(b) a cross‑boundary greenhouse gas holding lease; or

(c) a cross‑boundary greenhouse gas injection licence;

wholly or partly on the ground set out in paragraph 446(a), the responsible Commonwealth Minister must consult:

(d) if a part of the permit area, lease area or licence area, as the case may be, is located in the coastal waters of a State—the responsible State Minister of the State; or

(e) if a part of the permit area, lease area or licence area, as the case may be, is located in the coastal waters of the Northern Territory—the responsible Northern Territory Minister.

177 After section 451

Insert:

451A Notification of eligible greenhouse gas storage formation—cross‑boundary

Scope

(1) This section applies if:

(a) a greenhouse gas assessment permit is in force; and

(b) the permittee is the holder of a State/Territory greenhouse gas assessment title; and

(c) at least one block of the permit area of the greenhouse gas assessmentpermit has a side in common with at least one State/Territory block of the relevant area of the State/Territory greenhouse gas assessment title; and

(d) a part of a geological formation is wholly situated in the area that consists of the combination of the permit area of the greenhouse gas assessment permit and the relevant area of the State/Territory greenhouse gas assessment title; and

(e) the part extends to the permit area of the greenhouse gas assessment permit and the relevant area of the State/Territory greenhouse gas assessment title; and

(f) the permittee has reasonable grounds to suspect that the part could be an eligible greenhouse gas storage formation.

Notification

(2) The permittee may, by written notice, inform the responsible Commonwealth Minister about the matter.

(3) A notice under subsection (2) is not required to set out the fundamental suitability determinants of that part.

(4) Subsection (3) has effect subject to subsections (5) and (6).

(5) A notice under subsection (2) must be accompanied by a written statement that the permittee has reasonable grounds to suspect that the part is suitable for the permanent storage of a specified amount of a specified greenhouse gas substance.

(6) If the permittee has reasonable grounds to suspect that the part could be an eligible greenhouse gas storage formation because of paragraph 21(1)(b), a notice under subsection (2) of this section must be accompanied by a written statement describing the engineering enhancements referred to in that paragraph.

451B Notification of eligible greenhouse gas storage formation—consolidation of work‑bid greenhouse gas assessment permit

Scope

(1) This section applies if:

(a) 2 work‑bid greenhouse gas assessment permits (the ***existing work‑bid greenhouse gas assessment permits***) are in force; and

(b) a person is the registered holder of both existing work‑bid greenhouse gas assessment permits; and

(c) at least one block of the permit area of one of the existing work‑bid greenhouse gas assessment permits has a side in common with at least one block of the permit area of the other existing work‑bid greenhouse gas assessment permit; and

(d) a part of a geological formation is wholly situated in the area that consists of the combination of the permit area of each of the work‑bid greenhouse gas assessment permits; and

(e) the part extends to the permit area of each of the work‑bid greenhouse gas assessment permits; and

(f) the person has reasonable grounds to suspect that the part could be an eligible greenhouse gas storage formation.

Notification

(2) The person may, by written notice, inform the responsible Commonwealth Minister about the matter.

(3) A notice under subsection (2) is not required to set out the fundamental suitability determinants of that part.

(4) Subsection (3) has effect subject to subsections (5) and (6).

(5) A notice under subsection (2) must be accompanied by a written statement that the person has reasonable grounds to suspect that the part is suitable for the permanent storage of a specified amount of a specified greenhouse gas substance.

(6) If the person has reasonable grounds to suspect that the part could be an eligible greenhouse gas storage formation because of paragraph 21(1)(b), a notice under subsection (2) of this section must be accompanied by a written statement describing the engineering enhancements referred to in that paragraph.

178 At the end of section 458

Add:

(3) This Act does not prevent:

(a) a cross‑boundary greenhouse gas assessment permit; or

(b) a cross‑boundary greenhouse gas holding lease; or

(c) a cross‑boundary greenhouse gas injection licence;

from being in force over the whole or a part of an area in respect of which any of the following is in force:

(d) a State/Territory petroleum exploration title;

(e) a State/Territory petroleum retention title;

(f) a State/Territory petroleum production title.

(4) This Act does not prevent:

(a) a State/Territory petroleum exploration title; or

(b) a State/Territory petroleum retention title; or

(c) a State/Territory petroleum production title;

from being in force over a part of an area in respect of which any of the following is in force:

(d) a cross‑boundary greenhouse gas assessment permit;

(e) a cross‑boundary greenhouse gas holding lease;

(f) a cross‑boundary greenhouse gas injection licence.

179 Section 461

Omit “or the Commonwealth”, substitute “, the Commonwealth or the Cross‑boundary Authority”.

180 After section 461

Insert:

461A Certain State/Territory blocks to be blocks for the purposes of this Act

For the purposes of this Act, each State/Territory block that is included in:

(a) the permit area of a cross‑boundary greenhouse gas assessment permit; or

(b) the lease area of a cross‑boundary greenhouse gas holding lease; or

(c) the licence area of a cross‑boundary greenhouse gas injection licence;

constitutes a block.

181 Section 594 (heading)

Omit “**to do something outside the licence area**”.

182 Paragraph 594(1)(b)

Omit “in an offshore area but outside the licence area”.

183 Subparagraph 594(1)(c)(viii)

Omit “and”, substitute “or”.

184 At the end of paragraph 594(1)(c)

Add:

(ix) a State/Territory petroleum exploration title; or

(x) a State/Territory petroleum retention title; or

(xi) a State/Territory petroleum production title; and

185 Paragraphs 594(1)(d) and (e)

Repeal the paragraphs, substitute:

(d) if subparagraph (c)(i), (ii), (iii), (iv), (v), (vi), (vii) or (viii) applies—the licensee mentioned in paragraph (a) is not the registered holder of the permit, lease, licence or authority mentioned in that subparagraph; and

(e) if subparagraph (c)(i), (ii), (iii), (iv), (v), (vi), (vii) or (viii) applies—the registered holder of the permit, lease, licence or authority mentioned in that subparagraph has not given written consent to the giving of the direction; and

(f) if subparagraph (c)(ix), (x) or (xi) applies—the licensee mentioned in paragraph (a) is not the holder of the title mentioned in that subparagraph; and

(g) if subparagraph (c)(ix), (x) or (xi) applies—the holder of the title mentioned in that subparagraph has not given written consent to the giving of the direction.

186 Paragraph 594(2)(a)

Omit “paragraph (1)(c)”, substitute “subparagraph (1)(c)(i), (ii), (iii), (iv), (v), (vi), (vii) or (viii) or the holder of the title mentioned in subparagraph (1)(c)(ix), (x) or (xi), as the case requires”.

187 Paragraph 594(5)(b)

Omit “paragraph (1)(c)”, substitute “subparagraph (1)(c)(i), (ii), (iii), (iv), (v), (vi), (vii) or (viii) or the holder of the title mentioned in subparagraph (1)(c)(ix), (x) or (xi), as the case requires”.

188 Subsection 611B(2) (table item 1, column headed “is an *authorised applicant* in relation to the following civil penalty provisions in this Act (to the extent indicated) …”, after paragraph (c))

Insert:

(ca) subsection 733B(5);

189 Subsection 611J(2) (table item 1, column headed “is an authorised person in relation to the following provisions in this Act (to the extent indicated) ...”, after paragraph (h))

Insert:

(ha) subsection 733B(4);

(hb) subsection 733B(5);

190 Section 643 (at the end of the definition of *offshore greenhouse gas storage operations*, after paragraph (c))

Add:

For the purposes of the application of this definition to paragraph 646(gp), disregard subparagraph (c)(ii) of this definition.

