Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008

No. 117, 2008

An Act to amend the *Offshore Petroleum Act 2006*, and for other purposes

Note: An electronic version of this Act is available in ComLaw (http://www.comlaw.gov.au/)

Contents

1 Short title 1
2 Commencement 2
3 Schedule(s) 2

Schedule 1—Amendments relating to greenhouse gas storage etc. 4

Offshore Petroleum Act 2006 4

Schedule 2—Amendments to change references to petroleum titles etc. 408

Part 1—Definitions 408

Offshore Petroleum and Greenhouse Gas Storage Act 2006 408

Part 2—References to petroleum titles etc. 419

Offshore Petroleum and Greenhouse Gas Storage Act 2006 419

Part 3—Consequential amendments 427

Offshore Petroleum (Royalty) Act 2006 427

Petroleum Excise (Prices) Act 1987 429

Petroleum Resource Rent Tax Assessment Act 1987 429

Schedule 3—Other consequential amendments 430

Australian Energy Market Act 2004 430

Australian Postal Corporation Act 1989 430

Coral Sea Islands Act 1969 430

Corporations Act 2001 430

Crimes at Sea Act 2000 430

Customs Act 1901 431

Customs Tariff Act 1995 431

Environment Protection and Biodiversity Conservation Act 1999 431

Income Tax Assessment Act 1936 431

International Tax Agreements Act 1953 432

Maritime Transport and Offshore Facilities Security Act 2003 432

Migration Act 1958 432

Navigation Act 1912 432
Occupational Health and Safety (Maritime Industry) Act 1993 433
Offshore Minerals Act 1994 433
Offshore Petroleum Amendment (Greater Sunrise) Act 2007 434
Offshore Petroleum (Repeals and Consequential Amendments) Act 2006 434
Offshore Petroleum (Royalty) Act 2006 434
Petroleum Excise (Prices) Act 1987 434
Petroleum Resource Rent Tax Assessment Act 1987 435
Quarantine Act 1908 437
Radiocommunications Act 1992 438
Sea Installations Act 1987 438
Telecommunications Act 1997 438
Trade Practices Act 1974 438

Schedule 4—Renumbering the Offshore Petroleum and Greenhouse Gas Storage Act 2006 440

Part 1—Renumbering the Offshore Petroleum and Greenhouse Gas Storage Act 2006 440
Offshore Petroleum and Greenhouse Gas Storage Act 2006 440

Part 2—Consequential amendments 442
Offshore Petroleum (Repeals and Consequential Amendments) Act 2006 442
Offshore Petroleum (Royalty) Act 2006 442
Petroleum Resource Rent Tax Assessment Act 1987 442

Part 3—References in other Acts etc. to renumbered provisions 444

Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008

No. 117, 2008

An Act to amend the *Offshore Petroleum Act 2006*, and for other purposes

[*Assented to 21 November 2008*]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008*.

2 Commencement

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

Commencement information

Column 1	Column 2	Column 3
Provision(s)	**Commencement**	**Date/Details**
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	21 November 2008
2. Schedule 1	The day after this Act receives the Royal Assent.	22 November 2008
3. Schedule 2	Immediately after the commencement of the provision(s) covered by table item 2.	
4. Schedule 3	The day after this Act receives the Royal Assent.	22 November 2008
5. Schedule 4, Part 1	Immediately after the commencement of the provision(s) covered by table item 3.	
6. Schedule 4, Part 2	Immediately after the commencement of the provision(s) covered by table item 4.	
7. Schedule 4, Part 3	Immediately after the commencement of the provision(s) covered by table item 3.	

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

(2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule

concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments relating to greenhouse gas storage etc.

Offshore Petroleum Act 2006

1 Title

Omit "**offshore petroleum**", substitute "**petroleum exploration and recovery, and the injection and storage of greenhouse gas substances, in offshore areas**".

2 Section 1

After "*Offshore Petroleum*", insert "*and Greenhouse Gas Storage*".

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act's previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

2A After section 2

Insert:

2A Object

The object of this Act is to provide an effective regulatory framework for:

(a) petroleum exploration and recovery; and

(b) the injection and storage of greenhouse gas substances;

in offshore areas.

3 Section 3

Omit:

- This Act sets up a system for regulating the following activities in offshore areas:

  (a) exploration for petroleum;

  (b) recovery of petroleum;

(c) construction and operation of petroleum-related infrastructure facilities;

(d) construction and operation of petroleum pipelines.

substitute:

- This Act sets up a system for regulating the following activities in offshore areas:

  (a) exploration for petroleum;

  (b) recovery of petroleum;

  (c) construction and operation of infrastructure facilities relating to petroleum or greenhouse gas substances;

  (d) construction and operation of pipelines for conveying petroleum or greenhouse gas substances;

  (e) exploration for potential greenhouse gas storage formations;

  (f) injection and storage of greenhouse gas substances.

4 Section 3

Omit:

- This Act provides for the grant of the following titles:

  (a) an exploration permit (see Part 2.2);

  (b) a retention lease (see Part 2.3);

  (c) a production licence (see Part 2.4);

  (d) an infrastructure licence (see Part 2.5);

  (e) a pipeline licence (see Part 2.6);

(f) a special prospecting authority (see Part 2.7);

(g) an access authority (see Part 2.8).

substitute:

- This Act provides for the grant of the following titles:

  (a) an exploration permit (see Part 2.2);

  (b) a retention lease (see Part 2.3);

  (c) a production licence (see Part 2.4);

  (d) an infrastructure licence (see Part 2.5);

  (e) a pipeline licence (see Part 2.6);

  (f) a special prospecting authority (see Part 2.7);

  (g) an access authority (see Part 2.8);

  (h) a greenhouse gas assessment permit (see Part 2A.2);

  (i) a greenhouse gas holding lease (see Part 2A.3);

  (j) a greenhouse gas injection licence (see Part 2A.4);

  (k) a greenhouse gas search authority (see Part 2A.5);

  (l) a greenhouse gas special authority (see Part 2A.6).

5 Section 3

Before:

- The National Offshore Petroleum Safety Authority is responsible for the administration of occupational health and safety provisions.

insert:

- The responsible Commonwealth Minister is responsible for the administration of greenhouse gas injection and storage provisions.

6 Section 6 (definition of *Annual Fees Act*)

After "*Offshore Petroleum*", insert "*and Greenhouse Gas Storage*".

7 Section 6 (definition of *approved*)

Repeal the definition, substitute:

approved:

(a) when used in any of the following provisions:

(i) Chapter 2A;

(ii) Chapter 3A;

(iii) Chapter 5A;

(iv) section 441A;

means approved in writing by the responsible Commonwealth Minister; or

(b) in any other case—means approved in writing by the Designated Authority.

This definition does not apply to the expression ***approved site plan***.

8 Section 6

Insert:

approved site plan means a site plan in respect of which an approval is in force under the regulations.

Note: See section 249ND.

9 Section 6 (at the end of the definition of *authority area*)

Add:

; or (c) when used in relation to a greenhouse gas search authority—means the area constituted by the block or blocks that are the subject of the greenhouse gas search authority; or

(d) when used in relation to a greenhouse gas special authority—means the area to which the greenhouse gas special authority relates.

10 Section 6

Insert:

cash-bid greenhouse gas assessment permit means a greenhouse gas assessment permit granted under Division 3 of Part 2A.2.

10A Section 6

Insert:

closure assurance period has the meaning given by section 249CZN.

11 Section 6

Insert:

declared exploration permit has the meaning given by section 79B.

12 Section 6

Insert:

declared greenhouse gas facility has the meaning given by section 14B.

13 Section 6

Insert:

declared production licence has the meaning given by section 138B.

14 Section 6

Insert:

declared retention lease has the meaning given by section 114B.

14A Section 6

Insert:

designated agreement has the meaning given by section 15J.

15 Section 6

Insert:

detection agent means a substance, whether in a gaseous or liquid state, that:

(a) when added to:

(i) another substance; or

(ii) a mixture of other substances;

facilitates the monitoring of the behaviour of that other substance or that mixture, as the case may be; and

(b) is specified in the regulations.

15A Section 6

Insert:

eligible greenhouse gas storage formation has the meaning given by section 15B.

15B Section 6

Insert:

expert advisory committee means a committee established under section 435A.

15C Section 6

Insert:

expert advisory committee member means a member of an expert advisory committee, and includes the Chair of an expert advisory committee.

16 Section 6 (definition of *expiry date*)

Repeal the definition, substitute:

expiry date:

(a) when used in relation to an exploration permit, retention lease or production licence—has the meaning given by subsection 9(1); or

(b) when used in relation to a greenhouse gas assessment permit or a greenhouse gas holding lease (other than a special greenhouse gas holding lease)—has the meaning given by subsection 9(2).

17 Section 6 (definition of *explore*)

Repeal the definition, substitute:

explore:

(a) when used in relation to petroleum—has a meaning affected by subsection 15(1); or

(b) when used in relation to a potential greenhouse gas storage formation—has a meaning affected by subsections 15(2) and (3); or

(c) when used in relation to a potential greenhouse gas injection site—has a meaning affected by subsection 15(4).

18 Section 6

Insert:

fundamental suitability determinants:

(a) when used in relation to an eligible greenhouse gas storage formation—has the meaning given by subsection 15B(8); or

(b) when used in relation to an identified greenhouse gas storage formation—has the meaning given by subsection 249AU(10).

19 Section 6

Insert:

geological formation includes:

(a) any seal or reservoir of a geological formation; and

(b) any associated geological attributes or features of a geological formation.

20 Section 6 (definition of *Greater Sunrise visiting inspector*)

Before "project", insert "petroleum".

21 Section 6

Insert:

greenhouse gas assessment permit means a greenhouse gas assessment permit granted under Part 2A.2.

22 Section 6

Insert:

greenhouse gas assessment permit area means the permit area of a greenhouse gas assessment permit.

23 Section 6

Insert:

greenhouse gas assessment permittee means the registered holder of a greenhouse gas assessment permit.

24 Section 6

Insert:

greenhouse gas facility line means a pipe, or system of pipes, that is:

(a) for conveying a greenhouse gas substance; and

(b) part of a declared greenhouse gas facility.

25 Section 6

Insert:

greenhouse gas holding lease means a greenhouse gas holding lease granted under Part 2A.3.

26 Section 6

Insert:

greenhouse gas holding lease area means the lease area of a greenhouse gas holding lease.

27 Section 6

Insert:

greenhouse gas holding lessee means the registered holder of a greenhouse gas holding lease.

28 Section 6

Insert:

greenhouse gas infrastructure line means a pipe, or system of pipes, that is:

(a) for conveying a greenhouse gas substance; and

(b) part of an infrastructure facility.

29 Section 6

Insert:

greenhouse gas injection licence means a greenhouse gas injection licence granted under Part 2A.4.

30 Section 6

Insert:

greenhouse gas injection licence area means the licence area of a greenhouse gas injection licence.

31 Section 6

Insert:

greenhouse gas injection licensee means the registered holder of a greenhouse gas injection licence.

32 Section 6

Insert:

greenhouse gas injection line means a pipe, or system of pipes, for:

(a) conveying a greenhouse gas substance to be compressed, processed or otherwise prepared for injection into an identified greenhouse gas storage formation; or

(b) conveying a greenhouse gas substance for storage prior to being injected into an identified greenhouse gas storage formation; or

(c) conveying a greenhouse gas substance for injection into an identified greenhouse gas storage formation;

so long as the greenhouse gas substance does not pass through a terminal point on the pipe, or system of pipes, as the case may be, before it is injected into the identified greenhouse gas storage formation.

33 Section 6

Insert:

greenhouse gas pipeline means:

(a) a pipe, or system of pipes, in an offshore area for conveying a greenhouse gas substance, other than:

(i) a greenhouse gas injection line; or

(ii) a greenhouse gas infrastructure line; or

(iii) a greenhouse gas facility line; or

(iv) a pipe, or a system of pipes, that is specified in the regulations; or

(b) a part of a pipe covered by paragraph (a); or

(c) a part of a system of pipes covered by paragraph (a).

34 Section 6

Insert:

greenhouse gas project inspector means a person appointed as a greenhouse gas project inspector under section 316-318.

35 Section 6

Insert:

greenhouse gas pumping station means equipment for pumping a greenhouse gas substance or water, and includes any structure associated with that equipment.

36 Section 6

Insert:

greenhouse gas research consent means a greenhouse gas research consent granted under Part 2A.7.

37 Section 6

Insert:

greenhouse gas search authority means a greenhouse gas search authority granted under Part 2A.5.

38 Section 6

Insert:

greenhouse gas special authority means a greenhouse gas special authority granted under Part 2A.6.

39 Section 6

Insert:

greenhouse gas substance means:

(a) carbon dioxide, whether in a gaseous or liquid state; or

(b) a prescribed greenhouse gas, whether in a gaseous or liquid state; or

(c) a mixture of any or all of the following substances:

(i) carbon dioxide, whether in a gaseous or liquid state;

(ii) one or more prescribed greenhouse gases, whether in a gaseous or liquid state;

(iii) one or more incidental greenhouse gas-related substances, whether in a gaseous or liquid state, that relate to either or both of the substances mentioned in subparagraphs (i) and (ii);

(iv) a prescribed detection agent, whether in a gaseous or liquid state;

so long as:

(v) the mixture consists overwhelmingly of either or both of the substances mentioned in subparagraphs (i) and (ii); and

(vi) if the mixture includes a prescribed detection agent—the concentration of the prescribed detection agent in the mixture is not more than the concentration prescribed in relation to that detection agent.

40 Section 6

Insert:

greenhouse gas tank station means a tank, or system of tanks, for holding or storing a greenhouse gas substance, and includes any structure associated with that tank or system of tanks.

41 Section 6

Insert:

greenhouse gas valve station means equipment for regulating the flow of a greenhouse gas substance, and includes any structure associated with that equipment.

42 Section 6

Insert:

identified greenhouse gas storage formation has the meaning given by section 249AU.

43 Section 6

Insert:

incidental greenhouse gas-related substance has the meaning given by section 15D.

44 Section 6

Insert:

key greenhouse gas operation means:

(a) an operation to make a well; or

(b) an operation to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation; or

(c) an operation to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation; or

(d) an operation to inject, on an appraisal basis, air, petroleum or water into a part of a geological formation; or

(e) an operation to store, on an appraisal basis, air, petroleum or water in a part of a geological formation; or

(f) an operation to carry out a seismic survey or any other kind of survey; or

(g) an operation to monitor the behaviour of:

(i) a greenhouse gas substance; or

(ii) air; or

(iii) petroleum; or

(iv) water;

stored in a part of a geological formation; or

(h) an operation to carry out baseline investigations relating to the storage of a greenhouse gas substance in a part of the geological formation; or

(i) an operation to take samples of the seabed or subsoil of an offshore area; or

(j) an operation specified in the regulations.

45 Section 6

Insert:

key petroleum operation means:

(a) an operation to make a well; or

(b) an operation to inject a substance into a part of a geological formation; or

(c) an operation to store a substance in a part of a geological formation; or

(d) an operation to carry out a seismic survey or any other kind of survey; or

(e) an operation to monitor the behaviour of a substance stored in a part of a geological formation; or

(f) an operation to take samples of the seabed or subsoil of an offshore area; or

(g) an operation specified in the regulations.

46 Section 6 (definition of *lease area*)

Repeal the definition, substitute:

lease area:

(a) when used in relation to a retention lease—means the area constituted by the block or blocks that are the subject of the retention lease; or

(b) when used in relation to a greenhouse gas holding lease—means the area constituted by the block or blocks that are the subject of the greenhouse gas holding lease.

47 Section 6 (definition of *lessee*)

Repeal the definition, substitute:

lessee:

(a) when used in relation to a retention lease—means the registered holder of the retention lease; or

(b) when used in relation to a greenhouse gas holding lease—means the registered holder of the greenhouse gas holding lease.

48 Section 6 (at the end of the definition of *licence area*) (before the note)

Add:

; or (c) when used in relation to a greenhouse gas injection licence—means the area constituted by the block or blocks that are the subject of the greenhouse gas injection licence.

49 Section 6 (at the end of the definition of *licensee*)

Add:

; or (d) when used in relation to a greenhouse gas injection licence—means the registered holder of the greenhouse gas injection licence.

49A Section 6

Insert:

original greenhouse gas assessment permit means a greenhouse gas assessment permit that was granted otherwise than by way of renewal.

50 Section 6

Insert:

original retention lease means a retention lease that was granted otherwise than by way of renewal.

51 Section 6 (definition of *partly surrendered*)

Omit "or production licence", substitute ", production licence or greenhouse gas injection licence".

52 Section 6

Insert:

part of a geological formation includes a part of a combination of geological formations.

53 Section 6 (definition of *permit area*)

Repeal the definition, substitute:

permit area:

(a) when used in relation to an exploration permit—means the area constituted by the block or blocks that are the subject of the exploration permit; or

(b) when used in relation to a greenhouse gas assessment permit—means the area constituted by the block or blocks that are the subject of the greenhouse gas assessment permit.

54 Section 6 (definition of *permittee*)

Repeal the definition, substitute:

permittee:

(a) when used in relation to an exploration permit—means the registered holder of the exploration permit; or

(b) when used in relation to a greenhouse gas assessment permit—means the registered holder of the greenhouse gas assessment permit.

55 Section 6

Insert:

petroleum pipeline means:

(a) a pipe, or system of pipes, in an offshore area for conveying petroleum (whether or not the petroleum is recovered from an offshore area), other than a secondary line; or

(b) a part of a pipe covered by paragraph (a); or

(c) a part of a system of pipes covered by paragraph (a).

56 Section 6

Insert:

petroleum project inspector means a person appointed as a petroleum project inspector under section 318.

57 Section 6

Insert:

petroleum pumping station means equipment for pumping petroleum or water, and includes any structure associated with that equipment.

58 Section 6

Insert:

petroleum tank station means a tank, or system of tanks, for holding or storing petroleum, and includes any structure associated with that tank or system of tanks.

59 Section 6

Insert:

petroleum valve station means equipment for regulating the flow of petroleum, and includes any structure associated with that equipment.

60 Section 6 (definition of *pipeline*)

Repeal the definition, substitute:

pipeline means:

(a) a petroleum pipeline; or

(b) a greenhouse gas pipeline.

61 Section 6 (definition of *pipeline provisions*)

Repeal the definition, substitute:

pipeline provisions means the following:

(a) Part 2.6;

(b) the definition of ***greenhouse gas pipeline*** in this section;

(c) the definition of ***greenhouse gas pumping station*** in this section;

(d) the definition of ***greenhouse gas tank station*** in this section;

(e) the definition of ***greenhouse gas valve station*** in this section;

(f) the definition of ***petroleum pipeline*** in this section;

(g) the definition of ***petroleum pumping station*** in this section;

(h) the definition of ***petroleum tank station*** in this section;

(i) the definition of ***petroleum valve station*** in this section;

(j) the definition of ***pipeline*** in this section;

(k) item 3 of the table in subsection 301(1).

62 Section 6

Insert:

post-commencement exploration permit means:

(a) an original exploration permit that was granted after the commencement of this section; or

(b) an exploration permit that was granted by way of renewal, where the original exploration permit was granted after the commencement of this section.

63 Section 6

Insert:

post-commencement petroleum title means:

(a) a post-commencement exploration permit; or

(b) a post-commencement retention lease; or

(c) a post-commencement production licence.

64 Section 6

Insert:

post-commencement production licence means:

(a) a production licence that was granted to the registered holder of:

(i) a post-commencement exploration permit; or

(ii) a post-commencement retention lease;

that was in force over the block or blocks to which the production licence relates; or

(b) a production licence granted under section 153; or

(c) a production licence granted under section 155, where the initial production licence mentioned in section 154 was a post-commencement production licence.

65 Section 6

Insert:

post-commencement retention lease means:

(a) an original retention lease that was granted to the registered holder of:

(i) a post-commencement exploration permit; or

(ii) a post-commencement production licence;

that was in force over the block or blocks to which the original retention lease relates; or

(b) a retention lease that was granted by way of renewal, where the original retention lease was granted to the registered holder of:

(i) a post-commencement exploration permit; or

(ii) a post-commencement production licence;

that was in force over the block or blocks to which the original retention lease related.

66 Section 6

Insert:

potential greenhouse gas injection site has the meaning given by section 15C.

67 Section 6

Insert:

potential greenhouse gas storage formation has the meaning given by section 15A.

68 Section 6

Insert:

pre-commencement exploration permit means an exploration permit other than a post-commencement exploration permit.

69 Section 6

Insert:

pre-commencement petroleum title means:

(a) a pre-commencement exploration permit; or

(b) a pre-commencement retention lease; or

(c) a pre-commencement production licence.

70 Section 6

Insert:

pre-commencement production licence means a production licence other than a post-commencement production licence.

71 Section 6

Insert:

pre-commencement retention lease means a retention lease other than a post-commencement retention lease.

72 Section 6 (definition of *project inspector*)

Repeal the definition.

73 Section 6 (definition of *pumping station*)

Repeal the definition, substitute:

pumping station means:

(a) a greenhouse gas pumping station; or

(b) a petroleum pumping station.

74 Section 6 (definition of *Register*)

Repeal the definition, substitute:

Register:

(a) when used in Chapter 3—has the meaning given by section 251; or

(b) when used in Chapter 3A—has the meaning given by section 298-251.

75 Section 6 (definition of *registered holder*)

After "Register", insert "kept under section 253 or 298-253".

76 Section 6 (definition of *registered holder*)

Omit "or access authority", substitute ", access authority, greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority".

77 Section 6 (definition of *Registration Fees Act*)

After "*Offshore Petroleum*", insert "*and Greenhouse Gas Storage*".

78 Section 6 (definition of *regulated operation*)

Repeal the definition, substitute:

regulated operation means:

(a) an activity to which Chapter 2 applies; or

(b) an activity to which Chapter 2A applies.

For the purposes of paragraph (b), assume that each reference in subsection 249CC(1) to a substance were a reference to a greenhouse gas substance.

79 Section 6 (definition of *renewal*)

Repeal the definition, substitute:

renewal:

(a) when used in relation to an exploration permit, retention lease or production licence—has the meaning given by subsection 10(1); or

(b) when used in relation to a greenhouse gas assessment permit or greenhouse gas holding lease—has the meaning given by subsection 10(2).

80 Section 6

Insert:

serious situation, in relation to an identified greenhouse gas storage formation, has the meaning given by section 249CZ.

81 Section 6

Insert:

significant risk has a meaning affected by section 15F, 15FA, 15FB, 15FC or 15FD.

82 Section 6

Insert:

site closing certificate means a certificate issued under section 249CZGA.

83 Section 6

Insert:

site plan, in relation to an identified greenhouse gas storage formation, has the meaning given by section 15E.

83A Section 6

Insert:

spatial extent of an eligible greenhouse gas storage formation has the meaning given by subsection 15B(3).

84 Section 6

Insert:

special greenhouse gas holding lease means a greenhouse gas holding lease granted under section 249BSC.

85 Section 6 (definition of *tank station*)

Repeal the definition, substitute:

tank station means:

(a) a greenhouse gas tank station; or

(b) a petroleum tank station.

86 Section 6 (definition of *term*)

Repeal the definition, substitute:

term:

(a) when used in relation to an exploration permit, retention lease, production licence, infrastructure licence, pipeline licence, special prospecting authority or access authority—has the meaning given by subsection 9(1); or

(b) when used in relation to a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority—has the meaning given by subsection 9(2).

87 Section 6

Insert:

terminal point has the meaning given by section 14A.

87A Section 6

Insert:

tied, in relation to a greenhouse gas holding lease or greenhouse gas injection licence, has the meaning given by section 11A.

88 Section 6 (after paragraph (e) of the definition of *title*)

Insert:

(ea) when used in section 249NH—has the meaning given by subsection 249NH(6); or

89 Section 6 (paragraph (h) of the definition of *title*)

Repeal the paragraph, substitute:

(h) when used in Chapter 3A—has the meaning given by section 298-251; or

(i) when used in section 316-305—has the meaning given by subsection 316-305(1).

90 Section 6 (definition of *valve station*)

Repeal the definition, substitute:

valve station means:

(a) a greenhouse gas valve station; or

(b) a petroleum valve station.

91 Section 6 (at the end of the definition of *water line*)

Add:

; or (c) exploration for potential greenhouse gas storage formations; or

(d) exploration for potential greenhouse gas injection sites; or

(e) the injection of a greenhouse gas substance into an identified greenhouse gas storage formation; or

(f) the injection, on an appraisal basis, of a greenhouse gas substance into a part of a geological formation; or

(g) the injection, on an appraisal basis, of air, petroleum or water into a part of a geological formation.

92 Section 6 (at the end of paragraph (b) of the definition of *well*)

Add "or".

93 Section 6 (after paragraph (b) of the definition of *well*)

Insert:

(c) exploration for potential greenhouse gas storage formations; or

(d) exploration for potential greenhouse gas injection sites; or

(e) the injection of a greenhouse gas substance into an identified greenhouse gas storage formation; or

(f) the injection, on an appraisal basis, of a greenhouse gas substance into a part of a geological formation; or

(g) the injection, on an appraisal basis, of air, petroleum or water into a part of a geological formation;

94 Section 6

Insert:

work-bid greenhouse gas assessment permit means a greenhouse gas assessment permit granted under Division 2 of Part 2A.2.

95 Section 9

Before "For", insert "(1)".

Note: The following heading to subsection 9(1) is inserted "*Petroleum titles*".

96 At the end of section 9

Add:

Greenhouse gas titles

(2) For the purposes of this Act, the table has effect:

Term of title etc.

Item	A reference in this Act to...	is a reference to...
1	the term of: (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	the period during which the permit, lease, licence or authority remains in force.

Term of title etc.		
Item	**A reference in this Act to...**	**is a reference to...**
	(e) a greenhouse gas special authority;	
2	a year of the term of: (a) a greenhouse gas assessment permit; or (b) a greenhouse gas holding lease; or (c) a greenhouse gas injection licence;	a period of one year beginning on: (a) the day on which the permit, lease or licence comes into force; or (b) any anniversary of that day.
3	the expiry date of: (a) a greenhouse gas assessment permit; or (b) a greenhouse gas holding lease (other than a special greenhouse gas holding lease);	the day on which the permit or lease ceases to be in force.

97 Section 10

Before "For", insert "(1)".

Note: The following heading to subsection 10(1) is inserted "*Petroleum titles*".

98 At the end of section 10

Add:

Greenhouse gas titles

(2) For the purposes of this Act, the table has effect:

Renewal of title		
	Column 1	**Column 2**
Item	**A reference in this Act to...**	**is a reference to...**
1A	the renewal, or the grant of a renewal, of a greenhouse gas assessment permit	the grant of a greenhouse gas assessment permit over all of the blocks in relation to which the permit mentioned in column 1 was in force, to begin on the day after the expiry date of the permit mentioned in column 1.

Renewal of title		
	Column 1	**Column 2**
Item	**A reference in this Act to...**	**is a reference to...**
1	the renewal, or the grant of a renewal, of a greenhouse gas holding lease	the grant of a greenhouse gas holding lease over all of the blocks in relation to which the lease mentioned in column 1 was in force, to begin on the day after the expiry date of the lease mentioned in column 1.

99 Section 11

Before "If", insert "(1)".

Note: The following heading to subsection 11(1) is inserted "*Petroleum titles*".

100 At the end of section 11

Add:

Greenhouse gas titles

(2) If:

(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;

is varied, a reference in this Act to the permit, lease, licence or authority is a reference to the permit, lease, licence or authority as varied.

100A After section 11

Insert:

11A Tied titles

Scope

(1) This section applies if a greenhouse gas holding lease (the ***greenhouse gas lease***) is granted under section 249BSI to the registered holder of a retention lease (the ***petroleum lease***).

Tied titles

(2) For the purposes of this Act, each of the following:

(a) the greenhouse gas lease;

(b) a greenhouse gas holding lease granted by way of renewal of the greenhouse gas lease;

(c) a greenhouse gas injection licence derived from a lease referred to in paragraph (a) or (b);

is ***tied*** to each of the following:

(d) the petroleum lease;

(e) a retention lease granted by way of renewal of the petroleum lease;

(f) a production licence derived from a lease referred to in paragraph (d) or (e).

101 Section 12 (at the end of the table)

Add:

11	a greenhouse gas assessment permit that has expired	the area constituted by the blocks over which the permit was in force but has not been renewed.
12	a greenhouse gas holding lease (other than a special greenhouse gas holding licence) that has expired	the area constituted by the blocks over which the lease was in force but has not been renewed.
13	a greenhouse gas assessment permit that has been cancelled	the permit area.
14	a greenhouse gas holding lease that has been cancelled	the lease area.
15	a greenhouse gas injection licence that has been cancelled	the licence area.
16	a greenhouse gas search authority that: (a) has been surrendered or cancelled; or (b) has expired	the authority area.
17	a greenhouse gas special authority that: (a) has been revoked or surrendered; or (b) has expired	the authority area.

102 Subsection 13(1)

After "(2)", insert "or (3)".

Note: The heading to subsection 13(2) is replaced by the heading "*Petroleum activities*".

103 At the end of section 13

Add:

Greenhouse gas activities

(3) This subsection applies to the following activities:

(a) activities preparatory to injecting a greenhouse gas substance into an identified greenhouse gas storage formation (for example, controlling the flow of a greenhouse gas substance into the relevant well);

(b) preparing a greenhouse gas substance for injection into an identified greenhouse gas storage formation (for example, pumping, processing or compressing);

(c) preparing a greenhouse gas substance for transport to another place (for example, pumping or compressing);

(d) storing a greenhouse gas substance before it is:

(i) transported to another place; or

(ii) injected into an identified greenhouse gas storage formation; or

(iii) subjected to any other activity at a facility, structure or installation;

(e) monitoring the behaviour of a greenhouse gas substance stored in an identified greenhouse gas storage formation;

(f) remote control of facilities, structures or installations used to:

(i) inject a greenhouse gas substance into an identified greenhouse gas storage formation; or

(ii) store a greenhouse gas substance in an identified greenhouse gas storage formation; or

(iii) do anything mentioned in any of the above paragraphs;

(g) activities related to any of the above.

(4) For the purposes of subsection (3), the injection of a greenhouse gas substance into an identified greenhouse gas storage formation is taken to take place at the top of the relevant well.

104 Paragraphs 14(1)(a), (b) and (c)

After "specified", insert "petroleum".

105 At the end of section 14

Add:

(3) To avoid doubt, a declaration may be made under subsection (1) whether or not a person has applied for a pipeline licence.

106 After section 14

Insert:

14A Terminal point

(1) The responsible Commonwealth Minister may, by notice published in the *Gazette*, declare that a specified point on a pipe, or system of pipes, for conveying a greenhouse gas substance is a ***terminal point*** for the purposes of this Act.

(2) A declaration under subsection (1) has effect accordingly.

(3) To avoid doubt, a declaration may be made under subsection (1) whether or not a person has applied for a pipeline licence.

14B Declared greenhouse gas facility

(1) The responsible Commonwealth Minister may, by notice published in the *Gazette*, declare that a specified facility, structure or installation in a greenhouse gas injection licence area is a ***declared greenhouse gas facility*** for the purposes of this Act.

(2) A declaration under subsection (1) has effect accordingly.

107 Section 15

Before "For", insert "(1)".

Note: The following heading to subsection 15(1) is inserted "*Petroleum*".

108 At the end of section 15

Add:

Potential greenhouse gas storage formation

(2) For the purposes of this Act, if:

(a) a person:

(i) carries out a seismic survey, or any other kind of survey, in an offshore area; or

(ii) takes samples of the seabed or subsoil of an offshore area; and

(b) the person does so with the intention that the person or another could use the survey data, or information derived from the samples, as the case may be, for the purpose of discovering one or more potential greenhouse gas storage formations;

the person is taken to ***explore*** for those potential greenhouse gas storage formations.

(3) For the purposes of this Act, if:

(a) a person has reasonable grounds to suspect that a part of a geological formation could be an eligible greenhouse gas storage formation; and

(b) the person carries out an activity for the purposes of ascertaining either or both of the following:

(i) the spatial extent of the eligible greenhouse gas storage formation;

(ii) any of the fundamental suitability determinants of the eligible greenhouse gas storage formation;

the person is taken to ***explore*** for a potential greenhouse gas formation.

Potential greenhouse gas injection site

(4) For the purposes of this Act, if:

(a) a person:

(i) carries out a seismic survey, or any other kind of survey, in an offshore area; or

(ii) takes samples of the seabed or subsoil of an offshore area; and

(b) the person does so with the intention that the person or another could use the survey data, or information derived from the samples, as the case may be, for the purpose of discovering one or more potential greenhouse gas injection sites;

the person is taken to ***explore*** for those potential greenhouse gas injection sites.

109 After section 15

Insert:

15A Potential greenhouse gas storage formation

(1) For the purposes of this Act, a ***potential greenhouse gas storage formation*** is a part of a geological formation, where that part is suitable, with or without engineering enhancements, for the permanent storage of a greenhouse gas substance injected into that part.

(2) For the purposes of subsection (1), it is not necessary to identify the greenhouse gas substance.

(3) For the purposes of subsection (1), in determining whether a part of a geological formation is suitable, with or without engineering enhancements, for the permanent storage of a greenhouse gas substance injected into that part, regard may be had to reasonably foreseeable technological developments.

15B Eligible greenhouse gas storage formation

(1) For the purposes of this Act, an ***eligible greenhouse gas storage formation*** is a part of a geological formation, where that part:

(a) is suitable, without engineering enhancements, for the permanent storage of a particular amount of a particular greenhouse gas substance injected at a particular point or points into that part over a particular period; or

(b) is suitable, with engineering enhancements, for the permanent storage of a particular amount of a particular greenhouse gas substance injected at a particular point or points into that part over a particular period.

(2) An amount referred to in paragraph (1)(a) or (b) must be at least 100,000 tonnes.

Spatial extent

(3) For the purposes of this Act, the ***spatial extent*** of an eligible greenhouse gas storage formation is the expected migration pathway or pathways, over the period:

(a) beginning at the start of the particular period referred to in whichever of paragraph (1)(a) or (b) is applicable; and

(b) ending at the notional site closing certificate time;

of the particular amount of the particular greenhouse gas substance injected as mentioned in whichever of paragraph (1)(a) or (b) is applicable.

(3A) In determining the spatial extent of an eligible greenhouse gas storage formation, regard must be had to:

(a) the fundamental suitability determinants; and

(b) such other matters as are relevant.

(4) The regulations may provide that the expected migration pathway or pathways are to be ascertained on the basis of:

(a) one or more assumptions (if any) specified in the regulations; and

(b) a level of probability specified in the regulations; and

(c) a methodology (if any) specified in the regulations.

Notional site closing certificate time

(6) For the purposes of the application of this section to a part of a geological formation covered by paragraph (1)(a), the ***notional site closing certificate time*** is worked out as follows:

(a) assume that the particular amount of the particular greenhouse gas substance referred to in that paragraph was injected at the particular point or points referred to in that paragraph over the particular period referred to in that paragraph;

(b) assume that, throughout that period, that part was an identified greenhouse gas storage formation;

(c) assume that, throughout that period, operations for the injection of the greenhouse gas substance into that part:

(i) were authorised by a greenhouse gas injection licence; and

(ii) complied with the requirements of this Act and the regulations;

(d) assume that, at the end of that period, operations for the injection of the greenhouse gas substance into that part ceased;

(e) estimate the earliest time after the end of that period when the responsible Commonwealth Minister would be in a position to issue a site closing certificate in relation to the identified greenhouse gas storage formation;

(f) that time is the ***notional site closing certificate time***.

(7) For the purposes of the application of this section to a part of a geological formation covered by paragraph (1)(b), the ***notional site closing certificate time*** is worked out as follows:

(a) assume that the engineering enhancements referred to in that paragraph had been made;

(b) assume that the particular amount of the particular greenhouse gas substance referred to in that paragraph was injected at the particular point or points referred to in that paragraph over the particular period referred to in that paragraph;

(c) assume that, throughout that period, that part was an identified greenhouse gas storage formation;

(d) assume that, throughout that period, operations for the injection of the greenhouse gas substance into that part:

(i) were authorised by a greenhouse gas injection licence; and

(ii) complied with the requirements of this Act and the regulations;

(e) assume that, at the end of that period, operations for the injection of the greenhouse gas substance into that part ceased;

(f) estimate the earliest time after the end of that period when the responsible Commonwealth Minister would be in a position to issue a site closing certificate in relation to the identified greenhouse gas storage formation;

(g) that time is the ***notional site closing certificate time***.

Fundamental suitability determinants

(8) For the purposes of this Act, the following are the ***fundamental suitability determinants*** of an eligible greenhouse gas storage formation:

(a) the particular amount referred to in whichever of paragraph (1)(a) or (b) is applicable;

(b) the particular greenhouse gas substance referred to in whichever of paragraph (1)(a) or (b) is applicable;

(c) the particular point or points referred to in whichever of paragraph (1)(a) or (b) is applicable;

(d) the particular period referred to in whichever of paragraph (1)(a) or (b) is applicable;

(e) if paragraph (1)(b) is applicable—the engineering enhancements referred to in that paragraph;

(f) the effective sealing feature, attribute or mechanism that enables the permanent storage referred to in whichever of paragraph (1)(a) or (b) is applicable.

15C Potential greenhouse gas injection site

For the purposes of this Act, a ***potential greenhouse gas injection site*** is a place that:

(a) is a suitable place to make a well or wells to inject a greenhouse gas substance into a part of a geological formation; and

(b) is wholly situated in one or more offshore areas.

15D Incidental greenhouse gas-related substance

Scope

(1) This section applies if either or both of the following substances (***primary greenhouse gas substances***) are captured from a particular source material:

(a) carbon dioxide;

(b) one or more prescribed greenhouse gases.

Incidental greenhouse gas-related substance

(2) For the purposes of this Act, the following are ***incidental greenhouse gas-related substances*** in relation to a primary greenhouse gas substance:

(a) any substance that is incidentally derived from the source material;

(b) any substance that is incidentally derived from the capture;

(c) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is transported—any substance that is incidentally derived from the transportation;

(d) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is injected into a part of a geological formation—any substance that is incidentally derived from the injection;

(e) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is stored in a part of a geological formation—any substance that is incidentally derived from the storage.

15E Site plan—identified greenhouse gas storage formation

For the purposes of this Act, a ***site plan***, in relation to an identified greenhouse gas storage formation, is a document that:

(a) relates to the identified greenhouse gas storage formation; and

(b) complies with such requirements as are specified in the regulations; and

(c) is divided into the following parts:

(i) Part A, which sets out predictions for the behaviour of a greenhouse gas substance stored in the identified greenhouse gas storage formation;

(ii) Part B, which deals with other matters.

15F Significant risk of a significant adverse impact—approval of key petroleum operations

(1) For the purposes of sections 79A, 79B, 114A, 114B, 138A and 138B and paragraph 435B(2)(a), the question of whether there is a

significant risk that a key petroleum operation will have a significant adverse impact on:

(a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;

is to be determined in a manner ascertained in accordance with the regulations.

(2) A manner ascertained in accordance with regulations made for the purposes of subsection (1) must take into account:

(a) the probability, or range of probabilities, of the occurrence of the adverse impact; and

(b) the economic consequences of the adverse impact; and

(c) the economic consequences of the adverse impact relative to the potential economic value of the operations referred to in whichever of paragraph (1)(a) or (b) is applicable.

(3) Subsection (2) does not limit the matters that may be taken into account.

(4) Subsections (1) and (2) have effect subject to subsections (5) and (6).

(5) For the purposes of sections 79A, 79B, 114A, 114B, 138A and 138B and paragraph 435B(2)(a), a key petroleum operation will have an adverse impact on:

(a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;

(the ***relevant greenhouse gas operations***) if, and only if, the key petroleum operation will result in:

(c) an increase in the capital costs (other than prescribed costs) of the relevant greenhouse gas operations; or

(d) an increase in the operating costs (other than prescribed costs) of the relevant greenhouse gas operations; or

(e) a reduction in the rate of injection of the greenhouse gas substance; or

(f) a reduction in the quantity of the greenhouse gas substance that will be able to be stored.

(6) For the purposes of sections 79A, 79B, 114A, 114B, 138A and 138B and paragraph 435B(2)(a), if there is a risk that a key petroleum operation will have an adverse impact on:

(a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;

then that risk is not to be treated as significant, and that adverse impact is not to be treated as significant, if the amount that, under the regulations, is taken to be the probability-weighted impact cost of the key petroleum operation is less than the amount that, under the regulations, is taken to be the threshold amount.

15FA Significant risk of a significant adverse impact—grant of production licence

(1) For the purposes of sections 145 and 146, the question of whether there is a significant risk that any of the operations that could be carried on under a production licence will have a significant adverse impact on operations that are being, or could be, carried on under:

(a) a greenhouse gas assessment permit; or

(b) a greenhouse gas holding lease; or

(c) a greenhouse gas injection licence;

is to be determined in a manner ascertained in accordance with the regulations.

(2) A manner ascertained in accordance with regulations made for the purposes of subsection (1) must take into account:

(a) the probability, or range of probabilities, of the occurrence of the adverse impact; and

(b) the economic consequences of the adverse impact; and

(c) the economic consequences of the adverse impact relative to the potential economic value of the operations that are being, or could be, carried on under the permit, lease or licence referred to in whichever of paragraph (1)(a), (b) or (c) is applicable.

(3) Subsection (2) does not limit the matters that may be taken into account.

(4) Subsections (1) and (2) have effect subject to subsections (5) and (6).

(5) For the purposes of sections 145 and 146, an operation that could be carried on under a production licence (the ***production licence operation***) will have an adverse impact on operations (the ***relevant***

greenhouse gas operations) that are being, or could be, carried on under:

(a) a greenhouse gas assessment permit; or

(b) a greenhouse gas holding lease; or

(c) a greenhouse gas injection licence;

if, and only if, the production licence operation will result in:

(d) an increase in the capital costs (other than prescribed costs) of the relevant greenhouse gas operations; or

(e) an increase in the operating costs (other than prescribed costs) of the relevant greenhouse gas operations; or

(f) a reduction in the rate of injection of the greenhouse gas substance; or

(g) a reduction in the quantity of the greenhouse gas substance that will be able to be stored.

(6) For the purposes of sections 145 and 146, if there is a risk that an operation that could be carried on under a production licence (the ***production licence operation***) will have an adverse impact on operations that are being, or could be, carried on under:

(a) a greenhouse gas assessment permit; or

(b) a greenhouse gas holding lease; or

(c) a greenhouse gas injection licence;

then that risk is not to be treated as significant, and that adverse impact is not to be treated as significant, if the amount that, under the regulations, is taken to be the probability-weighted impact cost of the production licence operation is less than the amount that, under the regulations, is taken to be the threshold amount.

15FB Significant risk of a significant adverse impact—approval of key greenhouse gas operations

(1) For the purposes of sections 249AF and 249BD and paragraph 435B(2)(b), the question of whether there is a significant risk that a key greenhouse gas operation will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing exploration permit; or

(b) an existing retention lease; or

(c) an existing production licence; or

(d) a future exploration permit; or

(e) a future retention lease; or

(f) a future production licence;

is to be determined in a manner ascertained in accordance with the regulations.

(2) A manner ascertained in accordance with regulations made for the purposes of subsection (1) must take into account:

(a) the probability, or range of probabilities, of the occurrence of the adverse impact; and

(b) the economic consequences of the adverse impact; and

(c) the economic consequences of the adverse impact relative to the potential economic value of the petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under the permit, lease or licence referred to in whichever of paragraph (1)(a), (b), (c), (d), (e) or (f) is applicable.

(3) Subsection (2) does not limit the matters that may be taken into account.

(4) Subsections (1) and (2) have effect subject to subsections (5) and (6).

(5) For the purposes of sections 249AF and 249BD and paragraph 435B(2)(b), a key greenhouse gas operation will have an adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing exploration permit; or

(b) an existing retention lease; or

(c) an existing production licence; or

(d) a future exploration permit; or

(e) a future retention lease; or

(f) a future production licence;

if, and only if, the key greenhouse gas operation will result in:

(g) an increase in the capital costs (other than prescribed costs) of the petroleum exploration operations or petroleum recovery operations; or

(h) an increase in the operating costs (other than prescribed costs) of the petroleum exploration operations or petroleum recovery operations; or

(i) a reduction in the rate of recovery of the petroleum; or

(j) a reduction in the quantity of the petroleum that will be able to be recovered.

(6) For the purposes of sections 249AF and 249BD and paragraph 435B(2)(b), if there is a risk that a key greenhouse gas operation will have an adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing exploration permit; or

(b) an existing retention lease; or

(c) an existing production licence; or

(d) a future exploration permit; or

(e) a future retention lease; or

(f) a future production licence;

then that risk is not to be treated as significant, and that adverse impact is not to be treated as significant, if the amount that, under the regulations, is taken to be the probability-weighted impact cost of the key greenhouse gas operation is less than the amount that, under the regulations, is taken to be the threshold amount.

15FC Significant risk of a significant adverse impact—grant of greenhouse gas injection licence

(1) For the purposes of sections 249CI and 249CR and paragraph 435B(2)(c), the question of whether there is a significant risk that any of the operations that could be carried on under a greenhouse gas injection licence will have a significant adverse impact on operations that are being, or could be, carried on under:

(a) an existing exploration permit; or

(b) an existing retention lease; or

(c) an existing production licence; or

(d) a future exploration permit; or

(e) a future retention lease; or

(f) a future production licence;

is to be determined in a manner ascertained in accordance with the regulations.

(2) A manner ascertained in accordance with regulations made for the purposes of subsection (1) must take into account:

(a) the probability, or range of probabilities, of the occurrence of the adverse impact; and

(b) the economic consequences of the adverse impact; and

(c) the economic consequences of the adverse impact relative to the potential economic value of the operations that are being, or could be, carried on under the permit, lease or licence referred to in whichever of paragraph (1)(a), (b), (c), (d), (e) or (f) is applicable.

(3) Subsection (2) does not limit the matters that may be taken into account.

(4) Subsections (1) and (2) have effect subject to subsections (5) and (6).

(5) For the purposes of sections 249CI and 249CR and paragraph 435B(2)(c), an operation that could be carried on under a greenhouse gas injection licence (the ***injection licence operation***) will have an adverse impact on operations (the ***relevant petroleum operations***) that are being, or could be, carried on under:

(a) an existing exploration permit; or

(b) an existing retention lease; or

(c) an existing production licence; or

(d) a future exploration permit; or

(e) a future retention lease; or

(f) a future production licence;

if, and only if, the injection licence operation will result in:

(g) an increase in the capital costs (other than prescribed costs) of the relevant petroleum operations; or

(h) an increase in the operating costs (other than prescribed costs) of the relevant petroleum operations; or

(i) a reduction in the rate of recovery of the petroleum; or

(j) a reduction in the quantity of the petroleum that will be able to be recovered.

