



# **Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles Administration and Other Measures) Act 2021**

**No. 96, 2021**

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

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**No. 96, 2021**

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

*[Assented to 2 September 2021]*

The Parliament of Australia enacts:

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*No. 96, 2021      Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles  
Administration and Other Measures) Act 2021      1*

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## 1 Short title

This Act is the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles Administration and Other Measures) Act 2021*.

## 2 Commencement

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

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	2 September 2021
2. Schedule 1	Immediately after the commencement of the provisions covered by table item 4.	2 March 2022
3. Schedule 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.	2 March 2022
4. Schedule 3	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.	2 March 2022
5. Schedule 4	The day after this Act receives the Royal Assent.	3 September 2021

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
6. Schedule 5	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.	2 March 2022
7. Schedule 6	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 18 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	2 March 2023
8. Schedule 7	The day after this Act receives the Royal Assent.	3 September 2021

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—Change in control of registered titleholders

### Part 1—Main amendments

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

##### 1 After Chapter 5

Insert:

### Chapter 5A—Change in control of a registered holder of a title

#### Part 5A.1—Introduction

##### 566 Simplified outline of this Chapter

- A person who begins to control, or ceases to control, a registered holder of a title may commit an offence or contravene a civil penalty provision if the change in control has not been approved by the Titles Administrator.
- The Titles Administrator may obtain information, documents or evidence in relation to a change in control of a registered holder, or a possible change in control, in certain circumstances.

##### 566A Definitions

In this Chapter:

***approval period***, for a change in control of a registered holder of a title, means the period:

- (a) starting on the day the notice of approval for the change in control is given; and



- (b) ending at the earliest of the following:
  - (i) immediately after the change in control takes effect;
  - (ii) if the approval of a change in control is revoked—when the notice of revocation is given;
  - (iii) 9 months after the day the notice of approval is given.

***change in control***: see subsection 566B(4).

***control***: see subsection 566B(1).

***Register***:

- (a) in relation to a change in control of a registered holder of any of the following, means the Register kept under section 469:
  - (i) a petroleum exploration permit;
  - (ii) a petroleum retention lease;
  - (iii) a petroleum production licence;
  - (iv) an infrastructure licence;
  - (v) a pipeline licence;
- (b) in relation to a change in control of a registered holder of any of the following, means the Register kept under section 521:
  - (i) a greenhouse gas assessment permit;
  - (ii) a greenhouse gas holding lease;
  - (iii) a greenhouse gas injection licence.

***title*** means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence; or
- (d) an infrastructure licence; or
- (e) a pipeline licence; or
- (f) a greenhouse gas assessment permit; or
- (g) a greenhouse gas holding lease; or
- (h) a greenhouse gas injection licence.

### **566B Meaning of *control* and *change in control* of registered holder**

- (1) A person *controls* the registered holder of a title if the person (whether alone or together with one or more other persons the person acts jointly with):
  - (a) holds the power to exercise, or control the exercise of, 20% or more of the voting rights in the registered holder; or
  - (b) holds, or holds an interest in, 20% or more of the issued securities in the registered holder.
- (2) A person *acts jointly with* another person if the person acts or is accustomed to acting in agreement with, or in accordance with the wishes of, the other person.
- (3) The regulations may prescribe a different percentage, or different percentages, to the percentage specified in paragraph (1)(a) or (b).
- (4) There is a *change in control* of a registered holder of a title if:
  - (a) one or more persons (an *original controller*) control the registered holder of a title at a particular time; and
  - (b) either:
    - (i) one or more other persons begin to control the registered holder (whether alone or together with one or more other persons the person acts jointly with) after that time; or
    - (ii) an original controller (whether alone or together with one or more other persons the person acts jointly with) ceases to control the registered holder after that time.

## **Part 5A.2—Application and approval of change in control of a registered holder**

### **566C Application for approval**

- (1) A person who:
    - (a) proposes to begin to control a registered holder of a title; or
    - (b) proposes to cease to control a registered holder of a title;may apply to the Titles Administrator for approval of a change in control of the registered holder of the title.
-

Note 1: A person who begins to control, or ceases to control, a registered holder where the change in control has not been approved may commit an offence or be liable to a civil penalty (see section 566N).

Note 2: Section 566M requires the application to be accompanied by an application fee.

- (2) An application under this section must:
  - (a) be made in an approved manner; and
  - (b) be in the approved form; and
  - (c) be accompanied by any information or documents required by the form.
- (3) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the 10-day period that began on the day after the application was made.
- (4) The Titles Administrator must publish on the Titles Administrator's website a copy of the instrument of approval referred to in paragraph (2)(a).

#### **566D Titles Administrator must decide whether to approve change in control**

##### *Scope*

- (1) This section applies if an application is made for approval of a change in control of a registered holder of a title under section 566C.

##### *Decision*

- (2) The Titles Administrator must decide:
  - (a) to approve the change in control; or
  - (b) to refuse to approve the change in control.

Note: The applicant must be notified of the decision (see section 566E).

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**Part 1** Main amendments

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- (3) Before deciding whether to approve or refuse to approve a change in control, the Titles Administrator may consult with one or more of the following:
- (a) the Cross-boundary Authority;
  - (b) the Joint Authority;
  - (c) NOPSEMA;
  - (d) the responsible Commonwealth Minister.
- (4) In deciding whether to approve or refuse to approve a change in control, the Titles Administrator:
- (a) must have regard to the matters specified in subsection (5); and
  - (b) may have regard to the following matters:
    - (i) matters raised in consultations (if any) under subsection (3);
    - (ii) any other matters the Titles Administrator considers relevant.
- (5) The matters are as follows:
- (a) whether the technical advice and financial resources available to the registered holder after the change in control takes effect are sufficient to:
    - (i) carry out the operations and works that are authorised by the titles held by the registered holder; and
    - (ii) discharge the obligations that are imposed under this Act, or a legislative instrument under this Act, in relation to those titles;
  - (b) the matters specified in section 695YB as they apply to a person who will begin to control the registered holder;
  - (c) if a person who will begin to control the registered holder is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
  - (d) any other matters prescribed by the regulations.

### **566E Notice of decision**

#### *Notice of approval*

- (1) If the Titles Administrator approves a change in control of a registered holder of a title, the Titles Administrator must give the applicant written notice of the approval.

#### *Notice of refusal*

- (2) If the Titles Administrator refuses to approve the change in control of a registered holder of a title, the Titles Administrator must give the applicant written notice of the refusal.

### **566F Retention and return of instrument**

If an application under section 566C was accompanied by the original instrument or proposed instrument effecting a change in control of a registered holder of a title, the Titles Administrator must, after making a decision under subsection 566D(2):

- (a) make and retain a copy of the instrument or proposed instrument; and
- (b) return the original instrument or proposed instrument to the applicant.

### **566G Limit of effect of approval**

The approval of a change in control of a registered holder of a title does not give the transaction or proposed transaction effecting the change in control any force, effect or validity that the transaction would not have had if this Chapter had not been enacted.

### **566H Notification of change in circumstances before or during approval period**

- (1) A person contravenes this subsection if:
  - (a) an application is made for approval of a change in control of a registered holder of a title under section 566C; and
  - (b) the person proposes to:
    - (i) begin to control the registered holder; or

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- (ii) cease to control the registered holder; and
- (c) there is a change in circumstances in relation to the person that materially affects any of the matters the Titles Administrator must have regard to under subsection 566D(4); and
- (d) the change in circumstances occurs either:
  - (i) before the Titles Administrator makes a decision under subsection 566D(2); or
  - (ii) if the change in control is approved—during the approval period for the change in control; and
- (e) the person does not notify the Titles Administrator of the matters in paragraph (c) as soon as practicable after the change in circumstances occurs.

Note 1: Under subsection 566D(4), the Titles Administrator must have regard to various matters when deciding whether to approve or refuse to approve a change in control of a registered holder of a title.

Note 2: Contravention of this subsection is also a ground for cancellation of the title (see paragraphs 274(e) and 446(da)).

*Civil penalty provision*

- (2) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 480 penalty units.

**566J Revocation of approval**

*Revocation*

- (1) The Titles Administrator may revoke an approval of a change in control of a registered holder of a title in the approval period for the change in control if:
  - (a) there is a change in the circumstances of a person who is approved to:
    - (i) begin to control the registered holder; or
    - (ii) cease to control the registered holder; and
  - (b) the Titles Administrator considers it appropriate to revoke the approval.

*Notice of revocation*

- (2) If the Titles Administrator revokes an approval of a change in control, the Titles Administrator must give written notice of the revocation to the person given notice of the approval of the change in control.

**566K Notification of change in control**

- (1) A person contravenes this subsection if:
  - (a) the Titles Administrator approves a change in control of a registered holder of a title; and
  - (b) the change in control takes effect within the approval period for the change in control; and
  - (c) the person given notice of the approval of the change in control does not notify the Titles Administrator of the matter in paragraph (b) within 10 days after the end of the approval period.

*Civil penalty provision*

- (2) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 480 penalty units.

- (3) The maximum civil penalty for each day that a contravention of subsection (2) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (2) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

**566L Change in control information to be entered in Register**

- (1) If the Titles Administrator is notified of a change in control of a registered holder of a title, the Titles Administrator must make a notation of the matters set out in subsection (2) in the Register on:
  - (a) the memorial relating to any title held by the registered holder; or
  - (b) a copy of that title.

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- (2) The matters are the following:
  - (a) the date of any application made under section 566C;
  - (b) the date of any decision made under subsection 566D(2);
  - (c) the date the change in control took effect.
- (3) The Titles Administrator may make such other notation in the Register as the Titles Administrator considers appropriate.

**566M Application fee**

- (1) An application for an approval under section 566C must be accompanied by the fee (if any) prescribed by the regulations.
- (2) The fee must not be such as to amount to taxation.
- (3) An application is taken to be accompanied by the fee if the fee is received before the end of the 10-day period that began on the day after the application was made.

**Part 5A.3—Change in control must be approved**

**566N Change in control must be approved by Titles Administrator**

- (1) A person contravenes this subsection if:
  - (a) there is a change in control of a registered holder of a title; and
  - (b) the person:
    - (i) begins to control the registered holder; or
    - (ii) ceases to control the registered holder; and
  - (c) either:
    - (i) the Titles Administrator has not approved the change in control; or
    - (ii) the Titles Administrator has approved the change in control, but the change in control took effect after the end of the approval period for the change in control.

Note: Contravention of this subsection is also a ground for cancellation of title (see paragraphs 274(e) and 446(da)).



*Fault-based offence*

- (2) A person commits an offence if the person contravenes subsection (1).

Penalty: Imprisonment for 5 years or 1,200 penalty units, or both.

*Civil penalty provision*

- (3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 2,400 penalty units.

- (4) Subsection (3) does not apply if the person did not know, and could not reasonably be expected to have known, that the person has begun to control, or ceased to control, the registered holder.

Note: A person who wishes to rely on subsection (4) in proceedings for a civil penalty order bears an evidential burden in relation to that matter (see section 96 of the Regulatory Powers Act).

**566P Notification of change in control that takes effect without approval**

- (1) A person contravenes this subsection if:
- (a) there is a change in control of a registered holder of a title; and
  - (b) the person:
    - (i) begins to control the registered holder; or
    - (ii) ceases to control the registered holder; and
  - (c) either:
    - (i) the Titles Administrator has not approved the change in control; or
    - (ii) the Titles Administrator has approved the change in control, but the change in control took effect after the end of the approval period for the change in control; and
  - (d) the person does not notify the Titles Administrator of the change in control within 30 days of the change taking effect.

Note: Contravention of this subsection is also a ground for cancellation of title (see paragraphs 274(e) and 446(da) of the Act).

*Civil penalty provision*

- (2) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 480 penalty units.

- (3) The maximum civil penalty for each day that a contravention of subsection (2) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (2) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

- (4) Subsection (2) does not apply if the person did not know, and could not reasonably be expected to have known, that the person has begun to control, or ceased to control, the registered holder.

Note: A person who wishes to rely on subsection (4) in proceedings for a civil penalty order bears an evidential burden in relation to that matter (see section 96 of the Regulatory Powers Act).

**566Q Notification of change in control by registered holder**

- (1) A registered holder of a title contravenes this section if:
- (a) there is a change in control of the registered holder; and
  - (b) either:
    - (i) the Titles Administrator has not approved the change in control; or
    - (ii) the Titles Administrator has approved the change in control, but the change in control took effect after the end of the approval period for the change in control; and
  - (c) the registered holder knows or ought reasonably to know the change in control has taken effect; and
  - (d) the registered holder does not notify the Titles Administrator of the change in control within 30 days of the change taking effect.

*Civil penalty provision*

- (2) A person is liable to a civil penalty if the person contravenes subsection (1).
-

Civil penalty: 480 penalty units.

- (3) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (2).

## **Part 5A.4—Information-gathering powers**

### **566R Titles Administrator may obtain information and documents**

#### *Scope*

- (1) This section applies if:
- (a) one of the following applies:
    - (i) the Titles Administrator believes on reasonable grounds that there has been, or that there will be, a change in control of a registered holder of a title;
    - (ii) an application is made under section 566C for an approval of a change in control of a registered holder;
    - (iii) the approval period for the change in control of a registered holder of a title has not ended and the Titles Administrator believes on reasonable grounds that there has been, or will be, a change in the circumstances of a person approved to begin to control the registered holder or cease to control the registered holder; and
  - (b) the Titles Administrator believes on reasonable grounds that a person has information or a document, or is capable of giving evidence, that is relevant to the matter in subparagraph (a)(i), (ii) or (iii).

#### *Requirement*

- (2) The Titles Administrator may, by notice in writing given to the person, require the person:
- (a) to give the Titles Administrator, within the period and in the manner specified in the notice, any such information; or
  - (b) to produce to the Titles Administrator, within the period and in the manner specified in the notice, any such documents; or
  - (c) if the person is an individual—to appear before the Titles Administrator at a time and place specified in the notice to:

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**Part 1** Main amendments

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- (i) give any such evidence, either orally or in writing; and
  - (ii) produce any such documents; or
- (d) if the person is a body corporate—to cause a competent officer of the body to appear before the Titles Administrator at a time and place specified in the notice to:
  - (i) give any such evidence, either orally or in writing; and
  - (ii) produce any such documents.
- (3) The period specified under paragraph (2)(a) or (b) must not be shorter than 14 days after the notice is given.
- (4) A time specified under paragraph (2)(c) or (d) must not be earlier than 14 days after the notice is given.
- (5) A person contravenes this subsection if:
  - (a) a person is subject to a requirement under subsection (2); and
  - (b) the person fails to comply with the requirement.

*Fault-based offence*

- (6) A person commits an offence if the person contravenes subsection (5).

Penalty: 100 penalty units.

*Civil penalty provision*

- (7) A person is liable to a civil penalty if the person contravenes subsection (5).

Civil penalty: 150 penalty units.

*Continuing offences and continuing contraventions of civil penalty provisions*

- (8) The maximum penalty for each day that an offence under subsection (6) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: To the extent that subsection (10) provides, subsection (6) is a continuing offence under section 4K of the *Crimes Act 1914*.

- (9) The maximum civil penalty for each day that a contravention of subsection (7) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: To the extent that subsection (10) provides, subsection (7) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

- (10) Subsections (8) and (9) apply only in relation to a contravention of a requirement to which paragraph (2)(a) or (b) applies.

*Notice to set out the effect of offence and civil penalty provisions*

- (11) A notice under subsection (2) must set out the effect of the following provisions:
- (a) subsection (6);
  - (b) subsection (7);
  - (c) subsection (8);
  - (d) subsection (9);
  - (e) section 566W (about giving false or misleading information);
  - (f) section 566X (about giving false or misleading documents);
  - (g) section 566Y (about giving false or misleading evidence).

### **566S Power to examine on oath or affirmation**

The Titles Administrator may:

- (a) administer an oath or affirmation to a person required to appear before the Titles Administrator under section 566R; and
- (b) examine that person on oath or affirmation.

### **566T Self-incrimination**

- (1) An individual is not excused from giving information or evidence or producing a document under section 566R on the ground that the information or evidence or the production of the document might tend to incriminate the individual in relation to an offence.

Note: A body corporate is not entitled to claim the privilege against self-incrimination.

- (2) However:
-

- (a) the information or evidence given or the document produced;  
and
  - (b) the giving of the information or evidence or the production of  
the document; and
  - (c) any information, document or thing obtained as a direct or  
indirect consequence of the giving of the information or  
evidence or the production of the document;
- are not admissible in evidence against the individual in any  
criminal proceedings, other than:
- (d) proceedings for an offence against subsection 566R(6) or  
section 566W, 566X or 566Y; or
  - (e) proceedings for an offence against section 137.1 or 137.2 of  
the *Criminal Code* that relates to this Part.
- (3) If, at general law, an individual would otherwise be able to claim  
the privilege against self-exposure to a penalty (other than a  
penalty for an offence) in relation to giving information or  
evidence or producing a document under section 566R, the  
individual is not excused from giving the information or evidence  
or producing the document under those provisions on that ground.

Note: A body corporate is not entitled to claim the privilege against  
self-exposure to a penalty.

#### **566U Copies of documents**

The Titles Administrator may inspect a document produced under  
this Part and may make and retain copies of, or take and retain  
extracts from, such a document.

#### **566V Titles Administrator may retain documents**

- (1) The Titles Administrator may take possession of a document  
produced under this Part, 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 Titles Administrator 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 Titles Administrator 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.

#### **566W False or misleading information**

A person commits an offence if:

- (a) the person gives information in compliance or purported compliance with subsection 566R(2); and
- (b) the person does so knowing that the information:
  - (i) is false or misleading in a material particular; or
  - (ii) omits any matter or thing without which the information is misleading in a material particular.

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

Penalty: 100 penalty units.

#### **566X False or misleading documents**

A person commits an offence if:

- (a) the person produces a document in compliance or purported compliance with subsection 566R(2); and
- (b) the person does so knowing that the document is false or misleading in a material particular.

Note: The same conduct may be an offence against both this section and section 137.2 of the *Criminal Code*.

Penalty: 100 penalty units.

#### **566Y False or misleading evidence**

A person commits an offence if:

- (a) the person gives evidence in compliance or purported compliance with subsection 566R(2); and
- (b) the person does so knowing that the evidence is false or misleading in a material particular.

Penalty: Imprisonment for 12 months.

## Part 5A.5—Tracing and anti-avoidance

### 566Z Tracing

(1) Subsection (4) applies if a person (whether alone or together with one or more other persons the person acts jointly with):

(a) holds the power to exercise, or control the exercise of, 20% or more of the voting rights in:

(i) a corporation (*higher party*); or

(ii) a partnership (a general partner of which is a *higher party*); or

(b) holds, or holds an interest in, 20% or more of the issued securities in a corporation (*higher party*); or

(c) holds 20% or more of the interests in:

(i) a trust (a trustee of which is a *higher party*); or

(ii) a partnership (a general partner of which is a *higher party*);

including because of one or more applications of this section; and

(d) the higher party (whether alone or together with one or more other persons the person acts jointly with) holds the power to exercise, or control the exercise of, 20% or more of the voting rights in:

(i) a corporation (*lower party*); or

(ii) a partnership (*lower party*) other than the partnership mentioned in subparagraph (a)(ii) or subparagraph (c)(ii) (if either of those subparagraphs apply); or

(e) the higher party holds, or holds an interest in, 20% or more of the issued securities in a corporation (*lower party*); or

(f) the higher party holds 20% or more of the interests in:

(i) a trust (*lower party*); or

(ii) a partnership (*lower party*) other than the partnership mentioned in subparagraph (a)(ii) or subparagraph (c)(ii) (if either of those subparagraphs apply).



- (2) A person **holds 20% or more of the interests** in a trust if the person holds 20% or more of:
- (a) the beneficial interest in the income or property of the trust;  
or
  - (b) the interest in units in a unit trust.
- (3) A person **holds 20% or more of the interests** in a partnership if the person is entitled to 20% or more of any of the distributions of capital, assets or profits of the partnership, either on dissolution of the partnership or otherwise.
- (4) For the purposes of this Chapter:
- (a) if paragraph (1)(d) applies, the person is taken to hold the power to exercise, or control the exercise of, the voting rights in the lower party that the higher party holds the power to exercise or control; or
  - (b) if paragraph (1)(e) applies, the person is taken to hold, or hold an interest in, the issued securities in the lower party that the higher party holds or holds an interest in; or
  - (c) if paragraph (1)(f) applies, the person is taken to hold the interests in the lower party that the higher party holds.
- (5) The regulations may prescribe a different percentage, or different percentages, to the percentage specified in paragraphs (1)(a) to (f) and subsection (2) or (3).
- (6) In this section:
- general partner** means a partner of a partnership whose liability in relation to the partnership is not limited.

### **566ZA Anti-avoidance**

- (1) A person contravenes this subsection if:
- (a) the person, either alone or with one or more other persons:
    - (i) enters into a scheme; or
    - (ii) begins to carry out a scheme; or
    - (iii) carries out a scheme; and
  - (b) the person does so for the sole or dominant purpose of avoiding the application of Part 5A.3 in relation to any

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person or persons (whether or not those persons are the same persons mentioned in paragraph (a)); and

- (c) as a result of that scheme or part of that scheme, a person avoided the application of Part 5A.3.