191 After paragraph 695B(1)(b)

Insert:

(ba) 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 Cross‑boundary Authority;

(bb) to provide information, assessments, analysis, reports, advice and recommendations to the responsible State Minister, or responsible Northern Territory Minister, of a Cross‑boundary Authority, as the case may be, in relation to the performance of the functions, or the exercise of the powers, of the Cross‑boundary Authority;

192 Paragraph 695B(1)(c)

After “Joint Authority”, insert “or a Cross‑boundary Authority”.

193 Section 695S

Omit “and each member of the Joint Authority”, substitute “, each member of a Joint Authority and each member of a Cross‑boundary Authority”.

194 At the end of subsection 695W(1)

Add:

; (f) each member of a Cross‑boundary Authority.

195 Division 3 of Part 8.1 (at the end of the heading)

Add “**(general)**”.

196 At the end of Part 8.1

Add:

Division 4—Information‑gathering powers (cross‑boundary)

733B Responsible Commonwealth Minister may obtain information and documents

Scope

(1) This section applies to a person if the responsible Commonwealth Minister believes on reasonable grounds that the person has information or a document that is relevant to:

(a) the performance of a function, or the exercise of a power, conferred on the responsible Commonwealth Minister by any of the following provisions:

(i) section 292A;

(ii) section 321A;

(iii) section 376;

(iv) section 377;

(v) section 383;

(vi) section 593;

(vii) section 594; or

(b) the responsible Commonwealth Minister attaining a state of satisfaction for the purposes of a provision of section 368B.

Requirement

(2) The responsible Commonwealth Minister may, by written notice given to the person, require the person:

(a) to give to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, any such information; or

(b) to produce to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, any such documents; or

(c) to make copies of any such documents and to produce to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, those copies.

(3) A period specified under paragraph (2)(a), (b) or (c) must not be shorter than 14 days after the notice is given.

Offence

(4) A person commits an offence if:

(a) the person has been given a notice under subsection (2); and

(b) the person omits to do an act; and

(c) the omission contravenes a requirement in the notice.

Penalty: 100 penalty units.

Civil penalty

(5) A person is liable to a civil penalty if the person contravenes a requirement in a notice under subsection (2).

Civil penalty: 150 penalty units.

Notice to set out the effect of offence and civil penalty provisions

(6) A notice under subsection (2) must set out the effect of the following provisions:

(a) subsection (4);

(b) subsection (5);

(c) section 733G;

(d) section 733H.

Note 1: Section 733G is about giving false or misleading information.

Note 2: Section 733H is about producing false or misleading documents.

733C Copying documents—reasonable compensation

A person is entitled to be paid reasonable compensation for complying with a requirement covered by paragraph 733B(2)(c).

733D Self‑incrimination

(1) A person is not excused from giving information or producing a document under section 733B on the ground that the giving of the information or the production of the document might tend to incriminate the person or expose the person to a penalty.

(2) However, in the case of an individual:

(a) the information given or the document produced; or

(b) giving the information or producing the document; or

(c) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing the document;

is not admissible in evidence against the individual:

(d) in civil proceedings (other than proceedings for a contravention of subsection 733B(5)); or

(e) in criminal proceedings other than:

(i) proceedings for an offence against subsection 733B(4) or section 733G or 733H; or

(ii) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Division.

733E Copies of documents

The responsible Commonwealth Minister may inspect a document produced under this Division and may make and retain copies of, or take and retain extracts from, such a document.

733F Responsible Commonwealth Minister may retain documents

(1) The responsible Commonwealth Minister may take possession of a document produced under this Division, and retain it for as long as is reasonably necessary.

(2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the responsible Commonwealth Minister to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the responsible Commonwealth Minister must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

733G False or misleading information

A person commits an offence if:

(a) the responsible Commonwealth Minister requires the person to give information under subsection 733B(2); and

(b) the person gives information; and

(c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: 100 penalty units.

733H False or misleading documents

A person commits an offence if:

(a) the person has been given a notice under subsection 733B(2); and

(b) the person produces a document to the responsible Commonwealth Minister; and

(c) the person does so knowing that the document is false or misleading in a material particular; and

(d) the document is produced in compliance or purported compliance with the notice.

Penalty: 100 penalty units.

733J Crown to be bound

(1) This Division binds the Crown in each of its capacities.

(2) This Division does not make the Crown liable to a pecuniary penalty or to be prosecuted for an offence.

(3) The protection in subsection (2) does not apply to an authority of the Crown.

197 Section 736 (paragraph (a) of the definition of *applicable document*)

After “made to”, insert “the Titles Administrator or”.

198 After paragraph 749(2)(b)

Insert:

(ba) whether there is a significant risk that a key greenhouse gas operation in an offshore area will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under:

(i) an existing petroleum exploration permit; or

(ii) an existing petroleum retention lease; or

(iii) an existing petroleum production licence; or

(iv) a future petroleum exploration permit; or

(v) a future petroleum retention lease; or

(vi) a future petroleum production licence; or

(vii) an existing State/Territory petroleum exploration title; or

(viii) an existing State/Territory petroleum retention title; or

(ix) an existing State/Territory petroleum production title; or

(x) a future State/Territory petroleum exploration title; or

(xi) a future State/Territory petroleum retention title; or

(xii) a future State/Territory petroleum production title; or

199 After paragraph 749(2)(c)

Insert:

(ca) whether there is a significant risk that any of the operations that could be carried on under a greenhouse gas injection licence will have a significant adverse impact on operations that are being, or could be, carried on under:

(i) an existing petroleum exploration permit; or

(ii) an existing petroleum retention lease; or

(iii) an existing petroleum production licence; or

(iv) a future petroleum exploration permit; or

(v) a future petroleum retention lease; or

(vi) a future petroleum production licence; or

(vii) an existing State/Territory petroleum exploration title; or

(viii) an existing State/Territory petroleum retention title; or

(ix) an existing State/Territory petroleum production title; or

(x) a future State/Territory petroleum exploration title; or

(xi) a future State/Territory petroleum retention title; or

(xii) a future State/Territory petroleum production title; or

200 Subparagraphs 749(2)(f)(iii) and (iv)

After “312”, insert “or 312A”.

201 Subparagraph 749(2)(f)(vii)

After “374”, insert “or 374A”.

202 At the end of subsection 749(2)

Add:

Note: See also sections 295B, 323B and 360A (extended meaning of ***offshore area***).

203 Division 1 of Part 9.3 (at the end of the heading)

Add “**of the responsible Commonwealth Minister**”.

204 Paragraph 759(1)(d)

After “292(1)”, insert “or 292A(1)”.

205 Paragraph 759(1)(e)

After “321(1)”, insert “or 321A(1)”.

206 Division 2 of Part 9.3 (heading)

After “**information**”, insert “**given to the responsible Commonwealth Minister under section 759**”.

207 At the end of Part 9.3

Add:

Division 3—Protection of certain information given to the responsible Commonwealth Minister under section 733B etc.

767A Protection of information

Scope

(1) This section applies if:

(a) either:

(i) information was given by a person to the responsible Commonwealth Minister under section 733B; or

(ii) a document containing information was produced by a person to the responsible Commonwealth Minister under section 733B; and

(b) the information relates to:

(i) the existence or non‑existence of a designated agreement; or

(ii) the terms of a designated agreement; and

(c) the person claims that the information is commercial‑in‑confidence information.