(6) For the purposes of sections 249CI and 249CR and paragraph 435B(2)(c), if there is a risk that an operation that could be carried on under a greenhouse gas injection licence (the ***injection licence operation***) will have an adverse impact on operations that are being, or could be, carried on under:

(a) an existing exploration permit; or

(b) an existing retention lease; or
(c) an existing production licence; or
(d) a future exploration permit; or
(e) a future retention lease; or
(f) a future production licence;

then that risk is not to be treated as significant, and that adverse impact is not to be treated as significant, if the amount that, under the regulations, is taken to be the probability-weighted impact cost of the injection licence operation is less than the amount that, under the regulations, is taken to be the threshold amount.

15FD Significant risk of a significant adverse impact—power of responsible Commonwealth Minister to protect petroleum

(1) For the purposes of section 249CZC and paragraph 435B(2)(d), the question of whether there is a significant risk that any of the operations that are being, or could be, carried on under a greenhouse gas injection licence will have a significant adverse impact on:
(a) operations to recover petroleum; or
(b) the commercial viability of the recovery of petroleum;

is to be determined in a manner ascertained in accordance with the regulations.

(2) A manner ascertained in accordance with regulations made for the purposes of subsection (1) must take into account:
(a) the probability, or range of probabilities, of the occurrence of the adverse impact; and
(b) the economic consequences of the adverse impact; and
(c) the economic consequences of the adverse impact relative to the potential economic value of the operations or recovery referred to in whichever of paragraph (1)(a) or (b) is applicable.

(3) Subsection (2) does not limit the matters that may be taken into account.

(4) Subsections (1) and (2) have effect subject to subsections (5) and (6).

(5) For the purposes of section 249CZC and paragraph 435B(2)(d), an operation that could be carried on under a greenhouse gas injection licence (the ***injection licence operation***) will have an adverse impact on:

(a) operations to recover petroleum; or

(b) the commercial viability of the recovery of petroleum;

if, and only if, the injection licence operation will result in:

(c) an increase in the capital costs (other than prescribed costs) of the recovery of the petroleum; or

(d) an increase in the operating costs (other than prescribed costs) of the recovery of the petroleum; or

(e) a reduction in the rate of recovery of the petroleum; or

(f) a reduction in the quantity of the petroleum that will be able to be recovered.

(6) For the purposes of section 249CZC and paragraph 435B(2)(d), if there is a risk that an operation that is being, or could be, carried on under a greenhouse gas injection licence (the ***injection licence operation***) will have an adverse impact on:

(a) operations to recover petroleum; or

(b) the commercial viability of the recovery of petroleum;

then that risk is not to be treated as significant, and that adverse impact is not to be treated as significant, if the amount that, under the regulations, is taken to be the probability-weighted impact cost of the injection licence operation is less than the amount that, under the regulations, is taken to be the threshold amount.

15G Direction given by the responsible Commonwealth Minister

A reference in this Act to a direction given by the responsible Commonwealth Minister does not include a reference to a direction given by the responsible Commonwealth Minister:

(a) in his or her capacity as, or as a member of, the Joint Authority for an offshore area; or

(b) in his or her capacity as the Designated Authority for an offshore area.

15H Securities

Greenhouse gas titles

(1) For the purposes of this Act, if:

(a) a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is in force; and

(b) either:

(i) the successful applicant for the permit, lease or licence lodged a security with the responsible Commonwealth Minister in response to the offer document for the permit, lease or licence; or

(ii) the registered holder, or a former registered holder, of the permit, lease or licence lodged a security with the responsible Commonwealth Minister in response to a notice under section 249NCA; and

(c) the security has not been wholly discharged;

the security is taken to be in force in relation to the permit, lease or licence.

Site closing certificate

(2) For the purposes of this Act, if:

(a) a site closing certificate is in force; and

(b) the successful applicant for the certificate lodged a security with the responsible Commonwealth Minister in response to the pre-certificate notice for the site closing certificate; and

(c) the security has not been wholly discharged;

the security is taken to be in force in relation to the site closing certificate.

Note: For ***pre-certificate notice***, see section 249CZF.

15J Designated agreements

For the purposes of this Act, a ***designated agreement*** is an agreement of the kind referred to in any of the following provisions:

(a) paragraph 79A(5)(f);

(b) paragraph 79A(6)(d);

(c) subsection 79A(10);

(d) paragraph 114A(5)(f);
(e) paragraph 114A(6)(d);
(f) subsection 114A(10);
(g) paragraph 138A(5)(f);
(h) paragraph 138A(6)(d);
(i) subsection 138A(10);
(j) paragraph 249AF(5)(d);
(k) paragraph 249AF(6)(d);
(l) subsection 249AF(11);
(m) subsection 249AF(12);
(n) paragraph 249BD(5)(d);
(o) paragraph 249BD(6)(d);
(p) subsection 249BD(11);
(q) subsection 249BD(12);
(r) subparagraph 249CI(1)(d)(iii);
(s) subparagraph 249CI(1)(e)(iii);
(t) subparagraph 249CI(2)(d)(iii);
(u) subparagraph 249CI(2)(e)(iii);
(v) paragraph 249CI(3)(a);
(w) subparagraph 249CR(d)(v);
(x) paragraph 249CR(e);
(y) paragraph 249CR(f);
(z) paragraph 249CR(g);
(za) paragraph 249CZC(1)(e).

109A Section 21

Insert:

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.

109B Section 21

Insert:

petroleum title means:

(a) an exploration permit; or
(b) a retention lease; or
(c) a production licence; or
(d) an infrastructure licence; or
(e) a pipeline licence; or
(f) a special prospecting authority; or
(g) an access authority.

109C Section 21 (definition of *title*)

Repeal the definition, substitute:

title means:

(a) a greenhouse gas title; or
(b) a petroleum title.

110 Subparagraph 55(1)(a)(i)

Before "this Act", insert "Chapter 2, 3 or 5 of".

111 Subparagraph 55(1)(a)(ii)

Before "the", insert "section 4 of".

112 Subparagraph 55(1)(a)(iii)

Before "the", insert "section 5 or 6 of".

113 Section 57

Omit:

• The general body of laws in force in a State or Territory applies, as laws of the Commonwealth, to petroleum exploration, exploitation and conveyance activities in the offshore area of that State or Territory.

substitute:

• The general body of laws in force in a State or Territory applies, as laws of the Commonwealth, to:

(a) petroleum exploration, exploitation and conveyance activities in the offshore area of that State or Territory; and

(b) greenhouse gas injection and storage activities in the offshore area of that State or Territory.

114 At the end of subsection 59(4)

Add:

; or (c) exploring the seabed or subsoil of the offshore area for a potential greenhouse gas storage formation or a potential greenhouse gas injection site; or

(d) the injection of a greenhouse gas substance into the seabed or subsoil of the offshore area; or

(e) the storage of a greenhouse gas substance in the seabed or subsoil of the offshore area; or

(f) the conveyance of a greenhouse gas substance across the offshore area.

115 Subparagraph 59(5)(a)(iv)

Omit "and", substitute "or".

116 At the end of paragraph 59(5)(a)

Add:

(v) exploring the seabed or subsoil of the offshore area for a potential greenhouse gas storage formation or a potential greenhouse gas injection site; or

(vi) the injection of a greenhouse gas substance into the seabed or subsoil of the offshore area; or

(vii) the storage of a greenhouse gas substance in the seabed or subsoil of the offshore area; or

(viii) the conveyance of a greenhouse gas substance across the offshore area; and

117 Section 75

Omit:

- An infrastructure licence authorises the licensee to construct and operate an infrastructure facility in the licence area.
- A pipeline licence authorises the licensee to construct and operate a pipeline.

substitute:

- An infrastructure licence authorises the licensee to construct and operate an infrastructure facility in the licence area. An infrastructure facility may relate to petroleum or a greenhouse gas substance.
- A pipeline licence authorises the licensee to construct and operate a pipeline. A pipeline may be used to convey petroleum or a greenhouse gas substance.

117A After subsection 78(1)

Insert:

(1A) Express references in this Act to the injection or storage of a substance do not imply that subsection (1) does not operate so as to authorise the permittee:

(a) to carry on operations to inject a substance into the seabed or subsoil of an offshore area; or

(b) to carry on operations to store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area.

(1B) The regulations may provide that an exploration permit authorises the permittee, 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 on such operations, and execute such works, in the permit area as are necessary for those purposes.

117B Subsection 78(2)

Omit "subsection (1)", substitute "or under subsection (1) or (1B)".

118 At the end of subsection 79(6)

Add "or (10)".

119 At the end of section 79

Add:

Declared exploration permits—approval of key petroleum operations

(8) A declared exploration permit is subject to the condition that the permittee will not carry on key petroleum operations under the permit unless the responsible Commonwealth Minister has approved the operations under section 79A.

(9) Despite subsection (2), the condition mentioned in subsection (8) does not need to be specified in the permit.

(10) If, under section 79A, the responsible Commonwealth Minister approves the carrying on of one or more key petroleum operations under a declared exploration permit, the responsible Commonwealth Minister may, by written notice given to the permittee, vary the permit by imposing one or more conditions to which the permit is subject.

(11) A variation of a declared exploration permit under subsection (10) takes effect on the day on which notice of the variation is given to the permittee.

(12) A condition imposed under subsection (10) may require the permittee to ensure that:

(a) all wells; or

(b) one or more specified wells;

made in the permit area by any person engaged or concerned in operations authorised by the permit are made in a manner, and to a standard, that will facilitate the plugging or closing off of the wells in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.

(13) Subsection (12) does not limit:

(a) subsection (10); or
(b) Part 4.2; or
(c) Part 4.3.

(14) If:
(a) a declared exploration permit is subject to a condition; and
(b) the condition was imposed under subsection (10);
the responsible Commonwealth Minister may, by written notice given to the permittee, vary or revoke the condition.

(15) A variation of a declared exploration permit under subsection (14) takes effect on the day on which notice of the variation is given to the permittee.

(16) Subsection (14) does not limit section 227.

120 After section 79

Insert:

79A Declared exploration permit—approval by responsible Commonwealth Minister of key petroleum operations

(1) The registered holder of a declared exploration permit may apply to the responsible Commonwealth Minister for approval to carry on one or more key petroleum operations under the permit.

(2) If an application for approval is made under subsection (1), the responsible Commonwealth Minister may:
(a) give the approval; or
(b) by written notice given to the applicant, refuse to give the approval.

Responsible Commonwealth Minister must have regard to certain matters

(3) In deciding whether to give the approval, the responsible Commonwealth Minister must comply with subsections (4), (5), (6) and (7).

(4) The responsible Commonwealth Minister must have regard to the impact (if any) that any of those key petroleum operations could have on:

(a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

(c) an existing greenhouse gas assessment permit; or

(d) an existing greenhouse gas holding lease; or

(e) an existing greenhouse gas injection licence; or

(f) if a greenhouse gas assessment permit or a greenhouse gas holding lease is in force over a block or blocks:

(i) a future greenhouse gas holding lease over the block or any of the blocks; or

(ii) a future greenhouse gas injection licence over the block or any of the blocks.

(5) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:

(a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

(c) an existing greenhouse gas assessment permit held by a person other than the applicant; or

(d) an existing greenhouse gas holding lease held by a person other than the applicant; or

(e) an existing greenhouse gas injection licence held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(f) whether the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence, as the case may be, has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(g) if so—the terms of that agreement.

(6) If:

(a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:

(i) operations for the injection of a greenhouse gas substance; or

(ii) operations for the storage of a greenhouse gas substance;

that could be carried on under:

(iii) a future greenhouse gas holding lease over a block or blocks; or

(iv) a future greenhouse gas injection licence over a block or blocks; and

(b) a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is in force over the block or any of the blocks; and

(c) the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(d) whether the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence covered by paragraph (b) has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(e) if so—the terms of that agreement.

(7) The responsible Commonwealth Minister must have regard to the public interest.

(8) Subsections (4), (5) and (6) do not limit subsection (7).

(9) Subsections (4), (5), (6) and (7) do not limit the matters to which the responsible Commonwealth Minister may have regard.

Responsible Commonwealth Minister must not give approval in certain circumstances

(10) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:

(a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under an existing greenhouse gas injection licence, the responsible Commonwealth Minister must not give the approval unless the registered holder of the greenhouse gas injection licence has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied.

No right to an approval

(11) To avoid doubt, section 78 does not imply that an exploration permittee who applies for approval under subsection (1) of this section is entitled to be given the approval.

Suspension of rights

(12) For the purposes of this section, disregard a suspension of rights under section 249KC.

79B Declared exploration permits

(1) If:

(a) a post-commencement exploration permit is in force; and

(b) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the key petroleum operations that could be carried on under the permit will have a significant adverse impact on:

(i) operations for the injection of a greenhouse gas substance; or

(ii) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

(iii) an existing greenhouse gas assessment permit; or

(iv) an existing greenhouse gas holding lease; or

(v) an existing greenhouse gas injection licence; or

(vi) a future greenhouse gas assessment permit; or

(vii) a future greenhouse gas holding lease; or

(viii) a future greenhouse gas injection licence;

the responsible Commonwealth Minister may, by written notice given to the exploration permittee, determine that the exploration permit is a ***declared exploration permit*** for the purposes of this Act.

(2) If:

(a) a determination is in force under subsection (1) in relation to a post-commencement exploration permit; and

(b) the responsible Commonwealth Minister is not satisfied that there is a significant risk that any of the key petroleum operations that could be carried on under the permit will have a significant adverse impact on:

(i) operations for the injection of a greenhouse gas substance; or

(ii) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

(iii) an existing greenhouse gas assessment permit; or

(iv) an existing greenhouse gas holding lease; or

(v) an existing greenhouse gas injection licence; or

(vi) a future greenhouse gas assessment permit; or

(vii) a future greenhouse gas holding lease; or

(viii) a future greenhouse gas injection licence;

the responsible Commonwealth Minister must, by written notice given to the exploration permittee, revoke the determination.

120A After subsection 113(1)

Insert:

(1A) Express references in this Act to the injection or storage of a substance do not imply that subsection (1) does not operate so as to authorise the lessee:

(a) to carry on operations to inject a substance into the seabed or subsoil of an offshore area; or

(b) to carry on operations to store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area.

(1B) The regulations may provide that a retention lease authorises the lessee, 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 on such operations, and execute such works, in the lease area as are necessary for those purposes.

120B Subsection 113(2)

Omit "subsection (1)", substitute "or under subsection (1) or (1B)".

121 At the end of subsection 114(10)

Add "or (13)".

122 At the end of section 114

Add:

Declared retention leases—approval of key petroleum operations

(11) A declared retention lease is subject to the condition that the lessee will not carry on key petroleum operations under the lease unless the responsible Commonwealth Minister has approved the operations under section 114A.

(12) Despite subsection (2), the condition mentioned in subsection (11) does not need to be specified in the lease.

(13) If, under section 114A, the responsible Commonwealth Minister approves the carrying on of one or more key petroleum operations under a declared retention lease, the responsible Commonwealth Minister may, by written notice given to the lessee, vary the lease by imposing one or more conditions to which the lease is subject.

(14) A variation of a declared retention lease under subsection (13) takes effect on the day on which notice of the variation is given to the lessee.

(15) A condition imposed under subsection (13) may require the lessee to ensure that:

(a) all wells; or

(b) one or more specified wells;

made in the lease area by any person engaged or concerned in operations authorised by the lease are made in a manner, and to a standard, that will facilitate the plugging or closing off of the wells in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.

(16) Subsection (15) does not limit:
  (a) subsection (13); or
  (b) Part 4.2; or
  (c) Part 4.3.

(17) If:
  (a) a declared retention lease is subject to a condition; and
  (b) the condition was imposed under subsection (13);
the responsible Commonwealth Minister may, by written notice given to the lessee, vary or revoke the condition.

(18) A variation of a declared retention lease under subsection (17) takes effect on the day on which notice of the variation is given to the lessee.

(19) Subsection (18) does not limit section 227.

123 After section 114

Insert:

114A Declared retention lease—approval by responsible Commonwealth Minister of key petroleum operations

(1) The registered holder of a declared retention lease may apply to the responsible Commonwealth Minister for approval to carry on one or more key petroleum operations under the lease.

(2) If an application for approval is made under subsection (1), the responsible Commonwealth Minister may:
  (a) give the approval; or
  (b) by written notice given to the applicant, refuse to give the approval.

Responsible Commonwealth Minister must have regard to certain matters

(3) In deciding whether to give the approval, the responsible Commonwealth Minister must comply with subsections (4), (5), (6) and (7).

(4) The responsible Commonwealth Minister must have regard to the impact (if any) that any of those key petroleum operations could have on:

(a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

(c) an existing greenhouse gas assessment permit; or

(d) an existing greenhouse gas holding lease; or

(e) an existing greenhouse gas injection licence; or

(f) if a greenhouse gas assessment permit or a greenhouse gas holding lease is in force over a block or blocks:

(i) a future greenhouse gas holding lease over the block or any of the blocks; or

(ii) a future greenhouse gas injection licence over the block or any of the blocks.

(5) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:

(a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

(c) an existing greenhouse gas assessment permit held by a person other than the applicant; or

(d) an existing greenhouse gas holding lease held by a person other than the applicant; or

(e) an existing greenhouse gas injection licence held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(f) whether the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence, as the case may be, has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(g) if so—the terms of that agreement.

(6) If:

(a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:

(i) operations for the injection of a greenhouse gas substance; or

(ii) operations for the storage of a greenhouse gas substance;

that could be carried on under:

(iii) a future greenhouse gas holding lease over a block or blocks; or

(iv) a future greenhouse gas injection licence over a block or blocks; and

(b) a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is in force over the block or any of the blocks; and

(c) the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(d) whether the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence covered by paragraph (b) has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(e) if so—the terms of that agreement.

(7) The responsible Commonwealth Minister must have regard to the public interest.

(8) Subsections (4), (5) and (6) do not limit subsection (7).

(9) Subsections (4), (5), (6) and (7) do not limit the matters to which the responsible Commonwealth Minister may have regard.

Responsible Commonwealth Minister must not give approval in certain circumstances

(10) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:

(a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under an existing greenhouse gas injection licence, the responsible Commonwealth Minister must not give the approval unless the registered holder of the greenhouse gas injection licence has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied.

No right to an approval

(11) To avoid doubt, section 113 does not imply that a retention lessee who applies for approval under subsection (1) of this section is entitled to be given the approval.

Suspension of rights

(12) For the purposes of this section, disregard a suspension of rights under section 249KC.

114B Declared retention leases

(1) If:

(a) a post-commencement retention lease is in force; and

(b) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the key petroleum operations that could be carried on under the lease will have a significant adverse impact on:

(i) operations for the injection of a greenhouse gas substance; or

(ii) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

(iii) an existing greenhouse gas assessment permit; or

(iv) an existing greenhouse gas holding lease; or

(v) an existing greenhouse gas injection licence; or

(vi) a future greenhouse gas assessment permit; or

(vii) a future greenhouse gas holding lease; or

(viii) a future greenhouse gas injection licence;

the responsible Commonwealth Minister must, by written notice given to the retention lessee, determine that the retention lease is a ***declared retention lease*** for the purposes of this Act.

(2) If:

(a) a determination is in force under subsection (1) in relation to a post-commencement retention lease; and

(b) the responsible Commonwealth Minister is not satisfied that there is a significant risk that any of the key petroleum operations that could be carried on under the lease will have a significant adverse impact on:

(i) operations for the injection of a greenhouse gas substance; or

(ii) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

(iii) an existing greenhouse gas assessment permit; or

(iv) an existing greenhouse gas holding lease; or

(v) an existing greenhouse gas injection licence; or

(vi) a future greenhouse gas assessment permit; or

(vii) a future greenhouse gas holding lease; or

(viii) a future greenhouse gas injection licence;

the responsible Commonwealth Minister must, by written notice given to the retention lessee, revoke the determination.

125 After subsection 137(1)

Insert:

(1A) Express references in this Act to the injection or storage of a substance do not imply that subsection (1) does not operate so as to authorise the licensee:

(a) to carry on operations to inject a substance into the seabed or subsoil of an offshore area; or

(b) to carry on operations to store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area.

(1B) The regulations may provide that a production licence authorises the licensee, 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 on such operations, and execute such works, in the licence area as are necessary for those purposes.

(1C) The regulations may provide that, if:

(a) petroleum is recovered in the licence area of a production licence (the ***first licence***); and

(b) operations for the recovery or processing of the petroleum are carried on using a facility located in the licence area of another production licence (the ***second licence***); and

(c) a prescribed substance (which may be a hydrocarbon) is recovered as an incidental consequence of the recovery of the petroleum;

the second licence authorises the licensee of the second licence, in accordance with the conditions (if any) to which the second licence is subject:

(d) to inject the substance into the seabed or subsoil of the licence area of the second licence; and

(e) to store (whether on a permanent basis or otherwise) the substance in the seabed or subsoil of the licence area of the second licence; and

(f) to carry on such operations, and execute such works, in the licence area of the second licence as are necessary for those purposes.

(1D) Subsections (1B) and (1C) do not limit subsection (1).

125A Subsection 137(2)

Omit "subsection (1)", substitute "or under subsection (1), (1B) or (1C)".

126 At the end of subsection 138(6)

Add "or (12)".

127 At the end of section 138

Add:

Declared production licences—approval of key petroleum operations

(10) A declared production licence is subject to the condition that the licensee will not carry on key petroleum operations under the licence unless the responsible Commonwealth Minister has approved the operations under section 138A.

(11) Despite subsection (2), the condition mentioned in subsection (10) does not need to be specified in the licence.

(12) If, under section 138A, the responsible Commonwealth Minister approves the carrying on of one or more key petroleum operations under a declared production licence, the responsible Commonwealth Minister may, by written notice given to the licensee, vary the licence by imposing one or more conditions to which the licence is subject.

(13) A variation of a declared production licence under subsection (12) takes effect on the day on which notice of the variation is given to the licensee.

(14) A condition imposed under subsection (12) may require the licensee to ensure that:

(a) all wells; or

(b) one or more specified wells;

made in the licence area by any person engaged or concerned in operations authorised by the licence are made in a manner, and to a standard, that will facilitate the plugging or closing off of the wells in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.

(15) Subsection (14) does not limit:

(a) subsection (12); or

(b) Part 4.2; or

(c) Part 4.3.

(16) If:

(a) a declared production licence is subject to a condition; and

(b) the condition was imposed under subsection (12);

the responsible Commonwealth Minister may, by written notice given to the licensee, vary or revoke the condition.

(17) A variation of a declared production licence under subsection (16) takes effect on the day on which notice of the variation is given to the licensee.

(18) Subsection (17) does not limit section 227.

128 After section 138

Insert:

138A Declared production licence—approval by responsible Commonwealth Minister of key petroleum operations

(1) The registered holder of a declared production licence may apply to the responsible Commonwealth Minister for approval to carry on one or more key petroleum operations under the licence.

(2) If an application for approval is made under subsection (1), the responsible Commonwealth Minister may:

(a) give the approval; or

(b) by written notice given to the applicant, refuse to give the approval.

Responsible Commonwealth Minister must have regard to certain matters

(3) In deciding whether to give the approval, the responsible Commonwealth Minister must comply with subsections (4), (5), (6) and (7).

(4) The responsible Commonwealth Minister must have regard to the impact (if any) that any of those key petroleum operations could have on:

(a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

(c) an existing greenhouse gas assessment permit; or

(d) an existing greenhouse gas holding lease; or

(e) an existing greenhouse gas injection licence; or

(f) if a greenhouse gas assessment permit or a greenhouse gas holding lease is in force over a block or blocks:

(i) a future greenhouse gas holding lease over the block or any of the blocks; or

(ii) a future greenhouse gas injection licence over the block or any of the blocks.

(5) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:

(a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

(c) an existing greenhouse gas assessment permit held by a person other than the applicant; or

(d) an existing greenhouse gas holding lease held by a person other than the applicant; or

(e) an existing greenhouse gas injection licence held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(f) whether the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence, as the case may be, has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(g) if so—the terms of that agreement.

(6) If:

(a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:

(i) operations for the injection of a greenhouse gas substance; or

(ii) operations for the storage of a greenhouse gas substance;

that could be carried on under:

(iii) a future greenhouse gas holding lease over a block or blocks; or

(iv) a future greenhouse gas injection licence over a block or blocks; and

(b) a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is in force over the block or any of the blocks; and

(c) the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(d) whether the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence covered by paragraph (b) has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(e) if so—the terms of that agreement.

(7) The responsible Commonwealth Minister must have regard to the public interest.

(8) Subsections (4), (5) and (6) do not limit subsection (7).

(9) Subsections (4), (5), (6) and (7) do not limit the matters to which the responsible Commonwealth Minister may have regard.

Responsible Commonwealth Minister must not give approval in certain circumstances

(10) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:

(a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under an existing greenhouse gas injection licence, the responsible Commonwealth Minister must not give the approval unless the registered holder of the greenhouse gas injection licence has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied.

No right to an approval

(11) To avoid doubt, section 137 does not imply that a production licensee who applies for approval under subsection (1) of this section is entitled to be given the approval.

Suspension of rights

(12) For the purposes of this section, disregard a suspension of rights under section 249KC.

138B Declared production licences

(1) If:

(a) a post-commencement production licence is in force; and

(b) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the key petroleum operations that could be carried on under the licence will have a significant adverse impact on:

(i) operations for the injection of a greenhouse gas substance; or

(ii) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

(iii) an existing greenhouse gas assessment permit; or

(iv) an existing greenhouse gas holding lease; or

(v) an existing greenhouse gas injection licence; or

(vi) a future greenhouse gas assessment permit; or

(vii) a future greenhouse gas holding lease; or

(viii) a future greenhouse gas injection licence;

the responsible Commonwealth Minister must, by written notice given to the production licensee, determine that the production licence is a ***declared production licence*** for the purposes of this Act.

(2) If:

(a) a determination is in force under subsection (1) in relation to a post-commencement production licence; and

(b) the responsible Commonwealth Minister is not satisfied that there is a significant risk that any of the key petroleum

operations that could be carried on under the licence will have a significant adverse impact on:

(i) operations for the injection of a greenhouse gas substance; or

(ii) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

(iii) an existing greenhouse gas assessment permit; or

(iv) an existing greenhouse gas holding lease; or

(v) an existing greenhouse gas injection licence; or

(vi) a future greenhouse gas assessment permit; or

(vii) a future greenhouse gas holding lease; or

(viii) a future greenhouse gas injection licence;

the responsible Commonwealth Minister must, by written notice given to the production licensee, revoke the determination.

128A Section 139 (note 8)

Omit "249", substitute "442D".

128B Subsection 140(4) (note)

Omit "249", substitute "442D".

129 Section 145

Before "If:", insert "(1)".

130 At the end of paragraph 145(c)

Add "and".

131 After paragraph 145(c)

Insert:

(d) in a case where (assuming that the applicant were granted a production licence over the block or blocks as to which the Joint Authority is satisfied as mentioned in paragraph (b)) the production licence would be a post-commencement production licence, and:

(i) the Joint Authority is satisfied that there is a significant risk that any of the operations that could be carried on under the production licence will have a significant adverse impact on operations that are being, or could be,

carried on under a greenhouse gas assessment permit or a greenhouse gas holding lease; or

(ii) if one or more identified greenhouse gas storage formations are wholly situated in the permit area of a greenhouse gas assessment permit or the lease area of a greenhouse gas holding lease—the Joint Authority is satisfied that there is a significant risk that any of the operations that could be carried on under the production licence will have a significant adverse impact on operations that could be carried on under a future greenhouse gas injection licence, where the identified greenhouse gas storage formation, or any of the identified greenhouse gas storage formations, is wholly situated in the licence area of the future greenhouse gas injection licence;

the Joint Authority is satisfied that it is in the public interest for the production licence to be granted to the applicant; and

(e) in a case where:

(i) (assuming that the applicant were granted a production licence over the block or blocks as to which the Joint Authority is so satisfied as mentioned in paragraph (b)) the production licence would be a post-commencement production licence; and

(ii) the Joint Authority is satisfied that there is a significant risk that any of the operations that could be carried on under the production licence will have a significant adverse impact on operations that are being, or could be, carried on under a greenhouse gas injection licence;

the Joint Authority is satisfied that:

(iii) the registered holder of the greenhouse gas injection licence has agreed, in writing, to the grant of the production licence; and

(iv) to the extent to which the agreement is a dealing to which Part 3A.6 applies—the dealing has been approved under section 298-275 or is reasonably likely to be approved under that section; and

(v) to the extent to which the agreement is a dealing to which Part 3.6 would apply if the production licence were to come into existence—it is reasonably likely that

the dealing would, after the production licence comes into existence, be approved under section 275;

132 Section 145

After "so satisfied", insert "as mentioned in paragraph (b)".

133 At the end of section 145

Add:

Public interest

(2) For the purposes of paragraph (1)(d), in considering whether the grant of the production licence is in the public interest, the Joint Authority must have regard to:

(a) whether the registered holder of the greenhouse gas assessment permit or greenhouse gas holding lease, as the case may be, has agreed, in writing, to the grant of the production licence; and

(b) if so—the terms of that agreement.

(3) Subsection (2) does not limit the matters to which the Joint Authority may have regard.

Deferral of decision

(4) This section has effect subject to section 146A.

134 After subsection 146(4A)

Insert:

Impact on greenhouse gas titles

(4B) If:

(a) (assuming that the applicant were granted a production licence over the block or blocks as to which the Joint Authority is satisfied as mentioned in paragraph 145(1)(b)) the production licence would be a post-commencement production licence; and

(b) either:

(i) the Joint Authority is satisfied that there is a significant risk that any of the operations that could be carried on under the production licence will have a significant

adverse impact on operations that are being, or could be, carried on under a greenhouse gas assessment permit or a greenhouse gas holding lease; or

(ii) if one or more identified greenhouse gas storage formations are wholly situated in the permit area of a greenhouse gas assessment permit or the lease area of a greenhouse gas holding lease—the Joint Authority is satisfied that there is a significant risk that any of the operations that could be carried on under the production licence will have a significant adverse impact on operations that could be carried on under a future greenhouse gas injection licence, where the identified greenhouse gas storage formation, or any of the identified greenhouse gas storage formations, is wholly situated in the licence area of the future greenhouse gas injection licence; and

(c) the Joint Authority is not satisfied that it is in the public interest for the production licence to be granted to the applicant;

the Joint Authority must, by written notice given to the applicant, refuse to grant a production licence to the applicant.

(4C) If:

(a) (assuming that the applicant were granted a production licence over the block or blocks as to which the Joint Authority is satisfied as mentioned in paragraph 145(1)(b)) the production licence would be a post-commencement production licence; and

(b) the Joint Authority is satisfied that there is a significant risk that any of the operations that could be carried on under the production licence will have a significant adverse impact on operations that are being, or could be, carried on under a greenhouse gas injection licence; and

(c) the Joint Authority is not satisfied that:

(i) the registered holder of the greenhouse gas injection licence has agreed, in writing, to the grant of the production licence; and

(ii) to the extent to which the agreement is a dealing to which Part 3A.6 applies—the dealing has been approved under section 298-275 or is reasonably likely to be approved under that section; and

(iii) to the extent to which the agreement is a dealing to which Part 3.6 would apply if the production licence were to come into existence—it is reasonably likely that the dealing would, after the production licence comes into existence, be approved under section 275;

the Joint Authority must, by written notice given to the applicant, refuse to grant a production licence to the applicant.

135 At the end of section 146

Add:

Public interest

(6) For the purposes of paragraph (4B)(c), in considering whether the grant of the production licence is in the public interest, the Joint Authority must have regard to:

(a) whether the registered holder of the greenhouse gas assessment permit or greenhouse gas holding lease, as the case may be, has agreed, in writing, to the grant of the production licence; and

(b) if so—the terms of that agreement.

(7) Subsection (6) does not limit the matters to which the Joint Authority may have regard.

Deferral of application

(8) This section has effect subject to section 146A.

136 After section 146

Insert:

146A Joint Authority may defer taking action on application for production licence if there is a pending application for a greenhouse gas assessment permit

Scope

(1) This section applies if:

(a) an application for the grant of a production licence has been made under:

(i) section 142 or 144; or

(ii) clause 2 or 4 of Schedule 4; and

(b) assuming that the applicant were granted a production licence over the block or blocks as to which the Joint Authority is so satisfied as mentioned in paragraph 145(1)(b), the production licence would be a post-commencement production licence; and

(c) when the application for the grant of the production licence was made, an application for a greenhouse gas assessment permit was being considered by the responsible Commonwealth Minister; and

(d) the Joint Authority is satisfied that it would be in the public interest to defer taking any action under section 145 or 146 in relation to the application for the grant of the production licence until the application for the greenhouse gas assessment permit is finalised.

Deferral

(2) The Joint Authority must not take any action under section 145 or 146 in relation to the application for the grant of the production licence until 24 hours after whichever of the following events happens first:

(a) the responsible Commonwealth Minister grants a greenhouse gas assessment permit to the applicant for the permit;

(b) the application for the greenhouse gas assessment permit lapses;

(c) the responsible Commonwealth Minister refuses to grant a greenhouse gas assessment permit to the applicant for the permit.

137 Section 147

Omit "in section 145", substitute "in paragraph 145(1)(b)".

138 Section 164

Omit:

- An infrastructure licence authorises the licensee to construct and operate an infrastructure facility in the licence area.

substitute:

- An infrastructure licence authorises the licensee to construct and operate an infrastructure facility in the licence area. An infrastructure facility may relate to petroleum or a greenhouse gas substance.

138A Paragraphs 166(1)(a) and (b)

Repeal the paragraphs, substitute:

(a) in the case of an infrastructure licence granted before the commencement of this section:

(i) to construct infrastructure facilities in the licence area; and

(ii) to operate infrastructure facilities in the licence area;

so long as those facilities are for engaging in:

(iii) a subsection 13(2) activity; or

(iv) a subsection 13(3) activity specified in the licence as the result of a variation under section 176; or

(b) in the case of an infrastructure licence granted after the commencement of this section:

(i) to construct infrastructure facilities in the licence area; and

(ii) to operate infrastructure facilities in the licence area;

so long as those facilities are for engaging in:

(iii) a subsection 13(2) activity specified in the licence; or

(iv) a subsection 13(3) activity specified in the licence.

138B At the end of section 167

Add:

(3) An infrastructure licence is subject to the condition that, if:

(a) regulations are made for the purpose of subsection (4); and

(b) those regulations impose requirements on the licensee;

the licensee will comply with those requirements.

(4) The regulations may establish a regime for third party access to services provided by means of the use of an infrastructure facility that is for engaging in any of the activities to which subsection 13(3) applies.

Note: Subsection 13(3) applies to certain greenhouse gas activities.

(5) Despite subsection (2), the condition mentioned in subsection (3) does not need to be specified in the licence.

138C Subsection 169(4) (note)

Omit "249", substitute "442D".

139 Section 171 (note 3)

Omit "section 174", substitute "sections 174 and 174A".

Note: The heading to section 174 is altered by inserting "**with petroleum titleholders**" after "**Consultation**".

140 At the end of Division 2 of Part 2.5

Add:

174A Consultation with greenhouse gas titleholders—grant of infrastructure licence

Scope

(1) This section applies if:

(a) an application for an infrastructure licence (the ***proposed infrastructure licence***) has been made under section 170 in relation to a place in a block; and

(b) the block:

(i) is the subject of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence; or

(ii) is the subject of a greenhouse gas search authority or greenhouse gas special authority; and

(c) the applicant is not the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority; and

(d) if subparagraph (b)(i) applies—the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence has not given written consent to the grant of the proposed infrastructure licence; and

(e) if subparagraph (b)(ii) applies:

(i) the registered holder of the greenhouse gas search authority or greenhouse gas special authority has not given written consent to the grant of the proposed infrastructure licence; or

(ii) the greenhouse gas search authority or greenhouse gas special authority will not expire before any construction or operation of infrastructure facilities under the proposed infrastructure licence would occur.

Consultation

(2) Before the Joint Authority gives the applicant an offer document under section 171, the Joint Authority must:

(a) by written notice given to the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority, give at least 30 days notice of the Joint Authority's proposal to give the applicant the offer document; and

(b) give a copy of the notice to such other persons (if any) as the Joint Authority thinks fit.

(3) The notice must:

(a) set out details of the proposed infrastructure licence; and

(b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Joint Authority about the proposal; and

(c) specify a time limit for the making of that submission.

Note: All communications to the Joint Authority are to be made through the Designated Authority—see section 45.

(4) In deciding:

(a) whether to give the applicant the offer document; and

(b) the conditions (if any) to which the proposed infrastructure licence should be subject;

the Joint Authority must take into account any submissions made in accordance with the notice.

141 Subsection 176(1) (note)

Omit "section 177", substitute "sections 177 and 177A".

Note: The heading to section 177 is altered by inserting "**with petroleum titleholders**" after "**Consultation**".

142 At the end of Division 3 of Part 2.5

Add:

177A Consultation with greenhouse gas titleholders—variation of infrastructure licence

Scope

(1) This section applies if:

(a) an infrastructure licence (the ***first infrastructure licence***) relates to a place in a block; and

(b) an application for variation of the first infrastructure licence is made under section 175; and

(c) the block:

(i) is the subject of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence; or

(ii) is the subject of a greenhouse gas search authority or greenhouse gas special authority; and

(d) the applicant is not the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority; and

(e) if subparagraph (c)(i) applies—the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence has not given written consent to the variation of the first infrastructure licence; and

(f) if subparagraph (c)(ii) applies:

(i) the registered holder of the greenhouse gas search authority or greenhouse gas special authority has not given written consent to the variation of the first infrastructure licence; or

(ii) the greenhouse gas search authority or greenhouse gas special authority will not expire before any construction or operation of infrastructure facilities under the first

infrastructure licence, as proposed to be varied, would occur.

Consultation

(2) Before varying the first infrastructure licence, the Joint Authority must:

(a) by written notice given to the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority, give at least 30 days notice that the Joint Authority is considering the application; and

(b) give a copy of the notice to such other persons (if any) as the Joint Authority thinks fit.

(3) The notice must:

(a) set out details of the proposed variation; and

(b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Joint Authority about the proposal; and

(c) specify a time limit for the making of that submission.

Note: All communications to the Joint Authority are to be made through the Designated Authority—see section 45.

(4) In deciding whether to vary the first infrastructure licence, the Joint Authority must take into account any submissions made in accordance with the notice.

143 At the end of Part 2.5

Add:

Division 4—Directions by responsible Commonwealth Minister

177B Directions by responsible Commonwealth Minister

(1) The responsible Commonwealth Minister may, by written notice given to the Joint Authority, give the Joint Authority a direction in relation to the exercise by the Joint Authority of a power conferred on the Joint Authority by this Part in relation to:

(a) a specified application for an infrastructure licence, where any of the infrastructure facilities to which the licence relates is an infrastructure facility as a result of subsection 13(3); or

(b) a specified infrastructure licence, where any of the infrastructure facilities to which the licence relates is an infrastructure facility as a result of subsection 13(3).

(2) The Joint Authority must comply with a direction under subsection (1).

(3) A direction under subsection (1) is not a legislative instrument.

144 Section 178

Omit:

> • A pipeline licence authorises the licensee to construct and operate a pipeline.

substitute:

> • A pipeline licence authorises the licensee to construct and operate a pipeline. A pipeline may be used to convey petroleum or a greenhouse gas substance.

145 At the end of section 181

Add:

Approval of greenhouse gas substance

(5) A pipeline licence is subject to the condition that the licensee will not operate the pipeline to convey a greenhouse gas substance unless the Joint Authority has approved the greenhouse gas substance under section 181A.

(6) Despite subsection (2), the condition mentioned in subsection (5) does not need to be specified in the licence.

(7) Subsection (5) does not limit subsection (1).

Access regime

(8) A pipeline licence is subject to the condition that, if:

(a) regulations are made for the purposes of subsection (9); and

(b) those regulations impose requirements on the licensee;

the licensee will comply with those requirements.

(9) The regulations may establish a regime for third party access to services provided by means of the use of greenhouse gas pipelines.

(10) Despite subsection (2), the condition mentioned in subsection (8) does not need to be specified in the licence.

(11) Subsection (8) does not limit subsection (1).

146 After section 181

Insert:

181A Approval by Joint Authority of greenhouse gas substance to be conveyed in a pipeline

(1) A pipeline licensee may apply to the Joint Authority for approval of a greenhouse gas substance that is to be conveyed by means of the pipeline.

(2) If an application for approval is made under subsection (1), the Joint Authority may, by written notice given to the applicant:

(a) give the approval, with or without conditions to which the approval is subject; or

(b) refuse to give the approval.

(3) In deciding whether to give an approval, the Joint Authority must have regard to:

(a) in a case where it is proposed to inject the greenhouse gas substance into an identified greenhouse gas storage formation:

(i) whether the greenhouse gas substance is suitable for injection into the identified greenhouse gas storage formation; and

(ii) whether the greenhouse gas substance is suitable for permanent storage in the identified greenhouse gas storage formation; and

(b) in a case where it is proposed to inject the greenhouse gas substance, on an appraisal basis, into a potential greenhouse

gas storage formation (other than an identified greenhouse gas storage formation):

(i) whether the greenhouse gas substance is suitable for injection, on an appraisal basis, into the potential greenhouse gas storage formation; and

(ii) whether the greenhouse gas substance is suitable for storage, on an appraisal basis, in the potential greenhouse gas storage formation; and

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

(4) To avoid doubt, section 180 does not imply that a pipeline licensee who applies for approval under subsection (1) of this section is entitled to be given the approval.

(5) The responsible Commonwealth Minister may, by written notice given to the Joint Authority, give the Joint Authority a direction in relation to the exercise by the Joint Authority of the power conferred on the Joint Authority by subsection (2) in relation to a specified application.

(6) The Joint Authority must comply with a direction under subsection (5).

(7) A direction under subsection (5) is not a legislative instrument.

146A Subsection 183(4) (note)

Omit "249", substitute "442D".

147 After subsection 183(4)

Insert:

(4A) For the purposes of subsection (3), the failure to obtain a greenhouse gas substance for conveyance in the pipeline, or a part of the pipeline, is not a circumstance beyond the licensee's control.

148 Paragraph 185(2)(g)

After "petroleum", insert "or greenhouse gas substances".

149 At the end of subsection 185(3) (before the notes)

Add:

; and (d) the location of any point that the applicant wants to be declared under section 14A to be a terminal point in connection with the pipeline.

150 Paragraph 186(1)(a)

After "of a", insert "petroleum".

Note: The heading to section 186 is altered by inserting "**petroleum-related**" before "**pipeline**".

151 After section 186

Insert:

186A Rights of production licensees following application for greenhouse gas-related pipeline licences by other persons

Application by production licensee

(1) If:

(a) a person applies for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

(i) the conveyance of a greenhouse gas substance within a production licence area in that offshore area; or

(ii) the conveyance of a greenhouse gas substance from a place outside a production licence area to a place in the production licence area; and

(b) either:

(i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the production licence; or

(ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the production licence; and

(c) the person is not the production licensee;

the production licensee may, within:

(d) 90 days after the publication in the *Gazette* of notice of the application; or

(e) such longer period, not more than 180 days, as the Joint Authority allows;

apply under section 185 for such a pipeline licence and, in the application, request that the application mentioned in the *Gazette* notice be rejected.

Note: For publication in the *Gazette* of notice of the application, see section 418.

Rejection of application by other person

(2) If a pipeline licence is granted to the production licensee as a result of an application covered by subsection (1), the Joint Authority must, by written notice given to the person mentioned in paragraph (1)(a), reject the application mentioned in paragraph (1)(d).

Extension of time

(3) The Joint Authority may allow a longer period under paragraph (1)(e) only on written application made by the production licensee within the period of 90 days mentioned in paragraph (1)(d).

186B Rights of greenhouse gas injection licensees following application for greenhouse gas-related pipeline licences by other persons

Application by greenhouse gas injection licensee

(1) If:

(a) a person applies for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

(i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or

(ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection area to a place in the greenhouse gas injection licence area; and

(b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and

(c) the person is not the greenhouse gas injection licensee;

the greenhouse gas injection licensee may, within:

(d) 90 days after the publication in the *Gazette* of notice of the application; or

(e) such longer period, not more than 180 days, as the Joint Authority allows;

apply under section 185 for such a pipeline licence and, in the application, request that the application mentioned in the *Gazette* notice be rejected.

Note: For publication in the *Gazette* of notice of the application, see section 418.

Rejection of application by other person

(2) If a pipeline licence is granted to the greenhouse gas injection licensee as a result of an application covered by subsection (1), the Joint Authority must, by written notice given to the person mentioned in paragraph (1)(a), reject the application mentioned in paragraph (1)(d).

Extension of time

(3) The Joint Authority may allow a longer period under paragraph (1)(e) only on written application made by the greenhouse gas injection licensee within the period of 90 days mentioned in paragraph (1)(d).

152 Paragraph 187(2)(a)

After "of a", insert "petroleum".

Note: The heading to section 187 is altered by inserting "**petroleum-related**" before "**pipeline**".

153 Paragraph 187(3)(a)

After "of a", insert "petroleum".

154 Paragraph 187(4)(a)

After "of a", insert "petroleum".

155 Subsection 187(5)

After "of a", insert "petroleum".

156 Subsection 187(6)

After "by the", insert "petroleum".

157 After section 187

Insert:

187A Grant of greenhouse gas-related pipeline licence—offer document

Scope

(1) This section applies if an application for a pipeline licence has been made under section 185.

