

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Resources

Offshore Petroleum and Greenhouse Gas Storage Act 2006

Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003

*Offshore Petroleum and Greenhouse Gas Storage Legislation
(Repeal and Consequential Amendments) Regulations 2023*

Purpose and Operation

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the OPGGS Act) provides the legal framework for the exploration for and recovery of petroleum, and the injection and storage of greenhouse gas substances, in offshore areas. The *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* (the Levies Act) imposes levies in relation to offshore petroleum and greenhouse gas storage activities or titles, including environment plan levies imposed under section 10F and 10G of the Levies Act.

The *Offshore Petroleum and Greenhouse Gas Storage Legislation (Repeal and Consequential Amendments) Regulations 2023* (the Principal Regulations) repeal the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (the 2009 Environment Regulations) and make consequential amendments to the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2022* (the Levies Regulations) and the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* (the RMA Regulations) to ensure that the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (the 2023 Environment Regulations) are able to be fully implemented.

The 2009 Environment Regulations, which were due to sunset on 1 April 2024, provided for the regulation of environmental management of petroleum and greenhouse gas activities in offshore areas.

The 2023 Environment Regulations remake the 2009 Environment Regulations in substantially the same form, with minor amendments to provide consistency with current drafting practices, simplify language and restructure provisions for ease of navigation.

Under section 7 of the *Acts Interpretation Act 1901* (the Acts Interpretation Act), if an Act or an instrument under an Act repeals an Act, then the repeal does not affect any right, privilege, obligation or liability acquired, accrued or incurred under the affected Act. Section 13 provides for the Acts Interpretation Act to also apply to any instrument as if it were an Act, so that repeal of an instrument does not affect any right, privilege, obligation or liability acquired, accrued or incurred under that instrument. This means, for example, that obligations in relation to levies imposed on submission of an environment plan or proposed revision of an environment plan under the 2009 Environment Regulations are not affected by the repeal of the 2009 Environment Regulations.

The Principal Regulations commence at the same time as the 2023 Environment Regulations commences. This ensures that the 2009 Environment Regulations are repealed, and the consequential amendments to other regulations commence, at the same time as the 2023 Environment Regulations commence.

Details of the Principal Regulations are set out in Attachment A.

Background

The 2023 Environment Regulations replace the 2009 Environment Regulations and the Principal Regulations ensure that the 2009 Environment Regulations are repealed and the consequential amendments required in other regulations to reflect this are made.

Authority

Section 781 of the OPGGS Act provides that the Governor-General may make regulations prescribing matters required or permitted by the OPGGS Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the OPGGS Act. Subsection 782(1) provides that the regulations may make provision for securing, regulating, controlling or restricting petroleum exploration and recovery, and greenhouse gas exploration, injection and storage, and the carrying on of operations and works for those purposes.

The RMA Regulations provide for regulation of matters relating to resource management, data collection and management, maintenance of the integrity of offshore petroleum and greenhouse gas wells, and other administrative matters. Part 11B of the RMA Regulations prescribes the name of regulations, or provisions of regulations, for the purposes of the OPGGS Act.

Section 11 of the Levies Act provides that the Governor-General may make regulations for the purposes of sections 10F and 10G (environment plan levies).

The Levies Regulations provide for matters relating to levies imposed by the Levies Act, including the amounts of levies and when levies are due and payable, along with other matters in relation to levies.

Consultation

The department consulted with the offshore environmental regulator, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), during the development of the remake of the 2009 Environment Regulations. Broader public consultation was undertaken through release of a consultation paper in July/August 2018, and release of an exposure draft in December 2021. The department has not consulted specifically on the Principal Regulations as they make technical and consequential amendments only which are required to fully implement the 2023 Environment Regulations.

Regulatory Impact

The department consulted with the Office of Best Practice Regulation (OBPR) on the proposal to remake the 2009 Environment Regulations and was advised that a Regulatory Impact Statement (RIS) was not required (OBPR reference ID 23967).

Statement of Compatibility with Human Rights

A Statement of Compatibility with Human Rights for the purposes of Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* is set out at [Attachment B](#).