Protection of information

(2) The responsible Commonwealth Minister, or a delegate of the responsible Commonwealth Minister, must not disclose the information to another person except:

(a) for the purposes of this Act or the regulations; or

(b) if the disclosure is to a member of an expert advisory committee for a purpose relating to the function of the committee; or

(c) the disclosure is required by:

(i) this Act or any other law of the Commonwealth; or

(ii) a prescribed law of a State or Territory.

767B Disclosure of information to titleholder etc.

Scope

(1) This section applies if:

(a) either:

(i) information was given by a person to the responsible Commonwealth Minister under section 733B; or

(ii) a document containing information was produced by a person to the responsible Commonwealth Minister under section 733B; and

(b) the information relates to:

(i) the existence or non‑existence of a designated agreement; or

(ii) the terms of a designated agreement; and

(c) the person has not claimed that the information is commercial‑in‑confidence information.

Disclosure

(2) The responsible Commonwealth Minister may disclose the information to another person for the purposes of:

(a) the consideration by the other person of whether to enter into a designated agreement; or

(b) the consideration by the other person of the terms of the designated agreement.

208 After paragraph 768(1)(c)

Insert:

(ca) the Cross‑boundary Authority;

(cb) a member of the Cross‑boundary Authority;

209 Paragraph 768(1)(j)

After “the Joint Authority”, insert “, the Cross‑boundary Authority”.

210 Subsection 775A(1)

After “the Joint Authority,”, insert “the Cross‑boundary Authority,”.

211 After paragraph 775A(2)(h)

Insert:

(ha) subsection 775CA(2); or

(hb) subsection 775CA(6); or

212 Section 775C (at the end of the heading)

Add “**(other than a cross‑boundary greenhouse gas title)**”.

213 Subsection 775C(1)

After “title”, insert “(other than a cross‑boundary greenhouse gas assessment permit, a cross‑boundary greenhouse gas holding lease or a cross‑boundary greenhouse gas injection licence)”.

214 At the end of Division 1 of Part 9.6A

Add:

775CA Eligible voluntary action by multiple holders of a cross‑boundary greenhouse gas title

Scope

(1) This section applies if there are 2 or more registered holders of a cross‑boundary greenhouse gas title.

Nomination

(2) Those registered holders may, by joint written notice given to the Titles Administrator, nominate one of them as being the person who is authorised to take eligible voluntary actions on behalf of the registered holders.

Note: For ***eligible voluntary action***, see section 775A.

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

Eligible voluntary action to be taken by nominee

(4) If:

(a) the registered holders of a cross‑boundary greenhouse gas title have nominated a person under subsection (2); and

(b) the nomination is in force; and

(c) the nominated person takes an eligible voluntary action; and

(d) the eligible voluntary action is expressed to be taken on behalf of the registered holders;

this Act has effect as if the eligible voluntary action were taken by the registered holders jointly.

(5) The registered holders are not entitled to take an eligible voluntary action except:

(a) in accordance with subsection (4); or

(b) by taking the action jointly.

Revocation of nomination

(6) If:

(a) a person has been nominated under subsection (2) in relation to a cross‑boundary greenhouse gas title; and

(b) one of the registered holders of the cross‑boundary greenhouse gas title, by written notice given to the Titles Administrator, revokes the nomination;

the nomination ceases to be in force.

(7) If a registered holder of a cross‑boundary greenhouse gas title revokes a nomination under subsection (6), that registered holder must give written notice of the revocation to each of the other registered holders as soon as practicable after the revocation.

Cessation of nomination—nominee ceases to be a registered holder

(8) If:

(a) a person has been nominated under subsection (2) in relation to a cross‑boundary greenhouse gas title; and

(b) the nominated person ceases to be one of the registered holders of the cross‑boundary greenhouse gas title;

the nomination ceases to be in force.

Effect of cessation in force of nomination

(9) If the nomination of a registered holder of a cross‑boundary greenhouse gas title ceases to be in force under subsection (6) or (8), the cessation in force of the nomination does not affect the validity of an eligible voluntary action taken by the registered holder (or former registered holder) before the nomination ceases to be in force.

Definition

(10) In this section:

***cross‑boundary greenhouse gas title*** means:

(a) a cross‑boundary greenhouse gas assessment permit; or

(b) a cross‑boundary greenhouse gas holding lease; or

(c) a cross‑boundary greenhouse gas injection licence.

215 Subsection 785(1)

After “291,”, insert “291A,”.

216 Subsection 785(1)

After “320,”, insert “320A,”.

217 Subsection 785(1)

After “358,”, insert “358A,”.

Part 2—Application and transitional provisions

218 Application—approvals by responsible Commonwealth Minister

(1) The amendment made by item 1 of this Schedule, so far as it concerns an application covered by section 426 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, applies in relation to an application made after the commencement of this item.

(2) The amendment made by item 1 of this Schedule, so far as it concerns a variation made under section 312, 324, 330, 336, 343, 361, 369 or 387 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, applies in relation to a variation made after the commencement of this item.

219 Transitional—approvals by Titles Administrator

If an instrument of approval made by the Titles Administrator under the definition of ***approved*** in section 7 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* was in force immediately before the commencement of this item, the amendment made by item 1 of this Schedule does not affect the continuity of the instrument.

220 Application—section 377 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

(1) The amendments of section 377 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule, so far as they concern the requirements set out in subsections 377(2), (3) and (4) of that Act, apply in relation to a direction proposed to be given after the commencement of this item, unless a notice relating to the proposed direction was given under subsection 377(2) of that Act before the commencement of this item.

(2) The amendments of section 377 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule, so far as they concern the requirement set out in subsection 377(5) of that Act, apply in relation to a direction given after the commencement of this item.

221 Application—section 594 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

(1) The amendments of section 594 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule so far as they concern the requirements set out in subsections 594(2), (3) and (4) of that Act, apply in relation to a direction proposed to be given after the commencement of this item, unless a notice relating to the proposed direction was given under subsection 594(2) of that Act before the commencement of this item.

(2) The amendments of section 594 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule, so far as they concern the requirement set out in subsection 594(5) of that Act, apply in relation to a direction given after the commencement of this item.

Part 3—Amendments contingent on the commencement of Schedule 2 to the Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019

Offshore Petroleum and Greenhouse Gas Storage Act 2006

222 Section 7 (definition of *State/Territory greenhouse gas assessment title*)

Omit “the Principal Northern Territory offshore area”, substitute “the offshore area of the Northern Territory”.

223 Section 76

Omit “the Principal Northern Territory offshore area” (wherever occurring), substitute “the offshore area of the Northern Territory”.

224 Paragraph 76A(1)(b)

Omit “the Principal Northern Territory offshore area”, substitute “the offshore area of the Northern Territory”.

225 Subsection 76A(4)

Omit “the Principal Northern Territory offshore area”, substitute “the offshore area of the Northern Territory”.

226 Subsection 76A(7)

Omit “the Principal Northern Territory offshore area” (wherever occurring), substitute “the offshore area of the Northern Territory”.

227 Subsection 76B(2)

Omit “the Principal Northern Territory offshore area”, substitute “the offshore area of the Northern Territory”.

228 Subsection 295B(2) (heading)

Repeal the heading, substitute:

Offshore area of the Northern Territory

229 Subsection 295B(2)

Omit “the Principal Northern Territory offshore area” (wherever occurring), substitute “the offshore area of the Northern Territory”.

230 Subsection 323B(2) (heading)

Repeal the heading, substitute:

Offshore area of the Northern Territory

231 Subsection 323B(2)

Omit “the Principal Northern Territory offshore area” (wherever occurring), substitute “the offshore area of the Northern Territory”.