Offer document—grant of pipeline licence to a person other than production licensee

(2) If:

(a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

(i) the conveyance of a greenhouse gas substance within a production licence area in that offshore area; or

(ii) the conveyance of a greenhouse gas substance from a place outside a production licence area to a place in the production licence area; and

(b) either:

(i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the production licence; or

(ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the production licence; and

(c) the applicant is not the production licensee; and

(d) the application has not been rejected under subsection 186A(2);

the Joint Authority may gave the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

Offer document—grant of pipeline licence to production licensee

(3) If:

(a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

(i) the conveyance of a greenhouse gas substance within a production licence area in that offshore area; or

(ii) the conveyance of a greenhouse gas substance from a place outside a production licence area to a place in the production licence area; and

(b) either:

(i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the production licence; or

(ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the production licence; and

(c) the applicant is the production licensee; and

(d) each of the following has been complied with:

(i) the conditions to which the production licence is, or has from time to time been, subject;

(ii) the provisions of this Chapter, Chapter 3, Chapter 4 and Part 5.1;

(iii) the regulations;

the Joint Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

(4) If:

(a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

(i) the conveyance of a greenhouse gas substance within a production licence area in that offshore area; or

(ii) the conveyance of a greenhouse gas substance from a place outside a production licence area to a place in the production licence area; and

(b) either:

(i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the production licence; or

(ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the production licence; and

(c) the applicant is the production licensee; and

(d) any of:

(i) the conditions to which the production licence is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 3, Chapter 4 and Part 5.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(e) the Joint Authority is satisfied that there are sufficient grounds to warrant the granting of the pipeline licence;

the Joint Authority may give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

Offer document—grant of pipeline licence to a person other than greenhouse gas injection licensee

(5) If:

(a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

(i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or

(ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection area to a place in the greenhouse gas injection licence area; and

(b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and

(c) the applicant is not the greenhouse gas injection licensee; and

(d) the application has not been rejected under subsection 186B(2);

the Joint Authority may gave the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

Offer document—grant of pipeline licence to greenhouse gas injection licensee

(6) If:

(a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

(i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or

(ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection area to a place in the greenhouse gas injection licence area; and

(b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and

(c) the applicant is the greenhouse gas injection licensee; and

(d) each of the following has been complied with:

(i) the conditions to which the greenhouse gas injection licence is, or has from time to time been, subject;

(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1;

(iii) the regulations;

the Joint Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

(7) If:

(a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

(i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or

(ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection area to a place in the greenhouse gas injection licence area; and

(b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and

(c) the applicant is the greenhouse gas injection licensee; and

(d) any of:

(i) the conditions to which the greenhouse gas injection licence is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(e) the Joint Authority is satisfied that there are sufficient grounds to warrant the granting of the pipeline licence;

the Joint Authority may give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

Route to be followed by pipeline

(8) An offer document under this section must specify the route to be followed by the greenhouse gas pipeline, and that route must be:

(a) the route shown in the plan accompanying the application; or

(b) if the Joint Authority is of the opinion that, for any reason, that route is not appropriate—a route that, in the opinion of the Joint Authority, is appropriate.

Note 1: Section 223 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 222 to provide further information, the Joint Authority may refuse to give the applicant an offer document—see subsection 222(3).

158 Paragraph 188(2)(a)

After "of a", insert "petroleum".

Note: The heading to section 188 is altered by inserting "**petroleum-related**" before "**pipeline**".

159 Paragraph 188(3)(a)

After "of a", insert "petroleum".

160 After section 188

Insert:

188A Refusal to grant greenhouse gas-related pipeline licence

Scope

(1) This section applies if an application for a pipeline licence has been made under section 185.

Application by licensee of production licence

(2) If:

(a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

(i) the conveyance of a greenhouse gas substance within a production licence area in that offshore area; or

(ii) the conveyance of a greenhouse gas substance from a place outside a production licence area to a place in the production licence area; and

(b) either:

(i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the production licence; or

(ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the production licence; and

(c) the applicant is the production licensee; and

(d) any of:

(i) the conditions to which the production licence is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 3, Chapter 4 and Part 5.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(e) the Joint Authority is not satisfied that there are sufficient grounds to warrant the granting of a pipeline licence;

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

Note: Consultation procedures apply—see section 226.

Application by a person who is not a production licensee

(3) If:

(a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

(i) the conveyance of a greenhouse gas substance within a production licence area in that offshore area; or

(ii) the conveyance of a greenhouse gas substance from a place outside a production licence area to a place in the production licence area; and

(b) either:

(i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the production licence; or

(ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the production licence; and

(c) the applicant is not the production licensee;

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

Application by licensee of greenhouse gas injection licence

(4) If:

(a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

(i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or

(ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection area to a place in the greenhouse gas injection licence area; and

(b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and

(c) the applicant is the greenhouse gas injection licensee; and

(d) any of:

(i) the conditions to which the greenhouse gas injection licence is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(e) the Joint Authority is not satisfied that there are sufficient grounds to warrant the granting of a pipeline licence;

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

Note: Consultation procedures apply—see section 226.

Application by a person who is not a greenhouse gas injection licensee

(5) If:

(a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

(i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or

(ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection licence area to a place in the greenhouse gas injection licence area; and

(b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and

(c) the applicant is not the greenhouse gas injection licensee;

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

161 Paragraph 189(a)

After "187", insert "or 187A".

162 Section 194

Omit:

- A special prospecting authority may be granted over a block so long as no exploration permit, retention lease or production licence is in force over the block.

substitute:

- A special prospecting authority may be granted over a block so long as none of the following is in force over the block:

  (a) an exploration permit;

  (b) a retention lease;

  (c) a production licence;

  (d) a greenhouse gas assessment permit;

  (e) a greenhouse gas holding lease;

  (f) a greenhouse gas injection licence.

163 Subsection 199(1)

Repeal the subsection, substitute:

(1) A person may apply to the Designated Authority for the grant of a special prospecting authority over a block or blocks, so long as none of the following is in force over that block or any of those blocks:

(a) an exploration permit;
(b) a retention lease;
(c) a production licence;
(d) a greenhouse gas assessment permit;
(e) a greenhouse gas holding lease;
(f) a greenhouse gas injection licence.

164 At the end of Division 2 of Part 2.7

Add:

201A Holders to be informed of the grant of greenhouse gas search authority

Scope

(1) This section applies if:

(a) a person (the ***first person***) is the registered holder of a special prospecting authority over a block; and

(b) a greenhouse gas search authority is granted to another person (the ***second person***) over the block.

Holders to be informed

(2) The responsible Commonwealth Minister must, by written notice given to the first person, inform the first person of:

(a) the operations authorised by the greenhouse gas search authority granted to the second person; and

(b) the conditions of the greenhouse gas search authority granted to the second person.

(3) The Designated Authority must, by written notice given to the second person, inform the second person of:

(a) the petroleum exploration operations authorised by the special prospecting authority granted to the first person; and

(b) the conditions of the special prospecting authority granted to the first person.

165 Subsection 226(1) (table)

At the end of the table, add:

6	section 188A	refusal to grant a pipeline licence to a production licensee	the licensee.
7	section 188A	refusal to grant a pipeline licence to a greenhouse gas injection licensee	the licensee.

165AA At the end of Part 2.10

Add:

226A Responsible Commonwealth Minister may require information about negotiations for a designated agreement

Scope

(1) This section applies to the following applications:

(a) an application under subsection 79A(1) for approval to carry on one or more key petroleum operations under a declared exploration permit;

(b) an application under section 114A for approval to carry on one or more key petroleum operations under a declared retention lease;

(c) an application under subsection 138A(1) for approval to carry on one or more key petroleum operations under a declared production licence;

where either or both of the following are relevant to the responsible Commonwealth Minister's decision on the application:

(d) the existence or non-existence of a designated agreement;

(e) the terms of a designated agreement.

Report about negotiations

(2) The responsible Commonwealth Minister may, by written notice given to the applicant, require the applicant to give to the responsible Commonwealth Minister, within the period specified in the notice, a written report about negotiations, or attempts at negotiations, relating to:

(a) the entering into of the designated agreement; and

(b) the terms of the designated agreement.

Consequences of breach of requirement

(3) If the applicant breaches the requirement, the responsible Commonwealth Minister may, by written notice given to the applicant:

(a) refuse to consider the application; or

(b) refuse to take any action, or any further action, in relation to the application.

(4) Subsection (3) has effect despite any provision of this Act that requires the responsible Commonwealth Minister to:

(a) consider the application; or

(b) take any particular action in relation to the application.

165A Subsection 229(1) (note)

Omit "249", substitute "442D".

166 Subsection 229(3)

Omit "give", substitute "given".

167 After subsection 247(3)

Insert:

(3A) Subsections (2) and (3) do not apply if the petroleum is discovered by:

(a) a greenhouse gas assessment permittee; or

(b) a greenhouse gas holding lessee; or

(c) a greenhouse gas injection licensee.

Note: The heading to section 247 is altered by adding at the end "**in exploration permit area or retention lease area**".

168 Section 249

Repeal the section.

169 After Chapter 2

Insert:

Chapter 2A—Regulation of activities relating to injection and storage of greenhouse gas substances

Part 2A.1—Introduction

249AA Simplified outline

The following is a simplified outline of this Chapter:

- This Chapter provides for the grant of the following titles:
    - (a) a greenhouse gas assessment permit (see Part 2A.2);
    - (b) a greenhouse gas holding lease (see Part 2A.3);
    - (c) a greenhouse gas injection licence (see Part 2A.4);
    - (d) a greenhouse gas search authority (see Part 2A.5);
    - (e) a greenhouse gas special authority (see Part 2A.6).
- A greenhouse gas assessment permit authorises the permittee to explore in the permit area for potential greenhouse gas storage formations and potential greenhouse gas injection sites.
- If an eligible greenhouse gas storage formation is identified in a greenhouse gas permit area, the responsible Commonwealth Minister may declare that the formation is an identified greenhouse gas storage formation.
- After the declaration of an identified greenhouse gas storage formation in a greenhouse gas permit area, the permittee may apply for a greenhouse gas holding lease or a greenhouse gas injection licence.
- A greenhouse gas holding lease is granted if the applicant is not currently in a position to inject and store a greenhouse gas substance, but is likely to be in such a position within 15 years. The lessee may apply for a greenhouse gas injection licence.
- A greenhouse gas injection licence authorises the licensee to carry out greenhouse gas injection and storage operations in the licence area.
- A greenhouse gas search authority authorises the holder to carry on operations in the authority area relating to the exploration for potential greenhouse gas storage formations or

potential greenhouse gas injection sites (but not to make a well).

- A greenhouse gas special authority authorises the holder to carry on certain greenhouse gas-related operations in the authority area (but not to make a well).
- Part 2A.7 provides for the grant of greenhouse gas research consents. A greenhouse gas research consent authorises the holder to carry on greenhouse gas-related operations in the course of a scientific investigation.

Part 2A.2—Greenhouse gas assessment permits

Division 1—General provisions

249AB Simplified outline

The following is a simplified outline of this Part:

- It is an offence to explore in an offshore area for a potential greenhouse gas storage formation, or a potential greenhouse gas injection site, except:
  - (a) under a greenhouse gas assessment permit; or
  - (b) as otherwise authorised or required by or under this Act.
- This Part provides for the grant of greenhouse gas assessment permits over blocks in an offshore area.
- A greenhouse gas assessment permit authorises the permittee to explore in the permit area for potential greenhouse gas storage formations and potential greenhouse gas injection sites.
- There are 2 types of greenhouse gas assessment permits:

(a) a greenhouse gas assessment permit granted on the basis of work program bidding (a ***work-bid greenhouse gas assessment permit***);

(b) a greenhouse gas assessment permit granted on the basis of cash bidding (a ***cash-bid greenhouse gas assessment permit***).

- If an eligible greenhouse gas storage formation is identified in a greenhouse gas permit area, the responsible Commonwealth Minister may declare that the formation is an identified greenhouse gas storage formation.

249AC Prohibition of unauthorised exploration for potential greenhouse gas storage formation, or potential greenhouse gas injection site, in offshore area

(1) A person commits an offence if:

(a) the person explores for:

(i) a potential greenhouse gas storage formation; or

(ii) a potential greenhouse gas injection site; and

(b) the exploration occurs in an offshore area.

Penalty: Imprisonment for 5 years.

(2) Subsection (1) does not apply to conduct that is:

(a) authorised by a greenhouse gas assessment permit; or

(b) otherwise authorised or required by or under this Act.

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

249AD Rights conferred by greenhouse gas assessment permit

(1) A greenhouse gas assessment permit authorises the permittee, 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 inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the permit area; and

(d) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the injection of the stored greenhouse gas substance takes place at a well situated the permit area; and

(e) to inject, on an appraisal basis:

(i) air; or

(ii) petroleum; or

(iii) water;

into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the permit area; and

(f) to store, on an appraisal basis:

(i) air; or

(ii) petroleum; or

(iii) water;

in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the injection of the stored air, petroleum or water takes place at a well situated in the permit area; and

(g) with the written consent of the responsible Commonwealth Minister, to recover petroleum in the permit area for the sole purpose of appraising a discovery of petroleum that was made as an incidental consequence of:

(i) the exploration authorised by paragraph (a) or (b); or

(ii) the injection authorised by paragraph (c) or (e); and

(h) to carry on such operations, and execute such works, in the permit area as are necessary for those purposes.

(2) The rights conferred on the permittee by subsection (1) are subject to this Act and the regulations.

(3) If petroleum is recovered by the permittee in the permit area as authorised by paragraph (1)(g), the petroleum does not become the property of the permittee.

(4) A greenhouse gas storage permit does not authorise the permittee to make a well outside the permit area.

249AE Conditions of greenhouse gas assessment permits

(1) The responsible Commonwealth Minister may grant a greenhouse gas assessment permit subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.

(2) The conditions (if any) must be specified in the permit.

Approval of key greenhouse gas operations

(3) A greenhouse gas assessment permit is subject to the condition that the permittee will not carry on key greenhouse gas operations under the permit unless:

(a) the responsible Commonwealth Minister has approved the operations under section 249AF; and

(b) the permittee complies with the conditions (if any) to which the approval is subject.

Securities

(4) A greenhouse gas assessment permit is subject to the condition that, if the permittee is given a notice under section 249NCA, the permittee will comply with the notice.

Work-bid greenhouse gas assessment permits

(5) Any or all of the following conditions may be specified in a work-bid greenhouse gas assessment permit:

(a) conditions requiring the permittee to carry out work in, or in relation to, the permit area (including conditions requiring the permittee to carry out the work during a period of 12 months or longer, or during periods each of which is 12 months or longer);

(b) conditions relating to the amounts that the permittee must spend in carrying out such work;

(c) conditions requiring the permittee to comply with directions that:

(i) relate to the matters covered by paragraphs (a) and (b); and

(ii) are given in accordance with the permit.

Cash-bid greenhouse gas assessment permits

(6) Despite subsection (1), a cash-bid greenhouse gas assessment permit must not be granted subject to conditions requiring the permittee to:

(a) carry out work in, or in relation to, the permit area; or

(b) spend particular amounts on the carrying out of work in, or in relation to, the permit area.

Other provisions

(7) Despite subsection (2), the conditions mentioned in subsections (3) and (4) do not need to be specified in the permit.

(8) Subsections (3), (4) and (5) do not limit subsection (1).

249AF Approval by responsible Commonwealth Minister of key greenhouse gas operations

(1) A greenhouse gas assessment permittee may apply to the responsible Commonwealth Minister for approval to carry on one or more key greenhouse gas operations under the permit.

(2) If an application for approval is made under subsection (1), the responsible Commonwealth Minister may:

(a) give the approval, with or without conditions to which the approval is subject; or

(b) by written notice given to the applicant, refuse to give the approval.

Responsible Commonwealth Minister must have regard to certain matters

(3) In deciding whether to give the approval, the responsible Commonwealth Minister must comply with subsections (4), (5), (6), (7) and (8).

(4) The responsible Commonwealth Minister must have regard to the impact (if any) that any of those key greenhouse gas operations could have on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing exploration permit; or
(b) an existing retention lease; or
(c) an existing production licence; or
(d) a future exploration permit; or
(e) a future retention lease; or
(f) a future production licence.

(5) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing exploration permit held by a person other than the applicant; or
(b) an existing retention lease held by a person other than the applicant; or
(c) an existing production licence held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(d) whether the registered holder of the exploration permit, retention lease or production licence, as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied; and
(e) if so—the terms of that agreement.

(6) If:

(a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under:
(i) a future exploration permit over a block or blocks; or
(ii) a future retention lease over a block or blocks; or
(iii) a future production licence over a block or blocks; and
(b) an exploration permit, retention lease or production licence is in force over the block or any of the blocks; and
(c) the exploration permit, retention lease or production licence is held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(d) whether the registered holder of the exploration permit, retention lease or production licence covered by paragraph (b) has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(e) if so—the terms of that agreement.

(7) If any of those key greenhouse gas operations is:

(a) an operation to inject, on an appraisal basis, a substance into a part of a geological formation; or

(b) an operation to store, on an appraisal basis, a substance in a part of a geological formation;

the responsible Commonwealth Minister must have regard to the composition of the substance.

(8) The responsible Commonwealth Minister must have regard to the public interest.

(9) Subsections (4), (5), (6) and (7) do not limit subsection (8).

(10) Subsections (4), (5), (6), (7) and (8) do not limit the matters to which the responsible Commonwealth Minister may have regard.

Circumstances in which the approval must not be given

(11) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing pre-commencement petroleum title held by a person other than the applicant; or

(b) an existing post-commencement production licence held by a person other than the applicant;

the responsible Commonwealth Minister must not give the approval unless the registered holder of the pre-commencement petroleum title, or the post-commencement production licence, as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied.

(12) If:

(a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre-commencement petroleum title over a block or blocks; and

(b) the existing pre-commencement petroleum title in force over the block or any of the blocks is held by a person other than the applicant;

the responsible Commonwealth Minister must not give the approval unless the registered holder of the existing pre-commencement petroleum title has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied.

No right to an approval

(13) To avoid doubt, section 249AD does not imply that a greenhouse gas assessment permittee who applies for approval under subsection (1) of this section is entitled to be given the approval.

Suspension of rights

(14) For the purposes of this section, disregard a suspension of rights under section 229.

249AH Duration of greenhouse gas assessment permit

(1) The duration of a greenhouse gas assessment permit is worked out using the table:

Duration of greenhouse gas assessment permits		
Item	**This kind of permit...**	**remains in force...**
1	an original greenhouse gas assessment permit	for the period of 6 years beginning on: (a) the day on which the permit is granted; or (b) if a later day is specified in the permit as the day on which the permit is to come into force—that later day.
2	a greenhouse gas assessment permit granted by way of renewal	for the period of 3 years beginning on: (a) the day on which the permit is granted; or (b) if a later day is specified in the permit as the day on which the permit is to come into force—that later day.

(2) Subsection (1) has effect subject to this Chapter.

Note 1: For a special rule about the extension of the duration of a greenhouse gas assessment permit if the permittee applies for a declaration of an identified greenhouse gas storage formation, see section 249AHA.

Note 1A: For a special rule about the extension of the duration of a greenhouse gas assessment permit pending a decision on a renewal application, see subsection 249ASA(6).

Note 2: For a special rule about the extension of the duration of a greenhouse gas assessment permit if the permittee applies for a greenhouse gas holding lease or greenhouse gas injection licence, see section 249AI.

Note 3: For special rules about when a greenhouse gas assessment permit ceases to be in force following the grant of a greenhouse gas holding lease or greenhouse gas injection licence, see sections 249BL and 249CO.

Note 4: For special rules about the extension of the duration of a greenhouse gas assessment permit following a suspension or exemption decision, see sections 249KB and 249KD.

Note 5: For the surrender of a greenhouse gas assessment permit, see Part 2A.10.

Note 6: For the cancellation of a greenhouse gas assessment permit, see Part 2A.11.

249AHA Extension of greenhouse gas assessment permit if permittee applies for a declaration of an identified greenhouse gas storage formation

(1) If:

(a) a greenhouse gas assessment permit is in force; and

(b) before the time when the permit would, apart from this subsection, expire, the permittee applies to the responsible Commonwealth Minister for a declaration of an identified greenhouse gas storage formation; and

(c) if the declaration were made in accordance with the application, the identified greenhouse gas storage formation would be wholly situated in the permit area;

the permit continues in force until whichever is the latest of the following times:

(d) if the responsible Commonwealth Minister makes a declaration of an identified greenhouse gas storage formation that is wholly situated in the permit area—the end of the period of 12 months after the day on which the declaration is made;

(e) if the responsible Commonwealth Minister refuses to make a declaration of an identified greenhouse gas storage formation that is wholly situated in the permit area—the time when notice of the refusal is given to the permittee;

(f) the time when the permit would, apart from this subsection, expire.

(2) Subsection (1) has effect subject to this Chapter, but despite section 249AH.

Note: See the notes at the end of section 249AH.

249AI Extension of greenhouse gas assessment permit if permittee applies for a greenhouse gas holding lease or greenhouse gas injection licence

(1) If:

(a) a greenhouse gas assessment permit is in force over a block or blocks; and

(b) before the time when the permit would, apart from this subsection, expire, the permittee applies to the responsible

Commonwealth Minister for the grant of a greenhouse gas holding lease or greenhouse gas injection licence over the block or one or more of the blocks;

the table has effect:

Extension of permit

Item	In this case...	the permit continues in force over the block or blocks covered by the application until...
1	the responsible Commonwealth Minister gives the permittee an offer document relating to a greenhouse gas holding lease or greenhouse gas injection licence over the block or one or more of the blocks	the lease or licence is granted, the permittee withdraws the application or the application lapses.
2	the application is for a greenhouse gas holding lease and the responsible Commonwealth Minister refuses to grant the lease to the permittee	the end of the period of 12 months after the day on which the notice of the refusal was given to the permittee.
3	the application is for a greenhouse gas injection licence and the responsible Commonwealth Minister refuses to grant the licence to the permittee on a ground covered by paragraph 249CI(1)(c), (d), (e), (f) or (g)	the end of the period of 90 days after the day on which the notice of the refusal was given to the permittee.
4	the application is for a greenhouse gas injection licence and the responsible Commonwealth Minister refuses to grant the licence to the permittee on a ground not mentioned in item 3	notice of the refusal is given to the permittee.

(2) Subsection (1) has effect subject to this Chapter but despite section 249AH.

Note: See the notes at the end of section 249AH.

Division 2—Obtaining a work-bid greenhouse gas assessment permit

249AJ Application for work-bid greenhouse gas assessment permit—advertising of blocks

Invitation to apply for a greenhouse gas assessment permit

(1) The responsible Commonwealth Minister may, by notice published in the *Gazette*:

(a) invite applications for the grant of a greenhouse gas assessment permit over the block, or any or all of the blocks, specified in the notice; and

(b) specify a period within which applications may be made.

(2) If the responsible Commonwealth Minister has published a notice under subsection 249AP(1) inviting applications for the grant of a greenhouse gas assessment permit over a block, the block must not be specified in a notice under subsection (1) of this section at any time during the period specified in the subsection 249AP(1) notice.

Note: Subsection 249AP(1) deals with cash-bid greenhouse gas assessment permits.

Application for greenhouse gas assessment permit

(3) An application under this section must be accompanied by details of:

(a) the applicant's proposals for work and expenditure in relation to the block or blocks specified in the application; and

(b) the technical qualifications of the applicant and of the applicant's employees; and

(c) the technical advice available to the applicant; and

(d) the financial resources available to the applicant.

Note 1: Part 2A.8 contains additional provisions about application procedures.

Note 2: Section 249JB requires the application to be accompanied by an application fee.

Note 3: Section 249JD enables the responsible Commonwealth Minister to require the applicant to give further information.

Attributes of blocks

(4) The blocks specified in an application under this section must be blocks that are constituted by graticular sections that:
  (a) constitute a single area; and
  (b) are such that each graticular section in that area has a side in common with at least one other graticular section in that area.

(5) Subsection (4) does not apply to applications if the responsible Commonwealth Minister, for reasons that the responsible Commonwealth Minister thinks sufficient, includes in the subsection (1) notice a direction that subsection (4) does not apply to those applications.

249AJA Retention lessee or production licensee to be notified of proposal to advertise blocks

Scope

(1) This section applies if:
  (a) the responsible Commonwealth Minister proposes to publish a notice under subsection 249AJ(1) specifying a block that is the subject of a retention lease or production licence; and
  (b) at the time of the proposal, the lessee or licensee is entitled to make an application for the grant of a greenhouse gas holding lease over the block.

Notification

(2) The responsible Commonwealth Minister must, at least 60 days before the proposed publication of the subsection 249AJ(1) notice, notify the lessee or licensee of the proposed publication.

Deferral of publication of notice

(3) If, during the period:
  (a) beginning when the lessee or licensee is given the notification under subsection (2); and
  (b) ending at the end of the day of proposed publication of the subsection 249AJ(1) notice;

the lessee or licensee makes such an application, the responsible Commonwealth Minister must not publish the subsection 249AJ(1) notice until:

(c) the application lapses; or

(d) the lessee withdraws the application; or

(e) the responsible Commonwealth Minister refuses to grant the greenhouse gas holding lease or greenhouse gas injection licence.

249AK Grant of work-bid greenhouse gas assessment permit—offer document

Scope

(1) This section applies if an application for the grant of a greenhouse gas assessment permit has been made under section 249AJ.

Offer document

(2) The responsible Commonwealth Minister may:

(a) give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas assessment permit over the block or blocks specified in the offer document; or

(b) by written notice given to the applicant, refuse to grant a greenhouse gas assessment permit to the applicant.

Note 1: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 249JD to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 249JD(3).

Decision must be made within 12 months

(3) The responsible Commonwealth Minister must make a decision under subsection (2) within 12 months after the end of the period specified in the relevant notice under subsection 249AJ(1).

249AL Ranking of multiple applicants for work-bid greenhouse gas assessment permit

Scope

(1) This section applies if:

(a) the responsible Commonwealth Minister publishes a notice under subsection 249AJ(1) inviting applications for the grant of a greenhouse gas assessment permit; and

(b) at the end of the period specified in the notice, 2 or more applications have been made under section 249AJ for the grant of a greenhouse gas assessment permit over the same block or blocks.

Most deserving applicant may be given offer document

(2) The responsible Commonwealth Minister may give an offer document under section 249AK to whichever applicant, in the responsible Commonwealth Minister's opinion, is most deserving of the grant of the greenhouse gas assessment permit.

(3) In determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit, the responsible Commonwealth Minister must have regard to criteria made publicly available by the responsible Commonwealth Minister.

(3A) Criteria under subsection (3) must consist of, or include, criteria relating to proposals for work and expenditure in relation to the block or blocks concerned.

(3B) Criteria under subsection (3) may include criteria relating to any or all of the following matters:

(a) economic matters;

(b) commercial matters;

(c) public interest matters.

(3C) Subsection (3B) does not limit subsection (3).

Ranking of applicants

(4) For the purposes of this section, the responsible Commonwealth Minister may rank the applicants in the order in which, in the responsible Commonwealth Minister's opinion, they are deserving

of the grant of the greenhouse gas assessment permit, with the most deserving applicant being ranked highest.

(5) The responsible Commonwealth Minister may exclude from the ranking any applicant who, in the responsible Commonwealth Minister's opinion, is not deserving of the grant of the greenhouse gas assessment permit.

Applicants who are equally deserving of the grant of the greenhouse gas assessment permit

(6) If the responsible Commonwealth Minister:

(a) has considered the information accompanying the applications; and

(b) is of the opinion that 2 or more of the applicants are equally deserving of the grant of the greenhouse gas assessment permit;

the responsible Commonwealth Minister may, by written notice given to each of those applicants, invite them to give the responsible Commonwealth Minister:

(c) details (the ***work/expenditure details***) of their proposals for additional work and expenditure in relation to the block or blocks concerned; and

(d) any other information that is relevant in determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit.

(7) A notice under subsection (6) must:

(a) specify the kinds of work/expenditure details that the responsible Commonwealth Minister considers to be relevant in determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit; and

(b) specify the kinds of other information that the responsible Commonwealth Minister considers to be relevant in determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit; and

(c) specify the period within which the work/expenditure details and the other information must be given to the responsible Commonwealth Minister.

(8) If an applicant gives work/expenditure details or other information to the responsible Commonwealth Minister, and those details are or that information is:

(a) of a kind specified in the notice; and

(b) given within the period specified in the notice;

the responsible Commonwealth Minister must have regard to the details or information in determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit.

Criteria

(9) An instrument setting out criteria under subsection (3) is not a legislative instrument.

Note: See also section 249AO, which deals with the effect of the withdrawal or lapse of an application.

249AM Grant of work-bid greenhouse gas assessment permit

If:

(a) an applicant has been given an offer document under section 249AK; and

(b) the applicant has made a request under section 249JF in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 249JGAA;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas assessment permit over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 249JF within the period applicable under that section, the application lapses at the end of that period—see subsection 249JF(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 249JGAA, the application lapses at the end of that period—see section 249JGAA.

249AN Withdrawal of application

Scope

(1) This section applies if the responsible Commonwealth Minister publishes a notice under subsection 249AJ(1) inviting applications for the grant of a greenhouse gas assessment permit.

Withdrawal by single applicant

(2) If a person has made an application, the person may, by written notice given to the responsible Commonwealth Minister, withdraw the application at any time before a greenhouse gas assessment permit is granted as a result of the application.

Withdrawal by all joint applicants

(3) If 2 or more persons have made a joint application, all of those persons may, by written notice given to the responsible Commonwealth Minister, withdraw the application at any time before a greenhouse gas assessment permit is granted as a result of the application.

Withdrawal by one or more, but not all, joint applicants

(4) If:

(a) a joint application was made under section 249AJ for the grant of a greenhouse gas assessment permit; and

(b) all of the joint applicants, by written notice given to the responsible Commonwealth Minister, tell the responsible Commonwealth Minister that one or more, but not all, of them, as specified in the notice, withdraw from the application;

then:

(c) the application continues in force as if it had been made by the remaining applicant or applicants; and

(d) if the responsible Commonwealth Minister had given the joint applicants an offer document in relation to the application—the responsible Commonwealth Minister is taken not to have given the offer document to the joint applicants.

249AO Effect of withdrawal or lapse of application

Scope

(1) This section applies if:

(a) 2 or more applications have been made under section 249AJ for the grant of a greenhouse gas assessment permit over the same block or blocks; and

(b) one or more, but not all, of the applications are withdrawn or have lapsed.

Application is taken not to have been made

(2) A withdrawn or lapsed application is taken not to have been made.

Offer document is taken not to have been given

(3) If the responsible Commonwealth Minister gave an offer document in relation to a withdrawn or lapsed application, the responsible Commonwealth Minister is taken not to have given an offer document in relation to the withdrawn or lapsed application.

Request to grant greenhouse gas assessment permit

(4) If the applicant, or one of the applicants, whose application had been withdrawn had requested the responsible Commonwealth Minister under section 249JF to grant a greenhouse gas assessment permit to the applicant concerned, the request is taken not to have been made.

Discharge of security

(5) If:

(a) the offer document in relation to a withdrawn application specified the form and amount of a security to be lodged by the applicant; and

(b) the applicant had lodged the security;

the security is discharged.

Refusal to grant greenhouse gas assessment permit

(6) If the following conditions are satisfied in relation to a remaining applicant:

(a) the responsible Commonwealth Minister had refused to grant a greenhouse gas assessment permit to the remaining applicant;

(b) the responsible Commonwealth Minister did not exclude the remaining applicant from the ranking under subsection 249AL(5);

the refusal is taken not to have occurred.

Division 3—Obtaining a cash-bid greenhouse gas assessment permit

249AP Application for cash-bid greenhouse gas assessment permit

Invitation to apply for a greenhouse gas assessment permit

(1) The responsible Commonwealth Minister may, by notice published in the *Gazette*:

(a) invite applications by way of cash bidding for the grant of a greenhouse gas assessment permit over the block or blocks specified in the notice; and

(b) specify a period within which applications may be made.

(2) If the responsible Commonwealth Minister has published a notice under subsection 249AJ(1) inviting applications for the grant of a greenhouse gas assessment permit over a block, the block must not be specified in a notice under subsection (1) of this section at any time during the period specified in the subsection 249AJ(1) notice.

Note: Subsection 249AJ(1) deals with work-bid greenhouse gas assessment permits.

(3) A notice under subsection (1) must:

(a) contain a summary of the conditions to which the permit will be subject; and

(b) specify the matters that the responsible Commonwealth Minister will take into account in deciding whether to reject an application.

(4) If a notice under subsection (1) specifies more than one block, those blocks must be constituted by graticular sections that:

(a) constitute a single area; and

(b) are such that each graticular section in that area has a side in common with at least one other graticular section in that area.

Application for greenhouse gas assessment permit

(5) If a notice under subsection (1) specifies more than one block, an application under this section must be for a greenhouse gas assessment permit over all of the specified blocks.

(6) An application under this section must:

(a) be accompanied by details of:

(i) the technical qualifications of the applicant and of the applicant's employees; and

(ii) the technical advice available to the applicant; and

(iii) the financial resources available to the applicant; and

(b) specify the amount that the applicant would be prepared to pay for the grant of the permit.

Note 1: Part 2A.8 contains additional provisions about application procedures.

Note 2: Section 249JB requires the application to be accompanied by an application fee.

Note 3: Section 249JD enables the responsible Commonwealth Minister to require the applicant to give further information.

249APA Retention lessee or production licensee to be notified of proposal to advertise blocks

Scope

(1) This section applies if:

(a) the responsible Commonwealth Minister proposes to publish a notice under subsection 249AP(1) specifying a block that is the subject of a retention lease or production licence; and

(b) at the time of the proposal, the lessee or licensee is entitled to make an application for the grant of a greenhouse gas holding lease or a greenhouse gas injection licence over the block.

Notification

(2) The responsible Commonwealth Minister must, at least 60 days before the proposed publication of the subsection 249AP(1) notice, notify the lessee or licensee of the proposed publication.

Deferral of publication of notice

(3) If, during the period:

(a) beginning when the lessee or licensee is given the notification under subsection (2); and

(b) ending at the end of the day of proposed publication of the subsection 249AP(1) notice;

the lessee or licensee makes such an application, the responsible Commonwealth Minister must not publish the subsection 249AP(1) notice until:

(c) the application lapses; or

(d) the lessee withdraws the application; or

(e) the responsible Commonwealth Minister refuses to grant the greenhouse gas holding lease or greenhouse gas injection licence.

249AQ Grant of cash-bid greenhouse gas assessment permit—only one application

Scope

(1) This section applies if:

(a) the responsible Commonwealth Minister publishes a notice under subsection 249AP(1) inviting applications for the grant of a greenhouse gas assessment permit over a block or blocks; and

(b) at the end of the period specified in the notice, only one application has been made under section 249AP in relation to the block or blocks.

Offer document

(2) The responsible Commonwealth Minister may:

(a) give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas assessment permit over that block or those blocks; or

(b) by written notice given to the applicant, reject the application.

Note 1: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 249JD to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 249JD(3).

249AR Grant of cash-bid greenhouse gas assessment permit—2 or more applications

Scope

(1) This section applies if:

(a) the responsible Commonwealth Minister publishes a notice under subsection 249AP(1) inviting applications for the grant of a greenhouse gas assessment permit over a block or blocks; and

(b) at the end of the period specified in the notice, 2 or more applications have been made under section 249AP in relation to the block or blocks.

Rejection of applications

(2) The responsible Commonwealth Minister may reject any or all of the applications.

Unrejected applications

(3) If the responsible Commonwealth Minister does not reject all of the applications, the table has effect:

Unrejected applications

Item	If...	the responsible Commonwealth Minister may give a written notice (called an *offer document*) to...
1	only one application remains unrejected	the applicant.
2	(a) 2 or more applications remain unrejected; and (b) the amounts specified in the applications under	one of those applicants.

Unrejected applications		
Item	**If...**	**the responsible Commonwealth Minister may give a written notice (called an *offer document*) to...**
	paragraph 249AP(6)(b) are equal	
3	(a) 2 or more applications remain unrejected; and (b) the amounts specified in the applications under paragraph 249AP(6)(b) are not equal; and (c) the amount specified in one of the applications is higher than the amount or amounts specified in the remaining application or applications	whichever of those applicants specified the highest amount.
4	(a) 3 or more applications remain unrejected; and (b) 2 or more of the amounts specified in the applications under paragraph 249AP(6)(b) are: (i) equal; and (ii) higher than the amount or amounts specified in the remaining application or applications	one of the applicants who specified the equal highest amount.

(4) An offer document given to an applicant must tell the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas assessment permit over the block or blocks.

Note 1: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If an applicant breaches a requirement under section 249JD to provide further information, the responsible Commonwealth Minister may

refuse to give the applicant an offer document—see subsection 249JD(3).

(5) If:

(a) an applicant is given an offer document under this section; and

(b) the application lapses as provided by section 249JF, 249JG or 249JGAA; and

(c) there are one or more remaining unrejected applications;

subsections (3) and (4) of this section apply in relation to the remaining unrejected applications.

Unsuccessful applications

(6) If the responsible Commonwealth Minister does not give an offer document to an applicant, the responsible Commonwealth Minister must, by written notice given to the applicant, inform the applicant that the application was unsuccessful.

249AS Grant of cash-bid greenhouse gas assessment permit

(1) If:

(a) an applicant has been given an offer document under section 249AQ or 249AR; and

(b) the applicant has made a request under section 249JF in relation to the offer document within the period applicable under that section; and

(c) the applicant has paid the specified amount within the period applicable under section 249JG; and

(d) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 249JGAA;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas assessment permit over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 249JF within the period applicable under that section, the application lapses at the end of that period—see subsection 249JF(4).

Note 2: If the applicant has not paid the specified amount within the period applicable under section 249JG, the application lapses at the end of that period—see section 249JG.

Note 3: If the applicant has not lodged the security within the period applicable under section 249JGAA, the application lapses at the end of that period—see section 249JGAA.

(2) For the purposes of this section, the ***specified amount*** is the amount specified in the offer document as the amount that the applicant must pay for the grant of the greenhouse gas assessment permit.

Division 3A—Renewal of greenhouse gas assessment permits

249ASA Application for renewal of greenhouse gas assessment permit

Application for renewal

(1) The registered holder of a greenhouse gas assessment permit may apply to the responsible Commonwealth Minister for the renewal by the responsible Commonwealth Minister of the permit.

(2) A greenhouse gas assessment permit cannot be renewed more than once.

(3) An application to renew a greenhouse gas assessment permit must be made:

(a) not more than 12 months before the expiry date of the permit; and

(b) at least 180 days before the expiry date of the permit.

(4) Despite subsection (3), the responsible Commonwealth Minister may accept an application to renew a greenhouse gas assessment permit if the application is made:

(a) later than 180 days before the expiry date of the permit; and

(b) before the expiry date of the permit.

(5) An application to renew a greenhouse gas assessment permit must be accompanied by details of:

(a) the permittee's proposals for work and expenditure in relation to the permit area; and

(b) such other information (if any) as is specified in the regulations.

Note 1: Part 2A.8 contains additional provisions about application procedures.

Note 2: Section 249JB requires the application to be accompanied by an application fee.

Note 3: Section 249JD enables the responsible Commonwealth Minister to require the applicant to give further information.

Extension of duration of greenhouse gas assessment permit pending decision on application

(6) If:

(a) a greenhouse gas assessment permittee makes an application to renew the permit; and

(b) the permit would, apart from this subsection, expire:

(i) before the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the permit; or

(ii) before the application lapses as provided by section 249JF;

the permit continues in force:

(c) until the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the permit; or

(d) until the application so lapses;

whichever happens first.

(7) Subsection (6) has effect subject to this Chapter but despite section 249AH.

Note: See the notes at the end of section 249AH.

249ASB Renewal of greenhouse gas assessment permit—offer document

Scope

(1) This section applies if an application to renew a greenhouse gas assessment permit has been made under section 249ASA.

Offer document—compliance with conditions etc.

(2) If:

(a) each of the following has been complied with:

(i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject;

(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1;

(iii) the provisions of the regulations; and

(b) during the period when the permit was in force, at least one notice was given under section 249NA about a part of a geological formation wholly situated in the permit area;

the responsible Commonwealth Minister must give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to renew the permit.

Note: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Offer document—non-compliance with conditions etc.

(3) If:

(a) any of:

(i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(b) in a case where:

(i) the permit is a work-bid greenhouse gas assessment permit; and

(ii) the permit is subject to one or more conditions of the kind mentioned in subsection 249AE(5); and

(iii) one or more of those conditions have not been complied with;

the responsible Commonwealth Minister is satisfied that the non-compliance is attributable to unavoidable delays caused by the unavailability of essential services or essential equipment, or both; and

(c) the responsible Commonwealth Minister is satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas assessment permit;

the responsible Commonwealth Minister may give the applicant a written notice (called an ***offer document***) telling the applicant that

the responsible Commonwealth Minister is prepared to renew the permit.

Note: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Offer document—no section 249NA notice

(4) If:

(a) each of the following has been complied with:

(i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject;

(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1;

(iii) the provisions of the regulations; and

(b) during the period when the greenhouse gas assessment permit was in force, no notice under section 249NA was given about a part of a geological formation wholly situated in the permit area; and

(c) the responsible Commonwealth Minister is satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas assessment permit;

the responsible Commonwealth Minister may give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to renew the permit.

Note: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Work program condition

(5) For the purposes of this section, if:

(a) the greenhouse gas assessment permit is subject to a condition requiring the permittee to carry out work in, or in relation to, the permit area during a particular period; and

(b) the application for renewal of the permit was made during that period;

then, in determining whether the condition has been complied with, assume that the period had ended immediately before the application for renewal was made.

249ASC Refusal to renew greenhouse gas assessment permit

Scope

(1) This section applies if an application to renew a greenhouse gas assessment permit has been made under section 249ASA.

Refusal to renew

(2) If:

(a) any of:

(i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(b) in a case where:

(i) the permit is a work-bid greenhouse gas assessment permit; and

(ii) the permit is subject to one or more conditions of the kind mentioned in subsection 249AE(5); and

(iii) one or more of those conditions have not been complied with;

the responsible Commonwealth Minister is not satisfied that the non-compliance is attributable to unavoidable delays caused by the unavailability of essential services or essential equipment or both; and

(c) the responsible Commonwealth Minister is not satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas assessment permit;

the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to renew the permit.

Note: Consultation procedures apply—see section 249JH.

(3) If:

(a) each of the following has been complied with:

(i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject;

(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1;

(iii) the provisions of the regulations; and

(b) during the period when the permit was in force, no notice was given under section 249NA about a part of a geological formation wholly situated in the permit area; and

(c) the responsible Commonwealth Minister is not satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas assessment permit;

the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to renew the permit.

Note: Consultation procedures apply—see section 249JH.

Work program condition

(4) For the purposes of this section, if;

(a) the greenhouse gas assessment permit is subject to a condition requiring the permittee to carry out work in, or in relation to, the permit area during a particular period; and

(b) the application for renewal of the permit was made during that period;

then, in determining whether the condition has been complied with, assume that the period had ended immediately before the application for renewal was made.

249ASD Renewal of greenhouse gas assessment permit

If:

(a) an applicant has been given an offer document under section 249ASB; and

(b) the applicant has made a request under section 249JF in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 249JGAA;

the responsible Commonwealth Minister must renew the greenhouse gas assessment permit.

Note 1: If the applicant does not make a request under section 249JF within the period applicable under that section, the application lapses at the end of that period—see subsection 249JF(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 249JGAA, the application lapses at the end of that period—see section 249JGAA.

Division 4—Declaration of identified greenhouse gas storage formation

249AU Declaration of identified greenhouse gas storage formation

Scope

(1) This section applies if:

(a) a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, retention lease or production licence is in force; and

(b) the permittee, lessee or licensee has reasonable grounds to believe that:

(i) a part of a geological formation is an eligible greenhouse gas storage formation; and

(ii) that part is wholly situated in the permit area, lease area or licence area.

Application for declaration of identified greenhouse gas storage formation

(2) The permittee, lessee or licensee may apply to the responsible Commonwealth Minister for the declaration of the part referred to in paragraph (1)(b) as an identified greenhouse gas storage formation.

(3) An application under this section must set out:

(a) the applicant's reasons for believing that the part referred to in paragraph (1)(b) is an eligible greenhouse gas storage formation; and

(b) assuming that the part referred to in paragraph (1)(b) is an eligible greenhouse gas storage formation:

(i) the fundamental suitability determinants of the eligible greenhouse gas storage formation; and

(ii) an estimate of the spatial extent of the eligible greenhouse gas storage formation; and

(c) such other information (if any) as is specified in the regulations.

(3A) An estimate of spatial extent must comply with such requirements as are specified in the regulations.

Requirement to give further information or carry out further analysis

(4) The responsible Commonwealth Minister may, by written notice given to the applicant, require the applicant:

(a) to give the responsible Commonwealth Minister, within the period specified in the notice, further information in connection with the application; or

(b) to:

(i) carry out such further analysis of relevant information as is specified in the notice; and

(ii) give the responsible Commonwealth Minister, within the period specified in the notice, a written report of the results of that analysis.

(5) If the applicant breaches a requirement under subsection (4), the responsible Commonwealth Minister may, by written notice given to the applicant:

(a) refuse to consider the application; or

(b) refuse to take any action, or any further action, in relation to the application.

Variation of application

(6) At any time before the responsible Commonwealth Minister makes a decision on an application under this section, the applicant may, by written notice given to the responsible Commonwealth Minister, vary:

(a) any or all of the fundamental suitability determinants specified in the application; or

(b) the spatial extent estimated in the application.

(7) A variation of an application must be made in the approved manner.

(8) A variation of an application may be made:

(a) on the applicant's own initiative; or

(b) at the request of the responsible Commonwealth Minister.

(9) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

Declaration

(10) If:

(a) an application is made under this section in relation to a part of a geological formation; and

(b) the responsible Commonwealth Minister is satisfied that, using the fundamental suitability determinants set out in the application:

(i) that part is an eligible greenhouse gas storage formation; and

(ii) the estimate of the spatial extent set out in the application is a reasonable estimate of the spatial extent of the eligible greenhouse gas storage formation;

the responsible Commonwealth Minister must, by writing:

(c) declare that part to be an ***identified greenhouse gas storage formation*** for the purposes of this Act; and

(d) declare that, for the purposes of this Act, the spatial extent of the identified greenhouse gas storage formation is the spatial extent estimated in the application; and

(e) declare that the fundamental suitability determinants specified in the application are the ***fundamental suitability determinants*** of the identified greenhouse gas storage formation for the purposes of this Act.

(11) A declaration under paragraph (10)(d) must set out the estimate of the spatial extent specified in the application.

(12) A declaration under paragraph (10)(e) must set out the fundamental suitability determinants specified in the application.

(13) A copy of a declaration under subsection (10) must be published in the *Gazette*.

Refusal to make declaration

(14) If:

(a) an application is made under this section in relation to a part of a geological formation; and

(b) the responsible Commonwealth Minister is not required by subsection (10) to make declarations under that subsection in relation to that part;

the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to declare that part to be an identified greenhouse gas storage formation.

249AUA Variation of declaration of identified greenhouse gas storage formation

Scope

(1) This section applies if a declaration is in force under section 249AU in relation to a part of a geological formation.

Variation of declaration

(2) The responsible Commonwealth Minister may, by writing, vary the declaration.

(3) A variation of the declaration may be made:

(a) if the part is wholly situated in:

(i) the permit area of a greenhouse gas assessment permit; or

(ii) the lease area of a greenhouse gas holding lease; or

(iii) the licence area of a greenhouse gas injection licence; or

(iv) the licence area of a production licence; or

(v) the lease area of a retention lease;

on the application of the registered holder of the permit, lease or licence; or

(b) on the responsible Commonwealth Minister's own initiative.