Note: Contravention of this subsection is also a ground for cancellation of title (see paragraphs 274(e) and 446(da) of the Act).

#### *Fault-based offence*

- (2) A person commits an offence if the person contravenes subsection (1).

Penalty: 1,200 penalty units.

#### *Civil penalty provision*

- (3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 2,400 penalty units.

- (4) In this section:

*scheme* means:

- (a) any agreement, arrangement, understanding, promise or undertaking, whether express or implied and whether or not enforceable, or intended to be enforceable, by legal proceedings; and
- (b) any scheme, plan, proposal, action, course of action or course of conduct, whether unilateral or otherwise.

## Part 5A.6—Other provisions

### **566ZB Titles Administrator etc. not concerned with the effect of instrument lodged under this Chapter**

None of the following is concerned with the effect in law of an instrument lodged under this Chapter:

- (a) the Joint Authority;
- (b) the Titles Administrator;

- (c) a person acting under the direction or authority of the Joint Authority or the Titles Administrator.

### **566ZC Falsified documents**

A person commits an offence if:

- (a) the person produces or tenders in evidence a document; and
- (b) the document falsely purports to be a copy of or extract from an instrument given to the Titles Administrator under this Chapter.

Note: The same conduct may be an offence against both this section and section 137.2 of the *Criminal Code*.

Penalty: 50 penalty units.

### **566ZD Inspection of instruments**

The Titles Administrator must ensure that all instruments, or copies of instruments, subject to inspection under this Chapter are open for inspection at all convenient times, by any person on payment of a fee calculated under the regulations.

### **566ZE Evidentiary provisions**

#### *Certified copies and extracts*

- (1) The Titles Administrator may, on payment of a fee calculated under the regulations, supply a copy of or extract from any instrument lodged with the Titles Administrator under this Chapter, certified by the Titles Administrator to be a true copy or true extract.
- (2) The certified copy or extract is admissible in evidence in all courts and proceedings without further proof or production of the original.

#### *Evidentiary certificate*

- (3) The Titles Administrator may, on payment of a fee calculated under the regulations, issue a written certificate:
  - (a) stating that an entry, matter or thing required or permitted by or under this Chapter to be made or done:

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- (i) has been made or done; or
- (ii) has not been made or done; or
- (b) stating that an entry, matter or thing required by or under this Chapter not to be made or done:
  - (i) has not been made or done; or
  - (ii) has been made or done.
- (4) The certificate is to be received in all courts and proceedings as prima facie evidence of the statements in the certificate.

*Criminal proceedings—copy of certificate to be given to defendant 14 days before certificate admitted in evidence*

- (5) A certificate must not be admitted in evidence under subsection (4) in proceedings for an offence unless:
  - (a) the person charged with the offence; or
  - (b) a barrister or solicitor who has appeared for the person in those proceedings;has, at least 14 days before the certificate is sought to be so admitted, been given a copy of the certificate together with notice of the intention to produce the certificate as evidence in the proceedings.

*Person signing the certificate may be called to give evidence*

- (6) If, under subsection (4), a certificate is admitted in evidence in proceedings for an offence, the person charged with the offence may require the person who signed the certificate to be:
  - (a) called as a witness for the prosecution; and
  - (b) cross-examined as if the person who signed the certificate had given evidence of the matters stated in the certificate.
- (7) However, subsection (6) does not entitle the person charged to require the person who signed the certificate to be called as a witness for the prosecution unless:
  - (a) the prosecutor has been given at least 4 days' notice of the person's intention to require the person who signed the certificate to be so called; or
  - (b) the court, by order, allows the person charged to require the person who signed the certificate to be so called.

*Evidence in support, or in rebuttal, of matters in certificate to be considered on its merits*

- (8) Any evidence given in support, or in rebuttal, of a matter stated in a certificate issued under subsection (3) must be considered on its merits, and the credibility and probative value of such evidence must be neither increased nor diminished by reason of this section.

## Part 2—Consequential amendments

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

#### 2 Section 7

Insert:

*acts jointly with* has the meaning given by subsection 566B(2).

#### 3 Section 7 (at the end of paragraph (b) of the definition of *Register*)

Add:

; or (c) when used in Chapter 5A—has the meaning given by section 566A.

#### 4 Section 7 (after paragraph (ga) of the definition of *title*)

Insert:

(gb) when used in Chapter 5A—has the meaning given by section 566A; or

#### 5 Subparagraph 125(2)(a)(ii)

After “Chapter 4,” insert “Chapter 5A,”.

#### 6 Subparagraphs 125(3)(a)(ii), 126(2)(a)(ii), 154(2)(a)(ii) and (3)(a)(ii), 155(2)(a)(ii), 185(2)(a)(ii), (3)(a)(ii) and (4)(a)(ii), 186(2)(a)(ii), 221(3)(c)(ii) and (4)(c)(ii), 222(3)(d)(ii) and (4)(d)(ii)

After “Chapter 4,” insert “Chapter 5A,”.

#### 7 Subparagraphs 222(6)(d)(ii) and (7)(d)(ii)

After “Chapter 5,” insert “Chapter 5A,”.

#### 8 Subparagraphs 223(2)(c)(ii) and 224(2)(d)(ii)

After “Chapter 4,” insert “Chapter 5A,”.

**9 Subparagraph 224(4)(d)(ii)**

After “Chapter 5,” insert “Chapter 5A,”.

**10 After subparagraph 270(3)(b)(ii)**

Insert:

(ia) Chapter 5A; and

**11 Subparagraph 270(5)(a)(ii)**

After “Chapter 4,” insert “Chapter 5A,”.

**12 After subparagraph 274(c)(ii)**

Insert:

(ia) Chapter 5A; or

**13 After paragraph 274(d)**

Add:

; (e) a person has contravened subsection 566H(1), 566N(1), 566P(1) or 566ZA(1) in relation to the permit, lease or licence.

**14 After subparagraph 277(1)(a)(ii)**

Insert:

(ia) Chapter 5A; or

**15 After subsection 277(1)**

Insert:

(1A) If:

- (a) a person has not complied with subsection 566N(1) or 566ZA(1) in relation to a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence or pipeline licence; and
- (b) the person has been convicted of an offence relating to that non-compliance;

the Joint Authority may exercise a power of cancellation under subsection 275(1) on the ground of that non-compliance, even though the person has been convicted of that offence.

**16 After subparagraph 277(2)(a)(ii)**

Insert:

(ia) Chapter 5A; or

**17 After subsection 277(2)**

Insert:

(2A) If:

- (a) a person has not complied with subsection 566N(1) or 566ZA(1) in relation to a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence or pipeline licence; and
- (b) the Joint Authority has exercised a power of cancellation under subsection 275(1) on the ground of that non-compliance;

the person may be convicted of an offence relating to the non-compliance, even though the Joint Authority has exercised that power of cancellation.

**18 Subparagraphs 309(2)(a)(ii), (3)(a)(ii) and (4)(a)(ii), 310(2)(a)(ii) and (3)(a)(ii)**

After “Chapter 5,” insert “Chapter 5A,”.

**19 Subparagraph 311B(2)(a)(ii)**

After “Chapter 5,” insert “Chapter 5A,”.

**20 Subparagraphs 311B(3)(a)(ii), 311C(2)(a)(ii), 348(2)(a)(ii) and (3)(a)(ii), 349(2)(a)(ii), 350B(2)(a)(ii) and (3)(a)(ii) and 350C(2)(a)(ii)**

After “Chapter 5,” insert “Chapter 5A,”.

**21 Paragraph 388(7)(b)**

After “Chapter 5,” insert “Chapter 5A,”.

**22 After subparagraph 430(5)(c)(ii)**

Insert:

(ia) Chapter 5A; or

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**23 After subparagraph 442(3)(b)(ii)**

Insert:

(ia) Chapter 5A; and

**24 Subparagraph 442(7)(a)(ii)**

After “Chapter 5,” insert “Chapter 5A,”.

**25 After subparagraph 446(c)(ii)**

Insert:

(ia) Chapter 5A; or

**26 After paragraph 446(d)**

Insert:

(da) a person has contravened subsection 566H(1), 566N(1), 566P(1) or 566ZA(1) in relation to the permit, lease or licence;

**27 After subparagraph 449(1)(a)(ii)**

Insert:

(ia) Chapter 5A; or

**28 After subsection 449(1)**

Insert:

(1A) If:

- (a) a person has not complied with subsection 566N(1) or 566ZA(1) in relation to a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence; and
- (b) the person has been convicted of an offence relating to that non-compliance;

the responsible Commonwealth Minister may exercise a power of cancellation under subsection 447(1) on the ground of that non-compliance, even though the person has been convicted of that offence.

**29 After subparagraph 449(2)(a)(ii)**

Insert:

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(ia) Chapter 5A; or

**30 After subsection 449(2)**

Insert:

(2A) If:

- (a) a person has not complied with subsection 566N(1) or 566ZA(1) in relation to a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence; and
- (b) the responsible Commonwealth Minister has exercised a power of cancellation under subsection 447(1) on the ground of that non-compliance;

the person may be convicted of an offence relating to the non-compliance, even though the responsible Commonwealth Minister has exercised that power of cancellation.

**31 After subparagraph 454(3)(c)(ii)**

Insert:

(ia) Chapter 5A; or

**32 Subsection 516(1)**

After “this Chapter”, insert “or Chapter 5A”.

**33 Subsection 565(1)**

After “this Chapter”, insert “or Chapter 5A”.

**34 Subsection 601(1) (after table item 2A)**

Insert:

2B Chapter 5A Change in control of a registered holder of a title

**35 After subparagraph 611(1)(a)(iv)**

Insert:

(iva) Chapter 5A; or

**36 Subsection 611B(2) (table item 3, column headed “is an authorised applicant in relation to the following civil penalty provisions in this Act (to the extent indicated) ...”, after paragraph (g))**

Insert:

- (ga) subsection 566H(2);
- (gb) subsection 566K(2);
- (gc) subsection 566N(3);
- (gd) subsection 566P(2);
- (ge) subsection 566Q(2);
- (gf) subsection 566R(7);
- (gg) subsection 566ZA(3);

**37 After subsection 611B(2)**

Insert:

*No time limit for certain applications*

(2A) Subsection 82(2) of the Regulatory Powers Act does not apply to an application made under section 82 of that Act in relation to an alleged contravention of the following provisions of this Act:

- (a) subsection 566H(2);
- (b) subsection 566K(2);
- (c) subsection 566N(3);
- (d) subsection 566P(2);
- (e) subsection 566Q(2);
- (f) subsection 566R(7);
- (g) subsection 566ZA(3).

**38 After paragraph 636(ec)**

Insert:

- (ed) a fee under subsection 566M(1);
- (ee) a fee under section 566ZD;
- (ef) a fee under subsection 566ZE(1) or (3);

## Part 3—Application of amendments

### 39 Application of amendments

The amendments to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply to a change in control of a registered holder of a title that takes effect, or is proposed to take effect, after the commencement of this item, regardless of whether the registered holder of a title became a registered holder before, on or after that commencement.

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## Schedule 2—Trailing liability

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

#### **1 Section 14**

Repeal the section, substitute:

#### **14 Vacated area for a permit, lease, licence or authority**

- (1) The following table sets out the *vacated area* for a permit, lease, licence or authority that has ceased to be in force, either in whole or in part.

<b>Vacated area</b>		
<b>Item</b>	<b>In the case of ...</b>	<b>the vacated area is ...</b>
1	a petroleum exploration permit, petroleum retention lease or petroleum production licence that has expired	the permit area, lease area or licence area.
2	a petroleum exploration permit, petroleum retention lease or petroleum production licence that has been wholly revoked or partly revoked	the area constituted by the blocks as to which the permit, lease or licence was so revoked.
3	a petroleum exploration permit or petroleum production licence that has been wholly cancelled or partly cancelled	the area constituted by the blocks as to which the permit or licence was so cancelled.
4	a petroleum exploration permit or petroleum production licence that has been wholly surrendered or partly surrendered	the area constituted by the blocks as to which the permit or licence was so surrendered.
5	a petroleum retention lease that has been surrendered or cancelled	the lease area.
6	a petroleum production licence that has been terminated	the licence area.

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**Schedule 2** Trailing liability

<b>Vacated area</b>		
<b>Item</b>	<b>In the case of ...</b>	<b>the vacated area is ...</b>
7	an infrastructure licence that has been cancelled or terminated	the licence area.
8	an infrastructure licence that has been surrendered	the licence area.
9	a pipeline licence that has been wholly or partly terminated	the part of the offshore area in which the pipeline or the part of the pipeline was constructed.
10	a pipeline licence that has been wholly cancelled or partly cancelled	the part of the offshore area in which the pipeline or the part of the pipeline was constructed.
11	a pipeline licence that has been wholly or partly surrendered	the part of the offshore area in which the pipeline or the part of the pipeline was constructed.
12	a petroleum special prospecting authority that: (a) has been surrendered or cancelled; or (b) has expired	the authority area.
13	a petroleum access authority that: (a) has been revoked or surrendered; or (b) has expired	the authority area.
14	a greenhouse gas assessment permit that has expired	the permit area.
15	a greenhouse gas holding lease (other than a special greenhouse gas holding lease) that has expired	the lease area.
16	a greenhouse gas assessment permit that has been cancelled or surrendered	the permit area.
17	a greenhouse gas holding lease that has been cancelled or surrendered	the lease area.
18	a greenhouse gas injection licence that has been cancelled or terminated	the licence area.

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<b>Vacated area</b>		
<b>Item</b>	<b>In the case of ...</b>	<b>the <i>vacated area</i> is ...</b>
19	a greenhouse gas injection licence that has been wholly or partly surrendered	the area constituted by the blocks as to which the licence was so surrendered.
20	a greenhouse gas search authority that: (a) has been surrendered or cancelled; or (b) has expired	the authority area.
21	a greenhouse gas special authority that: (a) has been revoked or surrendered; or (b) has expired	the authority area.

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- (2) To avoid doubt, an area for a permit, lease, licence or authority that has ceased to be in force is a ***vacated area*** for the permit, lease, licence or authority even if the title area (within the meaning of section 572) of another title overlaps, in whole or in part, that area.

## **2 Subparagraph 577(1)(a)(ii)**

After “Chapter”, insert “(other than Part 6.3, section 587 or Division 2 of Part 6.4)”.

## **3 At the end of subsection 577(1)**

Add:

Note: See sections 582A, 588, 589, 595A and 596A for action that may be taken if a direction is given under Part 6.3, section 587 or Division 2 of Part 6.4.

## **4 Paragraph 577A(1)(a)**

After “Part”, insert “or section 586A”.

## **5 Subparagraph 578(2)(a)(ii)**

After “Chapter”, insert “(other than Part 6.3 or Division 2 of Part 6.4)”.

**6 Subparagraph 582A(1)(a)(i)**

After “Part 6.2”, insert “, Division 1 of Part 6.4 or section 594A”.

**7 At the end of subsection 582A(1)**

Add:

Note: See sections 577, 588, 589, 595A and 596A for action that may be taken if a direction is given under Part 6.2, Division 1 of Part 6.4 or section 594A.

**8 Subparagraph 583(1)(a)(ii)**

After “Part 6.2”, insert “, Division 1 of Part 6.4 or section 593 or 595”.

**9 At the end of subsection 583(1)**

Add:

Note: See sections 577A, 590A, 596 and 597 for action that may be taken if a direction is given under Part 6.2, Division 1 of Part 6.4 or section 593 or 595.

**10 Section 585**

Omit “or former petroleum titleholders” (wherever occurring), substitute “, former petroleum titleholders or certain other persons”.

**11 Section 586 (heading)**

Repeal the heading, substitute:

**586 Remedial directions in relation to permits, leases and licences that are in force—NOPSEMA**

**12 Subsection 586(2)**

Omit “given to the registered holder of the permit, lease or licence, direct the holder”, substitute “given to a person referred to in subsection (2A), direct the person”.

**13 Before subsection 586(3)**

Insert:

(2A) The persons are:

(a) the registered holder of the permit, lease or licence; or

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- 
- (b) a related body corporate of the registered holder of the permit, lease or licence; or
  - (c) any former registered holder of the permit, lease or licence; or
  - (d) a person who was a related body corporate of any former registered holder of the permit, lease or licence at the time the permit, lease or licence was in force; or
  - (e) a person to whom a determination under subsection (2B) applies.
- (2B) The responsible Commonwealth Minister may make a written determination that this subsection applies to a person if, having regard to the following matters, the responsible Commonwealth Minister is satisfied on reasonable grounds that it is appropriate to do so:
- (a) whether the person is capable of significantly benefiting financially, or has significantly benefited financially, from the operations authorised by the permit, lease or licence;
  - (b) whether the person is, or has been at any time, in a position to influence the way in which, or the extent to which, a person is complying, or has complied, with the person's obligations under this Act;
  - (c) whether the person acts or acted jointly with the registered holder, or a former holder, of the permit, lease or licence in relation to the operations authorised by the permit, lease or licence.
- (2C) A determination under subsection (2B) is not a legislative instrument.
- (2D) If a direction is given under subsection (2) to a person referred to in paragraph (2A)(b), (c), (d) or (e), NOPSEMA must give a copy of the direction to the registered holder of the permit, lease or licence as soon as practicable after the direction is given.

#### **14 Section 586A (heading)**

Repeal the heading, substitute:

**586A Remedial directions in relation to permits, leases and licences that are in force—responsible Commonwealth Minister**

**15 Subsection 586A(2)**

Omit “given to the registered holder of the permit, lease or licence, direct the holder”, substitute “given to a person referred to in subsection (2A), direct the person”.

**16 Before subsection 586A(3)**

Insert:

(2A) The persons are:

- (a) the registered holder of the permit, lease or licence; or
- (b) a related body corporate of the registered holder of the permit, lease or licence; or
- (c) any former registered holder of the permit, lease or licence; or
- (d) a person who was a related body corporate of any former registered holder of the permit, lease or licence at the time the permit, lease or licence was in force; or
- (e) a person to whom a determination under subsection (2B) applies.

(2B) The responsible Commonwealth Minister may make a written determination that this subsection applies to a person if, having regard to the following matters, the responsible Commonwealth Minister is satisfied on reasonable grounds that it is appropriate to do so:

- (a) whether the person is capable of significantly benefiting financially, or has significantly benefited financially, from the operations authorised by the permit, lease or licence;
- (b) whether the person is, or has been at any time, in a position to influence the way in which, or the extent to which, a person is complying, or has complied, with the person’s obligations under this Act;
- (c) whether the person acts or acted jointly with the registered holder, or a former holder, of the permit, lease or licence in relation to the operations authorised by the permit, lease or licence.

- 
- (2C) A determination under subsection (2B) is not a legislative instrument.
- (2D) If a direction is given under subsection (2) to a person referred to in paragraph (2A)(b), (c), (d) or (e), the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the permit, lease or licence as soon as practicable after the direction is given.

### **17 Section 587 (heading)**

Repeal the heading, substitute:

### **587 Remedial directions in relation to permits, leases, licences and authorities that have wholly or partly ceased to be in force—NOPSEMA**

### **18 Subsections 587(1) and (2)**

Repeal the subsections, substitute:

#### *Scope*

- (1) This section applies if any of the following permits, leases, licences or authorities (each of which is a *title*) cease to be in force, in whole or in part:
- (a) a petroleum exploration permit;
  - (b) a petroleum retention lease;
  - (c) a petroleum production licence;
  - (d) an infrastructure licence;
  - (e) a pipeline licence;
  - (f) a petroleum special prospecting authority;
  - (g) a petroleum access authority.

#### *Direction*

- (2) NOPSEMA may, by written notice given to a person referred to in subsection (2A), direct the person to do one or more of the following things within the period specified in the notice:
- (a) to remove, or cause to be removed, from the vacated area all property (the *relevant property*) brought into that area by any

person engaged or concerned in the operations authorised by the title;

- (b) to make arrangements that are satisfactory to NOPSEMA in relation to the relevant property;
- (c) to plug or close off, to the satisfaction of NOPSEMA, all wells made in the vacated area by any person engaged or concerned in the operations authorised by the title;
- (d) to provide, to the satisfaction of NOPSEMA, for the conservation and protection of the natural resources in the vacated area;
- (e) to make good, to the satisfaction of NOPSEMA, any damage to the seabed or subsoil in the vacated area caused by any person engaged or concerned in the operations authorised by the title.

Note 1: A direction under this section has no effect to the extent of any inconsistency with a direction under section 587A: see subsection 587A(8).

Note 2: Breach of a direction may attract a criminal or civil penalty: see section 587B.

(2A) The persons are:

- (a) if the title ceased to be in force in part:
  - (i) the registered holder of the title; or
  - (ii) a related body corporate of the registered holder of the title; or
- (b) if the title ceased to be in force in whole or in part:
  - (i) any former registered holder of the title; or
  - (ii) a person who was a related body corporate of any former registered holder of the title at the time the title was in force; or
  - (iii) a person to whom a determination under subsection (2B) applies.