232 Subsection 360A(2) (heading)

Repeal the heading, substitute:

Offshore area of the Northern Territory

233 Subsection 360A(2)

Omit “the Principal Northern Territory offshore area” (wherever occurring), substitute “the offshore area of the Northern Territory”.

Schedule 2—Application of greenhouse gas provisions to bodies politic

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 At the end of Part 3.1

Add:

287A Application of this Chapter (and associated provisions) to bodies politic

(1) The following provisions:

(a) this Chapter and regulations made for the purposes of this Chapter;

(b) the remaining provisions of this Act and the regulations, so far as they relate to:

(i) this Chapter; or

(ii) exploring for a potential greenhouse gas storage formation; or

(iii) exploring for a potential greenhouse gas injection site; or

(iv) the injection of a greenhouse gas substance; or

(v) the storage of a greenhouse gas substance;

apply, and are taken always to have applied, to the following bodies politic:

(c) a State;

(d) the Northern Territory.

(2) Subsection (1) has effect in addition to section 35.

(3) This Act does not make:

(a) a State; or

(b) the Northern Territory;

liable to a pecuniary penalty or to be prosecuted for an offence.

(4) The protection in subsection (3) does not apply to an authority of:

(a) a State; or

(b) the Northern Territory.

Schedule 3—Technical amendments

Part 1—Amendments

Division 1—General amendments

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Section 7 (definition of *boundary‑change petroleum exploration permit*)

Repeal the definition, substitute:

***boundary‑change petroleum exploration permit*** means:

(a) a petroleum exploration permit granted under Division 4A of Part 2.2; or

(b) a petroleum exploration permit granted under Division 5 of Part 2.2 by way of the renewal of a permit referred to in paragraph (a).

2 Section 7 (definition of *cash‑bid greenhouse gas assessment permit*)

Repeal the definition, substitute:

***cash‑bid greenhouse gas assessment permit*** means:

(a) a greenhouse gas assessment permit granted under Division 3 of Part 3.2; or

(b) a greenhouse gas assessment permit granted under Division 4 of Part 3.2 by way of the renewal of a permit referred to in paragraph (a).

3 Subsection 242(1) (at the end of the table)

Add:

|  |  |  |  |
| --- | --- | --- | --- |
| 4 | an applicant for a petroleum special prospecting authority relating to a particular offshore area | the Titles Administrator | carry on petroleum exploration operations in an area that is:  (a) part of that offshore area but outside the authority area of the proposed petroleum special prospecting authority; or  (b) part of an adjoining offshore area. |

4 Section 243

Before “If”, insert “(1)”.

5 Paragraph 243(a)

Omit “section 242”, substitute “item 1, 2 or 3 of the table in subsection 242(1)”.

6 At the end of section 243

Add:

(2) If:

(a) an application for a petroleum access authority has been made under item 4 of the table in subsection 242(1); and

(b) the Titles Administrator is satisfied that, assuming the petroleum special prospecting authority mentioned in that item were to be granted to the applicant, it would be necessary or desirable to grant the petroleum access authority for:

(i) the more effective exercise of the applicant’s rights; or

(ii) the proper performance of the applicant’s duties;

in the applicant’s capacity as the registered holder of the petroleum special prospecting authority;

the Titles Administrator may:

(c) grant the applicant a petroleum access authority; or

(d) by written notice given to the applicant, refuse to grant a petroleum access authority to the applicant.

Note: Consultation procedures apply—see section 244.

7 Paragraph 267A(7)(b)

Omit “permit”, substitute “lease”.

8 Paragraph 586A(2)(a)

Omit “those operations”, substitute “the operations authorised by the permit, lease or licence”.

9 Paragraph 587A(2)(a)

Omit “those operations”, substitute “the operations authorised by the permit, lease, licence or authority”.

10 Section 735

Omit “petroleum mining samples”, substitute “eligible samples”.

11 Clause 2 of Schedule 3

Omit:

• An OHS inspector may conduct an inspection:

(a) to ascertain whether a listed OHS law is being complied with; or

(c) concerning an accident or dangerous occurrence that has happened at or near a facility.

substitute:

• A NOPSEMA inspector may conduct an inspection:

(a) to ascertain whether a listed OHS law is being complied with; or

(b) concerning an accident or dangerous occurrence that has happened at or near a facility.

12 Subparagraph 27(b)(ii) of Schedule 3

Omit “OHS inspectors”, substitute “NOPSEMA inspectors”.

13 Subparagraph 34(1)(c)(i) of Schedule 3

Omit “an OHS inspector”, substitute “a NOPSEMA inspector”.

14 Paragraph 35(4)(a) of Schedule 3

Omit “an OHS inspector”, substitute “a NOPSEMA inspector”.

15 Paragraph 39(3)(b) of Schedule 3

Omit “the OHS inspector”, substitute “the NOPSEMA inspector”.

16 Subclause 39(4) of Schedule 3

Omit “the OHS inspector”, substitute “the NOPSEMA inspector”.

17 Paragraph 39(6)(a) of Schedule 3

Omit “an OHS inspector”, substitute “a NOPSEMA inspector”.

18 Subclause 39(8) of Schedule 3

Omit “the OHS inspector” (wherever occurring), substitute “the NOPSEMA inspector”.

19 Subparagraph 45(1)(b)(ii) of Schedule 3

Omit “an OHS inspector”, substitute “a NOPSEMA inspector”.

20 Subclause 89(1) of Schedule 3

Omit “an OHS inspector”, substitute “a NOPSEMA inspector”.

Division 2—Work‑bid greenhouse gas assessment permits

Offshore Petroleum and Greenhouse Gas Storage Act 2006

21 Section 7 (definition of *work‑bid greenhouse gas assessment permit*)

Repeal the definition, substitute:

***work‑bid greenhouse gas assessment permit*** means:

(a) a greenhouse gas assessment permit granted under Division 2 of Part 3.2; or

(b) a greenhouse gas assessment permit granted under Division 4 of Part 3.2 by way of the renewal of a permit referred to in paragraph (a).

Part 2—Validation

22 Validation—NOPSEMA inspectors

Scope

(1) This item applies to a thing purportedly done by, or in relation to, a NOPSEMA inspector under, or for the purposes of, a provision of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* before the commencement of this item, to the extent that the thing purportedly done would, apart from this item, be invalid because the provision referred to an OHS inspector or OHS inspectors.

Validation

(2) The thing purportedly done is as valid and effective, and is taken to always have been as valid and effective, as it would have been if the amendments of that Schedule made by Part 1 of this Schedule had been in force when the thing was done.

Schedule 4—Oil pollution etc.

Part 1—General amendments

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Section 7

Insert:

***designated external Territory*** means:

(a) Norfolk Island; or

(b) the Territory of Christmas Island; or

(c) the Territory of Cocos (Keeling) Islands; or

(d) the Territory of Heard Island and McDonald Islands.

***designated public official*** has the meaning given by section 33A.

2 After section 33

Insert:

33A Designated public official

States

(1) For the purposes of this Act, if:

(a) a Department of a State is specified in a written notice given to NOPSEMA by the responsible State Minister of the State for the purposes of this subsection; and

(b) a person holds or performs the duties of the position of head (however described) of the Department;

the person is the ***designated public official*** of the State.

(2) For the purposes of this Act, if:

(a) no notice is in force under paragraph (1)(a) in relation to a State; and

(b) a Department of the State is administered by the responsible State Minister of the State; and

(c) a person holds or performs the duties of the position of head (however described) of the Department;

the person is the ***designated public official*** of the State.

