

Offshore Electricity Infrastructure (Consequential Amendments) Act 2021

No. 121, 2021

An Act to deal with consequential matters arising from the enactment of the *Offshore Electricity Infrastructure Act 2021*, and for related purposes

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Offshore Electricity Infrastructure (Consequential Amendments) Act 2021

No. 121, 2021

An Act to deal with consequential matters arising from the enactment of the *Offshore Electricity Infrastructure Act 2021*, and for related purposes

[*Assented to 2 December 2021*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Offshore Electricity Infrastructure (Consequential Amendments) 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.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | 2 December 2021 |
| 2. Schedule 1 | At the same time as the *Offshore Electricity Infrastructure Act 2021* commences. | 2 June 2022 |

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Amendments

Part 1—Amendments of offshore petroleum and greenhouse gas storage legislation

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Section 7

Insert:

***OEI Minister*** means the Minister administering the *Offshore Electricity Infrastructure Act 2021*.

***Offshore Infrastructure Registrar*** means the Registrar within the meaning of the *Offshore Electricity Infrastructure Act 2021*.

***Offshore Infrastructure Regulator*** means the Regulator within the meaning of the *Offshore Electricity Infrastructure Act 2021*.

2 At the end of paragraph 280(2)(d)

Add:

(iii) offshore infrastructure activities (within the meaning of the *Offshore Electricity Infrastructure Act 2021*); or

3 At the end of paragraph 460(2)(d)

Add:

(iii) offshore infrastructure activities (within the meaning of the *Offshore Electricity Infrastructure Act 2021*); or

4 After section 649

Insert:

649A Functions and powers of NOPSEMA in its capacity as the Offshore Infrastructure Regulator

(1) A reference in this Act to the functions or powers of NOPSEMA does not include a reference to any functions or powers of NOPSEMA in its capacity as the Offshore Infrastructure Regulator.

Note: For an equivalent of this section in the *Offshore Electricity Infrastructure Act 2021*, see subsection 175(2) of that Act.

(2) Subsection (1) does not prevent NOPSEMA from exercising a power mentioned in subsection 648(2) in its capacity as the Offshore Infrastructure Regulator.

5 Subsection 650(5)

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

(5) Subsections (1) and (3) do not authorise NOPSEMA to provide a service if the provision of the service would:

(a) impede NOPSEMA’s capacity to perform its other functions; or

(b) impede NOPSEMA’s capacity to perform the functions of the Offshore Infrastructure Regulator.

6 At the end of section 672

Add:

Duties relating to the Offshore Infrastructure Regulator

(6) To avoid doubt, the reference to the CEO’s duties in subsection (3) includes the CEO’s duties in respect of NOPSEMA in its capacity as the Offshore Infrastructure Regulator.

7 Before section 678

Insert:

677A Corporate plan must deal separately with activities of the Offshore Infrastructure Regulator

The corporate plan prepared by the CEO under section 35 of the *Public Governance, Performance and Accountability Act 2013* must consist of the following parts:

(a) a part that relates to the activities of NOPSEMA in its capacity as the Offshore Infrastructure Regulator;

(b) a part that relates to all other activities of NOPSEMA.

8 Subsection 678(1)

Omit “corporate plan prepared by the CEO under section 35 of the *Public Governance, Performance and Accountability Act 2013*”, substitute “part of the corporate plan referred to in paragraph 677A(b)”.

9 Subsections 678(1A) and (2)

Omit “The corporate plan”, substitute “That part of the corporate plan”.

10 Subsection 678(3)

After “does not apply to”, insert “any part of”.

11 Paragraphs 679(1)(a) and (b)

Repeal the paragraphs, substitute:

(a) provide a copy of the part of the plan mentioned in paragraph 677A(b) to each State and Northern Territory Petroleum Minister; and

(b) consult those Ministers on the content of that part; and

(c) provide a copy of the part of the plan mentioned in paragraph 677A(a) to the OEI Minister; and

(d) consult the OEI Minister on the content of that part.