Application for variation

(4) An application for a variation of the declaration must:

(a) set out the proposed variation; and

(b) specify the reasons for the proposed variation.

Criteria

(5) In deciding whether to vary the declaration, the responsible Commonwealth Minister must have regard to:

(a) any new information; and

(b) any new analysis; and

(c) any relevant scientific or technological developments; and

(d) such other matters (if any) as the responsible Commonwealth Minister considers relevant.

Consultation

(6) Before varying a declaration under subsection (2) on the responsible Commonwealth Minister's own initiative, the responsible Commonwealth Minister must consult:

(a) if the part is wholly situated in the permit area of a greenhouse gas assessment permit—the permittee; or

(b) if the part is wholly situated in the lease area of a greenhouse gas holding lease—the lessee; or

(c) if the part is wholly situated in the licence area of a greenhouse gas injection licence—the licensee; or

(d) if the part is wholly situated in the licence area of a production licence—the licensee; or

(e) if the part is wholly situated in the lease area of a retention lease—the lessee.

Publication

(7) A copy of a variation under subsection (2) must be published in the *Gazette*.

Varied declarations

(8) If a declaration in force under section 249AU is varied, a reference in this Act to the declaration is a reference to the declaration as varied.

249AUB Revocation of declaration of identified greenhouse gas storage formation

Scope

(1) This section applies if a declaration is in force under section 249AU in relation to a part of a geological formation.

Revocation of declaration

(2) The responsible Commonwealth Minister may revoke the declaration if the responsible Commonwealth Minister is satisfied that, using any set of fundamental suitability determinants, the part is not an eligible greenhouse gas storage formation.

(3) A copy of a revocation under subsection (2) must be published in the *Gazette*.

Consultation

(4) Before revoking a declaration under subsection (2), the responsible Commonwealth Minister must consult:

(a) if the part is wholly situated in the permit area of a greenhouse gas assessment permit—the permittee; or

(b) if the part is wholly situated in the lease area of a greenhouse gas holding lease—the lessee; or

(c) if the part is wholly situated in the licence area of a greenhouse gas injection licence—the licensee; or

(d) if the part is wholly situated in the licence area of a production licence—the licensee; or

(e) if the part is wholly situated in the lease area of a retention lease—the lessee.

Responsible Commonwealth Minister must consider whether to vary a declaration

(5) If the responsible Commonwealth Minister proposes to revoke a declaration under subsection (2), the responsible Commonwealth Minister must consider whether the responsible Commonwealth Minister should instead vary the declaration under section 249AUA.

249AUBA Register of Identified Greenhouse Gas Storage Formations

(1) The responsible Commonwealth Minister is to maintain a register, to be known as the Register of Identified Greenhouse Gas Storage Formations, in which the responsible Commonwealth Minister includes particulars of:

(a) declarations made under section 249AU; and

(b) variations of such declarations; and

(c) revocations of such declarations.

(2) The Register may be maintained by electronic means.

(3) The Register is to be made available for inspection on the Internet.

(4) The Register is not a legislative instrument.

Division 5—Directions

249AV Responsible Commonwealth Minister may give directions to greenhouse gas assessment permittees

(1) The responsible Commonwealth Minister may, by written notice given to a greenhouse gas assessment permittee, give the permittee a direction for the purpose of:

(a) eliminating; or

(b) mitigating; or

(c) managing;

the risk that operations carried on under the permit could have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(d) an existing exploration permit; or

(e) an existing retention lease; or

(f) an existing production licence; or

(g) a future exploration permit; or

(h) a future retention lease; or

(i) a future production licence.

(2) A direction under this section has effect, and must be complied with, despite:

(a) any previous direction under this section; and
(b) anything in the regulations or the applied provisions.

(3) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument:
(a) as in force or existing at the time when the direction takes effect; or
(b) as in force or existing from time to time;
so long as the code of practice or standard is relevant to that matter.

(4) To avoid doubt, subsection (3) applies to an instrument, whether issued or made in Australia or outside Australia.

(5) A direction under this section may prohibit the doing of an act or thing:
(a) unconditionally; or
(b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.

(6) A direction under this section is not a legislative instrument.

249AW Compliance with directions

(1) A person commits an offence if:
(a) the person is given a direction under section 249AV; and
(b) the person engages in conduct; and
(c) the person's conduct breaches the direction.

Penalty: 100 penalty units.

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

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

Part 2A.3—Greenhouse gas holding leases

Division 1—General provisions

249BA Simplified outline

The following is a simplified outline of this Part:

- This Part provides for the grant of greenhouse gas holding leases over blocks in an offshore area.
- A greenhouse gas holding lease authorises the lessee to explore in the lease area for potential greenhouse gas storage formations and potential greenhouse gas injection sites.
- A greenhouse gas holding lease may be granted to:
    - (a) the holder of a greenhouse gas assessment permit; or
    - (b) the holder of a greenhouse gas injection licence, where no greenhouse gas injection or permanent storage operations have been carried on under the licence; or
    - (c) an unsuccessful applicant for a greenhouse gas injection licence; or
    - (d) the holder of a retention lease.
- The main criteria for granting a greenhouse gas holding lease are:
    - (a) an identified greenhouse gas storage formation is wholly situated in the lease area; and
    - (b) the applicant is not currently in a position to inject and permanently store a greenhouse gas substance, but is likely to be in such a position within 15 years.

249BB Rights conferred by greenhouse gas holding lease

(1) A greenhouse gas holding lease authorises the lessee, 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 inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the lease area; and

(d) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the injection of the stored greenhouse gas substance takes place at a well situated in the lease area; and

(e) to inject, on an appraisal basis:

(i) air; or

(ii) petroleum; or

(iii) water;

into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the lease area; and

(f) to store, on an appraisal basis:

(i) air; or

(ii) petroleum; or

(iii) water;

in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the injection of the stored air, petroleum or water takes place at a well situated in the lease area; and

(g) with the written consent of the responsible Commonwealth Minister, to recover petroleum in the lease area for the sole purpose of appraising a discovery of petroleum that was made as an incidental consequence of:

(i) the exploration authorised by paragraph (a) or (b); or

(ii) the injection authorised by paragraph (c) or (e); and

(h) to carry on such operations, and execute such works, in the lease area as are necessary for those purposes.

(2) The rights conferred on the lessee by subsection (1) are subject to this Act and the regulations.

(3) If petroleum is recovered by the lessee in the lease area as authorised by paragraph (1)(g), the petroleum does not become the property of the lessee.

(4) A greenhouse gas holding lease does not authorise the lessee to make a well outside the lease area.

249BC Conditions of greenhouse gas holding leases

(1) The responsible Commonwealth Minister may grant a greenhouse gas holding lease subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.

(2) The conditions (if any) must be specified in the lease.

Approval of key greenhouse gas operations

(3) A greenhouse gas holding lease is subject to the condition that the lessee will not carry on key greenhouse gas operations under the lease unless:

(a) the responsible Commonwealth Minister has approved the operations under section 249BD; and

(b) the lessee complies with the conditions (if any) to which the approval is subject.

Securities

(4) A greenhouse gas holding lease is subject to the condition that, if the lessee is given a notice under section 249NCA, the lessee will comply with the notice.

Work to be carried out by lessee

(5) Any or all of the following conditions may be specified in a greenhouse gas holding lease:

(a) conditions requiring the lessee to carry out work in, or in relation to, the lease area;

(b) conditions about the amounts that the lessee must spend in carrying out such work;

(c) conditions requiring the lessee to comply with directions that:

(i) relate to the matters covered by paragraphs (a) and (b); and

(ii) are given in accordance with the lease.

Other provisions

(6) Despite subsection (2), the conditions mentioned in subsections (3) and (4) do not need to be specified in the lease.

(7) Subsections (3), (4) and (5) do not limit subsection (1).

249BD Approval by responsible Commonwealth Minister of key greenhouse gas operations

(1) A greenhouse gas holding lessee may apply to the responsible Commonwealth Minister for approval to carry on one or more key greenhouse gas operations under the lease.

(2) If an application for approval is made under subsection (1), the responsible Commonwealth Minister may:

(a) give the approval, with or without conditions to which the approval is subject; or

(b) by written notice given to the applicant, refuse to give the approval.

Responsible Commonwealth Minister must have regard to certain matters

(3) In deciding whether to give the approval, the responsible Commonwealth Minister must comply with subsections (4), (5), (6), (7) and (8).

(4) The responsible Commonwealth Minister must have regard to the impact (if any) that any of those key greenhouse gas operations could have on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing exploration permit; or

(b) an existing retention lease; or

(c) an existing production licence; or

(d) a future exploration permit; or

(e) a future retention lease; or

(f) a future production licence.

(5) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing exploration permit held by a person other than the applicant; or

(b) an existing retention lease held by a person other than the applicant; or

(c) an existing production licence held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(d) whether the registered holder of the exploration permit, retention lease or production licence, as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(e) if so—the terms of that agreement.

(6) If:

(a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under:

(i) a future exploration permit over a block or blocks; or

(ii) a future retention lease over a block or blocks; or

(iii) a future production licence over a block or blocks; and

(b) an exploration permit, retention lease or production licence is in force over the block or any of the blocks; and

(c) the exploration permit, retention lease or production licence is held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

(d) whether the registered holder of the exploration permit, retention lease or production licence covered by paragraph (b) has agreed, in writing, to the applicant carrying

on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied; and

(e) if so—the terms of that agreement.

(7) If any of those key greenhouse gas operations is:

(a) an operation to inject, on an appraisal basis, a substance into a part of a geological formation; or

(b) an operation to store, on an appraisal basis, a substance in a part of a geological formation;

the responsible Commonwealth Minister must have regard to the composition of the substance.

(8) The responsible Commonwealth Minister must have regard to the public interest.

(9) Subsections (4), (5), (6) and (7) do not limit subsection (8).

(10) Subsections (4), (5), (6), (7) and (8) do not limit the matters to which the responsible Commonwealth Minister may have regard.

Circumstances in which the approval must not be given

(11) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(a) an existing pre-commencement petroleum title held by a person other than the applicant; or

(b) an existing post-commencement production licence held by a person other than the applicant;

the responsible Commonwealth Minister must not give the approval unless the registered holder of the pre-commencement petroleum title, or the post-commencement production licence, as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied.

(12) If:

(a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on

petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre-commencement petroleum title over a block or blocks; and

(b) the existing pre-commencement petroleum title in force over the block or any of the blocks is held by a person other than the applicant;

the responsible Commonwealth Minister must not give the approval unless the registered holder of the existing pre-commencement petroleum title has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied.

No right to an approval

(13) To avoid doubt, section 249BB does not imply that a greenhouse gas holding lessee who applies for approval under subsection (1) of this section is entitled to be given the approval.

Suspension of rights

(14) For the purposes of this section, disregard a suspension of rights under section 229.

249BF Duration of greenhouse gas holding lease

(1) A greenhouse gas holding lease (other than a special greenhouse gas holding lease) remains in force for the period of 5 years beginning on:

(a) the day on which the lease is granted; or

(b) if a later day is specified in the lease as the day on which the lease is to come into force—that later day.

(2) A special greenhouse gas holding lease remains in force indefinitely.

(3) Subsections (1) and (2) have effect subject to this Chapter.

Note 1: For a special rule about the extension of the duration of a greenhouse gas holding lease if the lessee applies for a special greenhouse gas holding lease or greenhouse gas injection licence, see section 249BG.

Note 2: For a special rule about the cancellation of a special greenhouse gas holding lease, see section 249BZB.

Note 2A: For a special rule about the cancellation of a greenhouse gas holding lease granted to the holder of a retention lease, see section 249BZC.

Note 3: For a special rule about the extension of the duration of a greenhouse gas holding lease pending a decision on a renewal application, see subsection 249BT(6).

Note 4: For special rules about the duration of a greenhouse gas holding lease once a decision has been made refusing to renew the lease, see subsections 249BV(4) and (5).

Note 5: For special rules about the extension of the duration of a greenhouse gas holding lease following a suspension or exemption decision, see sections 249KB and 249KD.

Note 6: For a special rule about when a greenhouse gas holding lease ceases to be in force following the grant of a greenhouse gas injection licence, see section 249CO.

Note 7: For the surrender of a greenhouse gas holding lease, see Part 2A.10.

Note 8: For the cancellation of a greenhouse gas holding lease, see Part 2A.11.

249BG Extension of greenhouse gas holding lease if lessee applies for a special greenhouse gas holding lease or greenhouse gas injection licence

(1) If:

(a) a greenhouse gas holding lease (other than a special greenhouse gas holding lease) is in force over a block or blocks; and

(b) before the time when the lease would, apart from this subsection, expire, the lessee applies to the responsible Commonwealth Minister for the grant of a special greenhouse gas holding lease or greenhouse gas injection licence over the block or one or more of the blocks;

the table has effect:

Extension of lease

Item	In this case...	the lease continues in force over the block or blocks covered by the application until...
1	the responsible Commonwealth Minister gives the lessee an offer document relating to a special greenhouse gas holding lease or greenhouse gas	the special greenhouse gas holding lease or greenhouse gas injection licence is granted, the lessee withdraws the application or the application lapses.

Extension of lease		
Item	**In this case...**	**the lease continues in force over the block or blocks covered by the application until...**
	injection licence over the block or one or more of the blocks	
2	the application is for a special greenhouse gas holding lease and the responsible Commonwealth Minister refuses to grant the lease to the lessee	notice of the refusal is given to the lessee.
3	the application is for a greenhouse gas injection licence and the responsible Commonwealth Minister refuses to grant the licence to the lessee on a ground covered by paragraph 249CI(2)(c), (d), (e), (f) or (g)	the end of the period of 90 days after the day on which the notice of the refusal was given to the lessee.
4	the application is for a greenhouse gas injection licence and the responsible Commonwealth Minister refuses to grant the licence to the lessee on a ground not mentioned in item 3	notice of refusal is given to the lessee.

(2) Subsection (1) has effect subject to this Chapter but despite section 249BF.

Note: See the notes at the end of section 249BF.

Division 2—Obtaining a greenhouse gas holding lease

Subdivision A—Application for greenhouse gas holding lease by the holder of a greenhouse gas assessment permit

249BH Application for greenhouse gas holding lease by the holder of a greenhouse gas assessment permit

Scope

(1) This section applies if:

(a) a greenhouse gas assessment permit is in force; and

(b) one or more identified greenhouse gas storage formations are wholly situated in the permit area.

Single identified greenhouse gas storage formation

(2) If a single identified greenhouse gas storage formation extends to:

(a) only one block in the permit area; or

(b) 2 or more blocks in the permit area;

the permittee may, within the application period, apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block or blocks to which the identified greenhouse gas storage formation extends.

Note: For ***application period***, see subsection (8).

Multiple identified greenhouse gas storage formations

(3) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to only one block in the permit area; and

(b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations;

the permittee may, within the application period, apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block to which the identified greenhouse gas storage formations, when considered together, extend.

Note: For ***application period***, see subsection (8).

(4) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to:

(i) only one block in the permit area; or

(ii) 2 or more blocks in the permit area; and

(b) a vertical line would pass through a point in each of those identified greenhouse gas storage formations;

the permittee may, within the application period, apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend.

Note: For ***application period***, see subsection (8).

(5) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to 2 or more blocks in the permit area; and

(b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and

(c) for each identified greenhouse gas storage formation, at least one of the blocks to which the identified greenhouse gas storage formation extends immediately adjoins a block to which the other, or another, of those identified greenhouse gas storage formations extends;

the permittee may, within the application period, apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the blocks to which the identified greenhouse gas storage formations, when considered together, extend.

Note: For ***application period***, see subsection (8).

(6) For the purposes of subsection (5), a block immediately adjoins another block if the graticular section that constitutes or includes that block and the graticular section that constitutes or includes that other block:

(a) have a side in common; or

(b) are joined together at one point only.

Application

(7) An application under this section must be accompanied by:

(a) details of the applicant's proposals for work and expenditure in relation to:

(i) if there is a single identified greenhouse gas storage formation—the block or blocks, as the case may be, to which the identified greenhouse gas storage formation extends; or

(ii) if there are 2 or more identified greenhouse gas storage formations—the block or blocks, as the case may be, to which the identified greenhouse gas storage formations, when considered together, extend; and

(b) such other information (if any) as is specified in the regulations.

Note 1: Part 2A.8 contains additional provisions about application procedures.

Note 2: Section 249JB requires the application to be accompanied by an application fee.

Note 3: Section 249JD enables the responsible Commonwealth Minister to require the applicant to give further information.

Application period

(8) The ***application period*** for an application under this section is:

(a) the period of 12 months after:

(i) if there is a single identified greenhouse gas storage formation—the day on which the declaration of the identified greenhouse gas storage formation was made by the responsible Commonwealth Minister; or

(i) if there are 2 or more identified greenhouse gas storage formations—the earliest day on which a declaration of any of the identified greenhouse gas storage formations was made by the responsible Commonwealth Minister; or

(b) such longer period, not more than 180 days after that day, as the responsible Commonwealth Minister allows.

(9) The responsible Commonwealth Minister may allow a longer period under paragraph (8)(b) only on written application made by the permittee within the period of 12 months mentioned in paragraph (8)(a).

Variation of application

(10) At any time before an offer document, or notice of refusal, relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.

(11) A variation of an application must be made in the approved manner.

(12) A variation of an application may be made:

(a) on the applicant's own initiative; or

(b) at the request of the responsible Commonwealth Minister.

(13) A variation of an application may set out any additional matters that the applicant wishes to be considered.

(14) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

249BI Grant of greenhouse gas holding lease—offer document

Single identified greenhouse gas storage formation

(1) If:

(a) an application for a greenhouse gas holding lease has been made under subsection 249BH(2); and

(b) the responsible Commonwealth Minister is satisfied that the applicant is not, at the time of the application, in a position to:

(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation concerned; and

(ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation concerned;

but is likely to be in such a position within 15 years;

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

Note 1: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 249JD to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 249JD(3).

Multiple identified greenhouse gas storage formations

(2) If:

(a) an application for a greenhouse gas holding lease has been made under subsection 249BH(3), (4) or (5); and

(b) the responsible Commonwealth Minister is satisfied that the applicant is not, at the time of the application, in a position to:

(i) inject a greenhouse gas substance into at least one of the identified greenhouse gas storage formations concerned; and

(ii) permanently store the greenhouse gas substance in at least one of the identified greenhouse gas storage formations concerned;

but is likely to be in such a position within 15 years;

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

Note 1: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 249JD to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 249JD(3).

249BJ Refusal to grant greenhouse gas holding lease

Scope

(1) This section applies if an application for a greenhouse gas holding lease has been made under section 249BH.

Refusal notice

(2) If the responsible Commonwealth Minister is not satisfied as to:

(a) in the case of an application made under subsection 249BH(2)—a matter referred to in paragraph 249BI(1)(b); or

(b) in the case of an application made under subsection 249BH(3), (4) or (5)—a matter referred to in paragraph 249BI(2)(b);

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

249BK Grant of greenhouse gas holding lease

If:

(a) an applicant has been given an offer document under section 249BI; and

(b) the applicant has made a request under section 249JF in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 249JGAA;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas holding lease over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 249JF within the period applicable under that section, the application lapses at the end of that period—see subsection 249JF(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 249JGAA, the application lapses at the end of that period—see section 249JGAA.

249BL Greenhouse gas assessment permit ceases to be in force when greenhouse gas holding lease comes into force

When a greenhouse gas holding lease under section 249BK comes into force in relation to one or more blocks, a greenhouse gas assessment permit ceases to be in force to the extent to which it relates to those blocks.

249BM Greenhouse gas assessment permit transferred—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas assessment permit is registered under section 298-262:

(a) after an application has been made under section 249BH for the grant of a greenhouse gas holding lease over a block or blocks in relation to which the greenhouse gas assessment permit is in force; and

(b) before any action has been taken by the responsible Commonwealth Minister under section 249BI or 249BJ in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 249BH to 249BK and Part 2A.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Subdivision B—Application for greenhouse gas holding lease by the holder of a greenhouse gas injection licence

249BN Application for greenhouse gas holding lease by the holder of a greenhouse gas injection licence

(1) If:

(a) a greenhouse gas injection licence is in force over a block or blocks; and

(b) one or more identified greenhouse gas storage formations are wholly situated in the licence area;

the licensee may, within the application period, apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block or blocks.

Note: For ***application period***, see subsection (3).

(2) An application under this section must be accompanied by details of:

(a) the applicant's proposals for work and expenditure in relation to the block or blocks specified in the application; and

(b) such other information (if any) as is specified in the regulations.

Note 1: Part 2A.8 contains additional provisions about application procedures.

Note 2: Section 249JB requires the application to be accompanied by an application fee.

Note 3: Section 249JD enables the responsible Commonwealth Minister to require the applicant to give further information.

Application period

(3) The ***application period*** for an application under this section by a licensee is the period of 5 years that began on the day on which the licence was granted.

Variation of application

(4) At any time before an offer document, or a notice of refusal, relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.

(5) A variation of an application must be made in the approved manner.

(6) A variation of an application may be made:

(a) on the applicant's own initiative; or

(b) at the request of the responsible Commonwealth Minister.

(7) A variation of an application may set out any additional matters that the applicant wishes to be considered.

(8) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

249BO Grant of greenhouse gas holding lease—offer document

If:

(a) an application for a greenhouse gas holding lease has been made under section 249BN; and

(b) the responsible Commonwealth Minister is satisfied that the applicant is not, at the time of the application, in a position to:

(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(ii) store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned;

but is likely to be in such a position within 15 years;

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

Note 1: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 249JD to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 249JD(3).

249BP Refusal to grant greenhouse gas holding lease

If:

(a) an application for a greenhouse gas holding lease has been made under section 249BN; and

(b) the responsible Commonwealth Minister is not satisfied as to the matter referred to in paragraph 249BO(b) in relation to the block or blocks specified in the application;

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

Note: Consultation procedures apply—see section 249JH.

249BQ Grant of greenhouse gas holding lease

If:

(a) an applicant has been given an offer document under section 249BO; and

(b) the applicant has made a request under section 249JF in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 249JGAA;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas holding lease over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 249JF within the period applicable under that section, the application lapses at the end of that period—see subsection 249JF(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 249JGAA, the application lapses at the end of that period—see section 249JGAA.

249BR Greenhouse gas injection licence ceases to be in force when greenhouse gas holding lease comes into force

When a greenhouse gas holding lease under section 249BQ comes into force in relation to one or more blocks, a greenhouse gas injection licence ceases to be in force to the extent to which it relates to those blocks.

249BS Greenhouse gas injection licence transferred—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas injection licence is registered under section 298-262:

(a) after an application has been made under section 249BN for the grant of a greenhouse gas holding lease over the block or blocks in relation to which the greenhouse gas injection licence is in force; and

(b) before any action has been taken by the responsible Commonwealth Minister under section 249BO or 249BP in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 249BN to 249BQ and Part 2A.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Subdivision C—Application for special greenhouse gas holding lease by an unsuccessful applicant for a greenhouse gas injection licence

249BSA Application for special greenhouse gas holding lease by an unsuccessful applicant for a greenhouse gas injection licence

(1) If:

(a) either of the following is in force:

(i) a greenhouse gas assessment permit;

(ii) a greenhouse gas holding lease (other than a special greenhouse gas holding lease); and

(b) one or more identified greenhouse gas storage formations are wholly situated in the permit area or lease area; and

(c) the permittee or lessee makes an application under section 249CH for the grant of a greenhouse gas injection licence over the block or blocks in which the identified greenhouse gas storage formation or formations are wholly situated; and

(d) if the applicant holds a greenhouse gas assessment permit—the responsible Commonwealth Minister refuses to grant the greenhouse gas injection licence on a ground covered by paragraph 249CI(1)(c), (d), (e), (f) or (g); and

(e) if the applicant holds a greenhouse gas holding lease—the responsible Commonwealth Minister refuses to grant the greenhouse gas injection licence on a ground covered by paragraph 249CI(2)(c), (d), (e), (f) or (g);

the permittee or lessee may, within the application period, apply to the responsible Commonwealth Minister for the grant of a special greenhouse gas holding lease over the block or blocks covered by the unsuccessful application for the greenhouse gas injection licence.

Note: For ***application period***, see subsection (3).

(2) An application under this section must be accompanied by such information (if any) as is specified in the regulations.

Note 1: Part 2A.8 contains additional provisions about application procedures.

Note 2: Section 249JB requires the application to be accompanied by an application fee.

Note 3: Section 249JD enables the responsible Commonwealth Minister to require the applicant to give further information.

Application period

(3) The ***application period*** for an application under this section by a permittee or lessee is the period of 90 days that began on the day on which the permittee or lessee was notified of the refusal to grant the greenhouse gas injection licence.

Variation of application

(4) At any time before an offer document relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.

(5) A variation of an application must be made in the approved manner.

(6) A variation of an application may be made:

(a) on the applicant's own initiative; or

(b) at the request of the responsible Commonwealth Minister.

(7) A variation of an application may set out any additional matters that the applicant wishes to be considered.

(8) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

249BSB Grant of special greenhouse gas holding lease—offer document

Scope

(1) This section applies if an application for a special greenhouse gas holding lease has been made under section 249BSA.

Offer document

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

Note 1: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 249JD to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 249JD(3).

249BSC Grant of special greenhouse gas holding lease

(1) If:

(a) an applicant has been given an offer document under section 249BSB; and

(b) the applicant has made a request under section 249JF in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 249JGAA;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas holding lease over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 249JF within the period applicable under that section, the application lapses at the end of that period—see subsection 249JF(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 249JGAA, the application lapses at the end of that period—see section 249JGAA.

(2) A greenhouse gas holding lease granted under subsection (1) is to be known as a ***special greenhouse gas holding lease***.

249BSD Greenhouse gas assessment permit ceases to be in force when special greenhouse gas holding lease comes into force

When a special greenhouse gas holding lease under section 249BSC comes into force in relation to one or more blocks, a greenhouse gas assessment permit ceases to be in force to the extent to which it relates to those blocks.

249BSE Ordinary greenhouse gas holding lease ceases to be in force when special greenhouse gas holding lease comes into force

When a special greenhouse gas holding lease under section 249BSC comes into force in relation to one or more blocks, a greenhouse gas holding lease (other than a special greenhouse gas holding lease) ceases to be in force to the extent to which it relates to those blocks.

249BSF Greenhouse gas assessment permit transfer—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas assessment permit is registered under section 298-262:

(a) after an application has been made under section 249BSA for the grant of a special greenhouse gas holding lease over a block or blocks in relation to which the greenhouse gas assessment permit is in force; and

(b) before any action has been taken by the responsible Commonwealth Minister under section 249BSB in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 249BSB and 249BSC and Part 2A.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

249BSFA Greenhouse gas holding lease transfer—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas holding lease is registered under section 298-262:

(a) after an application has been made under section 249BSA for the grant of a special greenhouse gas holding lease over a block or blocks in relation to which the first-mentioned greenhouse gas holding lease is in force; and

(b) before any action has been taken by the responsible Commonwealth Minister under section 249BSB in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 249BSB and 249BSC and Part 2A.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Subdivision D—Application for greenhouse gas holding lease by the holder of a retention lease

249BSG Application for greenhouse gas holding lease by the holder of a retention lease

(1) If:

(a) a retention lease is in force over a block or blocks; and

(b) one or more identified greenhouse gas storage formations are wholly situated in the lease area;

the lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block or blocks.

(2) An application under this section must be accompanied by such information (if any) as is specified in the regulations.

Note 1: Part 2A.8 contains additional provisions about application procedures.

Note 2: Section 249JB requires the application to be accompanied by an application fee.

Note 3: Section 249JD enables the responsible Commonwealth Minister to require the applicant to give further information.

Variation of application

(3) At any time before an offer document relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.

(4) A variation of an application must be made in the approved manner.

(5) A variation of an application may be made:
  (a) on the applicant's own initiative; or
  (b) at the request of the responsible Commonwealth Minister.

(6) A variation of an application may set out any additional matters that the applicant wishes to be considered.

(7) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

249BSH Grant of greenhouse gas holding lease—offer document

Scope

(1) This section applies if an application for a greenhouse gas holding lease has been made under section 249BSG.

Offer document

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

Note 1: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 249JD to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 249JD(3).

249BSI Grant of greenhouse gas holding lease

If:

(a) an applicant has been given an offer document under section 249BSH; and

(b) the applicant has made a request under section 249JF in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 249JGAA;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas holding lease over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 249JF within the period applicable under that section, the application lapses at the end of that period—see subsection 249JF(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 249JGAA, the application lapses at the end of that period—see section 249JGAA.

249BSJ Retention lease transfer—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a retention lease is registered under section 262:

(a) after an application has been made under section 249BSG for the grant of a greenhouse gas holding lease over a block or blocks in relation to which the retention lease is in force; and

(b) before any action has been taken by the responsible Commonwealth Minister under section 249BSH in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 249BSH and 249BSI and Part 2A.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Division 3—Renewal of greenhouse gas holding leases

249BT Application for renewal of greenhouse gas holding lease

Application for renewal

(1) The registered holder of a greenhouse gas holding lease (other than a special greenhouse gas holding lease) may apply to the responsible Commonwealth Minister for the renewal by the responsible Commonwealth Minister of the lease.

(2) A greenhouse gas holding lease cannot be renewed more than once.

(3) An application to renew a greenhouse gas holding lease must be made:

(a) not more than 12 months before the expiry date of the lease; and

(b) at least 180 days before the expiry date of the lease.

(4) Despite subsection (3), the responsible Commonwealth Minister may accept an application to renew a greenhouse gas holding lease if the application is made:

(a) later than 180 days before the expiry date of the lease; and

(b) before the expiry date of the lease.

(5) An application to renew a greenhouse gas holding lease must be accompanied by details of:

(a) the lessee's proposals for work and expenditure in relation to the lease area; and

(b) such other information (if any) as is specified in the regulations.

Note 1: Part 2A.8 contains additional provisions about application procedures.

Note 2: Section 249JB requires the application to be accompanied by an application fee.

Note 3: Section 249JD enables the responsible Commonwealth Minister to require the applicant to give further information.

Extension of duration of greenhouse gas holding lease pending decision on application

(6) If:

(a) a greenhouse gas holding lessee makes an application to renew the lease; and

(b) the lease would, apart from this subsection, expire:

(i) before the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the lease; or

(ii) before the application lapses as provided by section 249JF;

the lease continues in force:

(c) until the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the lease; or

(d) until the application so lapses;

whichever happens first.

(7) Subsection (6) has effect subject to this Chapter but despite section 249BF.

Note: See the notes at the end of section 249BF.

249BU Renewal of greenhouse gas holding lease—offer document

Scope

(1) This section applies if an application to renew a greenhouse gas holding lease has been made under section 249BT.

Offer document—compliance with conditions etc.

(2) If:

(a) each of the following has been complied with:

(i) the conditions to which the greenhouse gas holding lease is, or has from time to time been, subject;

(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1;

(iii) the regulations; and

(b) the responsible Commonwealth Minister is satisfied that the applicant is not, at the time of the application, in a position to:

(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned;

but is likely to be in such a position within 10 years;

the responsible Commonwealth Minister must give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to renew the lease.

Note: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Offer document—non-compliance with conditions etc.

(3) If:

(a) any of:

(i) the conditions to which the greenhouse gas holding lease is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(b) the responsible Commonwealth Minister is satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas holding lease; and

(c) the responsible Commonwealth Minister is satisfied that the applicant is not, at the time of the application, in a position to:

(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned;

but is likely to be in such a position within 10 years;

the responsible Commonwealth Minister may give the applicant a written notice (called an ***offer document***) telling the applicant that

the responsible Commonwealth Minister is prepared to renew the lease.

Note: Section 249JE sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

249BV Refusal to renew greenhouse gas holding lease

Scope

(1) This section applies if an application to renew a greenhouse gas holding lease has been made under section 249BT.

Refusal on grounds of non-compliance with conditions

(2) If:

(a) any of:

(i) the conditions to which the greenhouse gas holding lease is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(b) the responsible Commonwealth Minister is not satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas holding lease;

the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to renew the lease.

Note: Consultation procedures apply—see section 249JH.

Refusal on grounds that the applicant is in a position to inject and permanently store a greenhouse gas substance

(3) If the responsible Commonwealth Minister is satisfied that the applicant is, at the time of the application, in a position to:

(a) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(b) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned;

the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to renew the lease.

Note: Consultation procedures apply—see section 249JH.

(4) If:

(a) the responsible Commonwealth Minister makes a decision under subsection (3) refusing to renew the lease; and

(b) a notice of refusal is given to the applicant; and

(c) within 12 months after the notice was given, the lessee applies for a greenhouse gas injection licence over one or more of the blocks comprised in the lease; and

(d) the lease would, apart from this subsection, expire:

(i) before the responsible Commonwealth Minister grants, or refuses to grant, the greenhouse gas injection licence; or

(ii) before the application lapses;

the lease continues in force until:

(e) the responsible Commonwealth Minister grants, or refuses to grant, the greenhouse gas injection licence; or

(f) the application lapses;

whichever happens first.

(5) If:

(a) the responsible Commonwealth Minister makes a decision under subsection (3) refusing to renew the lease; and

(b) a notice of refusal is given to the applicant; and

(c) subsection (4) does not apply; and

(d) the lease would, apart from this subsection, expire within 12 months after the notice was given;

the lease continues in force until the end of the 12-month period beginning on the day on which the notice was given.

(6) Subsections (4) and (5) have effect subject to this Chapter but despite section 249BF.

Note: See the notes at the end of section 249BF.

249BW Renewal of greenhouse gas holding lease

If:

(a) an applicant has been given an offer document under section 249BU; and

(b) the applicant has made a request under section 249JF in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 249JGAA;

the responsible Commonwealth Minister must renew the greenhouse gas holding lease.

Note 1: If the applicant does not make a request under section 249JF within the period applicable under that section, the application lapses at the end of that period—see subsection 249JF(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 249JGAA, the application lapses at the end of that period—see section 249JGAA.

Division 4—Directions

249BZ Responsible Commonwealth Minister may give directions to greenhouse gas holding lessees

(1) The responsible Commonwealth Minister may, by written notice given to a greenhouse gas holding lessee, give the lessee a direction for the purpose of:

(a) eliminating; or

(b) mitigating; or

(c) managing;

the risk that operations carried on under the lease could have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(d) an existing exploration permit; or

(e) an existing retention lease; or

(f) an existing production licence; or

(g) a future exploration permit; or

(h) a future retention lease; or

(i) a future production licence.

(2) A direction under this section has effect, and must be complied with, despite:

(a) any previous direction under this section; and

(b) anything in the regulations or the applied provisions.

(3) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument:

(a) as in force or existing at the time when the direction takes effect; or

(b) as in force or existing from time to time;

so long as the code of practice or standard is relevant to that matter.

(4) To avoid doubt, subsection (3) applies to an instrument, whether issued or made in Australia or outside Australia.

(5) A direction under this section may prohibit the doing of an act or thing:

(a) unconditionally; or

(b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.

(6) A direction under this section is not a legislative instrument.

249BZA Compliance with directions

(1) A person commits an offence if:

(a) the person is given a direction under section 249BZ; and

(b) the person engages in conduct; and

(c) the person's conduct breaches the direction.

Penalty: 100 penalty units.

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

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

Division 5—Special greenhouse gas holding lessee may be requested to apply for a greenhouse gas injection licence

249BZB Responsible Commonwealth Minister may request special greenhouse gas holding lessee to apply for a greenhouse gas injection licence

(1) If:

(a) a special greenhouse gas holding lease is in force; and

(b) one or more identified greenhouse gas storage formations are wholly situated in the lease area; and

(c) the responsible Commonwealth Minister is satisfied that, if the lessee were to apply under section 249CH for the grant of a greenhouse gas injection licence over the block or blocks in which the identified greenhouse gas storage formation or formations are wholly situated, the responsible Commonwealth Minister would not refuse to grant the greenhouse gas injection licence on a ground covered by paragraph 249CI(2)(c), (d), (e), (f) or (g);

the responsible Commonwealth Minister may, by written notice given to the lessee:

(d) request the lessee to notify the responsible Commonwealth Minister, within 180 days after the day on which the notice is given to the lessee, of the lessee's intention to apply for the greenhouse gas injection licence; and

(e) request the lessee to apply for the greenhouse gas injection licence within 2 years after the day on which the notice is given to the lessee.

(2) If the lessee does not comply with a request under subsection (1), the responsible Commonwealth Minister may cancel the lease.

Division 6—Cancellation of certain greenhouse gas holding leases granted to the holders of retention leases

249BZC Cancellation of certain greenhouse gas holding leases granted to the holders of retention leases

Scope

(1) This section applies if:

(a) a greenhouse gas holding lease is tied to a retention lease; and

(b) the retention lease is cancelled, surrendered or wholly revoked.

Cancellation of greenhouse gas holding lease

(2) The responsible Commonwealth Minister must cancel the greenhouse gas holding lease.

Part 2A.4—Greenhouse gas injection licences

Division 1—General provisions

249CB Simplified outline

The following is a simplified outline of this Part:

- It is an offence to:

  (a) inject a substance into the seabed or subsoil of an offshore area; or

  (b) store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area;

  except:

  (c) under a greenhouse gas injection licence; or

(d) as otherwise authorised or required by or under this Act or any other law of the Commonwealth; or

(e) if the injection or storage operations are specified in the regulations.

- This Part provides for the grant of greenhouse gas injection licences over blocks in an offshore area.
- A greenhouse gas injection licence authorises the licensee to carry out operations for the injection and permanent storage of greenhouse gas substances in the licence area, so long as the greenhouse gas substance is injected into, or permanently stored in, an identified greenhouse gas storage formation.
- There are 2 ways in which a greenhouse gas injection licence can be granted:

  (a) grant of a greenhouse gas injection licence as a result of an application made by a greenhouse gas assessment permittee or greenhouse gas holding lessee;

  (b) grant of a greenhouse gas injection licence as a result of an application made by a production licensee.

249CC Prohibition of unauthorised injection and storage of substances in offshore area

(1) A person commits an offence if:

(a) the person carries on operations to inject a substance into the seabed or subsoil of an offshore area; or

(b) the person carries on operations to store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area.

Penalty: Imprisonment for 5 years.

(2) Subsection (1) does not apply if the operations are:

(a) authorised by a greenhouse gas injection licence; or

(b) otherwise authorised or required by or under:

(i) this Act; or

(ii) any other law of the Commonwealth; or

(c) specified in the regulations.

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

249CD Rights conferred by greenhouse gas injection licence

(1) A greenhouse gas injection licence authorises the licensee, in accordance with the conditions (if any) to which the licence is subject:

(a) to inject a greenhouse gas substance into an identified greenhouse gas storage formation that is wholly situated in the licence area, so long as the relevant well is situated in the licence area; and

(b) to permanently store a greenhouse gas substance in an identified greenhouse gas storage formation that is wholly situated in the licence area, so long as the injection of the stored greenhouse gas substance takes place at a well situated in the licence area; and

(c) to explore in the licence area for a potential greenhouse gas storage formation; and

(d) to explore in the licence area for a potential greenhouse gas injection site; and

(e) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the licence area; and

(f) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the injection of the stored greenhouse gas substance takes place at a well situated in the licence area; and

(g) to inject, on an appraisal basis:

(i) air; or

(ii) petroleum; or

(iii) water;

into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (c) or (d), so long as the relevant well is situated in the licence area; and

(h) to store, on an appraisal basis:

(i) air; or

(ii) petroleum; or

(iii) water;

in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (c) or (d), so long as the injection of the stored air, petroleum or water takes place at a well situated in the licence area; and

(i) with the written consent of the responsible Commonwealth Minister, to recover petroleum in the licence area for the sole purpose of appraising a discovery of petroleum that was made as an incidental consequence of:

(i) the injection authorised by paragraph (a), (e) or (g); or

(ii) the exploration authorised by paragraph (c) or (d); and

(j) to carry on such operations, and execute such works, in the licence area as are necessary for those purposes.

(2) The rights conferred on the licensee by subsection (1) are subject to this Act and the regulations.

(3) If petroleum is recovered by the licensee in the licence area as authorised by paragraph (1)(i), the petroleum does not become the property of the licensee.

(4) A greenhouse gas injection licence does not authorise the licensee to make a well outside the licence area.

249CE Conditions of greenhouse gas injection licences

(1) The responsible Commonwealth Minister may grant a greenhouse gas injection licence subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.

(2) The conditions (if any) must be specified in the licence.

Injection and storage of greenhouse gas substance

(3) A greenhouse gas injection licence is subject to the condition that the licensee will not:

(a) inject a greenhouse gas substance into an identified greenhouse gas storage formation that is wholly situated in the licence area; or

(b) permanently store a greenhouse gas substance in an identified greenhouse gas storage formation that is wholly situated in the licence area;

unless:

(c) the identified greenhouse gas storage formation is specified in the licence; and

(d) the greenhouse gas substance is of a kind that is specified in the licence; and

(e) the greenhouse gas substance complies with such requirements (if any) as are specified in the licence; and

(f) the origin or origins of the greenhouse gas substance are as specified in the licence; and

(g) the greenhouse gas substance is injected at a potential greenhouse gas injection site or sites specified in the licence; and

(h) the greenhouse gas substance is injected during a period specified in the licence; and

(i) the sum of:

(i) the total amount of greenhouse gas substance that has already been injected into the identified greenhouse gas storage formation; and

(ii) the total amount of greenhouse gas substance that is proposed to be injected into the identified greenhouse gas storage formation;

does not exceed the amount specified in the licence; and

(j) the rate, or range of rates, of injection of the greenhouse gas substance is as specified in the licence; and

(k) in a case where the fundamental suitability determinants of the identified greenhouse gas storage formation include particular engineering enhancements—those engineering enhancements have been made.

(4) The matters specified in the licence as mentioned in paragraphs (3)(d) to (k) must not be inconsistent with the fundamental suitability determinants of the identified greenhouse gas storage formation concerned.

(5) To avoid doubt, 2 or more identified greenhouse gas storage formations may be specified in a greenhouse gas injection licence as mentioned in paragraph (3)(c).

(6) If 2 or more identified greenhouse gas storage formations are specified in a greenhouse gas injection licence, different matters may be specified in the licence as mentioned in paragraphs (3)(d) to (j) for different identified greenhouse gas storage formations.

(7) For the purposes of paragraph (3)(f), disregard any incidental greenhouse gas-related substances in determining the origin of a greenhouse gas substance.

(7A) If a greenhouse gas injection licence is granted under section 249CRB to the registered holder of a production licence, the origin or origins specified under paragraph (3)(f) of this section must be situated in the licence area of the production licence.

(7B) If a greenhouse gas injection licence is tied to a production licence, the origin or origins specified under paragraph (3)(f) of this section must be situated in the licence area of the production licence.

(8) The condition mentioned in subsection (3) must be specified in the licence.

Securities

(9) A greenhouse gas injection licence is subject to the condition that, if the licensee is given a notice under section 249NCA, the licensee will comply with the notice.

Access regime

(10) A greenhouse gas injection licence is subject to the condition that, if:

(a) regulations are made for the purposes of subsection (11); and

(b) those regulations impose requirements on the licensee;

the licensee will comply with those requirements.

(11) The regulations may establish a regime for third party access to services provided by means of the use of:

(a) identified greenhouse gas storage formations; or

(b) wells, equipment or structures for use in injecting greenhouse gas substances into identified greenhouse gas storage formations; or

(c) equipment or structures for use in the processing, compressing or storing of greenhouse gas substances prior to

the injection of the substances into identified greenhouse gas storage formations.

Imposition of additional conditions

(12) The responsible Commonwealth Minister may, by written notice given to the registered holder of a greenhouse gas injection licence, vary the licence by imposing one or more conditions to which the licence is subject.

(13) A variation of a greenhouse gas injection licence under subsection (12) takes effect on the day on which notice of the variation is given to the licensee.

(14) If:

(a) a greenhouse gas injection licence is subject to a condition; and

(b) the condition was imposed under subsection (12);

the responsible Commonwealth Minister may, by written notice given to the licensee, vary or revoke the condition.

(15) A variation of a greenhouse gas injection licence under subsection (14) takes effect on the day on which notice of the variation is given to the licensee.

(16) Subsection (15) does not limit section 249KA.

Other provisions

(17) Despite subsection (2), the conditions mentioned in subsections (9) and (10) do not need to be specified in the licence.

(18) Subsections (3), (9) and (10) do not limit subsection (1) or (12).

249CF Duration of greenhouse gas injection licence

(1) A greenhouse gas injection licence remains in force indefinitely.

(2) Subsection (1) has effect subject to this Chapter.

Note 1: For a special rule about when a greenhouse gas injection licence ceases to be in force following the grant of a greenhouse gas holding lease, see section 249BR.

Note 2: For the termination of a greenhouse gas injection licence if there have been no injection operations for 5 years, see section 249CG.

Note 3: For the surrender of a greenhouse gas injection licence, see Part 2A.10.

Note 4: For the cancellation of a greenhouse gas injection licence, see Part 2A.11.

249CG Termination of greenhouse gas injection licence if no injection operations for 5 years

Scope

(1) This section applies to a greenhouse gas injection licence if:

(a) both:

(i) a single identified greenhouse gas storage formation is specified in the licence; and

(ii) no operations to inject a greenhouse gas substance into the identified greenhouse gas storage formation have been carried on under the licence at any time during a continuous period of at least 5 years; or

(b) both:

(i) 2 or more identified greenhouse gas storage formations are specified in the licence; and

(ii) no operations to inject a greenhouse gas substance into any of those identified greenhouse gas storage formations have been carried on under the licence at any time during a continuous period of at least 5 years.

Termination of licence

(2) The responsible Commonwealth Minister may, by written notice given to the licensee, tell the licensee that the responsible Commonwealth Minister proposes to terminate the licence after the end of 30 days after the notice is given.

(3) At any time after the end of 30 days after the notice is given to the licensee, the responsible Commonwealth Minister may, by written notice given to the licensee, terminate the licence.

Note: For remedial directions following termination, see section 316-312.

(4) In working out, for the purposes of this section, the period in which no operations to inject a greenhouse gas substance into an identified greenhouse gas storage formation were carried on under a greenhouse gas injection licence, disregard:

(a) any period in which no such operations were carried on because of circumstances beyond the licensee's control; and

(b) any period in which no such operations were carried on because of a suspension under section 249CZC.

(5) For the purposes of paragraph (4)(a), the failure to obtain a greenhouse gas substance for injection into an identified greenhouse gas storage formation is not a circumstance beyond the licensee's control.

Consultation

(6) The responsible Commonwealth Minister may give a copy of a notice under subsection (2) to such other persons (if any) as the responsible Commonwealth Minister thinks fit.