Details of the *Offshore Petroleum and Greenhouse Gas Storage Legislation (Repeal and Consequential Amendments) Regulations 2023*

Section 1 – Name

This section provides that the name of this instrument is the *Offshore Petroleum and Greenhouse Gas Storage Legislation (Repeal and Consequential Amendments) Regulations 2023* (the Principal Regulations).

Section 2 – Commencement

This section provides for the Principal Regulations to commence at the same time as the 2023 Environment Regulations commence.

Schedule 1 to the Principal Regulations repeals the 2009 Environment Regulations. Schedule 2 to the Principal Regulations makes consequential amendments to other instruments as a result of the repeal of the 2009 Environment Regulations and commencement of the 2023 Environment Regulations. The commencement provision ensures that the 2009 Environment Regulations are repealed, and the consequential amendments commence, at the same time as the 2023 Environment Regulations commence.

Section 3 – Authority

This section provides that this instrument is made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* and the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*.

Section 4 – Schedules

This section is a machinery clause that provides that the instruments specified in the Schedules to this instrument are amended or repealed as set out in the applicable items in the relevant Schedule, and any other item in a Schedule has effect according to its terms.

Schedule 1 – Repeals

Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009

Item 1 – The whole of the instrument

This item repeals the 2009 Environment Regulations. These regulations were scheduled to sunset on 1 April 2024 and are replaced by the 2023 Environment Regulations, which remake the 2009 Environment Regulations without substantive change.

Schedule 2 – Amendments

Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2022

Item 1 – Section 4 (definition of *Environment Regulations*)

This item omits the reference to the year “2009” in the title of the 2009 Environment Regulations in the definition of *Environment Regulations* in section 4 of the Levies Regulations and substitutes it with the year “2023”. This amendment updates the title to reflect that the 2009 Environment Regulations have been repealed and replaced by the 2023 Environment Regulations.

Item 2 – Subsection 59BA(1)

This item removes the subsection number so that subsection 59BA(1) has become section 59BA, as a result of the repeal of subsection 59BA(2) – see item 4.

Item 3 – Subsection 59BA(1)

This item omits the reference to “regulation 9” in subsection 59BA(1) and substitutes it with a reference to “section 26”. This reflects that the 2009 Environment Regulations have been repealed and replaced by the 2023 Environment Regulations.

Subsection 59BA(1) prescribed regulation 9 of the 2009 Environment Regulations for the purposes of subparagraphs 10F(1)(a)(i), (c)(i) and (d)(i) and 10G(1)(a)(i), (c)(i) and (d)(i) of the Levies Act. Section 26 of the 2023 Environment Regulations is the equivalent provision to regulation 9 of the 2009 Environment Regulations. This item ensures that section 26 of the 2023 Environment Regulations is prescribed for the purposes of subparagraphs 10F(1)(a)(i), (c)(i) and (d)(i) and 10G(1)(a)(i), (c)(i) and (d)(i) of the Levies Act, so that levy is imposed on the submission of new or revised environment plans under section 26.

Item 4 – Subsection 59BA(2)

This item repeals subsection 59BA(2). Subsection 59BA(2) prescribed regulations 17, 18 and 19 of the 2009 Environment Regulations for the purposes of subparagraphs 10F(1)(b)(i) and (e)(i) and 10G(1)(b)(i) and (e)(i) of the Levies Act.

Subparagraphs 10F(1)(b)(i) and (e)(i) and 10G(1)(b)(i) and (e)(i) imposed environment plan levy on submission of a “proposed revision” of an environment plan under regulation 17, 18 or 19. The terminology in the equivalent provisions of the 2023 Environment Regulations has been updated to provide for a revised environment plan to be submitted under section 26 of those Regulations. Subparagraphs 10F(1)(a)(i) and (d)(i) and 10G(1)(a)(i) and (d)(i) of the Levies Act therefore now impose environment plan levy on submission of a revised environment plan.

Subparagraphs 10F(1)(b)(i) and (e)(i) and 10G(1)(b)(i) and (e)(i) of the Levies Act are in effect redundant. There is therefore no requirement to prescribe regulations for the purposes of those subparagraphs.

Item 5 – Subsection 59C(1)

This item removes the reference to a “proposed revision of an environment plan” in subsection 59C(1). The 2023 Environment Regulations no longer refer to proposed revisions of an environment plan. See discussion at item 4.

