



Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011¹

Select Legislative Instrument 2011 No. 54

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Dated 21 April 2011

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

MARTIN FERGUSON
Minister for Resources and Energy

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Part 1 Preliminary**1.01 Name of Regulations**

These Regulations are the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*.

1.02 Commencement

These Regulations commence on the day after they are registered.

1.03 Repeal

Offshore Petroleum and Greenhouse Gas Storage (Greenhouse Gas Datum) Regulations 2010

- (1) Select Legislative Instrument 2010, No. 29 is repealed.

Offshore Petroleum and Greenhouse Gas Storage (Management of Greenhouse Gas Well Operations) Regulations 2010

- (2) Select Legislative Instrument 2010, No. 28 is repealed.

Offshore Petroleum and Greenhouse Gas Storage Regulations 1985

- (3) The following legislative instruments are repealed:

- SR 1985, No. 174
- SR 1987, No. 293
- SR 1990, No. 54
- SR 2000, No. 248
- SR 2003, No. 23
- SR 2004, No. 326
- SLI 2009, No. 153.

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Petroleum (Submerged Lands) (Data Management) Regulations 2004

- (4) The following legislative instruments are repealed:
- SR 2004, No. 111
 - SLI 2007, No. 316.

Petroleum (Submerged Lands) (Datum) Regulations 2002

- (5) Statutory Rule 2002, No. 198 is repealed.

Petroleum (Submerged Lands) (Management of Well Operations) Regulations 2004

- (6) Statutory Rule 2004, No. 344 is repealed.

Petroleum (Submerged Lands) (Pipelines) Regulations 2001

- (7) The following legislative instruments are repealed:
- SR 2001, No. 314
 - SR 2004, No. 274
 - SLI 2009, No. 384.

1.04 Object of Regulations

- (1) An object of these Regulations is to ensure that operations in an offshore area are:
- (a) carried out in accordance with good oilfield practice; and
 - (b) compatible with the optimum long-term recovery of petroleum.
- (2) An object of these Regulations is to ensure that the administrators of the Act are informed, in a timely and consistent manner, of:
- (a) exploration for petroleum and greenhouse gas storage formations; and
 - (b) the discovery of petroleum and potential storage formations; and

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- (c) the appraisal of discoveries; and
 - (d) development and production operations in relation to petroleum, and injection operations in relation to greenhouse gas substances; and
 - (e) the results of operations.
- (3) The other objects of these Regulations are:
- (a) to provide a framework for encouraging the adequate collection, retention and timely dissemination of petroleum and greenhouse gas data; and
 - (b) to assist in ensuring the adequacy of the data acquired; and
 - (c) to allow for the efficient management of data confidentiality and the disclosure of data on completion of the relevant confidentiality periods.

1.05 Definitions

In these Regulations:

accepted field development plan means a field development plan that has been accepted by the Joint Authority under regulation 4.05, as varied from time to time under regulation 4.10.

accepted well operations management plan means a well operations management plan that has been accepted by the Safety Authority or responsible Commonwealth Minister under regulation 5.07, as varied from time to time under regulation 5.13.

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

commencement day means the day that these Regulations commence.

end of the operation means:

- (a) for a regulated operation related to the drilling of a well — the date on which the rig is released; and
- (b) for a regulated operation conducted on a well after the well is completed — the date on which the operation ceased; and

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- (c) for a survey — the date on which the acquisition of the data is completed.

excluded information has the meaning given by regulation 1.06.

greenhouse gas title means:

- (a) a greenhouse gas assessment permit; or
- (b) a greenhouse gas holding lease; or
- (c) a greenhouse gas injection licence; or
- (d) a greenhouse gas search authority; or
- (e) a greenhouse gas special authority; or
- (f) a greenhouse gas research consent.

greenhouse gas titleholder means:

- (a) a greenhouse gas assessment permittee; or
- (b) a greenhouse gas holding lessee; or
- (c) a greenhouse gas injection licensee; or
- (d) a registered holder of a greenhouse gas search authority;
or
- (e) a registered holder of a greenhouse gas special authority;
or
- (f) a holder of a greenhouse gas research consent.

named month means one of the 12 months of the calendar year.

non-exclusive data means data that is made available for commercial sale or license.

open information about a survey means any of the following information:

- (a) the name of the survey;
- (b) the title under which the survey is being conducted;
- (c) the name of the titleholder;
- (d) the basin and sub-basin (if applicable) in which the survey is being conducted;
- (e) the type of survey;
- (f) the size of the survey in:
 - (i) for a 2-dimensional survey — kilometres; or
 - (ii) for a 3-dimensional survey — square kilometres;

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- (g) the name of the vessel or aircraft conducting the survey;
- (h) the name of the contractor conducting the survey;
- (i) the dates on which the survey starts and ends or is proposed to start and end;
- (j) whether the survey is exclusive or non-exclusive;
- (k) navigation data for the survey, in the form of:
 - (i) for a 2-dimensional survey — line ends and bends; or
 - (ii) for a 3-dimensional seismic survey — a full fold polygon outline; or
 - (iii) for other 3-dimensional surveys — a polygon outline.

open information about a well means any of the following information:

- (a) the name of the well;
- (b) the offshore area in which the well is located;
- (c) the basin and sub-basin (if applicable) in which the well is located;
- (d) the well's latitude and longitude;
- (e) the name of the title area in which the well is located;
- (f) the name of the titleholder;
- (g) the purpose of the well (for example development, appraisal, exploration or stratigraphy);
- (h) if the well is a sidetrack — the name of the parent well;
- (i) the well's spud date;
- (j) the water depth at the well;
- (k) what is being used as the depth reference for the well (for example the Kelly bushing or the rig floor);
 - (l) the height of the depth reference above sea level;
- (m) the name of the rig drilling the well;
- (n) the rig's make and model;
- (o) the name of the rig contractor;
- (p) the rig release date;
- (q) the status of the well (for example producing, suspended or abandoned).

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petroleum title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence; or
- (d) a petroleum special prospecting authority; or
- (e) a petroleum access authority; or
- (f) a scientific investigation consent.

petroleum titleholder means:

- (a) a petroleum exploration permittee; or
- (b) a petroleum retention lessee; or
- (c) a petroleum production licensee; or
- (d) the registered holder of a petroleum special prospecting authority; or
- (e) the registered holder of a petroleum access authority; or
- (f) the holder of a scientific investigation consent.

risk means the likelihood of a specific, undesired, event occurring within a specific period or in specified circumstances.

Note A risk may be understood as a frequency (the number of specified events occurring within a period) or a probability (the likelihood of a specific event following another event).

seismic extracted data grid means a series of vertical cross-sections extracted from a 3-dimensional seismic data volume that form a grid of which:

- (a) one direction is along the direction of seismic data acquisition; and
- (b) the other direction is at right angles to the direction of seismic data acquisition; and
- (c) the vertical cross-sections are spaced 5 kilometres apart in both directions.

title means:

- (a) a greenhouse gas title; or
- (b) an infrastructure licence; or
- (c) a pipeline licence; or
- (d) a petroleum title.

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title area means:

- (a) for a petroleum exploration permit or greenhouse gas assessment permit — the permit area; and
- (b) for a petroleum retention lease or greenhouse gas holding lease — the lease area; and
- (c) for a petroleum production licence, infrastructure licence, or greenhouse gas injection licence — the licence area; and
- (d) for a petroleum special prospecting authority, petroleum access authority, greenhouse gas search authority or greenhouse gas special authority — the authority area; and
- (e) for a scientific investigation consent or greenhouse gas research consent — the offshore area specified in the consent.

titleholder means:

- (a) a greenhouse gas titleholder; or
- (b) an infrastructure licensee; or
- (c) a pipeline licensee; or
- (d) a petroleum titleholder.

1.06 Meaning of *excluded information*

- (1) This regulation sets out the type of information that is *excluded information*.
- (2) Information about the following is excluded information:
 - (a) the technical qualifications of a titleholder or an applicant for a title;
 - (b) the technical advice available to a titleholder or an applicant for a title;
 - (c) the financial resources available to a titleholder or an applicant for a title.
- (3) Information contained in the following documents is excluded information:
 - (a) an application for a petroleum exploration permit under section 104, 110 or 115 of the Act;
 - (b) an application for renewal of a petroleum exploration permit under section 119 of the Act;

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- (c) an application for a petroleum retention lease under section 141 or 147 of the Act;
 - (d) an application for renewal of a petroleum retention lease under section 153 of the Act;
 - (e) the results of a re-evaluation of the commercial viability of petroleum production in a lease area under subsection 136 (5) of the Act;
 - (f) an application for a petroleum production licence under section 168, 170 or 178 of the Act or under clause 2 or 4 of Schedule 4 to the Act;
 - (g) an application for renewal of a petroleum production licence under section 184 of the Act;
 - (h) an application for a greenhouse gas assessment permit under section 296 or 303 of the Act;
 - (i) an application for renewal of a greenhouse gas assessment permit under section 308 of the Act;
 - (j) an application for a greenhouse gas holding lease under section 324, 330, 336 or 343 of the Act;
 - (k) an application for renewal of a greenhouse gas holding lease under section 347 of the Act;
 - (l) an application for a greenhouse gas injection licence under section 349 or 361 of the Act;
 - (m) a report given under Part 2 or Part 3 of these Regulations;
 - (n) a field development plan submitted under regulation 4.04;
 - (o) a variation of a field development plan submitted under regulation 4.08.
- (4) For subregulation (3), it does not matter whether a document was prepared or submitted before or after the commencement of these Regulations.
- (5) However, subregulation (3) does not apply to information that is also contained in a document not listed in subregulation (3) that is given to the Designated Authority or responsible Commonwealth Minister.

Part 2 Notification and reporting of discovery of petroleum

Division 1 Petroleum titleholders

2.01 Application

This Division applies to a petroleum exploration permittee, petroleum retention lessee or petroleum production licensee who is required, under section 284 of the Act, to notify the Designated Authority of a discovery of petroleum.

Note Section 284 of the Act applies if petroleum is discovered in a petroleum exploration permit area, a petroleum retention lease area or a petroleum production licence area.

2.02 Requirement to provide information with notification of discovery of petroleum

A petroleum titleholder must provide the following information when notifying the Designated Authority:

- (a) the title in which the discovery was made;
- (b) the name of the well through which the discovery was made;
- (c) the blocks in which the discovery is situated;
- (d) if the rate or quantity of production of petroleum and water from the discovery well has been determined — the rate or quantity;
- (e) the physical and chemical properties of the petroleum from the discovery well that have been determined;
- (f) if the physical properties of the pool from which the petroleum is recovered have been determined — the properties;
- (g) each preliminary estimate of the quantities of petroleum in place that has been made.

2.03 Designated Authority may request information to be included in discovery assessment report

- (1) The Designated Authority may, within 7 days after being notified by a petroleum titleholder of a discovery of petroleum under section 284 of the Act, ask the titleholder in writing to include additional information about the discovery in the titleholder's discovery assessment report under regulation 2.04.

Note Section 284 of the Act requires notification of a discovery within 30 days after completion of the discovery well. Regulation 2.04 requires a further report about the discovery within 90 days after completion of the discovery well.

- (2) The request must specify the information sought and the reasons for the request.
- (3) After receiving the request, the titleholder may give the Designated Authority a written statement that:
 - (a) the information is not within the titleholder's knowledge;
or
 - (b) the titleholder is unable to obtain the information.
- (4) If the Designated Authority is satisfied (whether or not because of a statement under subregulation (3)) that the titleholder cannot comply with the request because:
 - (a) the information is not within the titleholder's knowledge;
or
 - (b) the titleholder is unable to obtain the information;
the Designated Authority must, as soon as practicable, give the titleholder a notice in writing withdrawing the request.

2.04 Requirement to provide discovery assessment report

- (1) A petroleum titleholder commits an offence if:
 - (a) the titleholder has notified the Designated Authority of a discovery of petroleum in accordance with section 284 of the Act; and
 - (b) the titleholder does not give the Designated Authority a discovery assessment report for the title area within:
 - (i) 90 days after completion of the well that resulted in the discovery; or

Regulation 2.04

- (ii) if the Designated Authority authorises the titleholder to give the report within another period — the other period.

Penalty: 60 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

- (3) In this regulation:

discovery assessment report means a report that includes the following information:

- (a) the title in which the discovery was made;
- (b) a preliminary estimate of the location and areal extent of the petroleum pool;
- (c) details of the geological structure in which the petroleum is located;
- (d) the results of all assessments of the discovery;
- (e) a preliminary estimate of the quantity of petroleum in the petroleum pool;
- (f) the data used to estimate the quantity of petroleum in the petroleum pool;
- (g) a preliminary estimate of the quantity of recoverable petroleum in the petroleum pool;
- (h) details of the petroleum titleholder's plans for further evaluation of the discovery, including the work that the titleholder proposes to carry out in the title area in the next 12 months from the date of the report;
- (i) if the Designated Authority has issued a notice to the petroleum titleholder under regulation 2.03 and the notice has not been withdrawn — the information specified in the notice.

Division 2 Greenhouse gas titleholders

2.05 Application

This Division applies to a greenhouse gas assessment permittee, greenhouse gas holding lessee or greenhouse gas injection licensee who is required, under section 452 of the Act, to notify the responsible Commonwealth Minister of a discovery of petroleum.

Note Section 452 of the Act applies if petroleum is discovered in a greenhouse gas assessment permit area, a greenhouse gas holding lease area or a greenhouse gas injection licence area.

2.06 Requirement to provide petroleum discovery report

- (1) A greenhouse gas titleholder commits an offence if:
 - (a) the titleholder has notified the responsible Commonwealth Minister of a discovery of petroleum in accordance with section 452 of the Act; and
 - (b) the titleholder does not give the Minister, within 60 days after completion of the well that resulted in the discovery, a report that includes the information mentioned in subregulation (3).

Penalty: 60 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

- (3) For subregulation (1), the information that the report must include is:
 - (a) the location of the petroleum discovery in the title area; and
 - (b) if any production tests have been conducted on the discovered petroleum — the results of the tests.

Regulation 3.01

Part 3 Title assessment reports**3.01 Application**

This Part applies to the following titleholders:

- (a) a petroleum exploration permittee;
- (b) a petroleum retention lessee;
- (c) a petroleum production licensee;
- (d) a greenhouse gas assessment permittee;
- (e) a greenhouse gas holding lessee.

3.02 Definition

In this Part:

Regulator means:

- (a) for a petroleum exploration permit, petroleum retention lease or petroleum production licence — the Designated Authority; and
- (b) for a greenhouse gas assessment permit or greenhouse gas holding lease — the responsible Commonwealth Minister.

3.03 Requirement to provide annual title assessment report

- (1) A titleholder commits an offence if the titleholder does not give an annual title assessment report, providing the required information for a year of the term of the title, to the Regulator within:
 - (a) 30 days after the day on which the year of the term ends; or
 - (b) if the Regulator authorises the titleholder to give the report within another period — the other period.

Penalty: 60 penalty units.

Note **Year of the term** is defined in section 10 of the Act. A year of the term of a title commences on the day that the title comes into force or on any anniversary of that day.

Regulation 3.05

- (2) An offence against subregulation (1) is an offence of strict liability.

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

- (3) For subregulation (1), the required information is:
- (a) from a petroleum exploration permittee — the information mentioned in subregulation 3.06 (1); or
 - (b) from a petroleum retention lessee — the information mentioned in subregulation 3.07 (1); or
 - (c) from a petroleum production licensee — the information mentioned in subregulation 3.08 (1); or
 - (d) from a greenhouse gas assessment permittee — the information mentioned in subregulation 3.09 (1); or
 - (e) from a greenhouse gas holding lessee — the information mentioned in subregulation 3.10 (1).

3.04 Reports may be combined with permission

A titleholder with more than one title may combine the annual title assessment reports into a single document with the written agreement of the Regulator.

3.05 Title assessment report for part of a year

- (1) This regulation applies if:
- (a) a title ceases to be in force (whether because the title has expired or because the title has been surrendered, cancelled, revoked or terminated); and
 - (b) the term of the title was not a whole number of years.

Note This regulation may apply when a title has been renewed. The renewal of a title is taken to be the grant of a new title on the day after the expiry of the previous title — see section 11 of the Act.

- (2) The Regulator may, by notice in writing, require the titleholder to give a title assessment report to the Regulator for the period at the end of the term that was not a year of the term.
- (3) The notice must specify:
- (a) the information that must be provided in the report; and
 - (b) the date by which the report must be given.

Regulation 3.06

- (4) For paragraph (3) (a), only information that would be required from the titleholder in an annual title assessment report under regulation 3.03 may be specified.
- (5) For paragraph (3) (b), the date must be at least 30 days after the day that the notice is given.

Offence – failure to give report when required

- (6) A titleholder commits an offence if:
 - (a) the Regulator gives the titleholder a notice under subregulation (2); and
 - (b) the titleholder does not comply with the notice.

Penalty: 60 penalty units.

3.06 Information to be provided in annual title assessment report — petroleum exploration permit

- (1) For regulation 3.03, the required information from a petroleum exploration permittee is:
 - (a) a description of work and expenditure commitments as detailed in the permit; and
 - (b) for all work, evaluations and studies carried out in relation to the permit:
 - (i) the total expenditure of the work, evaluation and studies; and
 - (ii) the results of the work, evaluation and studies, including details about any leads and prospects identified; and
 - (c) a list of the reports submitted to the Designated Authority in accordance with these Regulations during the year; and
 - (d) for the work, evaluations and studies expected to be carried out in relation to the permit during the next year of the permit:
 - (i) a description of work commitments and expenditure estimates; and
 - (ii) a description of the measures taken by the permittee to prepare for the work mentioned in subparagraph (i); and

Regulation 3.07

- (e) any other information that is required to be included in the annual title assessment report by a condition of the permit.
- (2) An annual title assessment report may include any other information that the permittee believes is relevant to the petroleum exploration permit.

3.07 Information to be provided in annual title assessment report — petroleum retention lease

- (1) For regulation 3.03, the required information from a petroleum retention lessee is:
 - (a) a description of work and expenditure commitments as detailed in the lease; and
 - (b) for all work, evaluations and studies carried out in relation to the lease:
 - (i) the total expenditure of the work, evaluation and studies; and
 - (ii) the results of the work, evaluation and studies, including details about any leads and prospects identified; and
 - (c) a list of the reports submitted to the Designated Authority in accordance with these Regulations during the year; and
 - (d) details of the lessee's plans for further evaluation of discoveries, including work that is to be carried out in the lease area; and
 - (e) for the work, evaluations and studies expected to be carried out in relation to the lease during the next year of the lease:
 - (i) a description of work commitments and expenditure estimates; and
 - (ii) a description of the measures taken by the lessee to prepare for the work mentioned in subparagraph (i); and
 - (f) for a year after the first year of the lease — the following information about each petroleum pool situated in the lease area:
 - (i) a description of the pool;

Regulation 3.08

- (ii) any new information relating to the evaluation of the pool;
 - (iii) an estimate of the quantity of petroleum in the pool at the end of the previous year;
 - (iv) an estimate of recoverable petroleum in the pool at the end of the previous year;
 - (v) any new or revised data upon which the estimates in subparagraphs (iii) and (iv) are based, including a report of any study carried out that has resulted in a revised estimate;
 - (vi) a table summarising the resource and reserve quantities mentioned in subparagraphs (iii) and (iv); and
- (g) any other information that is required to be included in the annual title assessment report by a condition of the lease.
- (2) An annual title assessment report may include any other information that the lessee believes is relevant to the petroleum retention lease.