(7) A notice under subsection (2) must:

(a) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal to terminate the licence; and

(b) specify a time limit for making that submission.

(8) In deciding whether to terminate the licence, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Division 2—Obtaining a greenhouse gas injection licence

Subdivision A—Application for greenhouse gas injection licence by the holder of a greenhouse gas assessment permit or greenhouse gas holding lease

249CH Application for greenhouse gas injection licence by greenhouse gas assessment permittee or greenhouse gas holding lessee

Scope

(1) This section applies if:

(a) a greenhouse gas assessment permit or greenhouse gas holding lease is in force; and

(b) one or more identified greenhouse gas storage formations are wholly situated in the permit area or lease area.

Single identified greenhouse gas storage formation

(2) If a single identified greenhouse gas storage formation extends to:

(a) only one block in the permit area or lease area; or

(b) 2 or more blocks in the permit area or lease area;

the permittee or lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the block or blocks to which the identified greenhouse gas storage formation extends.

Multiple identified greenhouse gas storage formations

(3) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to only one block in the permit area or lease area; and

(b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations;

the permittee or lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the block to which the identified greenhouse gas storage formations extend.

(4) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to:

(i) only one block in the permit area or lease area; or

(ii) 2 or more blocks in the permit area or lease area; and

(b) a vertical line would pass through a point in each of those identified greenhouse gas storage formations;

the permittee or lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend.

(5) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to 2 or more blocks in the permit area or lease area; and

(b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and

(c) for each identified greenhouse gas storage formation, at least one of the blocks to which the identified greenhouse gas storage formation extends immediately adjoins a block to which the other, or another, of those identified greenhouse gas storage formations extends;

the permittee or lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the blocks to which the identified greenhouse gas storage formations, when considered together, extend.

(6) For the purposes of subsection (5), a block immediately adjoins another block if the graticular section that constitutes or includes that block and the graticular section that constitutes or includes that other block:

(a) have a side in common; or

(b) are joined together at one point only.

Limit on application

(6A) If a greenhouse gas holding lease was granted under section 249BSI (or was granted by way of renewal of such a lease), the lessee is not entitled to make an application under this section unless:

(a) the greenhouse gas holding lease is tied to a production licence; and

(b) the lessee is the registered holder of the production licence.

Application

(7) An application under this section must set out, for each identified greenhouse gas storage formation, each of the matters which the applicant seeks to have specified in the licence as mentioned in paragraphs 249CE(3)(d) to (k).

(8) The matters set out in the application in accordance with subsection (7) must not be inconsistent with the fundamental

suitability determinants of the identified greenhouse gas storage formation concerned.

(9) An application under this section must be accompanied by:

(a) a draft site plan for the identified greenhouse gas storage formation or draft site plans for each of the identified greenhouse gas storage formations; and

(b) details of the applicant's proposals for work and expenditure in relation to:

(i) if there is a single identified greenhouse gas storage formation—the block or blocks, as the case may be, to which the identified greenhouse gas storage formation extends; or

(ii) if there are 2 or more identified greenhouse gas storage formations—the block or blocks, as the case may be, to which the identified greenhouse gas storage formations, when considered together, extend; and

(c) details of:

(i) the technical qualifications of the applicant and of the applicant's employees; and

(ii) the technical advice available to the applicant; and

(iii) the financial resources available to the applicant; and

(d) such other information (if any) as is specified in the regulations.

Note 1: Part 2A.8 contains additional provisions about application procedures.

Note 2: Section 249JB requires the application to be accompanied by an application fee.

Note 3: Section 249JD enables the responsible Commonwealth Minister to require the applicant to give further information.

Variation of application

(10) At any time before an offer document, or a notice of refusal, relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.

(11) A variation of an application must be made in the approved manner.

(12) A variation of an application may be made:

(a) on the applicant's own initiative; or
(b) at the request of the responsible Commonwealth Minister.

(13) A variation of an application may set out any additional matters that the applicant wishes to be considered.

(14) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

249CI Offer document

Application by permittee

(1) If:
(a) an application for the grant of a greenhouse gas injection licence has been made under section 249CH by a greenhouse gas assessment permittee; and
(b) the responsible Commonwealth Minister is satisfied that, if the greenhouse gas injection licence were granted to the applicant, the applicant will, within 5 years after the grant, commence operations to:
(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and
(ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and
(c) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:
(i) an existing post-commencement exploration permit; or
(ii) an existing post-commencement retention lease (other than a retention lease granted under section 126); or
(iii) a future post-commencement production licence over the block or any of the blocks to which an existing post-commencement exploration permit, or an existing

post-commencement retention lease (other than a retention lease granted under section 126), relates;

the responsible Commonwealth Minister is satisfied that the grant of the greenhouse gas injection licence is in the public interest; and

(d) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(i) an existing pre-commencement petroleum title held by a person other than the applicant; or

(ii) an existing production licence held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

(iii) the registered holder of the pre-commencement petroleum title or the production licence, as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(iv) to the extent to which the agreement is a dealing to which Part 3.6 applies—the dealing has been approved under section 275 or is reasonably likely to be approved under that section; and

(v) to the extent to which the agreement is a dealing to which Part 3A.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under section 298-275; and

(e) if:

(i) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre-commencement petroleum title over a block or blocks; and

(ii) the existing pre-commencement petroleum title in force over the block or any of the blocks is held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

(iii) the registered holder of the existing pre-commencement petroleum title has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(iv) to the extent to which the agreement is a dealing to which Part 3.6 applies—the dealing has been approved under section 275 or is reasonably likely to be approved under that section; and

(v) to the extent to which the agreement is a dealing to which Part 3.6 would apply if the future pre-commencement petroleum title were to come into existence—it is reasonably likely that the dealing would, after the future pre-commencement petroleum title comes into existence, be approved under section 275; and

(vi) to the extent to which the agreement is a dealing to which Part 3A.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under section 298-275; and

(f) if:

(i) the responsible Commonwealth Minister is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum; and

(ii) the block or blocks as to which the responsible Commonwealth Minister is so satisfied are within the licence area of a production licence, the permit area of a pre-commencement exploration permit or the lease area of a pre-commencement retention lease; and

(iii) the recovery of the petroleum passes the commercial viability test set out in subsection (5);

the responsible Commonwealth Minister is satisfied that there is no significant risk that any of the operations that could be carried on under the greenhouse gas injection

licence will have a significant adverse impact on operations to recover the petroleum; and

(g) the responsible Commonwealth Minister is satisfied that:

(i) the technical qualifications of the applicant and of the applicant's employees; and

(ii) the technical advice available to the applicant; and

(iii) the financial resources available to the applicant;

are adequate; and

(h) the responsible Commonwealth Minister is satisfied that the draft site plan that accompanied the application satisfies the criteria specified in the regulations;

the responsible Commonwealth Minister must give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas injection licence over the block or blocks specified in the application, on the basis that the matters to be specified in the greenhouse gas injection licence as mentioned in paragraphs 249CE(3)(d) to (k) will be in accordance with the application.

Application by lessee

(2) If:

(a) an application for the grant of a greenhouse gas injection licence has been made under section 249CH by a greenhouse gas holding lessee; and

(b) the responsible Commonwealth Minister is satisfied that, if the greenhouse gas injection licence were granted to the applicant, the applicant will, within 5 years after the grant, commence operations to:

(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and

(c) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could

be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(i) an existing post-commencement exploration permit; or

(ii) an existing post-commencement retention lease (other than a retention lease granted under section 126); or

(iii) a future post-commencement production licence over the block or any of the blocks to which an existing post-commencement exploration permit, or an existing post-commencement retention lease (other than a retention lease granted under section 126), relates;

the responsible Commonwealth Minister is satisfied that the grant of the greenhouse gas injection licence is in the public interest; and

(d) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(i) an existing pre-commencement petroleum title held by a person other than the applicant; or

(ii) an existing production licence held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

(iii) the registered holder of the pre-commencement petroleum title or the production licence, as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(iv) to the extent to which the agreement is a dealing to which Part 3.6 applies—the dealing has been approved under section 275 or is reasonably likely to be approved under that section; and

(v) to the extent to which the agreement is a dealing to which Part 3A.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under section 298-275; and

(e) if:

(i) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre-commencement petroleum title over a block or blocks; and

(ii) the existing pre-commencement petroleum title in force over the block or any of the blocks is held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

(iii) the registered holder of the existing pre-commencement petroleum title has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(iv) to the extent to which the agreement is a dealing to which Part 3.6 applies—the dealing has been approved under section 275 or is reasonably likely to be approved under that section; and

(v) to the extent to which the agreement is a dealing to which Part 3.6 would apply if the future pre-commencement petroleum title were to come into existence—it is reasonably likely that the dealing would, after the future pre-commencement petroleum title comes into existence, be approved under section 275; and

(vi) to the extent to which the agreement is a dealing to which Part 3A.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under section 298-275; and

(f) if:

(i) the responsible Commonwealth Minister is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum; and

(ii) the block or blocks as to which the responsible Commonwealth Minister is so satisfied are within the

licence area of a production licence, the permit area of a pre-commencement exploration permit or the lease area of a pre-commencement retention lease; and

(iii) the recovery of the petroleum passes the commercial viability test set out in subsection (5);

the responsible Commonwealth Minister is satisfied that there is no significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on operations to recover the petroleum; and

(g) the responsible Commonwealth Minister is satisfied that:

(i) the technical qualifications of the applicant and of the applicant's employees; and

(ii) the technical advice available to the applicant; and

(iii) the financial resources available to the applicant;

are adequate; and

(h) the responsible Commonwealth Minister is satisfied that the draft site plan that accompanied the application satisfies the criteria specified in the regulations;

the responsible Commonwealth Minister must give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas injection licence over the block or blocks specified in the application, on the basis that the matters to be specified in the greenhouse gas injection licence as mentioned in paragraphs 249CE(3)(d) to (k) will be in accordance with the application.

Public interest

(3) For the purposes of paragraphs (1)(c) and (2)(c), in considering whether the grant of the greenhouse gas injection licence is in the public interest, the responsible Commonwealth Minister must have regard to:

(a) whether the registered holder of the existing post-commencement exploration permit or existing post-commencement retention lease, as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(b) if so—the terms of that agreement.

(4) Subsection (3) does not limit the matters to which the responsible Commonwealth Minister may have regard.

Commercial viability test

(5) For the purposes of subparagraphs (1)(f)(iii) and (2)(f)(iii), the recovery of petroleum ***passes the commercial viability test*** if, and only if, the responsible Commonwealth Minister is satisfied that:

(a) the recovery is commercially viable; or

(b) the recovery is not commercially viable, but is likely to become commercially viable within 15 years.

Deferral of decision

(6) This section has effect subject to section 249CK.

249CJ Refusal to grant greenhouse gas injection licence

Scope

(1) This section applies if:

(a) an application for a greenhouse gas injection licence has been made under section 249CH; and

(b) the responsible Commonwealth Minister is not required by section 249CI to give the applicant an offer document.

Notice

(2) The responsible Commonwealth Minister must, by written notice given to the applicant, refuse to grant the applicant a greenhouse gas injection licence.

Deferral of decision

(3) This section has effect subject to section 249CK.

249CJA Grant of greenhouse gas injection licence

If:

(a) an applicant has been given an offer document under section 249CI; and

(b) the applicant has made a request under section 249JF in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 249JGAA;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas injection licence over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 249JF within the period applicable under that section, the application lapses at the end of that period—see subsection 249JF(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 249JGAA, the application lapses at the end of that period—see section 249JGAA.

249CK Deferral of decision to grant greenhouse gas injection licence—pending application for post-commencement exploration permit

Scope

(1) This section applies if:

(a) an application for the grant of a greenhouse gas injection licence has been made under section 249CH; and

(b) when the application for the greenhouse gas injection licence was made, an application for a post-commencement exploration permit was being considered by the Joint Authority; and

(c) the responsible Commonwealth Minister considers that it would be in the public interest to defer taking any action under section 249CI or 249CJ in relation to the application for the grant of the greenhouse gas injection licence until the application for the post-commencement exploration permit is finalised.

Deferral

(2) The responsible Commonwealth Minister must not take any action under section 249CI or 249CJ in relation to the application for the

greenhouse gas injection licence until 24 hours after whichever of the following events happens first:

(a) the Joint Authority grants the post-commencement exploration permit to the applicant for the permit;

(b) the application for the post-commencement exploration permit lapses;

(c) the Joint Authority refuses to grant the post-commencement exploration permit to the applicant for the permit.

249CO Greenhouse gas assessment permit or greenhouse gas holding lease ceases to be in force when greenhouse gas injection licence comes into force

When a greenhouse gas injection licence under section 249CJA comes into force in relation to one or more blocks, a greenhouse gas assessment permit or greenhouse gas holding lease ceases to be in force to the extent to which it relates to those blocks.

249CP Greenhouse gas assessment permit transfer—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas assessment permit is registered under section 298-262:

(a) after an application has been made under section 249CH for the grant of a greenhouse gas injection licence over a block or blocks in relation to which the greenhouse gas assessment permit is in force; and

(b) before any action has been taken by the responsible Commonwealth Minister under section 249CI or 249CJ in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 249CH to 249CJA and Part 2A.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

249CPA Greenhouse gas holding lease transfer—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas holding lease is registered under section 298-262:

(a) after an application has been made under section 249CH for the grant of a greenhouse gas injection licence over a block or blocks in relation to which the greenhouse gas holding lease is in force; and

(b) before any action has been taken by the responsible Commonwealth Minister under section 249CI or 249CJ in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 249CH to 249CJA and Part 2A.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Subdivision B—Application for greenhouse gas injection licence by the holder of a production licence

249CQ Application for greenhouse gas injection licence by the holder of a production licence

Scope

(1) This section applies if:

(a) a production licence is in force; and

(b) one or more identified greenhouse gas storage formations are wholly situated in the licence area.

Single identified greenhouse gas storage formation

(2) If:

(a) a single identified greenhouse gas storage formation extends to:

(i) only one block in the licence area; or

(ii) 2 or more blocks in the licence area; and

(b) none of the following is in force over the block or blocks to which the identified greenhouse gas storage formation extends:

(i) a greenhouse gas injection licence;

(ii) a greenhouse gas holding lease;

(iii) a greenhouse gas assessment permit;

the production licensee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the block or blocks to which the identified greenhouse gas storage formation extends.

Multiple identified greenhouse gas storage formations

(3) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to only one block in the licence area; and

(b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and

(c) none of the following is in force over the block to which the identified greenhouse gas storage formations, when considered together, extend:

(i) a greenhouse gas injection licence;

(ii) a greenhouse gas holding lease;

(iii) a greenhouse gas assessment permit;

the production licensee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the block to which the identified greenhouse gas storage formations, when considered together, extend.

(4) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to:

(i) only one block in the licence area; or

(ii) 2 or more blocks in the licence area; and

(b) a vertical line would pass through a point in each of those identified greenhouse gas storage formations; and

(c) none of the following is in force over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend:

(i) a greenhouse gas injection licence;

(ii) a greenhouse gas holding lease;

(iii) a greenhouse gas assessment permit;

the production licensee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend.

(5) If:

(a) 2 or more identified greenhouse gas storage formations, when considered together, extend to 2 or more blocks in the licence area; and

(b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and

(c) for each identified greenhouse gas storage formation, at least one of the blocks to which the identified greenhouse gas storage formation extends immediately adjoins a block to which the other, or another, of those identified greenhouse gas storage formations extends; and

(d) none of the following is in force over the blocks to which the identified greenhouse gas storage formations, when considered together, extend:

(i) a greenhouse gas injection licence;

(ii) a greenhouse gas holding lease;

(iii) a greenhouse gas assessment permit;

the production licensee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the blocks to which the identified greenhouse gas storage formations, when considered together, extend.

(6) For the purposes of subsection (5), a block immediately adjoins another block if the graticular section that constitutes or includes that block and the graticular section that constitutes or includes that other block:

(a) have a side in common; or

(b) are joined together at one point only.

Application

(7) An application under this section must set out, for each identified greenhouse gas storage formation, each of the matters which the applicant seeks to have specified in the licence as mentioned in paragraphs 249CE(3)(d) to (k).

(8) The matters set out in the application in accordance with subsection (7) must not be inconsistent with the fundamental suitability determinants of the identified greenhouse gas storage formation concerned.

(9) An application under this section must be accompanied by:
  (a) a draft site plan for the identified greenhouse gas storage formation or draft site plans for each of the identified greenhouse gas storage formations; and
  (b) details of the applicant's proposals for work and expenditure in relation to:
    (i) if there is a single identified greenhouse gas storage formation—the block or blocks, as the case may be, to which the identified greenhouse gas storage formation extends; or
    (ii) if there are 2 or more identified greenhouse gas storage formations—the block or blocks, as the case may be, to which the identified greenhouse gas storage formations, when considered together, extend; and
  (c) details of:
    (i) the technical qualifications of the applicant and of the applicant's employees; and
    (ii) the technical advice available to the applicant; and
    (iii) the financial resources available to the applicant; and
  (d) such other information (if any) as is specified in the regulations.

Note 1: Part 2A.8 contains additional provisions about application procedures.

Note 2: Section 249JB requires the application to be accompanied by an application fee.

Note 3: Section 249JD enables the responsible Commonwealth Minister to require the applicant to give further information.

Variation of application

(10) At any time before an offer document, or a notice of refusal, relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.

(11) A variation of an application must be made in the approved manner.

(12) A variation of an application may be made:

(a) on the applicant's own initiative; or

(b) at the request of the responsible Commonwealth Minister.

(13) A variation of an application may set out any additional matters that the applicant wishes to be considered.

(14) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

249CR Grant of greenhouse gas injection licence—offer document

If:

(a) an application for a greenhouse gas injection licence has been made under section 249CQ by the registered holder of a production licence; and

(b) the responsible Commonwealth Minister is satisfied that, if the greenhouse gas injection licence were granted to the applicant, the applicant will, within 5 years after the grant, commence operations to:

(i) inject a greenhouse gas substance into the identified greenhouse gas storage formation or formations concerned; and

(ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation or formations concerned; and

(c) either:

(i) the responsible Commonwealth Minister is satisfied that all of the greenhouse gas substance injected into the identified greenhouse gas storage formation or formations concerned will be obtained as a by-product

of petroleum recovery operations carried on under the production licence; or

(ii) the responsible Commonwealth Minister is satisfied that some or all of the greenhouse gas substance injected into the identified greenhouse gas storage formation or formations concerned will be obtained as a by-product of petroleum recovery operations carried on under any production licence, and that the grant of the greenhouse gas injection licence is in the public interest; and

(d) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

(i) an existing post-commencement exploration permit; or

(ii) an existing post-commencement retention lease (other than a retention lease granted under section 126); or

(iii) a future post-commencement production licence over the block or any of the blocks to which an existing post-commencement exploration permit, or an existing post-commencement retention lease (other than a retention lease granted under section 126), relates;

the responsible Commonwealth Minister is satisfied that:

(iv) the grant of the greenhouse gas injection licence is in the public interest; or

(v) the registered holder of the exploration permit or retention lease, as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence to the applicant; and

(e) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under an existing pre-commencement petroleum title—the responsible Commonwealth Minister is satisfied that the registered holder of the pre-commencement petroleum title has agreed, in writing, to the grant of the greenhouse gas injection licence to the applicant; and

(f) if:

(i) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre-commencement petroleum title over a block or blocks; and

(ii) an exploration permit, retention lease or production licence is in force over the block or any of the blocks;

the responsible Commonwealth Minister is satisfied that the registered holder of the exploration permit, retention lease or production licence covered by subparagraph (ii) has agreed, in writing, to the grant of the greenhouse gas injection licence; and

(g) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on:

(i) petroleum explorations operations; or

(ii) petroleum recovery operations;

that are being, or could be, carried on under an existing production licence held by a person other than the applicant—the responsible Commonwealth Minister is satisfied that the registered holder of the production licence has agreed, in writing, to the grant of the greenhouse gas injection licence to the applicant; and

(h) the responsible Commonwealth Minister is satisfied that:

(i) the technical qualifications of the applicant and of the applicant's employees; and

(ii) the technical advice available to the applicant; and

(iii) the financial resources available to the applicant;

are adequate; and

(i) the responsible Commonwealth Minister is satisfied that the draft site plan that accompanied the application satisfies the criteria specified in the regulations;

the responsible Commonwealth Minister may give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to grant the

applicant a greenhouse gas injection licence over the block or blocks specified in the application, on the basis that the matters to be specified in the greenhouse gas injection licence as mentioned in paragraphs 249CE(3)(d) to (k) will be in accordance with the application.

249CRA Refusal to grant greenhouse gas injection licence

Scope

(1) This section applies if:

(a) an application for a greenhouse gas injection licence has been made under section 249CQ; and

(b) the responsible Commonwealth Minister refuses to give the applicant an offer document.

Notice

(2) The responsible Commonwealth Minister must, by written notice given to the applicant, refuse to grant the applicant a greenhouse gas injection licence.

249CRB Grant of greenhouse gas injection licence

If:

(a) an applicant has been given an offer document under section 249CR; and

(b) the applicant has made a request under section 249JF in relation to the offer document within the period applicable under that section; and

(c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 249JGAA;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas injection licence over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 249JF within the period applicable under that section, the application lapses at the end of that period—see subsection 249JF(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 249JGAA, the application lapses at the end of that period—see section 249JGAA.

249CRE Production licence transferred—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a production licence is registered under section 262:

(a) after an application has been made under section 249CQ for the grant of a greenhouse gas injection licence over a block or blocks in relation to which the production licence is in force; and

(b) before any action has been taken by the responsible Commonwealth Minister under section 249CR or 249CRA in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 249CQ to 249CRB and Part 2A.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Division 3—Variations

249CT Variation of matters specified in greenhouse gas injection licence—general

Application

(1) A greenhouse gas injection licensee may apply to the responsible Commonwealth Minister for the variation by the responsible Commonwealth Minister of a matter specified in the licence as mentioned in any of paragraphs 249CE(3)(c) to (k).

Note 1: Consultation procedures apply—see section 249JH.

Note 2: Part 2A.8 contains additional provisions about application procedures.

Note 3: Section 249JB requires the application to be accompanied by an application fee.

Note 4: Section 249JD enables the responsible Commonwealth Minister to require the applicant to give further information.

(2) An application under subsection (1) must:

(a) set out the proposed variation; and

(b) specify the reasons for the proposed variation.

Variation

(3) If an application is made under subsection (1), the responsible Commonwealth Minister may, by written notice given to the licensee:

(a) vary the matter in accordance with the application; or

(b) refuse to vary the matter in accordance with the application.

(4) If a matter specified in the licence as mentioned in any of paragraphs 249CE(3)(c) to (k) is varied under this section, the varied matter must not be inconsistent with the fundamental suitability determinants of the identified greenhouse gas storage formation concerned.

(5) A variation of a matter under this section takes effect on the day on which notice of the variation is published in the *Gazette*.

Note: For publication in the *Gazette* of notice of the variation, see section 406-418.

249CTA Variation of matters specified in greenhouse gas injection licence—declaration of identified greenhouse gas storage formation varied

Scope

(1) This section applies in relation to a greenhouse gas injection licence if:

(a) a declaration is in force under section 249AU in relation to an identified greenhouse gas storage formation that is wholly situated in the licence area; and

(b) the declaration is varied under section 249AUA; and

(c) apart from this section, a matter specified in the declaration would be inconsistent with a matter specified in the licence as mentioned in any of paragraphs 249CE(3)(c) to (k).

Variation of a matter specified in the licence

(2) The responsible Commonwealth Minister must, by written notice given to the licensee, vary the matter specified in the licence as mentioned in any of paragraphs 249CE(3)(c) to (k) for the purposes of removing that inconsistency.

(3) A variation of a matter under this section takes effect on the day on which notice of the variation is published in the *Gazette*.

Note: For publication in the *Gazette* of notice of the variation, see section 406-418.

Division 4—Directions

249CXA Responsible Commonwealth Minister may give greenhouse gas injection licensee directions to protect geological formations containing petroleum pools etc.

(1) The responsible Commonwealth Minister may, by written notice given to a greenhouse gas injection licensee, give the licensee a direction for the purpose of:

(a) eliminating; or

(b) mitigating; or

(c) managing;

the risk that operations carried out under the licence could:

(d) have a significant adverse impact on a geological formation, or a part of a geological formation, that contains, or is likely to contain, a petroleum pool; or

(e) otherwise compromise the exploitation of any petroleum that occurs as a natural resource.

(2) A direction under this section may require the licensee to do something:

(a) in the licence area; or

(b) in an offshore area but outside the licence area.

(3) A direction under this section has effect, and must be complied with, despite:

(a) any previous direction under this section; and

(b) anything in the regulations or the applied provisions.

(4) A direction under this section prevails over:

(a) anything in an approved site plan for an identified greenhouse gas storage formation specified in the licence; or

(b) anything specified in the licence as mentioned in any of paragraphs 249CE(3)(c) to (k);

to the extent of any inconsistency.

(5) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument:

(a) as in force or existing at the time when the direction takes effect; or

(b) as in force or existing from time to time;

so long as the code of practice or standard is relevant to that matter.

(6) To avoid doubt, subsection (5) applies to an instrument, whether issued or made in Australia or outside Australia.

(7) A direction under this section may prohibit the doing of an act or thing:

(a) unconditionally; or

(b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.

(8) A direction under this section is not a legislative instrument.

(9) If:

(a) a direction under this section is in force in relation to a greenhouse gas injection licence; and

(b) apart from subsection (4), the direction would be inconsistent with a matter specified in the licence as mentioned in any of paragraphs 249CE(3)(c) to (k);

the responsible Commonwealth Minister may, by written notice given to the licensee, vary the matter for the purposes of removing that inconsistency.

(10) A variation of a matter under subsection (9) takes effect on the day on which notice of the variation is published in the *Gazette*.

Note: For publication in the *Gazette* of notice of the variation, see section 406-418.

(11) The regulations may provide that, if:

(a) a direction under this section is in force in relation to a greenhouse gas injection licence; and

(b) apart from subsection (4), the direction would be inconsistent with anything in an approved site plan for an identified greenhouse gas storage formation specified in the licence;

then:

(c) the licensee must, within the period ascertained in accordance with the regulations:

(i) prepare a draft variation of the approved site plan for the purposes of removing that inconsistency; and

(ii) give the draft variation to the responsible Commonwealth Minister; and

(d) the responsible Commonwealth Minister must, by written notice given to the licensee:

(i) approve the variation; or

(ii) refuse to approve the variation; and

(e) if the responsible Commonwealth Minister approves the variation—the approved site plan is varied accordingly.

(12) If an approved site plan is varied, a reference in this Act to the approved site plan is a reference to the approved site plan as varied.

249CXB Consultation—directions to do something outside the licence area

Scope

(1) This section applies if:

(a) the responsible Commonwealth Minister proposes to give a direction under section 249CXA to a greenhouse gas injection licensee; and

(b) the direction requires the licensee to do something in an area (the ***action area***) in an offshore area but outside the licence area; and

(c) the action area is, to any extent, the subject of:

(i) a greenhouse gas assessment permit; or

(ii) a greenhouse gas holding lease; or

(iii) a greenhouse gas injection licence; or

(iv) a greenhouse gas search authority; or
(v) an exploration permit; or
(vi) a retention lease; or
(vii) a production licence; or
(viii) a special prospecting authority; and

(d) the licensee mentioned in paragraph (a) is not the registered holder of the permit, lease, licence or authority mentioned in paragraph (c); and

(e) the registered holder of the permit, lease, licence or authority mentioned in paragraph (c) has not given written consent to the giving of the direction.

Consultation

(2) Before giving the direction, the responsible Commonwealth Minister must:

(a) by written notice given to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c), give at least 30 days notice of the responsible Commonwealth Minister's intention to give the direction; and

(b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.

(3) The notice must:

(a) set out details of the direction that is proposed to be given; and

(b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and

(c) specify a time limit for making that submission.

(4) In deciding whether to give the direction, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Emergencies

(5) However, if the responsible Commonwealth Minister is satisfied that the direction is required to deal with an emergency:

(a) subsections (2), (3) and (4) do not apply to the direction; and

(b) as soon as practicable after the direction is given, the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c).

249CY Compliance with directions

(1) A person commits an offence if:
  (a) the person is given a direction under section 249CXA; and
  (b) the person engages in conduct; and
  (c) the person's conduct breaches the direction.

Penalty: 100 penalty units.

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

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

Division 5—Dealing with serious situations

249CZ Serious situation

(1) For the purposes of this Act, a ***serious situation*** exists in relation to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence if:
  (a) a greenhouse gas substance injected into the identified greenhouse gas storage formation:
    (i) has leaked; or
    (ii) is leaking;
  from the identified greenhouse gas storage formation; or
  (b) there is a significant risk that a greenhouse gas substance injected into the identified greenhouse gas storage formation will leak from the identified greenhouse gas storage formation; or
  (c) a greenhouse gas substance:
    (i) has leaked; or
    (ii) is leaking;
  in the course of being injected into the identified greenhouse gas storage formation; or

(d) there is a significant risk that a greenhouse gas substance will leak in the course of being injected into the identified greenhouse gas storage formation; or

(e) a greenhouse gas substance injected into the identified greenhouse gas storage formation:

(i) has behaved; or

(ii) is behaving;

otherwise than as predicted in Part A of the approved site plan for the identified greenhouse gas storage formation; or

(f) there is a significant risk that a greenhouse gas substance injected into the identified greenhouse gas storage formation will behave otherwise than as predicted in Part A of the approved site plan for the identified greenhouse gas storage formation; or

(g) either:

(i) the injection of a greenhouse gas substance into the identified greenhouse gas storage formation; or

(ii) the storage of a greenhouse gas substance in the identified greenhouse gas storage formation;

has had, or is having, a significant adverse impact on the geotechnical integrity of the whole or a part of a geological formation or geological structure; or

(h) there is a significant risk that:

(i) the injection of a greenhouse gas substance into the identified greenhouse gas storage formation; or

(ii) the storage of a greenhouse gas substance in an identified greenhouse gas storage formation;

will have a significant adverse impact on the geotechnical integrity of the whole or a part of a geological formation or geological structure; or

(i) the identified greenhouse gas storage formation is not suitable (with or without engineering enhancements) for the permanent storage of the relevant amount of the relevant greenhouse gas substance injected at the relevant point or points over the relevant period.

(2) For the purposes of paragraph (1)(i):

(a) the ***relevant amount*** is the total amount of greenhouse gas substance authorised to be injected into the identified greenhouse gas storage formation under the licence; and

(b) the ***relevant greenhouse gas substance*** is the kind of greenhouse gas substance that is authorised to be injected into the identified greenhouse gas storage formation under the licence; and

(c) the ***relevant point or points*** is the potential greenhouse gas injection site or sites at which the greenhouse gas substance is authorised to be injected into the identified greenhouse gas storage formation under the licence; and

(d) the ***relevant period*** is the period during which the greenhouse gas substance is authorised to be injected into the identified greenhouse gas storage formation under the licence.

Note: See subsection 249CE(3).

249CZA Powers of responsible Commonwealth Minister to deal with serious situations

(1) If the responsible Commonwealth Minister is satisfied that a serious situation exists in relation to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, the responsible Commonwealth Minister may, by written notice given to the licensee, direct the licensee:

(a) to take all reasonable steps to ensure that operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation are carried on in a manner specified in the direction; or

(b) to take all reasonable steps to ensure that operations for the storage of a greenhouse gas substance in the identified greenhouse gas storage formation are carried on in a manner specified in the direction; or

(c) to cease or suspend the injection of a greenhouse gas substance at a site or sites specified in the direction; or

(d) to inject a greenhouse gas substance into the identified greenhouse gas storage formation at a site or sites specified in the direction; or

(e) to cease or suspend operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation; or

(f) to undertake such activities as are specified in the direction for the purpose of:

(i) eliminating; or

(ii) mitigating; or
(iii) managing; or
(iv) remediating;
the serious situation; or

(g) to take such action as is specified in the direction; or

(h) not to take such action as is specified in the direction.

(2) A direction under this section may require the licensee to do something:

(a) in the licence area; or

(b) in an offshore area but outside the licence area.

(3) Paragraphs (1)(a) to (f) do not limit paragraph (1)(g).

(4) Paragraphs (1)(a) to (f) do not limit paragraph (1)(h).

(5) A direction under this section has effect, and must be complied with, despite:

(a) any previous direction under this section; and

(b) anything in the regulations or the applied provisions.

(6) A direction under this section prevails over:

(a) anything in an approved site plan for the identified greenhouse gas storage formation; or

(b) anything specified in the licence as mentioned in any of paragraphs 249CE(3)(c) to (k);

to the extent of any inconsistency.

(7) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument:

(a) as in force or existing at the time when the direction takes effect; or

(b) as in force or existing from time to time;

so long as the code of practice or standard is relevant to that matter.

(8) To avoid doubt, subsection (7) applies to an instrument, whether issued or made in Australia or outside Australia.

(9) A direction under this section may prohibit the doing of an act or thing:

(a) unconditionally; or

(b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.

(10) A direction under this section is not a legislative instrument.

(11) If:

(a) a direction under this section is in force in relation to a greenhouse gas injection licence; and

(b) apart from subsection (6), the direction would be inconsistent with a matter specified in the licence as mentioned in any of paragraphs 249CE(3)(c) to (k);

the responsible Commonwealth Minister may, by written notice given to the licensee, vary the matter for the purposes of removing that inconsistency.

(12) A variation of a matter under subsection (11) takes effect on the day on which notice of the variation is published in the *Gazette*.

Note: For publication in the *Gazette* of notice of the variation, see section 406-418.

(13) The regulations may provide that, if:

(a) a direction under this section is in force in relation to a greenhouse gas injection licence; and

(b) apart from subsection (6), the direction would be inconsistent with anything in an approved site plan for the identified greenhouse gas storage formation;

then:

(c) the licensee must, within the period ascertained in accordance with the regulations:

(i) prepare a draft variation of the approved site plan for the purposes of removing that inconsistency; and

(ii) give the draft variation to the responsible Commonwealth Minister; and

(d) the responsible Commonwealth Minister must, by written notice given to the licensee:

(i) approve the variation; or

(ii) refuse to approve the variation; and

(e) if the responsible Commonwealth Minister approves the variation—the approved site plan is varied accordingly.

(14) If an approved site plan is varied, a reference in this Act to the approved site plan is a reference to the approved site plan as varied.

249CZAA Consultation—directions to do something outside the licence area

Scope

(1) This section applies if:

(a) the responsible Commonwealth Minister proposes to give a direction under section 249CZA to a greenhouse gas injection licensee; and

(b) the direction requires the licensee to do something in an area (the ***action area***) in an offshore area but outside the licence area; and

(c) the action area is, to any extent, the subject of:

(i) a greenhouse gas assessment permit; or

(ii) a greenhouse gas holding lease; or

(iii) a greenhouse gas injection licence; or

(iv) a greenhouse gas search authority; or

(v) an exploration permit; or

(vi) a retention lease; or

(vii) a production licence; or

(viii) a special prospecting authority; and

(d) the licensee mentioned in paragraph (a) is not the registered holder of the permit, lease, licence or authority mentioned in paragraph (c); and

(e) the registered holder of the permit, lease, licence or authority mentioned in paragraph (c) has not given written consent to the giving of the direction.

Consultation

(2) Before giving the direction, the responsible Commonwealth Minister must:

(a) by written notice given to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c), give at least 30 days notice of the responsible

Commonwealth Minister's intention to give the direction; and

(b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.

(3) The notice must:

(a) set out details of the direction that is proposed to be given; and

(b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and

(c) specify a time limit for making that submission.

(4) In deciding whether to give the direction, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Emergencies

(5) However, if the responsible Commonwealth Minister is satisfied that the direction is required to deal with an emergency:

(a) subsections (2), (3) and (4) do not apply to the direction; and

(b) as soon as practicable after the direction is given, the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c).

249CZB Compliance with directions

(1) A person commits an offence if:

(a) the person is given a direction under section 249CZA; and

(b) the person engages in conduct; and

(c) the person's conduct breaches the direction.

Penalty: 100 penalty units.

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

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

Division 6—Protection of petroleum discovered in the title area of a pre-commencement petroleum title

249CZC Powers of responsible Commonwealth Minister to protect petroleum discovered in the title area of a pre-commencement petroleum title

Elimination of risk

(1) If:

(a) the licence area of a greenhouse gas injection licence overlaps, in whole or in part:

(i) the permit area of a pre-commencement exploration permit held by a person other than the registered holder of the greenhouse gas injection licence; or

(ii) the lease area of a pre-commencement retention lease held by a person other than the registered holder of the greenhouse gas injection licence; or

(iii) the licence area of a pre-commencement production licence held by a person other than the registered holder of the greenhouse gas injection licence; and

(b) petroleum is discovered in the area of overlap; and

(c) the responsible Commonwealth Minister is satisfied that:

(i) the recovery of the petroleum is commercially viable; or

(ii) the recovery of the petroleum is not commercially viable, but is likely to become commercially viable at some time in the future; and

(d) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that are being, or could be, carried on under the greenhouse gas injection licence will have a significant adverse impact on:

(i) operations to recover the petroleum; or

(ii) the commercial viability of the recovery of the petroleum; and

(e) the registered holder of the exploration permit, retention lease or production licence, as the case may be, has not agreed, in writing, to the registered holder of the greenhouse gas injection licence carrying on those operations; and

(f) the responsible Commonwealth Minister is satisfied that it is practicable to eliminate the risk that any of the operations that are being, or could be, carried on under the greenhouse gas injection licence will have a significant adverse impact on:

(i) operations to recover the petroleum; or

(ii) the commercial viability of the recovery of the petroleum;

the responsible Commonwealth Minister must, by written notice given to the registered holder of the greenhouse gas injection licence:

(g) give the registered holder of the greenhouse gas injection licence a direction for the purpose of eliminating the risk that operations that are being, or could be, carried on under the greenhouse gas injection licence could have a significant adverse impact on:

(i) operations to recover the petroleum; or

(ii) the commercial viability of the recovery of the petroleum; or

(h) suspend, either:

(i) for a specified period; or

(ii) indefinitely;

any or all of the rights conferred by the greenhouse gas injection licence; or

(i) cancel the greenhouse gas injection licence.

(2) A direction under paragraph (1)(g) may require the licensee to do something:

(a) in the licence area; or

(b) in an offshore area but outside the licence area.

Mitigation, management or remediation of risk

(3) If:

(a) the licence area of a greenhouse gas injection licence overlaps, in whole or in part:

(i) the permit area of a pre-commencement exploration permit held by a person other than the registered holder of the greenhouse gas injection licence; or

(ii) the lease area of a pre-commencement retention lease held by a person other than the registered holder of the greenhouse gas injection licence; or

(iii) the licence area of a pre-commencement production licence held by a person other than the registered holder of the greenhouse gas injection licence; and

(b) petroleum is discovered in the area of overlap; and

(c) the responsible Commonwealth Minister is satisfied that:

(i) the recovery of the petroleum is commercially viable; or

(ii) the recovery of the petroleum is not commercially viable, but is likely to become commercially viable at some time in the future; and

(d) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that are being, or could be, carried on under the greenhouse gas injection licence will have a significant adverse impact on:

(i) operations to recover the petroleum; or

(ii) the commercial viability of the recovery of the petroleum; and

(e) the registered holder of the exploration permit, retention lease or production licence, as the case may be, has not agreed, in writing, to the registered holder of the greenhouse gas injection licence carrying on those operations; and

(f) the responsible Commonwealth Minister is satisfied that it is not practicable to eliminate the risk that any of the operations that are being, or could be, carried on under the greenhouse gas injection licence will have a significant adverse impact on:

(i) operations to recover the petroleum; or

(ii) the commercial viability of the recovery of the petroleum;

the responsible Commonwealth Minister must, by written notice given to the registered holder of the greenhouse gas injection licence:

(g) give the registered holder of the greenhouse gas injection licence a direction for the purpose of mitigating, managing or remediating the risk that operations that are being, or could be, carried on under the greenhouse gas injection licence could have a significant adverse impact on:

(i) operations to recover the petroleum; or

(ii) the commercial viability of the recovery of the petroleum; or

(h) suspend, either:

(i) for a specified period; or

(ii) indefinitely;

any or all of the rights conferred by the greenhouse gas injection licence; or

(i) cancel the greenhouse gas injection licence.

(4) A direction under paragraph (3)(g) may require the licensee to take action:

(a) in the licence area; or

(b) in an offshore area but outside the licence area.

Other provisions

(5) A direction under this section has effect, and must be complied with, despite:

(a) any previous direction under this section; and

(b) anything in the regulations or the applied provisions.

(6) A direction under this section prevails over:

(a) anything in an approved site plan for an identified greenhouse gas storage formation specified in the greenhouse gas injection licence; or

(b) anything specified in the greenhouse gas injection licence as mentioned in any of paragraphs 249CE(3)(c) to (k);

to the extent of any inconsistency.

(7) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument:

(a) as in force or existing at the time when the direction takes effect; or

(b) as in force or existing from time to time;

so long as the code of practice or standard is relevant to that matter.

(8) To avoid doubt, subsection (7) applies to an instrument, whether issued or made in Australia or outside Australia.

(9) A direction under this section may prohibit the doing of an act or thing:

(a) unconditionally; or

(b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.

(10) A direction under this section is not a legislative instrument.

(11) If:

(a) a direction under this section is in force in relation to a greenhouse gas injection licence; and

(b) apart from subsection (6), the direction would be inconsistent with a matter specified in the licence as mentioned in any of paragraphs 249CE(3)(c) to (k);

the responsible Commonwealth Minister may, by written notice given to the licensee, vary the matter for the purposes of removing that inconsistency.

(12) A variation of a matter under subsection (11) takes effect on the day on which notice of the variation is published in the *Gazette*.

Note: For publication in the *Gazette* of notice of the variation, see section 406-418.

(13) The regulations may provide that, if:

(a) a direction under this section is in force in relation to a greenhouse gas injection licence; and

(b) apart from subsection (6), the direction would be inconsistent with anything in an approved site plan for an identified greenhouse gas storage formation specified in the licence;

then:

(c) the licensee must, within the period ascertained in accordance with the regulations:

(i) prepare a draft variation of the approved site plan for the purposes of removing that inconsistency; and

(ii) give the draft variation to the responsible Commonwealth Minister; and

(d) the responsible Commonwealth Minister must, by written notice given to the licensee:

(i) approve the variation; or

(ii) refuse to approve the variation; and

(e) if the responsible Commonwealth Minister approves the variation—the approved site plan is varied accordingly.

(14) If an approved site plan is varied, a reference in this Act to the approved site plan is a reference to the approved site plan as varied.

249CZCA Consultation—directions to do something outside the licence area

Scope

(1) This section applies if:

(a) the responsible Commonwealth Minister proposes to give a direction under section 249CZC to a greenhouse gas injection licensee; and

(b) the direction requires the licensee to do something in an area (the ***action area***) in an offshore area but outside the licence area; and

(c) the action area is, to any extent, the subject of:

(i) a greenhouse gas assessment permit; or

(ii) a greenhouse gas holding lease; or

(iii) a greenhouse gas injection licence; or

(iv) a greenhouse gas search authority; or

(v) an exploration permit; or

(vi) a retention lease; or

(vii) a production licence; or

(viii) a special prospecting authority; and

(d) the licensee mentioned in paragraph (a) is not the registered holder of the permit, lease, licence or authority mentioned in paragraph (c); and

(e) the registered holder of the permit, lease, licence or authority mentioned in paragraph (c) has not given written consent to the giving of the direction.

Consultation

(2) Before giving the direction, the responsible Commonwealth Minister must:

(a) by written notice given to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c), give at least 30 days notice of the responsible Commonwealth Minister's intention to give the direction; and

(b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.

(3) The notice must:

(a) set out details of the direction that is proposed to be given; and

(b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and

(c) specify a time limit for making that submission.

(4) In deciding whether to give the direction, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Emergencies

(5) However, if the responsible Commonwealth Minister is satisfied that the direction is required to deal with an emergency:

(a) subsections (2), (3) and (4) do not apply to the direction; and

(b) as soon as practicable after the direction is given, the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c).

249CZD Compliance with directions

(1) A person commits an offence if:

(a) the person is given a direction under section 249CZC; and

(b) the person engages in conduct; and

(c) the person's conduct breaches the direction.

Penalty: 100 penalty units.

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

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

Division 7—Site closing certificates

249CZE Application for site closing certificate

(1) A greenhouse gas injection licensee may apply to the responsible Commonwealth Minister for a site closing certificate in relation to a particular identified greenhouse gas storage formation specified in the licence.

Note 1: Part 2A.8 contains additional provisions about application procedures.

Note 2: Section 249JB requires the application to be accompanied by an application fee.

Note 3: Section 249JD enables the responsible Commonwealth Minister to require the applicant to give further information.

(2) An application under this section must be accompanied by:

(a) a written report that sets out:

(i) the applicant's modelling of the behaviour of the greenhouse gas substance injected into the identified greenhouse gas storage formation; and

(ii) information relevant to that modelling; and

(iii) the applicant's analysis of that information; and

(b) a written report that sets out the applicant's assessment of:

(i) the behaviour of the greenhouse gas substance injected into the identified greenhouse gas storage formation; and

(ii) the expected migration pathway or pathways of that greenhouse gas substance; and

(iii) the short-term consequences of the migration of that greenhouse gas substance; and

(iv) the long-term consequences of the migration of that greenhouse gas substance; and

(c) the applicant's suggestions for the approach to be taken by the Commonwealth, after the issue of the certificate, to the monitoring of the behaviour of a greenhouse gas substance stored in the identified greenhouse gas storage formation; and

(d) such other information (if any) as is specified in the regulations.

(2A) Subsection (2) does not apply if there have not been any operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation.

Mandatory application—cessation of injection operations

(3) If:

(a) a greenhouse gas injection licence is in force; and

(b) operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation concerned have ceased;

the licensee must, within the application period, make an application under subsection (1) for a site closing certificate in relation to the identified greenhouse gas storage formation.

(4) The ***application period*** for an application referred to in subsection (3) is:

(a) the period of 30 days after the day on which the cessation referred to in paragraph (3)(b) occurred; or

(b) such longer period, not more than 90 days after that day, as the responsible Commonwealth Minister allows.

(5) The responsible Commonwealth Minister may allow a longer period under paragraph (4)(b) only on written application made by the licensee within the period of 30 days mentioned in paragraph (4)(a).

(6) A person commits an offence if:

(a) the person is subject to a requirement under subsection (3); and

(b) the person omits to do an act; and

(c) the omission breaches the requirement.

Penalty: 100 penalty units.

(7) An offence against subsection (6) is an offence of strict liability.