Item 6 – Subsections 59C(2) to (5)

This item removes references to a “revised plan” in subsections 59C(2) to (5) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59C(1) – see item 5.

Item 7 – Subsection 59D(1)

This item removes the reference to a “proposed revision of an environment plan” in subsection 59D(1). The 2023 Environment Regulations no longer refer to proposed revisions of an environment plan. See discussion at item 4.

Item 8 – Subsection 59D(2)

This item removes the reference to a “proposed revision” in subsection 59D(2) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59D(1) – see item 7.

Item 9 – Subsection 59D(3)

This item removes the reference to a “revised plan” in subsection 59D(3) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59D(1) – see item 7.

Item 10 – Subsections 59D(4) and (5)

This item removes the references to a “proposed revision” in subsections 59D(4) and (5) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59D(1) – see item 7.

Item 11 – Subsection 59E(1)

This item removes the reference to a “proposed revision of an environment plan” in subsection 59E(1). The 2023 Environment Regulations no longer refer to proposed revisions of an environment plan. See discussion at item 4.

Item 12 – Subsection 59E(2)

This item omits the reference to “subregulation 11AA(1)” in subsection 59E(2) and substitutes it with a reference to “subsection 37(1)”. This reflects that the 2009 Environment Regulations have been repealed and replaced by the 2023 Environment Regulations.

Subsection 59E(2) provided for remittal or refund of amounts of environment plan levy if an environment plan is withdrawn by a titleholder under subregulation 11AA(1) of the

2009 Environment Regulations prior to acceptance or refusal of the plan by NOPSEMA. Subsection 37(1) of the 2023 Environment Regulations is the equivalent provision to subregulation 11AA(1) of the 2009 Environment Regulations. This item ensures that subsection 59E(2) continues to operate effectively to provide for refund or remittal of amounts of environment plan levy if an environment plan is withdrawn by a titleholder prior to acceptance or refusal by NOPSEMA. There is no change in effect to the operation of subsection 59E(2).

Item 13 – Subsection 59E(3) (heading)

This item removes the reference to a “proposed revision” in the heading to subsection 59E(3) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59E(1) – see item 11.

Item 14 – Subsection 59E(3)

This item removes the reference to a “proposed revision” in subsection 59E(3) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59E(1) – see item 11.

This item also omits the reference to “regulation 10” in subsection 59E(3) and substitutes it with a reference to “section 33”. This reflects that the 2009 Environment Regulations have been repealed and replaced by the 2023 Environment Regulations.

Subsection 59E(3) provided for remittal or refund of amounts of environment plan levy if NOPSEMA refused to accept an environment plan under regulation 10 of the 2009 Environment Regulations. Section 33 of the 2023 Environment Regulations is the equivalent provision to regulation 10 of the 2009 Environment Regulations. This item ensures that subsection 59E(3) continues to operate effectively to provide for refund or remittal of amounts of environment plan levy if NOPSEMA refuses to accept an environment plan. There is no change in effect to the operation of subsection 59E(3).

Item 15 – Subsection 59E(4)

This item provides for the chapeau to subsection 59E(4) to refer to “an environment plan relating to an activity” for consistency with the amendment to paragraph 59E(4)(a) – see item 16.

Item 16 – Paragraph 59E(4)(a)

This item removes the reference to a “proposed revision” in paragraph 59E(4)(a) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59E(1) – see item 11.

This item also omits the reference to “regulation 10” in paragraph 59E(4)(a) and substitutes it with a reference to “section 33”. This reflects that the 2009 Environment Regulations have been repealed and replaced by the 2023 Environment Regulations.

Subsection 59E(4) provided for remittal of any unpaid amounts of the compliance amount of environment plan levy if NOPSEMA accepted a proposed revision of an environment plan under regulation 10 of the 2009 Environment Regulations. Section 33 of the 2023 Environment Regulations is the equivalent provision to regulation 10 of the 2009 Environment Regulations. This item ensures that subsection 59E(4) continues to operate effectively to provide for remittal of any unpaid amounts of the compliance amount of environment plan levy if NOPSEMA accepts a revised environment plan for an activity. There is no change in effect to the operation of subsection 59E(4).