3.08 Information to be provided in annual title assessment report — petroleum production licence

- (1) For regulation 3.03, the required information from a petroleum production licensee is:
- (a) details of any activities the licensee plans to undertake in the licence area in compliance with a condition of the licence; and
 - (b) a list of the reports submitted to the Designated Authority in accordance with these Regulations during the year; and
 - (c) details of the licensee's plans for further evaluation of the licence area, including work that is to be carried out in the licence area and is not covered by paragraph (a); and
 - (d) a production forecast for each producing or potential development project; and
 - (e) a description of any leads and prospects in the licence area; and

Regulation 3.09

- (f) for a year after the first year of the licence — the following information about each petroleum pool situated in the licence:
 - (i) a description of the pool;
 - (ii) any new information relating to the evaluation of the pool;
 - (iii) an estimate of the quantity of petroleum in the pool at the end of the previous year;
 - (iv) an estimate of recoverable petroleum in the pool at the end of the previous year;
 - (v) any new or revised data upon which the estimates in subparagraphs (iii) and (iv) are based, including a report of any study carried out that has resulted in a revised estimate;
 - (vi) a table summarising the resource and reserve quantities mentioned in subparagraphs (iii) and (iv); and
 - (g) the total amount of petroleum produced during the year; and
 - (h) the amount of each substance injected into a reservoir during the year; and
 - (i) the amount of each substance flared or vented during the year; and
 - (j) any other information that is required to be included in accordance with a condition of the petroleum production licence.
- (2) An annual title assessment report may include any other information that the licensee believes is relevant to the petroleum production licence.

3.09 Information to be provided in annual title assessment report — greenhouse gas assessment permit

- (1) For regulation 3.03, the required information from a greenhouse gas assessment permittee is:
 - (a) a description of work and expenditure commitments as detailed in the permit; and

Regulation 3.10

- (b) for all work, evaluations and studies carried out in relation to the permit:
 - (i) the total expenditure of the work, evaluation and studies; and
 - (ii) the results of the work, evaluation and studies, including details about any leads and prospects identified; and
 - (c) a list of the reports submitted to the responsible Commonwealth Minister in accordance with these Regulations during the year; and
 - (d) for the work, evaluations and studies expected to be carried out in relation to the permit during the next year of the permit:
 - (i) a description of work commitments and expenditure estimates; and
 - (ii) a description of the measures taken by the permittee to prepare for the work mentioned in subparagraph (i); and
 - (e) any other information that is required to be included in the annual title assessment report by a condition of the permit.
- (2) An annual title assessment report may include any other information that the permittee believes is relevant to the greenhouse gas assessment permit.

3.10 Information to be provided in annual title assessment report — greenhouse gas holding lease

- (1) For regulation 3.03, the required information from a greenhouse gas holding lessee is:
 - (a) a description of work and expenditure commitments as detailed in the lease; and
 - (b) for all work, evaluations and studies carried out in relation to the lease:
 - (i) the total expenditure of the work, evaluation and studies; and
 - (ii) the results of the work, evaluation and studies; and

Regulation 3.10

- (c) a list of the reports submitted to the responsible Commonwealth Minister in accordance with these Regulations during the year; and
 - (d) details of the lessee's plans for further evaluation work, including work that is to be carried out in the lease area; and
 - (e) for the work, evaluations and studies expected to be carried out in relation to the lease during the next year of the lease:
 - (i) a description of work commitments and expenditure estimates; and
 - (ii) a description of the measures taken by the lessee to prepare for the work mentioned in subparagraph (i); and
 - (f) any other information that is required to be included in the annual title assessment report by a condition of the lease.
- (2) An annual title assessment report may include any other information that the lessee believes is relevant to the greenhouse gas holding lease.

Regulation 4.01

Part 4 Field development plans and approvals of petroleum recovery

Division 1 Preliminary

4.01 Definitions

In this Part:

field, in relation to a field development plan, means an area within the licence area that is subject to the plan.

licence area, in relation to an applicant for a petroleum production licence, means the area constituted by the block or blocks that will be the subject of the petroleum production licence if the licence is granted.

major change, in relation to the recovery of petroleum from a field, includes the following:

- (a) the petroleum production licensee changes the development strategy or management strategy of a field or a petroleum pool;
- (b) the petroleum production licensee changes the plan for the development of additional pools in the field;
- (c) the petroleum production licensee ceases production, permanently or for the long term, before the date proposed in the field development plan;
- (d) the petroleum production licensee introduces new methods for the petroleum recovery, such as enhanced recovery and injection of fluids.

significant event includes the following:

- (a) a change in the understanding of the characteristics of the geology or reservoir that may have a significant impact on the optimum recovery of petroleum;
- (b) a new or increased risk to the recovery of petroleum within the licence area;

Regulation 4.03

- (2) An offence against subregulation (1) is an offence of strict liability.

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

4.03 Requirement to undertake activities in accordance with accepted field development plan

A petroleum production licensee commits an offence if:

- (a) the licensee has an accepted field development plan in force for a field in the licence area; and
- (b) the licensee undertakes an activity in the licence area; and
- (c) the undertaking of the activity is not consistent with the field development plan.

Penalty: 80 penalty units.

Division 3 Obtaining acceptance of field development plan

4.04 Application for acceptance of field development plan

- (1) A person who is a petroleum production licensee or an applicant for a petroleum production licence may apply to the Designated Authority for the Joint Authority to accept a field development plan.
- (2) The application must be accompanied by the field development plan.

4.05 Joint Authority decision on field development plan

- (1) As soon as practicable after a person gives a field development plan to the Designated Authority under regulation 4.04, the Designated Authority must give the plan to the Joint Authority.
- (2) After receiving the plan from the Designated Authority, the Joint Authority must:
 - (a) accept the plan; or
 - (b) reject the plan; or

Regulation 4.05

- (c) ask the Designated Authority to notify the person in writing that the Joint Authority is unable to make a decision without further assessment of the plan.

Further assessment before decision

- (3) If the Joint Authority asks the Designated Authority to issue a notice under paragraph (2) (c), the Joint Authority must specify for inclusion in the notice:
 - (a) any further information the Joint Authority requires to be included in the plan; and
 - (b) the date after which the Joint Authority will commence further assessment of the plan.
- (4) The date specified under paragraph (3) (b) must give the person a reasonable opportunity to modify or resubmit the plan.
- (5) If the Joint Authority undertakes further assessment of a field development plan, the Joint Authority must accept or reject the field development plan as soon as practicable.

Acceptance may be subject to conditions

- (6) The Joint Authority may accept the field development plan subject to conditions.

Notice of decision

- (7) The Designated Authority must notify the person in writing of the following matters as soon as practicable after the Joint Authority has made a decision to accept or reject the field development plan:
 - (a) the terms of the decision;
 - (b) if the Joint Authority rejects the plan — the reasons for the decision;
 - (c) if the Joint Authority accepts the plan — the date on which the plan commences;
 - (d) if the Joint Authority accepts the plan subject to a condition — the condition and the reason for making the acceptance subject to a condition.

Regulation 4.06

Date of effect

- (8) If the Joint Authority accepts the field development plan, the plan commences on the date notified under paragraph (7) (c).

4.06 Criteria for acceptance of field development plan

- (1) The Joint Authority must accept a field development plan under paragraph 4.05 (2) (a) or subregulation 4.05 (5) if the Joint Authority is satisfied that:
- (a) the plan includes the matters mentioned in subregulation 4.07 (1); and
 - (b) the plan demonstrates that the person will conduct pool management in the field in a manner that is:
 - (i) consistent with good oilfield practice; and
 - (ii) compatible with optimum long-term recovery of the petroleum.
- (2) The Joint Authority must not accept a field development plan if the Joint Authority is not satisfied that the plan meets the requirements of subregulation (1).

4.07 Contents of field development plan

- (1) For paragraph 4.06 (1) (a), the matters are:
- (a) evidence and data showing that the field contains petroleum, including details of the structure, extent and location of discovered petroleum pools; and
 - (b) estimates of the volume of petroleum in place and recoverable petroleum, including data supporting the estimates; and
 - (c) a description of:
 - (i) the possible petroleum pools in the field; and
 - (ii) the person's plans (if any) to explore for petroleum pools; and
 - (iii) how any petroleum pools of commercial quantity can be incorporated into the development of the licence area; and

Regulation 4.07

- (d) a description of:
 - (i) an appropriate strategy for the development of the field, management of the petroleum pool and optimum long-term recovery; and
 - (ii) any proposed and alternative development scenarios; and
- (e) a description of how the person intends to extract the petroleum over time, including the following information:
 - (i) the estimated positions of wells;
 - (ii) the potential timing of workovers;
 - (iii) possible tie-ins; and
- (f) the project schedule, including an estimated development timetable of production facilities such as wells, platforms and petroleum pipelines; and
- (g) the person's operations or proposals for:
 - (i) the enhanced recovery or recycling of petroleum; and
 - (ii) the processing, storage or disposal of petroleum; and
 - (iii) the injection of petroleum or water into an underground formation; and
- (h) arrangements for:
 - (i) monitoring, recording in writing and reporting on the person's conduct of pool management; and
 - (ii) keeping records and other documents about the person's conduct of pool management; and
- (i) details of:
 - (i) the surface connections and equipment used by the person; and
 - (ii) any production by a well that is from more than one petroleum pool; and
 - (iii) any production from a petroleum pool that is through more than one well; and
- (j) the arrangements (if any) for the transport, injection and storage of greenhouse gas substances that have been obtained from a third party or other external source; and

Regulation 4.08

- (k) arrangements for the maintenance of an accurate quantitative record of events, measurements and actions to which the plan relates.
- (2) A field development plan may include any other information that the person believes is relevant.

Division 4 Variation of field development plan

4.08 Requirement to apply for variation of field development plan

- (1) A petroleum production licensee must apply to the Designated Authority for the Joint Authority to accept a variation of a field development plan if:
 - (a) the licensee intends to make a major change in relation to the recovery of petroleum from the field; or
 - (b) there is a new licensee for the licence, unless the new licensee agrees in writing to continue operations in accordance with the current accepted field development plan; or
 - (c) the Joint Authority has requested the licensee, under regulation 4.11, to vary the accepted field development plan.
- (2) The application must be accompanied by the proposed variation.

4.09 Application must be made at least 90 days before major change

A petroleum production licensee commits an offence if:

- (a) the licensee undertakes the recovery of petroleum from a petroleum pool in the licence area; and
- (b) at the time of the recovery of the petroleum, the licensee has an accepted field development plan for a field that includes the petroleum pool; and
- (c) the licensee makes a major change in relation to the recovery of petroleum from the field; and

Regulation 4.10

- (d) the licensee did not, at least 90 days before the occurrence of the major change, apply for a variation of the accepted field development plan.

Penalty: 60 penalty units.

4.10 Joint Authority decision on variation of field development plan

- (1) As soon as practicable after a petroleum production licensee gives a variation of a field development plan to the Designated Authority under regulation 4.08, the Designated Authority must give the variation to the Joint Authority.
- (2) After receiving the variation from the Designated Authority, the Joint Authority must:
 - (a) accept the variation if the varied field development plan would meet the requirements of subregulation 4.06 (1); or
 - (b) reject the variation; or
 - (c) ask the Designated Authority to notify the licensee, in writing, that the Joint Authority is unable to make a decision without further assessment of the variation.

Further assessment before decision

- (3) If the Joint Authority asks the Designated Authority to issue a notice under paragraph (2) (c), the Joint Authority must specify for inclusion in the notice:
 - (a) any further information the Joint Authority requires to be included in the variation; and
 - (b) the date after which the Joint Authority will commence further assessment of the plan.
- (4) The date specified under paragraph (3) (b) must give the licensee a reasonable opportunity to modify or resubmit the plan.
- (5) If the Joint Authority undertakes further assessment of a variation, the Joint Authority must accept or reject the variation as soon as practicable.

Regulation 4.11

Acceptance may be subject to conditions

- (6) The Joint Authority may accept a variation of a field development plan subject to conditions.

Notice of decision

- (7) The Designated Authority must notify the licensee in writing of the following matters as soon as practicable after the Joint Authority has made a decision to accept or reject a variation of a field development plan:
- (a) the terms of the decision;
 - (b) if the Joint Authority rejects the variation — the reasons for the decision;
 - (c) if the Joint Authority accepts the variation — the date on which the variation commences;
 - (d) if the Joint Authority accepts the variation subject to a condition — the condition and the reason for making the acceptance subject to a condition.

Date of effect

- (8) If the Joint Authority accepts a variation of a field development plan, the plan as varied replaces the existing field development plan as the plan in force for the field on the date notified under paragraph (7) (c).

4.11 Variation required by Joint Authority

The Designated Authority may give a petroleum production licensee a notice in writing:

- (a) advising the licensee that the Joint Authority requires the licensee to vary a field development plan as set out in the notice; and
- (b) setting out the technical grounds for requiring the variation; and
- (c) identifying the proposed date of effect of the variation; and

Regulation 4.13

- (d) identifying the proposed date by which the licensee must submit a variation of the plan to the Designated Authority; and
- (e) advising the licensee of the effect of regulation 4.12.

4.12 Objection to requirement to vary field development plan

- (1) If the Designated Authority gives a petroleum production licensee a notice under regulation 4.11, the licensee may give an objection, in writing, to the Designated Authority:
 - (a) stating one or more of the following:
 - (i) that the variation should not occur;
 - (ii) that the variation should be in terms different from the proposed terms;
 - (iii) that the varied field development plan should take effect on a date later than the proposed date;
 - (iv) that the date by which the licensee must submit a variation of the plan should be later than the proposed date; and
 - (b) giving reasons for the objection.
- (2) The licensee must make the objection within:
 - (a) 21 days after receiving the notice; or
 - (b) if the Designated Authority, in writing, allows a longer period — that period.

4.13 Decision on objection

- (1) As soon as practicable after a petroleum production licensee gives an objection to the Designated Authority under regulation 4.12, the Designated Authority must give the objection to the Joint Authority.
- (2) After receiving the objection from the Designated Authority, the Joint Authority must decide whether to accept or reject the objection.

Regulation 4.14

- (3) The Designated Authority must notify the licensee, in writing, of the following matters as soon as practicable after the Joint Authority has made a decision:
 - (a) the terms of the decision, including:
 - (i) whether the original notice given under regulation 4.11 is varied or withdrawn; and
 - (ii) if the original notice is varied — the new requirements;
 - (b) if the decision is to reject the objection — the reasons for the decision.

Division 5 Recovery of petroleum before field development plan is accepted

4.14 Application for approval to undertake recovery of petroleum without accepted field development plan

- (1) A petroleum production licensee may apply, in writing, to the Designated Authority for permission to undertake recovery of petroleum from a petroleum pool in the licence area for a period of up to 3 months without having an accepted field development plan in force for a field that includes the pool.
- (2) The application must include:
 - (a) the reason why it is necessary for the licensee to undertake recovery without having an accepted field development plan; and
 - (b) details of any proposed extended production test; and
 - (c) the period in respect of which the permission is sought; and
 - (d) details of any proposed disposal or flaring of any produced hydrocarbons.

4.15 Decision on application

- (1) As soon as practicable after the petroleum production licensee gives an application to the Designated Authority under regulation 4.14, the Designated Authority must:
 - (a) consult the Joint Authority on the appropriateness or otherwise of approving the application; and
 - (b) either:
 - (i) approve the application; or
 - (ii) reject the application; or
 - (iii) notify the licensee, in writing, that the Designated Authority is unable to make a decision without further information.
- (2) If the Designated Authority issues a notice under subparagraph (1) (b) (iii), the Designated Authority must specify the further information that it requires.
- (3) After receiving the information, the Designated Authority must, as soon as practicable, do one of the things set out in paragraph (1) (b) in respect of the application.
- (4) The Designated Authority may approve the application subject to conditions.
- (5) If the Designated Authority approves the application, the maximum period for which the Designated Authority may grant the permission is 3 months from the date of the Designated Authority's approval.
- (6) However, the Designated Authority may, on written application by the licensee, extend the period by a maximum of 3 months after seeking the views of the Joint Authority on the appropriateness or otherwise of an extension.
- (7) The Designated Authority may extend permission under subregulation (6) more than once.
- (8) The Designated Authority must notify the licensee in writing of the following matters as soon as practicable after making a decision to approve or reject an application:
 - (a) the terms of the decision;

Regulation 4.16

- (b) if the Designated Authority approves the application subject to a condition — the condition;
- (c) if the Designated Authority rejects the application — the reasons for the decision.

Division 6 Transitional provisions about field development plans

4.16 Recovering petroleum on or before the commencement of these Regulations

If a field development plan has been accepted before commencement day

- (1) If:
 - (a) petroleum was being recovered under a petroleum production licence on or before the commencement day; and
 - (b) on the commencement day, the licensee has a field development plan for that recovery that has been accepted by the Joint Authority;that field development plan is in force for the field.

If no decision made on acceptance before commencement day

- (2) A petroleum production licensee is taken to have made an application under regulation 4.04 on the commencement day if:
 - (a) the licensee made an application for a field development plan to be accepted by the Joint Authority before the commencement day; and
 - (b) the Joint Authority did not make a decision on the application before the commencement day.

Regulation 4.17

If there is no accepted field development plan for recovery on commencement day

- (3) If petroleum was being recovered in an area under a petroleum production licence on or before the commencement day (the **recovery area**) and the recovery after that day is not covered by a field development plan:
 - (a) the licensee must make an application to the Designated Authority under regulation 4.04 for acceptance of a field development plan for the recovery area before the end of:
 - (i) 2 years after the commencement day; or
 - (ii) if the Designated Authority gives the licensee written approval to extend the period to 4 years after the commencement day — that period; and
 - (b) the licensee is exempt from regulation 4.02 until an accepted field development plan is in force for the recovery area.
- (4) If a licensee exempted by paragraph (3) (b) makes an application under regulation 4.04 and the plan is rejected by the Joint Authority, the licensee must make another application no later than 90 days after being given notice of the rejection.

Division 7 Approval of rate of recovery of petroleum

4.17 Requirement to obtain approval of rate of recovery of petroleum

- (1) A petroleum production licensee commits an offence if:
 - (a) the licensee undertakes the recovery of petroleum from a petroleum pool in a licence area; and
 - (b) the licensee has not obtained from the Joint Authority written approval of the rate of recovery of petroleum from the pool; and
 - (c) the rate of recovery of petroleum from the pool is not subject to a direction under section 190 of the Act.

Penalty: 60 penalty units.

Regulation 4.18

- (2) An offence against subregulation (1) is an offence of strict liability.

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

4.18 Application for approval of rate of recovery from pool in licence area

- (1) This regulation applies if a petroleum production licensee applies to the Joint Authority for written approval of the rate of recovery of petroleum from a petroleum pool in a licence area.
- (2) The Joint Authority must not approve the application unless the application includes the following information:
- (a) the proposed rate of recovery of petroleum from the pool;
 - (b) the past performance (if any) and a prediction of future performance of production wells in the licence area;
 - (c) an estimate of the ultimate recovery from the pool;
 - (d) evidence that the equipment and procedures used to determine the quantity and composition of petroleum and water have been approved:
 - (i) if the Royalty Act applies — under section 13 of that Act; or
 - (ii) if that Act does not apply — by the Joint Authority.
- (3) In making a decision about the rate of recovery of petroleum from the pool, the Joint Authority must ensure that the rate is consistent with the accepted field development plan for the field that includes the pool.

Division 8 Requirement to notify significant event

4.19 Requirement to notify significant event to Joint Authority

- (1) A petroleum production licensee commits an offence if:
- (a) a significant event occurs in, or in relation to, the licence area; and
 - (b) the licensee becomes aware of the significant event; and

Regulation 4.19

- (c) the licensee does not provide a written notification of the significant event to the Designated Authority within 7 days after becoming aware of the event.

Penalty: 60 penalty units.

- (2) The notification must include:
 - (a) all the material facts and circumstances about the significant event that the licensee is aware of or is able, by reasonable search and inquiry, to find out, including:
 - (i) when the event occurred or was first detected; and
 - (ii) the implications of the event for the reservoir and the optimum long-term recovery of petroleum; and
 - (b) the action the licensee proposes to take in response to the significant event.
- (3) The notification may include any other facts the licensee considers relevant.