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

Mandatory application—grounds for cancellation of licence

(8) If:

(a) a greenhouse gas injection licence is in force; and

(b) under Division 1 of Part 2A.11, there is a ground for cancelling the licence;

the responsible Commonwealth Minister may, by written notice given to the licensee, direct the licensee:

(c) to make an application under subsection (1) for a site closing certificate in relation to each identified greenhouse gas storage formation specified in the licence; and

(d) to do so within the period specified in the notice.

(9) A period specified under paragraph (8)(d) must not be shorter than 30 days.

(10) A person commits an offence if:

(a) the person is given a direction under subsection (8); and

(b) the person omits to do an act; and

(c) the omission breaches the requirement.

Penalty: 100 penalty units.

(11) An offence against subsection (10) is an offence of strict liability.

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

Mandatory application—greenhouse gas injection licence tied to a retention lease or production licence

(12) If:

(a) a greenhouse gas injection licence is in force; and

(b) the greenhouse gas injection licence is tied to a retention lease or production licence; and

(c) the retention lease or production licence ceases to be in force as a result of being surrendered, cancelled, terminated or wholly revoked;

the licensee of the greenhouse gas injection licence must, within the application period, make an application under subsection (1) for a site closing certificate in relation to the identified greenhouse gas storage formation, or each of the identified greenhouse gas storage formations, specified in the greenhouse gas injection licence.

(13) The ***application period*** for an application referred to in subsection (12) is:

(a) the period of 30 days after the day on which the cessation referred to in paragraph (12)(c) occurred; or

(b) such longer period, not more than 90 days after that day, as the responsible Commonwealth Minister allows.

(14) The responsible Commonwealth Minister may allow a longer period under paragraph (13)(b) only on written application made by the licensee within the period of 30 days mentioned in paragraph (13)(a).

(15) A person commits an offence if:

(a) the person is subject to a requirement under subsection (12); and

(b) the person omits to do an act; and

(c) the omission breaches the requirement.

Penalty: 100 penalty units.

(16) An offence against subsection (15) is an offence of strict liability.

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

249CZEA Variation of application for site closing certificate

Scope

(1) This section applies if an application for a site closing certificate has been made under section 249CZE.

Variation of application

(2) At any time before a decision on the application is made by the responsible Commonwealth Minister, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.

(3) A variation of an application must be made in the approved manner.

(4) A variation of an application may be made:

(a) on the applicant's own initiative; or

(b) at the request of the responsible Commonwealth Minister.

(5) A variation of an application may set out any additional matters that the applicant wishes to be considered.

(6) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

249CZF Issue of site closing certificate—pre-certificate notice

(1) If:

(a) an application for a site closing certificate has been made under section 249CZE; and

(b) either:

(i) the responsible Commonwealth Minister is satisfied that operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation concerned have ceased; or

(ii) the responsible Commonwealth Minister is satisfied that there have not been any operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation concerned;

the responsible Commonwealth Minister may give the applicant a written notice (called a ***pre-certificate notice***) telling the applicant that the responsible Commonwealth Minister is prepared to issue to the applicant a site closing certificate in relation to the identified greenhouse gas storage formation.

Note: See also section 249CZGAA.

Responsible Commonwealth Minister must have regard to certain matters

(2) If the responsible Commonwealth Minister is satisfied that there is a significant risk that a greenhouse gas substance injected into the identified greenhouse gas storage formation will have a significant adverse impact on:

(a) navigation; or

(b) fishing; or

(c) any activities being lawfully carried on, or that could be lawfully carried on, by way of the construction or operation of a pipeline; or

(d) the enjoyment of native title rights (within the meaning of the *Native Title Act 1993*);

then, in deciding whether to give the applicant a pre-certificate notice, the responsible Commonwealth Minister must have regard to that significant risk.

(3) Subsection (2) does not limit the matters to which the responsible Commonwealth Minister may have regard.

Circumstances in which a pre-certificate notice may be refused

(4) The responsible Commonwealth Minister may refuse to give the applicant a pre-certificate notice in relation to the identified greenhouse gas storage formation if:

(a) the responsible Commonwealth Minister is not satisfied that the greenhouse gas substance injected into the identified greenhouse gas storage formation is behaving as predicted in Part A of the approved site plan for the identified greenhouse gas storage formation; or

(b) the responsible Commonwealth Minister is satisfied that there is a significant risk that a greenhouse gas substance injected into the identified greenhouse gas storage formation will have a significant adverse impact on:

(i) the conservation or exploitation of natural resources (whether in an offshore area or elsewhere); or

(ii) the geotechnical integrity of the whole or a part of a geological formation or geological structure; or

(iii) the environment; or

(iv) human health or safety.

(5) Subsection (4) does not limit the matters to which the responsible Commonwealth Minister may have regard in deciding whether to refuse to give the applicant a pre-certificate notice.

Circumstances in which a pre-certificate notice must not be given

(6) The responsible Commonwealth Minister must not give the applicant a pre-certificate notice in relation to the identified greenhouse gas storage formation unless the responsible Commonwealth Minister is satisfied that:

(a) either:

(i) the relevant statutory requirements have been complied with; or

(ii) any of the relevant statutory requirements have not been complied with, but there are sufficient grounds to warrant the issue of the site closing certificate; or

(b) if any conditions are specified in the regulations—those conditions have been satisfied.

(7) For the purposes of paragraph (6)(a), each of the following is a ***relevant statutory requirement***:

(a) the conditions to which the greenhouse gas injection licence is, or has from time to time been, subject;

(b) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1;

(c) the provisions of the regulations.

Decision must be made within 5 years

(8) If an application for a site closing certificate has been made under section 249CZE, the responsible Commonwealth Minister must make a decision on the application within 5 years after the application was made.

249CZFB Acknowledgement of receipt of application for site closing certificate

Scope

(1) This section applies if an application has been made under section 249CZE for a site closing certificate.

Acknowledgement of receipt of application

(2) The responsible Commonwealth Minister must give the applicant notice of receipt of the application.

249CZG Refusal to give pre-certificate notice

Scope

(1) This section applies if:

(a) an application has been made under section 249CZE for a site closing certificate; and

(b) the responsible Commonwealth Minister refuses to give a pre-certificate notice to the applicant.

Notice of refusal

(2) The responsible Commonwealth Minister must give written notice of the refusal to the applicant.

249CZGAA Pre-certificate notice—security etc.

(1) A pre-certificate notice that relates to an application for a site closing certificate must:

(a) specify a program of operations proposed to be carried out by the Commonwealth for the purposes of monitoring the behaviour of a greenhouse gas substance stored in the identified greenhouse gas storage formation concerned; and

(b) set out an estimate of the total costs and expenses of carrying out the program; and

(c) specify the form and amount of a security to be lodged by the applicant in respect of the compliance, by the holder for the time being of the site closing certificate, with the holder's obligations under section 249CZM in relation to the costs and expenses of carrying out the program; and

(d) contain a statement to the effect that the application will lapse if the applicant does not lodge the security with the responsible Commonwealth Minister within the period applicable under subsection (3).

(2) The amount of the security must equal the estimate referred to in paragraph (1)(b).

(3) The period for lodging the security is:

(a) 60 days after the pre-certificate notice was given to the applicant; or

(b) such longer period, not more than 180 days after the pre-certificate notice was given to the applicant, as the responsible Commonwealth Minister allows.

(4) If the applicant does not lodge the security with the responsible Commonwealth Minister within the period applicable under subsection (3), the application lapses at the end of that period.

(5) The regulations may provide that an estimate referred to in paragraph (1)(b) is to be made on the basis of:

(a) an assumption that costs and expenses will increase at an annual rate specified in the regulations; and

(b) such other assumptions (if any) as are specified in the regulations.

(6) Subsection (1) does not apply if the responsible Commonwealth Minister is satisfied that there have not been any operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation concerned.

249CZGA Issue of site closing certificate

If:

(a) an applicant has been given a pre-certificate notice under subsection 249CZF(1); and

(b) if subsection 249CZGAA(1) applies—the applicant has lodged the specified security within the period applicable under subsection 249CZGAA(3);

the responsible Commonwealth Minister must issue to the applicant a site closing certificate in relation to the identified greenhouse gas storage formation specified in the pre-certificate notice.

Note: If the applicant does not lodge the security with the responsible Commonwealth Minister within the period applicable under subsection 249CZGAA(3), the application lapses at the end of that period—see subsection 249CZGAA(4).

249CZH Greenhouse gas injection licence transferred—transferee to be treated as applicant

Scope

(1) This section applies if a transfer of a greenhouse gas injection licence is registered under section 298-262:

(a) after an application has been made under section 249CZE for a site closing certificate in relation to an identified greenhouse gas storage formation specified in the greenhouse gas injection licence; and

(b) before any action has been taken by the responsible Commonwealth Minister under section 249CZF or 249CZG in relation to the application.

Transferee to be treated as applicant

(2) After the transfer, sections 249CZE to 249CZGA and Part 2A.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

249CZJ Duration of site closing certificate

(1) A site closing certificate remains in force indefinitely.

(2) Subsection (1) has effect subject to this Chapter.

249CZJA Transfer of site closing certificate

If:

(a) a site closing certificate is held by the registered holder of a greenhouse gas injection licence; and

(b) a transfer of the licence is registered under section 298-262;

the site closing certificate is, by force of this section, transferred to the transferee of the licence.

249CZJB Transfer of securities

If:

(a) a security is in force in relation to a site closing certificate; and

(b) the site closing certificate is transferred;

then:

(c) the interest of the transferor in the security is, by force of this section, transferred to the transferee; and

(d) a document setting out or relating to the security has effect, after the transfer, as if a reference in the document to the transferor were a reference to the transferee.

249CZJC Discharge of securities

The regulations may make provision in relation to the discharge, in whole or in part, by the responsible Commonwealth Minister of securities in force in relation to site closing certificates.

249CZM Recovery of the Commonwealth's costs and expenses

Scope

(1) This section applies if:

(a) a site closing certificate is in force in relation to an identified greenhouse gas storage formation; and

(b) the Commonwealth incurs reasonable costs or expenses in carrying out the program specified in the pre-certificate notice for the site closing certificate.

Recovery of costs and expenses

(2) The costs or expenses:

(a) are a debt due to the Commonwealth by the holder of the certificate; and

(b) are recoverable in a court of competent jurisdiction.

(3) The total of the costs and expenses recoverable under subsection (2) must not exceed the estimate set out in the pre-certificate notice.

Division 8—Long-term liabilities

249CZN Closure assurance period

(1) If:

(a) a site closing certificate is in force in relation to an identified greenhouse gas storage formation; and

(b) the responsible Commonwealth Minister is satisfied that operations for the injection of a greenhouse gas substance into the formation ceased on a day (the ***cessation day***) before the application for the site closing certificate was made; and

(c) on a day (the ***decision day***) that is at least 15 years after the issue of the site closing certificate, the responsible Commonwealth Minister is satisfied that:

(i) the greenhouse gas substance injected into the formation is behaving as predicted in Part A of the approved site plan for the formation; and

(ii) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on the geotechnical integrity of the whole or a part of a geological formation or geological structure; and

(iii) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on the environment; and

(iv) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on human health or safety; and

(v) since the cessation day, there have not been any operations for the injection of a greenhouse gas substance into the formation;

the responsible Commonwealth Minister may, by writing, declare that the period:

(d) beginning at the end of the cessation day; and

(e) ending at the end of the decision day;

is the ***closure assurance period*** in relation to the formation for the purposes of this Act.

(2) A copy of a declaration under subsection (1) is to be given to the holder of the site closing certificate.

249CZO Indemnity—long-term liability

Scope

(1) This section applies if:

(a) a site closing certificate is in force in relation to an identified greenhouse gas storage formation; and

(b) when the application for the certificate was made, the formation was specified in a greenhouse gas injection licence; and

(c) there is a closure assurance period in relation to the formation; and

(d) the following conditions are satisfied in relation to a liability of an existing person who is or has been the registered holder of the licence (whether or not the licence is in force):

(i) the liability is a liability for damages;

(ii) the liability is attributable to an act done or omitted to be done in the carrying out of operations authorised by the licence in relation to the formation;

(iii) the liability is incurred or accrued after the end of the closure assurance period in relation to the formation;

(iv) such other conditions (if any) as are specified in the regulations.

Indemnity

(2) The Commonwealth must indemnify the person against the liability.

249CZP Commonwealth to assume long-term liability if licensee has ceased to exist

Scope

(1) This section applies if:

(a) a site closing certificate is in force in relation to an identified greenhouse gas storage formation; and

(b) when the application for the certificate was made, the formation was specified in a greenhouse gas injection licence; and

(c) there is a closure assurance period in relation to the formation; and

(d) a person who has been the registered holder of the licence (whether or not the licence is in force) has ceased to exist; and

(e) if the person had continued in existence, the following conditions would have been satisfied in relation to a liability of the person:

(i) the liability is a liability for damages;

(ii) the liability is attributable to an act done or omitted to be done in the carrying out of operations authorised by the licence in relation to the formation;

(iii) the liability is incurred or accrued after the end of the closure assurance period in relation to the formation;

(iv) such other conditions (if any) as are specified in the regulations; and

(f) apart from this section, the damages are irrecoverable because the person has ceased to exist.

Commonwealth to assume liability

(2) The liability is taken to be a liability of the Commonwealth.

Part 2A.5—Greenhouse gas search authorities

Division 1—General provisions

249GA Simplified outline

The following is a simplified outline of this Part:

- This Part provides for the grant of greenhouse gas search authorities over blocks in an offshore area.
- A greenhouse gas search authority may be granted over a block so long as none of the following is in force over the block:
  - (a) a greenhouse gas assessment permit;
  - (b) a greenhouse gas holding lease;
  - (c) a greenhouse gas injection licence;
  - (d) an exploration permit;
  - (e) a retention lease;
  - (f) a production licence.
- A greenhouse gas search authority authorises the holder to carry on the following operations in the authority area:

(a) operations relating to the exploration for potential greenhouse gas storage formations;

(b) operations relating to the exploration for potential greenhouse gas injection sites.

- A greenhouse gas search authority does not authorise the holder to make a well.

249GB Rights conferred by greenhouse gas search authority

(1) A greenhouse gas search authority authorises the registered holder, in accordance with the conditions (if any) to which the authority is subject, to carry on, in the authority area, the operations relating to:

(a) the exploration for potential greenhouse gas storage formations; and

(b) the exploration for potential greenhouse gas injection sites;

that are specified in the authority.

(2) A greenhouse gas search authority does not authorise the registered holder to make a well.

(3) The rights conferred on the registered holder by subsection (1) are subject to this Act and the regulations.

249GC Conditions of greenhouse gas search authorities

(1) The responsible Commonwealth Minister may grant a greenhouse gas search authority subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.

Note: See also section 302, which deals with insurance.

(2) The conditions (if any) must be specified in the greenhouse gas search authority.

249GD Duration of greenhouse gas search authority

(1) A greenhouse gas search authority comes into force on the day specified in the authority as the day on which the authority is to come into force.

(2) A greenhouse gas search authority remains in force for the period specified in the authority.

(3) The period specified under subsection (2) must not be longer than 180 days.

(4) Subsection (2) has effect subject to this Chapter.

Note 1: For the surrender of a greenhouse gas search authority, see Part 2A.10.

Note 2: For the cancellation of a greenhouse gas search authority, see Part 2A.11.

249GE Greenhouse gas search authority cannot be transferred

A greenhouse gas search authority cannot be transferred.

Division 2—Obtaining a greenhouse gas search authority

249GF Application for greenhouse gas search authority

(1) A person may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas search authority over a block or blocks, so long as none of the following is in force over that block or any of those blocks:

(a) a greenhouse gas assessment permit;
(b) a greenhouse gas holding lease;
(c) a greenhouse gas injection licence;
(d) an exploration permit;
(e) a retention lease;
(f) a production licence.

(2) An application under this section must specify:

(a) the operations relating to:
(i) the exploration for potential greenhouse gas storage formations; and
(ii) the exploration for potential greenhouse gas injection sites;
that the applicant proposes to carry on; and
(b) the block or blocks within which the applicant proposes to carry on those operations.

Note 1: Part 2A.8 contains additional provisions about application procedures.

Note 2: Section 249JB requires the application to be accompanied by an application fee.

249GG Grant or refusal of greenhouse gas search authority

If an application for a greenhouse gas search authority has been made under section 249GF, the responsible Commonwealth Minister may:

(a) grant the applicant a greenhouse gas search authority; or

(b) by written notice given to the applicant, refuse to grant a greenhouse gas search authority to the applicant.

249GH Holders to be informed of the grant of another greenhouse gas search authority

Scope

(1) This section applies if:

(a) a person (the ***first person***) is the registered holder of a greenhouse gas search authority over a block; and

(b) another greenhouse gas search authority is granted to another person (the ***second person***) over the block.

Holders to be informed

(2) The responsible Commonwealth Minister must, by written notice given to the first person, inform the first person of:

(a) the operations authorised by the greenhouse gas search authority granted to the second person; and

(b) the conditions of the greenhouse gas search authority granted to the second person.

(3) The responsible Commonwealth Minister must, by written notice given to the second person, inform the second person of:

(a) the operations authorised by the greenhouse gas search authority granted to the first person; and

(b) the conditions of the greenhouse gas search authority granted to the first person.

249GJ Holders to be informed of the grant of a special prospecting authority

Scope

(1) This section applies if:

(a) a person (the ***first person***) is the registered holder of a greenhouse gas search authority over a block; and

(b) a special prospecting authority is granted to another person (the ***second person***) over the block.

Holders to be informed

(2) The Designated Authority must, by written notice given to the first person, inform the first person of:

(a) the operations authorised by the special prospecting authority granted to the second person; and

(b) the conditions of the special prospecting authority granted to the second person.

(3) The responsible Commonwealth Minister must, by written notice given to the second person, inform the second person of:

(a) the operations authorised by the greenhouse gas search authority granted to the first person; and

(b) the conditions of the greenhouse gas search authority granted to the first person.

Part 2A.6—Greenhouse gas special authorities

Division 1—General provisions

249HA Simplified outline

The following is a simplified outline of this Part:

- This Part provides for the grant of greenhouse gas special authorities over blocks in an offshore area.

- A greenhouse gas special authority authorises the holder to carry on certain operations in the authority area (but not to make a well).

249HB Rights conferred by greenhouse gas special authority

(1) A greenhouse gas special authority authorises the registered holder, in accordance with the conditions (if any) to which the authority is subject, to carry on, in the authority area, the operations specified in the authority.

(2) A greenhouse gas special authority does not authorise the registered holder to make a well.

(3) The rights conferred on the registered holder by subsection (1) are subject to this Act and the regulations.

249HC Conditions of greenhouse gas special authorities

(1) The responsible Commonwealth Minister may grant a greenhouse gas special authority subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.

Note: See also section 302, which deals with insurance.

(2) The conditions (if any) must be specified in the greenhouse gas special authority.

249HD Duration of greenhouse gas special authority

(1) A greenhouse gas special authority comes into force on the day specified in the authority as the day on which the authority is to come into force.

(2) A greenhouse gas special authority remains in force for the period specified in the authority, but may be extended by the responsible Commonwealth Minister for a further specified period.

(3) Subsection (2) has effect subject to this Chapter.

Note 1: For the surrender of a greenhouse gas special authority, see Part 2A.10.

Note 2: For the revocation of a greenhouse gas special authority, see section 249HL.

Division 2—Obtaining a greenhouse gas special authority

249HE Application for greenhouse gas special authority

(1) The table has effect:

Application for greenhouse gas special authority			
	Column 1	**Column 2**	**Column 3**
Item	**This person...**	**may apply to...**	**for the grant of a greenhouse gas special authority to enable the person to...**
1	the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence relating to a particular offshore area	the responsible Commonwealth Minister	carry on, in an area that is: (a) part of that offshore area but outside the permit area, lease area or licence area; or (b) part of an adjoining offshore area; any or all of the following: (c) operations relating to the exploration for potential greenhouse gas storage formations; (d) operations relating to the exploration for potential greenhouse gas injection sites; (e) operations relating to the injection of a greenhouse gas substance into a part of a geological formation; (f) operations relating to the storage of a greenhouse gas substance in a part of a geological formation; (g) operations to carry out baseline investigations relating to the storage of a greenhouse gas substance in a part of a geological formation; (h) operations relating to the monitoring of the behaviour of a greenhouse gas substance stored in a part of a geological formation.

Application for greenhouse gas special authority			
	Column 1	**Column 2**	**Column 3**
Item	**This person...**	**may apply to...**	**for the grant of a greenhouse gas special authority to enable the person to...**
2	the registered holder of a greenhouse gas search authority relating to a particular offshore area	the responsible Commonwealth Minister	carry on either or both of the following: (a) operations relating to the exploration for potential greenhouse gas storage formations; (b) operations relating to the exploration for potential greenhouse gas injection sites; in an area that is: (c) part of that offshore area but outside the authority area of the greenhouse gas search authority; or (d) part of an adjoining offshore area.

(2) An application under this section must specify:

(a) the operations that the applicant proposes to carry on; and

(b) the area in which the applicant proposes to carry on those operations.

Note: Part 2A.8 contains additional provisions about application procedures.

249HF Grant or refusal of greenhouse gas special authority

If:

(a) an application for a greenhouse gas special authority has been made under section 249HE; and

(b) the responsible Commonwealth Minister is satisfied that it is necessary or desirable to grant the greenhouse gas special authority for:

(i) the more effective exercise of the applicant's rights; or

(ii) the proper performance of the applicant's duties;

in the applicant's capacity as the registered holder of:

(iii) a greenhouse gas assessment permit; or

(iv) a greenhouse gas holding lease; or
(v) a greenhouse gas injection licence; or
(vi) a greenhouse gas search authority;

the responsible Commonwealth Minister may:

(c) grant the applicant a greenhouse gas special authority; or
(d) by written notice given to the applicant, refuse to grant a greenhouse gas special authority to the applicant.

Note: Consultation procedures apply—see section 249HG.

249HG Consultation—grant of greenhouse gas special authority

Scope

(1) This section applies if:
(a) an application for a greenhouse gas special authority has been made under section 249HE in relation to an area (the ***application area***); and
(b) the application area is, to any extent, the subject of:
(i) a greenhouse gas assessment permit; or
(ii) a greenhouse gas holding lease; or
(iii) a greenhouse gas injection licence; or
(iv) a greenhouse gas search authority; and
(c) the applicant is not the registered holder of the permit, lease, licence or authority mentioned in paragraph (b); and
(d) the registered holder of the permit, lease, licence or authority mentioned in paragraph (b) has not given written consent to the grant of the greenhouse gas special authority.

Consultation

(2) Before granting the greenhouse gas special authority, the responsible Commonwealth Minister must:
(a) by written notice given to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(b), give at least 30 days notice of the responsible Commonwealth Minister's intention to grant the greenhouse gas special authority; and
(b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.

(3) The notice must:

(a) set out details of the greenhouse gas special authority that is proposed to be granted; and

(b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and

(c) specify a time limit for making that submission.

(4) In deciding:

(a) whether to grant the greenhouse gas special authority; and

(b) the conditions (if any) to which the greenhouse gas special authority should be subject;

the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Division 3—Variation of greenhouse gas special authorities

249HI Variation of greenhouse gas special authority

The responsible Commonwealth Minister may, by written notice given to the registered holder of a greenhouse gas special authority, vary the greenhouse gas special authority.

Note: Consultation procedures apply—see section 249HJ.

249HJ Consultation—variation of greenhouse gas special authority

Scope

(1) This section applies if:

(a) the responsible Commonwealth Minister proposes to vary a greenhouse gas special authority; and

(b) the authority area is, to any extent, the subject of:

(i) a greenhouse gas assessment permit; or

(ii) a greenhouse gas holding lease; or

(iii) a greenhouse gas injection licence; or

(iv) a greenhouse gas search authority; and

(c) the applicant is not the registered holder of the permit, lease, licence or authority mentioned in paragraph (b); and

(d) the registered holder of the permit, lease, licence or authority mentioned in paragraph (b) has not given written consent to the variation of the greenhouse gas special authority.

Consultation

(2) Before varying the greenhouse gas special authority, the responsible Commonwealth Minister must:

(a) by written notice given to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(b) give at least 30 days notice of the responsible Commonwealth Minister's intention to vary the greenhouse gas special authority; and

(b) give a copy of the notice to:

(i) the registered holder of the greenhouse gas special authority; and

(ii) such other persons (if any) as the responsible Commonwealth Minister thinks fit.

(3) The notice must:

(a) set out details of the variation that is proposed to be made; and

(b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and

(c) specify a time limit for making that submission.

(4) In deciding whether to vary the greenhouse gas special authority, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Division 4—Reporting obligations of holders of greenhouse gas special authorities

249HK Reporting obligations of holders of greenhouse gas special authorities

(1) If:

(a) at any time during a particular month, a greenhouse gas special authority is in force in relation to an area that consists of, or includes, a block that is the subject of:

(i) a greenhouse gas assessment permit; or

(ii) a greenhouse gas holding lease; or

(iii) a greenhouse gas injection licence; and

(b) the registered holder of the greenhouse gas special authority is not the registered holder of the permit, lease or licence;

the registered holder of the greenhouse gas special authority must, within 30 days after the end of that month, give the registered holder of the permit, lease or licence:

(c) a written report about the operations carried on in that block during that month; and

(d) a written summary of the facts ascertained from those operations.

(2) A person commits an offence if:

(a) the person is subject to a requirement under subsection (1); and

(b) the person omits to do an act; and

(c) the omission breaches the requirement.

Penalty for contravention of this subsection: 50 penalty units.

Division 5—Revocation of greenhouse gas special authorities

249HL Revocation of greenhouse gas special authority

(1) The responsible Commonwealth Minister may, by written notice given to the registered holder of a greenhouse gas special authority, revoke the greenhouse gas special authority.

(2) If:

(a) the responsible Commonwealth Minister revokes a greenhouse gas special authority; and

(b) the greenhouse gas special authority authorised operations in:

(i) a greenhouse gas assessment permit area; or

(ii) a greenhouse gas holding lease area; or

(iii) a greenhouse gas injection licence area;

the responsible Commonwealth Minister must give written notice of the revocation to the permittee, lessee or licensee.

Part 2A.7—Greenhouse gas research consents

249HM Simplified outline

The following is a simplified outline of this Part:

- This Part provides for the grant of greenhouse gas research consents.
- A greenhouse gas research consent authorises the holder to carry on the following operations in the course of a scientific investigation:
  - (a) operations relating to the exploration for potential greenhouse gas storage formations;
  - (b) operations relating to the exploration for potential greenhouse gas injection sites.

249HN Rights conferred by greenhouse gas research consent

(1) A greenhouse gas research consent authorises the holder, in accordance with the conditions (if any) to which the consent is subject, to carry on, in the offshore area specified in the consent, the operations relating to:

(a) the exploration for potential greenhouse gas storage formations; and

(b) the exploration for potential greenhouse gas injection sites;

that are specified in the consent in the course of the scientific investigation specified in the consent.

(2) The rights conferred on the holder by subsection (1) are subject to section 249NF.

Note: Section 249NF deals with interference with other rights.

249HO Conditions of greenhouse gas research consents

(1) The responsible Commonwealth Minister may grant a greenhouse gas research consent subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.

(2) The conditions (if any) must be specified in the consent.

249HP Grant of greenhouse gas research consent

(1) The responsible Commonwealth Minister may grant a written greenhouse gas research consent authorising a person to carry on, in an offshore area, the following operations in the course of a scientific investigation:

(a) operations relating to the exploration for potential greenhouse gas storage formations;

(b) operations relating to the exploration for potential greenhouse gas injection sites.

(2) The person is the ***holder*** of the consent.

Part 2A.8—Standard procedures

249JA Application to be made in an approved manner

Scope

(1) This section applies to an application for:

(a) the grant or renewal of a greenhouse gas assessment permit; or

(b) the grant or renewal of a greenhouse gas holding lease; or

(c) the grant or variation of a greenhouse gas injection licence; or

(d) the grant of a greenhouse gas search authority; or

(e) the grant of a greenhouse gas special authority; or

(f) a site closing certificate.

Manner

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

Note: See also subsection 33(3A) of the *Acts Interpretation Act 1901*.

249JB Application fee

Scope

(1) This section applies to an application for:

(a) the grant or renewal of a greenhouse gas assessment permit; or

(b) the grant or renewal of a greenhouse gas holding lease; or

(c) the grant or variation of a greenhouse gas injection licence; or

(d) the grant of a greenhouse gas search authority; or

(e) a site closing certificate.

Application fee

(2) The application must be accompanied by the fee (if any) prescribed by the regulations.

(3) Different fees may be prescribed for different applications.

(4) A fee must not be such as to amount to taxation.

(5) To avoid doubt, a fee is in addition to:

(a) the amount that a person specifies in an application as the amount that the person is prepared to pay for a cash-bid greenhouse gas assessment permit; and

(b) the amount specified in an offer document as the amount that a person must pay for a cash-bid greenhouse gas assessment permit.

249JC Application may set out additional matters

Scope

(1) This section applies to the following:

(a) an application for the grant of a greenhouse gas assessment permit (otherwise than by way of renewal);

(b) an application for the grant of a greenhouse gas holding lease (otherwise than by way of renewal);

(c) an application for the grant or variation of a greenhouse gas injection licence;

(d) an application for the grant of a greenhouse gas special authority;

(e) an application for a site closing certificate.

Additional matters

(2) The application may set out any additional matters that the applicant wishes to be considered.

249JD Responsible Commonwealth Minister may require further information

Scope

(1) This section applies to an application for:

(a) the grant or renewal of a greenhouse gas assessment permit; or

(b) the grant or renewal of a greenhouse gas holding lease; or

(c) the grant or variation of a greenhouse gas injection licence; or

(d) a site closing certificate.

Requirement to give further information

(2) The responsible Commonwealth Minister may, by written notice given to the applicant, require the applicant to give the responsible Commonwealth Minister, within the period specified in the notice, further information in connection with the application.

Consequences of breach of requirement

(3) If the applicant breaches the requirement, the responsible Commonwealth Minister may, by written notice given to the applicant:

(a) refuse to consider the application; or

(b) refuse to take any action, or any further action, in relation to the application.

(4) Subsection (3) has effect despite any provision of this Act that requires the responsible Commonwealth Minister to:

(a) consider the application; or

(b) take any particular action in relation to the application.

(5) A reference in this section to taking action in relation to the application includes a reference to giving an offer document in relation to the application.

249JE Offer documents

Scope

(1) This section applies to an offer document that relates to an application for:

(a) the grant or renewal of a greenhouse gas assessment permit; or

(b) the grant or renewal of a greenhouse gas holding lease; or

(c) the grant of a greenhouse gas injection licence.

General requirements

(2) The offer document must contain:

(a) a summary of the conditions to which the permit, lease or licence will be subject; and

(b) a statement to the effect that the application will lapse if the applicant does not make a request under section 249JF.

Payment for cash-bid greenhouse gas assessment permit

(3) If the offer document relates to an application for the grant of a cash-bid greenhouse gas assessment permit, the offer document must:

(a) specify the amount that the applicant must pay for the permit; and

(b) contain a statement to the effect that the application will lapse if the applicant does not pay the amount to the Commonwealth within the period allowed for making a request under section 249JF.

Security

(4) The offer document may:

(a) specify the form and amount of a security to be lodged by the applicant in respect of compliance with the applicable statutory obligations by the registered holder for the time being of the permit, lease or licence; and

(b) contain a statement to the effect that the application will lapse if the applicant does not lodge the security with the responsible Commonwealth Minister within the period allowed for making a request under section 249JF.

(5) For the purposes of subsection (4), the ***applicable statutory obligations*** are as follows:

(a) the obligation of the registered holder to comply with a condition to which the permit, lease or licence is subject;

(b) the obligation of the registered holder to comply with a direction given to the registered holder by the responsible Commonwealth Minister under this Chapter, Chapter 4 or Part 5A.1;

(c) the obligation of the registered holder to comply with the provisions of:

(i) this Chapter; or

(ii) Chapter 3A; or

(iii) Chapter 4; or

(iv) Part 5A.1; or

(v) the regulations.

249JF Acceptance of offer—request by applicant

(1) The table has effect:

Acceptance of offer by applicant

Item	Column 1 **If an offer document relates to an application for the grant of...**	Column 2 **the applicant may, within...**	Column 3 **by written notice given to the responsible Commonwealth Minister, request the responsible Commonwealth Minister to grant the applicant...**
1	a work-bid greenhouse gas assessment permit	whichever of the following periods is applicable: (a) 30 days after the offer document was given to the applicant; (b) such longer period, not more than 60 days after	the permit.

Acceptance of offer by applicant			
Item	**Column 1**	**Column 2**	**Column 3**
	If an offer document relates to an application for the grant of...	**the applicant may, within...**	**by written notice given to the responsible Commonwealth Minister, request the responsible Commonwealth Minister to grant the applicant...**
		the offer document was given to the applicant, as the responsible Commonwealth Minister allows;	
2	a cash-bid greenhouse gas assessment permit	30 days after the offer document was given to the applicant;	the permit.
2A	the renewal of a greenhouse gas assessment permit	30 days after the offer document was given to the applicant;	the renewal of the permit.
3	a greenhouse gas holding lease	whichever of the following periods is applicable: (a) 30 days after the offer document was given to the applicant; (b) such longer period, not more than 60 days after the offer document was given to the applicant, as the responsible Commonwealth Minister allows;	the lease.
4	the renewal of a greenhouse gas holding lease	30 days after the offer document was given to the applicant;	the renewal of the lease.
5	a greenhouse gas injection licence	whichever of the following periods is applicable: (a) 90 days after the offer document was given to the applicant; (b) such longer period, not more than 180 days after	the licence.

Acceptance of offer by applicant			
Item	**Column 1**	**Column 2**	**Column 3**
	If an offer document relates to an application for the grant of...	**the applicant may, within...**	**by written notice given to the responsible Commonwealth Minister, request the responsible Commonwealth Minister to grant the applicant...**
		the offer document was given to the applicant, as the responsible Commonwealth Minister allows;	

Longer periods

(2) The responsible Commonwealth Minister may allow a longer period under paragraph (b) of column 2 of item 1 or 3 of the table only on written application made by the applicant within the period of 30 days mentioned in paragraph (a) of that column.

(3) The responsible Commonwealth Minister may allow a longer period under paragraph (b) of column 2 of item 5 of the table only on written application made by the applicant within the period of 90 days mentioned in paragraph (a) of that column.

Application lapses if request not made within the applicable period

(4) If an applicant does not make a request under an item of the table within the period applicable under column 2 of the table, the application lapses at the end of that period.

249JG Acceptance of offer—payment

If:

(a) an offer document specifies an amount that the applicant must pay to the Commonwealth for the grant of a cash-bid greenhouse gas assessment permit; and

(b) the applicant has not paid that amount within the period applicable under column 2 of the table in subsection 249JF(1);

the application lapses at the end of that period.

249JGAA Acceptance of offer—lodgment of security

If:

(a) an offer document specifies the form and amount of a security that the applicant must lodge with the responsible Commonwealth Minister; and

(b) the applicant has not lodged that security within the period applicable under section 249JF;

the application lapses at the end of that period.

249JH Consultation—adverse decisions

Scope

(1) This section applies to a decision set out in the table, and the ***affected person*** in relation to that decision is set out in the table:

Decisions and affected persons

Item	Column 1	Column 2	Column 3
	Provision under which decision is made	**Decision of the responsible Commonwealth Minister**	**Affected person**
1A	section 249ASC	refusal to renew a greenhouse gas assessment permit	the permittee.
1	section 249BP	refusal to grant a greenhouse gas holding lease to a greenhouse gas injection licensee	the licensee.
2	section 249BV	refusal to renew a greenhouse gas holding lease	the lessee.
3	section 249CT	refusal to vary a greenhouse gas injection licence	the licensee.

Consultation

(2) Before making the decision, the responsible Commonwealth Minister must:

(a) by written notice given to the affected person, give at least 30 days notice of the responsible Commonwealth Minister's intention to make the decision; and

(b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.

(3) The notice must:

(a) set out details of the decision that is proposed to be made; and

(b) set out the reasons for the proposal; and

(c) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and

(d) specify a time limit for making that submission.

(4) In deciding whether to make the decision, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

249JHA Responsible Commonwealth Minister may require information about negotiations for a designated agreement

Scope

(1) This section applies to the following applications:

(a) an application under subsection 249AF(1) for approval to carry on one or more key greenhouse gas operations under a greenhouse gas assessment permit;

(b) an application under subsection 249BD(1) for approval to carry on one or more key greenhouse gas operations under a greenhouse gas holding lease;

(c) an application under section 249CH for the grant of a greenhouse gas injection licence;

(d) an application under section 249CQ for the grant of a greenhouse gas injection licence;

where either or both of the following are relevant to the responsible Commonwealth Minister's decision on the application:

(e) the existence or non-existence of a designated agreement;

(f) the terms of a designated agreement.

Report about negotiations

(2) The responsible Commonwealth Minister may, by written notice given to the applicant, require the applicant to give to the responsible Commonwealth Minister, within the period specified in the notice, a written report about negotiations, or attempts at negotiations, relating to:

(a) the entering into of the designated agreement; and

(b) the terms of the designated agreement.

Consequences of breach of requirement

(3) If the applicant breaches the requirement, the responsible Commonwealth Minister may, by written notice given to the applicant:

(a) refuse to consider the application; or

(b) refuse to take any action, or any further action, in relation to the application.

(4) Subsection (3) has effect despite any provision of this Act that requires the responsible Commonwealth Minister to:

(a) consider the application; or

(b) take any particular action in relation to the application.

Part 2A.9—Variation, suspension and exemption

Division 1—Variation, suspension and exemption decisions relating to greenhouse gas assessment permits, greenhouse gas holding leases and greenhouse gas injection licences

249KA Variation, suspension and exemption—conditions of titles

When the conditions of a title may be the subject of a variation, suspension or exemption

(1) This section applies if an event specified in the table happens, or a circumstance specified in the table exists:

When the conditions of a title may be the subject of a variation, suspension or exemption		
Item	**Title**	**Event or circumstance**
1	a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence	the permittee, lessee or licensee applies in writing to the responsible Commonwealth Minister for: (a) a variation or suspension of any of the conditions to which the permit, lease or licence is subject; or (b) exemption from compliance with any of the conditions to which the permit, lease or licence is subject.
2	a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence	the responsible Commonwealth Minister gives a direction or consent to the permittee, lessee or licensee under: (a) this Chapter; or (b) Chapter 4; or (c) Part 5A.1; or (d) the regulations.
3	greenhouse gas injection licence	the licence is partly surrendered.
4	a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence	the permittee, lessee or licensee consents to the making of a determination under section 249NH.
4A	a greenhouse gas assessment permit	the permit is taken to continue in force until the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the permit (see subsection 249ASA(6)).
5	a greenhouse gas holding lease	the lease is taken to continue in force until the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the lease (see subsection 249BT(6)).

Variation, suspension or exemption

(2) The responsible Commonwealth Minister may, by written notice given to the permittee, lessee or licensee:

(a) vary; or

(b) suspend; or

(c) exempt the permittee, lessee or licensee from compliance with;

any of the conditions to which the permit, lease, or licence is subject, on such conditions (if any) as are specified in the notice.

(3) Subsection (2) does not authorise the giving of a notice to the extent that it would affect the term of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence.

Note: See also section 249KB (extension of term).

When variation takes effect

(4) A variation of a greenhouse gas injection licence under this section takes effect on the day on which notice of the variation is published in the *Gazette*.

(5) A variation of a greenhouse gas assessment permit or greenhouse gas holding lease under this section takes effect on the day on which notice of the variation is given to the permittee or lessee.

249KB Extension of term of greenhouse gas assessment permit or greenhouse gas holding lease—suspension or exemption

Scope

(1) This section applies if, under section 249KA, the responsible Commonwealth Minister:

(a) suspends any of the conditions to which a greenhouse gas assessment permit or greenhouse gas holding lease is subject; or

(b) exempts a greenhouse gas assessment permittee or greenhouse gas holding lessee from compliance with any of the conditions to which the permit or lease is subject.

Extension of term

(2) Despite subsection 249KA(3), if the responsible Commonwealth Minister considers that the circumstances make it reasonable to do so, the responsible Commonwealth Minister may extend the term

of the permit or lease by a period not more than the period of the suspension or exemption.

(3) The extension may be:

(a) in the notice of suspension or exemption; or

(b) by a later written notice given to the permittee or lessee.

249KC Suspension of rights—greenhouse gas assessment permit or greenhouse gas holding lease

Suspension of rights

(1) If the responsible Commonwealth Minister is satisfied that it is necessary to do so in the national interest, the responsible Commonwealth Minister must, by written notice given to a greenhouse gas assessment permittee or greenhouse gas holding lessee, suspend, either:

(a) for a specified period; or

(b) indefinitely;

any or all of the rights conferred by the permit or lease.

(2) If any rights are suspended under subsection (1), any conditions that must be complied with in the exercise of those rights are also suspended.

Termination of suspension

(3) The responsible Commonwealth Minister may, by written notice given to the permittee or lessee, terminate a suspension of rights under subsection (1).

249KD Extension of term of greenhouse gas assessment permit or greenhouse gas holding lease—suspension of rights

Scope

(1) This section applies if rights conferred by a greenhouse gas assessment permit or greenhouse gas holding lease are suspended under section 249KC.

Extension of term

(2) The responsible Commonwealth Minister may extend the term of the permit or lease by a period not more than the period of the suspension.

(3) The extension may be:

(a) in the notice of suspension; or

(b) by a later written notice given to the permittee or lessee.

Division 2—Variation, suspension and exemption decisions relating to greenhouse gas search authorities and greenhouse gas special authorities

249KE Variation, suspension and exemption—conditions of greenhouse gas search authorities and greenhouse gas special authorities

When the conditions of a title may be the subject of a variation, suspension or exemption

(1) This section applies if an event specified in the table happens, or a circumstance specified in the table exists:

When the conditions of a title may be the subject of a variation, suspension or exemption

Item	Title	Event or circumstance
1	a greenhouse gas special authority	a greenhouse gas special authority is in force over the whole or a part of a block that is the subject of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence.
2	a greenhouse gas special authority	the responsible Commonwealth Minister varies a greenhouse gas special authority over a block that is the subject of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence.
3	a greenhouse gas search	the registered holder of the authority

When the conditions of a title may be the subject of a variation, suspension or exemption		
Item	**Title**	**Event or circumstance**
	authority or greenhouse gas special authority	applies in writing to the responsible Commonwealth Minister for: (a) a variation or suspension of any of the conditions to which the authority is subject; or (b) exemption from compliance with any of the conditions to which the authority is subject.
4	a greenhouse gas search authority or greenhouse gas special authority	the responsible Commonwealth Minister gives a direction or consent to the registered holder of the authority under: (a) this Chapter; or (b) Chapter 4; or (c) Part 5A.1; or (d) the regulations.

Variation, suspension or exemption

(2) The responsible Commonwealth Minister may, by written notice given to the registered holder of the authority:

(a) vary; or

(b) suspend; or

(c) exempt the registered holder from compliance with;

any of the conditions to which the authority is subject, on such conditions (if any) as are specified in the notice.

Part 2A.10—Surrender of titles

Division 1—Surrender of greenhouse gas assessment permits, greenhouse gas holding leases and greenhouse gas injection licences

249LA Application for consent to surrender title

(1) The table has effect:

Surrender		
Item	**The registered holder of...**	**may apply to the responsible Commonwealth Minister for consent to surrender...**
1	a greenhouse gas assessment permit	the permit.
2	a greenhouse gas holding lease	the lease.
3	a greenhouse gas injection licence	the licence as to some or all of the blocks in relation to which the licence is in force.

(2) An application under subsection (1) must be in writing.

249LB Consent to surrender title

Scope

(1) This section applies if an application is made under section 249LA for a consent.

Decision

(2) The responsible Commonwealth Minister may, by written notice given to the applicant:
  (a) give consent; or
  (b) refuse to consent.

Criteria

(3) The responsible Commonwealth Minister may consent to the surrender sought by the application only if:
  (a) the registered holder of the permit, lease or licence has paid all fees and amounts payable by the holder under the following Acts:
    (i) this Act;
    (ii) the Annual Fees Act;
  or has made arrangements that are satisfactory to the responsible Commonwealth Minister for the payment of those fees and amounts; and
  (b) the registered holder of the permit, lease or licence has complied with the conditions to which the permit, lease or licence is subject and with the provisions of:

(i) this Chapter; and
(ii) Chapter 3A; and
(iii) Chapter 4; and
(iv) Part 5A.1; and
(v) the regulations; and

(c) the registered holder of the permit, lease or licence has:
(i) to the satisfaction of the responsible Commonwealth Minister, removed or caused to be removed from the surrender area (defined by subsection (9)) all property brought into the surrender area by any person engaged or concerned in the operations authorised by the permit, lease or licence; or
(ii) made arrangements that are satisfactory to the responsible Commonwealth Minister in relation to that property; and

(d) the registered holder of the permit, lease or licence has, to the satisfaction of the responsible Commonwealth Minister, plugged or closed off all wells made in the surrender area by any person engaged or concerned in the operations authorised by the permit, lease or licence; and

(e) the registered holder of the permit, lease or licence has provided, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the surrender area; and

(f) the registered holder of the permit, lease or licence has, to the satisfaction of the responsible Commonwealth Minister, made good any damage to the seabed or subsoil in the surrender area caused by any person engaged or concerned in the operations authorised by the permit, lease or licence; and

(g) in the case of an application for consent to surrender a greenhouse gas injection licence as to all of the blocks in relation to which the licence is in force—a site closing certificate is in force in relation to each identified greenhouse gas storage formation specified in the licence; and

(h) in the case of an application for consent to surrender a greenhouse gas injection licence as to some of the blocks in relation to which the licence is in force—a site closing certificate is in force in relation to each identified greenhouse gas storage formation that:
(i) is specified in the licence; and

(ii) extends to those blocks.

(4) If:

(a) the registered holder has complied with the requirements mentioned in paragraphs (3)(a) to (f); and

(b) in the case of an application for consent to surrender a greenhouse gas injection licence as to all of the blocks in relation to which the licence is in force—the requirement mentioned in paragraph (3)(g) has been met; and

(c) in the case of an application for consent to surrender a greenhouse gas injection licence as to some of the blocks in relation to which the licence is in force—the requirement mentioned in paragraph (3)(h) has been met;

the responsible Commonwealth Minister must not unreasonably refuse consent to the surrender.

(5) Paragraph (3)(e) has effect subject to:

(a) this Chapter; and

(b) Chapter 4; and

(c) the regulations.

(6) In attaining a state of satisfaction for the purposes of paragraph (3)(d), the responsible Commonwealth Minister must have regard to the principle that plugging or closing off wells should be carried out in a way that minimises damage to the petroleum-bearing qualities of geological formations.