Northern Territory

(3) For the purposes of this Act, if:

(a) a Department of the Northern Territory is specified in a written notice given to NOPSEMA by the responsible Northern Territory Minister for the purposes of this subsection; and

(b) a person holds or performs the duties of the position of head (however described) of the Department;

the person is the ***designated public official*** of the Northern Territory.

(4) For the purposes of this Act, if:

(a) no notice is in force under paragraph (3)(a); and

(b) a Department of the Northern Territory is administered by the responsible Northern Territory Minister; and

(c) a person holds or performs the duties of the position of head (however described) of the Department;

the person is the ***designated public official*** of the Northern Territory.

External Territories

(5) For the purposes of this Act, the Secretary of the Department administered by the Minister who administers the *Norfolk Island Act 1979* is the ***designated public official*** of Norfolk Island.

Note: For acting appointments, see section 33 of the *Acts Interpretation Act 1901*.

(6) For the purposes of this Act, the Secretary of the Department administered by the Minister who administers the *Christmas Island Act 1958* is the ***designated public official*** of the Territory of Christmas Island.

Note: For acting appointments, see section 33 of the *Acts Interpretation Act 1901*.

(7) For the purposes of this Act, the Secretary of the Department administered by the Minister who administers the *Cocos (Keeling) Islands Act 1955* is the ***designated public official*** of the Territory of Cocos (Keeling) Islands.

Note: For acting appointments, see section 33 of the *Acts Interpretation Act 1901*.

(8) For the purposes of this Act, the Secretary of the Department administered by the Minister who administers the *Heard Island and McDonald Islands Act 1953* is the ***designated public official*** of the Territory of Heard Island and McDonald Islands.

Note: For acting appointments, see section 33 of the *Acts Interpretation Act 1901*.

Other matters

(9) NOPSEMA must publish on NOPSEMA’s website a copy of a notice under paragraph (1)(a) or (3)(a).

(10) A notice under paragraph (1)(a) or (3)(a) is not a legislative instrument.

3 Section 572A

After:

If there is an escape of petroleum in relation to a petroleum activity, the titleholder is required to do the following in any offshore area:

(a) eliminate or control the escape;

(b) clean up the escaped petroleum and remediate any resulting damage to the environment;

(c) carry out environmental monitoring of the impact of the escape on the environment.

insert:

If any of the escaped petroleum has migrated to land or waters of a State, the Northern Territory or a designated external Territory, the titleholder is required to do the following on that land or in those waters:

(a) clean up the escaped petroleum and remediate any resulting damage to the environment;

(b) carry out environmental monitoring of the impact of the escape on the environment.

4 After section 572A

Insert:

572AA Land or waters of a State or the Northern Territory

For the purposes of this Part, ***land or waters of a State or the Northern Territory*** means:

(a) land or waters within the limits of the State or the Northern Territory, as the case may be; or

(b) the coastal waters of the State or the Northern Territory, as the case may be.

572AB Land or waters of a designated external Territory

For the purposes of this Part, ***land or waters of a designated external Territory*** means land or waters within the limits of the designated external Territory.

5 Subsection 572C(2)

Repeal the subsection, substitute:

Titleholder’s duty

(2) The registered holder of the title must:

(a) in an offshore area, in accordance with the environment plan for the petroleum activity:

(i) as soon as possible after becoming aware of the escape of petroleum, take all reasonably practicable steps to eliminate or control it; and

(ii) clean up the escaped petroleum and remediate any resulting damage to the environment; and

(iii) carry out environmental monitoring of the impact of the escape on the environment; and

(b) if any of the escaped petroleum has migrated to land or waters of a State or the Northern Territory—on that land or in those waters, as the case may be, in accordance with the environment plan for the petroleum activity:

(i) clean up the escaped petroleum and remediate any resulting damage to the environment; and

(ii) carry out environmental monitoring of the impact of the escape on the environment; and

(c) if any of the escaped petroleum has migrated to land or waters of a designated external Territory—on that land or in those waters, as the case may be, in accordance with the environment plan for the petroleum activity:

(i) clean up the escaped petroleum and remediate any resulting damage to the environment; and

(ii) carry out environmental monitoring of the impact of the escape on the environment.

6 After subsection 572D(2)

Insert:

(2A) Before doing anything under subsection (2) on or in land or waters of a State or the Northern Territory, NOPSEMA must consult the designated public official of the State or the Northern Territory, as the case may be.

(2B) Before doing anything under subsection (2) on or in land or waters of a designated external Territory, NOPSEMA must consult the designated public official of the designated external Territory.

7 After subsection 572E(2)

Insert:

(2A) Before doing anything under subsection (2) on or in land or waters of a State or the Northern Territory, the responsible Commonwealth Minister must consult the designated public official of the State or the Northern Territory, as the case may be.

(2B) Before doing anything under subsection (2) on or in land or waters of a designated external Territory, the responsible Commonwealth Minister must consult the designated public official of the designated external Territory.

8 Paragraph 572F(1)(b)

Omit “(the ***relevant jurisdiction***)”.

9 Paragraph 572F(1)(b)

Omit “acting on behalf of the relevant jurisdiction”, substitute “acting on behalf of the State or the Northern Territory, as the case may be,”.

10 Paragraph 572F(1)(b)

Omit “land or waters of the relevant jurisdiction”, substitute “land or waters of the State or the Northern Territory, as the case may be”.

11 Paragraph 572F(2)(a)

Omit “relevant jurisdiction (or to the agency or authority acting on behalf of that jurisdiction)”, substitute “State or the Northern Territory, as the case may be (or to the agency or authority acting on behalf of the State or the Northern Territory, as the case may be)”.

12 Subsection 572F(3)

Omit “relevant jurisdiction, an agency or authority acting on behalf of that jurisdiction”, substitute “State or the Northern Territory, as the case may be, an agency or authority acting on behalf of the State or the Northern Territory, as the case may be,”.

13 Subsection 572F(4)

Repeal the subsection.

14 At the end of Part 6.1A

Add:

572G Concurrent operation of State and Territory laws

This Part is not intended to exclude or limit the operation of a law of a State or Territory that is capable of operating concurrently with this Part.

572H Constitutional basis of this Part

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

572J Additional operation of this Part

(1) In addition to section 572H, this Part also has effect as provided by this section.

Corporations

(2) This Part also has the effect it would have if a reference to an escape of petroleum were expressly confined to an escape of petroleum occurring as a result of, or in connection with, a petroleum activity in relation to a title the registered holder of which is a constitutional corporation.

Territories

(3) This Part also has the effect it would have if a reference to an escape of petroleum were expressly confined to an escape of petroleum to the extent to which the escaped petroleum has migrated to land or waters within the limits of a Territory.

15 Subsection 576A(4)

Repeal the subsection.

16 At the end of subsection 576B(1)

Add:

Note 1: See also section 576C, which provides for matters related to directions made under this section.

Note 2: Breach of a direction under this section may attract a criminal or civil penalty: see section 576D.

17 Subsection 576B(5)

Omit “The direction”, substitute “If there is no declared oil pollution emergency that relates to the title, the direction”.