Regulation 5.01

Part 5 Well operations management plans and approval of well activities

Division 1 Preliminary

5.01 Application

This Part applies to the following titleholders:

- (a) a petroleum exploration permittee;
- (b) a petroleum retention lessee;
- (c) a petroleum production licensee;
- (d) an infrastructure licensee;
- (e) a greenhouse gas assessment permittee;
- (f) a greenhouse gas holding lessee;
- (g) a greenhouse gas injection licensee.

5.02 Definitions

In this Part:

integrity, for a well, means that the potential producing or injection zone in the well bore:

- (a) is under control, in accordance with an accepted well operations management plan; and
- (b) is able to contain reservoir fluids; and
- (c) is subject only to risks that have been reduced to a level that is as low as reasonably practicable.

Regulator means:

- (a) for a petroleum exploration permit, petroleum retention lease, petroleum production licence or infrastructure licence — the Safety Authority; and
- (b) for a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence — the responsible Commonwealth Minister.

well includes all equipment located downhole from a well.

Examples

- 1 Equipment leading to a blow-out preventer.
- 2 Equipment leading to a well head.
- 3 Equipment leading to a Christmas Tree.

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

Examples

- 1 Exploratory drilling.
- 2 Production drilling.
- 3 Appraisal drilling.
- 4 Testing a well.
- 5 Well drilling.
- 6 A wireline operation.
- 7 A workover operation.
- 8 A well completion or re-completion.
- 9 Maintenance of a well.
- 10 Abandonment or suspension of a well.

well integrity hazard means:

- (a) an event that:
 - (i) may compromise the integrity of a well; and
 - (ii) would, if it occurred, have the consequence of a significant threat to the safety of individuals; or
- (b) an event that may involve a risk of significant damage to the environment or the well reservoir of a well.

5.03 Part is listed OHS law

For paragraph 638 (1) (h) of the Act, this Part is a listed OHS law to the extent it relates to occupational health and safety.

Regulation 5.04

Division 2 Requirements — well operations management plan

5.04 Requirement to have accepted well operations management plan

- (1) A titleholder commits an offence if:
- (a) the titleholder undertakes a well activity in a title area; and
 - (b) the titleholder does not have an accepted well operations management plan in force for undertaking the well activity in the title area.

Penalty: 80 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

- (3) Subregulation (1) does not apply if:
- (a) there is an emergency in which there is a likelihood of any of the following:
 - (i) injury;
 - (ii) significant discharge of fluids from the well;
 - (iii) damage to a natural resource; and
 - (b) the titleholder undertakes an activity to avoid the injury, discharge or damage; and
 - (c) as soon as practicable, the titleholder gives the Regulator notice of the emergency; and
 - (d) as soon as practicable, but within 3 days, the titleholder gives written notice to the Regulator about the activity undertaken.

Note A direction under section 574 of the Act from the Designated Authority, or under section 580 from the responsible Commonwealth Minister, has effect and must be complied with despite anything in these Regulations.

5.05 Requirement to undertake activities in accordance with accepted well operations management plan

- (1) A titleholder commits an offence if:
- (a) the titleholder undertakes a well activity in a title area; and
 - (b) the well activity is regulated by one or more requirements of an accepted well operations management plan in force for the title area; and
 - (c) the titleholder does not undertake the activity in accordance with a requirement of the plan for the activity.

Penalty: 80 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

- (3) Subregulation (1) does not apply if:
- (a) there is an emergency in which there is a likelihood of any of the following:
 - (i) injury;
 - (ii) significant discharge of fluids from the well;
 - (iii) damage to a natural resource; and
 - (b) the titleholder undertakes an activity to avoid the injury, discharge or damage; and
 - (c) as soon as practicable, the titleholder gives the Regulator notice of the emergency; and
 - (d) as soon as practicable, but within 3 days, the titleholder gives written notice to the Regulator about the activity undertaken.

Note A direction under section 574 of the Act from the Designated Authority, or under section 580 from the responsible Commonwealth Minister, has effect and must be complied with despite anything in these Regulations.

Regulation 5.06

Division 3 Obtaining acceptance of well operations management plan

5.06 Application for acceptance of well operations management plan

- (1) A titleholder may apply to the Regulator for acceptance by the Regulator of a well operations management plan.
- (2) The titleholder must give the plan to the Regulator:
 - (a) at least 30 days before the proposed start of the well activity; or
 - (b) if the Regulator allows, and notifies in writing, another period — within that period.
- (3) The plan:
 - (a) must be in writing; and
 - (b) may apply to well activities for more than one well; and
 - (c) may be submitted, with the approval of the Regulator notified in writing, in parts for particular stages of the activity.

5.07 Decision on well operations management plan

- (1) Within 30 days after a titleholder gives a well operations management plan to the Regulator, the Regulator must:
 - (a) accept the plan, or one or more parts of the plan, as a well operations management plan; or
 - (b) reject the plan; or
 - (c) notify the titleholder in writing that the Regulator is unable to make a decision without further assessment of the plan.

Example for paragraph (a)

The Regulator may approve a well operations management plan to the extent that it deals with a particular stage of a well activity, but not to the extent that it deals with other stages.

Regulation 5.07

- (2) The acceptance of one or more parts of a well operations management plan is taken to be the rejection of any other parts of the well operations management plan that are not accepted by the Regulator.

Further assessment before decision

- (3) If the Regulator notifies the titleholder that the Regulator is unable to make a decision without further assessment of the plan, the notice must include:
- (a) a description of any further information the Regulator requires to be included in the plan; and
 - (b) the date after which the Regulator will commence further assessment of the plan.
- (4) The date specified under paragraph (3) (b) must give the titleholder a reasonable opportunity to modify or resubmit the plan.
- (5) If the Regulator undertakes further assessment of the plan, the Regulator must, as soon as practicable:
- (a) accept the plan, or one or more parts of the plan, as a well operations management plan; or
 - (b) reject the plan.

Acceptance may be subject to conditions

- (6) The Regulator may accept the well operations management plan subject to conditions.

Notice of decision

- (7) The Regulator must notify the titleholder in writing of the following matters as soon as practicable after making a decision:
- (a) the terms of the decision;
 - (b) if the decision is to reject the plan, or to accept one or more parts of the plan — the reasons for the decision;
 - (c) if the decision is to accept the plan, or one or more parts of the plan — the date on which the accepted plan commences;

Regulation 5.08

- (d) if the decision is to accept the plan, or one or more parts of the plan, subject to a condition — the condition and the reason for making the acceptance subject to a condition.

Date of effect

- (8) If the Regulator accepts the well operations management plan, or one or more parts of the plan, the accepted plan commences on the day notified under paragraph (7) (c).

5.08 Criteria for acceptance of well operations management plan

- (1) The Regulator must accept a well operations management plan under paragraph 5.07 (1) (a) or 5.07 (5) (a) if the Regulator is satisfied that:
 - (a) the plan is appropriate for the nature and scale of the well activity; and
 - (b) the plan shows that the risks identified by the titleholder in relation to the well activity will be managed in accordance with sound engineering principles, standards, specifications and good oilfield practice; and
 - (c) the plan includes the matters mentioned in regulation 5.09; and
 - (d) the way that the well activity will be carried out:
 - (i) will not result in the occurrence of any significant new detrimental risk or effect to the well activity; and
 - (ii) will not result in any significant increase in a detrimental risk or effect to the well activity that already exists.
- (2) The Regulator must not accept a well operations management plan if the Regulator is not satisfied that the plan meets the requirements of subregulation (1).

5.09 Contents of well operations management plan

- (1) For paragraph 5.08 (1) (c), the matters are:
 - (a) information about the conduct of the well activity; and

Regulation 5.09

- (b) an explanation of:
 - (i) the philosophy of, and criteria for, the design, construction, operational activity and management of the well; and
 - (ii) the possible production or injection activities of the well;showing that the well activity, and all associated operational work, will be carried out in accordance with good oilfield practice; and
 - (c) performance objectives against which the performance of the well activity is to be measured; and
 - (d) measurement criteria that define the performance objectives; and
 - (e) an explanation of how the titleholder will deal with:
 - (i) a well integrity hazard; or
 - (ii) a significant increase in an existing risk for the well; including the possibility of continuing an activity for the purpose of dealing with the well integrity hazard or the risk; and
 - (f) details of when and how the titleholder will notify the Regulator, and give reports and information, about:
 - (i) the well activity; and
 - (ii) well integrity hazards; and
 - (iii) significant increases in existing risks for the well; and
 - (iv) other matters relevant to the conduct of the well activity; and
 - (g) an explanation of the way that the titleholder will keep information required by the well operations management plan.
- (2) The Regulator may give a titleholder permission, notified in writing, not to include matters in a well operations management plan if those matters are regulated in the title.
- (3) A well operations management plan may include any other information that the titleholder believes is relevant.

Regulation 5.10

5.10 Status of well operations management plan

- (1) If the Regulator has given the titleholder permission to give a well operations management plan to the Regulator in parts:
 - (a) the first part of the plan that the Regulator accepts is taken to be an accepted well operations management plan in its own right; and
 - (b) a part that is given to the Regulator after that acceptance is taken to be a variation to which Division 4 applies.
- (2) If the Regulator accepts one or more parts of a well operations management plan:
 - (a) the part of the plan that the Regulator accepts is taken to be an accepted well operations management plan in its own right; and
 - (b) a part that is given to the Regulator after that acceptance is taken to be a variation to which Division 4 applies.
- (3) If the Regulator accepts a well operations management plan as a replacement for an accepted well operations management plan, the previous accepted well operations management plan ceases to have effect.

Division 4 Variation of well operations management plan

5.11 Application for acceptance of variation

- (1) A titleholder may apply to the Regulator for acceptance by the Regulator of a variation of an accepted well operations management plan.
- (2) The application must be accompanied by the proposed variation.

5.12 Requirement to apply for variation of well operations management plan

A titleholder must apply to the Regulator for a variation of the titleholder's well operations management plan if any of the following circumstances exists:

- (a) a change in the understanding about the characteristics of the geology or reservoir that may have a significant impact on a well activity;
- (b) the occurrence or potential occurrence of a significant new detrimental risk or effect to a well activity;
- (c) a significant increase in a detrimental risk or effect to a well activity.

Note Certain titleholders must also apply for a variation if the Designated Authority issues a direction that is inconsistent with the accepted plan — see regulation 5.30.

5.13 Decision on request for acceptance of varied well operations management plan

- (1) If a titleholder gives a variation to the Regulator, the Regulator must within 30 days:
 - (a) accept the variation if the varied well operations management plan would meet the requirements of subregulation 5.08 (1); or
 - (b) reject the variation; or
 - (c) notify the titleholder, in writing, that the Regulator is unable to make a decision without further assessment of the variation.

Further assessment before decision

- (2) If the Regulator notifies the titleholder that the Regulator is unable to make a decision without further assessment of the variation, the notice must include:
 - (a) a description of any further information the Regulator requires to be included in the variation; and
 - (b) the date after which the Regulator will commence further assessment of the variation.

Regulation 5.14

- (3) The date specified under paragraph (2) (b) must give the titleholder a reasonable opportunity to modify or resubmit the variation.
- (4) If the Regulator undertakes further assessment of a variation, the Regulator must accept or reject the variation as soon as practicable.

Acceptance may be subject to conditions

- (5) The Regulator may approve a variation subject to conditions.

Notice of decision

- (6) The Regulator must notify the titleholder in writing of the following matters as soon as practicable after making a decision:
 - (a) the terms of the decision;
 - (b) if the Regulator rejects the variation — the reasons for the decision;
 - (c) if the Regulator accepts the variation — the date on which the variation commences;
 - (d) if the Regulator accepts the variation subject to a condition — the condition and the reason for making the acceptance subject to the condition.

Date of effect

- (7) If the Regulator accepts a variation of a well operations management plan, the plan as varied replaces the existing well operations management plan as the plan in force for the title area on the date notified under paragraph (6) (c).

5.14 Variation required by Regulator

The Regulator may give a titleholder a notice in writing:

- (a) advising the titleholder that the Regulator requires the titleholder to vary a well operations management plan as set out in the notice; and
- (b) setting out the reasons for requiring the variation; and

Regulation 5.16

- (c) identifying the proposed date of effect of the variation; and
- (d) identifying the proposed date by which the titleholder must submit a variation of the plan to the Regulator; and
- (e) advising the titleholder of the effect of regulation 5.15.

5.15 Objection to requirement to vary

- (1) If the Regulator gives a titleholder a notice under regulation 5.14, the titleholder may give an objection, in writing, to the Regulator:
 - (a) stating one or more of the following:
 - (i) that the variation should not occur;
 - (ii) that the variation should be in terms different from the proposed terms;
 - (iii) that the varied well operations management plan should take effect on a date later than the proposed date;
 - (iv) that the date by which the titleholder must submit a variation of the plan should be later than the proposed date; and
 - (b) giving reasons for the objection.
- (2) The titleholder must make the objection within:
 - (a) 21 days after receiving the notice; or
 - (b) if the Regulator, in writing, allows a longer period — that period.

5.16 Decision on objection

- (1) If a titleholder gives an objection to the Regulator under regulation 5.15, the Regulator must, within 30 days, decide whether to accept or reject the objection.

Regulation 5.17

- (2) The Regulator must notify the titleholder, in writing, of the following matters as soon as practicable after making a decision:
- (a) the terms of the decision, including:
 - (i) whether the original notice given under regulation 5.14 is varied or withdrawn; and
 - (ii) if the original notice is varied — the new requirements;
 - (b) if the decision is to reject the objection — the reasons for the decision.

Division 5 Termination of well operations management plan

5.17 Termination of well operations management plan

An accepted well operations management plan ceases to be in force at the earliest of:

- (a) when the titleholder withdraws the well operations management plan; and
- (b) when the Regulator accepts another well operations management plan that replaces the well operations management plan; and
- (c) when the Regulator withdraws its acceptance of the well operations management plan under Division 6; and
- (d) the end of the period of 5 years starting when the well operations management plan was accepted, whether or not the well operations management plan has been varied since being accepted.

Division 6 Withdrawal of acceptance of well operations management plan

5.18 Reasons for withdrawal of acceptance

The Regulator may withdraw its acceptance of a titleholder's well operations management plan if:

- (a) the titleholder has not complied with the Act, this Part or a direction given under section 574 or 580 of the Act; or
- (b) the titleholder has not complied with the accepted well operations management plan; or
- (c) the Regulator is satisfied for any other reason that its acceptance of the well operations management plan should be withdrawn.

5.19 Notice of proposal to withdraw acceptance

- (1) If the Regulator believes it may be necessary to withdraw its acceptance of a well operations management plan, the Regulator must, at least 30 days before the Regulator would withdraw its acceptance:
 - (a) notify the titleholder in writing that the Regulator is considering the withdrawal of the acceptance; and
 - (b) include in the notification:
 - (i) an explanation of the reasons why the Regulator is considering withdrawing the acceptance; and
 - (ii) a date by which the titleholder may give the Regulator any information that the Regulator may take into account before deciding whether to withdraw the acceptance; and
 - (iii) any other information that the Regulator considers appropriate.
- (2) The Regulator may give a copy of the notice to a person other than the titleholder if:
 - (a) the Regulator considers it appropriate; and
 - (b) the titleholder agrees in writing.

Regulation 5.20

5.20 Decision to withdraw acceptance

- (1) If the Regulator notifies a titleholder under subregulation 5.19 (1), the Regulator must, as soon as practicable after the date mentioned in subparagraph 5.19 (1) (b) (ii) has passed:
 - (a) withdraw its acceptance of the well operations management plan; or
 - (b) decide not to withdraw its acceptance.
- (2) The Regulator must not withdraw its acceptance unless the Regulator:
 - (a) has taken any information given under subparagraph 5.19 (1) (b) (ii) into account; and
 - (b) is satisfied that a reason mentioned in regulation 5.18 exists.
- (3) The Regulator must notify the titleholder, in writing, of the following matters as soon as practicable after making a decision:
 - (a) the terms of the decision;
 - (b) if the decision is to withdraw its acceptance of the well operations management plan — the reasons for the decision.

5.21 Relationship between withdrawal and other provisions

- (1) The Regulator may withdraw its acceptance of a well operations management plan for the titleholder, even if the titleholder has been convicted of an offence, because of a failure to comply with a provision of the Act, these Regulations or other regulations made under the Act.
- (2) If the Regulator withdraws its acceptance of a well operations management plan, the withdrawal does not prevent the titleholder from being convicted of an offence because of a failure to comply with a provision of the Act, these Regulations or other regulations made under the Act.

Division 7 Approval for specific well activities

5.22 Requirement for approval of certain well activities that change well bore

- (1) A titleholder commits an offence if:
- (a) the titleholder undertakes one of the following well activities in the title area:
 - (i) well drilling;
 - (ii) testing;
 - (iii) well completion;
 - (iv) abandonment or suspension of a well;
 - (v) well intervention; and
 - (b) the well activity leads to the physical change of a well bore; and
 - (c) the titleholder does not have the approval of the Regulator under regulation 5.25 to undertake the well activity.

Penalty: 60 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

- (3) Subregulation (1) does not apply if:
- (a) there is an emergency in which there is a likelihood of any of the following:
 - (i) injury;
 - (ii) significant discharge of fluids from the well;
 - (iii) damage to a natural resource; and
 - (b) the titleholder undertakes an activity to avoid the injury, discharge or damage; and
 - (c) as soon as practicable, the titleholder gives the Regulator notice of the emergency; and
 - (d) as soon as practicable, but within 3 days, the titleholder gives written notice to the Regulator about the activity undertaken.

Regulation 5.23

Note A direction under section 574 of the Act from the Designated Authority, or under section 580 from the responsible Commonwealth Minister, has effect and must be complied with despite anything in these Regulations.

5.23 Application for approval to undertake activity

- (1) A titleholder may apply in writing to the Regulator for approval to undertake one of the following well activities if the activity will lead to the physical change of a well bore:
 - (a) well drilling;
 - (b) testing;
 - (c) well completion;
 - (d) abandonment or suspension of a well;
 - (e) well intervention.
- (2) The application must include:
 - (a) a description of the well activity; and
 - (b) the titleholder's proposed timetable for carrying out the well activity.

5.24 Regulator may request more information

- (1) If a titleholder makes an application under regulation 5.23, the Regulator may ask the titleholder to provide further written information about the proposed well activity.
- (2) A request under subregulation (1) must be in writing and describe the information that is requested.

5.25 Decision on application

- (1) As soon as practicable after the Regulator is satisfied there is enough information to make a decision on an application under regulation 5.23, the Regulator must decide whether to approve or reject the application.
- (2) The Regulator may approve the application subject to conditions.

Regulation 5.27

- (3) As soon as practicable after making a decision, the Regulator must notify the titleholder in writing of:
 - (a) the Regulator's decision; and
 - (b) if the Regulator has decided to approve the application subject to a condition — the condition; and
 - (c) if the Regulator has decided to reject the application — the reasons for the rejection.
- (4) An approval takes effect as soon as the Regulator notifies the titleholder of the Regulator's decision.

Division 8 Control of hazards and risks

5.26 Requirement to control well integrity hazard or risk

A titleholder commits an offence if:

- (a) the titleholder is operating a well in a title area; and
- (b) either:
 - (i) a well integrity hazard has been identified for the well; or
 - (ii) there has been a significant increase in an existing risk for the well; and
- (c) the titleholder has not controlled the well integrity hazard or risk.

Penalty: 80 penalty units.

Note An explanation of how a titleholder will deal with a well integrity hazard or a significant increase in an existing risk is required to be included in a well operations management plan under regulation 5.09.

Division 9 Role of Designated Authority if Safety Authority is Regulator

5.27 Application

This Division applies in relation to the following titleholders:

- (a) a petroleum exploration permittee;
- (b) a petroleum retention lessee;

Regulation 5.28

- (c) a petroleum production licensee;
- (d) an infrastructure licensee.

Note For these titleholders, the Regulator will be the Safety Authority — see regulation 5.02.

