



Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Amendment (Well Operations) Regulation 2015

Select Legislative Instrument No. 252, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 10 December 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Josh Frydenberg
Minister for Resources, Energy and Northern Australia

OPC60961 - A

Contents

1	Name	1
2	Commencement	1
3	Authority	1
4	Schedules.....	1
Schedule 1—Amendments		2
<i>Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011</i>		2

No. 252, 2015 *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Amendment (Well Operations) Regulation 2015* *i*

OPC60961 - A

1 Name

This is the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Amendment (Well Operations) Regulation 2015*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	Immediately after the commencement of the <i>Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Well Operations) Regulation 2015</i> .	1 January 2016

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

No. 252, 2015	<i>Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Amendment (Well Operations) Regulation 2015</i>	1
OPC60961 - A		

Schedule 1—Amendments

Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011

1 Paragraph 5.13(1)(c)

Repeal the paragraph.

2 Regulation 5.30

Insert:

new plan means a well operations management plan, if the titleholder applies for acceptance of the plan for the purposes of regulation 5.35.

transitional 2-year period means the period of 2 years after the commencement time.

transitional plan, for a well to which subregulation 5.31(1) applies, means the well operations management plan that is taken to be in force for the well under that subregulation.

3 Regulation 5.31 (heading)

Repeal the heading, substitute:

5.31 Transitional well operations management plans

4 Paragraphs 5.31(3)(a) and (b)

Omit “a revision of the plan has been accepted”, substitute “a new plan has been accepted for the well”.

5 Subregulations 5.31(5) to (7)

Repeal the subregulations.

6 Subregulation 5.33(2)

Repeal the subregulation, substitute:

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- (2) If the variation is accepted, the transitional plan that corresponds to the accepted well operations management plan has effect as varied.

7 At the end of Division 10 of Part 5

Add:

5.35 New well operations management plan to replace transitional plan

When titleholder must apply for a new plan generally

- (1) The titleholder for a transitional plan for a well must apply under regulation 5.06 for acceptance of a new well operations management plan for the well before the end of the transitional 2-year period (whether as required under subregulation (2) or (5), or otherwise), unless the operation of the transitional plan ends within that period under regulation 5.17.

When titleholder must apply for a new plan instead of submitting a revision of transitional plan

- (2) If a titleholder would (apart from this subregulation) be required under regulation 5.10 to submit a proposed revision of a transitional plan for a well, the titleholder must:
- (a) instead:
 - (i) apply under regulation 5.06 for acceptance of a new well operations management plan for the well no later than the time when that requirement would otherwise apply under regulation 5.10; and
 - (ii) include in the new plan any matters that would otherwise be required to be included in such a proposed revision; or
 - (b) with the consent of the Regulator, submit a proposed revision of the transitional plan for the well in accordance with regulation 5.10.
- (3) However, if a titleholder has already applied for acceptance of a new plan for a well when the titleholder would (apart from this subregulation) be required under regulation 5.10 to submit a proposed revision of the transitional plan for the well:

- (a) the titleholder must notify the Regulator as soon as practicable, giving details of the circumstance that would otherwise give rise to the requirement; and
- (b) subregulation (2) of this regulation does not apply in relation to the transitional plan; and
- (c) Division 4 of this Part does not apply in relation to the transitional plan.

Note: If because of such a circumstance (or for any other reason) the Regulator is not satisfied that the new plan meets the criteria set out in regulation 5.08, the Regulator must give the titleholder notice under regulation 5.07 requiring the resubmission of the new plan, giving the titleholder a reasonable opportunity to modify and resubmit the plan.

- (4) Paragraph (3)(a) does not apply in relation to a circumstance if:
 - (a) for a circumstance consisting of the start of a well activity that the transitional plan does not apply to (see subregulation 5.10(1))—the new plan would include that well activity; or
 - (b) for a circumstance consisting of a significant change to the manner in which risks to the integrity of the well are reduced (see subregulation 5.10(2))—the risk management process to be included in the new plan would allow for that changed manner.

Titleholder must apply for new plan on notification from the Regulator

- (5) A titleholder for a transitional plan for a well must apply under regulation 5.06 for acceptance of a new well operations management plan for the well if the Regulator notifies the titleholder that the titleholder is required to do so.
- (6) Regulations 5.11 and 5.12 apply in relation to a notification under subregulation (5) of this regulation as if it were a notification of a requirement to submit a proposed revision of the transitional plan for the purposes of subregulation 5.11(1).

Criteria for acceptance of new plan—consistency with directions

- (7) If a titleholder is required to apply for acceptance of a new plan under subregulation (2) or (5) because NOPSEMA or the responsible Commonwealth Minister gave the titleholder a

direction which is inconsistent with the transitional plan for the well, regulation 5.08 applies in relation to the application as if a criterion for the acceptance of the new plan is that it is consistent with the direction.

Criteria for acceptance of revision to transitional plan

- (8) If the Regulator consents to a titleholder submitting a proposed revision of a transitional plan for the well under paragraph (2)(b), the criteria for acceptance of the proposed revision are:
- (a) despite subregulation 5.15(1), the criteria mentioned in paragraphs 5.08(b) and (d); and
 - (b) if applicable to the proposed revision, the criterion mentioned in subregulation 5.15(2).

5.36 When transitional plan ceases to be in force

A transitional plan for a well ceases to be in force:

- (a) if a new plan is accepted for the well before the end of the transitional 2-year period—when the new plan comes into force; or
- (b) if an application for acceptance of a new plan for the well is not determined at the end of the transitional 2-year period:
 - (i) when the new plan comes into force; or
 - (ii) in a case in which the application is refused—when notice of refusal is given to the titleholder; or
- (c) if the operation of the transitional plan ends under regulation 5.17 before the end of the transitional 2-year period—when the operation of the transitional plan ends; or
- (d) in any other case—at the end of the transitional 2-year period.