Sufficient grounds

(7) Despite subsection (3), if:

(a) any of:

(i) the conditions to which the permit, lease or licence is subject; or

(ii) the provisions of this Chapter, Chapter 3A, Chapter 4 and Part 5A.1; or

(iii) the provisions of the regulations;

have not been complied with; and

(b) the responsible Commonwealth Minister is satisfied that there are sufficient grounds to warrant the giving of consent to the surrender sought by the application;

the responsible Commonwealth Minister may give consent under subsection (2) to the surrender sought by the application.

Work-bid greenhouse gas assessment permit—compliance with work condition

(8) For the purposes of this section, if:

(a) the application for consent relates to a work-bid greenhouse gas assessment permit; and

(b) a condition of the permit requires the registered holder to carry out specified work during a period specified in the permit; and

(c) the application is made during such a period;

the registered holder of the permit is taken not to have complied with the condition unless the holder has completed the work specified for the period mentioned in paragraph (c).

Surrender area

(9) For the purposes of this section, the ***surrender area*** is worked out using the table:

Surrender area

Item	In the case of a surrender of...	the *surrender area* is...
1	a greenhouse gas assessment permit	the permit area.
2	a greenhouse gas holding lease	the lease area.
3	a greenhouse gas injection licence	the area constituted by the blocks as to which the licence is proposed to be surrendered.

249LC Surrender of title

Scope

(1) This section applies if the responsible Commonwealth Minister consents under section 249LB to:

(a) the surrender of a greenhouse gas assessment permit; or

(b) the surrender of a greenhouse gas holding lease; or

(c) the surrender, in whole or in part, of a greenhouse gas injection licence.

Surrender

(2) The registered holder of the permit, lease or licence may, by written notice given to the responsible Commonwealth Minister, surrender:

(a) in the case of a permit or lease—the permit or lease; or

(b) in the case of a licence—the whole or the part, as the case may be, of the licence.

When surrender takes effect

(3) The surrender takes effect on the day on which notice of the surrender is published in the *Gazette*.

Division 2—Surrender of greenhouse gas search authorities and greenhouse gas special authorities

249LCA Surrender of greenhouse gas search authority

The registered holder of a greenhouse gas search authority may, by written notice given to the responsible Commonwealth Minister, surrender the greenhouse gas search authority.

249LD Surrender of greenhouse gas special authority

The registered holder of a greenhouse gas special authority may, by written notice given to the responsible Commonwealth Minister, surrender the greenhouse gas special authority.

Part 2A.11—Cancellation of titles

Division 1—Cancellation of greenhouse gas assessment permits, greenhouse gas holding leases and greenhouse gas injection licences

249MA Grounds for cancellation of title

For the purposes of this Division, each of the following is a ground for cancelling a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence:

(a) the registered holder has not complied with a condition to which the permit, lease or licence is subject;

(b) the registered holder has not complied with a direction given to the holder by the responsible Commonwealth Minister under this Chapter, Chapter 4 or Part 5A.1;

(c) the registered holder has not complied with a provision of:

(i) this Chapter; or

(ii) Chapter 3A; or

(iii) Chapter 4; or

(iv) Part 5A.1; or

(v) the regulations;

(d) the registered holder has not paid an amount payable by the holder under:

(i) this Act; or

(ii) the Annual Fees Act;

within the period of 90 days after the day on which the amount became payable;

(e) in the case of a greenhouse gas injection licence:

(i) if a single identified greenhouse gas storage formation is wholly situated in the licence area—the declaration under section 249AU that relates to the identified greenhouse gas storage formation is revoked under section 249AUB; or

(ii) if 2 or more identified greenhouse gas storage formations are wholly situated in the licence area—each of the declarations under section 249AU that relate to

those identified greenhouse gas storage formations is revoked under section 249AUB;

(f) in the case of a greenhouse gas holding lease:

(i) if a single identified greenhouse gas storage formation is wholly situated in the lease area—the declaration under section 249AU that relates to the identified greenhouse gas storage formation is revoked under section 249AUB; or

(ii) if 2 or more identified greenhouse gas storage formations are wholly situated in the lease area—each of the declarations under section 249AU that relate to those identified greenhouse gas storage formations is revoked under section 249AUB.

249MB Cancellation of title

(1) The table has effect:

Cancellation		
Item	**If there is a ground for cancelling...**	**the responsible Commonwealth Minister may, by written notice given to the registered holder,...**
1	a greenhouse gas assessment permit	cancel the permit.
2	a greenhouse gas holding lease	cancel the lease.
3	a greenhouse gas injection licence	cancel the licence.

Note: Consultation procedures apply—see section 249MC.

(2) In exercising a power conferred by subsection (1), the responsible Commonwealth Minister must take into account any action taken by the registered holder:

(a) to remove the ground of cancellation; or

(b) to prevent the recurrence of similar grounds.

(3) A cancellation takes effect on the day on which notice of the cancellation is published in the *Gazette*.

249MC Consultation

(1) Before making a decision under subsection 249MB(1), the responsible Commonwealth Minister must:

(a) by written notice given to the registered holder, give at least 30 days notice of the responsible Commonwealth Minister's intention to make the decision; and

(b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.

(2) The notice must:

(a) set out details of the decision that is proposed to be made; and

(b) set out the reasons for the proposal; and

(c) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and

(d) specify a time limit for making that submission.

(3) In deciding whether to make the decision, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

249MD Cancellation of title not affected by other provisions

Cancellation on ground of non-compliance

(1) If:

(a) the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence has not complied with a provision of:

(i) this Chapter; or

(ii) Chapter 3A; or

(iii) Chapter 4; or

(iv) Part 5A.1; or

(v) the regulations; and

(b) the holder has been convicted of an offence relating to that non-compliance;

the responsible Commonwealth Minister may exercise a power of cancellation under subsection 249MB(1) on the ground of that

non-compliance, even though the holder has been convicted of that offence.

(2) If:

(a) a person who was the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence has not complied with a provision of:

(i) this Chapter; or

(ii) Chapter 3A; or

(iii) Chapter 4; or

(iv) Part 5A.1; or

(v) the regulations; and

(b) the responsible Commonwealth Minister has exercised a power of cancellation under subsection 249MB(1) on the ground of that non-compliance;

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

Cancellation on ground of non-payment

(3) If:

(a) the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence has not paid an amount payable by the holder under:

(i) this Act; or

(ii) the Annual Fees Act;

within the period of 90 days after the day on which the amount became payable; and

(b) either:

(i) judgment for the amount has been obtained; or

(ii) the amount, or any part of the amount, has been paid or recovered;

the responsible Commonwealth Minister may exercise a power of cancellation under subsection 249MB(1) on the ground of that non-payment, even though:

(c) judgment for the amount has been obtained; or

(d) the amount, or a part of the amount, has been paid or recovered.

(4) If:

(a) a person who was the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence has not paid an amount payable by the person under:

(i) this Act; or

(ii) the Annual Fees Act;

within the period of 90 days after the day on which the amount became payable; and

(b) the responsible Commonwealth Minister has exercised a power of cancellation under subsection 249MB(1) on the ground of that non-payment;

the person continues to be liable to pay:

(c) that amount; and

(d) any late payment penalty relating to that amount;

even though the responsible Commonwealth Minister has exercised that power of cancellation.

Division 2—Cancellation of greenhouse gas search authorities

249ME Cancellation of greenhouse gas search authority

The responsible Commonwealth Minister may, by written notice given to the registered holder of a greenhouse gas search authority, cancel the greenhouse gas search authority if the holder has breached a condition of the greenhouse gas search authority.

Part 2A.12—Other provisions

249NA Notification of eligible greenhouse gas storage formation

Scope

(1) This section applies if:

(a) a part of a geological formation is wholly situated in the permit area of a greenhouse gas assessment permit, and the permittee has reasonable grounds to suspect that that part could be an eligible greenhouse gas storage formation; or

(b) a part of a geological formation is wholly situated in the lease area of a greenhouse gas holding lease, and the lessee has reasonable grounds to suspect that that part could be an eligible greenhouse gas storage formation; or

(c) a part of a geological formation is wholly situated in the licence area of a greenhouse gas injection licence, and the licensee has reasonable grounds to suspect that that part could be an eligible greenhouse gas storage formation.

Notification

(2) The permittee, lessee or licensee must, by written notice, inform the responsible Commonwealth Minister about the matter as soon as practicable, and in any event within 30 days, after the day on which the permittee, lessee or licensee, as the case may be, forms the relevant suspicion.

(3) A notice under subsection (2) is not required to set out the fundamental suitability determinants of that part.

(4) Subsection (3) has effect subject to subsections (5) and (6).

(5) A notice under subsection (2) must be accompanied by a written statement that the permittee, lessee or licensee has reasonable grounds to suspect that the part is suitable for the permanent storage of a specified amount of a specified greenhouse gas substance.

(6) If the permittee, lessee or licensee has reasonable grounds to suspect that the part could be an eligible greenhouse gas storage formation because of paragraph 15B(1)(b), a notice under subsection (2) must be accompanied by a written statement describing the engineering enhancements referred to in that paragraph.

Exemption

(7) Subsections (2), (5) and (6) do not apply to a permittee, lessee or licensee in relation to a part of a geological formation if a former holder of the permit, lease or licence, as the case may be, previously complied with that subsection in relation to the part.

Offence

(8) A person commits an offence if:
  (a) the person is subject to a requirement under subsection (2), (5) or (6); and
  (b) the person omits to do an act; and
  (c) the omission breaches the requirement.

Penalty for a contravention of this subsection: 100 penalty units.

249NB Notification of discovery of petroleum in greenhouse gas assessment permit area etc.

Scope

(1) This section applies if petroleum is discovered in:
  (a) a greenhouse gas assessment permit area; or
  (b) a greenhouse gas holding lease area; or
  (c) a greenhouse gas injection licence area.

Notification

(2) The permittee, lessee or licensee must immediately inform the responsible Commonwealth Minister of the discovery.

(3) The permittee, lessee or licensee must, within 3 days after the date of the discovery, give the responsible Commonwealth Minister a written notice setting out:
  (a) details of the discovery; and
  (b) such other information (if any) about the discovery as is specified in the regulations.

(4) Subsections (2) and (3) do not apply if the petroleum is discovered by an exploration permittee, retention lessee or production licensee.

Offence

(5) A person commits an offence if:
  (a) the person is subject to a requirement under subsection (2) or (3); and

(b) the person omits to do an act; and
(c) the omission breaches the requirement.

Penalty for a contravention of this subsection: 100 penalty units.

249NC Disposing of waste or other matter

(1) A person commits an offence if:
(a) the person adds waste or other matter to a greenhouse gas substance; and
(b) the person does so with the intention of disposing of the waste or other matter; and
(c) the person, or another person, injects the resulting mixture into the seabed or subsoil of an offshore area.

Penalty: Imprisonment for 5 years.

(2) Subsection (1) does not apply if:
(a) the waste or other matter resulted from petroleum recovery operations carried on under a production licence; and
(b) the injection takes place at a well situated in the licence area of the production licence; and
(c) the injection is carried out:
(i) with the written consent of the responsible Commonwealth Minister or the Designated Authority; and
(ii) in accordance with the conditions (if any) specified in that consent.

Note: The defendant bears an evidential burden in relation to the matters in subsection (2)—see subsection 13.3(3) of the *Criminal Code*.

Consents

(3) The responsible Commonwealth Minister or the Designated Authority may:
(a) refuse to give a consent under subsection (2); or
(b) make a consent under subsection (2) subject to such conditions as are specified in the consent.

249NCA Additional securities etc.

Additional security

(1) If:

(a) one or more securities are in force in relation to:

(i) a greenhouse gas assessment permit; or

(ii) a greenhouse gas holding lease; or

(iii) a greenhouse gas injection licence; and

(b) the responsible Commonwealth Minister is satisfied that the total amount of the securities is insufficient;

the responsible Commonwealth Minister may give the permittee, lessee or licensee a written notice:

(c) requiring the permittee, lessee or licensee to lodge with the responsible Commonwealth Minister, within 60 days after the giving of the notice, an additional security in respect of compliance with the applicable statutory obligations by the registered holder for the time being of the permit, lease or licence; and

(d) specifying the form and amount of the additional security.

New security

(2) If:

(a) a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is in force; and

(b) no security is in force in relation to the permit, lease or licence; and

(c) the responsible Commonwealth Minister is satisfied that it would be appropriate to require the lodgment of a security in respect of compliance with the applicable statutory obligations by the registered holder for the time being of the permit, lease or licence;

the responsible Commonwealth Minister may give the permittee, lessee or licensee a written notice:

(c) requiring the permittee, lessee or licensee to lodge with the responsible Commonwealth Minister, within 60 days after the giving of the notice, a security in respect of compliance, by the registered holder for the time being of the permit, lease or licence, with the applicable statutory obligations; and

(d) specifying the form and amount of the security.

Statutory obligations

(3) For the purposes of this section, the ***applicable statutory obligations*** are as follows:

(a) the obligation of the registered holder to comply with a condition to which the permit, lease or licence is subject;

(b) the obligation of the registered holder to comply with a direction given to the registered holder by the responsible Commonwealth Minister under this Chapter, Chapter 4 or Part 5A.1;

(c) the obligation of the registered holder to comply with the provisions of:

(i) this Chapter; or

(ii) Chapter 3A; or

(iii) Chapter 4; or

(iv) Part 5A.1; or

(v) the regulations.

249NCB Transfer of securities

If:

(a) a security is in force in relation to:

(i) a greenhouse gas assessment permit; or

(ii) a greenhouse gas holding lease; or

(iii) a greenhouse gas injection licence; and

(b) a transfer of the permit, lease or licence is registered under section 298-262;

then:

(c) the interest of the transferor in the security is, by force of this section, transferred to the transferee; and

(d) a document setting out or relating to the security has effect, after the transfer, as if a reference in the document to the transferor were a reference to the transferee.

249NCC Discharge of securities

The regulations may make provision in relation to the discharge, in whole or in part, by the responsible Commonwealth Minister of securities in force in relation to:

(a) greenhouse gas assessment permits; or

(b) greenhouse gas holding leases; or

(c) greenhouse gas injection licences.

249ND Approved site plans

(1) The regulations may provide that a greenhouse gas injection licensee must not carry on any operations in relation to an identified greenhouse gas storage formation specified in the licence unless an approved site plan is in force in relation to the formation.

(2) The regulations may provide that, if an approved site plan is in force in relation to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, the licensee must comply with the approved site plan.

Approval

(3) The regulations may make provision for the responsible Commonwealth Minister to approve draft site plans.

Duration

(4) The regulations may provide that, if the responsible Commonwealth Minister approves a draft site plan, the approved site plan:

(a) comes into force at the time of the approval; and

(b) remains in force:

(i) if, under the regulations, the responsible Commonwealth Minister withdraws approval of the approved site plan—until the withdrawal; or

(ii) otherwise—indefinitely.

Withdrawal of approval

(5) The regulations may make provision for the responsible Commonwealth Minister to withdraw approval of approved site plans.

Variation of approved site plans

(6) The regulations may make provision for and in relation to the variation of approved site plans.

(7) Regulations made for the purposes of subsection (6) may:

(a) require the registered holder of a greenhouse gas injection licence to prepare a draft variation of an approved site plan:

(i) periodically; or

(ii) in such circumstances as are specified in the regulations; or

(iii) when required to do so by the responsible Commonwealth Minister; and

(b) require the registered holder of a greenhouse gas injection licence to give the draft variation to the responsible Commonwealth Minister; and

(c) make provision for the responsible Commonwealth Minister to approve the variation; and

(d) provide that, if the responsible Commonwealth Minister approves the variation, the approved site plan is varied accordingly.

(8) If an approved site plan is varied, a reference in this Act to the approved site plan is a reference to the approved site plan as varied.

249NDA Co-existence of greenhouse gas titles and petroleum titles

(1) This Act does not prevent:

(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;

from being in force over the whole or a part of an area in respect of which any of the following is in force:

(f) an exploration permit;

(g) a retention lease;

(h) a production licence;

(i) a special prospecting authority;

(j) an access authority.

(2) This Act does not prevent:

(a) an exploration permit; or

(b) a retention lease; or

(c) a production licence; or

(d) a special prospecting authority; or

(e) an access authority;

from being in force over the whole or a part of an area in respect of which any of the following is in force:

(f) a greenhouse gas assessment permit;

(g) a greenhouse gas holding lease;

(h) a greenhouse gas injection licence;

(i) a greenhouse gas search authority;

(j) a greenhouse gas special authority.

249NE Reservation of blocks

(1) If the following conditions are satisfied in relation to a particular block:

(a) there is no greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence over the block;

(b) there is no place in the block that is an infrastructure licence area;

(c) there is no pipeline over or in the block;

(d) there are no pending applications for the grant of a greenhouse gas assessment permit or greenhouse gas injection licence over the block;

(e) there are no pending applications for the grant of an infrastructure licence relating to a place in the block;

(f) there are no pending applications for the grant of a pipeline licence relating to a pipeline, or proposed pipeline, over or in the block;

the responsible Commonwealth Minister may, by notice published in the *Gazette*, declare that:

(g) the block is not to be the subject of a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority; and

(h) an infrastructure licence is not to be granted in relation to a place within the block; and

(i) a pipeline licence is not to be granted in relation to a pipeline over or in the block.

(2) If a declaration under subsection (1) is in force in relation to a block:

(a) a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority must not be granted over that block; and

(b) an infrastructure licence must not be granted in relation to a place within that block; and

(c) a pipeline licence must not be granted in relation to a pipeline over or in that block.

(3) Subsection (2) has effect despite any other provision of this Act.

249NF Interference with other rights

Scope

(1) This section applies to the following:

(a) a greenhouse gas assessment permit;

(b) a greenhouse gas holding lease;

(c) a greenhouse gas injection licence;

(d) a greenhouse gas search authority;

(e) a greenhouse gas special authority;

(f) a greenhouse gas research consent.

Requirement

(2) A person (the ***first person***) carrying on activities in an offshore area under the permit, lease, licence, authority or consent must carry on those activities in a manner that does not interfere with:

(a) navigation; or

(b) fishing; or

(c) the conservation of the resources of the sea and seabed; or

(d) any activities of another person being lawfully carried on by way of:

(i) exploration for, recovery of or conveyance of a mineral (other than petroleum); or

(ii) construction or operation of a pipeline; or

(e) the enjoyment of native title rights and interests (within the meaning of the *Native Title Act 1993*);

to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of the first person.

Offence

(3) A person commits an offence if:

(a) the person is subject to a requirement under subsection (2); and

(b) the person engages in conduct; and

(c) the person's conduct breaches the requirement.

Penalty for a contravention of this subsection: 100 penalty units.

249NG No conditions about payment of money

There must not be included in:

(a) a greenhouse gas assessment permit; or

(b) a greenhouse gas holding lease; or

(c) a greenhouse gas injection licence;

a condition requiring the payment of money to the responsible Commonwealth Minister or the Commonwealth.

249NH Certain portions of blocks to be blocks

Scope

(1) This section applies if the area in relation to which a title is in force includes one or more portions of a section 16 block.

Note: This would be the case if the boundaries of a title area do not conform to the graticular system established by this Act.

Portion of a block to be a block

(2) For the purposes of this Act:

(a) the area of that portion or those portions constitutes a block (a ***type A block***); and

(b) the area of the remaining portion or portions of the section 16 block (but not including any part of that area in relation to which another title is in force) constitutes a block (a ***type B block***).

Amalgamation of portions of blocks

(3) If a title ceases to be in force in relation to a type A block (the ***first type A block***), the responsible Commonwealth Minister may, by written instrument, if the responsible Commonwealth Minister considers it desirable to do so, determine that the first type A block be amalgamated with:

(a) another type A block or blocks, so long as the following conditions are satisfied in relation to the other type A block or blocks:

(i) the other type A block or blocks form part of the graticular section of which the first type A block forms part;

(ii) a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is in force in relation to the other type A block or blocks; or

(b) both:

(i) another type A block or blocks covered by paragraph (a); and

(ii) a type B block that forms part of the graticular section of which the first type A block forms part.

(4) If a determination is made under subsection (3), then, for the purposes of this Act:

(a) the blocks the subject of the determination cease to constitute blocks; and

(b) the areas of those blocks together constitute a block; and

(c) the block constituted as a result of the determination is, subject to this Act, for the remainder of the term of the permit, lease or licence concerned, a block in relation to which the permit, lease or licence is in force.

(5) The responsible Commonwealth Minister must not make a determination under subsection (3) except with the consent of the permittee, lessee or licensee concerned.

Definitions

(6) In this section:

section 16 block means a block constituted as provided by section 16.

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 prescribed instrument.

249NJ Changes to the boundary of the coastal waters of a State or Territory

Change to coastal waters boundary results in an area ceasing to be within the offshore area of a State or Territory

(1) If:

(a) a Commonwealth title has been granted on the basis that an area (the ***first area***) is within the offshore area of a State or the Northern Territory; and

(b) as a result of a change to the boundary of the coastal waters of the State or Territory, the first area:

(i) ceases to be within the offshore area of the State or Territory; and

(ii) falls within the coastal waters of the State or Territory;

this Act applies in relation to the Commonwealth title as if the first area were still within the offshore area in relation to the State or Territory.

(2) Subsection (1) continues to apply to the first area only while the Commonwealth title remains in force.

Change to coastal waters boundary results in an area ceasing to be within the coastal waters of a State or Territory

(3) If:

(a) a State/Territory title has been granted by a State or the Northern Territory on the basis that an area (the ***second area***) is within the coastal waters of the State or Territory; and

(b) as a result of a change to the boundary of the coastal waters of the State or Territory, the second area:

(i) ceases to be within the coastal waters of the State or Territory; and

(ii) falls within the offshore area of the State or Territory;

then, so far as the State/Territory title is concerned, this Act does not apply to the second area.

(4) Subsection (3) continues to apply to the second area only while the State/Territory title remains in force.

Definitions

(5) In this section:

Commonwealth title means:

(a) a greenhouse gas assessment permit; or

(b) a greenhouse gas holding lease; or

(c) a greenhouse gas injection licence.

State/Territory title means an instrument under a law of a State or the Northern Territory that confers, in relation to the coastal waters of the State or Territory, some or all of the rights that a Commonwealth title confers in relation to the offshore area of the State or Territory.

249NK Commonwealth may monitor the behaviour of a greenhouse gas substance stored in a part of a geological formation

(1) The Commonwealth may carry out in an offshore area operations for the purposes of monitoring the behaviour of a greenhouse gas substance stored in a part of a geological formation.

(2) Subsection (1) does not limit the executive power of the Commonwealth.

249NL Monitoring information may be made publicly available

Scope

(1) This section applies to information that:
  (a) is held by the Commonwealth; and
  (b) relates to the monitoring of the behaviour of a greenhouse gas substance stored in a part of a geological formation, where the part is wholly or partly situated in one or more offshore areas.

Information may be made publicly available

(2) The regulations may authorise the responsible Commonwealth Minister to make the information publicly available.

170 Chapter 3 (heading)

Repeal the heading, substitute:

Chapter 3—Registration of transfers of, and dealings in, petroleum titles

171 Section 250

Repeal the section, substitute:

250 Simplified outline

The following is a simplified outline of this Chapter:

- The Designated Authority must keep a Register of petroleum titles and special prospecting authorities.
- A transfer of a petroleum title must be approved by the Designated Authority, and an instrument of transfer must be registered under this Part.
- A dealing in a petroleum title must be approved by the Designated Authority, and the approval must be entered in the Register.

172 Section 251

Insert:

Register means:

(a) a Register kept under section 253; and

(b) when used in relation to the Designated Authority for an offshore area—means the Register kept under section 253 by that Designated Authority.

Note: The heading to section 251 is replaced by the heading "**Definitions**".

173 Paragraph 258(c)

Omit "a copy", substitute "2 copies".

174 After section 258

Insert:

258A Application and documents to be forwarded to the responsible Commonwealth Minister

Scope

(1) This section applies if an application is made for approval of a transfer.

Application and documents to be forwarded to the responsible Commonwealth Minister

(2) As soon as practicable after receiving the application, the Designated Authority must give the responsible Commonwealth Minister a copy of each of the following:

(a) the application;

(b) the instrument referred to in paragraph 258(a);

(c) the document referred to in paragraph 258(b).

175 After subsection 261(2)

Insert:

(2A) Subsection (2) has effect subject to subsections (5), (6) and (7).

176 At the end of section 261

Add:

Role of responsible Commonwealth Minister

(5) The Designated Authority must not make a decision under subsection (2) until:

(a) the responsible Commonwealth Minister informs the Designated Authority that the responsible Commonwealth Minister does not intend to give a direction under subsection (6) in relation to the application; or

(b) the responsible Commonwealth Minister gives a direction under subsection (6) in relation to the application.

(6) The responsible Commonwealth Minister may, by written notice given to the Designated Authority, give the Designated Authority a direction in relation to the exercise by the Designated Authority of the power conferred on the Designated Authority by subsection (2) in relation to the application.

(7) The Designated Authority must comply with a direction under subsection (6).

(8) A direction under subsection (6) is not a legislative instrument.

177 Paragraphs 272(4)(a) and (b)

Omit "a copy", substitute "2 copies".

178 Paragraph 272(4)(b)

Omit "an additional copy", substitute "2 additional copies".

179 Paragraph 272(4)(c)

Omit "a copy", substitute "2 copies".

180 Paragraph 272(5)(c)

Omit "2 copies", substitute "3 copies".

181 Paragraph 272(5)(e)

Omit "a copy, or an additional copy,", substitute "2 copies, or 2 additional copies,".

182 After section 272

Insert:

272A Application and documents to be forwarded to the responsible Commonwealth Minister

Scope

(1) This section applies if an application is made for approval of a dealing in so far as it relates to a particular title.

Application and documents to be forwarded to the responsible Commonwealth Minister

(2) As soon as practicable after the Designated Authority receives the application, the Designated Authority must give the responsible Commonwealth Minister a copy of each of the following:

(a) the application;

(b) the instrument referred to in subsection 272(1);

(c) any supplementary instrument;

(d) any document referred to in paragraph 272(5)(c).

183 After subsection 275(2)

Insert:

(2A) Subsection (2) has effect subject to subsections (5), (6) and (7).

184 At the end of section 275

Add:

Role of responsible Commonwealth Minister

(5) The Designated Authority must not make a decision under subsection (2) until:

(a) the responsible Commonwealth Minister informs the Designated Authority that the responsible Commonwealth Minister does not intend to give a direction under subsection (6) in relation to the application; or

(b) the responsible Commonwealth Minister gives a direction under subsection (6) in relation to the application.

(6) The responsible Commonwealth Minister may, by written notice given to the Designated Authority, give the Designated Authority a direction in relation to the exercise by the Designated Authority of the power conferred on the Designated Authority by subsection (2) in relation to the application.

(7) The Designated Authority must comply with a direction under subsection (6).

(8) A direction under subsection (6) is not a legislative instrument.

185 Paragraphs 281(4)(a) and (b)

Omit "a copy", substitute "2 copies".

186 Paragraph 281(4)(b)

Omit "an additional copy", substitute "2 additional copies".

187 Paragraph 281(4)(c)

Omit "a copy", substitute "2 copies".

188 Paragraph 281(5)(c)

Omit "2 copies", substitute "3 copies".

189 Paragraph 281(5)(e)

Omit "a copy, or an additional copy,", substitute "2 copies, or 2 additional copies,".

190 After section 281

Insert:

281A Application and documents to be forwarded to the responsible Commonwealth Minister

Scope

(1) This section applies if a provisional application is made for approval of a dealing in so far as it relates to a particular title.

Application and documents to be forwarded to the responsible Commonwealth Minister

(2) As soon as practicable after the Designated Authority receives the application, the Designated Authority must give the responsible Commonwealth Minister a copy of each of the following:
  (a) the provisional application;
  (b) the instrument referred to in subsection 281(1);
  (c) any supplementary instrument;
  (d) any document referred to in paragraph 281(5)(c).

191 After Chapter 3

Insert:

Chapter 3A—Registration of transfers of, and dealings in, greenhouse gas titles

Part 3A.1—Introduction

298-250 Simplified outline

The following is a simplified outline of this Chapter:

- The responsible Commonwealth Minister must keep a Register of greenhouse gas titles and greenhouse gas search authorities.

- A transfer of a greenhouse gas title must be approved by the responsible Commonwealth Minister, and an instrument of transfer must be registered under this Part.
- A dealing in a greenhouse gas title must be approved by the responsible Commonwealth Minister, and the approval must be entered in the Register.

298-251 Definitions

In this Chapter:

Register means the Register kept under section 298-253.

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 special authority.

298-252 Dealing—series of debentures

For the purposes of this Chapter, if a dealing forms a part of the issue of a series of debentures, all of the dealings constituting the issue of that series of debentures are taken to be one dealing.

Part 3A.2—Register of titles and greenhouse gas search authorities

298-253 Register to be kept

The responsible Commonwealth Minister must keep a Register of:

(a) titles; and

(b) greenhouse gas search authorities.

298-254 Entries in Register—general

Memorial

(1) The responsible Commonwealth Minister must enter in the Register a memorial for each title and greenhouse gas search authority.

(2) The memorial must comply with the table:

Content of memorial

Item	In the case of...	the memorial must...
1	a title or greenhouse gas search authority	specify the name of the holder of the title.
2	a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority	set out an accurate description (including, where convenient, a map) of the permit area, lease area, licence area or authority area.
3	a title or greenhouse gas search authority	specify the term of the title or greenhouse gas search authority.
4	a title or greenhouse gas search authority	set out such other matters and things as are required by this Act to be entered in the Register.
5	a title or greenhouse gas search authority	set out such further matters relating to the registered holder, or to the conditions of the title or greenhouse gas search authority, as the responsible Commonwealth Minister thinks proper and expedient in the public interest.

(3) The responsible Commonwealth Minister must enter in the Register a memorial of:

(a) a notice or instrument:

(i) varying; or

(ii) cancelling; or

(iii) surrendering (to any extent); or

(iv) otherwise affecting;

a title or greenhouse gas search authority; or

(b) a notice or instrument varying or revoking a notice or instrument referred to in paragraph (a).

Note: Subparagraph (a)(iv) would cover, for example, a notice revoking a greenhouse gas special authority.

Copy of title may be entered instead of memorial

(4) It is a sufficient compliance with the requirements of subsection (1), (2) or (3) if the responsible Commonwealth Minister enters a copy of the title, greenhouse gas search authority, notice or instrument in the Register.

Date of entry to be endorsed

(5) The responsible Commonwealth Minister must endorse on:

(a) the memorial; or

(b) the copy of the title, greenhouse gas search authority, notice or instrument;

a memorandum of the date on which the memorial or copy was entered in the Register.

298-255 Entry in Register—cessation or expiry of title

If an event specified in the table happens, the responsible Commonwealth Minister must enter in the Register a memorial of the fact.

Cessation of title etc.

Item	Event
1	A greenhouse gas assessment permit or greenhouse gas holding lease ceases to be in force over a block in relation to which a greenhouse gas injection licence is granted.
2	A greenhouse gas assessment permit ceases to be in force over a block in relation to which a greenhouse gas holding lease (other than a special greenhouse gas holding lease) is granted.
3	A greenhouse gas assessment permit or a greenhouse gas holding lease (other than a special greenhouse gas holding lease) ceases to be in force over a block in relation to which a special greenhouse gas holding

Cessation of title etc.	
Item	**Event**
	lease is granted.
4	A greenhouse gas injection licence ceases to be in force over a block in relation to which a greenhouse gas holding lease is granted.
5	A greenhouse gas assessment permit, greenhouse gas holding lease (other than a special greenhouse gas holding lease), greenhouse gas search authority or greenhouse gas special authority expires.

Part 3A.3—Transfer of titles

298-256 Approval and registration of transfers

A transfer of a title is of no force until:

(a) it has been approved by the responsible Commonwealth Minister; and

(b) an instrument of transfer is registered as provided by this Part.

298-257 Application for approval of transfer

(1) One of the parties to a proposed transfer of a title may apply to the responsible Commonwealth Minister for approval of the transfer.

(2) The application must be in writing.

298-258 Documents to accompany application

An application for approval of a transfer must be accompanied by:

(a) an instrument of transfer in the prescribed form executed by:

(i) the registered holder or, if there are 2 or more registered holders, by each registered holder; and

(ii) the transferee or, if there are 2 or more transferees, by each transferee; and

(b) if the transferee, or one or more of the transferees, is not a registered holder or are not registered holders of the title—a document setting out:

(i) the technical qualifications of that transferee or those transferees; and

(ii) details of the technical advice that is or will be available to that transferee or those transferees; and

(iii) details of the financial resources that are or will be available to that transferee or those transferees; and

(c) a copy of each of the following:

(i) the application;

(ii) the instrument referred to in paragraph (a);

(iii) the document referred to in paragraph (b).

298-259 Time limit for application

(1) An application for approval of a transfer must be made within:

(a) 90 days after the day on which the party who last executed the instrument of transfer so executed the instrument of transfer; or

(b) such longer period as the responsible Commonwealth Minister allows.

(2) The responsible Commonwealth Minister may allow a longer period under paragraph (1)(b) only if there are sufficient grounds to warrant allowing the longer period.

298-260 Date of application to be entered in Register

If an application is made for approval of a transfer, the responsible Commonwealth Minister:

(a) must enter a memorandum in the Register of the date on which the application was lodged; and

(b) may make such other notation in the Register as the responsible Commonwealth Minister considers appropriate.

298-261 Approval of transfer

Scope

(1) This section applies if an application is made for approval of a transfer.

Decision

(2) The responsible Commonwealth Minister must:

(a) approve the transfer; or

(b) refuse to approve the transfer.

(2A) If:

(a) the application is for approval of a transfer of a greenhouse gas holding lease or a greenhouse gas injection licence; and

(b) the greenhouse gas holding lease or the greenhouse gas injection licence is tied to a retention lease;

the responsible Commonwealth Minister must not approve the transfer of the greenhouse gas holding lease or the greenhouse gas injection licence unless:

(c) a transfer of the retention lease has been approved by the Designated Authority under section 261; and

(d) the transfer of the retention lease is registered under section 262; and

(e) both:

(i) the instrument of transfer of the retention lease; and

(ii) the instrument of transfer of the greenhouse gas holding lease or greenhouse gas injection licence;

were executed at or about the same time; and

(f) the transferee or transferees of the retention lease are the same as the transferee or transferees of the greenhouse gas holding lease or greenhouse gas injection licence.

(2B) If:

(a) the application is for approval of a transfer of a greenhouse gas holding lease or a greenhouse gas injection licence; and

(b) the greenhouse gas holding lease or the greenhouse gas injection licence is tied to a production licence;

the responsible Commonwealth Minister must not approve the transfer of the greenhouse gas holding lease or the greenhouse gas injection licence unless:

(c) a transfer of the production licence has been approved by the Designated Authority under section 261; and

(d) the transfer of the production licence is registered under section 262; and

(e) both:

(i) the instrument of transfer of the production licence; and

(ii) the instrument of transfer of the greenhouse gas holding lease or greenhouse gas injection licence;

were executed at or about the same time; and

(f) the transferee or transferees of the production licence are the same as the transferee or transferees of the greenhouse gas holding lease or greenhouse gas injection licence.

(3) The responsible Commonwealth Minister must, by written notice given to the applicant, notify the applicant of the responsible Commonwealth Minister's decision.

(4) If the responsible Commonwealth Minister refuses to approve the transfer, the responsible Commonwealth Minister must make a notation of the refusal in the Register.

298-262 Registration of transfer

Scope

(1) This section applies if the responsible Commonwealth Minister approves the transfer of a title.

Endorsement

(2) The responsible Commonwealth Minister must immediately endorse on:

(a) the instrument of transfer; and

(b) the copy of the instrument of transfer;

a memorandum of approval.

(3) On payment of the fee provided for in the Registration Fees Act, the responsible Commonwealth Minister must enter in the Register a memorandum of:

(a) the transfer; and

(b) the name of the transferee or of each transferee.

(4) On the entry in the Register of the memorandum:

(a) the transfer is taken to be registered; and

(b) the transferee becomes the registered holder, or the transferees become the registered holders, of the title.

(5) If the transfer is registered:

(a) the copy of the instrument of transfer endorsed with the memorandum of approval must be:

(i) retained by the responsible Commonwealth Minister; and

(ii) made available for inspection in accordance with this Chapter; and

(b) the instrument of transfer endorsed with the memorandum of approval must be returned to the person who applied for approval of the transfer.

298-263 Instrument of transfer does not create an interest in the title

The mere execution of an instrument of transfer of a title creates no interest in the title.

298-264 Limit on effect of approval of transfers

The approval of a transfer of a title does not give to the transfer any force, effect or validity that the transfer would not have had if this Chapter had not been enacted.

Part 3A.4—Devolution of title

298-265 Application to have name entered on the Register as the holder of a title

(1) If the rights of the registered holder of a particular title have devolved on a person by operation of law, the person may apply to the responsible Commonwealth Minister to have the person's name entered in the Register as the holder of the title.

(2) The application must be in writing.

298-266 Entry of name in the Register

Scope

(1) This section applies if an application is made under section 298-265 in relation to a title.

Entry in Register

(2) If:

(a) the responsible Commonwealth Minister is satisfied that the rights of the holder have devolved on the applicant by operation of law; and

(b) the applicant has paid the prescribed fee;

the responsible Commonwealth Minister must enter the name of the applicant in the Register as the holder of the title.

(3) On that entry being made, the applicant becomes the registered holder of the title.

Part 3A.5—Change in name of company

298-267 Application to have new name entered on the Register

(1) If:

(a) a company is the registered holder of a particular title; and

(b) the company has changed its name;

the company may apply to the responsible Commonwealth Minister to have its new name substituted for its previous name in the Register in relation to that title.

(2) The application must be in writing.

298-268 Alteration in the Register

Scope

(1) This section applies if a company applies under section 298-267 to have its new name substituted for its previous name in the Register in relation to a particular title.

Alteration

(2) If:

(a) the responsible Commonwealth Minister is satisfied that the company has changed its name; and

(b) the company has paid the prescribed fee;

the responsible Commonwealth Minister must make the necessary alterations in the Register.

Part 3A.6—Dealings relating to existing titles

298-269 Dealings to which this Part applies

This Part applies to a dealing (other than a transfer of a title) that would have one or more of the effects set out in the table:

Effects of dealings

Item	Effect
1	The creation or assignment of an interest in an existing title.
2	The creation or assignment of a right (conditional or otherwise) to the assignment of an interest in an existing title.
3	The determination of the manner in which persons may: (a) exercise the rights conferred by an existing title; or (b) comply with the obligations imposed by an existing title; or (c) comply with the conditions of an existing title; (including the exercise of those rights, or the compliance with those obligations or conditions, under cooperative arrangements to inject or store greenhouse gas substances).
4	The creation or assignment of an interest in relation to an existing greenhouse gas assessment permit, existing greenhouse gas holding lease or existing greenhouse gas injection licence, where the interest relates to: (a) a greenhouse gas substance injected or stored under the permit, lease or licence; or (b) revenue derived as a result of the carrying out of operations authorised by the permit, lease or licence; or (c) profits derived as a result of the carrying out of operations authorised by the permit, lease or licence; or (d) a matter specified in the regulations.
5	The creation or assignment of an option (conditional or otherwise) to enter into a dealing, where the dealing would have one or more of the effects referred to in items 1, 2, 3

Effects of dealings	
Item	**Effect**
	and 4.
6	The creation or assignment of a right (conditional or otherwise) to enter into a dealing, where the dealing would have one or more of the effects referred to in items 1, 2, 3 and 4.
7	The alteration or termination of a dealing, where the dealing would have one or more of the effects referred to in items 1, 2, 3, 4, 5 and 6.

298-270 Approval and registration of dealings

A dealing is of no force, in so far as the dealing would have an effect of a kind referred to in the table in section 298-269 in relation to a particular title, until:

(a) the responsible Commonwealth Minister has approved the dealing, in so far as it relates to that title; and

(b) the responsible Commonwealth Minister has made an entry in the Register in relation to the dealing under section 298-276.

298-271 Application for approval of dealing

(1) An application for approval of a dealing must be made in accordance with subsection (2) or (3).

Application—dealing relates to only one title

(2) If a dealing relates to only one title, a party to the dealing may apply to the responsible Commonwealth Minister for approval of the dealing in so far as it relates to that title.

Application—dealing relates to 2 or more titles

(3) If a dealing relates to 2 or more titles, a party to the dealing may make a separate application to the responsible Commonwealth Minister for approval of the dealing in so far as it relates to each title.

Written application

(4) An application must be in writing.

298-272 Documents to accompany application

Instrument evidencing dealing

(1) An application for approval of a dealing must be accompanied by:
  (a) the instrument evidencing the dealing; or
  (b) if that instrument has already been lodged with the responsible Commonwealth Minister for the purposes of another application—a copy of that instrument.

Supplementary instrument

(2) An application for approval of a dealing may be accompanied by an instrument setting out such details (if any) as are prescribed for the purposes of an application for approval of a dealing of that kind.

(3) An instrument under subsection (2) is called a ***supplementary instrument***.

Copies

(4) An application for approval of a dealing must be accompanied by:
  (a) a copy of the application; and
  (b) a copy, or an additional copy, of the instrument referred to in subsection (1); and
  (c) a copy of any supplementary instrument.

Charge over assets of a body corporate—copies of documents

(5) If:
  (a) a dealing (including a dealing referred to in section 298-252) creates a charge over some or all of the assets of a body corporate; and
  (b) a person applies for approval of the dealing; and
  (c) the application is accompanied by 2 copies of each document required to be lodged with the Australian Securities and Investments Commission under section 263 of the

Corporations Act 2001 in relation to the creation of the charge;

the person is taken to have complied with:

(d) subsection (1); and

(e) subsection (4) in so far as that subsection requires a copy, or an additional copy, of the instrument referred to in subsection (1) to accompany the application.

298-273 Timing of application

(1) An application for approval of a dealing must be made within:

(a) 90 days after the day on which the party who last executed the instrument evidencing the dealing so executed the instrument; or

(b) such longer period as the responsible Commonwealth Minister allows.

(2) The responsible Commonwealth Minister may allow a longer period under paragraph (1)(b) only if there are sufficient grounds to warrant allowing the longer period.

(3) This section has effect subject to section 298-284.

Note: Section 298-284 is about approval of a dealing that was entered into before the title came into existence.

298-274 Application date to be entered in Register

If an application is made for approval of a dealing, the responsible Commonwealth Minister:

(a) must enter a memorandum in the Register of the date on which the application was lodged; and

(b) may make such other notation in the Register as the responsible Commonwealth Minister considers appropriate.

298-275 Approval of dealing

Scope

(1) This section applies if an application is made for approval of a dealing in so far as it relates to a particular title.

Decision

(2) The responsible Commonwealth Minister must:

(a) approve the dealing; or

(b) refuse to approve the dealing;

in so far as it relates to that title.

Note: Section 298-284 limits the power conferred on the responsible Commonwealth Minister by this section. Section 298-284 is about approval of a dealing that was entered into before the title came into existence.

Notification of decision

(3) The responsible Commonwealth Minister must, by written notice given to the applicant, notify the applicant of the responsible Commonwealth Minister's decision.

Refusal to approve dealing—notation in Register

(4) If the responsible Commonwealth Minister refuses to approve the dealing in so far as it relates to that title, the responsible Commonwealth Minister must make a notation of the refusal in the Register.

298-276 Entry of dealing in Register

Scope

(1) This section applies if the responsible Commonwealth Minister approves a dealing in so far as it relates to a particular title.

Endorsement

(2) The responsible Commonwealth Minister must immediately endorse a memorandum of approval:

(a) on the original instrument evidencing the dealing and on the copy of that instrument; or

(b) if the original instrument was not lodged with the application for approval—on both of the copies of that instrument.

Entry in Register

(3) On payment of the fee provided for in the Registration Fees Act, the responsible Commonwealth Minister must make an entry of the approval of the dealing in the Register on:

(a) the memorial relating to that title; or

(b) the copy of that title.

298-277 Retention, inspection and return of instruments

Scope

(1) This section applies if the responsible Commonwealth Minister makes an entry of the approval of a dealing in the Register.

Application accompanied by supplementary instrument

(2) If the application for approval of the dealing was accompanied by a supplementary instrument:

(a) a copy of the supplementary instrument, endorsed with a copy of the memorandum of approval, must be:

(i) retained by the responsible Commonwealth Minister; and

(ii) made available for inspection in accordance with this Chapter; and

(b) the supplementary instrument must be returned to the person who applied for approval; and

(c) a copy of the instrument evidencing the dealing must not be made available for inspection in accordance with this Chapter; and

(d) the original instrument evidencing the dealing, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval, must be returned to the person who applied for approval.

Note: For inspection, see section 298-296.

Application not accompanied by supplementary instrument

(3) If the application for approval of the dealing was not accompanied by a supplementary instrument:

(a) one copy of the instrument evidencing the dealing, endorsed with a memorandum of approval, must be:

(i) retained by the responsible Commonwealth Minister; and

(ii) made available for inspection in accordance with this Chapter; and

(b) the original instrument evidencing the dealing, or a copy of the original instrument, as the case requires, endorsed with a memorandum of approval, must be returned to the person who applied for approval.

Note: For inspection, see section 298-296.

Definition

(4) In this section:

supplementary instrument has the meaning given by subsection 298-272(3) or 298-281(3).

298-278 Strict compliance with application provisions not required

The approval of a dealing, or the making of an entry in the Register in relation to a dealing, is not made ineffective because of any failure to comply, in relation to the application for approval of the dealing, with the requirements of this Part.

298-279 Limit on effect of approval of dealing

The approval of a dealing does not give to the dealing any force, effect or validity that the dealing would not have had if this Chapter had not been enacted.

Part 3A.7—Dealings in future interests

298-280 Provisional application for approval of dealing

Scope

(1) This section applies if:

(a) 2 or more persons enter into a dealing relating to a title that may come into existence in the future; and

(b) that dealing would, if the title came into existence, become a dealing to which Part 3A.6 applies.

Provisional application—dealing relates to only one title

(2) If the dealing relates to only one title that may come into existence in the future, a party to the dealing may make a provisional application to the responsible Commonwealth Minister for approval of the dealing.

Provisional application—dealing relates to 2 or more titles

(3) If the dealing relates to 2 or more titles that may come into existence in the future, a party to the dealing may make a separate provisional application to the responsible Commonwealth Minister for approval of the dealing in relation to each title that may come into existence in the future.

Written provisional application

(4) A provisional application must be in writing.