5.28 Requirement for titleholder and Safety Authority to give copies of documents to Designated Authority

- (1) If a titleholder gives a written application, plan, notice, report or any other document to the Safety Authority in compliance with this Part or an accepted well operations management plan, the titleholder must also give a copy of the document to the Designated Authority.
- (2) If the Safety Authority gives a written notice to a titleholder under this Part, the Safety Authority must also give a copy of the notice to the Designated Authority.

5.29 Requirement for titleholder to give copy of direction to Safety Authority

If the Designated Authority gives a titleholder a direction under section 574 of the Act, the titleholder must give a copy of the direction to the Safety Authority as soon as practicable.

5.30 Requirement to vary well operations management plan if inconsistent with Designated Authority direction

If the Designated Authority gives a titleholder a direction under section 574 of the Act that is inconsistent with the accepted well operations management plan for a well activity, the titleholder must:

- (a) vary the well operations management plan to be consistent with the direction; and
- (b) apply under regulation 5.11 for acceptance of the variation by the Safety Authority.

Note Subsection 574 (6) of the Act provides that a direction has effect, and must be complied with, despite anything in the regulations.

5.31 Well activity approval ceases if inconsistent with Designated Authority direction

If the Designated Authority gives a titleholder a direction under section 574 of the Act that is inconsistent with an approval of a well activity given under regulation 5.25, the approval ceases to be in force.

Division 10 Transitional provisions

5.32 Definition

In this Division:

previous greenhouse gas Regulations means the *Offshore Petroleum and Greenhouse Gas Storage (Management of Greenhouse Gas Well Operations) Regulations 2010*.

previous petroleum Regulations means the *Petroleum (Submerged Lands) Management of Well Operations) Regulations 2004*.

5.33 Continuing operation of previously accepted plan

- (1) A well operations management plan that was in effect under the previous greenhouse gas Regulations or the previous petroleum Regulations immediately before the commencement day is taken to be an accepted well operations management plan under these Regulations.
- (2) For paragraph 5.17 (d), the date on which the plan was accepted under the previous greenhouse gas Regulations or the previous petroleum Regulations is taken to be the date on which it was accepted under these Regulations.

Note Paragraph 5.17 (d) provides that a well operations management plan ceases to be in force 5 years after it was accepted.

5.34 Continuing operation of activity approval

- (1) If an approval to commence a well activity was given under regulation 4.1 of the previous greenhouse gas Regulations, the approval continues in force as an approval under regulation 5.25.

Regulation 5.35

- (2) If an approval to commence a well activity was given under regulation 17 of the previous petroleum Regulations, the approval continues in force as an approval under regulation 5.25.

5.35 Applications not decided on commencement day

- (1) The table sets out the transitional arrangements that apply if:
- (a) a titleholder made an application to the responsible Commonwealth Minister under the previous greenhouse gas Regulations; and
 - (b) the Minister did not make a decision on the application before the commencement day.

Item	Type of application	Transitional arrangement
1	Request under regulation 2.1 of the previous greenhouse gas Regulations for acceptance of a well operations management plan	The request continues in force as an application under regulation 5.06
2	Request under regulation 3.1 of the previous greenhouse gas Regulations for acceptance of a variation of a well operations management plan	The request continues in force as an application under regulation 5.11
3	Application under regulation 4.1 of the previous greenhouse gas Regulations for approval of a well activity	The application continues in force as an application under regulation 5.23

Regulation 5.35

- (2) The table sets out the transitional arrangements that apply if:
- (a) a titleholder made an application to the Designated Authority under the previous petroleum Regulations; and
 - (b) the Designated Authority did not make a decision on the application before the commencement day.

Item	Type of application	Transitional arrangement
1	Request under regulation 5 of the previous petroleum Regulations for acceptance of a well operations management plan	The titleholder is taken to have made an application to the Safety Authority under regulation 5.06 on the commencement day
2	Request under regulation 10 of the previous petroleum Regulations for acceptance of a variation of a well operations management plan	The titleholder is taken to have made an application to the Safety Authority under regulation 5.11 on the commencement day
3	Application under regulation 17 of the previous petroleum Regulations for approval of a well activity	The application continues in force as an application under regulation 5.23, and regulation 5.25 applies as if the Designated Authority were the Regulator

Regulation 6.01

Part 6 **Authorisation of petroleum titleholders to conduct greenhouse gas exploration**

6.01 **Application of Part**

This Part applies to a petroleum titleholder who is:

- (a) a petroleum exploration permittee; or
- (b) a petroleum retention lessee; or
- (c) a petroleum production licensee.

6.02 **Definitions**

In this Part:

authorised activity means:

- (a) an activity by a petroleum exploration permittee that is authorised by regulation 6.04; or
- (b) an activity by a petroleum retention lessee that is authorised by regulation 6.05; or
- (c) an activity by a petroleum production licensee that is authorised by regulation 6.06.

6.03 **Requirement to notify about authorised activity in title area**

- (1) A petroleum titleholder commits an offence if:
 - (a) the titleholder undertakes an authorised activity in a title area; and
 - (b) the titleholder does not notify the responsible Commonwealth Minister, in writing, within 7 days after the day that the titleholder began the activity.

Penalty: 60 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

Regulation 6.06

6.04 Authorisation of petroleum exploration permittee

For subsection 98 (3) of the Act, a petroleum exploration permittee is authorised in accordance with the conditions (if any) to which the permit is subject:

- (a) to explore in the permit area for a potential greenhouse gas storage formation; and
- (b) to explore in the permit area for a potential greenhouse gas injection site; and
- (c) to carry out such operations and execute such works in the permit area as are necessary for those purposes.

6.05 Authorisation of petroleum retention lessee

For subsection 135 (3) of the Act, a petroleum retention lessee is authorised in accordance with the conditions (if any) to which the lease is subject:

- (a) to explore in the lease area for a potential greenhouse gas storage formation; and
- (b) to explore in the lease area for a potential greenhouse gas injection site; and
- (c) to carry out such operations and execute such works in the lease area as are necessary for those purposes.

6.06 Authorisation of petroleum production licensee

For subsection 161 (3) of the Act, a petroleum production licensee is authorised in accordance with the conditions (if any) to which the licence is subject:

- (a) to explore in the licence area for a potential greenhouse gas storage formation; and
- (b) to explore in the licence area for a potential greenhouse gas injection site; and
- (c) to carry out such operations and execute such works in the licence area as are necessary for those purposes.

Regulation 7.01

**Part 7 Data management —
petroleum titleholders**

**Division 1 Requirements for keeping
information**

7.01 Purpose of Division

For paragraph 698 (1) (a) of the Act, the purpose of this Division is to set out requirements for and in relation to petroleum titleholders keeping accounts, records and other documents in connection with operations in an offshore area.

7.02 Requirement to securely retain information

A petroleum titleholder commits an offence if the titleholder:

- (a) keeps accounts, records or other documents in connection with an operation in an offshore area; and
- (b) does not securely retain the accounts, records and other documents.

Penalty: 30 penalty units.

7.03 Requirement to retain information so that retrieval is reasonably practicable

A petroleum titleholder commits an offence if the titleholder:

- (a) keeps accounts, records or other documents in connection with an operation in an offshore area; and
- (b) does not retain the accounts, records or other documents so that retrieval of the accounts, records or other documents is reasonably practicable.

Penalty: 30 penalty units.

Division 2 Requirements for collection and retention of cores, cuttings and samples

7.04 Purpose of Division

For paragraph 698 (1) (b) of the Act, the purpose of this Division is to set out requirements for and in relation to petroleum titleholders collecting and retaining cores, cuttings and samples in connection with operations in an offshore area.

7.05 Requirement to retain core, cutting or sample

A petroleum titleholder commits an offence if the titleholder:

- (a) undertakes an operation in an offshore area; and
- (b) collects a core, cutting or sample relating to the operation; and
- (c) does not retain the core, cutting or sample.

Penalty: 30 penalty units.

7.06 Requirement to retain core, cutting or sample in Australia

(1) A petroleum titleholder commits an offence if:

- (a) the titleholder undertakes an operation in an offshore area; and
- (b) the titleholder collects a core, cutting or sample relating to the operation; and
- (c) the titleholder does not retain the core, cutting or sample in Australia; and
- (d) the Designated Authority has not authorised the titleholder to retain the core, cutting or sample outside Australia.

Penalty: 30 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

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

Regulation 7.07

7.07 Requirement to return core, cutting or sample to Australia

- (1) A petroleum titleholder commits an offence if:
 - (a) the Designated Authority has authorised the titleholder to keep a core, cutting or sample outside Australia; and
 - (b) the titleholder does not ensure that the core, cutting or sample is returned to Australia within:
 - (i) 12 months after the authorisation being given; or
 - (ii) a longer period authorised by the Designated Authority.

Penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

7.08 Requirement to provide report about overseas analysis of core, cutting or sample

- (1) A petroleum titleholder commits an offence if:
 - (a) the Designated Authority has authorised the titleholder to keep a core, cutting or sample outside Australia for the purpose of analysis; and
 - (b) the titleholder does not give the Designated Authority a report about the progress of the analysis within:
 - (i) the period of 12 months beginning when the authorisation is given; and
 - (ii) the end of each subsequent period of 12 months.

Penalty: 60 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

7.09 Requirement to securely retain core, cutting or sample

A petroleum titleholder commits an offence if the titleholder:

- (a) collects a core, cutting or sample in connection with an operation in an offshore area; and
- (b) does not securely retain the core, cutting or sample.

Penalty: 30 penalty units.

7.10 Requirement to retain core, cutting or sample so that retrieval is reasonably practicable

A petroleum titleholder commits an offence if the titleholder:

- (a) collects a core, cutting or sample in connection with an operation in an offshore area; and
- (b) does not retain the core, cutting or sample so that retrieval of the core, cutting or sample is reasonably practicable.

Penalty: 30 penalty units.

Division 3 Requirements for giving reports and samples

Subdivision 3.1 Preliminary

7.11 Purpose of Division

For paragraph 698 (1) (c) of the Act the purpose of this Division is to set out requirements for petroleum titleholders to give reports, cores, cuttings or samples to the Designated Authority.

Subdivision 3.2 Reports about drilling wells

7.12 Requirement for daily drilling report

- (1) A petroleum titleholder commits an offence if the titleholder:
 - (a) undertakes drilling operations in a title area on a day; and

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- (b) does not give the Designated Authority a daily drilling report by midday on the day after the day to which the report relates.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

- (3) In this regulation:

daily drilling report means a report that includes:

- (a) the name of the well; and
- (b) the location of the well by latitude and longitude; and
- (c) the water depth at the well; and
- (d) the drilled depth; and
- (e) the work carried out; and
- (f) the lithology of formations penetrated; and
- (g) details of any indication of hydrocarbons; and
- (h) a summary of the material used; and
- (i) drilling fluid losses; and
- (j) a leak off test summary; and
- (k) the geometry of the well bore; and
- (l) the results of surveys made in the well bore; and
- (m) the estimated daily and cumulative well costs.

7.13 Requirement for initial well completion report and data

- (1) A petroleum titleholder commits an offence if the titleholder:
 - (a) undertakes drilling operations in a title area; and
 - (b) does not give the Designated Authority an initial well completion report and all initial well completion data within:
 - (i) 6 months after the rig release date; or

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- (ii) if the Designated Authority authorises the titleholder to give the report and data within another period — the other period.

Penalty: 50 penalty units.

- (2) In this regulation:

initial well completion data means each type of data mentioned in Schedule 1:

- (a) presented on a medium and in a format specified in the item; or
(b) presented on another medium or in another format that the Designated Authority has authorised the petroleum titleholder to use.

initial well completion report means a report that includes all of the information listed in subregulation (3).

- (3) For the definition of **initial well completion report** in subregulation (2), the information required is in the following table.

Item	Information required
1	The name of the well
2	The name of the title area in which the well is located
3	The location of the well, in the form of: (a) latitude and longitude; and (b) map sheet name and graticular block number; and (c) seismic line location and shotpoint number
4	The results of a check survey of the location of: (a) for a subsea well — the wellhead; or (b) in any other case — the top of the casing supporting the blow-out preventer
5	If the well is a sidetrack — the name of the parent well
6	The names of the rig contractor and rig operator
7	The name of the rig drilling the well
8	The rig's make and model

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Item	Information required
9	The names of the contractors for: (a) cementing; and (b) wireline logging; and (c) measurements while drilling (MWD); and (d) logging while drilling (LWD); and (e) mudlogging
10	Names of MWD and LWD tools used
11	List of log runs for wireline logging and velocity surveys
12	The purpose of the well (for example development, appraisal, exploration or stratigraphy)
13	The outcome of the well operation (for example completion of the well as a producer, suspension or abandonment)
14	Raw pressure-time listings for any formation fluid sample tests and production tests
15	The spud date
16	The rig release date
17	What is being used as the depth reference for the well (for example the Kelly bushing or the rig floor)
18	The height of the depth reference above sea level
19	The water depth at the well
20	The measured depth of the well
21	The true vertical depth of the well
22	If applicable, the depth of perforation in the petroleum reservoir
23	The date on which the total depth was reached
24	If the well is deviated or horizontal: (a) the surveyed path of the well; and (b) the coordinates of the bottom of the well bore; and (c) if applicable, the coordinates and true vertical depth of the intersection of the well with the reservoir horizon
25	Particulars of equipment and casing installed on or in the well, including schematics

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Item	Information required
26	If applicable, information on cementing operations and schematics of abandonment
27	Bit records
28	Drilling fluids used
29	Drilling fluid losses
30	List of cores, cuttings and samples taken, and their depths and intervals

7.14 Requirement for final well completion report and data

- (1) A petroleum titleholder commits an offence if the titleholder:
- (a) undertakes drilling operations in a title area; and
 - (b) does not give the Designated Authority a final well completion report and all final well completion data within:
 - (i) 12 months after the rig release date; or
 - (ii) if the Designated Authority authorises the titleholder to give the report and data within another period — the other period.

Penalty: 50 penalty units.

- (2) In this regulation:

final well completion data means each type of data mentioned in Schedule 2:

- (a) presented on a medium and in a format specified in the item; or
- (b) presented on another medium or in another format that the Designated Authority has authorised the petroleum titleholder to use.

Regulation 7.14

final well completion report means a report that includes all of the information listed in subregulation (3).

- (3) For the definition of *final well completion report* in subregulation (2), the information required is in the following table.

Item	Information required
1	The name of the well
2	The name of the title area in which the well is located
3	The location of the well, in the form of: (a) latitude and longitude; and (b) map sheet name and graticular block number; and (c) seismic line location and shotpoint number; and
4	If the well is a sidetrack — the name of the parent well
5	The names of the rig contractor and rig operator
6	The name of the rig drilling the well
7	The rig's make and model
8	The names of the contractors for: (a) cementing; and (b) wireline logging; and (c) measurements while drilling (MWD); and (d) logging while drilling (LWD); and (e) mudlogging
9	The purpose of the well (for example development, appraisal, exploration or stratigraphy)
10	The outcome of the well operation (for example completion of the well as a producer, suspension or abandonment)
11	Raw pressure-time listings for any formation fluid sample tests and production tests
12	The spud date
13	The rig release date
14	What is being used as the depth reference for the well (for example the Kelly bushing or the rig floor)
15	The height of the depth reference above sea level

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Item	Information required
16	The water depth at the well
17	The measured depth of the well
18	The true vertical depth of the well
19	If applicable, the depth of perforation in the petroleum reservoir
20	The date on which the total depth was reached
21	If the well is deviated or horizontal: <ul style="list-style-type: none">(a) the surveyed path of the well; and(b) the coordinates of the bottom of the well bore; and(c) if applicable, the coordinates and true vertical depth of the intersection of the well with the reservoir horizon
22	Particulars of equipment and casing installed on or in the well, including schematics
23	Bit records
24	Drilling fluids used
25	Drilling fluid losses
26	List of cores, cuttings and samples taken, and their depths and intervals
27	List of logs acquired
28	Details of any hydrocarbon indications
29	The measured depth and true vertical depth of marker horizons or formation tops
30	Geological interpretations of the observations made as a result of drilling the well, including: <ul style="list-style-type: none">(a) lithology; and(b) stratigraphy; and(c) reservoir properties and quality; and(d) geochemistry of source rocks if available; and(e) environment of deposition if available
31	Wireline formation test results
32	Production test results

Regulation 7.15

Item	Information required
33	Core analysis
34	If the well is an exploration well — the relevance of the observations and interpretations to the evaluation of the hydrocarbon potential of the area

Subdivision 3.3 Reports about geophysical and geological surveys

7.15 Requirement for weekly survey report

- (1) A petroleum titleholder commits an offence if the titleholder:
- (a) undertakes a geophysical or geological survey in a title area; and
 - (b) does not give the Designated Authority a weekly survey report as soon as practicable after the end of each week of the survey.

Penalty: 50 penalty units.

- (2) In this regulation:

weekly survey report means a report that includes:

- (a) the name of the survey; and
- (b) the title under which the survey is being conducted; and
- (c) the name of the titleholder; and
- (d) the name of the contractor conducting the survey; and
- (e) the name of the vessel or aircraft conducting the survey; and
- (f) a map showing where the survey was conducted during the week; and
- (g) the number of kilometres or square kilometres for which data was acquired during the week; and
- (h) the number of points at which data was acquired during the week; and
- (i) the number of lines of data acquired during the week; and

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- (j) the amount of downtime during the week due to equipment problems, bad weather or other circumstances; and
- (k) the percentage of the survey completed at the end of the week.

week of the survey means:

- (a) the week starting on the first day of data acquisition; and
- (b) each subsequent week.

Note Notice of a geophysical or geological survey is required under regulation 12.07, and the survey will also require approval as an activity under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

7.16 Requirement for survey acquisition report and data

- (1) A petroleum titleholder commits an offence if the titleholder:
 - (a) undertakes a geophysical or geological survey in a title area; and
 - (b) does not give the Designated Authority a survey acquisition report and all survey acquisition data within:
 - (i) for a 2-dimensional seismic survey — 12 months after the day that the acquisition of the data is completed; or
 - (ii) for a 3-dimensional seismic survey — 18 months after the day that the acquisition of the data is completed; or
 - (iii) for any other type of survey — 6 months after the day that acquisition of the data is completed; or
 - (iv) if the Designated Authority authorises the titleholder to give the report and data within another period — the other period.

Penalty: 50 penalty units.

Regulation 7.16

(2) In this regulation:

survey acquisition data means:

- (a) for a seismic survey — each type of data mentioned in an item in Part 1 of Schedule 3:
 - (i) presented on a medium and in a format specified in the item; or
 - (ii) presented on another medium or in another format that the Designated Authority has authorised the petroleum titleholder to use; or
- (b) for any other type of survey — each type of data mentioned in an item in Part 2 of Schedule 3 and presented in accordance with subparagraph (a) (i) or (ii).

survey acquisition report means a report that includes:

- (a) the name of the survey; and
- (b) the title under which the survey was conducted; and
- (c) the name of the titleholder; and
- (d) the name of the contractor that conducted the survey; and
- (e) the name of the vessel or aircraft that conducted the survey; and
- (f) a map of where the survey was conducted; and
- (g) the dates on which the survey started and ended; and
- (h) details of all data acquisition equipment and systems used; and
- (i) details of all positioning and navigation equipment and systems used; and
- (j) the number of lines of data acquired in the survey and the number of data acquisition points along each line; and
- (k) navigation data for the survey, in the form of:
 - (i) for a 2-dimensional survey — line ends and bends; or
 - (ii) for a 3-dimensional seismic survey — a full fold polygon outline; or
 - (iii) for other 3-dimensional surveys — a polygon outline; and
- (l) the geometry of the acquisition parameters; and
- (m) the results of any onboard data processing; and

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- (n) the results of any system tests, calibrations and diagnostics.