18 Subsection 576B(6)

Repeal the subsection, substitute:

(6) If there is a declared oil pollution emergency that relates to the title:

(a) the direction may require the registered holder of the title to take an action (or not to take an action) mentioned in subsection (2) or (3) (or both) anywhere in an offshore area, whether within or outside the title area; and

(b) the direction may require the registered holder of the title to take an action (or not to take an action) mentioned in subsection (2) or (3) (or both) anywhere on or in land or waters of a State or the Northern Territory, so long as NOPSEMA consultedthe designated public official of the State or the Northern Territory, as the case may be, about the requirement before giving the direction; and

(c) the direction may require the registered holder of the title to take an action (or not to take an action) mentioned in subsection (2) or (3) (or both) anywhere on or in land or waters of a designated external Territory, so long as NOPSEMA consultedthe designated public official of the designated external Territory about the requirement before giving the direction.

(6A) If the direction requires the registered holder of the title (the ***first registered holder***) to take an action in, or in relation to, the title area of a title held by another registered holder, NOPSEMA must:

(a) give a copy of the direction to the other registered holder; and

(b) do so as soon as practicable after the direction is given to the first registered holder.

(6B) If the direction requires the registered holder of the title to take an action in, or in relation to, the area of:

(a) a State/Territory petroleum exploration title held by another person; or

(b) a State/Territory petroleum production title held by another person; or

(c) a State/Territory petroleum retention title held by another person; or

(d) a State/Territory petroleum infrastructure title held by another person; or

(e) a State/Territory petroleum pipeline title held by another person;

NOPSEMA must:

(f) give a copy of the direction to the other person; and

(g) do so as soon as practicable after the direction is given to the registered holder.

19 At the end of section 576B

Add:

When a declared oil pollution emergency relates to a title

(8) For the purposes of this section, a declared oil pollution emergency relates to a title if it is attributable to one or more petroleum activities of the registered holder of the title.

Definitions

(9) In this section:

***area*** of a State/Territory petroleum pipeline title means the part of the relevant waters of a State or the Northern Territory in which the relevant pipeline is constructed.

***declared oil pollution emergency*** has the same meaning as in Schedule 2A.

***land or waters of a State or the Northern Territory*** means:

(a) land or waters within the limits of the State or the Northern Territory, as the case may be; or

(b) the coastal waters of the State or the Northern Territory, as the case may be.

***petroleum activity*** has the same meaning as in Schedule 2A.

***relevant waters of a State or the Northern Territory*** means:

(a) waters within the limits of the State or the Northern Territory, as the case may be; or

(b) the coastal waters of the State or the Northern Territory, as the case may be.

***State/Territory petroleum infrastructure title*** means an instrument under a law of a State or the Northern Territory that confers, in relation to the coastal waters of the State or Territory, rights that correspond to the rights that an infrastructure licence confers in relation to the offshore area of the State or the Principal Northern Territory offshore area, as the case requires.

***State/Territory petroleum pipeline title*** means an instrument under a law of a State or the Northern Territory that confers, in relation to the coastal waters of the State or Territory, rights that correspond to the rights that a pipeline licence confers in relation to the offshore area of the State or the Principal Northern Territory offshore area, as the case requires.

20 After subsection 576C(2)

Insert:

(2A) If the oil pollution emergency provisions of an environment plan are inconsistent with a direction under section 576B, the environment plan has no effect to the extent of the inconsistency.

21 At the end of section 576C

Add:

Definitions

(9) In this section:

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

***oil pollution emergency provisions*** of an environment plan has the same meaning as in Schedule 2A.

22 At the end of Division 2A of Part 6.2

Add:

576E Concurrent operation of State and Territory laws

This Division is not intended to exclude or limit the operation of a law of a State or Territory that is capable of operating concurrently with this Division.

576F Constitutional basis of this Division

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

576G Additional operation of this Division

(1) In addition to section 576F, this Division also has effect as provided by this section.

Corporations

(2) This Division also has the effect it would have if a reference to a significant offshore petroleum incident were expressly confined to a significant offshore petroleum incident that has occurred in a title area, where the registered holder of the title is a constitutional corporation.

Territories

(3) This Division also has the effect it would have if a reference to a significant offshore petroleum incident were expressly confined to a significant offshore petroleum incident that has caused, or that might cause, an escape of petroleum, where the escaped petroleum migrates, or is likely to migrate, to land or waters within the limits of a Territory.

23 At the end of Part 9.11

Add:

790B Environment

(1) In determining whether a matter or thing is or was covered by the definition of ***environment*** in the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulation**s 2009*, it is immaterial, and is taken always to have been immaterial, whether the matter or thing is or was:

(a) in an offshore area; or

(b) in the coastal waters of a State or the Northern Territory; or

(c) on land, or in waters, within the limits of a State or Territory.

(2) Subsection (1) is enacted for the avoidance of doubt.

790C Constitutional basis of Environment Regulations

The *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (read together with section 790B) rely, and are taken always to have relied, on the Commonwealth’s legislative powers under paragraphs 51(xxix) (external affairs) and (xxxix) (incidental matters) of the Constitution.

790D Additional operation of Environment Regulations

(1) In addition to section 790C, the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (read together with section 790B) also have, and are taken always to have also had, effect as provided by this section.

Corporations

(2) The *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (read together with section 790B) also have, and are taken always to have also had, the effect they would have if:

(a) a reference to a petroleum activity were expressly confined to a petroleum activity undertaken by a constitutional corporation; and

(b) a reference to a greenhouse gas activity were expressly confined to a greenhouse gas activity undertaken by a constitutional corporation.

Territories

(3) The *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (read together with section 790B) also have, and are taken always to have also had, the effect they would have if:

(a) a reference to a petroleum activity were expressly confined to a petroleum activity that has resulted, or could result, in an escape of petroleum, where the escaped petroleum migrates, or is likely to migrate, to land or waters within the limits of a Territory; and

(b) a reference to a greenhouse gas activity were expressly confined to a greenhouse gas activity that has resulted, or could result, in an impact on, or risk to, a matter or thing on land, or in waters, within the limits of a Territory.

24 At the end of clause 1 of Schedule 2A

Add:

• During a declared oil pollution emergency, NOPSEMA inspectors may conduct an inspection (called an ***oil pollution environmental inspection***) to determine either or both of the following:

(a) whether the oil pollution emergency provisions of a declared environment plan have been, or are being, complied with;

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

25 Clause 2 of Schedule 2A

Insert:

***CEO*** means the Chief Executive Officer of NOPSEMA.

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

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

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

26 Clause 2 of Schedule 2A (after paragraph (a) of the definition of *environmental management law*)

Insert:

(aa) the provisions of this Act, to the extent to which the provisions relate to, or empower NOPSEMA to take action in relation to, the oil pollution emergency provisions of an environment plan; or

(ab) the provisions of an environment plan that relate to preparation for an emergency that may result in oil pollution; or

27 Clause 2 of Schedule 2A

Insert:

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

***oil pollution emergency provisions*** of an environment plan means:

(a) any provisions of an oil pollution emergency plan contained in the environment plan; or

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

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

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

(a) exercising a right conferred on a petroleum titleholder by or under this Act by a petroleum title; or

(b) discharging an obligation imposed on a petroleum titleholder by or under this Act.

***petroleum titleholder*** means the registered holder of a petroleum title.

***significant incident direction*** means a direction under section 576B.

28 At the end of Part 1 of Schedule 2A

Add:

2A Declared oil pollution emergency

Declaration

(1) If the CEO is satisfied that:

(a) there is an emergency that has resulted in, or may result in, oil pollution; and

(b) the emergency is attributable to one or more petroleum activities of a petroleum titleholder; and

(c) either:

(i) there is a single environment plan that is, or may be, relevant to the emergency; or

(ii) there are 2 or more environment plans that are, or may be, relevant to the emergency;

the CEO may, by writing, declare:

(d) that there is a ***declared oil pollution emergency*** for the purposes of this Schedule; and

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

(f) if subparagraph (c)(ii) applies—that each of those environment plans is a ***declared environment plan*** for the purposes of this Schedule.