Item 17 – Paragraph 59E(4)(b)

This item omits the reference to a “proposed revision” in paragraph 59E(4)(b) and substitutes it with a reference to a “revised plan” consistent with the amendment to paragraph 59E(4)(a) – see item 16.

Item 18 – Subsection 59G(1)

This item removes the reference to a “proposed revision of an environment plan” in subsection 59G(1). The 2023 Environment Regulations no longer refer to proposed revisions of an environment plan. See discussion at item 4.

Item 19 – Subsections 59G(2) to (5)

This item removes references to a “revised plan” in subsections 59G(2) to (5) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59G(1) – see item 18.

Item 20 – Subsection 59H(1)

This item removes the reference to a “proposed revision of an environment plan” in subsection 59H(1). The 2023 Environment Regulations no longer refer to proposed revisions of an environment plan. See discussion at item 4.

Item 21 – Subsection 59H(2)

This item removes the reference to a “proposed revision” in subsection 59H(2) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59H(1) – see item 20.

Item 22 – Subsection 59H(3)

This item removes the reference to a “revised plan” in subsection 59H(3) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59H(1) – see item 20.

Item 23 – Subsections 59H(4) and (5)

This item removes the references to a “proposed revision” in subsections 59H(4) and (5) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59H(1) – see item 20.

Item 24 – Subsection 59I(1)

This item removes the reference to a “proposed revision of an environment plan” in subsection 59I(1). The 2023 Environment Regulations no longer refer to proposed revisions of an environment plan. See discussion at item 4.

Item 25 – Subsection 59I(2)

This item omits the reference to “subregulation 11AA(1)” in subsection 59I(2) and substitutes it with a reference to “subsection 37(1)”. This reflects that the 2009 Environment Regulations have been repealed and replaced by the 2023 Environment Regulations.

Subsection 59I(2) provided for remittal or refund of amounts of environment plan levy if an environment plan was withdrawn by a titleholder under a provision of a law of a State or Territory that substantially corresponded to subregulation 11AA(1) of the 2009 Environment Regulations, prior to acceptance or refusal of the plan by NOPSEMA. Subsection 37(1) of the 2023 Environment Regulations is the equivalent provision to subregulation 11AA(1) of the 2009 Environment Regulations. This item ensures that subsection 59I(2) continues to operate effectively to provide for refund or remittal of amounts of environment plan levy if an environment plan is withdrawn by a titleholder prior to acceptance or refusal by NOPSEMA. There is no change in effect to the operation of subsection 59I(2).

Item 26 – Subsection 59I(3) (heading)

This item removes the reference to a “proposed revision” in the heading to subsection 59I(3) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59I(1) – see item 24.

Item 27 – Subsection 59I(3)

This item removes the reference to a “proposed revision” in subsection 59I(3) consistent with the removal of the reference to a “proposed revision of an environment plan” in subsection 59I(1) – see item 24.

Item 28 – Subsection 59I(3)

This item omits the reference to “regulation 10” in subsection 59I(3) and substitutes it with a reference to “section 33”. This reflects that the 2009 Environment Regulations have been repealed and replaced by the 2023 Environment Regulations.

Subsection 59I(3) provided for remittal or refund of amounts of environment plan levy if NOPSEMA refused to accept an environment plan under a provision of a law of a State or

Territory that substantially corresponded to regulation 10 of the 2009 Environment Regulations. Section 33 of the 2023 Environment Regulations is the equivalent provision to regulation 10 of the 2009 Environment Regulations. This item ensures that subsection 59I(3) continues to operate effectively to provide for refund or remittal of amounts of environment plan levy if NOPSEMA refuses to accept an environment plan. There is no change in effect to the operation of subsection 59I(3).

Item 29 – Subsection 59I(4)

This item provides for the chapeau to subsection 59I(4) to refer to “an environment plan relating to an activity” for consistency with the amendment to paragraph 59I(4)(a) – see item 30.

Item 30 – Paragraph 59I(4)(a)

This item replaces current paragraph 59I(4)(a) with a revised paragraph 59I(4)(a) to reflect that the 2009 Environment Regulations have been repealed and replaced by the 2023 Environment Regulations.

The amendment in effect removes the reference to a “proposed revision of an environment plan” in paragraph 59I(4)(a) and replaces it with a reference to a “revised environment plan relating to the activity”. The 2023 Environment Regulations no longer refer to proposed revisions of an environment plan. See discussion at item 4.