7.17 Requirement for survey processing report and data

- (1) A petroleum titleholder commits an offence if the titleholder:
 - (a) undertakes a geophysical or geological survey in a title area; and
 - (b) does not give the Designated Authority a survey processing report and all processed survey data within:
 - (i) for a 2-dimensional seismic survey — 12 months after the day that the acquisition of the data is completed; or
 - (ii) for a 3-dimensional seismic survey — 18 months after the day that the acquisition of the data is completed; or
 - (iii) for any other type of survey — 6 months after the day that acquisition of the data is completed; or
 - (iv) if the Designated Authority authorises the titleholder to give the report and data within another period — the other period.

Penalty: 50 penalty units.

- (2) In this regulation:

processed survey data means:

- (a) for a 2-dimensional seismic survey — each type of data mentioned in an item in Part 1 of Schedule 4:
 - (i) presented on a medium and in a format specified in the item; or
 - (ii) presented on another medium or in another format that the Designated Authority has authorised the petroleum titleholder to use; or
- (b) for a 3-dimensional seismic survey — each type of data mentioned in an item in Part 2 of Schedule 4 and presented in accordance with subparagraph (a) (i) or (ii); or

Regulation 7.18

- (c) for any other type of survey — each type of data mentioned in an item in Part 3 of Schedule 4 and presented in accordance with subparagraph (a) (i) or (ii).

survey processing report means a report that includes:

- (a) the name of the survey; and
- (b) the title under which the survey was conducted; and
- (c) the name of the titleholder; and
- (d) the dates on which processing of the survey started and ended; and
- (e) the name of the processing contractor; and
- (f) the purpose of the processing; and
- (g) a summary of the data acquisition parameters; and
- (h) details of all the processing sequences and techniques used; and
- (i) a sample Extended Binary Coded Decimal Interchange Code (EBCDIC) header from the final data set; and
- (j) listings of all processed data; and
- (k) for a 3-dimensional survey:
 - (i) a description of the position of the survey polygon; and
 - (ii) a calculation for the 3-dimensional line numbering convention.

7.18 Requirement for survey interpretation report and data

- (1) A petroleum titleholder commits an offence if the titleholder:
- (a) undertakes a geophysical or geological survey in a title area; and
 - (b) does not give the Designated Authority a survey interpretation report and interpretative survey data within:
 - (i) for a seismic survey — 18 months after the day that the acquisition of the data is completed; or
 - (ii) for any other type of survey — 12 months after the day that the acquisition of the data is completed; or
 - (iii) if the Designated Authority authorises the titleholder to give the report and data within another period — the other period.

Regulation 7.19

Penalty: 50 penalty units.

(2) In this regulation:

interpretative survey data means each type of data mentioned in an item in Schedule 5:

- (a) presented on a medium and in a format specified in the item; or
- (b) presented on another medium or in another format that the Designated Authority has authorised the titleholder to use.

survey interpretation report means a report that includes the following information:

- (a) the name of the survey;
- (b) the title under which the survey was conducted;
- (c) the name of the titleholder;
- (d) a description of the objectives of the interpretation;
- (e) for a seismic survey:
 - (i) a list of the surfaces interpreted; and
 - (ii) a justification of the surfaces interpreted, including synthetic seismograms if available; and
 - (iii) the velocity field used to convert time to depth (including ASCII data) and the basis for the velocity field; and
 - (iv) if available, time slices to describe the environment of deposition;
- (f) a bathymetric map of the survey area;
- (g) an index of the maps created during the interpretation.

Subdivision 3.4 Other reports

7.19 Requirement for monthly report from petroleum production licensee

- (1) A petroleum production licensee commits an offence if the licensee does not give the Designated Authority a monthly production report for a licence area within the period:
 - (a) starting on the last day of the named month to which the report relates; and

Regulation 7.19

(b) ending 15 days after that day.

Penalty: 50 penalty units.

(2) In this regulation:

monthly production report means a report that includes:

- (a) for each well in the licence area:
 - (i) the well's identification name and number; and
 - (ii) a summary of all work that has been performed on the well during the month; and
 - (iii) the results of production tests for the well, including the parameters of the test; and
 - (iv) the well's operational status at the end of the month; and
 - (v) the number of days of production during the month; and
 - (vi) the cumulative quantities of water and of liquid and gaseous petroleum produced or injected as at the end of the month; and
- (b) for the licence area, the total quantities of each of the following for the month:
 - (i) liquid and gaseous petroleum produced;
 - (ii) liquid and gaseous petroleum used;
 - (iii) liquid and gaseous petroleum injected;
 - (iv) gaseous petroleum flared or vented;
 - (v) liquid petroleum stored;
 - (vi) liquid and gaseous petroleum delivered from the area;
 - (vii) water produced;
 - (viii) water injected; and
- (c) the cumulative quantities of liquid and gaseous petroleum, and of water, that have been produced or injected as at the end of the month.

Subdivision 3.5 Cores, cuttings and samples

7.20 Requirement to give core, cutting or sample

- (1) A petroleum titleholder commits an offence if the titleholder:
 - (a) drills a well or conducts another operation on a well in a title area; and
 - (b) collects a kind of core, cutting or sample mentioned in an item in the table in subregulation (4); and
 - (c) does not give the core, cutting or sample to the Designated Authority within:
 - (i) the time specified for that item; or
 - (ii) if the Designated Authority authorises the titleholder to give the core, cutting or sample in another period — the other period.

Penalty: 60 penalty units.

Note Division 2 sets out requirements for the collection and keeping of cores, cuttings and samples.

- (2) The titleholder must give the Designated Authority the quantity of the core, cutting or sample specified for that item if that quantity is available.
- (3) If the specified quantity is not available, the titleholder must:
 - (a) give the Designated Authority an explanation why the specified quantity was not sent; and
 - (b) tell the Designated Authority the total amount of the core, cutting or sample that was recovered.
- (4) Kinds of core, cutting or sample mentioned in paragraph (1) (b) are set out in the following table.

Item	Sample type	Quantity of core, cutting or sample	Time by which core, cutting or sample must be given
1	Ditch cuttings	2 sets of 200 grams dry weight per sample interval	The day 6 months after the rig release date
2	Full hole conventional cores	1/3 of the core	The day 6 months after the rig release date

Regulation 7.20

Item	Sample type	Quantity of core, cutting or sample	Time by which core, cutting or sample must be given
3	Full hole conventional cores	2/3 of the core	As soon as practicable after the titleholder completes tests on the core
4	Gaseous hydrocarbon samples	300 cm ³	As soon as practicable after completion of the test during which the sample is collected
5	Fluid hydrocarbon samples	1 litre	Either: (a) if the sample is collected during the drilling of a well — the day 6 months after the rig release date; or (b) if the sample is collected during a test on a completed well — as soon as practicable after collection of the sample
6	Sidewall core material	All material collected	The day 12 months after the rig release date
7	Palynological slides and residues, Paleontological material and Petrological slides	All material collected	The day 12 months after the rig release date

Part 8 Release of technical information about petroleum

Division 1 Preliminary

8.01 Definitions

In this Part:

basic information means documentary information that is not interpretative information.

disclosable information means documentary information that is not permanently confidential information.

documentary information has the meaning given by section 711 of the Act.

interpretative information has the meaning given by regulation 8.03.

permanently confidential information has the meaning given by regulation 8.02.

petroleum mining sample has the meaning given by section 711 of the Act.

Division 2 Classification of documentary information

8.02 Meaning of *permanently confidential information*

- (1) This regulation sets out the 4 situations in which documentary information is *permanently confidential information*.

Excluded information is permanently confidential

- (2) Despite anything else in this Division, excluded information is permanently confidential information.

Note *Excluded information* is defined in regulation 1.06.

Regulation 8.02

Designated Authority classifies as permanently confidential

- (3) Documentary information given by a person to the Designated Authority is permanently confidential information if the Designated Authority considers the information to be:
- (a) a trade secret; or
 - (b) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs.

Designated Authority does not dispute classification

- (4) Documentary information given by a person to the Designated Authority is permanently confidential information if:
- (a) when the information was given, the person told the Designated Authority in writing that the person classified the information as:
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs; and
 - (b) the Designated Authority did not give the person a written notice under subregulation 8.04 (1) disputing the classification.

Designated Authority disputes classification and objection is in force

- (5) Documentary information given by a person to the Designated Authority is permanently confidential information if:
- (a) when the information was given, the person told the Designated Authority in writing that the person classified the information as:
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs; and

Regulation 8.03

- (b) the Designated Authority gave the person a written notice under subregulation 8.04 (1) disputing the classification; and
- (c) either:
 - (i) the time for making an objection in response to the notice has not elapsed; or
 - (ii) the person has made an objection in response to the notice, and the objection remains in force.

8.03 Meaning of *interpretative information*

- (1) This regulation sets out the 3 situations in which documentary information is *interpretative information*.

Designated Authority classifies as interpretative

- (2) Documentary information given by a person to the Designated Authority is interpretative information if the Designated Authority considers the information to be a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information.

Designated Authority does not dispute classification

- (3) Documentary information given by a person to the Designated Authority is interpretative information if:
 - (a) when the information was given, the person told the Designated Authority in writing that the person classified the information as a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; and
 - (b) the Designated Authority did not give the person a written notice under subregulation 8.04 (2) disputing the classification.

Regulation 8.04

Designated Authority disputes classification and objection to disclosure is in force

- (4) Documentary information given by a person to the Designated Authority is interpretative information if:
- (a) when the information was given, the person told the Designated Authority in writing that the person classified the information as a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; and
 - (b) the Designated Authority gave the person a written notice under subregulation 8.04 (2) disputing the classification; and
 - (c) either:
 - (i) the time for making an objection in response to the notice has not elapsed; or
 - (ii) the person has made an objection in response to the notice, and the objection remains in force.

8.04 Classification dispute notice

Classification dispute notice for permanently confidential information

- (1) The Designated Authority may give a person a written notice disputing the classification of documentary information as permanently confidential information if:
- (a) the person gave the documentary information to the Designated Authority; and
 - (b) when the information was given, the person told the Designated Authority in writing that the person classified the information as:
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs; and

Regulation 8.04

- (c) the Designated Authority does not consider the information to be:
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs.

Classification dispute notice for interpretative information

- (2) The Designated Authority may give a person a written notice disputing the classification of documentary information as interpretative information if:
 - (a) the person gave the documentary information to the Designated Authority; and
 - (b) when the information was given, the person told the Designated Authority in writing that the person classified the information as a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; and
 - (c) the Designated Authority does not consider the information to be a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information.

Timing of notice

- (3) A notice under subregulation (1) or (2) must be given within 30 days after the Designated Authority receives the documentary information to which it relates.

Notices may be combined

- (4) The Designated Authority may combine 2 or more notices to the same person under subregulation (1) or (2), or both, into a single notice.

Regulation 8.05

Contents of notice

- (5) A notice must include the following:
- (a) if the notice is given under subregulation (1) — a statement that the Designated Authority considers the information to be disclosable information and proposes to treat it as disclosable information under this Part;
 - (b) if the notice is given under subregulation (2) — a statement that the Designated Authority considers the information to be basic information and proposes to treat it as basic information under this Part;
 - (c) a statement inviting the person to make a written objection to the Designated Authority's proposal to treat the information as:
 - (i) if the notice is given under subregulation (1) — disclosable information; and
 - (ii) if the notice is given under subregulation (2) — basic information;
 - (d) the date by which a written objection must be given to the Designated Authority;
 - (e) a statement that if the person does not make a written objection by the specified date, the information will be taken under this Part to be:
 - (i) if the notice is given under subregulation (1) — disclosable information; and
 - (ii) if the notice is given under subregulation (2) — basic information.
- (6) For paragraph (5) (d), the date must be at least 45 days after the date the notice is issued.

8.05 Making an objection

- (1) If a person has received a notice from the Designated Authority under regulation 8.04, the person may make an objection to the classification of the information.
- (2) The objection may relate to all of the information described in the notice, or a specified part of the information.

Regulation 8.06

- (3) If the notice is given under both subregulations 8.04 (1) and (2), the objection must state whether the objection is:
 - (a) on the ground that the information should be treated as permanently confidential information; or
 - (b) on the ground that the information should be treated as interpretative information; or
 - (c) on both grounds.
- (4) The objection must be made in writing to the Designated Authority on or before the date specified in the notice.
- (5) A valid objection remains in force until it ceases to be in force under regulation 8.08.

8.06 Consideration of objection by Designated Authority

- (1) If the Designated Authority receives a valid objection from a person, the Designated Authority must consider the objection and decide whether to allow or disallow the objection.
- (2) The Designated Authority may allow the objection for part of the documentary information to which it relates, and disallow the objection for another part.
- (3) The Designated Authority must notify the person in writing of the Designated Authority's decision within 45 days after the Designated Authority receives the objection.
- (4) In the case of a decision by the Designated Authority of a State or the Northern Territory to disallow an objection (in whole or in part), the notice of decision under subregulation (3) must state that the person may ask the responsible Commonwealth Minister to review the decision in accordance with regulation 8.07.

Note Part 9.1 of the Act deals with reconsideration and review of decisions relating to the offshore areas of external Territories, because in those areas the responsible Commonwealth Minister is also the Designated Authority.

Regulation 8.07

8.07 Review of Designated Authority's decision by Minister

- (1) For subsection 718 (2) of the Act, a person may, in writing, ask the responsible Commonwealth Minister to review a decision by the Designated Authority of a State or the Northern Territory under regulation 8.06 to disallow an objection.
- (2) The request:
 - (a) must be given to the Minister within 30 days after the day that the person was given notice of the Designated Authority's decision; and
 - (b) must set out the grounds for making the request.
- (3) The person may withdraw the request by written notice given to the Minister.
- (4) The Minister must, within 45 days after receiving the request, review the Designated Authority's decision and:
 - (a) confirm the Designated Authority's decision to disallow the objection; or
 - (b) revoke the Designated Authority's decision and substitute another decision for it.
- (5) A decision made by the Minister in substitution for the Designated Authority's decision may allow the objection for part of the documentary information to which it relates, and disallow the objection for another part.
- (6) The Minister must notify the person in writing of the Minister's decision as soon as practicable after making the decision.

Note The person may seek further review of the Minister's decision — see Part 9.1 of the Act.

8.08 When objection ceases to be in force

An objection made by a person under regulation 8.05 ceases to be in force if:

- (a) the person withdraws the objection by notifying the Designated Authority in writing; or

Regulation 8.11

- (b) the Designated Authority disallows the objection, and the person does not seek review of the decision within the time allowed for an application for review; or
- (c) the Designated Authority disallows the objection, all reviews of the Designated Authority's decision have been finalised, and the decision standing after all reviews have been finalised is that the objection is disallowed.

Division 3 Release of documentary information

8.09 Purpose of Division

For paragraphs 712 (2) (c) and 715 (2) (c) of the Act, this Division sets out the circumstances in which the Designated Authority or responsible Commonwealth Minister may:

- (a) make documentary information publicly known; or
- (b) make documentary information available to a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory).

8.10 Release of open information about wells and surveys

Despite anything else in this Division, the Designated Authority or responsible Commonwealth Minister may make open information about a well or open information about a survey publicly known at any time.

8.11 Release of basic disclosable information

- (1) The Designated Authority or responsible Commonwealth Minister may make documentary information publicly known or make the documentary information available to a person if:
 - (a) it is basic information; and
 - (b) it is disclosable information; and
 - (c) the relevant day for the information has passed.

Regulation 8.11

Relevant day for seismic surveys

(2) Subject to subregulation (3), the relevant days for information relating to seismic surveys are set out in the following table.

Item	Type of seismic survey	Relevant day
1	A survey that collected exclusive data, if the survey was conducted under a petroleum production licence that is still in force	The day 2 years after the acquisition of the data was completed
2	A survey that collected exclusive data, if the survey was conducted under a petroleum title, other than a petroleum production licence, that is still in force	The day 3 years after the acquisition of the data was completed
3	A survey that collected exclusive data, if the survey was conducted under a petroleum title that: <ul style="list-style-type: none"> (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the title 	The day of the expiry, surrender, cancellation, revocation or termination
4	A survey that collected 2D seismic data as non-exclusive data	The day 15 years after the acquisition of the data was completed
5	A survey that collected 3D seismic data as non-exclusive data if either: <ul style="list-style-type: none"> (a) the 3D data; or (b) 2D data extracted from the 3D data, contained in a seismic extracted data grid; was required to be produced as a condition of the grant of a petroleum title	For the 3D data — the day 15 years after the acquisition of the data was completed For the extracted 2D data — the day 5 years after the acquisition of the 3D data was completed

Regulation 8.11

Item	Type of seismic survey	Relevant day
6	A survey that collected 3D seismic data as non-exclusive data if neither: (a) the 3D data; nor (b) 2D data extracted from the 3D data, contained in a seismic extracted data grid; was required to be produced as a condition of the grant of a petroleum title	For the 3D data — the day 15 years after the acquisition of the data was completed For the extracted 2D data — the day 6 years after the acquisition of the 3D data was completed

- (3) If data from a seismic survey has been reprocessed as a condition of the grant of a petroleum title, the relevant day for the documentary information obtained from the reprocessing is the later of:
- (a) the relevant day under subregulation (2) for the information relating to the original survey; and
 - (b) 3 years after the last day of the year of the term of the title during which the reprocessing was done.

Note **Year of the term** is defined in section 10 of the Act. A year of the term of a title commences on the day that the title comes into force or on any anniversary of that day.

Relevant day for other geophysical and geological surveys

- (4) The relevant days for documentary information relating to geophysical and geological surveys (other than seismic surveys) are set out in the following table.

Item	Type of survey	Relevant day
1	A survey that was conducted under a petroleum production licence that is still in force	The day 2 years after the acquisition of the data was completed
2	A survey that was conducted under a petroleum exploration permit, petroleum retention lease or scientific investigation consent that is still in force	The day 3 years after the acquisition of the data was completed

Regulation 8.11

Item	Type of survey	Relevant day
3	A survey that was conducted under a petroleum exploration permit, petroleum retention lease, petroleum production licence or scientific investigation consent that: <ul style="list-style-type: none"> (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the title 	The day of the expiry, surrender, cancellation, revocation or termination
4	A survey conducted under a petroleum special prospecting authority or petroleum access authority that collected exclusive data, if the authority is still in force	The day 3 years after the acquisition of the data was completed
5	A survey conducted under a petroleum special prospecting authority or petroleum access authority that collected exclusive data, if the authority: <ul style="list-style-type: none"> (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the authority 	The day of the expiry, surrender, cancellation, revocation or termination
6	A survey conducted under a petroleum special prospecting authority or petroleum access authority that collected non-exclusive data	The day 6 years after the acquisition of the data was completed

Relevant day for well operations

(5) The relevant days for documentary information relating to wells are set out in the following table.

Item	If the regulated operation to which the information relates was conducted under ...	the relevant day is ...
1	a petroleum production licence that is still in force	the day 1 year after the end of the operation

Regulation 8.12

Item	If the regulated operation to which the information relates was conducted under ...	the relevant day is ...
2	a petroleum title, other than a petroleum production licence, that is still in force	the day 2 years after the end of the operation
3	a petroleum title that: (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the title	the day of the expiry, surrender, cancellation, revocation or termination

Note **End of the operation** is defined in regulation 1.05.

8.12 Release of interpretative disclosable information

- (1) The Designated Authority or responsible Commonwealth Minister may make documentary information publicly known or make documentary information available to a person if:
 - (a) it is interpretative information; and
 - (b) it is disclosable information; and
 - (c) the information relates to the sea-bed or subsoil, or to petroleum, in a block; and
 - (d) it is more than 5 years after the end of the operation to which the information relates.

Note **End of the operation** is defined in regulation 1.05.

- (2) Before the documentary information is made available to a person, the fee worked out under regulation 11.05 is payable by the person.