(2B) The responsible Commonwealth Minister may make a written determination that this subsection applies to a person if, having regard to the following matters, the responsible Commonwealth Minister is satisfied on reasonable grounds that it is appropriate to do so:

- 
- (a) whether the person is capable of significantly benefiting financially, or has significantly benefited financially, from the operations authorised by the title;
  - (b) whether the person is, or has been at any time, in a position to influence the way in which, or the extent to which, a person is complying, or has complied, with the person's obligations under this Act;
  - (c) whether the person acts or acted jointly with the registered holder, or a former holder, of the title in relation to the operations authorised by the title.
- (2C) A determination under subsection (2B) is not a legislative instrument.
- (2D) If:
- (a) a direction is given under subsection (2) to a person referred to in subparagraph (2A)(a)(ii) or (b)(i), (ii) or (iii); and
  - (b) the direction requires the person to take an action in, or in relation to, the title area (within the meaning of section 572) of a title that is in force;
- NOPSEMA must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given.

**19 Subsection 587(4)**

Omit "(2)(b)", substitute "(2)(c)".

**20 Subsection 587(5)**

Omit "(2)(c)", substitute "(2)(d)".

**21 Section 587A (heading)**

Repeal the heading, substitute:

**587A Remedial directions in relation to permits, leases, licences and authorities that have wholly or partly ceased to be in force—responsible Commonwealth Minister****22 Subsections 587A(1) and (2)**

Repeal the subsections, substitute:

*Scope*

- (1) This section applies if any of the following permits, leases, licences or authorities (each of which is a **title**) cease to be in force, in whole or in part:
- (a) a petroleum exploration permit;
  - (b) a petroleum retention lease;
  - (c) a petroleum production licence;
  - (d) an infrastructure licence;
  - (e) a pipeline licence;
  - (f) a petroleum special prospecting authority;
  - (g) a petroleum access authority.

*Direction*

- (2) The responsible Commonwealth Minister may, by written notice given to a person referred to in subsection (2A), direct the person to do one or more of the following things within the period specified in the notice:
- (a) to plug or close off, to the satisfaction of the responsible Commonwealth Minister, all wells made in the vacated area by any person engaged or concerned in the operations authorised by the title;
  - (b) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the vacated area;
  - (c) to make good, to the satisfaction of the responsible Commonwealth Minister, any damage to the seabed or subsoil in the vacated area caused by any person engaged or concerned in the operations authorised by the title;
- so long as the direction is given for the purposes of:
- (d) resource management; or
  - (e) resource security.

Note: Breach of a direction may attract a criminal or civil penalty: see section 587B.

- (2A) The persons are:
- (a) if the title ceased to be in force in part:
    - (i) the registered holder of the title; or

- 
- (ii) a related body corporate of the registered holder of the title; or
  - (b) if the title ceased to be in force in whole or in part:
    - (i) any former registered holder of the title; or
    - (ii) a person who was a related body corporate of any former registered holder of the title at the time the title was in force; or
    - (iii) a person to whom a determination under subsection (2B) applies.
- (2B) The responsible Commonwealth Minister may make a written determination that this subsection applies to a person if, having regard to the following matters, the responsible Commonwealth Minister is satisfied on reasonable grounds that it is appropriate to do so:
- (a) whether the person is capable of significantly benefiting financially, or has significantly benefited financially, from the operations authorised by the title;
  - (b) whether the person is, or has been at any time, in a position to influence the way in which, or the extent to which, a person is complying, or has complied, with the person's obligations under this Act;
  - (c) whether the person acts or acted jointly with the registered holder, or a former holder, of the title in relation to the operations authorised by the title.
- (2C) A determination under subsection (2B) is not a legislative instrument.
- (2D) If:
- (a) a direction is given under subsection (2) to a person referred to in subparagraph (2A)(a)(ii) or (b)(i), (ii) or (iii); and
  - (b) the direction requires the person to take an action in, or in relation to, the title area (within the meaning of section 572) of a title that is in force;
- the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given.

**23 Subsection 587B(6) (definition of *remedial direction*)**

Repeal the definition (not including the notes), substitute:

*remedial direction* means a direction under any of the following provisions:

- (a) section 586 (directions in relation to current titles—NOPSEMA direction);
- (b) section 586A (directions in relation to current titles—responsible Commonwealth Minister direction);
- (c) section 587 (directions in relation to titles that have ceased to be in force in whole or part—NOPSEMA direction);
- (d) section 587A (directions in relation to titles that have ceased to be in force in whole or part—responsible Commonwealth Minister direction).

**24 Subsection 589(5)**

Omit “who is or was the registered holder of a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence, pipeline licence, petroleum special prospecting authority or petroleum access authority”, substitute “who is or was subject to the direction”.

**25 At the end of section 590A**

Add:

*Recovery of costs and expenses*

- (3) Costs or expenses incurred by the responsible Commonwealth Minister under subsection (2) are:
  - (a) a debt due to the Commonwealth by the person who breached the direction or did not carry out the arrangement; and
  - (b) recoverable in:
    - (i) the Federal Court; or
    - (ii) the Federal Circuit Court; or
    - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.



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**26 Section 591**

Omit “or former greenhouse gas titleholders”, substitute “, former greenhouse gas titleholders or certain other persons”.

**27 Section 591B (heading)**

Repeal the heading, substitute:

**591B Remedial directions in relation to permits, leases and licences that are in force—NOPSEMA****28 Subsection 591B(2)**

Omit “the registered holder of the permit, lease or licence, direct the holder”, substitute “a person referred to in subsection (2A), direct the person”.

**29 Before subsection 591B(3)**

Insert:

(2A) The persons are:

- (a) the registered holder of the permit, lease or licence; or
- (b) a related body corporate of the registered holder of the permit, lease or licence; or
- (c) any former registered holder of the permit, lease or licence; or
- (d) a person who was a related body corporate of any former registered holder of the permit, lease or licence at the time the permit, lease or licence was in force; or
- (e) a person to whom a determination under subsection (2B) applies.

(2B) The responsible Commonwealth Minister may make a written determination that this subsection applies to a person if, having regard to the following matters, the responsible Commonwealth Minister is satisfied on reasonable grounds that it is appropriate to do so:

- (a) whether the person is capable of significantly benefiting financially, or has significantly benefited financially, from the operations authorised by the permit, lease or licence;

- (b) whether the person is, or has been at any time, in a position to influence the way in which, or the extent to which, a person is complying, or has complied, with the person's obligations under this Act;
  - (c) whether the person acts or acted jointly with the registered holder, or a former holder, of the permit, lease or licence in relation to the operations authorised by the permit, lease or licence.
- (2C) A determination under subsection (2B) is not a legislative instrument.
- (2D) If a direction is given under subsection (2) to a person referred to in paragraph (2A)(b), (c), (d) or (e), NOPSEMA must give a copy of the direction to the registered holder of the permit, lease or licence as soon as practicable after the direction is given.

### **30 Section 592 (heading)**

Repeal the heading, substitute:

### **592 Remedial directions in relation to permits, leases and licences that are in force—responsible Commonwealth Minister**

### **31 Subsection 592(2)**

Omit "the registered holder of the permit, lease or licence, direct the holder", substitute "a person referred to in subsection (2A), direct the person".

### **32 Before subsection 592(3)**

Insert:

- (2A) The persons are:
- (a) the registered holder of the permit, lease or licence; or
  - (b) a related body corporate of the registered holder of the permit, lease or licence; or
  - (c) any former registered holder of the permit, lease or licence; or

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- (d) a person who was a related body corporate of any former registered holder of the permit, lease or licence at the time the permit, lease or licence was in force; or
  - (e) a person to whom a determination under subsection (2B) applies.
- (2B) The responsible Commonwealth Minister may make a written determination that this subsection applies to a person if, having regard to the following matters, the responsible Commonwealth Minister is satisfied on reasonable grounds that it is appropriate to do so:
- (a) whether the person is capable of significantly benefiting financially, or has significantly benefited financially, from the operations authorised by the permit, lease or licence;
  - (b) whether the person is, or has been at any time, in a position to influence the way in which, or the extent to which, a person is complying, or has complied, with the person's obligations under this Act;
  - (c) whether the person acts or acted jointly with the registered holder, or a former holder, of the permit, lease or licence in relation to the operations authorised by the permit, lease or licence.
- (2C) A determination under subsection (2B) is not a legislative instrument.
- (2D) If a direction is given under subsection (2) to a person referred to in paragraph (2A)(b), (c), (d) or (e), the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the permit, lease or licence as soon as practicable after the direction is given.

### **33 Section 594A (heading)**

Repeal the heading, substitute:

**594A Remedial directions in relation to permits, leases, licences and authorities that have wholly or partly ceased to be in force—NOPSEMA**

**34 Subsections 594A(1) and (2)**

Repeal the subsections, substitute:

*Scope*

- (1) This section applies if any of the following permits, leases, licences or authorities (each of which is a *title*) cease to be in force, in whole or in part:
  - (a) a greenhouse gas assessment permit;
  - (b) a greenhouse gas holding lease;
  - (c) a greenhouse gas injection licence;
  - (d) a greenhouse gas search authority;
  - (e) a greenhouse gas special authority.

*Direction*

- (2) NOPSEMA may, by written notice given to a person referred to in subsection (2A), direct the person to do one or more of the following things within the period specified in the notice:
  - (a) to remove, or cause to be removed, from the vacated area all property (the *relevant property*) brought into that area by any person engaged or concerned in the operations authorised by title;
  - (b) to make arrangements that are satisfactory to NOPSEMA in relation to the relevant property;
  - (c) to plug or close off, to the satisfaction of NOPSEMA, all wells made in the vacated area by any person engaged or concerned in the operations authorised by title;
  - (d) to provide, to the satisfaction of NOPSEMA, for the conservation and protection of the natural resources in the vacated area;
  - (e) to make good, to the satisfaction of NOPSEMA, any damage to the seabed or subsoil in the vacated area caused by any person engaged or concerned in the operations authorised by the title.

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- (2A) The persons are:
- (a) if the title ceased to be in force in part:
    - (i) the registered holder of the title; or
    - (ii) a related body corporate of the registered holder of the title; or
  - (b) if the title ceased to be in force in whole or in part:
    - (i) any former registered holder of the title; or
    - (ii) a person who was a related body corporate of any former registered holder of the title at the time the title was in force; or
    - (iii) a person to whom a determination under subsection (2B) applies.
- (2B) The responsible Commonwealth Minister may make a written determination that this subsection applies to a person if, having regard to the following matters, the responsible Commonwealth Minister is satisfied on reasonable grounds that it is appropriate to do so:
- (a) whether the person is capable of significantly benefiting financially, or has significantly benefited financially, from the operations authorised by the title;
  - (b) whether the person is, or has been at any time, in a position to influence the way in which, or the extent to which, a person is complying, or has complied, with the person's obligations under this Act;
  - (c) whether the person acts or acted jointly with the registered holder, or a former holder, of the title in relation to the operations authorised by the title.
- (2C) A determination under subsection (2B) is not a legislative instrument.
- (2D) If:
- (a) a direction is given under subsection (2) to a person referred to in subparagraph (2A)(a)(ii) or (b)(i), (ii) or (iii); and
  - (b) the direction requires the person to take an action in, or in relation to, the title area (within the meaning of section 572) of a title that is in force;

NOPSEMA must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given.

**35 Subsection 594A(4)**

Omit “(2)(c)”, substitute “(2)(d)”.

**36 Subsection 594A(5)**

Omit “(2)(b)”, substitute “(2)(c)”.

**37 Section 595 (heading)**

Repeal the heading, substitute:

**595 Remedial directions in relation to permits, leases, licences and authorities that have wholly or partly ceased to be in force—responsible Commonwealth Minister**

**38 Subsections 595(1) and (2)**

Repeal the subsections, substitute:

*Scope*

- (1) This section applies if any of the following permits, leases, licences or authorities (each of which is a *title*) cease to be in force, in whole or in part:
  - (a) a greenhouse gas assessment permit;
  - (b) a greenhouse gas holding lease;
  - (c) a greenhouse gas injection licence;
  - (d) a greenhouse gas search authority;
  - (e) a greenhouse gas special authority.

*Direction*

- (2) The responsible Commonwealth Minister may, by written notice given to a person referred to in subsection (2A), direct the person to do one or more of the following things within the period specified in the notice:
  - (a) to remove, or cause to be removed, from the vacated area all property (the *relevant property*) brought into that area by any

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person engaged or concerned in the operations authorised by the title;

- (b) to make arrangements that are satisfactory to the responsible Commonwealth Minister in relation to the relevant property;
- (c) to plug or close off, to the satisfaction of the responsible Commonwealth Minister, all wells made in the vacated area by any person engaged or concerned in the operations authorised by the title;
- (d) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the vacated area;
- (e) to make good, to the satisfaction of the responsible Commonwealth Minister, any damage to the seabed or subsoil in the vacated area caused by any person engaged or concerned in the operations authorised by the title;

so long as the direction is given for a purpose that relates to:

- (f) resource management; or
- (g) resource security; or
- (h) decommissioning.

(2A) The persons are:

- (a) if the title ceased to be in force in part:
  - (i) the registered holder of the title; or
  - (ii) a related body corporate of the registered holder of the title; or
- (b) if the title ceased to be in force in whole or in part:
  - (i) any former registered holder of the title; or
  - (ii) a person who was a related body corporate of any former registered holder of the title at the time the title was in force; or
  - (iii) a person to whom a determination under subsection (2B) applies.

(2B) The responsible Commonwealth Minister may make a written determination that this subsection applies to a person if, having regard to the following matters, the responsible Commonwealth Minister is satisfied on reasonable grounds that it is appropriate to do so:

- (a) whether the person is capable of significantly benefiting financially, or has significantly benefited financially, from the operations authorised by the title;
  - (b) whether the person is, or has been at any time, in a position to influence the way in which, or the extent to which, a person is complying, or has complied, with the person's obligations under this Act;
  - (c) whether the person acts or acted jointly with the registered holder, or a former holder, of the title in relation to the operations authorised by the title.
- (2C) A determination under subsection (2B) is not a legislative instrument.
- (2D) If:
- (a) a direction is given under subsection (2) to a person referred to in subparagraph (2A)(a)(ii), (b)(i), (b)(ii) or (b)(iii); and
  - (b) the direction requires the person to take an action in, or in relation to, the title area (within the meaning of section 572) of a title that is in force;
- the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given.

**39 Subsection 595(4)**

Omit "(2)(c)", substitute "(2)(d)".

**40 Subsection 595(5)**

Omit "(2)(b)", substitute "(2)(c)".

**41 Subsection 596A(7)**

Repeal the subsection (not including the heading), substitute:

- (7) If NOPSEMA incurs costs or expenses in relation to the doing of anything required by a direction under section 594A to be done by a person who is or was subject to the direction, the costs or expenses:
  - (a) are a debt due by the person to NOPSEMA; and



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- (b) to the extent to which they are not recovered under subsection (2)—are recoverable in:
- (i) the Federal Court; or
  - (ii) the Federal Circuit Court; or
  - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

#### **42 Subsection 597(5)**

Omit “a person who is or was the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority”, substitute “a person who is or was subject to the direction”.

#### **43 At the end of Part 6.4 of Chapter 6**

Add:

### **Division 3—Obligations etc. if remedial direction is in force**

#### **598A Obligations etc. if remedial direction is in force**

- (1) This section applies if:
- (a) a direction (a *petroleum remedial direction*) is in force under section 586, 586A, 587 or 587A; or
  - (b) a direction (a *greenhouse gas remedial direction*) is in force under section 591B, 592, 594A or 595.
- (2) The following provisions apply as if a reference to a registered holder of a title, or to a titleholder, included a reference to a person who is subject to a petroleum remedial direction:
- (a) section 569;
  - (b) section 571;
  - (c) Part 6.1A;
  - (d) Part 6.2;
  - (e) Part 6.5;
  - (f) Schedule 2A;
  - (g) Schedule 2B;
  - (h) clause 13A of Schedule 3;

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- (i) Part 4 of Schedule 3.
- (3) The following provisions apply as if a reference to a petroleum activity included a reference to an activity carried out for the purpose of complying with a petroleum remedial direction:
- (a) section 571, other than subsection 571(1);
  - (b) section 572C;
  - (c) Schedule 2A.
- (4) The following provisions apply as if a reference to a registered holder of a title, or to a titleholder, included a reference to a person who is subject to a greenhouse gas remedial direction:
- (a) section 570;
  - (b) section 571A;
  - (c) Part 6.3;
  - (d) Part 6.5;
  - (e) Schedule 2A;
  - (f) Schedule 2B;
  - (g) clause 13B of Schedule 3;
  - (h) Part 4 of Schedule 3.
- (5) The following table has effect:

<b>Modifications of specified provisions if remedial direction is in force</b>		
<b>Item</b>	<b>For the purposes of this Act, the following provisions ...</b>	<b>apply as if ...</b>
1	Section 280	subsection (1) provided that that section also applied to a petroleum remedial direction and subsection (2) included a reference to a person carrying on activities in an offshore area for the purposes of complying with the direction.
2	Section 460	subsection (1) provided that that section also applied to a greenhouse gas remedial direction and subsection (2) included a reference to a person carrying on activities in an offshore area for the purposes of complying with the direction.
3	Section 571	subsection (1) provided that that section also

<b>Modifications of specified provisions if remedial direction is in force</b>		
<b>Item</b>	<b>For the purposes of this Act, the following provisions ...</b>	<b>apply as if ...</b>
		applied to an activity carried out for the purpose of complying with a petroleum remedial direction and a reference to the time when a title is in force included a reference to the time when the direction is in force.
4	Section 571A	<p>that section included the following subsection after subsection (1):</p> <p>(1A) The responsible Commonwealth Minister may direct a person subject to a greenhouse gas remedial direction to maintain insurance against:</p> <p>(a) expenses; or</p> <p>(b) liabilities; or</p> <p>(c) specified things;</p> <p>arising in connection with, or as a result of:</p> <p>(d) activities carried out for the purpose of complying with a greenhouse gas remedial direction; or</p> <p>(e) the doing of any other thing for the purpose of the greenhouse gas remedial direction;</p> <p>including insurance against expenses of complying with directions relating to the clean-up or other remediation of the effects of the escape of a greenhouse gas substance.</p>
5	Section 572C	subsection (1) provided that that section also applied in the event of an escape of petroleum occurring as a result of, or in connection with, an activity carried out for the purpose of complying with a petroleum remedial direction.
6	Section 572J	<p>that section included the following subsection after subsection (2):</p> <p>(2A) This Part also has the effect it would have if a reference to an escape of petroleum</p>

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<b>Modifications of specified provisions if remedial direction is in force</b>		
<b>Item</b>	<b>For the purposes of this Act, the following provisions ...</b>	<b>apply as if ...</b>
		were expressly confined to an escape of petroleum occurring as a result of, or in connection with, an activity carried out for the purpose of a constitutional corporation complying with a petroleum remedial direction.
7	Section 574B	that section included the following subsections after subsection (2):  (2A) A direction under this Division may require the person who is subject to a petroleum remedial direction to take an action (or not to take an action) anywhere in an offshore area.  (2B) If a direction under this Division requires a person who is subject to a petroleum remedial direction to take an action in, or in relation to, the title area of a title, NOPSEMA must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given to the person.
8	Section 576A	the definition of <i>significant offshore petroleum incident</i> included a reference to a significant incident or occurrence that relates to the carrying out of activities in an offshore area for the purposes of complying with a petroleum remedial direction.
9	Section 576B	a reference to a title area included a reference to the area in which activities are being carried out for the purposes of complying with a petroleum remedial direction, and that section included the following subsections after subsection (6B):  (7) If the direction requires a person who is subject to a petroleum remedial direction to take an action in, or in relation to, the title area

<b>Modifications of specified provisions if remedial direction is in force</b>		
<b>Item</b>	<b>For the purposes of this Act, the following provisions ...</b>	<b>apply as if ...</b>
		<p>of a title, NOPSEMA must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given to the person.</p> <p>(7A) If the direction requires a person who is subject to a petroleum remedial direction to take an action in, or in relation to, the area of:</p> <p>(a) a State/Territory petroleum exploration title held by another person; or</p> <p>(b) a State/Territory petroleum production title held by another person; or</p> <p>(c) a State/Territory petroleum retention title held by another person; or</p> <p>(d) a State/Territory petroleum infrastructure title held by another person; or</p> <p>(e) a State/Territory petroleum pipeline title held by another person;</p> <p>NOPSEMA must give a copy of the direction to the other person as soon as practicable after the direction is given to the person who is subject to the petroleum remedial direction.</p>
10	Section 576G	<p>that section included the following subsection after subsection (2):</p> <p>(2A) 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 the area in which activities are being carried out for the purposes of complying with a petroleum remedial direction, where the person subject to the direction is a constitutional corporation.</p>
11	Division 2 of Part 6.3	<p>a reference to a greenhouse gas matter included a reference to a matter that relates to activities carried out for the purposes of complying with a greenhouse gas remedial</p>