This amendment also in effect omits the reference to “regulation 10” in paragraph 59I(4)(a) and substitutes it with a reference to “section 33”. Subsection 59I(4) provided for remittal of any unpaid amounts of the compliance amount of environment plan levy if NOPSEMA accepted a proposed revision of an environment plan under a provision of a law of a State or Territory that substantially corresponded to regulation 10 of the 2009 Environment Regulations. Section 33 of the 2023 Environment Regulations is the equivalent provision to regulation 10 of the 2009 Environment Regulations. This item ensures that subsection 59I(4) continues to operate effectively to provide for remittal of any unpaid amounts of the compliance amount of environment plan levy if NOPSEMA accepts a revised environment plan for an activity. There is no change in effect to the operation of subsection 59I(4).

Item 31 – Paragraph 59I(4)(b)

This item omits the reference to a “proposed revision” in paragraph 59I(4)(b) and substitutes it with a reference to a “revised plan” consistent with the amendment to paragraph 59I(4)(a) – see item 30.

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

Item 32 – Regulation 9.15 (note)

This item omits the reference to the year “2009” in the title of the 2009 Environment Regulations in the note to regulation 9.15 of the RMA Regulations and substitutes it with the

year “2023”. This amendment updates the title to reflect that the 2009 Environment Regulations have been repealed and replaced by the 2023 Environment Regulations.

Item 33 – Regulation 11B.01 (table items 1 to 9 and 11, column 2)

This item substitutes the 2023 Environment Regulations for the 2009 Environment Regulations in table items 1 to 9 and 11 in regulation 11B.01. The amendment ensures that the 2023 Environment Regulations are prescribed for the purposes of the relevant provisions of the OPGGS Act following the repeal of the 2009 Environment Regulations. There is no change in effect as a result of the amendment made by this item.

Item 34 – Regulation 11B.01 (after table item 17)

This item prescribes the name of the 2023 Environment Regulations for the purposes of subparagraph 646A(1)(g)(ii) of the OPGGS Act.

Under paragraph 646(gi) of the OPGGS Act, the functions of NOPSEMA include the functions conferred on NOPSEMA by or under a State Petroleum Submerged Lands Act (PSLA) or Territory PSLA in relation to offshore petroleum environmental management in connection with operations in the designated coastal waters of that State or Territory. Section 646A of the OPGGS Act sets out limitations on the conferral of functions on NOPSEMA by or under a State PSLA or Territory PSLA. Paragraph 646A(1)(g) provides that, in order for functions in relation to offshore petroleum environmental management to be conferred on NOPSEMA by or under a State PSLA or Territory PSLA, there must be regulations in force under the State PSLA or Territory PSLA that substantially correspond to the 2009 Environment Regulations (subparagraph 646A(1)(g)(i)), or to any prescribed regulations or prescribed provisions of regulations made under the OPGGS Act (subparagraph 646A(1)(g)(ii) and (iii)).

Prescribing the 2023 Environment Regulations for the purposes of subparagraph 646A(1)(g)(ii) would ensure that, if a State or Territory wishes to confer functions on NOPSEMA in relation to offshore petroleum environmental management, there must be regulations under the State PSLA or Territory PSLA that substantially correspond with either the 2009 Environment Regulations or the 2023 Environment Regulations. The provision for State or Territory regulations to substantially correspond with Commonwealth regulations ensures that NOPSEMA is able to regulate under consistent regulatory frameworks in Commonwealth waters and any designated coastal waters in relation to which functions have been conferred on NOPSEMA.

Item 35 – Regulation 11B.01 (table item 20, column 2)

This item omits the reference to the year “2009” in the title of the 2009 Environment Regulations in table item 20 in regulation 11B.01 and substitutes it with the year “2023”. This amendment updates the title to reflect that the 2009 Environment Regulations have been repealed and replaced by the 2023 Environment Regulations. The amendment ensures that the 2023 Environment Regulations are prescribed for the purposes of

subparagraph 646A(5)(g)(i) of the OPGGS Act following the repeal of the 2009 Environment Regulations. There is no change in effect as a result of the amendment made by this item.