(2) NOPSEMA must:

(a) publish a copy of a declaration under subclause (1) on NOPSEMA’s website; and

(b) do so as soon as practicable after the declaration is made.

(3) NOPSEMA must:

(a) give a copy of a declaration under subclause (1) to the Secretary; and

(b) do so as soon as practicable after the declaration is made.

(4) If a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities carried on in the offshore area of a State, NOPSEMA must:

(a) give a copy of the declaration to the designated public official of the State; and

(b) do so as soon as practicable after the declaration is made.

(5) If a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities carried on in the Principal Northern Territory offshore area, NOPSEMA must:

(a) give a copy of the declaration to the designated public official of the Northern Territory; and

(b) do so as soon as practicable after the declaration is made.

(6) If a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities carried on in the offshore area of a designated external Territory, NOPSEMA must:

(a) give a copy of the declaration to the designated public official of the designated external Territory; and

(b) do so as soon as practicable after the declaration is made.

(7) If a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities of a petroleum titleholder, NOPSEMA must:

(a) give a copy of the declaration to the petroleum titleholder; and

(b) do so as soon as practicable after the declaration is made.

Revocation of declaration

(8) If:

(a) a declaration under subclause (1) is in force in relation to an emergency; and

(b) the CEO is satisfied that the emergency no longer exists;

the CEO must, by writing, revoke the declaration.

(9) If a declaration is revoked under subclause (8), NOPSEMA must:

(a) publish a copy of the instrument of revocation on NOPSEMA’s website; and

(b) do so as soon as practicable after the instrument of revocation is made.

(10) If a declaration is revoked under subclause (8), NOPSEMA must:

(a) give a copy of the instrument of revocation to the Secretary; and

(b) do so as soon as practicable after the instrument of revocation is made.

(11) If:

(a) a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities carried on in the offshore area of a State; and

(b) the declaration is revoked under subclause (8);

NOPSEMA must:

(c) give a copy of the instrument of revocation to the designated public official of the State; and

(d) do so as soon as practicable after the instrument of revocation is made.

(12) If:

(a) a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities carried on in the Principal Northern Territory offshore area; and

(b) the declaration is revoked under subclause (8);

NOPSEMA must:

(c) give a copy of the instrument of revocation to the designated public official of the Northern Territory; and

(d) do so as soon as practicable after the instrument of revocation is made.

(13) If:

(a) a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities carried on in the offshore area of a designated external Territory; and

(b) the declaration is revoked under subclause (8);

NOPSEMA must:

(c) give a copy of the instrument of revocation to the designated public official of the designated external Territory; and

(d) do so as soon as practicable after the instrument of revocation is made.

(14) If:

(a) a declaration under subclause (1) relates to an emergency that is attributable to one or more petroleum activities of a petroleum titleholder; and

(b) the declaration is revoked under subclause (8);

NOPSEMA must:

(c) give a copy of the instrument of revocation to the petroleum titleholder; and

(d) do so as soon as practicable after the instrument of revocation is made.

Other matters

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

(16) For the purposes of paragraph (1)(a), it is immaterial whether the oil pollution is:

(a) in an offshore area; or

(b) within the coastal waters of a State or the Northern Territory; or

(c) on land, or in waters, within the limits of a State or Territory.

2B Emergency response premises

Premises other than an aircraft or a vessel

(1) For the purposes of this Schedule, premises (other than an aircraft or a vessel) are ***emergency response premises*** if the premises:

(a) are being used, or are proposed to be used, for the implementation of the oil pollution emergency provisions of a declared environment plan; or

(b) are being used, or are proposed to be used, for:

(i) planning; or

(ii) directing; or

(iii) coordinating; or

(iv) providing logistical support for;

the implementation of the oil pollution emergency provisions of a declared environment plan; or

(c) are being used, or are proposed to be used, for compliance with a significant incident direction; or

(d) are being used, or are proposed to be used, for:

(i) planning; or

(ii) directing; or

(iii) coordinating; or

(iv) providing logistical support for;

compliance with a significant incident direction.

Premises being an aircraft or a vessel

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

(a) are being:

(i) used; or

(ii) prepared for use; or

(iii) positioned for use;

for the implementation of the oil pollution emergency provisions of a declared environment plan; or

(b) are being:

(i) used; or

(ii) prepared for use; or

(iii) positioned for use;

for:

(iv) observing; or

(v) planning; or

(vi) directing; or

(vii) coordinating; or

(viii) providing logistical support for;

the implementation of the oil pollution emergency provisions of a declared environment plan; or

(c) are being:

(i) used; or

(ii) prepared for use; or

(iii) positioned for use;

for compliance with a significant incident direction; or

(d) are being:

(i) used; or

(ii) prepared for use; or

(iii) positioned for use;

for:

(iv) observing; or

(v) planning; or

(vi) directing; or

(vii) coordinating; or

(viii) providing logistical support for;

compliance with a significant incident direction.

Location of premises

(3) For the purposes of subclauses (1) and (2), it is immaterial whether the premises are:

(a) in an offshore area; or

(b) in or above the coastal waters of a State or the Northern Territory; or

(c) on or above land, or in or above waters, within the limits of a State or Territory.

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

29 After subclause 3(2) of Schedule 2A

Insert:

(2A) If there is a declared oil pollution emergency, a NOPSEMA inspector may conduct an environmental inspection to determine either or both of the following:

(a) whether the oil pollution emergency provisions of a declared environment plan have been, or are being, complied with;

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

(2B) An environmental inspection under subclause (2A) is to be known as an ***oil pollution environmental inspection***.

(2C) An oil pollution environmental inspection may be conducted:

(a) at the inspector’s own initiative; or

(b) in compliance with a direction under subclause (5).

(2D) Subclause (2A) does not limit subclause (2).

(2E) An oil pollution environmental inspection may be conducted concurrently with an inspection under subclause (2).

(2F) For the purposes of this Schedule, if:

(a) an oil pollution environmental inspection is conducted wholly or partly to determine whether the oil pollution emergency provisions of a declared environment plan have been, or are being, complied with; and

(b) the declared environment plan relates to one or more of the petroleum activities of the registered holder of a petroleum title;

the oil pollution environmental inspection is taken to relate to the title.

(2G) For the purposes of this Schedule, if:

(a) an oil pollution environmental inspection is conducted wholly or partly to determine whether a significant incident direction has been, or is being, complied with; and

(b) the significant incident direction was given to the registered holder of a petroleum title;

the oil pollution environmental inspection is taken to relate to the title.

30 Subclauses 3(3) and (4) of Schedule 2A

After “environmental inspection”, insert “under subclause (2)”.

31 At the end of clause 3 of Schedule 2A

Add:

(5) If there is a declared oil pollution emergency, NOPSEMA may give a written direction to a NOPSEMA inspector to conduct an oil pollution environmental inspection.

(6) The NOPSEMA inspector must conduct an oil pollution environmental inspection as directed under subclause (5).

32 At the end of clause 4 of Schedule 2A

Add:

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

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

33 Subclause 5(1) of Schedule 2A

After “an environmental inspection”, insert “(other than an oil pollution environmental inspection)”.