## Schedule 2 Trailing liability

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<b>Modifications of specified provisions if remedial direction is in force</b>		
<b>Item</b>	<b>For the purposes of this Act, the following provisions ...</b>	<b>apply as if ...</b>
		direction.
12	Section 580A	<p>that section included the following subsections after subsection (2):</p> <p>(2A) A direction under this Division may require the person who is subject to a greenhouse gas remedial direction to take an action (or not to take an action) anywhere in an offshore area.</p> <p>(2B) If a direction under section 579A requires a person who is subject to a greenhouse gas remedial direction to take an action in, or in relation to, the title area of a title, NOPSEMA must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given to the person.</p> <p>(2C) If a direction under section 580 requires a person who is subject to a greenhouse gas remedial direction to take an action in, or in relation to, the title area of a title, the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the title as soon as practicable after the direction is given to the person.</p>
13	Clause 2 of Schedule 2A	<p>the definition of <i>regulated business premises</i> included the following paragraphs after paragraph (d):</p> <p>(e) eligible premises that are:</p> <ul style="list-style-type: none"><li>(i) on land; and</li><li>(ii) occupied by a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction; and</li><li>(iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose</li></ul>

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**Modifications of specified provisions if remedial direction is in force**


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Item	For the purposes of this Act, the following provisions ...	apply as if ...
		<p>of complying with the petroleum remedial direction or the greenhouse gas remedial direction;</p> <p>or</p> <p>(f) eligible premises that are:</p> <p>(i) on land; and</p> <p>(ii) occupied by a related body corporate of a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction; and</p> <p>(iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction;</p> <p>or</p> <p>(g) eligible premises that are:</p> <p>(i) on land; and</p> <p>(ii) occupied by a person who, under a contract, arrangement or understanding with a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction, has carried out, is carrying out, or is to carry out one or more activities for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and</p> <p>(iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the</p>

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**Modifications of specified provisions if remedial direction is in force**

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<b>Item</b>	<b>For the purposes of this Act, the following provisions ...</b>	<b>apply as if ...</b>
		<p>greenhouse gas remedial direction; and</p> <p>(iv) not used as a residence; or</p> <p>(h) eligible premises that are:</p> <p>(i) on land; and</p> <p>(ii) occupied by a person who, under a contract, arrangement or understanding with a related body corporate of a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction, has carried out, is carrying out, or is to carry out one or more activities for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and</p> <p>(iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and</p> <p>(iv) not used as a residence.</p>
14	Clause 2A of Schedule 2A	<p>that clause included the following subclauses:</p> <p>(7A) If:</p> <p>(a) a declaration under subclause (1) relates to an emergency that is attributable to an activity carried out for the purpose of complying with a petroleum remedial direction; and</p> <p>(b) the petroleum remedial direction requires the person to take an action in, or in relation to, the title area (within the meaning of section 572) of a title that is in force;</p>



<b>Modifications of specified provisions if remedial direction is in force</b>		
<b>Item</b>	<b>For the purposes of this Act, the following provisions ...</b>	<b>apply as if ...</b>
		<p>NOPSEMA must give a copy of the declaration to the registered holder of the title as soon as practicable after the declaration is made.</p> <p>(14A) If:</p> <p>(a) a declaration under subclause (1) relates to an emergency that is attributable to an activity carried out for the purpose of complying with a petroleum remedial direction; and</p> <p>(b) the petroleum remedial direction requires the person to take an action in, or in relation to, the title area (within the meaning of section 572) of a title that is in force; and</p> <p>(c) the declaration is revoked under subclause (8);</p> <p>NOPSEMA must give a copy of the instrument of revocation to the registered holder of the title as soon as practicable after the instrument of revocation is made.</p>
15	Clause 5 of Schedule 2A	a reference to operations conducted for the purposes of a petroleum title or a greenhouse gas title included a reference to activities carried out for the purpose of complying with a petroleum remedial direction or a greenhouse gas remedial direction.
16	Clause 7 of Schedule 2A	a reference to a petroleum title or a greenhouse gas title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
17	Clause 8 of Schedule 2A	a reference to a petroleum title or a greenhouse gas title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
18	Clause 9 of Schedule 2A	a reference to a petroleum title or a

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<b>Modifications of specified provisions if remedial direction is in force</b>		
<b>Item</b>	<b>For the purposes of this Act, the following provisions ...</b>	<b>apply as if ...</b>
		greenhouse gas title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
19	Subclause 11(1) of Schedule 2A	that subclause included the following paragraph after paragraph (c): (d) in a case where the notice is issued to a person subject to a petroleum remedial direction or a greenhouse gas remedial direction that requires the person to take an action in, or in relation to the title area (within the meaning of section 572) of a title that is in force—the registered holder of the title.
20	Subclause 11B(2) of Schedule 2A	that subclause included the following paragraph after paragraph (c): (d) in a case where the notice is issued to a person subject to a petroleum remedial direction or a greenhouse gas remedial direction that requires the person to take an action in, or in relation to the title area (within the meaning of section 572) of a title that is in force—the registered holder of the title.
21	Clause 13 of Schedule 2A	a reference to a petroleum title or a greenhouse gas title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
22	Clause 2 of Schedule 2B	the definition of <i>regulated business premises</i> included the following paragraphs after paragraph (d): (e) eligible premises that are: (i) on land; and (ii) occupied by a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction; and (iii) used, or proposed to be used,

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**Modifications of specified provisions if remedial direction is in force**


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<b>Item</b>	<b>For the purposes of this Act, the following provisions ...</b>	<b>apply as if ...</b>
		<p>wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; or</p> <p>(f) eligible premises that are:</p> <p>(i) on land; and</p> <p>(ii) occupied by a related body corporate of a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction; and</p> <p>(iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; or</p> <p>(g) eligible premises that are:</p> <p>(i) on land; and</p> <p>(ii) occupied by a person who, under a contract, arrangement or understanding with a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction, has carried out, is carrying out, or is to carry out one or more activities for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and</p> <p>(iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose</p>

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Schedule 2 Trailing liability

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**Modifications of specified provisions if remedial direction is in force**

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Item	For the purposes of this Act, the following provisions ...	apply as if ...
		of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and (iv) not used as a residence; or (h) eligible premises that are: (i) on land; and (ii) occupied by a person who, under a contract, arrangement or understanding with a related body corporate of a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction, has carried out, is carrying out, or is to carry out one or more activities for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and (iii) used, or proposed to be used, wholly or partly in connection with activities carried out for the purpose of complying with the petroleum remedial direction or the greenhouse gas remedial direction; and (iv) not used as a residence.
23	Clause 5 of Schedule 2B	a reference to operations conducted for the purposes of a title included a reference to activities carried out for the purpose of complying with a petroleum remedial direction or a greenhouse gas remedial direction.
24	Clause 7 of Schedule 2B	a reference to a title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
25	Clause 8 of Schedule 2B	a reference to a title included a reference to a

<b>Modifications of specified provisions if remedial direction is in force</b>		
<b>Item</b>	<b>For the purposes of this Act, the following provisions ...</b>	<b>apply as if ...</b>
		petroleum remedial direction or a greenhouse gas remedial direction.
26	Clause 9 of Schedule 2B	a reference to a title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
27	Subclause 11(1) of Schedule 2B	that subclause included the following paragraph after paragraph (b): (c) in a case where the notice is issued to a person subject to a petroleum remedial direction or a greenhouse gas remedial direction that requires the person to take an action in, or in relation to the title area (within the meaning of section 572) of a title that is in force—the registered holder of the title.
28	Clause 13 of Schedule 2B	that clause included the following subclause after subclause (2): (2A) If the notice is issued to a person subject to a petroleum remedial direction or a greenhouse gas remedial direction that requires the person to take an action in, or in relation to the title area (within the meaning of section 572) of a title that is in force, the NOPSEMA inspector must take reasonable steps to give a copy of the notice to the registered holder of that title as soon as practicable after issuing the notice.
29	Clause 18 of Schedule 2B	a reference to a title included a reference to a petroleum remedial direction or a greenhouse gas remedial direction.
30	Clause 13A of Schedule 3	a reference to operations authorised by a petroleum title included a reference to activities carried out for the purpose of complying with a petroleum remedial direction.
31	Clause 13B of Schedule 3	a reference to operations authorised by a

<b>Modifications of specified provisions if remedial direction is in force</b>		
<b>Item</b>	<b>For the purposes of this Act, the following provisions ...</b>	<b>apply as if ...</b>
		greenhouse gas title included a reference to activities carried out for the purpose of complying with a greenhouse gas remedial direction.
32	Subclause 76A(2) of Schedule 3	that subclause included the following paragraph after paragraph (b): (c) in a case where the notice is issued to a person subject to a petroleum remedial direction or a greenhouse gas remedial direction that requires the person to take an action in, or in relation to the title area (within the meaning of section 572) of a title that is in force—the registered holder of the title.
33	Subclause 77A(2) of Schedule 3	that subclause included the following paragraph after paragraph (b): (c) in a case where the notice is issued to a person subject to a petroleum remedial direction or a greenhouse gas remedial direction that requires the person to take an action in, or in relation to the title area (within the meaning of section 572) of a title that is in force—the registered holder of the title.

(6) The regulations may provide that this Act has effect for the purposes of this section with any modifications that are prescribed.

(7) Without limiting subsection (6), the regulations may:

(a) prescribe additional provisions of this Act that:

- (i) apply to persons who are subject to a petroleum remedial direction or a greenhouse gas remedial direction; or
- (ii) do not apply to persons who are subject to a remedial direction; or
- (iii) apply to persons subject to a remedial direction with modifications that are prescribed; or

- (b) make further modifications of provisions already modified by subsections (2) to (5).

#### **598B Consent to enter premises**

If:

- (a) a direction given under Division 1 or 2 of this Part requires a person to enter premises; and
  - (b) the person is not the occupier of the premises;
- the direction applies only to the extent that the occupier consents to entry.

#### **44 Section 780 (heading)**

Repeal the heading, substitute:

#### **780 Acquisition of property**

#### **45 After subsection 780(2)**

Insert:

- (2A) Despite subsection (1), the following sections have no effect to the extent (if any) to which their operation would result in the acquisition of property otherwise than on just terms:
  - (a) section 586;
  - (b) section 586A;
  - (c) section 587;
  - (d) section 587A;
  - (e) section 591B;
  - (f) section 592;
  - (g) section 594A;
  - (h) section 595.

#### **46 Application and transitional provisions**

- (1) In this item:

*Act* means the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

**commencement** means the commencement of this Schedule.

- (2) The amendment of section 14 of the Act made by this Schedule applies in relation to permits, leases, licences and authorities that ceased to be in force, in whole or in part, on or after 1 January 2021.
  - (3) The amendments of sections 577, 577A, 578, 582A and 583 of the Act made by this Schedule apply in relation to directions given on or after commencement.
  - (4) A direction may be given after commencement under section 586, 586A, 591B and 592 of the Act, as amended by this Schedule, to a former registered holder of a permit, lease or licence only if the former registered holder ceased to hold the permit, lease or licence (in whole or in part) on or after 1 January 2021.
  - (5) A direction may be given after commencement under section 586, 586A, 591B or 592 of the Act, as amended by this Schedule, to a person who is or was a related body corporate of a former registered holder of a permit, lease or licence only if:
    - (a) the person was a related body corporate of the former registered holder at the time the permit, lease or licence was in force; and
    - (b) the former registered holder ceased to hold the permit, lease or licence (in whole or in part) on or after 1 January 2021.
  - (6) Subitem (7) applies if the responsible Commonwealth Minister proposes to make a written determination under any of the following subsections of the Act, as inserted by this Schedule, in relation to a person:
    - (a) subsection 586(2B);
    - (b) subsection 586A(2B);
    - (c) subsection 587(2B);
    - (d) subsection 587A(2B);
    - (e) subsection 591B(2B);
    - (f) subsection 592(2B);
    - (g) subsection 594A(2B);
    - (h) subsection 595(2B).
  - (7) In deciding whether to make the determination, the responsible Commonwealth Minister must not have regard to the matters mentioned
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in those subsections to the extent the matters relate to circumstances or events that occurred before 1 January 2021.

- (8) The amendments of sections 587, 587A, 594A and 595 of the Act made by this Schedule do not affect a direction given under those sections if notice of the direction was given before commencement.
- (9) A direction may be given after commencement under section 587, 587A, 594A or 595 of the Act, as amended by this Schedule:
- (a) if the direction is proposed to be given to the registered holder of a permit, lease, licence or authority that has ceased to be in force in part—only if the permit, lease, licence or authority ceased to be in force in part on or after 1 January 2021; and
  - (b) if the direction is proposed to be given to a related body corporate of the registered holder of a permit, lease, licence or authority that has ceased to be in force in part—only if the permit, lease, licence or authority ceased to be in force in part on or after 1 January 2021; and
  - (c) if the direction is proposed to be given to a former registered holder of a permit, lease, licence or authority—only if the former registered holder ceased to hold the permit, lease, licence or authority (in whole or in part) on or after 1 January 2021; and
  - (d) if the direction is proposed to be given to a person who is or was a related body corporate of a former registered holder of a permit, lease, licence or authority—only if:
    - (i) the person was a related body corporate of the former registered holder at the time the permit, lease, licence or authority was in force; and
    - (ii) the former registered holder ceased to hold the permit, lease, licence or authority (in whole or in part) on or after 1 January 2021.
- (10) Subsection 590A(3) of the Act, as inserted by this Schedule, applies in relation to costs and expenses incurred after commencement, whether the direction was breached, or the arrangement had not been carried out, before or after that commencement.

## Schedule 3—Applications and decision-making

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

#### **1 Section 7 (at the end of the definition of *approved*)**

Add:

; or (g) section 695YC.

#### **2 Section 7**

Insert:

*civil penalty provision* has the same meaning as in the *Regulatory Powers Act*.

#### **3 Subsection 104(3)**

Repeal the subsection, substitute:

*Application for petroleum exploration permit*

(3) An application under this section must:

- (a) be in the approved form; and
- (b) be accompanied by any information or documents required by the form.

(3A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Joint Authority before the end of the period specified in the notice published under subsection (1).

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

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**4 At the end of section 105**

Add:

- (3) In deciding whether to give the applicant an offer document, the Joint Authority:
  - (a) must have regard to the matters specified in subsection (4); and
  - (b) may have regard to any other matters the Joint Authority considers relevant.
- (4) The matters are as follows:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit;
  - (b) the matters specified in section 695YB as they apply to the applicant;
  - (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
  - (d) any other matters prescribed by the regulations.

**5 Subsection 110(6)**

Repeal the subsection, substitute:

- (6) An application under this section must:
  - (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (7) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Joint Authority before the end of the period specified in the notice published under subsection (1).

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

## 6 Subsection 111(1)

Omit “, taking into account the matters specified in the notice under paragraph 110(3)(c),”.

## 7 After subsection 111(1)

Insert:

(1A) In making a decision under subsection 111(1), the Joint Authority:

- (a) must take into account:
  - (i) the matters specified in the notice under paragraph 110(3)(c); and
  - (ii) the matters specified in subsection (1B); and
- (b) may take into account any other matters the Joint Authority considers relevant.

(1B) The matters are as follows:

- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
  - (i) carry out the operations and works that will be authorised by the permit; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit;
- (b) the matters specified in section 695YB as they apply to the applicant;
- (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
- (d) any other matters prescribed by the regulations.

## 8 After subsection 111(3)

Insert:

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- (3A) A notice under subsection (2) is taken to be accompanied by a deposit of 10% of the cash bid if the deposit is received by the Titles Administrator, on behalf of the Commonwealth, before the end of the period stated in the invitation.

## **9 Subsection 115(4)**

Repeal the subsection, substitute:

- (4) An application under this section must:
- (a) be in the approved form; and
  - (b) specify the amount that the applicant would be prepared to pay for the grant of the permit; and
  - (c) be accompanied by any information or documents required by the form.
- (4A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Joint Authority before the end of the period specified in the notice published under subsection (1).

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

## **10 Before subsection 115(5)**

Insert:

*Deposit*

## **11 After subsection 115(5)**

Insert:

- (5A) An application under this section is taken to be accompanied by a deposit of 10% of the amount that the applicant has specified under paragraph (4)(b) if the deposit is received by the Titles Administrator, on behalf of the Commonwealth, before the end of the period specified in the notice published under subsection (1).
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## 12 At the end of section 116

Add:

- (3) In deciding whether to give the applicant an offer document, the Joint Authority:
  - (a) must have regard to the matters specified in subsection (4); and
  - (b) may have regard to any other matters the Joint Authority considers relevant.
- (4) The matters are as follows:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit;
  - (b) the matters specified in section 695YB as they apply to the applicant;
  - (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
  - (d) any other matters prescribed by the regulations.

## 13 After subsection 117(3)

Insert:

- (3A) In deciding whether to give an offer document to the person referred to in column 3 of the table in subsection (3), the Joint Authority:
  - (a) must have regard to the matters specified in subsection (3B); and
  - (b) may have regard to any other matters the Joint Authority considers relevant.
- (3B) The matters are as follows:
  - (a) whether the technical advice and financial resources available to the person are sufficient to:

- 
- (i) carry out the operations and works that will be authorised by the permit; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit;
  - (b) the matters specified in section 695YB as they apply to the person;
  - (c) if the person is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
  - (d) any other matters prescribed by the regulations.

**14 After subsection 119(2)**

Insert:

- (2A) An application under this section must:
  - (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (2B) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the expiry date of the permit.
- (2C) For the purposes of subsection (2B), disregard the effect of subsection (5).

**15 Subsection 125(2)**

Repeal the subsection (not including the heading or the note):

- (2) If:
  - (a) each of the following has been complied with:
    - (i) the conditions to which the petroleum exploration permit is, or has from time to time been, subject;
    - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1;
    - (iii) the regulations; and

- (b) the Joint Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit; and
  - (c) the Joint Authority is satisfied of the matters (if any) prescribed by the regulations;
- the Joint Authority must give the applicant a written notice (called an *offer document*) telling the applicant that the Joint Authority is prepared to renew the permit.

#### **16 At the end of section 125**

Add:

- (4) Without limiting paragraph (3)(b), in deciding whether to be satisfied that there are sufficient grounds to warrant the granting of the renewal of the permit, the Joint Authority must have regard to:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit; and
  - (b) any other matters prescribed by the regulations.

#### **17 At the end of section 126**

Add:

##### *Refusal on other grounds*

- (3) The Joint Authority must, by written notice given to the applicant, refuse to renew the permit if the Joint Authority is not satisfied that the technical advice and financial resources available to the applicant are sufficient to:
  - (a) carry out the operations and works that will be authorised by the permit; and



- (b) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit.

Note: Consultation procedures apply—see section 262.

- (4) The Joint Authority may, by written notice given to the applicant, refuse to renew the permit if the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations.

Note: Consultation procedures apply—see section 262.

## **18 Subsection 141(2)**

Repeal the subsection, substitute:

- (2) An application under this section must:
  - (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (2A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the application period.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

## **19 After paragraph 142(b)**

Insert:

- ; (c) the Joint Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
  - (i) carry out the operations and works that will be authorised by the lease; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and

- (d) the Joint Authority is satisfied of the matters (if any) prescribed by the regulations;

## 20 At the end of section 143

Add:

- (4) If the Joint Authority is not satisfied as to the matter in paragraph 142(c), the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum retention lease to the applicant.
- (5) If the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations, the Joint Authority may, by written notice given to the applicant, refuse to grant a petroleum retention lease to the applicant.

## 21 Subsection 147(2)

Repeal the subsection, substitute:

- (2) An application under this section must:
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (2A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the application period.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

## 22 After paragraph 148(b)

Insert:

- ; (c) the Joint Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
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- 
- (i) carry out the operations and works that will be authorised by the lease; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
  - (d) the Joint Authority is satisfied of the matters (if any) prescribed by the regulations;

### **23 Section 149**

Repeal the section, substitute:

#### **149 Refusal to grant petroleum retention lease**

- (1) This section applies if an application for a petroleum retention lease has been made under section 147.
- (2) If the Joint Authority is not satisfied as to the matters referred to in paragraph 148(b) in relation to the unused area, the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum retention lease to the applicant.

Note: Consultation procedures apply—see section 262.

- (3) If the Joint Authority is not satisfied as to the matter in paragraph 148(c), the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum retention lease to the applicant.

Note: Consultation procedures apply—see section 262.

- (4) If the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations for the purposes of paragraph 148(d), the Joint Authority may, by written notice given to the applicant, refuse to grant a petroleum retention lease to the applicant.

Note: Consultation procedures apply—see section 262.

### **24 Subsection 153(4)**

Repeal the subsection, substitute:

- (4) An application under this section must:
  - (a) be in the approved form; and

(b) be accompanied by any information or documents required by the form.

(4A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the expiry date of the lease.

(4B) For the purposes of subsection (4A), disregard the effect of subsection (5).

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

## **25 After paragraph 154(2)(b)**

Insert:

- ; and (c) the Joint Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (i) carry out the operations and works that will be authorised by the lease; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
- (d) the Joint Authority is satisfied of the matters (if any) prescribed by the regulations;

## **26 At the end of section 154**

Add:

- (4) Without limiting paragraph (3)(b), in deciding whether to be satisfied that there are sufficient grounds to warrant the granting of the renewal of the lease, the Joint Authority must have regard to:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the lease; and

- 
- (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
  - (b) any other matters prescribed by the regulations.