Regulation 8.13

8.13 Release of documentary information — prior availability or consent

- (1) Subject to subregulation (2), the Designated Authority or responsible Commonwealth Minister may make documentary information publicly known or make documentary information available to a person if:
 - (a) the petroleum titleholder who gave the information to the Designated Authority has made the information publicly known; or
 - (b) the petroleum titleholder who gave the information to the Designated Authority has consented in writing to the information being made publicly known or made available, as the case may be.
- (2) If the documentary information relating to a block was given to the Designated Authority under a petroleum special prospecting authority, a petroleum access authority or a petroleum scientific investigation consent, subregulation (1) applies only if the information relates to a period when no permit, lease or licence was in force over the block.
- (3) Before the documentary information is made available to a person, the fee worked out under regulation 11.05 is payable by the person.

Division 4 Release of petroleum mining samples

8.14 Purpose of Division

For paragraph 713 (2) (c) of the Act, this Division sets out the circumstances in which the Designated Authority or responsible Commonwealth Minister may:

- (a) make publicly known any details of a petroleum mining sample; or
- (b) permit a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory) to inspect a petroleum mining sample.

Regulation 8.16

8.15 Release of petroleum mining samples after relevant day

- (1) The Designated Authority or responsible Commonwealth Minister may make publicly known details of a petroleum mining sample or permit a person to inspect the sample if the relevant day for the sample has passed.
- (2) The relevant days for petroleum mining samples are set out in the following table.

Item	If the regulated operation to which the sample relates was conducted under ...	the relevant day is ...
1	a petroleum production licence that is still in force	the day 1 year after the end of the operation
2	a petroleum title, other than a petroleum production licence, that is still in force	the day 2 years after the end of the operation
3	a petroleum title that: (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the title	the day of the expiry, surrender, cancellation, revocation or termination

8.16 Release of petroleum mining samples – prior availability or consent

- (1) Subject to subregulation (2), the Designated Authority or responsible Commonwealth Minister may make publicly known any details of a petroleum mining sample or permit a person to inspect the sample if:
 - (a) the petroleum titleholder who gave the sample to the Designated Authority has made publicly known those details of the sample; or
 - (b) the petroleum titleholder who gave the sample to the Designated Authority has caused to be made publicly known those details of the sample; or
 - (c) the petroleum titleholder who gave the sample to the Designated Authority has consented in writing to details of the sample being made publicly known or to the sample being made available for inspection.

Regulation 8.16

- (2) If a petroleum mining sample from a block was given to the Designated Authority under a petroleum special prospecting authority, a petroleum access authority or a petroleum scientific investigation consent, subregulation (1) only applies if the sample was obtained during a period when no permit, lease or licence was in force over the block.
- (3) Before a person is permitted to inspect the sample, the fee worked out under regulation 11.06 is payable by the person.

Part 9 Data management — greenhouse gas titleholders

Division 1 Requirements to keep information

9.01 Purpose of Division

For paragraph 724 (1) (a) of the Act, the purpose of this Division is to set out requirements for and in relation to greenhouse gas titleholders keeping accounts, records and other documents in connection with operations in an offshore area.

9.02 Requirement to securely retain information

A greenhouse gas titleholder commits an offence if the titleholder:

- (a) keeps accounts, records or other documents in connection with an operation in an offshore area; and
- (b) does not securely retain the accounts, records and other documents.

Penalty: 30 penalty units.

9.03 Requirement to retain information so that retrieval is reasonably practicable

A greenhouse gas titleholder commits an offence if the titleholder:

- (a) keeps accounts, records or other documents in connection with an operation in an offshore area; and
- (b) does not retain the accounts, records or other documents so that retrieval of the accounts, records or other documents is reasonably practicable.

Penalty: 30 penalty units.

Regulation 9.04

Division 2 Requirements for collection and retention of cores, cuttings and samples

9.04 Purpose of Division

For paragraph 724 (1) (b) of the Act, the purpose of this Division is to set out requirements for and in relation to greenhouse gas titleholders collecting and retaining cores, cuttings and samples in connection with operations in an offshore area.

9.05 Requirement to retain core, cutting or sample

A greenhouse gas titleholder commits an offence if the titleholder:

- (a) undertakes an operation in an offshore area; and
- (b) collects a core, cutting or sample relating to the operation; and
- (c) does not retain the core, cutting or sample.

Penalty: 30 penalty units.

9.06 Requirement to retain core, cutting or sample in Australia

- (1) A greenhouse gas titleholder commits an offence if:
 - (a) the titleholder undertakes an operation in an offshore area; and
 - (b) the titleholder collects a core, cutting or sample relating to the operation; and
 - (c) the titleholder does not retain the core, cutting or sample in Australia; and
 - (d) the responsible Commonwealth Minister has not authorised the titleholder to retain the core, cutting or sample outside Australia.

Penalty: 30 penalty units.

Regulation 9.08

- (2) An offence against subregulation (1) is an offence of strict liability.

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

9.07 Requirement to return core, cutting or sample to Australia

- (1) A greenhouse gas titleholder commits an offence if:
- (a) the responsible Commonwealth Minister has authorised the titleholder to keep a core, cutting or sample outside Australia; and
 - (b) the titleholder does not ensure that the core, cutting or sample is returned to Australia within:
 - (i) 12 months after the authorisation being given; or
 - (ii) a longer period authorised by the Minister.

Penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

9.08 Requirement to provide report about overseas analysis of core, cutting or sample

- (1) A greenhouse gas titleholder commits an offence if:
- (a) the responsible Commonwealth Minister has authorised the titleholder to keep a core, cutting or sample outside Australia for the purpose of analysis; and
 - (b) the titleholder does not give the Minister a report about the progress of the analysis within:
 - (i) the period of 12 months beginning when the authorisation is given; and
 - (ii) the end of each subsequent period of 12 months.

Penalty: 60 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

Regulation 9.09

9.09 Requirement to securely retain core, cutting or sample

A greenhouse gas titleholder commits an offence if the titleholder:

- (a) collects a core, cutting or sample in connection with an operation in an offshore area; and
- (b) does not securely retain the core, cutting or sample.

Penalty: 30 penalty units.

9.10 Requirement to retain core, cutting or sample so that retrieval is reasonably practicable

A greenhouse gas titleholder commits an offence if the titleholder:

- (a) collects a core, cutting or sample in connection with an operation in an offshore area; and
- (b) does not retain the core, cutting or sample so that retrieval of the core, cutting or sample is reasonably practicable.

Penalty: 30 penalty units.

Division 3 Requirements for giving reports and samples

Subdivision 3.1 Preliminary

9.11 Purpose of Division

For paragraph 724 (1) (c) of the Act the purpose of this Division is to set out requirements for greenhouse gas titleholders to give reports and cores, cuttings or samples to the responsible Commonwealth Minister.

Subdivision 3.2 Reports about drilling wells

9.12 Requirement for daily drilling report

- (1) A greenhouse gas titleholder commits an offence if the titleholder:
- (a) undertakes drilling operations in a title area on a day; and
 - (b) does not give the responsible Commonwealth Minister a daily drilling report by midday on the day after the day to which the report relates.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

- (3) In this regulation:

daily drilling report means a report that includes:

- (a) the name of the well; and
- (b) the location of the well by latitude and longitude; and
- (c) the water depth at the well; and
- (d) the drilled depth; and
- (e) the work carried out; and
- (f) the lithology of formations penetrated; and
- (g) details of any indication of hydrocarbons; and
- (h) a summary of the material used; and
- (i) drilling fluid losses; and
- (j) a leak off test summary; and
- (k) the geometry of the well bore; and
- (l) the results of surveys made in the well bore; and
- (m) the estimated daily and cumulative well costs.

Regulation 9.13

9.13 Requirement for initial well completion report and data

- (1) A greenhouse gas titleholder commits an offence if the titleholder:
- (a) undertakes drilling operations in a title area; and
 - (b) does not give the responsible Commonwealth Minister an initial well completion report and all initial well completion data within:
 - (i) 6 months after the rig release date; or
 - (ii) if the Minister authorises the titleholder to give the report and data within another period — the other period.

Penalty: 50 penalty units.

- (2) In this regulation:

initial well completion data means each type of data mentioned in Schedule 1:

- (a) presented on a medium and in a format specified in the item; or
- (b) presented on another medium or in another format that the Minister has authorised the greenhouse gas titleholder to use.

initial well completion report means a report that includes all of the information listed in subregulation (3).

- (3) For the definition of *initial well completion report* in subregulation (2), the information required is in the following table.

Item	Information required
------	----------------------

- | | |
|---|--|
| 1 | The name of the well |
| 2 | The name of the title area in which the well is located |
| 3 | The location of the well, in the form of: <ul style="list-style-type: none">(a) latitude and longitude; and(b) map sheet name and graticular block number; and(c) seismic line location and shotpoint number |

Regulation 9.13

Item	Information required
4	The results of a check survey of the location of: (a) for a subsea well — the wellhead; or (b) in any other case — the top of the casing supporting the blow-out preventer
5	If the well is a sidetrack — the name of the parent well
6	The names of the rig contractor and rig operator
7	The name of the rig drilling the well
8	The rig's make and model
9	The names of the contractors for: (a) cementing; and (b) wireline logging; and (c) measurements while drilling (MWD); and (d) logging while drilling (LWD); and (e) mudlogging
10	Names of MWD and LWD tools used
11	List of log runs for wireline logging and velocity surveys
12	The purpose of the well (for example development, appraisal, exploration or stratigraphy)
13	The outcome of the well operation (for example completion of the well as an injector, suspension or abandonment)
14	Raw pressure-time listings for any formation fluid sample tests and production tests
15	The spud date
16	The rig release date
17	What is being used as the depth reference for the well (for example the Kelly bushing or the rig floor)
18	The height of the depth reference above sea level
19	The water depth at the well
20	The measured depth of the well
21	The true vertical depth of the well
22	If applicable, the depth of perforation in the storage formation

Regulation 9.14

Item Information required

- 23 The date on which the total depth was reached
 - 24 If the well is deviated or horizontal:
 - (a) the surveyed path of the well; and
 - (b) the coordinates of the bottom of the well bore; and
 - (c) if applicable, the coordinates and true vertical depth of the intersection of the well with the storage formation
 - 25 Particulars of equipment and casing installed on or in the well, including schematics
 - 26 If applicable, information on cementing operations and schematics of abandonment
 - 27 Bit records
 - 28 Drilling fluids used
 - 29 Drilling fluid losses
 - 30 List of cores, cuttings and samples taken, and their depths and intervals
-

9.14 Requirement for final well completion report and data

- (1) A greenhouse gas titleholder commits an offence if the titleholder:
 - (a) undertakes drilling operations in a title area; and
 - (b) does not give the responsible Commonwealth Minister a final well completion report and all final well completion data within:
 - (i) 12 months after the rig release date; or
 - (ii) if the Minister authorises the greenhouse gas titleholder to give the report and data within another period — the other period.

Penalty: 50 penalty units.

Regulation 9.14

(2) In this regulation:

final well completion data means each type of data mentioned in Schedule 2:

- (a) presented on a medium and in a format specified in the item; or
- (b) presented on another medium or in another format that the Minister has authorised the greenhouse gas titleholder to use.

final well completion report means a report that includes all of the information listed in subregulation (3).

(3) For the definition of ***final well completion report*** in subregulation (2), the information required is in the following table.

Item	Information required
1	The name of the well
2	The name of the title area in which the well is located
3	The location of the well, in the form of: <ul style="list-style-type: none">(a) latitude and longitude; and(b) map sheet name and graticular block number; and(c) seismic line location and shotpoint number
4	If the well is a sidetrack — the name of the parent well
5	The names of the rig contractor and rig operator
6	The name of the rig drilling the well
7	The rig's make and model
8	The names of the contractors for: <ul style="list-style-type: none">(a) cementing; and(b) wireline logging; and(c) measurements while drilling (MWD); and(d) logging while drilling (LWD); and(e) mudlogging
9	The purpose of the well (for example development, appraisal, exploration or stratigraphy)
10	The outcome of the well operation (for example completion of the well as an injector, suspension or abandonment)

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Item	Information required
11	Raw pressure-time listings for any formation fluid sample tests and production tests
12	The spud date
13	The rig release date
14	What is being used as the depth reference for the well (for example the Kelly bushing or the rig floor)
15	The height of the depth reference above sea level
16	The water depth at the well
17	The measured depth of the well
18	The true vertical depth of the well
19	If applicable, the depth of perforation in the storage formation
20	The date on which the total depth was reached
21	If the well is deviated or horizontal: <ul style="list-style-type: none">(a) the surveyed path of the well; and(b) the coordinates of the bottom of the well bore; and(c) if applicable, the coordinates and true vertical depth of the intersection of the well with the storage formation
22	Particulars of equipment and casing installed on or in the well, including schematics
23	Bit records
24	Drilling fluids used
25	Drilling fluid losses
26	List of cores, cuttings and samples taken, and their depths and intervals
27	List of logs acquired
28	Details of any hydrocarbon indications
29	The measured depth and true vertical depth of marker horizons or formation tops

Regulation 9.15

Item	Information required
30	Geological interpretations of the observations made as a result of drilling the well, including: <ul style="list-style-type: none">(a) lithology; and(b) stratigraphy; and(c) storage formation properties and quality; and(d) geochemistry of formation rocks if available; and(e) environment of deposition if available

Subdivision 3.3 Reports about geophysical and geological surveys

9.15 Requirement for weekly survey report

- (1) A greenhouse gas titleholder commits an offence if the titleholder:
 - (a) undertakes a geophysical or geological survey in a title area; and
 - (b) does not give the responsible Commonwealth Minister a weekly survey report as soon as practicable after the end of each week of the survey.

Penalty: 50 penalty units.

- (2) In this regulation:

weekly survey report means a report that includes:

 - (a) the name of the survey; and
 - (b) the title under which the survey is being conducted; and
 - (c) the name of the titleholder; and
 - (d) the name of the contractor conducting the survey; and
 - (e) the name of the vessel or aircraft conducting the survey; and
 - (f) a map showing where the survey was conducted during the week; and
 - (g) the number of kilometres or square kilometres for which data was acquired during the week; and

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- (h) the number of points at which data was acquired during the week; and
- (i) the number of lines of data acquired during the week; and
- (j) the amount of downtime during the week due to equipment problems, bad weather or other circumstances; and
- (k) the percentage of the survey completed at the end of the week.

week of the survey means:

- (a) the week starting on the first day of data acquisition; and
- (b) each subsequent week.

Note Notice of a geophysical or geological survey is required under regulation 12.07, and the survey will also require approval as an activity under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

9.16 Requirement for survey acquisition report and data

- (1) A greenhouse gas titleholder commits an offence if the titleholder:
 - (a) undertakes a geophysical or geological survey in a title area; and
 - (b) does not give the responsible Commonwealth Minister a survey acquisition report and all survey acquisition data within:
 - (i) for a 2-dimensional seismic survey — 12 months after the day that the acquisition of the data is completed; or
 - (ii) for a 3-dimensional seismic survey — 18 months after the day that the acquisition of the data is completed; or
 - (iii) for any other type of survey — 6 months after the day that acquisition of the data is completed; or
 - (iv) if the Minister authorises the titleholder to give the report and data within another period — the other period.

Penalty: 50 penalty units.

Regulation 9.16

(2) In this regulation:

survey acquisition data means:

- (a) for a seismic survey — each type of data mentioned in an item in Part 1 of Schedule 3:
 - (i) presented on a medium and in a format specified in the item; or
 - (ii) presented on another medium or in another format that the responsible Commonwealth Minister has authorised the greenhouse gas titleholder to use; or
- (b) for any other type of survey — each type of data mentioned in an item in Part 2 of Schedule 3 and presented in accordance with subparagraph (a) (i) or (ii).

survey acquisition report means a report that includes:

- (a) the name of the survey; and
- (b) the title under which the survey was conducted; and
- (c) the name of the titleholder; and
- (d) the name of the contractor that conducted the survey; and
- (e) the name of the vessel or aircraft that conducted the survey; and
- (f) a map of where the survey was conducted; and
- (g) the dates on which the survey started and ended; and
- (h) details of all data acquisition equipment and systems used; and
- (i) details of all positioning and navigation equipment and systems used; and
- (j) the number of lines of data acquired in the survey and the number of data acquisition points along each line; and
- (k) navigation data for the survey, in the form of:
 - (i) for a 2-dimensional survey — line ends and bends; or
 - (ii) for a 3-dimensional seismic survey — a full fold polygon outline; or
 - (iii) for other 3-dimensional surveys — a polygon outline; and
- (l) the geometry of the acquisition parameters; and
- (m) the results of any onboard data processing; and

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- (n) the results of any system tests, calibrations and diagnostics.

9.17 Requirement for survey processing report and data

- (1) A greenhouse gas titleholder commits an offence if the titleholder:
 - (a) undertakes a geophysical or geological survey in a title area; and
 - (b) does not give the responsible Commonwealth Minister a survey processing report and all processed survey data within:
 - (i) for a 2-dimensional seismic survey — 12 months after the day that the acquisition of the data is completed; or
 - (ii) for a 3-dimensional seismic survey — 18 months after the day that the acquisition of the data is completed; or
 - (iii) for any other type of survey — 6 months after the day that acquisition of the data is completed; or
 - (iv) if the Minister authorises the titleholder to give the report within another period — the other period.

Penalty: 50 penalty units.

- (2) In this regulation:

processed survey data means:

- (a) for a 2-dimensional seismic survey — each type of data mentioned in an item in Part 1 of Schedule 4:
 - (i) presented on a medium and in a format specified in the item; or
 - (ii) presented on another medium or in another format that the responsible Commonwealth Minister has authorised the greenhouse gas titleholder to use; or
- (b) for a 3-dimensional seismic survey — each type of data mentioned in an item in Part 2 of Schedule 4 and presented in accordance with subparagraph (a) (i) or (ii); or

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- (c) for any other type of survey — each type of data mentioned in an item in Part 3 of Schedule 4 and presented in accordance with subparagraph (a) (i) or (ii).

survey processing report means a report that includes:

- (a) the name of the survey; and
- (b) the title under which the survey was conducted; and
- (c) the name of the titleholder; and
- (d) the dates on which processing of the survey started and ended; and
- (e) the name of the processing contractor; and
- (f) the purpose of the processing; and
- (g) a summary of the data acquisition parameters; and
- (h) details of all the processing sequences and techniques used; and
- (i) a sample Extended Binary Coded Decimal Interchange Code (EBCDIC) header from the final data set; and
- (j) listings of all processed data; and
- (k) for a 3-dimensional survey:
 - (i) a description of the position of the survey polygon; and
 - (ii) a calculation for the 3-dimensional line numbering convention.

9.18 Requirement for survey interpretation report and data

- (1) A greenhouse gas titleholder commits an offence if the titleholder:
 - (a) undertakes a geophysical or geological survey in a title area; and
 - (b) does not give the responsible Commonwealth Minister a survey interpretation report and interpretative survey data within:
 - (i) for a seismic survey — 18 months after the day that the acquisition of the data is completed; or
 - (ii) for any other type of survey — 12 months after the day that the acquisition of the data is completed; or

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- (iii) if the Minister authorises the titleholder to give the report within another period — the other period.

Penalty: 50 penalty units.

- (2) In this regulation:

interpretative survey data means each type of data mentioned in an item in Schedule 5:

- (a) presented on a medium and in a format specified in the item; or
- (b) presented on another medium or in another format that the responsible Commonwealth Minister has authorised the greenhouse gas titleholder to use.

survey interpretation report means a report that includes the following information:

- (a) the name of the survey;
- (b) the title under which the survey was conducted;
- (c) the name of the titleholder;
- (d) a description of the objectives of the interpretation;
- (e) for a seismic survey:
 - (i) a list of the surfaces interpreted; and
 - (ii) a justification of the surfaces interpreted, including synthetic seismograms if available; and
 - (iii) the velocity field used to convert time to depth (including ASCII data) and the basis for the velocity field; and
 - (iv) if available, time slices to describe the environment of deposition;
- (f) a bathymetric map of the survey area;
- (g) an index of the maps created during the interpretation.