34 After subclause 5(1) of Schedule 2A

Insert:

(1A) If there is a declared oil pollution emergency, a NOPSEMA inspector may, for the purposes of an oil pollution environmental inspection:

(a) at any reasonable time, enter any regulated business premises if the inspector is satisfied on reasonable grounds that there are likely to be at those premises plant, substances, documents or things that relate to compliance or non‑compliance with:

(i) the oil pollution emergency provisions of a declared environment plan; or

(ii) a significant incident direction; and

(b) search those premises for any such plant, substances, documents or things at those premises; and

(c) inspect, take extracts from, or make copies of, any such documents at those premises; and

(d) inspect, examine or measure, or conduct tests concerning, any such plant, substances or things at those premises; and

(e) take photographs of, make video recordings of, or make sketches of, any such plant, substances or things at those premises; and

(f) exercise the powers conferred by clause 8 in relation to the inspection; and

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

35 After subclause 7(2) of Schedule 2A

Insert:

(2A) If there is a declared oil pollution emergency, a NOPSEMA inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of an oil pollution environmental inspection that relates to a petroleum title, require the petroleum titleholder to provide the inspector with reasonable assistance and facilities:

(a) that is or are reasonably connected with the conduct of the inspection; or

(b) for the effective exercise of the inspector’s powers in connection with the conduct of the inspection.

(2B) The reasonable assistance referred to in subclause (2A) includes:

(a) appropriate transport to or from emergency response premises for the inspector and for any equipment required by the inspector, or any thing of which the NOPSEMA inspector has taken possession; and

(b) reasonable accommodation and means of subsistence while the inspector is at emergency response premises; and

(c) arranging for the inspector to be present on an aircraft or vessel that is being deployed or used for:

(i) implementing the oil pollution emergency provisions of a declared environment plan; or

(ii) observing the implementation of the oil pollution emergency provisions of a declared environment plan; or

(iii) directing the implementation of the oil pollution emergency provisions of a declared environment plan; or

(iv) coordinating the implementation of the oil pollution emergency provisions of a declared environment plan; or

(v) complying with a significant incident direction; or

(vi) observing compliance with a significant incident direction; or

(vii) directing compliance with a significant incident direction; or

(viii) coordinating compliance with a significant incident direction; and

(d) arranging for persons on board such an aircraft or vessel to facilitate the conduct by the inspector of the oil pollution environmental inspection; and

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

(f) arranging for reasonable accommodation while the inspector is present on such a vessel.

36 After subclause 8(4) of Schedule 2A

Insert:

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

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

37 At the end of clause 9 of Schedule 2A

Add:

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

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

38 Subclause 10(2) of Schedule 2A

After “may”, insert “, in connection with the conduct of the environmental inspection,”.

39 After subclause 10(6) of Schedule 2A

Insert:

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

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

(6B) In the case of an oil pollution environmental inspection, a NOPSEMA inspector must not issue an environmental do not disturb notice in relation to emergency response premises of a particular kind unless the inspector considers that it is appropriate to issue such a notice in relation to premises of that kind.

40 After subclause 11A(5) of Schedule 2A

Insert:

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

(5A) If there is a declared oil pollution emergency, this clause has effect, in relation to an oil pollution environmental inspection, as if:

(a) a reference in this clause to offshore premises included a reference to emergency response premises; and

(b) a reference in this clause to a threat to the environment were, by express provision, confined to a threat that is attributable to one or more petroleum activities of a petroleum titleholder.

41 After subclause 11B(6) of Schedule 2A

Insert:

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

(6A) If there is a declared oil pollution emergency, this clause has effect, in relation to an oil pollution environmental inspection, as if:

(a) a reference in this clause to offshore premises included a reference to emergency response premises; and

(b) a reference in this clause to a threat to the environment were, by express provision, confined to a threat that is attributable to one or more petroleum activities of a petroleum titleholder.

42 At the end of clause 11C of Schedule 2A

Add:

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

(7) If there is a declared oil pollution emergency, this clause has effect, in relation to an oil pollution environmental inspection, as if:

(a) a reference in this clause to offshore premises included a reference to emergency response premises; and

(b) a reference in this clause to an environmental management law included a reference to:

(i) the oil pollution emergency provisions of a declared environment plan; and

(ii) a significant incident direction; and

(c) a reference in this clause to a threat to the environment were, by express provision, confined to a threat that is attributable to one or more petroleum activities of a petroleum titleholder.

43 At the end of subclause 11D(6) of Schedule 2A

Add “This rule does not apply in relation to an oil pollution environmental inspection.”.

44 At the end of clause 11D of Schedule 2A

Add:

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

(9) If there is a declared oil pollution emergency, this clause has effect, in relation to an oil pollution environmental inspection, as if:

(a) a reference in this clause to offshore premises included a reference to emergency response premises; and

(b) a reference in this clause to an environmental management law included a reference to:

(i) the oil pollution emergency provisions of a declared environment plan; and

(ii) a significant incident direction.

45 At the end of Part 3 of Schedule 2A

Add:

19 Constitutional basis of this Schedule

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

20 Additional operation of this Schedule

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

Corporations

(2) This Schedule also has the effect it would have if a reference to an environmental inspection were expressly confined to:

(a) in the case of an environmental inspection under subclause 3(2)—an inspection:

(i) to determine whether an environmental management law has been, or is being, complied with by a constitutional corporation; or

(ii) to determine whether information given by a constitutional corporation in compliance, or purported compliance, with an environmental management law is correct; and

(b) in the case of an environmental inspection under subclause 3(2A)—an inspection to determine either or both of the following:

(i) whether the oil pollution emergency provisions of a declared environment plan have been, or are being, complied with by a constitutional corporation;

(ii) whether a significant incident direction has been, or is being, complied with by a constitutional corporation.

Territories

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

Part 2—Amendments relating to environment plans

Offshore Petroleum and Greenhouse Gas Storage Act 2006

46 Subsection 576C(9) (definition of *environment plan*)

Omit “that is in force under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulation**s 2009*”, substitute “under prescribed regulations, or a prescribed provision of regulations, made under this Act”.

47 Sections 790B and 790C

Omit “the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*”, substitute “prescribed regulations made under this Act”.

48 Subsections 790D(2) and (3)

Omit “the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*”, substitute “prescribed regulations made under this Act”.

49 Clause 2 of Schedule 2A (definition of *environment plan*)

Omit “that is in force under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulation**s 2009*”, substitute “under prescribed regulations, or a prescribed provision of regulations, made under this Act”.

Part 3—Application provision

50 Application—section 572F of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

The amendments of section 572F of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to costs or expenses incurred after the commencement of this item.

Part 4—Amendments contingent on the commencement of Schedule 2 to the Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019

Offshore Petroleum and Greenhouse Gas Storage Act 2006

51 Subsection 576B(9) (definition of *State/Territory petroleum infrastructure title*)

Omit “the Principal Northern Territory offshore area”, substitute “the offshore area of the Northern Territory”.

52 Subsection 576B(9) (definition of *State/Territory petroleum pipeline title*)

Omit “the Principal Northern Territory offshore area”, substitute “the offshore area of the Northern Territory”.

53 Subclause 2A(5) of Schedule 2A

Omit “the Principal Northern Territory offshore area”, substitute “the offshore area of the Northern Territory”.

54 Paragraph 2A(12)(a) of Schedule 2A

Omit “the Principal Northern Territory offshore area”, substitute “the offshore area of the Northern Territory”.

[*Minister’s second reading speech made in—*

*House of Representatives on 4 December 2019*

*Senate on 12 February 2020*]

(235/19)