**27 After subsection 155(4)**

Insert:

*Refusal on other grounds*

- (4A) The Joint Authority must, by written notice given to the applicant, refuse to renew the lease if the Joint Authority is not satisfied that the technical advice and financial resources available to the applicant are sufficient to:
  - (a) carry out the operations and works that will be authorised by the lease; and
  - (b) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease.

Note: Consultation procedures apply—see section 262.

- (4B) The Joint Authority may, by written notice given to the applicant, refuse to renew the lease if the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations.

Note: Consultation procedures apply—see section 262.

**28 After subsection 168(5)**

Insert:

- (5A) The Titles Administrator must publish on the Titles Administrator's website a copy of the instrument of approval referred to in subsection (4).

**29 Subsection 168(6)**

Repeal the subsection, substitute:

- (6) An application or a variation of an application under this section must:
  - (a) be in the approved form; and

- (b) be accompanied by any information or documents required by the form.
- (6A) If the approved form requires the application or variation to be accompanied by information or documents, an application or variation under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator:
  - (a) for an application—before the end of the application period; or
  - (b) for a variation—within 10 days after the variation is made.

### **30 Subsection 170(3)**

Repeal the subsection, substitute:

- (3) An application under this section must:
  - (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (3A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the 10-day period that began on the day after the application was made.

### **31 After paragraph 171(1)(b)**

Insert:

- (ba) the Joint Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
  - (i) carry out the operations and works that will be authorised by the licence; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and

### **32 After paragraph 171(1)(e)**

Insert:

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; and (f) the Joint Authority is satisfied of the matters (if any) prescribed by the regulations;

**33 After subsection 173(4)**

Insert:

*Technical advice and financial resources*

- (4A) If the Joint Authority is not satisfied as to the matter in paragraph 171(1)(ba), the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum production licence to the applicant.

**34 After subsection 173(7)**

Insert:

*Other prescribed matters*

- (7A) If the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations for the purposes of paragraph 171(1)(f), the Joint Authority may, by written notice given to the applicant, refuse to grant a petroleum production licence to the applicant.

**35 Subsection 178(3)**

Repeal the subsection (not including the heading), substitute:

- (3) An application under this section must:
- (a) be in the approved form; and
  - (b) specify the amount that the applicant would be prepared to pay for the grant of the licence; and
  - (c) be accompanied by any information or documents required by the form.
- (3A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Joint Authority before the end of the period specified in the notice published under subsection (1).

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

### **36 After subsection 178(4)**

Insert:

- (4A) An application under this section is taken to be accompanied by a deposit of 10% of the amount that the applicant has specified under paragraph (3)(b) if the deposit is received by the Titles Administrator, on behalf of the Commonwealth, before the end of the period specified in the notice published under subsection (1).

### **37 At the end of section 179**

Add:

- (3) In deciding whether to give the applicant an offer document, the Joint Authority:
- (a) must have regard to the matters specified in subsection (4); and
  - (b) may have regard to any other matters the Joint Authority considers relevant.
- (4) The matters are as follows:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence;
  - (b) the matters specified in section 695YB as they apply to the applicant;
  - (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
  - (d) any other matters prescribed by the regulations.



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**38 After subsection 180(2)**

Insert:

- (2A) In deciding whether to reject an application, the Joint Authority:
- (a) must have regard to the matters specified in subsection (2B); and
  - (b) may have regard to any other matters the Joint Authority considers relevant.
- (2B) The matters are as follows:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence;
  - (b) the matters specified in section 695YB as they apply to the applicant;
  - (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
  - (d) any other matters prescribed by the regulations.

**39 Subsection 184(5)**

Repeal the subsection, substitute:

- (5) An application under this section must:
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (5A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the expiry date of the licence.
- (5B) For the purposes of subsection (5A), disregard the effect of subsection (6).

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

#### **40 After paragraphs 185(2)(b) and (3)(b)**

Insert:

- (c) the Joint Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
  - (i) carry out the operations and works that will be authorised by the licence; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and
- (d) the Joint Authority is satisfied of the matters (if any) prescribed by the regulations;

#### **41 At the end of section 185 (before the note)**

Add:

- (5) Without limiting paragraph (4)(b), in deciding whether to be satisfied that there are sufficient grounds to warrant the granting of the renewal of the licence, the Joint Authority must have regard to:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and
  - (b) any other matters prescribed by the regulations.

#### **42 At the end of section 186**

Add:

*Refusal on other grounds*

- (4) The Joint Authority must, by written notice given to the applicant, refuse to renew the licence if the Joint Authority is not satisfied

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that the technical advice and financial resources available to the applicant are sufficient to:

- (a) carry out the operations and works that will be authorised by the licence; and
- (b) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence.

Note: Consultation procedures apply—see section 262.

- (5) The Joint Authority may, by written notice given to the applicant, refuse to renew the licence if the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations.

Note: Consultation procedures apply—see section 262.

### **43 Subsection 198(2)**

Repeal the subsection, substitute:

- (2) An application under this section must:
  - (a) be in the approved form; and
  - (b) describe the place (which must be in an offshore area) at which the proposed infrastructure facilities will be constructed and operated; and
  - (c) be accompanied by any information or documents required by the form.
- (3) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the 10-day period that began on the day after the application was made.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

### **44 Section 199**

Before “If”, insert “(1)”.

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#### **45 At the end of section 199**

Add:

- (2) In deciding whether to give the applicant an offer document, the Joint Authority:
  - (a) must have regard to the matters specified in subsection (3); and
  - (b) may have regard to any other matters the Joint Authority considers relevant.
- (3) The matters are as follows:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence;
  - (b) the matters specified in section 695YB as they apply to the applicant;
  - (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
  - (d) any other matters prescribed by the regulations.

#### **46 Subsection 204(2)**

Repeal the subsection, substitute:

- (2) An application under this section must:
  - (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (3) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the 10-day period that began on the day after the application was made.

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- Note 1: Part 2.10 contains additional provisions about application procedures.
- Note 2: Section 256 requires the application to be accompanied by an application fee.
- Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

#### **47 After subsection 205(1)**

Insert:

- (1A) In deciding whether to vary the licence, the Joint Authority:
- (a) must have regard to the matters specified in subsection (1B); and
  - (b) may have regard to any other matters the Joint Authority considers relevant.
- (1B) The matters are as follows:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence as varied; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence as varied;
  - (b) any other matters prescribed by the regulations.

#### **48 Subsections 217(2) and (3)**

Repeal the subsections, substitute:

- (2) An application under this section must:
  - (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (3) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the 10-day period that began on the day after the application was made.

- Note 1: Part 2.10 contains additional provisions about application procedures.
- Note 2: Section 256 requires the application to be accompanied by an application fee.
- Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.
- Note 4: If a pipeline licensee wants to alter the pipeline, the licensee will need to apply under section 226 for the variation of the licence.

#### **49 After subsection 221(2)**

Insert:

- (2A) In deciding whether to give the applicant an offer document under subsection (2), the Joint Authority:
- (a) must have regard to the matters specified in subsection (2B); and
  - (b) may have regard to any other matters the Joint Authority considers relevant.
- (2B) The matters are as follows:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence;
  - (b) the matters specified in section 695YB as they apply to the applicant;
  - (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
  - (d) any other matters prescribed by the regulations.

#### **50 After paragraph 221(3)(c)**

Insert:

- ; and (d) the Joint Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (i) carry out the operations and works that will be authorised by the licence; and
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- (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and
  - (e) the Joint Authority is satisfied of the matters (if any) prescribed by the regulations;

**51 After subsection 221(4)**

Insert:

- (4A) Without limiting paragraph (4)(d), in deciding whether to be satisfied that there are sufficient grounds to warrant the granting of the licence, the Joint Authority must have regard to:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and
  - (b) any other matters prescribed by the regulations.

**52 After subsection 221(5)**

Insert:

- (5A) In deciding whether to give the applicant an offer document under subsection (5), the Joint Authority:
  - (a) must have regard to the matters specified in subsection (5B); and
  - (b) may have regard to any other matters the Joint Authority considers relevant.
- (5B) The matters are as follows:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence;

- (b) the matters specified in section 695YB as they apply to the applicant;
- (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
- (d) any other matters prescribed by the regulations.

### **53 Subsection 221(6)**

Repeal the subsection (not including the heading or the notes), substitute:

- (6) An offer document under this section must specify the route to be followed by the petroleum pipeline.

### **54 After subsection 222(2)**

Insert:

- (2A) In deciding whether to give the applicant an offer document under subsection (2), the Joint Authority:
  - (a) must have regard to the matters specified in subsection (2B); and
  - (b) may have regard to any other matters the Joint Authority considers relevant.
- (2B) The matters are as follows:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence;
  - (b) the matters specified in section 695YB as they apply to the applicant;
  - (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
  - (d) any other matters prescribed by the regulations.



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**55 After paragraph 222(3)(d)**

Insert:

- ; and (e) the Joint Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
  - (i) carry out the operations and works that will be authorised by the licence; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and
- (f) the Joint Authority is satisfied of the matters (if any) prescribed by the regulations;

**56 After subsection 222(4)**

Insert:

- (4A) Without limiting paragraph (4)(e), in deciding whether to be satisfied that there are sufficient grounds to warrant the granting of the licence, the Joint Authority must have regard to:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and
  - (b) any other matters prescribed by the regulations.

**57 After subsection 222(5)**

Insert:

- (5A) In deciding whether to give the applicant an offer document under subsection (5), the Joint Authority:
  - (a) must have regard to the matters specified in subsection (5B); and
  - (b) may have regard to any other matters the Joint Authority considers relevant.
- (5B) The matters are as follows:

- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
  - (i) carry out the operations and works that will be authorised by the licence; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence;
- (b) the matters specified in section 695YB as they apply to the applicant;
- (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
- (d) any other matters prescribed by the regulations.

**58 After paragraph 222(6)(d)**

Insert:

- ; and (e) the Joint Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
  - (i) carry out the operations and works that will be authorised by the licence; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and
- (f) the Joint Authority is satisfied of the matters (if any) prescribed by the regulations;

**59 After subsection 222(7)**

Insert:

- (7A) Without limiting paragraph (7)(e), in deciding whether to be satisfied that there are sufficient grounds to warrant the granting of the licence, the Joint Authority must have regard to:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence; and

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- (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and
  - (b) any other matters prescribed by the regulations.

**60 Subsection 222(8)**

Repeal the subsection (not including the heading or the notes), substitute:

- (8) An offer document under this section must specify the route to be followed by the greenhouse gas pipeline.

**61 After subsection 223(2)**

Insert:

(2A) If:

- (a) the application is for a pipeline licence in relation to the construction of a petroleum pipeline for the conveyance of petroleum recovered in a petroleum production licence area; and
- (b) the applicant is the petroleum production licensee; and
- (c) the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations;

the Joint Authority may, by written notice given to the applicant, refuse to grant the pipeline licence.

Note: Consultation procedures apply—see section 262.

**62 At the end of section 223**

Add:

- (4) Without limiting subsection (3), in deciding whether to refuse to grant the pipeline licence, the Joint Authority must have regard to the matters (if any) prescribed by the regulations.

*Refusal on other grounds*

- (5) The Joint Authority must, by written notice given to the applicant, refuse to grant the pipeline licence if the Joint Authority is not satisfied that the technical advice and financial resources available to the applicant are sufficient to:

- (a) carry out the operations and works that will be authorised by the licence; and
- (b) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence.

Note: Consultation procedures apply—see section 262.

### **63 After subsection 224(2)**

Insert:

(2A) If:

- (a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
  - (i) the conveyance of a greenhouse gas substance within a petroleum production licence area in that offshore area; or
  - (ii) the conveyance of a greenhouse gas substance from a place outside a petroleum production licence area to a place in the petroleum production licence area; and
- (b) either:
  - (i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the petroleum production licence; or
  - (ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the petroleum production licence; and
- (c) the applicant is the petroleum production licensee; and
- (d) the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations;

the Joint Authority may, by written notice given to the applicant, refuse to grant the pipeline licence.

Note: Consultation procedures apply—see section 262.

### **64 After subsection 224(4)**

Insert:

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(4A) If:

- (a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
  - (i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or
  - (ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection area to a place in the greenhouse gas injection licence area; and
- (b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and
- (c) the applicant is the greenhouse gas injection licensee; and
- (d) the Joint Authority is not satisfied of the matters (if any) prescribed by the regulations;

the Joint Authority may, by written notice given to the applicant, refuse to grant the pipeline licence.

Note: Consultation procedures apply—see section 262.

## **65 At the end of section 224**

Add:

- (6) Without limiting subsection (5), in deciding whether to refuse to grant the pipeline licence, the Joint Authority must have regard to the matters (if any) prescribed by the regulations.

### *Refusal on other grounds*

- (7) The Joint Authority must, by written notice given to the applicant, refuse to grant the pipeline licence if the Joint Authority is not satisfied that the technical advice and financial resources available to the applicant are sufficient to:
  - (a) carry out the operations and works that will be authorised by the licence; and
  - (b) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence.

Note: Consultation procedures apply—see section 262.

## 66 Subsection 226(2)

Repeal the subsection, substitute:

- (2) An application under this section must:
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (2A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the 10-day period that began on the day after the application was made.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

## 67 Subsection 226(4)

Omit “After considering any submissions made to the Titles Administrator under subsection (3)”, substitute “Subject to subsection (4A)”.

## 68 After subsection 226(4)

Insert:

- (4A) In deciding whether to vary the licence, the Joint Authority:
- (a) must have regard to any submissions made to the Titles Administrator under subsection (3); and
  - (b) may have regard to:
    - (i) the matters specified in subsection (4B); and
    - (ii) any other matters the Joint Authority considers relevant.
- (4B) The matters are as follows:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:

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- (i) carry out the operations and works that will be authorised by the licence as varied; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence as varied;
- (b) any other matters prescribed by the regulations.

**69 At the end of section 255**

Add:

- (3) The Titles Administrator must publish on the Titles Administrator's website a copy of the instrument of approval referred to in subsection (2).

**70 After subsection 256(4)**

Insert:

- (4A) The application is taken to be accompanied by a fee if the fee is received before the end of the 10-day period that began on the day after the application was made.

**71 After subsection 264(2)**

Insert:

- (2AA) In making a decision under subsection (2), the Joint Authority may have regard to:
  - (a) whether the technical advice and financial resources available to the permittee, lessee or licensee are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit, lease, or licence if the condition of the permit, lease or licence is varied or suspended or the permittee, lessee or licensee is exempt from compliance with the condition; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit, lease, or licence if the condition of the permit, lease or licence is varied or suspended or the permittee, lessee or licensee is exempt from compliance with the condition; and
  - (b) any other matters prescribed by the regulations; and

(c) any other matters the Joint Authority considers relevant.

**72 Subsection 295(1) (table item 3, column headed “In this case...”)**

Omit “or (g)”, substitute “, (g) or (i)”.

**73 Subsection 295A(1) (table item 3, column headed “In this case...”)**

Omit “or (i)”, substitute “, (i) or (ja)”.

**74 Subsection 296(3)**

Repeal the subsection (not including the heading), substitute:

(3) An application under this section must:

- (a) be in the approved form; and
- (b) be accompanied by any information or documents required by the form.

(3A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the responsible Commonwealth Minister before the end of the period specified in the notice published under subsection (1).

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 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

**75 After subsection 298(2)**

Insert:

(2A) In deciding whether to give the applicant an offer document, the responsible Commonwealth Minister:

- (a) must have regard to the matters specified in subsection (2B); and
  - (b) may have regard to any other matters the responsible Commonwealth Minister considers relevant.
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- (2B) The matters are as follows:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit;
  - (b) the matters specified in section 695YB as they apply to the applicant;
  - (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
  - (d) any other matters prescribed by the regulations.

### **76 Subsection 302A(3)**

Repeal the subsection, substitute:

- (3) An application under subsection (2) must:
  - (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (3A) If the approved form requires the application to be accompanied by information or documents, an application under subsection (2) is taken to be accompanied by the information or documents if the information or documents are given to the responsible Commonwealth Minister before at least one of the existing work-bid greenhouse gas assessment permits expires.
- (3B) For the purposes of subsection (3A), disregard the effect of subsection (4).

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.

### **77 Section 302B**

Before “If”, insert “(1)”.

**78 At the end of section 302B**

Add:

- (2) In deciding whether to grant the greenhouse gas assessment permit to the applicant, the responsible Commonwealth Minister:
  - (a) must have regard to the matters specified in subsection (3); and
  - (b) may have regard to any other matters the responsible Commonwealth Minister considers relevant.
- (3) The matters are as follows:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit;
  - (b) any other matters prescribed by the regulations.

**79 Paragraph 303(6)(a)**

Repeal the paragraph, substitute:

- (a) be in the approved form; and
- (aa) be accompanied by any information or documents required by the form; and

**80 After subsection 303(6) (before the notes)**

Insert:

- (7) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the responsible Commonwealth Minister before the end of the period specified in the notice published under subsection (1).

**81 At the end of section 305**

Add:

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- (3) In deciding whether to give the applicant an offer document, the responsible Commonwealth Minister:
- (a) must have regard to:
    - (i) the matters specified in the notice under paragraph 303(3)(b); and
    - (ii) the matters specified in subsection (4); and
  - (b) may have regard to any other matters the responsible Commonwealth Minister considers relevant.
- (4) The matters are as follows:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit;
  - (b) the matters specified in section 695YB as they apply to the applicant;
  - (c) if the applicant is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
  - (d) any other matters prescribed by the regulations.

## **82 After subsection 306(3)**

Insert:

- (3A) In deciding whether to give an offer document to the person referred to in column 3 of the table in subsection (3), the responsible Commonwealth Minister:
- (a) must have regard to:
    - (i) the matters specified in the notice under paragraph 303(3)(b); and
    - (ii) the matters specified in subsection (3B); and
  - (b) may have regard to any other matters the responsible Commonwealth Minister considers relevant.
- (3B) The matters are as follows:

- (a) whether the technical advice and financial resources available to the person are sufficient to:
  - (i) carry out the operations and works that will be authorised by the permit; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit;
- (b) the matters specified in section 695YB as they apply to the person;
- (c) if the person is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
- (d) any other matters prescribed by the regulations.

### 83 Subsection 307A(3)

Repeal the subsection, substitute:

- (3) An application under subsection (2) for a greenhouse gas assessment permit must:
  - (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (3A) If the approved form requires the application to be accompanied by information or documents, an application under subsection (2) is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the earlier of the following:
  - (a) the expiry date of the existing greenhouse gas assessment permit;
  - (b) the expiry date of the existing State/Territory greenhouse gas assessment title.
- (3B) For the purposes of subsection (3A), disregard the effect of subsection (4).

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.

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

#### **84 At the end of section 307B**

Add:

- (3) In deciding whether to give the applicant an offer document, the Cross-boundary Authority:
  - (a) must have regard to the matters specified in subsection (4); and
  - (b) may have regard to any other matters the Cross-boundary Authority considers relevant.
- (4) The matters are as follows:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit;
  - (b) any other matters prescribed by the regulations.

#### **85 Subsection 308(5)**

Repeal the subsection, substitute:

- (5) An application to renew a greenhouse gas assessment permit must:
  - (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (5A) If the approved form requires the application to be accompanied by information or documents, an application to renew a greenhouse gas assessment permit is taken to be accompanied by the information or documents if the information or documents are given to the responsible Commonwealth Minister before the expiry date of the permit.
- (5B) For the purposes of subsection (5A), disregard the effect of subsection (6).

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 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

### **86 After paragraph 309(2)(b)**

Insert:

and (c) the responsible Commonwealth Minister is satisfied that the technical advice and financial resources available to the applicant are sufficient to:

- (i) carry out the operations and works that will be authorised by the permit; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit; and
- (d) the responsible Commonwealth Minister is satisfied of the matters (if any) prescribed by the regulations;

### **87 After subsection 309(3)**

Insert:

(3A) Without limiting paragraph (3)(c), in deciding whether to be satisfied that there are sufficient grounds to warrant the granting of the renewal of the permit, the responsible Commonwealth Minister must have regard to:

- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
  - (i) carry out the operations and works that will be authorised by the permit; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit; and
- (b) any other matters prescribed by the regulations.

### **88 After subsection 309(4)**

Insert:

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- 
- (4A) Without limiting paragraph (4)(c), in deciding whether to be satisfied that there are sufficient grounds to warrant the granting of the renewal of the permit, the responsible Commonwealth Minister must have regard to:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit; and
  - (b) any other matters prescribed by the regulations.

**89 After subsection 310(3)**

Insert:

- (3A) The responsible Commonwealth Minister must, by written notice given to the applicant, refuse to renew the permit if the responsible Commonwealth Minister is not satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (a) carry out the operations and works that will be authorised by the permit; and
  - (b) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit.

Note: Consultation procedures apply—see section 434.

- (3B) The responsible Commonwealth Minister may, by written notice given to the applicant, refuse to renew the permit if the responsible Commonwealth Minister is not satisfied of the matters (if any) prescribed by the regulations.