Subdivision 3.4 Other reports

9.19 Requirement for greenhouse gas injection monthly report — greenhouse gas injection licensee

- (1) A greenhouse gas injection licensee commits an offence if the licensee does not give the responsible Commonwealth Minister a greenhouse gas injection monthly report for a licence area within the period:
 - (a) starting on the last day of the named month to which the report relates; and
 - (b) ending 15 days after that day.

Penalty: 50 penalty units.

- (2) In this regulation:

greenhouse gas injection monthly report means a report that includes:

- (a) for each well in the licence area:
 - (i) the well's identification name and number; and
 - (ii) a summary of all work that has been performed on the well during the month; and
 - (iii) the results of any tests conducted during the month; and
 - (iv) the well's operational status at the end of the month; and
 - (v) the average, maximum and minimum values during the month for injection pressure, temperature and flow rate, at both the wellhead and the bottom of the well bore; and
 - (vi) if the well was shut at any time during the month — the shut-in wellhead pressure; and
 - (vii) the number of days of greenhouse gas injection during the month; and
 - (viii) the cumulative quantities of greenhouse gas substance that has been injected, and water that has been produced or injected, as at the end of the month; and

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- (b) the total quantities of greenhouse gas substance that has been injected, and water that has been produced or injected, during the month; and
- (c) the average composition of the greenhouse gas substance injected during the month; and
- (d) the sources of the greenhouse gas substances injected; and
- (e) the estimated average pressure in the storage formation.

9.20 Requirement for greenhouse gas injection annual report — greenhouse gas injection licensee

- (1) A greenhouse gas injection licensee commits an offence if the licensee does not give a greenhouse gas injection annual report for a licence area to the responsible Commonwealth Minister within the period:
 - (a) starting on the last day of the financial year to which the report relates; and
 - (b) ending on the day 4 months after that day.

Penalty: 60 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

- (3) In this regulation:

greenhouse gas injection annual report means a report that includes, for a year:

- (a) information about the chemical composition and physical properties of the injected greenhouse gas substance and any incidental greenhouse gas-related substances, including isotopic compositions; and
- (b) information about the location and direction of movement of the greenhouse gas substances injected; and
- (c) the results of maintenance operations and well bore integrity tests; and
- (d) history-matched model estimates of remaining storage capacity in the identified greenhouse gas storage formation.

Regulation 9.21

Note **Incidental greenhouse gas-related substance** is defined in section 23 of the Act.

9.21 Requirement for monthly greenhouse gas accounting report — greenhouse gas injection licensee

- (1) A greenhouse gas injection licensee commits an offence if the licensee does not give a monthly greenhouse gas accounting report for a licence area to the responsible Commonwealth Minister within the period:
 - (a) starting on the last day of the named month to which the report relates; and
 - (b) ending on the day 15 days after that day.

Penalty: 60 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

- (3) In this regulation:

monthly greenhouse gas accounting report means a report that includes, for a month:

- (a) the quantity of greenhouse gas substance that has been put into the system, as measured at:
 - (i) the source of the greenhouse gas substance; or
 - (ii) if the greenhouse gas substance becomes the responsibility of the licensee at a point other than its source — that point; and
- (b) the quantity of greenhouse gas substance measured at the last measuring point before injection; and
- (c) the average composition of the greenhouse gas substance injected; and
- (d) the maximum and minimum injection rates during the month; and
- (e) the quantity of the greenhouse gas substance lost, and emissions of additional greenhouse gases generated, in each of the following processes:
 - (i) compression;
 - (ii) transportation;

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- (iii) injection; and
- (f) an explanation of how each of the quantities mentioned in paragraph (e) was worked out; and
- (g) the quantity of greenhouse gas substance lost from the well bore; and
- (h) the quantity of greenhouse gas substance lost from the storage formation; and
- (i) the quantity of greenhouse gases emitted from the discharge of produced formation fluids.

Note The responsible Commonwealth Minister must make the information in the report publicly known within 15 days after the Minister receives the report — see regulation 10.10.

9.22 Requirement for annual greenhouse gas accounting report — greenhouse gas injection licensee

- (1) A greenhouse gas injection licensee commits an offence if the licensee does not give an annual greenhouse gas accounting report for a licence area to the responsible Commonwealth Minister within the period:
 - (a) starting on the last day of the financial year to which the report relates; and
 - (b) ending on the day 4 months after that day.

Penalty: 60 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

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

- (3) In this regulation:

annual greenhouse gas accounting report means a report that includes, for a year:

- (a) the quantity of greenhouse gas substance injected into the storage formation during the year; and
- (b) the cumulative quantity of greenhouse gas substance that has been stored as at the end of the year; and

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- (c) the quantity of greenhouse gas substance lost, and emissions of additional greenhouse gases generated, in the processes of compression, transportation and injection; and
- (d) the quantity of greenhouse gas substance lost from the well bore; and
- (e) the quantity of greenhouse gas substance lost from the storage formation; and
- (f) an explanation of how losses of the greenhouse gas substance were estimated or measured; and
- (g) an assessment of the accuracy of the measurement or estimation of the quantities of the greenhouse gas substance.

Note The responsible Commonwealth Minister must make the information in the report publicly known within 30 days after the Minister receives the report — see regulation 10.10.

Subdivision 3.5 Cores, cuttings and samples

9.23 Requirement to give core, cutting or sample

- (1) A greenhouse gas titleholder commits an offence if the titleholder:
 - (a) drills a well or conducts another operation on a well in a title area; and
 - (b) collects a kind of core, cutting or sample mentioned in an item in the table in subregulation (4); and
 - (c) does not give the core, cutting or sample to the responsible Commonwealth Minister within:
 - (i) the time specified for that item; or
 - (ii) if the Minister authorises the titleholder to give the core, cutting or sample in another period — the other period.

Penalty: 60 penalty units.

Note Division 2 sets out requirements for the collection and keeping of cores, cuttings and samples.

Regulation 9.23

- (2) The titleholder must give the Minister the quantity of the core, cutting or sample specified for that item if that quantity is available.
- (3) If the specified quantity is not available, the titleholder must:
 - (a) give the Minister an explanation why the specified quantity was not sent; and
 - (b) tell the Minister the total amount of the core, cutting or sample that was recovered.
- (4) Kinds of core, cutting or sample mentioned in paragraph (1) (b) are set out in the following table.

Item	Sample type	Quantity of core, cutting or sample	Time by which core, cutting or sample must be given
1	Ditch cuttings	1 set of 200 grams dry weight per sample interval	The day 6 months after the rig release date
2	Full hole conventional cores	1/3 of the core	The day 6 months after the rig release date
3	Gaseous hydrocarbon samples	300 cm ³	As soon as practicable after completion of the test during which the sample is collected
4	Fluid hydrocarbon samples	1 litre	Either: <ol style="list-style-type: none"> (a) if the sample is collected during the drilling of a well — the day 6 months after the rig release date; or (b) if the sample is collected during a test on a completed well — as soon as practicable after collection of the sample
5	Sidewall core material	All material collected	The day 12 months after the rig release date

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Item	Sample type	Quantity of core, cutting or sample	Time by which core, cutting or sample must be given
6	Palynological slides and residues, Paleontological material and Petrological slides	All material collected	The day 12 months after the rig release date

Regulation 10.01

Part 10 Release of technical information about greenhouse gas

Division 1 Preliminary

10.01 Definitions

In this Part:

basic information means documentary information that is not interpretative information.

disclosable information means documentary information that is not permanently confidential information.

documentary information has the meaning given by section 736 of the Act.

eligible sample has the meaning given by section 736 of the Act.

interpretative information has the meaning given by regulation 10.03.

permanently confidential information has the meaning given by regulation 10.02.

Division 2 Classification of documentary information

10.02 Meaning of *permanently confidential information*

- (1) This regulation sets out the 4 situations in which documentary information is *permanently confidential information*.

Excluded information is permanently confidential

- (2) Despite anything else in this Division, excluded information is permanently confidential information.

Note Excluded information is defined in regulation 1.06.

Regulation 10.02

Minister classifies as permanently confidential

- (3) Documentary information given by a person to the responsible Commonwealth Minister is permanently confidential information if the Minister considers the information to be:
- (a) a trade secret; or
 - (b) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs.

Minister does not dispute classification

- (4) Documentary information given by a person to the responsible Commonwealth Minister is permanently confidential information if:
- (a) when the information was given, the person told the Minister in writing that the person classified the information as:
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs; and
 - (b) the Minister did not give the person a written notice under subregulation 10.04 (1) disputing the classification.

Minister disputes classification and objection is in force

- (5) Documentary information given by a person to the responsible Commonwealth Minister is permanently confidential information if:
- (a) when the information was given, the person told the Minister in writing that the person classified the information as:
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs; and

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- (b) the Minister gave the person a written notice under subregulation 10.04 (1) disputing the classification; and
- (c) either:
 - (i) the time for making an objection in response to the notice has not elapsed; or
 - (ii) the person has made an objection in response to the notice, and the objection remains in force.

10.03 Meaning of *interpretative information*

- (1) This regulation sets out the 3 situations in which documentary information is *interpretative information*.

Minister classifies as interpretative

- (2) Documentary information given by a person to the responsible Commonwealth Minister is interpretative information if the Minister considers the information to be a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information.

Minister does not dispute classification

- (3) Documentary information given by a person to the responsible Commonwealth Minister is interpretative information if:
 - (a) when the information was given, the person told the Minister in writing that the person classified the information as a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; and
 - (b) the Minister did not give the person a written notice under subregulation 10.04 (2) disputing the classification.

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Minister disputes classification and objection to disclosure is in force

- (4) Documentary information given by a person to the responsible Commonwealth Minister is interpretative information if:
- (a) when the information was given, the person told the Minister in writing that the person classified the information as a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; and
 - (b) the Minister gave the person a written notice under subregulation 10.04 (2) disputing the classification; and
 - (c) either:
 - (i) the time for making an objection in response to the notice has not elapsed; or
 - (ii) the person has made an objection in response to the notice, and the objection remains in force.

10.04 Classification dispute notice

Classification dispute notice for permanently confidential information

- (1) The responsible Commonwealth Minister may give a person a written notice disputing the classification of documentary information as permanently confidential information if:
- (a) the person gave the documentary information to the Minister; and
 - (b) when the information was given, the person told the Minister in writing that the person classified the information as:
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs; and
 - (c) the Minister does not consider the information to be:
 - (i) a trade secret; or

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- (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs.

Classification dispute notice for interpretative information

- (2) The responsible Commonwealth Minister may give a person a written notice disputing the classification of documentary information as interpretative information if:
 - (a) the person gave the documentary information to the Minister; and
 - (b) when the information was given, the person told the Minister in writing that the person classified the information as a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; and
 - (c) the Minister does not consider the information to be a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information.

Timing of notice

- (3) A notice under subregulation (1) or (2) must be given within 30 days after the responsible Commonwealth Minister receives the documentary information to which it relates.

Notices may be combined

- (4) The responsible Commonwealth Minister may combine 2 or more notices to the same person under subregulation (1) or (2), or both, into a single notice.

Contents of notice

- (5) A notice must include the following:
 - (a) if the notice is given under subregulation (1)— a statement that the responsible Commonwealth Minister considers the information to be disclosable information and proposes to treat it as disclosable information under this Part;

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- (b) if the notice is given under subregulation (2) — a statement that the Minister considers the information to be basic information and proposes to treat it as basic information under this Part;
 - (c) a statement inviting the person to make a written objection to the Minister's proposal to treat the information as:
 - (i) if the notice is given under subregulation (1) — disclosable information; and
 - (ii) if the notice is given under subregulation (2) — basic information;
 - (d) the date by which a written objection must be given to the Minister;
 - (e) a statement that if the person does not make a written objection by the specified date, the information will be taken under this Part to be:
 - (i) if the notice is given under subregulation (1) — disclosable information; and
 - (ii) if the notice is given under subregulation (2) — basic information.
- (6) For paragraph (5) (d), the date must be at least 45 days after the date the notice is issued.

10.05 Making an objection

- (1) If a person has received a notice from the responsible Commonwealth Minister under regulation 10.04, the person may make an objection to the classification of the information.
- (2) The objection may relate to all of the information described in the notice, or a specified part of the information.
- (3) If the notice is given under both subregulations 10.04 (1) and (2), the objection must state whether the objection is:
 - (a) on the ground that the information should be treated as permanently confidential information; or
 - (b) on the ground that the information should be treated as interpretative information; or
 - (c) on both grounds.

Regulation 10.06

- (4) The objection must be made in writing to the responsible Commonwealth Minister, on or before the date specified in the notice.
- (5) A valid objection remains in force until it ceases to be in force under regulation 10.07.

10.06 Consideration of objection by Minister

- (1) If the responsible Commonwealth Minister receives a valid objection from a person, the Minister must consider the objection and decide whether to allow or disallow the objection.
- (2) The Minister may allow the objection for part of the documentary information to which it relates, and disallow the objection for another part.
- (3) The Minister must notify the person in writing of the Minister's decision within 45 days after the Minister receives the objection.

Note Part 9.1 of the Act provides for review of this decision by the Administrative Appeals Tribunal.

10.07 When objection ceases to be in force

An objection made by a person under regulation 10.05 ceases to be in force if:

- (a) the person withdraws the objection by notifying the responsible Commonwealth Minister in writing; or
- (b) the Minister disallows the objection, and the person does not seek review of the decision within the time allowed for an application for review; or
- (c) the Minister disallows the objection, all reviews of the Minister's decision have been finalised, and the decision standing after all reviews have been finalised is that the objection is disallowed.

Division 3 Release of documentary information

10.08 Purpose of Division

For paragraph 738 (2) (c) of the Act, this Division sets out the circumstances in which the responsible Commonwealth Minister may:

- (a) make documentary information publicly known; or
- (b) make documentary information available to a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory).

10.09 Release of open information about wells and surveys

Despite anything else in this Division, the responsible Commonwealth Minister may make open information about a well or open information about a survey publicly known at any time.

10.10 Release of information from greenhouse gas accounting reports

Despite anything else in this Division, the responsible Commonwealth Minister must make documentary information contained in a report mentioned in an item of the following table publicly available no later than the day specified in the item.

Item	Report	Day
1	A monthly greenhouse gas accounting report given under regulation 9.21	15 days after the day the Minister receives the report
2	An annual greenhouse gas accounting report given under regulation 9.22	30 days after the day the Minister receives the report

Regulation 10.11

10.11 Release of basic disclosable information

- (1) The responsible Commonwealth Minister may make documentary information publicly known or make the documentary information available to a person if:
- (a) it is basic information; and
 - (b) it is disclosable information; and
 - (c) the relevant day for the information has passed.

Relevant day for seismic surveys

- (2) Subject to subregulation (3), the relevant days for information relating to seismic surveys are set out in the following table.

Item	Type of seismic survey	Relevant day
1	A survey that collected exclusive data, if the survey was conducted under a greenhouse gas injection licence that is still in force	The day 2 years after the acquisition of the data was completed
2	A survey that collected exclusive data, if the survey was conducted under a greenhouse gas title, other than a greenhouse gas injection licence, that is still in force	The day 3 years after the acquisition of the data was completed
3	A survey that collected exclusive data, if the survey was conducted under a greenhouse gas title that: <ul style="list-style-type: none">(a) has expired; or(b) has been surrendered, cancelled, revoked or terminated before the expiry date of the title	The day of the expiry, surrender, cancellation, revocation or termination
4	A survey that collected 2D seismic data as non-exclusive data	The day 15 years after the acquisition of the data was completed

Regulation 10.11

Item	Type of seismic survey	Relevant day
5	A survey that collected 3D seismic data as non-exclusive data if either: (a) the 3D data; or (b) 2D data extracted from the 3D data, contained in a seismic extracted data grid; was required to be produced as a condition of the grant of a greenhouse gas title	For the 3D data — the day 15 years after the acquisition of the data was completed For the extracted 2D data — the day 5 years after the acquisition of the 3D data was completed
6	A survey that collected 3D seismic data as non-exclusive data if neither: (a) the 3D data; nor (b) 2D data extracted from the 3D data, contained in a seismic extracted data grid; was required to be produced as a condition of the grant of a greenhouse gas title	For the 3D data — the day 15 years after the acquisition of the data was completed For the extracted 2D data — the day 6 years after the acquisition of the 3D data was completed

- (3) If data from a seismic survey has been reprocessed as a condition of the grant of a greenhouse gas title, the relevant day for the documentary information obtained from the reprocessing is the later of:
- (a) the relevant day under subregulation (2) for the information relating to the original survey; and
 - (b) 3 years after the last day of the year of the term of the title during which the reprocessing was done.

Note **Year of the term** is defined in section 10 of the Act. A year of the term of a title commences on the day that the title comes into force or on any anniversary of that day.

Regulation 10.11

Relevant day for other geophysical and geological surveys

- (4) The relevant days for documentary information relating to geophysical and geological surveys (other than seismic surveys) are set out in the following table.

Item	Type of survey	Relevant day
1	A survey that was conducted under a greenhouse gas injection licence that is still in force	The day 2 years after the acquisition of the data was completed
2	A survey that was conducted under a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas research consent that is still in force	The day 3 years after the acquisition of the data was completed
3	A survey that was conducted under a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence or greenhouse gas research consent that: (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the title	The day of the expiry, surrender, cancellation, revocation or termination
4	A survey conducted under a greenhouse gas search authority or greenhouse gas special authority that collected exclusive data, if the authority is still in force	The day 3 years after the acquisition of the data was completed
5	A survey conducted under a greenhouse gas search authority or greenhouse gas special authority that collected exclusive data, if the authority: (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the authority	The day of the expiry, surrender, cancellation, revocation or termination

Regulation 10.12

Item	Type of survey	Relevant day
6	A survey conducted under a greenhouse gas search authority or greenhouse gas special authority that collected non-exclusive data	The day 6 years after the acquisition of the data was completed

Relevant day for well operations

- (5) The relevant days for documentary information relating to wells are set out in the following table.

Item	If the regulated operation to which the information relates was conducted under ...	the relevant day is ...
1	a greenhouse gas injection licence that is still in force	the day 1 year after the end of the operation
2	a greenhouse gas title, other than a greenhouse gas injection licence, that is still in force	the day 2 years after the end of the operation
3	a greenhouse gas title that: (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the title	the day of the expiry, surrender, cancellation, revocation or termination

Note **End of the operation** is defined in regulation 1.05.

10.12 Release of interpretative disclosable information

- (1) The responsible Commonwealth Minister may make documentary information publicly known or make documentary information available to a person if:
- (a) it is interpretative information; and
 - (b) it is disclosable information; and
 - (c) the information relates to the sea-bed or subsoil, or to a greenhouse gas substance, in a block; and
 - (d) it is more than 5 years after the end of the operation to which the information relates.

Note **End of the operation** is defined in regulation 1.05.

Regulation 10.13

- (2) Before the documentary information is made available to a person, the fee worked out under regulation 11.05 is payable by the person.

10.13 Release of documentary information — prior availability or consent

- (1) Subject to subregulation (2), the responsible Commonwealth Minister may make documentary information publicly known or make documentary information available to a person if:
- (a) the greenhouse gas titleholder who gave the information to the Minister has made the information publicly known; or
 - (b) the greenhouse gas titleholder who gave the information to the Minister has consented in writing to the information being made publicly known or made available, as the case may be.
- (2) If the documentary information relating to a block was given to the Minister under a greenhouse gas search authority, a greenhouse gas special authority or a greenhouse gas research consent, subregulation (1) applies only if the information relates to a period when no permit, lease or licence was in force over the block.
- (3) Before the documentary information is made available to a person, the fee worked out under regulation 11.05 is payable by the person.

Division 4 Release of eligible samples

10.14 Purpose of Division

For paragraph 739 (2) (c) of the Act, this Division sets out the circumstances in which the responsible Commonwealth Minister may:

- (a) make publicly known any details of an eligible sample; or
- (b) permit a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory) to inspect an eligible sample.