12 Subsection 679(3)

Omit all the words after “safety matters”, substitute:

relating to:

(a) particular offshore petroleum operations; or

(b) particular offshore greenhouse gas storage operations; or

(c) particular offshore infrastructure activities (within the meaning of the *Offshore Electricity Infrastructure Act 2021*).

13 At the end of section 679

Add:

(8) The responsible Commonwealth Minister must not approve, or direct the variation of, the part of a corporate plan mentioned in paragraph 677A(a) without the approval of the OEI Minister.

14 At the end of section 683

Add:

(3) Subsection (1) does not apply to money to which section 187 of the *Offshore Electricity Infrastructure Act 2021* applies.

Note: Section 187 of the *Offshore Electricity Infrastructure Act 2021* applies to money of NOPSEMA paid under that Act by the Commonwealth to NOPSEMA in its capacity as the Offshore Infrastructure Regulator.

15 Before subsection 690(1) (before the heading)

Insert:

(1A) The annual report prepared by the CEO for the purposes of section 46 of the *Public Governance, Performance and Accountability Act 2013* must consist of the following parts:

(a) a part that relates to the activities of NOPSEMA in its capacity as the Offshore Infrastructure Regulator;

(b) a part that relates to all other activities of NOPSEMA.

16 After subsection 690(2)

Insert:

(2A) Subsections (1) and (2) do not apply to the part of the report mentioned in paragraph (1A)(a).

Offshore Infrastructure Regulator

(2B) The part of the annual report mentioned in paragraph (1A)(a) must be given by the CEO to the Minister and the OEI Minister.

17 At the end of section 695

Add:

Offshore Infrastructure Regulator

(9) This section does not apply in relation to any activities of NOPSEMA in its capacity as the Offshore Infrastructure Regulator.

18 Subsection 695A(1) (note)

Omit “Note”, substitute “Note 1”.

19 At the end of subsection 695A(1) (after the note)

Add:

Note 2: The National Offshore Petroleum Titles Administrator may also be appointed as the Offshore Infrastructure Registrar (see section 153 of the *Offshore Electricity Infrastructure Act 2021*).

20 At the end of section 695N

Add:

Offshore Infrastructure Registrar

(3) If the Titles Administrator is appointed as the Offshore Infrastructure Registrar, this section does not apply in relation to any activities of the Titles Administrator in that capacity.

Note: See section 153 of the *Offshore Electricity Infrastructure Act 2021*.

21 At the end of section 695P

Add:

Offshore Infrastructure Registrar

(9) If the Titles Administrator is appointed as the Offshore Infrastructure Registrar, this section does not apply in relation to any activities of the Titles Administrator in that capacity.

Note: See section 153 of the *Offshore Electricity Infrastructure Act 2021*.

Part 2—Amendments of other legislation

Coral Sea Islands Act 1969

22 Subsection 8(3)

Omit all the words after “of the provisions”, substitute:

of:

(a) the *Offshore Electricity Infrastructure Act 2021*; or

(b) the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Environment Protection and Biodiversity Conservation Act 1999

23 After paragraph 524(3)(h)

Insert:

; (i) the *Offshore Electricity Infrastructure Act 2021*.

Sea Installations Act 1987

24 Subsection 4(1) (at the end of paragraphs (a), (d), (e), (f), (g), (h), (j), (k), (m), (n), (p) and (qa) of the definition of *sea installation*)

Add “or”.

25 Subsection 4(1) (after paragraph (qa) of the definition of *sea installation*)

Insert:

(qb) offshore renewable energy infrastructure (within the meaning of the *Offshore Electricity Infrastructure Act 2021*) that is in the Commonwealth offshore area (within the meaning of that Act); or

(qc) offshore electricity transmission infrastructure (within the meaning of the *Offshore Electricity Infrastructure Act 2021*) that is in the Commonwealth offshore area (within the meaning of that Act); or

Telecommunications Act 1997

26 After paragraph 47(2)(f) of Schedule 3A

Insert:

(fa) the Offshore Infrastructure Registrar;

[*Minister’s second reading speech made in—*

*House of Representatives on 21 October 2021*

*Senate on 22 November 2021*]

(136/21)