Note: Consultation procedures apply—see section 434.

**90 Subsection 311A(7)**

Omit “Cross-boundary Authority”, substitute “Titles Administrator”.

**91 Subsection 311A(8)**

Repeal the subsection, substitute:

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- (8) An application to renew a cross-boundary greenhouse gas assessment permit must:
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (8A) If the approved form requires the application to be accompanied by information or documents, an application to renew a cross-boundary greenhouse gas assessment permit is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the expiry date of the permit.
- (8B) For the purposes of subsection (8A), disregard the effect of subsection (9).
- 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.

## 92 Subsection 311B(2)

Repeal the subsection (not including the heading or the note), substitute:

- (2) If:
- (a) each of the following has been complied with:
    - (i) the conditions to which the cross-boundary greenhouse gas assessment permit 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 provisions of the regulations; and
  - (b) the Cross-boundary Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit; and



- 
- (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit; and
  - (c) the Cross-boundary Authority is satisfied of the matters (if any) prescribed by 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.

### **93 After subsection 311B(3)**

Insert:

- (3A) Without limiting paragraph (3)(c), in deciding whether to be satisfied that there are sufficient grounds to warrant the granting of the renewal of the permit, the Cross-boundary Authority must have regard to:
  - (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit; and
  - (b) any other matters prescribed by the regulations.

### **94 After subsection 311C(2)**

Insert:

- (2A) The Cross-boundary Authority must, by written notice given to the applicant, refuse to renew the permit if the Cross-boundary Authority is not satisfied that the technical advice and financial resources available to the applicant are sufficient to:

- (a) carry out the operations and works that will be authorised by the permit; and
- (b) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit.

Note: Consultation procedures apply—see section 434A.

- (2B) The Cross-boundary Authority may, by written notice given to the applicant, refuse to renew the permit if the Cross-boundary Authority is not satisfied of the matters (if any) prescribed by the regulations.

Note: Consultation procedures apply—see section 434A.

**95 Subsection 312(8)**

Omit “the approved”, substitute “an approved”.

**96 After subsection 312(10)**

Insert:

- (10A) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (8).

**97 Subsection 312A(8)**

Omit “the approved”, substitute “an approved”.

**98 After subsection 312A(10)**

Insert:

- (10A) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (8).

**99 Subsection 323(1) (table item 3, column headed “In this case...”)**

Omit “or (g)”, substitute “, (g) or (i)”.

**100 Subsection 323A(1) (table item 3, column headed “In this case...”)**

Omit “or (i)”, substitute “, (i) or (ja)”.

**101 Subsection 324(7)**

Repeal the subsection (not including the heading), substitute:

(7) An application under this section must:

- (a) be in the approved form; and
- (b) be accompanied by any information or documents required by the form.

(7A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the responsible Commonwealth Minister before the end of the application period.

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 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

**102 Subsection 324(11)**

Omit “the approved”, substitute “an approved”.

**103 At the end of section 324**

Add:

(15) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (11).

**104 After paragraph 325(1)(b)**

Insert:

and (c) the responsible Commonwealth Minister is satisfied that the technical advice and financial resources available to the applicant are sufficient to:

- (i) carry out the operations and works that will be authorised by the lease; and
- (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
- (d) the responsible Commonwealth Minister is satisfied of the matters (if any) prescribed by the regulations;

**105 After paragraph 325(2)(b)**

Insert:

- and (c) the responsible Commonwealth Minister is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
  - (i) carry out the operations and works that will be authorised by the lease; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
- (d) the responsible Commonwealth Minister is satisfied of the matters (if any) prescribed by the regulations;

**106 Paragraph 326(2)(a)**

After “(1)(b)”, insert “or (1)(c)”.

**107 Paragraph 326(2)(b)**

After “(2)(b)”, insert “or (2)(c)”.

**108 At the end of section 326**

Add:

- (3) If the responsible Commonwealth Minister is not satisfied as to:
  - (a) in the case of an application made under subsection 324(2)—a matter (if any) prescribed by the regulations for the purposes of paragraph 325(1)(d); or
  - (b) in the case of an application made under subsection 324(3), (4) or (5)—a matter (if any) prescribed by the regulations for the purposes of paragraph 325(2)(d);

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the responsible Commonwealth Minister may, by written notice given to the applicant, refuse to grant a greenhouse gas holding lease to the applicant.

**109 Subsection 329A(7)**

Repeal the subsection (not including the heading), substitute:

- (7) An application under this section must:
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.

- (7A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the application period.

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.

**110 Subsection 329A(11)**

Omit “the approved”, substitute “an approved”.

**111 At the end of section 329A**

Add:

- (15) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (11).

**112 After paragraph 329B(1)(b)**

Insert:

- ; and (ba) the Cross-boundary Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:

- (i) carry out the operations and works that will be authorised by the lease; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
- (bb) the Cross-boundary Authority is satisfied of the matters (if any) prescribed by the regulations;

**113 After paragraph 329B(2)(b)**

Insert:

- ; and (ba) the Cross-boundary Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (i) carry out the operations and works that will be authorised by the lease; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
- (bb) the Cross-boundary Authority is satisfied of the matters (if any) prescribed by the regulations;

**114 Paragraph 329C(2)(a)**

After “(1)(b)”, insert “or (1)(ba)”.

**115 Paragraph 329C(2)(b)**

After “(2)(b)”, insert “or (2)(ba)”.

**116 At the end of section 329C**

Add:

- (3) If the Cross-boundary Authority is not satisfied as to:
- (a) in the case of an application made under subsection 329A(2)—a matter (if any) prescribed by the regulations for the purposes of paragraph 329B(1)(bb); or
  - (b) in the case of an application made under subsection 329A(3), (4) or (5)—a matter (if any) prescribed by the regulations for the purposes of paragraph 329B(2)(bb);

---

the Cross-boundary Authority may, by written notice given to the applicant, refuse to grant a greenhouse gas holding lease to the applicant.

**117 Subsection 330(2)**

Repeal the subsection, substitute:

- (2) An application under this section must:
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.

(2A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the responsible Commonwealth Minister before the end of the application period.

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 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

**118 Subsection 330(5)**

Omit “the approved”, substitute “an approved”.

**119 At the end of section 330**

Add:

- (9) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (5).

**120 After paragraph 331(b)**

Insert:

- and (c) the responsible Commonwealth Minister is satisfied that the technical advice and financial resources available to the applicant are sufficient to:

- (i) carry out the operations and works that will be authorised by the lease; and
- (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
- (d) the responsible Commonwealth Minister is satisfied of the matters (if any) prescribed by the regulations;

### **121 Section 332**

Before “If”, insert “(1)”.

### **122 At the end of section 332**

Add:

- (2) If:
  - (a) an application for a greenhouse gas holding lease has been made under section 330; and
  - (b) the responsible Commonwealth Minister is not satisfied of the matter referred to in paragraph 331(c);the responsible Commonwealth Minister 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 434.

- (3) If:
  - (a) an application for a greenhouse gas holding lease has been made under section 330; and
  - (b) the responsible Commonwealth Minister is not satisfied of the matters (if any) prescribed by the regulations for the purposes of paragraph 331(d);the responsible Commonwealth Minister may, by written notice given to the applicant, refuse to grant a greenhouse gas holding lease to the applicant.

Note: Consultation procedures apply—see section 434.

### **123 Subsection 335A(2)**

Repeal the subsection, substitute:

- (2) An application under this section must:
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- 
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (2A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the application period.

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.

#### **124 Subsection 335A(5)**

Omit “the approved”, substitute “an approved”.

#### **125 At the end of section 335A**

Add:

- (9) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (5).

#### **126 After paragraph 335B(b)**

Insert:

- ; and (ba) the Cross-boundary Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (i) carry out the operations and works that will be authorised by the lease; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
- (bb) the Cross-boundary Authority is satisfied of the matters (if any) prescribed by the regulations;

**127 Section 335C**

Before “If”, insert “(1)”.

**128 At the end of section 335C**

Add:

(2) 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(ba);

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.

(3) 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 of the matters (if any) prescribed by the regulations for the purposes of paragraph 335B(bb);

the Cross-boundary Authority may, 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.

**129 Paragraph 336(1)(d)**

Omit “or (g)”, substitute “, (g) or (i)”.

**130 Paragraph 336(1)(e)**

Omit “or (g)”, substitute “, (g) or (i)”.

**131 Subsection 336(2)**

Repeal the subsection, substitute:

- (2) An application under this section must:
  - (a) be in the approved form; and

(b) be accompanied by any information or documents required by the form.

(2A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the responsible Commonwealth Minister before the end of the application period.

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 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

### **132 Subsection 336(5)**

Omit “the approved”, substitute “an approved”.

### **133 At the end of section 336**

Add:

(9) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (5).

### **134 Section 337**

Repeal the section, substitute:

### **337 Grant of special greenhouse gas holding lease—offer document**

If:

- (a) an application for a special greenhouse gas holding lease has been made under section 336; and
- (b) the responsible Commonwealth Minister is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
  - (i) carry out the operations and works that will be authorised by the lease; and

(ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and

(c) the responsible Commonwealth Minister is satisfied of the matters (if any) prescribed by the regulations;

the responsible Commonwealth Minister must give the applicant a written notice (called an *offer document*) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a special greenhouse gas holding lease over the block or blocks covered by the application.

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 429 to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 429(3).

### 135 After section 337

Insert:

#### 337A Refusal to grant special greenhouse gas holding lease

- (1) This section applies if an application for a special greenhouse gas holding lease has been made under section 336.
- (2) If the responsible Commonwealth Minister is not satisfied as to the matter in paragraph 337(b), the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to grant a special greenhouse gas holding lease to the applicant.
- (3) If the responsible Commonwealth Minister is not satisfied of the matters (if any) prescribed by the regulations for the purposes of paragraph 337(c), the responsible Commonwealth Minister may, by written notice given to the applicant, refuse to grant a special greenhouse gas holding lease to the applicant.

### 136 Paragraph 342A(1)(e)

Omit “or (i)”, substitute “, (i) or (ja)”.

**137 Paragraph 342A(1)(f)**

Omit “or (i)”, substitute “, (i) or (ja)”.

**138 Subsection 342A(2)**

Repeal the subsection, substitute:

(2) An application under this section must:

- (a) be in the approved form; and
- (b) be accompanied by any information or documents required by the form.

(2A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the application period.

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.

**139 Subsection 342A(5)**

Omit “the approved”, substitute “an approved”.

**140 At the end of section 342A**

Add:

- (9) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (5).

**141 Paragraph 342B(2)(a)**

Omit “or”, substitute “and”.

**142 At the end of subsection 342B(2) (before the notes)**

Add:

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- ; and (c) the Cross-boundary Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (i) carry out the operations and works that will be authorised by the lease; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
- (d) the Cross-boundary Authority is satisfied of the matters (if any) prescribed by the regulations.

### **143 After section 342B**

Insert:

#### **342BA Refusal to grant special cross-boundary greenhouse gas holding lease**

- (1) This section applies if an application for a special cross-boundary greenhouse gas holding lease has been made under section 342A.
- (2) If the Cross-boundary Authority is not satisfied as to the matter in paragraph 342B(2)(c), the Cross-boundary Authority must, by written notice given to the applicant, refuse to grant a special cross-boundary greenhouse gas holding lease to the applicant.
- (3) If the Cross-boundary Authority is not satisfied of the matters (if any) prescribed by the regulations for the purposes of paragraph 342B(2)(d), the Cross-boundary Authority may, by written notice given to the applicant, refuse to grant a special cross-boundary greenhouse gas holding lease to the applicant.

### **144 Subsection 343(2)**

Repeal the subsection (not including the heading), substitute:

- (2) An application under this section must:
  - (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.

- (2A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the responsible Commonwealth Minister before the end of the 10-day period that began on the day after the application was made.

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 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

#### **145 Subsection 343(4)**

Omit “the approved”, substitute “an approved”.

#### **146 At the end of section 343**

Add:

- (8) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (4).

#### **147 At the end of subsection 344(2) (before the notes)**

Add “if:

- (a) the responsible Commonwealth Minister is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (i) carry out the operations and works that will be authorised by the lease; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
- (b) the responsible Commonwealth Minister is satisfied of the matters (if any) prescribed by the regulations.”

#### **148 After section 344**

Insert:

### **344A Refusal to grant greenhouse gas holding lease**

- (1) If:
- (a) an application for a greenhouse gas holding lease has been made under section 343; and
  - (b) the responsible Commonwealth Minister is not satisfied that the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the lease; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease;
- the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to grant the lease to the applicant.

- (2) If:
- (a) an application for a greenhouse gas holding lease has been made under section 343; and
  - (b) the responsible Commonwealth Minister is not satisfied of the matters (if any) prescribed by the regulations;
- the responsible Commonwealth Minister may, by written notice given to the applicant, refuse to grant the lease to the applicant.

### **149 Subsection 347(5)**

Repeal the subsection, substitute:

- (5) An application under this section must:
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (5A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the responsible Commonwealth Minister before the expiry date of the lease.
- (5B) For the purposes of subsection (5A), disregard the effect of subsection (6).



- 
- 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 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

**150 After paragraph 348(2)(b)**

Insert:

- and (c) the responsible Commonwealth Minister is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (i) carry out the operations and works that will be authorised by the lease; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
- (d) the responsible Commonwealth Minister is satisfied of the matters (if any) prescribed by the regulations;

**151 At the end of section 348**

Add:

- (4) Without limiting paragraph (3)(b), in deciding whether to be satisfied that there are sufficient grounds to warrant the granting of the renewal of the lease, the responsible Commonwealth Minister must have regard to:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the lease; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
  - (b) any other matters prescribed by the regulations.

**152 At the end of section 349**

Add:

*Refusal on other grounds*

- (7) The responsible Commonwealth Minister must, by written notice given to the applicant, refuse to renew the lease if the responsible Commonwealth Minister is not satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (a) carry out the operations and works that will be authorised by the lease; and
  - (b) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease.

Note: Consultation procedures apply—see section 434.

- (8) The responsible Commonwealth Minister may, by written notice given to the applicant, refuse to renew the lease if the responsible Commonwealth Minister is not satisfied of the matters (if any) prescribed by the regulations.

Note: Consultation procedures apply—see section 434.

**153 Subsection 350A(6)**

Repeal the subsection, substitute:

- (6) An application to renew a cross-boundary greenhouse gas holding lease must:
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (6A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the expiry date of the lease.
- (6B) For the purposes of subsection (6A), disregard the effect of subsection (7).

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.

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

**154 After paragraph 350B(2)(b)**

Insert:

- and (ba) the Cross-boundary Authority is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (i) carry out the operations and works that will be authorised by the lease; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
- (bb) the Cross-boundary Authority is satisfied of the matters (if any) prescribed by the regulations;

**155 At the end of section 350B**

Add:

- (4) Without limiting paragraph (3)(b), in deciding whether to be satisfied that there are sufficient grounds to warrant the granting of the renewal of the lease, the Cross-boundary Authority must have regard to:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the lease; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease; and
  - (b) the matters (if any) prescribed by the regulations.

**156 At the end of section 350C**

Add:

*Refusal on other grounds*

- (7) The Cross-boundary Authority must, by written notice given to the applicant, refuse to renew the lease if the Cross-boundary

Authority is not satisfied that the technical advice and financial resources available to the applicant are sufficient to:

- (a) carry out the operations and works that will be authorised by the lease; and
- (b) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the lease.

Note: Consultation procedures apply—see section 434A.

- (8) The Cross-boundary Authority may, by written notice given to the applicant, refuse to renew the lease if the Cross-boundary Authority is not satisfied of the matters (if any) prescribed by the regulations.

Note: Consultation procedures apply—see section 434A.

### **157 Paragraph 353(1)(c)**

Omit “or (g)”, substitute “, (g) or (i)”.

### **158 Paragraph 353A(1)(c)**

Omit “or (i)”, substitute “, (i) or (ja)”.

### **159 Subsection 361(10)**

Repeal the subsection, substitute:

- (10) An application under this section must:
  - (a) be in the approved form; and
  - (b) be accompanied by 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
  - (c) be accompanied by any other information or documents required by the form.
- (10A) An application under this section is taken to be accompanied by the draft site plan or plans referred to in paragraph (10)(b) if the plan or plans are given to the responsible Commonwealth Minister before the end of the 10-day period that began on the day after the application was made.

- (10B) If the approved form requires the application to be accompanied by any other information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the responsible Commonwealth Minister before the end of the 10-day period that began on the day after the application was made.

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 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

### **160 Subsection 361(12)**

Omit “the approved”, substitute “an approved”.

### **161 At the end of section 361**

Add:

- (16) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (12).

### **162 Paragraph 362(1)(g)**

Repeal the paragraph, substitute:

- (g) the responsible Commonwealth Minister is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (i) carry out the operations and works that will be authorised by the licence; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and

### **163 After paragraph 362(1)(h)**

Insert:

- and (i) the responsible Commonwealth Minister is satisfied of the matters (if any) prescribed by the regulations;

**164 Paragraph 362(2)(g)**

Repeal the paragraph, substitute:

- (g) the responsible Commonwealth Minister is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
  - (i) carry out the operations and works that will be authorised by the licence; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and

**165 After paragraph 362(2)(h)**

Insert:

- and (i) the responsible Commonwealth Minister is satisfied of the matters (if any) prescribed by the regulations;

**166 Subsection 368A(9)**

Repeal the subsection, substitute:

- (9) An application under this section must:
  - (a) be in the approved form; and
  - (b) be accompanied by 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
  - (c) be accompanied by any other information or documents required by the form.
- (9A) An application under this section is taken to be accompanied by the draft site plan or plans referred to in paragraph (9)(b) if the plan or plans are given to the Titles Administrator before the expiry date of the cross-boundary greenhouse gas assessment permit or a cross-boundary greenhouse gas holding lease (as the case may be).
- (9B) If the approved form requires the application to be accompanied by any other information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the expiry date of the cross-boundary

greenhouse gas assessment permit or a cross-boundary greenhouse gas holding lease (as the case may be).

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.

**167 Subsection 368A(11)**

Omit “the approved”, substitute “an approved”.

**168 At the end of section 368A**

Add:

- (15) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (11).

**169 Paragraph 368B(1)(i)**

Repeal the paragraph, substitute:

- (i) the responsible Commonwealth Minister is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (i) carry out the operations and works that will be authorised by the licence; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and

**170 After paragraph 368B(1)(j)**

Insert:

- and (ja) the responsible Commonwealth Minister is satisfied of the matters (if any) prescribed by the regulations;

**171 Paragraph 368B(2)(i)**

Repeal the paragraph, substitute:

- (i) the responsible Commonwealth Minister is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
  - (i) carry out the operations and works that will be authorised by the licence; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and

**172 After paragraph 368B(2)(j)**

Insert:

- and (ja) the responsible Commonwealth Minister is satisfied of the matters (if any) prescribed by the regulations;

**173 Subsection 369(9)**

Repeal the subsection, substitute:

- (9) An application under this section must:
  - (a) be in the approved form; and
  - (b) be accompanied by 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
  - (c) be accompanied by any other information or documents required by the form.
- (9A) An application under this section is taken to be accompanied by the draft site plan or plans referred to in paragraph (9)(b) if the plan or plans are given to the responsible Commonwealth Minister before the end of the 10-day period that began on the day after the application was made.
- (9B) If the approved form requires the application to be accompanied by any other information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the responsible Commonwealth Minister before the end of the 10-day period that began on the day after the application was made.

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 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

**174 Subsection 369(11)**

Omit “the approved”, substitute “an approved”.

**175 At the end of section 369**

Add:

- (15) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (11).

**176 Paragraph 370(h)**

Repeal the paragraph, substitute:

- (h) the responsible Commonwealth Minister is satisfied that the technical advice and financial resources available to the applicant are sufficient to:
- (i) carry out the operations and works that will be authorised by the licence; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence; and

**177 After paragraph 370(i)**

Insert:

- and (j) the responsible Commonwealth Minister is satisfied of the matters (if any) prescribed by the regulations;

**178 Subsection 374(2)**

Repeal the subsection, substitute:

- (2) An application under subsection (1) must:
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.

- (2A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the responsible Commonwealth Minister before the end of the 10-day period that began on the day after the application was made.

**179 After subsection 374(3)**

Insert:

- (3A) In making a decision under subsection (3), the responsible Commonwealth Minister:
- (a) must have regard to the matters specified in subsection (3B); and
  - (b) may have regard to any other matters the responsible Commonwealth Minister considers relevant.
- (3B) The matters are as follows:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence as varied; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence as varied;
  - (b) any other matters prescribed by the regulations.

**180 Subsection 374A(2)**

Repeal the subsection, substitute:

- (2) An application under subsection (1) must:
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (2A) If the approved form requires the application to be accompanied by information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator

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before the end of the 10-day period that began on the day after the application was made.

**181 After subsection 374A(3)**

Insert:

- (3A) In making a decision under subsection (3), the responsible Commonwealth Minister:
- (a) must have regard to the matters specified in subsection (3B); and
  - (b) may have regard to any other matters the responsible Commonwealth Minister considers relevant.
- (3B) The matters are as follows:
- (a) whether the technical advice and financial resources available to the applicant are sufficient to:
    - (i) carry out the operations and works that will be authorised by the licence as varied; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the licence as varied;
  - (b) any other matters prescribed by the regulations.