Item 36 – Regulation 11B.01 (cell at table item 20A, column 2)

This item ensures that both the 2009 Environment Regulations and the 2023 Environment Regulations are prescribed for the purposes of subsection 790B(1) of the OPGGS Act.

Subsection 790B(1) provides, for the avoidance of doubt, that in determining whether a matter or thing is or was covered by the definition of *environment* in prescribed regulations made under the OPGGS Act, it is immaterial, and taken to always have been immaterial, whether the matter or thing is or was in an offshore area, in the coastal waters of a State or the Northern Territory, or on land or in waters within the limits of a State or Territory. The 2009 Environment Regulations were prescribed for the purposes of subsection 790B(1).

This item provides for the 2023 Environment Regulations, which remade the 2009 Environment Regulations, to also be prescribed for the purposes of subsection 790B(1). This ensures that the avoidance of doubt provision also applies to the definition of *environment* in the 2023 Environment Regulations.

The prescription of the 2009 Environment Regulations has not been removed to ensure it is clear that subsection 790B(1) applied in relation to the application of those Regulations in respect of the period that they were in force.

Items 37 to 40 – Regulation 11B.01 (cell at table item 20AA, column 2); Regulation 11B.01 (cell at table item 20AB, column 2); Regulation 11B.01 (cell at table item 20AC, column 2); Regulation 11B.01 (cell at table item 20AD, column 2)

These items ensure that both the 2009 Environment Regulations and the 2023 Environment Regulations are prescribed for the purposes of sections 790C and 790D of the OPGGS Act.

Sections 790C and 790D reference the constitutional powers which provide support for prescribed regulations made under the OPGGS Act. The intent is that environmental management regulations under the OPGGS Act are prescribed for the purposes of sections 790C and 790D. The 2009 Environment Regulations were already prescribed. These items provide for the 2023 Environment Regulations, which remade the 2009 Environment Regulations, to also be prescribed for the purposes of sections 790C and 790D. The 2009 Environment Regulations also continue to be prescribed to ensure it is clear that sections 790C and 790D applied in relation to those Regulations in respect of the period that they were in force.

Item 41 – Regulation 11B.01 (table item 20B, column 2)

This item omits the reference to the year “2009” in the title of the 2009 Environment Regulations in table item 20B in regulation 11B.01 and substitutes it with the year “2023”. This amendment updates the title to reflect that the 2009 Environment Regulations have been repealed and replaced by the 2023 Environment Regulations. The amendment ensures that

the 2023 Environment Regulations are prescribed for the purposes of the definition of *environment plan* in clause 2 of Schedule 2A to the OPGGS Act following the repeal of the 2009 Environment Regulations. There is no change in effect as a result of the amendment made by this item.

Item 42 – Subregulation 12.05(2) (paragraph (b) of the definition of *reportable incident*)

This item omits the reference to the year “2009” in the title of the 2009 Environment Regulations in paragraph (b) of the definition of *reportable incident* in subregulation 12.05(2) and substitutes it with the year “2023”. This amendment updates the title to reflect that the 2009 Environment Regulations have been repealed and replaced by the 2023 Environment Regulations.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Offshore Petroleum and Greenhouse Gas Storage Legislation (Repeal and Consequential Amendments) Regulations 2023

These Regulations are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Offshore Petroleum and Greenhouse Gas Storage Legislation (Repeal and Consequential Amendments) Regulations 2023* (the Regulations) are a legislative instrument for the purposes of the *Legislation Act 2003*.

The *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (the 2009 Environment Regulations), which were due to sunset on 1 April 2024, provided for the regulation of environmental management of petroleum and greenhouse gas activities in offshore areas. The *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (the 2023 Environment Regulations) remake the 2009 Environment Regulations in substantially the same form, with minor amendments to provide consistency with current drafting practices, simplify language and restructure provisions for ease of navigation.

The Regulations repeal the 2009 Environment Regulations and make consequential amendments to the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2022* and the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* to ensure that the 2023 Environment Regulations are able to be fully implemented.

Human rights implications

The Regulations do not engage any of the applicable rights or freedoms.

Conclusion

The Regulations are compatible with human rights as they do not raise any human rights issues.

The Hon Madeleine King MP

Minister for Resources