Regulation 10.16

10.15 Release of eligible samples after relevant day

- (1) The responsible Commonwealth Minister may make publicly known details of an eligible sample or permit a person to inspect the sample if the relevant day for the sample has passed.
- (2) The relevant days for eligible samples are set out in the following table.

Item	If the regulated operation to which the sample relates was conducted under ...	the relevant day is ...
1	a greenhouse gas injection licence that is still in force	the day 1 year after the end of the operation
2	a greenhouse gas title, other than a greenhouse gas injection licence, that is still in force	the day 2 years after the end of the operation
3	a greenhouse gas title that: (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the title	the day of the expiry, surrender, cancellation, revocation or termination

10.16 Release of eligible samples — prior availability or consent

- (1) Subject to subregulation (2), the responsible Commonwealth Minister may make publicly known any details of an eligible sample or permit a person to inspect the sample if:
 - (a) the greenhouse gas titleholder who gave the sample to the Minister has made publicly known those details of the sample; or
 - (b) the greenhouse gas titleholder who gave the sample to the Minister has caused to be made publicly known those details of the sample; or
 - (c) the greenhouse gas titleholder who gave the sample to the Minister has consented in writing to details of the sample being made publicly known or to the sample being made available for inspection, as the case may be.

Regulation 10.16

- (2) If an eligible sample from a block was given to the Minister under a greenhouse gas search authority, a greenhouse gas special authority or a greenhouse gas research consent, subregulation (1) only applies if the sample was obtained during a period when no permit, lease or licence was in force over the block.
- (3) Before a person is permitted to inspect the sample, the fee worked out under regulation 11.06 is payable by the person.

Regulation 11.04

Part 11 Fees**11.01 Application fees**

- (1) For subsection 256 (2) of the Act, the prescribed fee for an application is the fee specified in Part 1 of Schedule 6 for that application.
- (2) For subsection 427 (2) of the Act, the prescribed fee for an application is the fee specified in Part 2 of Schedule 6 for that application.

11.02 Registration fees

- (1) For paragraph 483 (2) (b) of the Act, the fee is \$92.
- (2) For paragraph 485 (2) (b) of the Act, the fee is \$92.
- (3) For paragraph 534 (2) (b) of the Act, the fee is \$92.
- (4) For paragraph 536 (2) (b) of the Act, the fee is \$92.

11.03 Register inspection fee

- (1) For subsections 515 (1) and (2) of the Act, the fee is \$19.
- (2) For subsections 564 (1) and (2) of the Act, the fee is \$19.

11.04 Document and certification fees

- (1) For subsections 516 (2) and 565 (2) of the Act, the fee is \$3.50 per page.
- (2) For subsections 516 (4) and 565 (4) of the Act, the fee is \$45.

Regulation 11.05

11.05 Information fees

For paragraphs 717 (2) (a) and 741 (2) (a) of the Act, the fee payable for making information available to a person is an amount equal to the sum of the following amounts:

- (a) if the information requested is contained in a document and that document is lent to the person who made the request — an amount calculated at the rate of \$38 per day or part of a day during which the document containing the information is on loan to that person;
- (b) if the information requested is contained in a document and that document is not readily available and a search is necessary to locate the information — an amount calculated at the rate of \$38 per hour or part of an hour after the first half hour for the time taken to locate the information;
- (c) if any information referred to in paragraph (a) or (b) is, on the application of the person making the request:
 - (i) copied or reproduced; or
 - (ii) forwarded or consigned to that person;an amount equal to all costs incurred in the copying or reproduction or forwarding or consignment, including the costs of packaging (if applicable).

Note The fees in this regulation relate to provisions in Parts 8 and 10 of these Regulations.

11.06 Sample inspection fees

For paragraphs 717 (2) (b) and 741 (2) (b) of the Act, the fee payable for permitting a person to inspect a sample is an amount equal to the sum of the following amounts:

- (a) if the sample is lent to the person who made the request — an amount calculated at the rate of \$38 per day or part of a day during which the sample is on loan to that person;

Regulation 11.06

- (b) if the sample is, on the application of the person making the request, forwarded or consigned to that person — an amount equal to all costs incurred in the forwarding or consignment, including the costs of packaging (if applicable).

Note The fees in this regulation relate to provisions in Parts 8 and 10 of these Regulations.

Regulation 12.01

Part 12 Miscellaneous**12.01 Form of instrument of transfer**

For paragraphs 474 (a) and 526 (a) of the Act, an instrument of transfer must be in the form set out in Schedule 7.

12.02 Prescribed details for supplementary instrument for approval of dealing

- (1) For subsections 489 (2) and 540 (2) of the Act, the following details are prescribed:
 - (a) description and date of execution of the instrument evidencing the dealing mentioned in subsection 489 (1) or 540 (1) of the Act;
 - (b) details of the title (including the type and number of the title) to which the dealing relates;
 - (c) full name and business address of each party to the dealing;
 - (d) details of the effect or effects, upon registration, of the dealing specified in terms of the relevant item in section 486 or 537 of the Act;
 - (e) details of the interest or interests in the title of all parties to the dealing:
 - (i) before the registration of the dealing; and
 - (ii) in the event of approval of the dealing, after the registration of the dealing;
 - (f) if item 1 or 3 of the table in subsection 6 (2) or 6B (2) of the *Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Act 2006* applies to the dealing — the value of the consideration;
 - (g) if the dealing relates to an interest in a licence or pipeline licence to which item 2 or 4 of the table in subsection 6 (2) or 6B (2) of the *Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Act 2006* applies — the value of the interest;

Regulation 12.03

- (h) whether or not the parties to the dealing have made or propose to make an application for the purposes of item 6 of the table in subsection 6 (2) or 6B (2) of the *Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Act 2006*;
- (i) in respect of any related dealing for which an entry has been made in the Register or an application in writing for approval by the Joint Authority has been lodged:
 - (i) a description of the instrument evidencing the dealing and the date of execution; and
 - (ii) the date of approval by the Joint Authority or Designated Authority (if appropriate); and
 - (iii) the registration number (if any).

(2) In this regulation:

related dealing means a dealing executed, before the execution of the instrument evidencing the dealing mentioned in paragraph (1) (a), by some or all of the parties to that instrument:

- (a) that affects the title which is the subject of the dealing to which the instrument referred to in paragraph (1) (a) relates; and
- (b) that:
 - (i) creates or assigns an option to enter into the dealing mentioned in paragraph (1) (a); or
 - (ii) creates or assigns a right to enter into the dealing mentioned in paragraph (1) (a); or
 - (iii) is altered or terminated by the dealing mentioned in paragraph (1) (a);

and includes any transaction in respect of which an instrument was registered under section 81 of the *Petroleum (Submerged Lands) Act 1967* before 22 July 1985.

12.03 Survey of wells, structures or equipment

- (1) The Regulator may, in writing, require a titleholder to:
 - (a) survey the position of the well, pipeline, infrastructure facility, structure or equipment specified in the notice; and
 - (b) give a written report of the survey to the Regulator.

Regulation 12.04

- (2) The Regulator must specify in a request a reasonable period within which the survey must be done and the report given.
- (3) A titleholder commits an offence if the titleholder does not comply with a request under subregulation (1) within the period required under subregulation (2).

Penalty: 60 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

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

- (5) In this regulation:

Regulator means:

- (a) for a petroleum titleholder, infrastructure licensee or pipeline licensee — the Designated Authority; or
- (b) for a greenhouse gas titleholder — the responsible Commonwealth Minister.

12.04 Notice of route followed by pipeline

A pipeline licensee commits an offence if the licensee:

- (a) constructs a pipeline in an offshore area; and
- (b) does not inform both the Designated Authority and the Australian Hydrographic Office, in writing, of the exact route followed by the pipeline by the earlier of:
 - (i) 14 days after the day that construction of the pipeline is completed; and
 - (ii) the day before the pipeline is operated.

Penalty: 60 penalty units.

12.05 Requirement to give notice of pipeline incident

- (1) A pipeline licensee commits an offence if:
 - (a) a reportable incident occurs in relation to a pipeline under a licence; and

Regulation 12.06

- (b) the licensee does not give notice (oral or written) of the incident to the Designated Authority, a petroleum project inspector or a greenhouse gas project inspector, including all material details of the incident that are reasonably available to the licensee, as soon as practicable after:
 - (i) the first occurrence of the incident; or
 - (ii) if the incident is not detected by the licensee at the time of its first occurrence — the detection of the incident by the licensee.

Penalty: 60 penalty units.

- (2) In this regulation:

reportable incident means an incident:

- (a) that:
 - (i) results in significant damage to a pipeline (for example reducing the capacity of the pipeline to contain the substance flowing through it); or
 - (ii) is likely to have a result of a kind mentioned in subparagraph (i); or
 - (iii) is of a kind that a reasonable pipeline licensee would consider to require immediate investigation; and
- (b) that is not a reportable incident within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

12.06 Requirement to provide written report about pipeline incident

- (1) A pipeline licensee commits an offence if:
 - (a) a reportable incident occurs in relation to a pipeline under a licence; and
 - (b) the licensee does not give the Designated Authority an incident report either:
 - (i) as soon as practicable, but within 3 days after:
 - (A) the first occurrence of the incident; or
 - (B) if the incident is not detected by the licensee at the time of its first occurrence — the detection of the incident by the licensee; or

Regulation 12.07

- (ii) if the Designated Authority specifies, in writing and within the period mentioned in subparagraph (i), another period for giving the report — within that period.

Penalty: 50 penalty units.

- (2) It is a defence to a prosecution for an offence against subregulation (1) if:
 - (a) subparagraph (1) (b) (ii) applies to the offence; and
 - (b) it was not practicable for the licensee to give the report to the Designated Authority within the specified period.

Note A defendant bears an evidential burden in relation to the matter in subregulation (2) — see subsection 13.3 (3) of the *Criminal Code*.

- (3) In this regulation:

incident report means a report that includes:

- (a) all the material facts and circumstances of the incident that the licensee is aware of or is able, by reasonable search and inquiry, to find out, including the following:
 - (i) the date, time and place of the incident;
 - (ii) the particulars of any loss or damage caused by the incident;
 - (iii) if petroleum or a greenhouse gas substance escaped from the pipeline or ignited — the amount of that substance and the measures taken to control the escape or fire;
 - (iv) the cause of the incident;
 - (v) the repairs (if any) carried out, or proposed to be carried out, on the pipeline; and
- (b) the corrective action that has been taken, or is proposed to be taken, to prevent another incident of that kind.

reportable incident has the same meaning as in regulation 12.05.

12.07 Requirement for notice of geophysical or geological survey

- (1) A petroleum titleholder or greenhouse gas titleholder commits an offence if:

Regulation 12.08

- (a) the titleholder undertakes a geophysical or geological survey in the title area; and
- (b) the titleholder does not notify the Regulator, at least 48 hours before the proposed start of the survey, of the following:
 - (i) the proposed date and time that the survey will start;
 - (ii) the duration of the survey;
 - (iii) the survey area coordinates;
 - (iv) in the case of a seismic survey — the length of the streamers to be towed by the survey vessel.

Penalty: 60 penalty units.

- (2) Subregulation (1) is an offence of strict liability.

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

- (3) In this regulation:

Regulator means:

- (a) for a petroleum titleholder — the Designated Authority; or
- (b) for a greenhouse gas titleholder — the responsible Commonwealth Minister.

Note A survey will also require approval as an activity under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

12.08 Requirement to give notice of actions for Royalty Act purposes

- (1) A petroleum titleholder commits an offence if:
 - (a) the titleholder samples a petroleum stream for the purpose of working out the amount of royalty payable under the Royalty Act; and
 - (b) the titleholder did not notify the Designated Authority in writing that the titleholder was going to sample the stream.

Penalty: 60 penalty units.

- (2) A petroleum titleholder commits an offence if:
 - (a) the titleholder proves a meter that is used to work out the amount of royalty payable under the Royalty Act; and

Regulation 12.08

- (b) the titleholder did not notify the Designated Authority in writing that the titleholder was going to prove the meter.

Penalty: 60 penalty units.

Schedule 1 Initial well completion data

(regulations 7.13 and 9.13)

Item	Type of data	Standard media	Standard formats
1	Raw data, edited field data and processed data for all wireline logs, MWD or LWD tools	CD-ROM, DVD or portable hard drive	LIS, DLIS or LAS
2	Log displays	CD-ROM, DVD or portable hard drive	PDS, META, PDF or TIF
3	Edited field data and processed data for borehole deviation surveys	CD-ROM, DVD or portable hard drive	LIS, DLIS, ASCII, LAS or XLS
4	Mudlogging data	CD-ROM, DVD or portable hard drive	ASCII or LAS
5	Mudlog display	CD-ROM, DVD or portable hard drive	TIF or PDF
6	If generated, data from velocity surveys including: (a) raw data; and (b) processed data; and (c) checkshot and time/depth analysis	CD-ROM, DVD or portable hard drive	DLIS or SEG-Y for raw data and processed data DLIS, SEG-Y or ASCII for checkshot data
7	Velocity survey displays	CD-ROM, DVD or portable hard drive	TIF, JPEG, PDF or PDS
8	Photography of the core and sidewall core, in both natural and UV light	CD-ROM, DVD or portable hard drive	JPEG, PNG or TIF

Schedule 2 Final well completion data

(regulations 7.14 and 9.14)

Item	Type of data	Standard media	Standard formats
1	Interpretative log analysis	CD-ROM, DVD or portable hard drive	LIS, DLIS, ASCII, LAS or XLS
2	Composite well log	CD-ROM, DVD or portable hard drive	TIF, JPEG or PDF
3	Well index sheet	CD-ROM, DVD or portable hard drive	PDF
4	Petrophysical, geochemical or other sample analyses	CD-ROM, DVD or portable hard drive	ASCII or XLS

Schedule 3 Survey acquisition data

(regulations 7.16 and 9.16)

Part 1 For seismic surveys

Item	Type of data	Standard media	Standard formats
101	Raw navigation data	CD-ROM, DVD, portable hard drive or 3592 cartridge	UKOOA (P2/94 or later)
102	Seismic field data	3592 cartridge	SEG Standard
103	Seismic support data	CD-ROM, DVD or portable hard drive	PDF
104	Itemised field tape listing showing: (a) tape number; and (b) survey name; and (c) line number; and (d) shotpoint range; and (e) data type	CD-ROM, DVD or portable hard drive	ASCII

Part 2 For other surveys

Item	Type of data	Standard media	Standard formats
201	Field data	CD-ROM, DVD or portable hard drive	ASCII
202	Field support and navigation data	CD-ROM, DVD or portable hard drive	ASCII

Schedule 4 Processed survey data

(regulations 7.17 and 9.17)

Part 1 For 2D seismic surveys

Item	Type of data	Standard media	Standard formats
101	Raw and final stacked data, including near/mid/far sub-stacks if generated	3592 cartridge	SEG-Y
102	Raw and final migrated data, including: (a) pre-stack time migration (PSTM); and (b) pre-stack depth migration (PSDM); and (c) near/mid/far sub-stacks	3592 cartridge	SEG-Y
103	Final processed navigation, elevation and bathymetry data	CD-ROM, DVD or portable hard drive	UKOOA (P1/90 or later)
104	Shotpoint to common depth point (CDP) relationship	CD-ROM, DVD or portable hard drive	ASCII
105	Data for both stacked and migrated velocities, including: (a) line number; and (b) shotpoint; and (c) time versus root mean square (RMS) pairs	CD-ROM, DVD or portable hard drive	ASCII

Item	Type of data	Standard media	Standard formats
106	Itemised process tape listing showing: (a) tape number; and (b) survey name; and (c) line number; and (d) shotpoint range; and (e) common depth points (CDPs); and (f) data type	CD-ROM, DVD or portable hard drive	ASCII

Part 2 For 3D seismic surveys

Item	Type of data	Standard media	Standard formats
201	Raw and final stacked data, including near/mid/far sub-stacks if generated	3592 cartridge	SEG-Y
202	Raw and final migrated data, including: (a) pre-stack time migration (PSTM); and (b) pre-stack depth migration (PSDM); and (c) near/mid/far sub-stacks	3592 cartridge	SEG-Y
203	Final processed navigation, elevation and bathymetry data	CD-ROM, DVD or portable hard drive	UKOOA (P1/90 or later)
204	Final navigation data in the form of: (a) final processed (grid) bin coordinates; and (b) polygonal position data (outline of the full fold area)	CD-ROM, DVD or portable hard drive	UKOOA (P6/98 or later)

Item	Type of data	Standard media	Standard formats
205	Data for both stacked and migrated velocities, including: (a) bin number; and (b) time versus root mean square (RMS) pairs	CD-ROM, DVD or portable hard drive	ASCII
206	2D data subset, if production is required as a condition of the grant of a title	3592 cartridge	SEG-Y
207	Itemised process tape listing showing: (a) tape number; and (b) survey name; and (c) in-lines and crosslines; and (d) data type	CD-ROM, DVD or portable hard drive	ASCII

Part 3 For other surveys

Item	Type of data	Standard media	Standard formats
301	Final processed data	CD-ROM, DVD or portable hard drive	ASCII or ASEG-GDF2
302	Final processed images	CD-ROM, DVD or portable hard drive	PDF

Schedule 5 Interpretative survey data

(regulations 7.18 and 9.18)

Item	Type of data	Standard media	Standard formats
1	Digital images of interpretation maps	CD-ROM, DVD or portable hard drive	Georeferenced TIF or PDF

Schedule 6 Application fees

(regulation 11.01)

Part 1 Fees for petroleum applications

Item	Type of application	Fee (\$)
101	Work-bid petroleum exploration permit	4 590
102	Special petroleum exploration permit	4 590
103	Cash-bid petroleum exploration permit	1 835
104	Renewal of petroleum exploration permit (all types)	1 835
105	Petroleum retention lease (all types)	1 835
106	Renewal of petroleum retention lease (all types)	1 835
107	Petroleum production licence over a surrendered block	4 590
108	Petroleum production licence over an individual block	920
109	Petroleum production licence (other than a licence in items 107 and 108)	1 835
110	Renewal of petroleum production licence (all types)	1 835
111	Infrastructure licence	1 835
112	Pipeline licence	4 590
113	Variation of pipeline licence	920
114	Petroleum special prospecting authority	920

Part 2 Fees for greenhouse gas applications

Item	Type of application	Fee (\$)
201	Work-bid greenhouse gas assessment permit	0
202	Cash-bid greenhouse gas assessment permit	0
203	Renewal of greenhouse gas assessment permit	0
204	Greenhouse gas holding lease (all types)	1 835
205	Renewal of greenhouse gas holding lease	1 835

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Item	Type of application	Fee (\$)
206	Greenhouse gas injection licence	1 835
207	Greenhouse gas search authority	0
208	Greenhouse gas site closing certificate	4 590

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Schedule 7 Transfer of title

(regulation 12.01)

Commonwealth of Australia

Transfer of title under Part 4.3 or 5.3 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

I/We ^{(1) (2)}

being the registered holder/holders ⁽¹⁾ of ⁽³⁾

in consideration of ⁽⁴⁾

hereby transfer all right, title and interest in that ⁽³⁾

to ⁽⁵⁾

IN WITNESS of this transfer the parties to the transfer have affixed their respective common seals or signatures below on this _____ day of

20 .

(6)

(7)

- (1) *Delete whichever is inapplicable.*
- (2) *Insert the name of the transferor, or where there are two or more transferors, the name of each transferor.*
- (3) *Insert the type (eg exploration permit, production licence), and number, of the property transferred that is a title within the meaning of section 467 or 519 of the Act.*
- (4) *Insert the value of the consideration for the transfer or the value of the title transferred. Where the transfer of the title is pursuant to a dealing which has been approved and registered under the Act, insert a reference that is sufficient to identify that dealing.*
- (5) *Insert the name and address of the transferee, or where there are two or more transferees, the name and address of each transferee.*
- (6) *Affix the common seal or signature of the transferor or of each transferor, as the case may be.*
- (7) *Affix the common seal or signature of the transferee or of each transferee, as the case may be.*

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.