**182 After subsection 386(2)**

Insert:

- (2A) An application under this section is taken to be accompanied by the report referred to in paragraph (2)(a) if that report is given to the responsible Commonwealth Minister:
- (a) if, as a result of the operation of this section, the application needs to be made within a particular period—before the end of that period; or
  - (b) in any other case—before the end of the 10-day period that began on the day after the application was made.
- (2B) An application under this section is taken to be accompanied by the report referred to in paragraph (2)(b) if that report is given to the responsible Commonwealth Minister:

- (a) if, as a result of the operation of this section, the application needs to be made within a particular period—before the end of that period; or
  - (b) in any other case—before the end of the 10-day period that began on the day after the application was made.
- (2C) An application under this section is taken to be accompanied by the suggestions referred to in paragraph (2)(c) if those suggestions are given to the responsible Commonwealth Minister:
- (a) if, as a result of the operation of this section, the application needs to be made within a particular period—before the end of that period; or
  - (b) in any other case—before the end of the 10-day period that began on the day after the application was made.
- (2D) If the regulations specify information for the purposes of paragraph (2)(d), an application under this section is taken to be accompanied by the information if the information is given to the responsible Commonwealth Minister:
- (a) if, as a result of the operation of this section, the application needs to be made within a particular period—before the end of that period; or
  - (b) in any other case—before the end of the 10-day period that began on the day after the application was made.

**183 Subsection 387(3)**

Omit “the approved”, substitute “an approved”.

**184 At the end of section 387**

Add:

- (7) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (3).

**185 At the end of section 426**

Add:

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- (3) The Titles Administrator must publish on the Titles Administrator's website a copy of the instrument of approval referred to in subsection (2).

**186 After subsection 427(4)**

Insert:

- (4A) The application is taken to be accompanied by a fee if the fee is received before the end of the 10-day period that began on the day after the application was made.

**187 After subsection 436(2)**

Insert:

- (2A) In making a decision under subsection (2), the responsible Commonwealth Minister may have regard to:
- (a) whether the technical advice and financial resources available to the permittee, lessee or licensee are sufficient to:
    - (i) carry out the operations and works that will be authorised by the permit, lease, or licence if the condition of the permit, lease or licence is varied or suspended or the permittee, lessee or licensee is exempt from compliance with the condition; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit, lease, or licence if the condition of the permit, lease or licence is varied or suspended or the permittee, lessee or licensee is exempt from compliance with the condition; and
  - (b) any other matters prescribed by the regulations; and
  - (c) any other matters the responsible Commonwealth Minister considers relevant.

**188 After subsection 439A(3)**

Insert:

- (3A) In making a decision under subsection (3), the Cross-boundary Authority may have regard to:
- (a) whether the technical advice and financial resources available to the permittee, lessee or licensee are sufficient to:
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- (i) carry out the operations and works that will be authorised by the permit, lease, or licence if the condition of the permit, lease or licence is varied or suspended or the permittee, lessee or licensee is exempt from compliance with the condition; and
  - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the permit, lease, or licence if the condition of the permit, lease or licence is varied or suspended or the permittee, lessee or licensee is exempt from compliance with the condition; and
- (b) any other matters prescribed by the regulations; and
  - (c) any other matters the Cross-boundary Authority considers relevant.

### **189 Subsection 473(2)**

Repeal the subsection (including the note), substitute:

- (2) An application must be made in an approved manner.

Note: Section 516A requires the application to be accompanied by an application fee.

- (3) The Titles Administrator must publish on the Titles Administrator's website a copy of the instrument of approval referred to in subsection (2).

### **190 Section 474**

Repeal the section, substitute:

#### **474 Documents to accompany application**

- (1) An application for approval of a transfer must:
  - (a) be in the approved form; and
  - (b) be accompanied by an instrument of transfer, in the form approved in an instrument under subsection (4), executed by:
    - (i) the registered holder or, if there are 2 or more registered holders, by each registered holder; and
    - (ii) the transferee or, if there are 2 or more transferees, by each transferee; and

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- (c) be accompanied by any other information or documents required by the form.
  - (2) An application for approval of a transfer is taken to be accompanied by the instrument of transfer referred to in paragraph (1)(b) if that instrument is given to the Titles Administrator before the end of the period applicable under subsection 476(1).
  - (3) If the approved form requires the application to be accompanied by any other information or documents, an application under this section is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the period applicable under subsection 476(1).
  - (4) The Titles Administrator may, by notifiable instrument, approve a form for the purposes of paragraph (1)(b).

**191 After subsection 478(2)**

Insert:

- (3) Before deciding whether to approve a transfer of a title, the Titles Administrator may consult with one or more of the following:
  - (a) the Joint Authority;
  - (b) NOPSEMA;
  - (c) the responsible Commonwealth Minister.
- (3A) In deciding whether to approve a transfer of a title, the Titles Administrator:
  - (a) must have regard to the matters specified in subsection (3B); and
  - (b) may have regard to the matters raised in consultations (if any) under subsection (3); and
  - (c) may have regard to any other matters the Titles Administrator considers relevant.
- (3B) The matters are as follows:
  - (a) whether the technical advice and financial resources available to the transferee or transferees are sufficient to:

- (i) carry out the operations and works that are authorised by the title; and
- (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the title;
- (b) the matters specified in section 695YB as they apply to the transferee or transferees;
- (c) if the transferee or transferees is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
- (d) any other matters prescribed by the regulations.

**192 Subsection 479(2)**

Repeal the subsection (not including the heading), substitute:

- (2) The Titles Administrator must immediately endorse a memorandum of approval on the instrument of transfer.

**193 Subsection 479(5)**

Repeal the subsection, substitute:

- (5) If the transfer is registered:
  - (a) a copy of the instrument of transfer endorsed with the memorandum of approval must be:
    - (i) retained by the Titles Administrator; and
    - (ii) made available for inspection in accordance with this Chapter; and
  - (b) if the instrument of transfer was provided in hard copy—the instrument of transfer endorsed with the memorandum of approval must be returned to the person who applied for approval of the transfer; and
  - (c) if the instrument of transfer was provided electronically—a copy of the instrument of transfer endorsed with the memorandum of approval must be given to the person who applied for approval of the transfer.

**194 Subsection 488(4)**

Repeal the subsection, substitute:

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*Applications must be made in approved manner*

- (4) An application must be made in an approved manner.

Note: Section 516A requires the application to be accompanied by an application fee.

- (5) The Titles Administrator must publish on the Titles Administrator's website a copy of the instrument of approval referred to in subsection (4).

### **195 Subsection 489(1)**

Repeal the subsection (not including the heading), substitute:

- (1) An application for approval of a dealing must:

- (a) be in the approved form; and
- (b) be accompanied by the instrument evidencing the dealing; and
- (c) be accompanied by any other information or documents required by the form.

- (1A) An application for approval of a dealing is taken to be accompanied by the instrument referred to in paragraph (1)(b) if that instrument:

- (a) has already been lodged with the Titles Administrator for the purposes of another application; or
- (b) is given to the Titles Administrator before the end of the period applicable under subsection 491(1) or section 503 (as the case may be).

- (1B) If the approved form requires the application to be accompanied by any other information or documents, an application for approval of a dealing is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the period applicable under subsection 491(1) or section 503 (as the case may be).

### **196 Subsection 489(2)**

Omit "instrument setting out such details (if any) as are prescribed", substitute "instrument in a form approved in an instrument under subsection (5)".

**197 After subsection 489(2)**

Insert:

- (2A) An application for approval of a dealing is taken to be accompanied by the instrument referred to in subsection (2) if that instrument is given to the Titles Administrator before the end of the period applicable under subsection 491(1) or section 503 (as the case may be).

**198 Subsection 489(4A)**

Repeal the subsection.

**199 At the end of section 489**

Add:

- (5) The Titles Administrator may, by notifiable instrument, approve a form for the purposes of subsection (2).

**200 After subsection 493(2)**

Insert:

- (3) In deciding whether to approve a dealing, the Titles Administrator:
- (a) must have regard to the matters (if any) prescribed by the regulations; and
  - (b) may have regard to any other matters the Titles Administrator considers relevant.

**201 Subsection 494(2)**

Repeal the subsection (not including the heading), substitute:

- (2) The Titles Administrator must immediately endorse a memorandum of approval on the instrument evidencing the dealing.

**202 Subsections 495(2) and (3)**

Repeal the subsections, substitute:

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*Application accompanied by supplementary instrument*

- (2) If the application for approval of the dealing was accompanied by a supplementary instrument:
- (a) a copy of the supplementary instrument, endorsed with a copy of the memorandum of approval, must be:
    - (i) retained by the Titles Administrator; and
    - (ii) made available for inspection in accordance with this Chapter; and
  - (b) if the supplementary instrument was provided in hard copy—the supplementary instrument must be returned to the person who applied for approval; and
  - (c) if the supplementary instrument was provided electronically—a copy of the supplementary instrument must be given to the person who applied for approval; and
  - (d) a copy of the instrument evidencing the dealing must not be made available for inspection in accordance with this Chapter; and
  - (e) if the instrument evidencing the dealing was provided in hard copy—the instrument evidencing the dealing, endorsed with a memorandum of approval, must be returned to the person who applied for approval; and
  - (f) if the instrument evidencing the dealing was provided electronically—a copy of the instrument evidencing the dealing, endorsed with a memorandum of approval, must be given to the person who applied for approval.

Note: For inspection, see section 515.

*Application not accompanied by supplementary instrument*

- (3) If the application for approval of the dealing was not accompanied by a supplementary instrument:
- (a) a copy of the instrument evidencing the dealing, endorsed with a memorandum of approval, must be:
    - (i) retained by the Titles Administrator; and
    - (ii) made available for inspection in accordance with this Chapter; and
  - (b) if the instrument evidencing the dealing was provided in hard copy—the instrument evidencing the dealing, endorsed with

a memorandum of approval, must be returned to the person who applied for approval; and

- (c) if the instrument evidencing the dealing was provided electronically—a copy of the instrument evidencing the dealing, endorsed with a memorandum of approval, must be given to the person who applied for approval.

Note: For inspection, see section 515.

### **203 Subsection 498(4)**

Repeal the subsection, substitute:

*Applications must be made in approved manner*

- (4) An application must be made in an approved manner.

Note: Section 516A requires the application to be accompanied by an application fee.

- (5) The Titles Administrator must publish on the Titles Administrator's website a copy of the instrument of approval referred to in subsection (4).

### **204 Subsection 499(1)**

Repeal the subsection (not including the heading), substitute:

- (1) A provisional application for approval of a dealing must:

- (a) be in the approved form; and
- (b) be accompanied by the instrument evidencing the dealing; and
- (c) be accompanied by any other information or documents required by the form.

- (1A) A provisional application for approval of a dealing is taken to be accompanied by the instrument referred to in paragraph (1)(b) if that instrument:

- (a) has already been lodged with the Titles Administrator for the purposes of another application; or
- (b) is given to the Titles Administrator before the end of the period applicable under section 501.

- (1B) If the approved form requires the application to be accompanied by any other information or documents, a provisional application for approval of a dealing is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the period applicable under section 501.

**205 Subsection 499(2)**

Omit “instrument setting out such details (if any) as are prescribed”, substitute “instrument in a form approved in an instrument under subsection (5)”.

**206 After subsection 499(2)**

Insert:

- (2A) A provisional application for approval of a dealing is taken to be accompanied by the instrument referred to in subsection (2) if that instrument is given to the Titles Administrator before the end of the period applicable under section 501.

**207 Subsection 499(4A)**

Repeal the subsection.

**208 At the end of section 499**

Add:

- (5) The Titles Administrator may, by notifiable instrument, approve a form for the purposes of subsection (2).

**209 After subsection 516A(3)**

Insert:

- (3A) An eligible application is taken to be accompanied by a fee if the fee is received before the end of the 10-day period that began on the day after the application was made.

**210 Subsection 525(2)**

Repeal the subsection (including the note), substitute:

- (2) An application must be made in an approved manner.

Note: Section 565A requires the application to be accompanied by an application fee.

- (3) The Titles Administrator must publish on the Titles Administrator's website a copy of the instrument of approval referred to in subsection (2).

## **211 Section 526**

Repeal the section, substitute:

### **526 Documents to accompany application**

- (1) An application for approval of a transfer must:
- (a) be in the approved form; and
  - (b) be accompanied by an instrument of transfer, in the form approved in an instrument under subsection (4), executed by:
    - (i) the registered holder or, if there are 2 or more registered holders, by each registered holder; and
    - (ii) the transferee or, if there are 2 or more transferees, by each transferee; and
  - (c) be accompanied by any other information or documents required by the form.
- (2) An application for approval of a transfer is taken to be accompanied by the instrument referred to in paragraph (1)(b) if that instrument is given to the Titles Administrator before the end of the period applicable under subsection 527(1).
- (3) If the approved form requires the application to be accompanied by any other information or documents, an application for approval of a transfer is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the period applicable under subsection 527(1).
- (4) The Titles Administrator may, by notifiable instrument, approve a form for the purposes of paragraph (1)(b).

## **212 After subsection 529(2)**

Insert:

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- (2A) Before deciding whether to approve a transfer of a title, the Titles Administrator may consult with one or more of the following:
- (a) the Cross-boundary Authority;
  - (b) NOPSEMA;
  - (c) the responsible Commonwealth Minister.
- (2B) In deciding whether to approve a transfer of a title, the Titles Administrator:
- (a) must have regard to the matters specified in subsection (2C); and
  - (b) may have regard to the matters raised in consultations (if any) under subsection (2A); and
  - (c) may have regard to any other matters the Titles Administrator considers relevant.
- (2C) The matters are as follows:
- (a) whether the technical advice and financial resources available to the transferee or transferees are sufficient to:
    - (i) carry out the operations and works that are authorised by the title; and
    - (ii) discharge the obligations that will be imposed under this Act, or a legislative instrument under this Act, in relation to the title;
  - (b) the matters specified in section 695YB as they apply to the transferee or transferees;
  - (c) if the transferee or transferees is a body corporate—the matters specified in section 695YB as they apply to an officer of the body corporate;
  - (d) any other matters prescribed by the regulations.

**213 Subsection 530(2)**

Repeal the subsection (not including the heading), substitute:

- (2) The Titles Administrator must immediately endorse a memorandum of approval on the instrument of transfer.

**214 Subsection 530(5)**

Repeal the subsection, substitute:

- (5) If the transfer is registered:
- (a) a copy of the instrument of transfer endorsed with the memorandum of approval must be:
    - (i) retained by the Titles Administrator; and
    - (ii) made available for inspection in accordance with this Chapter; and
  - (b) if the instrument of transfer was provided in hard copy—the instrument of transfer endorsed with the memorandum of approval must be returned to the person who applied for approval of the transfer; and
  - (c) if the instrument of transfer was provided electronically—a copy of the instrument of transfer endorsed with the memorandum of approval must be given to the person who applied for approval of the transfer.

### **215 Subsection 539(4)**

Repeal the subsection, substitute:

*Applications must be made in approved manner*

- (4) An application must be made in an approved manner.
- Note: Section 565A requires the application to be accompanied by an application fee.
- (5) The Titles Administrator must publish on the Titles Administrator’s website a copy of the instrument of approval referred to in subsection (4).

### **216 Subsection 540(1)**

Repeal the subsection (not including the heading), substitute:

- (1) An application for approval of a dealing must:
- (a) be in the approved form; and
  - (b) be accompanied by the instrument evidencing the dealing; and
  - (c) be accompanied by any other information or documents required by the form.



- 
- (1A) An application for approval of a dealing is taken to be accompanied by the instrument referred to in paragraph (1)(b) if that instrument:
- (a) has already been lodged with the Titles Administrator for the purposes of another application; or
  - (b) is given to the Titles Administrator before the end of the period applicable under subsection 541(1) or section 552 (as the case may be).
- (1B) If the approved form requires the application to be accompanied by any other information or documents, an application for approval of a dealing is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the period applicable under subsection 541(1) or section 552 (as the case may be).

**217 Subsection 540(2)**

Omit “instrument setting out such details (if any) as are prescribed”, substitute “instrument in a form approved in an instrument under subsection (4)”.

**218 After subsection 540(2)**

Insert:

- (2A) An application for approval of a dealing is taken to be accompanied by the instrument referred to in subsection (2) if that instrument is given to the Titles Administrator before the end of the period applicable under subsection 541(1) or section 552 (as the case may be).

**219 Subsection 540(4)**

Repeal the subsection, substitute:

- (4) The Titles Administrator may, by notifiable instrument, approve a form for the purposes of subsection (2).

**220 After subsection 543(2)**

Insert:

- (2A) In deciding whether to approve a dealing, the Titles Administrator:
-

- (a) must have regard to the matters (if any) prescribed by the regulations; and
- (b) may have regard to any other matters the Titles Administrator considers relevant.

**221 Subsection 544(2)**

Repeal the subsection (not including the heading), substitute:

- (2) The Titles Administrator must immediately endorse a memorandum of approval on the instrument evidencing the dealing.

**222 Subsections 545(2) and (3)**

Repeal the subsections, substitute:

*Application accompanied by supplementary instrument*

- (2) If the application for approval of the dealing was accompanied by a supplementary instrument:
  - (a) a copy of the supplementary instrument, endorsed with a copy of the memorandum of approval, must be:
    - (i) retained by the Titles Administrator; and
    - (ii) made available for inspection in accordance with this Chapter; and
  - (b) if the supplementary instrument was provided in hard copy—the supplementary instrument must be returned to the person who applied for approval; and
  - (c) if the supplementary instrument was provided electronically—a copy of the supplementary instrument must be given to the person who applied for approval; and
  - (d) a copy of the instrument evidencing the dealing must not be made available for inspection in accordance with this Chapter; and
  - (e) if the instrument evidencing the dealing was provided in hard copy—the instrument evidencing the dealing, endorsed with a memorandum of approval, must be returned to the person who applied for approval; and
  - (f) if the instrument evidencing the dealing was provided electronically—a copy of the instrument evidencing the

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dealing, endorsed with a memorandum of approval, must be given to the person who applied for approval.

Note: For inspection, see section 564.

*Application not accompanied by supplementary instrument*

- (3) If the application for approval of the dealing was not accompanied by a supplementary instrument:
- (a) a copy of the instrument evidencing the dealing, endorsed with a memorandum of approval, must be:
    - (i) retained by the Titles Administrator; and
    - (ii) made available for inspection in accordance with this Chapter; and
  - (b) if the instrument evidencing the dealing was provided in hard copy—the instrument evidencing the dealing, endorsed with a memorandum of approval, must be returned to the person who applied for approval; and
  - (c) if the instrument evidencing the dealing was provided electronically—a copy of the instrument evidencing the dealing, endorsed with a memorandum of approval, must be given to the person who applied for approval.

Note: For inspection, see section 564.

### **223 Subsection 548(4)**

Repeal the subsection, substitute:

*Applications must be made in approved manner*

- (4) A provisional application must be made in an approved manner.

Note: Section 565A requires the application to be accompanied by an application fee.

- (5) The Titles Administrator must publish on the Titles Administrator's website a copy of the instrument of approval referred to in subsection (4).

### **224 Subsection 549(1)**

Repeal the subsection (not including the heading), substitute:

- (1) A provisional application for approval of a dealing must:
-

- (a) be in the approved form; and
  - (b) be accompanied by the instrument evidencing the dealing;  
and
  - (c) be accompanied by any other information or documents  
required by the form.
- (1A) A provisional application for approval of a dealing is taken to be accompanied by the instrument referred to in paragraph (1)(b) if that instrument:
- (a) has already been lodged with the Titles Administrator for the purposes of another application; or
  - (b) is given to the Titles Administrator before the end of the period applicable under section 550.
- (1B) If the approved form requires the application to be accompanied by any other information or documents, a provisional application for approval of a dealing is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the period applicable under section 550.

**225 Subsection 549(2)**

Omit “instrument setting out such details (if any) as are prescribed”, substitute “instrument in a form approved in an instrument under subsection (4)”.

**226 After subsection 549(2)**

Insert:

- (2A) A provisional application for approval of a dealing is taken to be accompanied by the instrument referred to in subsection (2) if that instrument:
- (a) has already been lodged with the Titles Administrator for the purposes of another application; or
  - (b) is given to the Titles Administrator before the end of the period applicable under section 550.

**227 Subsection 549(4)**

Repeal the subsection, substitute:

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- (4) The Titles Administrator may, by notifiable instrument, approve a form for the purposes of subsection (2).

**228 After subsection 565A(3)**

Insert:

- (3A) An eligible application is taken to be accompanied by a fee if the fee is received before the end of the 10-day period that began on the day after the application was made.

**229 Subsection 611B(2) (table item 2, column headed “is an *authorised applicant* in relation to the following civil penalty provisions in this Act (to the extent indicated) ...”, after paragraph (j))**

Insert:

(jaa) subsection 695YC(4);

**230 Subsection 611B(2) (table item 3, column headed “is an *authorised applicant* in relation to the following civil penalty provisions in this Act (to the extent indicated) ...”, before paragraph (h))**

Insert:

(gh) subsection 695YC(4);

**231 At the end of Chapter 6**

Add:

**Part 6.12—Other matters**

**Division 1—Simplified outline**

**695YA Simplified outline of this Part**

For the purposes of making certain decisions under this Act, the person making the decision must have regard to the matters set out in Division 2.
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Registered holders of titles and others are required to notify the Titles Administrator and NOPSEMA if certain events occur. This includes if they are found guilty of certain offences such as those involving fraud or dishonesty, are ordered to pay a pecuniary penalty for a contravention of such laws or become insolvent under administration.

## **Division 2—Decision-making under this Act and matters to which a decision-maker must have regard**

### **695YB Matters to which a decision-maker must have regard**

- (1) This section sets out the matters in relation to which regard must be had in making certain decisions under this Act.

Note: For example, the Joint Authority must have regard to these matters in relation to a person when deciding whether the Joint Authority is prepared to grant the person a petroleum exploration permit (see subsection 105(4)).

- (2) The matters are as follows:
- (a) if the person is an individual—the person’s experience in the following:
    - (i) petroleum exploration or recovery;
    - (ii) the injection or storage of greenhouse gas substances;
  - (b) if the person is a body corporate—the experience of the officers (within the meaning of the *Corporations Act 2001*) of the body corporate in the following:
    - (i) petroleum exploration or recovery;
    - (ii) the injection or storage of greenhouse gas substances;
  - (c) whether the person has been found guilty of an offence against, or ordered to pay a pecuniary penalty under, any of the following:
    - (i) this Act, including any regulations made under this Act;
    - (ii) any other law of the Commonwealth prescribed by the regulations;
    - (iii) the *Criminal Code* or the *Crimes Act 1914*, to the extent that it relates to this Act or a law prescribed for the purposes of subparagraph (ii);

- 
- (d) whether the person has contravened this Act, including any regulations made under this Act, or a law prescribed for the purposes of subparagraph (c)(ii);
  - (e) whether in any criminal or civil proceedings against the applicant, or in any action against the applicant by an agency of the Commonwealth or a State or Territory, the person is found to have engaged in conduct involving fraud or dishonesty;
  - (f) whether the person has contravened a direction given under Chapter 2, 3 or 6, Part 7.1 or Part 8.1 of this Act;
  - (g) if the person has made an application for any of the following, whether the application was refused:
    - (i) a petroleum production licence;
    - (ii) an infrastructure licence;
    - (iii) a pipeline licence;
    - (iv) a greenhouse gas injection licence;
  - (h) if the person is or has been a registered holder of any of the following titles, whether the title was cancelled or partly cancelled:
    - (i) a petroleum exploration permit;
    - (ii) a petroleum retention lease;
    - (iii) a petroleum production licence;
    - (iv) an infrastructure licence;
    - (v) a pipeline licence;
    - (vi) a greenhouse gas assessment permit;
    - (vii) a greenhouse gas holding lease;
    - (viii) a greenhouse gas injection licence;
  - (i) whether the person:
    - (i) has made a false or misleading statement in an application under this Act or regulations made under this Act; or
    - (ii) has given false or misleading information, documents or evidence to the Joint Authority for an offshore area, the responsible Commonwealth Minister, the Titles Administrator, NOPSEMA or the Cross-boundary Authority;

- (j) whether a debt is due and payable by the person to the Commonwealth under:
    - (i) this Act, including any regulations made under this Act; or
    - (ii) another law of the Commonwealth prescribed by the regulations;
  - (k) whether the person has been a Chapter 5 body corporate (within the meaning of the *Corporations Act 2001*) or an insolvent under administration;
  - (l) if the person is or has been an officer (within the meaning of the *Corporations Act 2001*) of a body corporate—whether the body corporate is or has been a Chapter 5 body corporate (within the meaning of the *Corporations Act 2001*);
  - (m) if the person is an individual—whether the person has ever been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*;
  - (n) if the person is an individual—whether the person has been found, in any criminal or civil proceedings against the person, to have committed an offence against, or contravened, a provision of Division 1 of Part 2D.1 of the *Corporations Act 2001*;
  - (o) any other matter prescribed by the regulations.
- (3) Nothing in this section affects the operation of Part VIIC of the *Crimes Act 1914*.

Note: Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

## Division 3—Notification of events

### 695YC Requirement to give notice if certain events occur

- (1) This section applies to the following persons:
  - (a) an applicant for the grant, renewal or approval of a transfer of any of the following titles (each of which is a **relevant title**):
    - (i) a petroleum exploration permit;
    - (ii) a petroleum retention lease;



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- (iii) a petroleum production licence;
  - (iv) an infrastructure licence;
  - (v) a pipeline licence;
  - (vi) a greenhouse gas assessment permit;
  - (vii) a greenhouse gas holding lease;
  - (viii) a greenhouse gas injection licence;
  - (b) a registered holder of a relevant title;
  - (c) if the person referred to in paragraph (a) or (b) is a body corporate—a person who is an officer (within the meaning of the *Corporations Act 2001*) of the body corporate.
- (2) The person must give written notice to the Titles Administrator and NOPSEMA if any of the following events occur, as soon as practicable after the event occurs:
- (a) the person is found guilty of an offence against a law of the Commonwealth or of a State or Territory:
    - (i) involving fraud or dishonesty; or
    - (ii) prescribed by the regulations;
  - (b) the person is ordered to pay a pecuniary penalty for the contravention of a civil penalty provision of a law of the Commonwealth or of a State or Territory:
    - (i) involving fraud or dishonesty; or
    - (ii) prescribed by the regulations;
  - (c) if the person is an individual—the person becomes insolvent under administration;
  - (d) if the person is an individual—the person is disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*;
  - (e) if the person is a body corporate—the person becomes a Chapter 5 body corporate (within the meaning of the *Corporations Act 2001*);
  - (f) if the person is an officer (within the meaning of the *Corporations Act 2001*) of a body corporate—the body corporate becomes a Chapter 5 body corporate (within the meaning of the *Corporations Act 2001*);
  - (g) if the person is an individual—the person is found, in any criminal or civil proceedings against the person, to have

committed an offence against, or contravened, a provision of Division 1 of Part 2D.1 of the *Corporations Act 2001*;

(h) an event of a kind prescribed by the regulations.

(3) The notice must be given in the approved form and in an approved manner.

(4) A person is liable to a civil penalty if:

(a) the person is subject to a requirement under subsection (2);  
and

(b) the person omits to do an act; and

(c) the omission breaches the requirement.

Civil penalty: 240 penalty units.

(5) The Titles Administrator must publish on the Titles Administrator's website:

(a) the form approved for the purposes of subsection (3); and

(b) a copy of the instrument approving a manner for the purposes of that subsection.

(6) Nothing in this section affects the operation of Part VIIC of the *Crimes Act 1914*.

Note: Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

(7) In this section:

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

### **232 After subsection 775B(3)**

Insert:

(3A) The Titles Administrator must publish on the Titles Administrator's website a copy of the instrument of approval referred to in subsection (3).

### **233 After subsection 775C(3)**

Insert:

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- (3A) The Titles Administrator must publish on the Titles Administrator's website a copy of the instrument of approval referred to in subsection (3).

**234 After subsection 775CA(3)**

Insert:

- (3A) The Titles Administrator must publish on the Titles Administrator's website a copy of the instrument of approval referred to in subsection (3).

**235 Subclause 2(7) of Schedule 4**

Repeal the subclause, substitute:

- (7) An application under this clause must:
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (8) If the approved form requires the application to be accompanied by information or documents, an application under this clause is taken to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the application period.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 258 enables the Titles Administrator to require the applicant to give further information.

Note 3: An application under this clause is dealt with under Division 2 of Part 2.4.

**236 Subclause 4(7) of Schedule 4**

Repeal the subclause, substitute:

- (7) An application under this clause must:
- (a) be in the approved form; and
  - (b) be accompanied by any information or documents required by the form.
- (8) If the approved form requires the application to be accompanied by information or documents, an application under this clause is taken

to be accompanied by the information or documents if the information or documents are given to the Titles Administrator before the end of the 10-day period that began on the day after the application was made.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 258 enables the Titles Administrator to require the applicant to give further information.

Note 3: An application under this clause is dealt with under Division 2 of Part 2.4.

## 237 Application and transitional provisions

### *Definitions*

- (1) In this item:

*Act* means the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

*commencement* means commencement of this Schedule.

### *Application of amendments*

- (2) The amendments of sections 104, 105, 110, 115, 116, 117, 178, 179, 180, 296, 303, 305 and 306 of the Act made by this Schedule apply in relation to applications made in response to invitations made after commencement.
- (3) The amendments of section 111 of the Act made by items 6 and 7 of this Schedule apply in relation to applications made in response to invitations made after commencement.
- (4) Subsection 111(3A) of the Act, as inserted by this Schedule, applies in relation to written notices given under subsection 111(2) of the Act in response to invitations made after commencement.
- (5) The amendments of sections 119, 125, 126, 141, 142, 143, 147, 148, 149, 153, 154, 155, 170, 171, 173, 184, 185, 186, 198, 199, 204, 205, 217, 221, 222, 223, 224, 226, 264, 298, 302A, 302B, 307A, 307B, 308, 309, 310, 311B, 311C, 325, 326, 329B, 329C, 331, 332, 335B, 335C, 337, 342B, 344, 347, 348, 349, 350A, 350B, 350C, 362, 368B, 370, 386, 436, 439A, 473, 474, 478, 488, 493, 498, 516A, 525, 526, 529,

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539, 543, 548 and 565A of the Act made by this Schedule apply in relation to applications made after commencement.

- (6) The amendments of subsections 353(1) and 353A(1) of the Act made by this Schedule apply in relation to notices given after commencement, regardless of when the lease was granted.
- (7) The amendments of sections 479, 494, 495, 530, 544 and 545 of the Act made by this Schedule apply in relation to approvals given after commencement.
- (8) The amendments of clauses 2 and 4 of Schedule 4 to the Act made by this Schedule apply in relation to applications made after commencement.
- (9) The amendments of sections 311A, 324, 329A, 330, 335A, 336, 342A, 343, 361, 368A, 369, 374, 374A, 489, 499, 540, 549 do not apply in relation to applications made before commencement.
- (10) The amendments of section 168 of the Act made by this Schedule do not apply in relation to applications and variations made before commencement.
- (11) Subject to subitem (12), the amendments of sections 256 and 427 of the Act made by this Schedule apply in relation to applications made after commencement.
- (12) The amendments of sections 256 and 427 of the Act made by this Schedule apply in relation to any of the following made in response to invitations made after commencement:
  - (a) applications for the grant of a petroleum exploration permit or a greenhouse gas assessment permit;
  - (b) applications for the grant of a petroleum production licence under section 178.
- (13) The insertion of sections 337A, 342BA and 344A of the Act made by this Schedule applies in relation to applications made after commencement.

*Transitional provisions*

- (14) If a prescribed form was in force for the purposes of paragraph 474(a) of the Act immediately before commencement, the form is taken, after

commencement, to be the form approved for the purposes of paragraph 474(1)(b) of the Act as inserted by this Schedule.

- (15) If an instrument was in force for the purposes of any of the following subsections of the Act immediately before commencement, the instrument is taken, after commencement, to be the form approved for the purposes of that subsection as amended by this Schedule:
- (a) subsection 489(2);
  - (b) subsection 499(2);
  - (c) subsection 540(2);
  - (d) subsection 549(2).
- (16) If a prescribed form was in force for the purposes of paragraph 526(a) of the Act immediately before commencement, the form is taken, after commencement, to be the form approved for the purposes of paragraph 526(1)(b) of the Act as inserted by this Schedule.

## **Schedule 4—Information-gathering powers**

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

#### **1 Paragraph 258(1)(a)**

Repeal the paragraph, substitute:

- (a) the grant or renewal of a petroleum exploration permit; or

#### **2 Paragraph 258(1)(c)**

Repeal the paragraph, substitute:

- (c) the grant or renewal of a petroleum production licence; or

#### **3 At the end of subsection 258(1)**

Add:

- ; or (g) the variation or suspension of, or exemption from compliance with, the conditions of a title under section 264.

#### **4 At the end of subsection 429(1)**

Add:

- ; or (e) the variation or suspension of, or exemption from compliance with, the conditions of a greenhouse gas title under section 436.

#### **5 At the end of subsection 429A(1)**

Add:

- ; or (d) the variation or suspension of, or exemption from compliance with, the conditions of a greenhouse gas title under section 439A.

#### **6 Subparagraph 699(1)(a)(v)**

Omit “or”.

#### **7 At the end of paragraph 699(1)(a)**

Add:

- (vi) operations relating to decommissioning; or

### **8 At the end of paragraph 699(1)(b)**

Add:

; (vi) operations relating to decommissioning.

### **9 After paragraph 699(1)(b)**

Insert:

; or (c) the Titles Administrator or a NOPSEMA inspector believes on reasonable grounds that the person has information or a document, or is capable of giving evidence, that relates to any or all of the following:

- (i) whether a person has complied or is complying with a requirement under this Act, or a legislative instrument under this Act;
- (ii) whether a person has sufficient technical advice and financial resources to carry out the operations referred to in paragraphs (a) and (b) and discharge the obligations imposed under this Act, or a legislative instrument under this Act.

### **10 Subsection 725(1)**

Omit all the words after “that relates to”, substitute:

- : (c) any or all of the following operations in an offshore area:
- (i) operations relating to exploration for a potential greenhouse gas storage formation or a potential greenhouse gas injection site;
  - (ii) operations relating to the injection of a greenhouse gas substance into the seabed or subsoil;
  - (iii) operations relating to the storage of a greenhouse gas substance in the seabed or subsoil;
  - (iv) operations relating to the processing, compression or pre-injection storage of a greenhouse gas substance;
  - (v) operations relating to the preparation of a greenhouse gas substance for transport;
  - (vi) operations relating to decommissioning; or
- (d) any or all of the following:
-



- 
- (i) whether a person has complied or is complying with a requirement under this Act, or a legislative instrument under this Act;
  - (ii) whether a person has sufficient technical advice and financial resources to carry out the operations referred to in paragraph (c) and discharge the obligations imposed under this Act, or a legislative instrument under this Act.

## **11 Application provisions**

- (1) The amendments of subsections 258(1), 429(1) and 429A(1) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to:
  - (a) applications made, but not determined, before the commencement of this Schedule; and
  - (b) applications made on or after the commencement of this Schedule.
- (2) The amendments of sections 699 and 725 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to notices given on or after the commencement of this Schedule, regardless of whether:
  - (a) the conduct to which the notice relates occurred before, on or after that commencement; and
  - (b) the operations to which the notice relates began before, on or after that commencement.

## Schedule 5—Digital readiness

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

#### **1 Subsection 286A(1)**

Repeal the subsection.

#### **2 Paragraph 286A(2)(a)**

Repeal the paragraph, substitute:

- (a) give the Titles Administrator and NOPSEMA notice of the following:
  - (i) that the person is a registered holder of the petroleum title;
  - (ii) the person's contact details; and

#### **3 Paragraph 286A(5)(b)**

Repeal the paragraph, substitute:

- (b) the person has given notice under this section of one or more contact details of the person; and

#### **4 Paragraph 286A(5)(d)**

Repeal the paragraph, substitute:

- (d) give the Titles Administrator and NOPSEMA notice of the following:
  - (i) that the relevant contact details have changed;
  - (ii) the changed contact details; and

#### **5 Subsection 286A(6)**

Repeal the subsection, substitute:

*Approved form and manner*

- (6) A notice under this section must be given in the approved form and in an approved manner.

(6A) The Titles Administrator must publish on the Titles Administrator's website:

- (a) the form approved for the purposes of subsection (6); and
- (b) a copy of the instrument approving a manner for the purposes of that subsection.

**6 Paragraph 286A(7)(a)**

Omit "(1),".

**7 Subsection 452A(1)**

Repeal the subsection.

**8 Paragraph 452A(2)(a)**

Repeal the paragraph, substitute:

- (a) give the Titles Administrator and NOPSEMA notice of the following:
  - (i) that the person is a registered holder of the greenhouse gas title;
  - (ii) the person's contact details; and

**9 Paragraph 452A(5)(b)**

Repeal the paragraph, substitute:

- (b) the person has given notice under this section of one or more contact details of the person; and

**10 Paragraph 452A(5)(d)**

Repeal the paragraph, substitute:

- (d) give the Titles Administrator and NOPSEMA notice of the following:
  - (i) that the relevant contact details have changed;
  - (ii) the changed contact details; and

**11 Subsection 452A(6)**

Repeal the subsection, substitute:

*Approved form and manner*

- (6) A notice under this section must be given in the approved form and in an approved manner.
- (6A) The Titles Administrator must publish on the Titles Administrator's website:
  - (a) the form approved for the purposes of subsection (6); and
  - (b) a copy of the instrument approving a manner for the purposes of that subsection.

**12 Paragraph 452A(7)(a)**

Omit "(1),".

**13 Application of amendments**

- (1) The amendment of subsection 286A(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule applies in relation to any person who becomes the registered holder, or one of the registered holders, of a petroleum title after the commencement of this item.
- (2) The amendments of subsection 286A(5) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to notices required to be given under paragraph (d) of that subsection after the commencement of this item, regardless of when the notice referred to in paragraph (b) of that subsection was given.
- (3) The amendment of subsection 452A(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule applies in relation to any person who becomes the registered holder, or one of the registered holders, of a greenhouse gas title after the commencement of this item.
- (4) The amendments of subsection 452A(5) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* made by this Schedule apply in relation to notices required to be given under paragraph (d) of that subsection after the commencement of this item, regardless of when the notice referred to in paragraph (b) of that subsection was given.

## **Schedule 6—Other amendments**

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

#### **1 Section 790C**

Omit “The *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*”, substitute “Prescribed regulations made under this Act”.

#### **2 Subsection 790D(1)**

Omit “the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*”, substitute “prescribed regulations made under this Act”.

#### **3 Subsections 790D(2) and (3)**

Omit “The *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*”, substitute “Prescribed regulations made under this Act”.

## **Schedule 7—Repeals**

### **1 Repeals of Acts**

Repeal the following Acts:

*Greater Sunrise Unitisation Agreement Implementation Act  
2004*

*Offshore Petroleum Amendment (Greater Sunrise) Act 2007*

*Offshore Petroleum Amendment (Greenhouse Gas Storage)  
Act 2008*

*Offshore Petroleum Amendment (Miscellaneous Measures)  
Act 2008*

*Offshore Petroleum and Greenhouse Gas Storage  
Amendment Act 2016*

*Offshore Petroleum and Greenhouse Gas Storage  
Amendment (Cash Bidding) Act 2013*

*Offshore Petroleum and Greenhouse Gas Storage  
Amendment (Miscellaneous Measures) Act 2015*

*Offshore Petroleum and Greenhouse Gas Storage  
Amendment (Petroleum Pools and Other  
Measures) Act 2017*

*Offshore Petroleum and Greenhouse Gas Storage  
Amendment (Regulatory Powers and Other  
Measures) Act 2014*

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170      *Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles  
Administration and Other Measures) Act 2021*      No. 96, 2021

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***Offshore Petroleum and Greenhouse Gas Storage  
Amendment (Significant Incident Directions) Act  
2012***

***Offshore Petroleum and Greenhouse Gas Storage  
(Regulatory Levies) Amendment Act 2013***

***Offshore Petroleum and Greenhouse Gas Storage  
(Regulatory Levies) Amendment (Designated  
Coastal Waters) Act 2015***

***Offshore Petroleum and Greenhouse Gas Storage  
(Regulatory Levies) Amendment (Miscellaneous  
Matters) Act 2015***

***Offshore Petroleum and Greenhouse Gas Storage Regulatory  
Levies (Consequential Amendments) Act 2011***

***Offshore Petroleum and Greenhouse Gas Storage Regulatory  
Levies Legislation Amendment (2011 Measures  
No. 1) Act 2011***

***Offshore Petroleum and Greenhouse Gas Storage Regulatory  
Levies Legislation Amendment (2011 Measures  
No. 2) Act 2011***

***Offshore Petroleum and Greenhouse Gas Storage (Safety  
Levies) Amendment Act 2009***

***Offshore Petroleum and Greenhouse Gas Storage (Safety  
Levies) Amendment Act 2010***

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No. 96, 2021      *Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles  
Administration and Other Measures) Act 2021*      171

***Offshore Petroleum (Annual Fees) Amendment (Greenhouse Gas Storage) Act 2008***

***Offshore Petroleum (Registration Fees) Amendment (Greenhouse Gas Storage) Act 2008***

***Offshore Petroleum (Safety Levies) Amendment (Greenhouse Gas Storage) Act 2008***

***Offshore Resources Legislation Amendment (Personal Property Securities) Act 2011***

***Timor Gap Treaty (Transitional Arrangements) Act 2000***

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*[Minister's second reading speech made in—  
House of Representatives on 26 May 2021  
Senate on 9 August 2021]*

(55/21)

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172      *Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles Administration and Other Measures) Act 2021*      No. 96, 2021