298-281 Documents to accompany provisional application

Instrument evidencing dealing

(1) A provisional application for approval of a dealing must be accompanied by:

(a) the instrument evidencing the dealing; or

(b) if that instrument has already been lodged with the responsible Commonwealth Minister for the purposes of another provisional application—a copy of that instrument.

Supplementary instrument

(2) A provisional application for approval of a dealing may be accompanied by an instrument setting out such details (if any) as are prescribed for the purposes of a provisional application for approval of a dealing of that kind.

(3) An instrument under subsection (2) is called a ***supplementary instrument***.

Copies

(4) A provisional application for approval of a dealing must be accompanied by:

(a) a copy of the provisional application; and

(b) a copy, or an additional copy, of the instrument referred to in subsection (1); and

(c) a copy of any supplementary instrument.

Charge over assets of a body corporate—copies of documents

(5) If:

(a) a dealing (including a dealing referred to in section 298-252) creates a charge over some or all of the assets of a body corporate; and

(b) a person makes a provisional application for approval of the dealing; and

(c) the provisional application is accompanied by 2 copies of each document required to be lodged with the Australian Securities and Investments Commission under section 263 of the *Corporations Act 2001* in relation to the creation of the charge;

the person is taken to have complied with:

(d) subsection (1); and

(e) subsection (4) in so far as that subsection requires a copy, or an additional copy, of the instrument referred to in subsection (1) to accompany the provisional application.

298-282 Timing of provisional application

A provisional application must be made within the period worked out using the table:

Period for making a provisional application

Item	In this case...	the period begins on...	and ends on...
1	a provisional application for approval of a dealing relating to any of the following titles that may come into existence in the	the day on which an offer document that relates to the application for the	the day on which the title comes into existence.

Period for making a provisional application			
Item	**In this case...**	**the period begins on...**	**and ends on...**
	future: (a) a greenhouse gas assessment permit; (b) a greenhouse gas holding lease; (c) a greenhouse gas injection licence	title is given to the applicant for the title	
2	a provisional application for approval of a dealing relating to a greenhouse gas special authority that may come into existence in the future	the day on which the application for the grant of the greenhouse gas special authority is made	the day on which the greenhouse gas special authority comes into existence.

298-283 Provisional application to be treated as an application under section 298-271 when title comes into existence

If:

(a) a provisional application is made for approval of a dealing; and

(b) the title to which the dealing relates comes into existence; and

(c) on that title coming into existence, the dealing becomes a dealing to which Part 3A.6 applies;

the provisional application is to be treated as if it were an application made under section 298-271 on the day on which that title came into existence.

298-284 Limit on approval of dealing

(1) If:

(a) Part 3A.6 applies to a dealing relating to a title; and

(b) immediately before the title came into existence, the dealing was a dealing referred to in subsection 298-280(1);

the responsible Commonwealth Minister may approve the dealing under section 298-275 only if:

(c) a provisional application for approval of the dealing was made under section 298-280; or

(d) an application for approval of the dealing was made under section 298-271 within:

(i) 90 days after the day on which the title came into existence; or

(ii) such longer period as the responsible Commonwealth Minister allows.

(2) The responsible Commonwealth Minister may allow a longer period under subparagraph (1)(d)(ii) only if there are sufficient grounds to warrant allowing the longer period.

Part 3A.8—Correction and rectification of Register

298-285 Corrections of clerical errors or obvious defects

The responsible Commonwealth Minister may alter the Register for the purposes of correcting a clerical error or an obvious defect in the Register.

298-286 General power of correction of Register

Power of correction

(1) The responsible Commonwealth Minister may make such entries in the Register as the responsible Commonwealth Minister considers appropriate for the purposes of ensuring that the Register accurately records the interests and rights existing in relation to a title.

(2) The responsible Commonwealth Minister may exercise the power conferred by subsection (1):

(a) on written application being made to the responsible Commonwealth Minister by a person; or

(b) on the responsible Commonwealth Minister's own initiative.

Consultation

(3) Before the responsible Commonwealth Minister makes an entry in the Register under subsection (1), the responsible Commonwealth Minister must cause to be published in the *Gazette* a notice:

(a) setting out the terms of the entry that the responsible Commonwealth Minister proposes to make in the Register; and

(b) inviting interested persons to give the responsible Commonwealth Minister written submissions about the making of the entry; and

(c) specifying a time limit for the making of those submissions.

(4) The time limit must not be shorter than 45 days after the publication of the notice.

(5) In deciding whether to make the entry in the Register, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Gazettal of terms of entry

(6) If the responsible Commonwealth Minister makes an entry in the Register under subsection (1), the responsible Commonwealth Minister must cause to be published in the *Gazette* a notice setting out the terms of the entry.

298-287 Rectification of Register

Application for rectification

(1) If a person is aggrieved by any of the following:

(a) the omission of an entry from the Register;

(b) an entry made in the Register without sufficient cause;

(c) an entry wrongly existing in the Register;

(d) an error or defect in an entry in the Register;

the person may apply to:

(e) the Federal Court; or

(f) the Supreme Court of, or having jurisdiction in, the State or Territory to which the relevant offshore area relates;

for the rectification of the Register.

Court orders

(2) If an application is made under subsection (1) to a court for the rectification of the Register, the court may make such order as it thinks fit directing the rectification of the Register.

(3) In proceedings under this section, the court may decide any question that it is necessary or expedient to decide in connection with the rectification of the Register.

Appearance of responsible Commonwealth Minister

(4) Notice of an application under this section must be given to the responsible Commonwealth Minister concerned, who:

(a) may appear and be heard; and

(b) must appear if so directed by the court.

Copy of order to be given to responsible Commonwealth Minister

(5) An office copy of an order made by the court may be given to the responsible Commonwealth Minister.

Compliance with order

(6) The responsible Commonwealth Minister must, on receipt of the order, rectify the Register accordingly.

Principal Northern Territory offshore area and Eastern Greater Sunrise offshore area

(7) For the purposes of paragraph (1)(f):

(a) the Principal Northern Territory offshore area; and

(b) the Eastern Greater Sunrise offshore area;

are taken to relate to the Northern Territory.

Part 3A.9—Information-gathering powers

298-288 Responsible Commonwealth Minister may obtain information from applicants

Scope

(1) This section applies if:

(a) an application for approval of the transfer of a title is made under section 298-257; or

(b) an application is made under section 298-265 or 298-267 in relation to a title; or

(c) an application for approval of a dealing is made under section 298-271; or

(d) a provisional application for approval of a dealing is made under section 298-280; or

(e) an application is made under section 298-286 in relation to a title.

Requirement to give information

(2) The responsible Commonwealth Minister may, by written notice given to the applicant, require the applicant to give the responsible Commonwealth Minister, within the period and in the manner specified in the notice, such information about the matter to which the application relates as the responsible Commonwealth Minister considers necessary or advisable.

(3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

Offences

(4) A person commits an offence if:

(a) the person has been given a notice under subsection (2); and

(b) the person omits to do an act; and

(c) the omission contravenes a requirement in the notice.

Penalty: 50 penalty units.

(5) A person commits an offence if:

(a) the responsible Commonwealth Minister requires the person to give information under subsection (2); and

(b) the person gives information; and

(c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: 50 penalty units.

Notice to set out the effect of offence provisions

(6) A notice under subsection (2) must set out the effect of the following provisions:

(a) subsection (4);

(b) subsection (5).

Note: The same conduct may be an offence against both subsection (5) of this section and section 137.1 of the *Criminal Code*.

298-289 Responsible Commonwealth Minister may obtain information from a party to an approved dealing

Scope

(1) This section applies if:

(a) a person is a party to a dealing relating to a title; and

(b) the dealing has been approved under section 298-275.

Requirement to give information

(2) The responsible Commonwealth Minister may, by written notice given to the person, require the person to give to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, such information about alterations in the interests or rights existing in relation to the title as the responsible Commonwealth Minister considers necessary or advisable.

(3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

Offences

(4) A person commits an offence if:

(a) the person has been given a notice under subsection (2); and

(b) the person omits to do an act; and
(c) the omission contravenes a requirement in the notice.

Penalty: 50 penalty units.

(5) A person commits an offence if:
(a) the responsible Commonwealth Minister requires the person to give information under subsection (2); and
(b) the person gives information; and
(c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: 50 penalty units.

Notice to set out the effect of offence provisions

(6) A notice under subsection (2) must set out the effect of the following provisions:
(a) subsection (4);
(b) subsection (5).

Note: The same conduct may be an offence against both subsection (5) of this section and section 137.1 of the *Criminal Code*.

298-290 Production and inspection of documents

Scope

(1) This section applies if the responsible Commonwealth Minister has reason to believe that a document:
(a) is in the possession or under the control of a person; and
(b) relates to:
(i) a transfer or dealing for which approval is sought under this Chapter; or
(ii) an application under section 298-265, 298-267 or 298-268.

Requirement

(2) The responsible Commonwealth Minister may, by written notice given to the person, require the person:

(a) to produce the document to the responsible Commonwealth Minister, within the period and in the manner specified in the notice; or

(b) to make the document available for inspection by or on behalf of the responsible Commonwealth Minister.

(3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

Offences

(4) A person commits an offence if:

(a) the person has been given a notice under subsection (2); and

(b) the person omits to do an act; and

(c) the omission contravenes a requirement in the notice.

Penalty: 50 penalty units.

(5) An offence against subsection (4) is an offence of strict liability.

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

(6) A person commits an offence if:

(a) the person has been given a notice under subsection (2); and

(b) the person:

(i) produces a document to the responsible Commonwealth Minister; or

(ii) makes a document available for inspection by or on behalf of the responsible Commonwealth Minister; and

(c) the person does so knowing that the document is false or misleading in a material particular; and

(d) the document is produced or made available in compliance or purported compliance with the notice.

Penalty: 50 penalty units.

Notice to set out the effect of offence provisions

(7) A notice under subsection (2) must set out the effect of the following provisions:

(a) subsection (4);

(b) subsection (6).

Note: The same conduct may be an offence against both subsection (6) of this section and section 137.2 of the *Criminal Code*.

298-291 Responsible Commonwealth Minister may retain documents

(1) The responsible Commonwealth Minister may take possession of a document produced under section 298-290, and retain it for as long as is necessary.

(2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the responsible Commonwealth Minister to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the responsible Commonwealth Minister must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

Part 3A.10—Other provisions

298-292 Responsible Commonwealth Minister not concerned with the effect of instrument lodged under this Chapter

The responsible Commonwealth Minister is not concerned with the effect in law of an instrument lodged under this Chapter.

298-293 True consideration to be shown

Offence

(1) A person commits an offence if:
  (a) the person is a party to:
    (i) a transfer of a title; or
    (ii) a dealing to which Part 3A.6 applies; or
    (iii) a dealing referred to in subsection 298-280(1); and
  (b) the person gives the responsible Commonwealth Minister:

(i) an instrument of transfer; or
(ii) an instrument evidencing the dealing; or
(iii) a supplementary instrument; and

(c) the instrument contains a statement relating to:
(i) the consideration for the transfer or dealing; or
(ii) any other fact or circumstance affecting the amount of the fee payable under the Registration Fees Act in relation to the transfer or dealing; and

(d) the person gives the instrument knowing that the statement is false or misleading in a material particular.

Penalty: 100 penalty units.

Definition

(2) In this section:

supplementary instrument has the meaning given by subsection 298-272(3) or 298-281(3).

Note: The same conduct may be an offence against both subsection (1) of this section and section 137.2 of the *Criminal Code*.

298-294 Making a false entry in the Register

A person commits an offence if:

(a) the person:
(i) makes an entry in the Register; or
(ii) causes an entry to be made in the Register; or
(iii) concurs in the making of an entry in the Register; and

(b) the person does so knowing that the entry is false.

Penalty: 50 penalty units.

Note: The same conduct may be an offence against both this section and section 145.4 of the *Criminal Code*.

298-295 Falsified documents

A person commits an offence if:

(a) the person produces or tenders in evidence a document; and

(b) the document falsely purports to be:
(i) a copy of or extract from an entry in the Register; or

(ii) a copy of or extract from an instrument given to the responsible Commonwealth Minister under this Chapter.

Penalty: 50 penalty units.

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

298-296 Inspection of Register and instruments

Inspection of Register

(1) The responsible Commonwealth Minister must ensure that the Register is open for inspection, at all convenient times, by any person on payment of a fee calculated under the regulations.

Instruments

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

298-297 Evidentiary provisions

Register

(1) The Register is to be received in all courts and proceedings as prima facie evidence of all matters required or authorised by this Chapter to be entered in the Register.

Certified copies and extracts

(2) The responsible Commonwealth Minister may, on payment of a fee calculated under the regulations, supply:

(a) a copy of or extract from the Register; or

(b) a copy of or extract from any instrument lodged with the responsible Commonwealth Minister under this Chapter;

certified by the responsible Commonwealth Minister to be a true copy or true extract, as the case may be.

(3) The certified copy or extract is admissible in evidence in all courts and proceedings without further proof or production of the original.

Evidentiary certificate

(4) The responsible Commonwealth Minister may, on payment of a fee calculated under the regulations, issue a written certificate:

(a) stating that an entry, matter or thing required or permitted by or under this Chapter to be made or done:

(i) has been made or done; or

(ii) has not been made or done; or

(b) stating that an entry, matter or thing required by or under this Chapter not to be made or done:

(i) has not been made or done; or

(ii) has been made or done.

(5) The certificate is to be received in all courts and proceedings as prima facie evidence of the statements in the certificate.

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

(6) A certificate must not be admitted in evidence under subsection (5) in proceedings for an offence unless:

(a) the person charged with the offence; or

(b) a barrister or solicitor who has appeared for the person in those proceedings;

has, at least 14 days before the certificate is sought to be so admitted, been given a copy of the certificate together with notice of the intention to produce the certificate as evidence in the proceedings.

Person signing the certificate may be called to give evidence

(7) If, under subsection (5), a certificate is admitted in evidence in proceedings for an offence, the person charged with the offence may require the person who signed the certificate to be:

(a) called as a witness for the prosecution; and

(b) cross-examined as if the person who signed the certificate had given evidence of the matters stated in the certificate.

(8) However, subsection (7) does not entitle the person charged to require the person who signed the certificate to be called as a witness for the prosecution unless:

(a) the prosecutor has been given at least 4 days notice of the person's intention to require the person who signed the certificate to be so called; or

(b) the court, by order, allows the person charged to require the person who signed the certificate to be so called.

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

(9) Any evidence given in support, or in rebuttal, of a matter stated in a certificate issued under subsection (4) must be considered on its merits, and the credibility and probative value of such evidence must be neither increased nor diminished by reason of this section.

298-298 Assessment of fee

Original determination

(1) The responsible Commonwealth Minister may determine the amount of the fee payable under the Registration Fees Act in relation to an entry in the Register.

Fresh determination—false or misleading information given to responsible Commonwealth Minister

(2) If:

(a) the responsible Commonwealth Minister has determined the amount of a fee payable under the Registration Fees Act in relation to a transfer or dealing; and

(b) a person is convicted of an offence against section 298-293 in relation to giving the responsible Commonwealth Minister an instrument that contains a statement about:

(i) the consideration for the transfer or dealing; or

(ii) any other fact or circumstance affecting the amount of the fee payable under the Registration Fees Act in relation to the transfer or dealing;

the responsible Commonwealth Minister may make a fresh determination of the amount of the fee payable under the Registration Fees Act in relation to the transfer or dealing.

Note: Section 298-293 is about giving an instrument that contains a false or misleading statement.

Appeal

(3) A person dissatisfied with a determination of the responsible Commonwealth Minister under subsection (1) or (2) may appeal against the determination to:

(a) the Federal Court; or

(b) the Supreme Court of, or having jurisdiction in, the State or Territory to which the relevant offshore area relates.

(4) The court hearing the appeal may affirm, set aside or modify the determination of the responsible Commonwealth Minister.

Appearance of responsible Commonwealth Minister

(5) Notice of an appeal under this section is to be given to the responsible Commonwealth Minister concerned, who:

(a) may appear and be heard; and

(b) must appear if so directed by the court.

Principal Northern Territory offshore area and Eastern Greater Sunrise offshore area

(6) For the purposes of paragraph (3)(b):

(a) the Principal Northern Territory offshore area; and

(b) the Eastern Greater Sunrise offshore area;

are taken to relate to the Northern Territory.

192 After section 301

Insert:

316-301 Work practices

(1) The table has effect:

Work practices		
Item	**This person...**	**must...**
1	the registered holder of a greenhouse gas assessment permit, greenhouse gas	(a) carry out all: (i) operations relating to the exploration for potential greenhouse gas storage formations; or (ii) operations relating to the exploration for

Work practices		
Item	**This person...**	**must...**
	holding lease, greenhouse gas injection licence or production licence	potential greenhouse gas injection sites; in the permit area, lease area or licence area in a proper and workmanlike manner; and (b) carry out all: (i) operations relating to the injection of a greenhouse gas substance into a part of a geological formation; or (ii) operations relating to the storage of a greenhouse gas substance in a part of a geological formation; in the permit area, lease area or licence area in a proper and workmanlike manner.
2	the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence or production licence	(a) control the flow, and prevent the escape, in the permit area, lease area or licence area, of greenhouse gas substances; and (b) control the flow, and prevent the waste or escape, in the permit area, lease area or licence area, of petroleum or water; and (c) prevent the escape, in the permit area, lease area or licence area, of any mixture of water or drilling fluid with petroleum or any other matter; and (d) prevent damage to petroleum-bearing strata, and potential greenhouse gas storage formations, in an area (whether in the offshore area or not) in relation to which the permit, lease or licence is not in force; and (e) keep separate each petroleum pool discovered in the permit area, lease area or licence area; and (f) keep separate such of the sources of water (if any) discovered in the permit area, lease area or licence area as the responsible Commonwealth Minister, by written notice given to the registered holder, directs; and (g) prevent water, a greenhouse gas substance or any other matter entering any petroleum pool through wells in the permit area, lease area or licence area except when required by, and in accordance with, good oilfield practice.
3	the registered holder of a	carry out all: (a) operations relating to the exploration for potential

Work practices		
Item	**This person...**	**must...**
	greenhouse gas special authority	greenhouse gas storage formations; or (b) operations relating to the exploration for potential greenhouse gas injection sites; or (c) operations relating to the injection of a greenhouse gas substance into a potential greenhouse gas storage formation; or (d) operations relating to the storage of a greenhouse gas substance in a potential greenhouse gas storage formation; or (e) operations to carry out baseline investigations relating to the storage of a greenhouse gas substance in a potential greenhouse gas storage formation; or (f) operations relating to the monitoring of the behaviour of a greenhouse gas substance stored in a potential greenhouse gas storage formation; in the authority area in a proper and workmanlike manner.
4	the registered holder of a greenhouse gas search authority	carry out all: (a) operations relating to the exploration for potential greenhouse gas storage formations; or (b) operations relating to the exploration for potential greenhouse gas injection sites; in the authority area in a proper and workmanlike manner.
5	the holder of a greenhouse gas research consent	carry out all: (a) operations relating to the exploration for potential greenhouse gas storage formations; or (b) operations relating to the exploration for potential greenhouse gas injection sites; authorised by the consent in a proper and workmanlike manner.

(2) Paragraphs (a) to (g) of item 2 of the table in subsection (1) have effect subject to any authorisation given, or requirement made, by or under:

(a) this Act; or

(b) the regulations; or

(c) a direction under this Act.

(3) Paragraph (b) of item 1 of the table in subsection (1) does not limit paragraph (a) of that item.

(4) Paragraphs (a) to (g) of item 2 of the table in subsection (1) do not limit paragraph (a) of item 1 of the table.

Offence

(5) A person commits an offence if:

(a) the person is subject to a requirement under subsection (1); and

(b) the person engages in conduct; and

(c) the person's conduct breaches the requirement.

Penalty: 100 penalty units.

Defence

(6) In:

(a) a prosecution for an offence against subsection (5) in relation to a breach of a paragraph of an item of the table in subsection (1); or

(b) an action arising out of a breach of a paragraph of an item of the table in subsection (1);

it is a defence if the defendant proves that the defendant took all reasonable steps to comply with that paragraph.

Note: In a prosecution for an offence, the defendant bears a legal burden in relation to the matter in subsection (6)—see section 13.4 of the *Criminal Code*.

This section has effect subject to certain other provisions etc.

(7) This section has effect subject to:

(a) any other provision of this Act; and

(b) the regulations; and

(c) a direction under section 316-305; and

(d) any other law.

193 After subsection 302(2)

Insert:

Greenhouse gas titles

(2A) The conditions of:

(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;

may include a condition that the registered holder maintain, as directed by the responsible Commonwealth Minister from time to time, insurance against:

(f) expenses; or

(g) liabilities; or

(h) specified things;

arising in connection with, or as a result of:

(i) the carrying out of work under the permit, lease, licence or authority; or

(j) the doing of any other thing under the permit, lease, licence or authority;

including insurance against expenses of complying with directions relating to the clean-up or other remediation of the effects of the escape of a greenhouse gas substance.

Note 1: The heading to subsection 302(1) is altered by omitting "*Permits,*" and substituting "*Petroleum permits,*".

Note 2: The heading to subsection 302(2) is replaced by the heading "*Petroleum authorities*".

194 Subsection 303(1) (table)

At the end of the table, add:

8	a greenhouse gas assessment permit	the permittee	the permit area.
9	a greenhouse gas holding lease	the lessee	the lease area.
10	a greenhouse gas injection licence	the licensee	the licence area.
11	a greenhouse gas search authority	the registered holder of the authority	the authority area.
12	a greenhouse gas special authority	the registered holder of the authority	the authority area.

195 Paragraph 303(7)(c)

After "305", insert "or 316-305".

196 Part 4.2 (heading)

Repeal the heading, substitute:

Part 4.2—Directions relating to petroleum

197 Section 304

Repeal the section, substitute:

304 Simplified outline

The following is a simplified outline of this Part:

- The Designated Authority may give a direction to a petroleum titleholder. A direction may extend to other persons.
- If there is a breach of a direction given by the Joint Authority or the Designated Authority under Chapter 2, this Chapter or the regulations, the Designated Authority may do anything required by the direction to be done, and the Designated Authority's costs may be recovered from the person to whom the direction was given.
- In a prosecution for an offence relating to a breach of a direction given by the Joint Authority or the Designated Authority under Chapter 2, this Chapter or the regulations, it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

198 Paragraph 308(1)(a)

After "a direction", insert "given by the Joint Authority or the Designated Authority".

199 Section 309

After "a direction", insert "given by the Joint Authority or the Designated Authority".

200 After Part 4.2

Insert:

Part 4.2A—Directions relating to greenhouse gas

Division 1—Simplified outline

316-304 Simplified outline

The following is a simplified outline of this Part:

- The responsible Commonwealth Minister may give a direction to a greenhouse gas titleholder. A direction may extend to other persons.
- If there is a breach of a direction given by the responsible Commonwealth Minister under Chapter 2A, this Chapter or the regulations, the responsible Commonwealth Minister may do anything required by the direction to be done, and the responsible Commonwealth Minister's costs may be recovered from the person to whom the direction was given.
- In a prosecution for an offence relating to a breach of a direction given by the responsible Commonwealth Minister under Chapter 2A, this Chapter or the regulations, it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

Division 2—General power to give directions

316-305 General power to give directions

Definitions

(1) In this section:

greenhouse gas matter means:

(a) exploring for a potential greenhouse gas storage formation; or

(b) exploring for a potential greenhouse gas injection site; or

(c) the injection of a greenhouse gas substance into the seabed or subsoil of an offshore area; or

(d) the storage of a greenhouse gas substance in the seabed or subsoil of an offshore area.

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.

Direction to registered holder

(2) The responsible Commonwealth Minister may, by written notice given to the registered holder of a title, give the registered holder a direction as to any matter in relation to which regulations may be made.

Note 1: Section 444 is the main provision setting out matters in relation to which regulations may be made.

Note 2: For enforcement, see section 316-307.

Extended application of direction

(3) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to:

(a) a specified class of persons, so long as the class consists of, or is included in, either or both of the following classes:

(i) employees or agents of, or persons acting on behalf of, the registered holder;

(ii) persons performing work or services, whether directly or indirectly, for the registered holder; or

(b) any person (other than the registered holder or a person to whom the direction applies in accordance with paragraph (a)) who is:

(i) in an offshore area for any reason touching, concerning, arising out of, or connected with, a greenhouse gas matter; or

(ii) in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other

property, that is in the offshore area for a reason of that kind.

(4) If a direction so expressed is given, the direction is taken to apply to each person included in the specified class mentioned in paragraph (3)(a) or to each person who is in the offshore area as mentioned in paragraph (3)(b), as the case may be.

Note: For notification requirements, see section 316-306.

Additional matters

(5) A direction under this section has effect, and must be complied with, despite:

(a) any previous direction under this section; and

(b) anything in the regulations or the applied provisions.

Note: For ***applied provisions***, see subsection 59(2).

(6) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument:

(a) as in force or existing at the time when the direction takes effect; or

(b) as in force or existing from time to time;

so long as the code of practice or standard is relevant to that matter.

(7) To avoid doubt, subsection (6) applies to an instrument, whether issued or made in Australia or outside Australia.

(8) A direction under this section may prohibit the doing of an act or thing:

(a) unconditionally; or

(b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.

Directions

(9) If paragraph (3)(b) applies to a direction under this section, the direction is a legislative instrument.

(10) If paragraph (3)(b) does not apply to a direction under this section, the direction is not a legislative instrument.

316-306 Notification of a direction that has an extended application

Notification

(1) If a direction under section 316-305 applies to:
  (a) a registered holder; and
  (b) a person referred to in paragraph 316-305(3)(a);
the registered holder must cause a copy of the notice by which the direction was given to be:
  (c) given to that other person; or
  (d) displayed at a prominent position at a place in the offshore area frequented by that other person.

(2) If a direction under section 316-305 applies to:
  (a) a registered holder; and
  (b) a person referred to in paragraph 316-305(3)(b);
the registered holder must cause a copy of the notice by which the direction was given to be displayed at a prominent position at a place in the offshore area.

(3) If a direction under section 316-305 applies to:
  (a) a registered holder; and
  (b) a person referred to in paragraph 316-305(3)(b);
the responsible Commonwealth Minister may, by written notice given to the registered holder, require the registered holder to cause to be displayed:
  (c) at such places in the offshore area; and
  (d) in such manner;
as are specified in the notice, copies of the notice by which the direction was given.

Offence

(4) A person commits an offence if:
  (a) the person is subject to a requirement under subsection (1), (2) or (3); and
  (b) the person omits to do an act; and
  (c) the omission breaches the requirement.

Penalty for contravention of this subsection: 50 penalty units.

316-307 Compliance with directions

Offence

(1) A person commits an offence if:

(a) the person is subject to a direction under section 316-305; and

(b) the person engages in conduct; and

(c) the person's conduct breaches the direction.

Penalty: 100 penalty units.

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

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

Defence

(3) If:

(a) a direction under section 316-305 applies to:

(i) a registered holder; and

(ii) another person; and

(b) the other person is prosecuted for an offence against subsection (1) in relation to a breach of the direction; and

(c) the other person adduces evidence that the other person did not know, and could not reasonably be expected to have known, of the existence of the direction;

the other person is not to be convicted of the offence unless the prosecution proves that the other person knew, or could reasonably be expected to have known, of the existence of the direction.

Division 3—Responsible Commonwealth Minister may take action if there is a breach of a direction

316-308 Responsible Commonwealth Minister may take action if there is a breach of a direction

Action by responsible Commonwealth Minister

(1) If:

(a) a person is subject to a direction given by the responsible Commonwealth Minister under:

(i) Chapter 2A; or
(ii) this Chapter; or
(iii) Part 5A.1; or
(iv) the regulations; and

(b) the person engages in conduct; and

(c) the person's conduct breaches the direction;

the responsible Commonwealth Minister may do any or all of the things required by the direction to be done.

Recovery of costs and expenses incurred by the responsible Commonwealth Minister

(2) Costs or expenses incurred by the responsible Commonwealth Minister under subsection (1) in relation to a direction are:

(a) a debt due to the Commonwealth by the person subject to the direction; and

(b) recoverable in a court of competent jurisdiction.

Exception—direction that has an extended application

(3) If:

(a) a direction under section 316-305 applies to:
(i) a registered holder; and
(ii) another person; and

(b) an action under subsection (2) relating to the direction is brought against the other person; and

(c) the other person adduces evidence that the other person did not know, and could not reasonably be expected to have known, of the existence of the direction;

the other person is not liable under subsection (2) unless the plaintiff proves that the other person knew, or could reasonably be expected to have known, of the existence of the direction.

Defence

(4) In an action under subsection (2), it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

Division 4—Defence of taking reasonable steps to comply with a direction

316-309 Defence of taking reasonable steps to comply with a direction

In a prosecution for an offence in relation to a breach of a direction given by the responsible Commonwealth Minister under:

(a) Chapter 2A; or

(b) this Chapter; or

(c) Part 5A.1; or

(d) the regulations;

it is a defence if the defendant proves that the defendant took all reasonable steps to comply with the direction.

Note: The defendant bears a legal burden in relation to the matter in this section—see section 13.4 of the *Criminal Code*.

201 Before section 310

Insert:

Division 1—Petroleum

202 Section 310

Omit "Part", substitute "Division".

203 Section 310

Before "titleholders" (wherever occurring), insert "petroleum".

204 After subsection 311(2)

Insert:

(2A) In attaining a state of satisfaction for the purposes of paragraph (2)(b), the Designated Authority:

(a) in the case of a declared exploration permit, declared retention lease or declared production licence—must have regard; or

(b) otherwise—may have regard;

to the principle that plugging or closing off wells should be carried out in a way that restores or maintains the suitability of a part of a

geological formation for the permanent storage of greenhouse gas substances.

205 After subsection 312(3)

Insert:

(3A) In attaining a state of satisfaction for the purposes of paragraph (2)(b), the Designated Authority:

(a) in the case of a declared exploration permit, declared retention lease or declared production licence—must have regard; or

(b) otherwise—may have regard;

to the principle that plugging or closing off wells should be carried out in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.

205A Subsection 315(1)

Omit "316", substitute "442D".

206 Section 316

Repeal the section.

207 At the end of Part 4.3

Add:

Division 2—Greenhouse gas

316-310 Simplified outline

The following is a simplified outline of this Division:

- The responsible Commonwealth Minister may give remedial directions to greenhouse gas titleholders or former greenhouse gas titleholders about the following matters:
  - (a) the removal of property;
  - (b) the plugging or closing off of wells;

(c) the conservation and protection of natural resources;

(d) the making good of damage to the seabed or subsoil.

- The responsible Commonwealth Minister may give site closing directions to greenhouse gas injection licensees.
- If there is a breach of a direction, the responsible Commonwealth Minister may do anything required by the direction to be done.
- If property has not been removed in accordance with a direction, the responsible Commonwealth Minister may direct the owner to remove or dispose of the property.

316-311 Remedial directions to current holders of permits, leases and licences

Scope

(1) This section applies to:
(a) a greenhouse gas assessment permit; or
(b) a greenhouse gas holding lease; or
(c) a greenhouse gas injection licence, if no operations for the injection of a greenhouse gas substance into an identified greenhouse gas storage formation have been carried on under the licence.

Direction to registered holder

(2) The responsible Commonwealth Minister may, by written notice given to the registered holder of the permit, lease or licence, direct the holder to do any or all of the following things on or before the applicable date:
(a) to:
(i) remove, or cause to be removed, from the title area all property brought into that area by any person engaged or concerned in the operations authorised by the permit, lease or licence; or

(ii) make arrangements that are satisfactory to the responsible Commonwealth Minister in relation to that property;

(b) to plug or close off, to the satisfaction of the responsible Commonwealth Minister, all wells made in the title area by any person engaged or concerned in those operations;

(c) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the title area;

(d) to make good, to the satisfaction of the responsible Commonwealth Minister, any damage to the seabed or subsoil in the title area caused by any person engaged or concerned in those operations.

Note 1: For ***applicable date*** and ***title area***, see subsection (6).

Note 2: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(3) Paragraph (2)(c) has effect subject to:

(a) Chapter 2A; and

(b) this Chapter; and

(c) the regulations.

(4) In attaining a state of satisfaction for the purposes of paragraph (2)(b), the responsible Commonwealth Minister must have regard to the principle that plugging or closing off wells should be carried out in a way that minimises damage to the petroleum-bearing qualities of geological formations.

Offence

(5) A person commits an offence if:

(a) the person is subject to a direction under subsection (2); and

(b) the person omits to do an act; and

(c) the omission breaches the direction.

Penalty: 100 penalty units.

Applicable date and title area

(6) For the purposes of this section, the table has effect:

Applicable date and title area			
Item	**In the case of...**	**the *applicable date* is...**	**and the *title area* is...**
1	a greenhouse gas assessment permit	the expiry date of the permit	the permit area.
2	a greenhouse gas holding lease (other than a special greenhouse gas holding lease)	the expiry date of the lease	the lease area.
3	a special greenhouse gas holding lease	the date determined, in writing, by the responsible Commonwealth Minister	the lease area.
4	a greenhouse gas injection licence	the first date on which the licence can be terminated under this Act	the licence area.

(7) A notice under subsection (2) need not identify the applicable date as a particular calendar date.

316-311A Site closing directions to current holders of greenhouse gas injection licences

Scope

(1) This section applies if:

(a) an identified greenhouse gas storage formation is specified in a greenhouse gas injection licence; and

(b) operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation have been carried on under the licence; and

(c) the responsible Commonwealth Minister is satisfied that operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation have ceased; and

(d) any of the following conditions is satisfied:

(i) an application has been made for a site closing certificate in relation to the identified greenhouse gas storage formation;

(ii) the licensee has breached the requirement imposed by subsection 249CZE(3) to make an application for a site closing certificate in relation to the identified greenhouse gas storage formation;

(iii) the licensee has breached a direction under subsection 249CZE(8) to make an application for a site closing certificate in relation to the identified greenhouse gas storage formation.

Direction to registered holder

(2) The responsible Commonwealth Minister may, by written notice given to the registered holder of the licence, direct the holder to do any or all of the following things within the period specified in the notice:

(a) to:

(i) remove, or cause to be removed, from the licence area all property brought into that area by any person engaged or concerned in the operations authorised by the licence; or

(ii) make arrangements that are satisfactory to the responsible Commonwealth Minister in relation to that property;

(b) to plug or close off, to the satisfaction of the responsible Commonwealth Minister, all wells made in the licence area, whether or not those wells were made by a person engaged or concerned in those operations;

(c) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the licence area;

(d) to make good, to the satisfaction of the responsible Commonwealth Minister, any damage to the seabed or subsoil in the licence area (whether or not caused by any person engaged or concerned in those operations);

(e) to carry out such operations as are specified in the notice for the monitoring of the behaviour of a greenhouse gas substance stored in the identified greenhouse gas storage formation concerned;

(f) to undertake such activities as are specified in the notice for the purpose of:

(i) eliminating; or

(ii) mitigating; or

(iii) managing; or

(iv) remediating;

the risk that a greenhouse gas substance injected into the identified greenhouse gas storage formation will have a significant adverse impact on:

(v) navigation; or

(vi) fishing; or

(vii) any activities being lawfully carried on, or that could be lawfully carried on, by way of the construction or operation of a pipeline; or

(viii) the enjoyment of native title rights (within the meaning of the *Native Title Act 1993*); or

(ix) the conservation or exploitation of natural resources (whether in an offshore area or elsewhere); or

(x) the geotechnical integrity of the whole or a part of a geological formation or geological structure; or

(xi) the environment; or

(xii) human health or safety;

(g) to undertake such activities as are specified in the notice for the purpose of:

(i) ensuring; or

(ii) increasing the likelihood;

that a greenhouse gas substance injected into the identified greenhouse gas storage formation will behave as predicted in Part A of the approved site plan for the identified greenhouse gas storage formation.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(3) The period specified in the notice must be reasonable.

(4) Paragraph (2)(c) has effect subject to:

(a) Chapter 2A; and

(b) this Chapter; and

(c) the regulations.

(5) Paragraphs (2)(a), (b), (c), (d) and (e) do not limit paragraph (2)(f) or (g).

(6) In attaining a state of satisfaction for the purposes of paragraph (2)(b), the responsible Commonwealth Minister must have regard to the principle that plugging or closing off wells should be carried out in a way that minimises damage to the petroleum-bearing qualities of geological formations.

(7) A paragraph (2)(f) or (g) direction may require the registered holder of the licence to do something:

(a) in the licence area; or

(b) in an offshore area but outside the licence area.

Offence

(8) A person commits an offence if:

(a) the person is subject to a direction under subsection (2); and

(b) the person omits to do an act; and

(c) the omission breaches the direction.

Penalty: 100 penalty units.

Section does not limit other powers

(9) To avoid doubt, the powers conferred on the responsible Commonwealth Minister by this section do not limit the powers conferred on the responsible Commonwealth Minister by any other provision of this Act.

316-311B Consultation—directions to do something outside the licence area

Scope

(1) This section applies if:

(a) the responsible Commonwealth Minister proposes to give a direction under section 316-311A to a greenhouse gas injection licensee; and

(b) the direction requires the licensee to do something in an area (the ***action area***) in an offshore area but outside the licence area; and

(c) the action area is, to any extent, the subject of:
(i) a greenhouse gas assessment permit; or
(ii) a greenhouse gas holding lease; or
(iii) a greenhouse gas injection licence; or
(iv) a greenhouse gas search authority; or
(v) an exploration permit; or
(vi) a retention lease; or
(vii) a production licence; or
(viii) a special prospecting authority; and
(d) the licensee mentioned in paragraph (a) is not the registered holder of the permit, lease, licence or authority mentioned in paragraph (c); and
(e) the registered holder of the permit, lease, licence or authority mentioned in paragraph (c) has not given written consent to the giving of the direction.

Consultation

(2) Before giving the direction, the responsible Commonwealth Minister must:
(a) by written notice given to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c), give at least 30 days notice of the responsible Commonwealth Minister's intention to give the direction; and
(b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.

(3) The notice must:
(a) set out details of the direction that is proposed to be given; and
(b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and
(c) specify a time limit for making that submission.

(4) In deciding whether to give the direction, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Emergencies

(5) However, if the responsible Commonwealth Minister is satisfied that the direction is required to deal with an emergency:

(a) subsections (2), (3) and (4) do not apply to the direction; and

(b) as soon as practicable after the direction is given, the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c).

316-312 Remedial directions to former holders of permits, leases, licences and authorities etc.

Scope

(1) This section applies if an event specified in the table has happened:

Scope

Item	Title	Event
1	Greenhouse gas assessment permit	(a) the permit has been cancelled; (b) the permit has expired.
2	Greenhouse gas holding lease (other than a special greenhouse gas holding lease)	(a) the lease has been cancelled; (b) the lease has expired.
3	Special greenhouse gas holding lease	the lease has been cancelled.
4	Greenhouse gas injection licence	(a) the licence has been cancelled; (b) the licence has been terminated.
5	Greenhouse gas search authority	(a) the authority has been surrendered; (b) the authority has been cancelled; (c) the authority has expired.
6	Greenhouse gas special authority	(a) the authority has been revoked; (b) the authority has been surrendered; (c) the authority has expired.

Direction

(2) The responsible Commonwealth Minister may, by written notice given to the person who was, or is, as the case may be, the

registered holder of the permit, lease, licence or authority, direct the person to do any or all of the following things within the period specified in the notice:

(a) to:

(i) remove, or cause to be removed, from the vacated area all property brought into that area by any person engaged or concerned in the operations authorised by the permit, lease, licence or authority; or

(ii) make arrangements that are satisfactory to the responsible Commonwealth Minister in relation to that property;

(b) to plug or close off, to the satisfaction of the responsible Commonwealth Minister, all wells made in the vacated area by any person engaged or concerned in those operations;

(c) to provide, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the vacated area;

(d) to make good, to the satisfaction of the responsible Commonwealth Minister, any damage to the seabed or subsoil in the vacated area caused by any person engaged or concerned in those operations.

(3) The period specified in the notice must be reasonable.

(4) Paragraph (2)(c) has effect subject to:

(a) Chapter 2A; and

(b) this Chapter; and

(c) the regulations.

(5) In attaining a state of satisfaction for the purposes of paragraph (2)(b), the responsible Commonwealth Minister must have regard to the principle that plugging or closing off wells should be carried out in a way that minimises damage to the petroleum-bearing qualities of geological formations.

Offence

(6) A person commits an offence if:

(a) the person is subject to a direction under subsection (2); and

(b) the person omits to do an act; and

(c) the omission breaches the direction.

Penalty for contravention of this subsection: 100 penalty units.

316-313 Responsible Commonwealth Minister may take action if a direction has been breached

Scope

(1) This section applies if a direction is given under section 316-311A or 316-312.

Responsible Commonwealth Minister may take action

(2) If:

(a) a direction under section 316-311A has been breached; or

(b) an arrangement under section 316-311A has not been carried out in relation to the licence area; or

(c) a direction under section 316-312 has been breached in relation to the vacated area; or

(d) an arrangement under section 316-312 has not been carried out in relation to the vacated area;

the responsible Commonwealth Minister may do any or all of the things required by the direction or arrangement to be done.

Direction to remove property

(3) If:

(a) a direction is given under section 316-311A; and

(b) any property brought into the licence area by any person engaged or concerned in the operations authorised by the licence has not been removed in accordance with:

(i) the direction; or

(ii) an arrangement under section 316-311A in relation to the licence area;

the responsible Commonwealth Minister may, by written notice published in the *Gazette*, direct the owner or owners of that property to:

(c) remove the property from the licence area; or

(d) dispose of the property to the satisfaction of the responsible Commonwealth Minister;

within the period specified in the notice.

Note: For sanctions, see section 316-314.

(4) If:

(a) a direction is given under section 316-312; and

(b) any property brought into the vacated area by any person engaged or concerned in the operations authorised by the permit, lease, licence or authority has not been removed in accordance with:

(i) a direction under section 316-312 in relation to the vacated area; or

(ii) an arrangement under section 316-312 in relation to the vacated area;

the responsible Commonwealth Minister may, by written notice published in the *Gazette*, direct the owner or owners of that property to:

(c) remove the property from the vacated area; or

(d) dispose of the property to the satisfaction of the responsible Commonwealth Minister;

within the period specified in the notice.

Note: For sanctions, see section 316-314.

(5) The period specified in the notice must be reasonable.

(6) If a direction is given under subsection (3) or (4) in relation to property, the responsible Commonwealth Minister must give a copy of the notice to each person whom the responsible Commonwealth Minister believes to be an owner of the property or of any part of the property.

316-314 Removal, disposal or sale of property by responsible Commonwealth Minister—breach of direction

Power to remove, dispose of or sell property

(1) If a direction under subsection 316-313(3) or (4) has been breached in relation to property, the responsible Commonwealth Minister may do any or all of the following things:

(a) in the case of a direction under subsection 316-313(3)—remove, in such manner as the responsible Commonwealth Minister thinks fit, any or all of that property from the licence area concerned;

(b) in the case of a direction under subsection 316-313(4)—remove, in such manner as the responsible Commonwealth Minister thinks fit, any or all of that property from the vacated area concerned;

(c) dispose of, in such manner as the responsible Commonwealth Minister thinks fit, any or all of that property;

(d) if, under subsection 316-313(6), a person was given a copy of the notice of the direction—sell, by public auction or otherwise, as the responsible Commonwealth Minister thinks fit, any or all of that property that belongs, or that the responsible Commonwealth Minister believes to belong, to that person.

Deduction of costs and expenses etc. from proceeds of sale

(2) The responsible Commonwealth Minister may deduct, from the proceeds of a sale under subsection (1) of property that belongs (or that the responsible Commonwealth Minister believes to belong) to a particular person, the whole or a part of:

(a) any costs and expenses incurred by the responsible Commonwealth Minister under that subsection in relation to that property; and

(b) any costs and expenses incurred by the responsible Commonwealth Minister in relation to the doing of any thing required by a direction under section 316-311A or 316-312 to be done by that person; and

(c) any fees or amounts payable by that person under this Act, so long as the fee or amount concerned is due and payable; and

(d) any amounts payable by that person under the Annual Fees Act, so long as the amount concerned is due and payable.

Balance of proceeds of sale to be paid to owner of property

(3) The proceeds of a sale of property under subsection (1), less any deductions under subsection (2), are to be paid to the owner of the property.

Recovery of costs and expenses—removal, disposal or sale of property

(4) If the responsible Commonwealth Minister incurs any costs or expenses under subsection (1) in relation to the removal, disposal or sale of property, the costs or expenses:

(a) are a debt due by the owner of the property to the Commonwealth; and

(b) to the extent to which they are not recovered under subsection (2)—are recoverable in a court of competent jurisdiction.

Recovery of costs and expenses—breach of direction

(5) If the responsible Commonwealth Minister incurs costs or expenses in relation to the doing of anything required by a direction under section 316-311A or 316-312 to be done by a person who is or was the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority, the costs or expenses:

(a) are a debt due by the person to the Commonwealth; and

(b) to the extent to which they are not recovered under subsection (2)—are recoverable in a court of competent jurisdiction.

316-315 Removal, disposal or sale of property—limitation of action etc.

Limitation of action etc.

(1) Except as provided by subsection 316-314(4) or section 442D, no action, suit or proceeding lies in relation to the removal, disposal or sale, or the purported removal, disposal or sale, of property under section 316-314.

(2) Section 436 does not apply to an act or matter to the extent to which subsection (1) of this section applies to the act or matter.

Judicial review

(3) This section does not affect:

(a) any rights conferred on a person by the *Administrative Decisions (Judicial Review) Act 1977* to apply to a court in relation to:
  (i) a decision; or
  (ii) conduct engaged in for the purpose of making a decision; or
  (iii) a failure to make a decision; or
(b) any other rights that a person has to seek a review by a court or tribunal in relation to:
  (i) a decision; or
  (ii) conduct engaged in for the purpose of making a decision; or
  (iii) a failure to make a decision.

(4) An expression used in subsection (3) has the same meaning as in section 10 of the *Administrative Decisions (Judicial Review) Act 1977*.

208 Before section 317

Insert:

Division 1—Petroleum

209 Section 317

Omit "Part", substitute "Division".

210 Section 317

Before "project" (wherever occurring), insert "petroleum".

211 Section 317

Omit:

> • Proceedings in relation to an offence may be brought at any time.

212 Subsections 318(1), (2), (2A), (3) and (5)

Before "project" (wherever occurring), insert "petroleum".

Note: The heading to section 318 is altered by inserting "**petroleum**" before "**project**".

213 Subsections 319(1), (2), (3), (4), (5), (7) and (9)

Before "project" (wherever occurring), insert "petroleum".

Note 1: The heading to section 319 is altered by inserting "**petroleum**" before "**project**".

Note 2: The heading to subsection 319(9) is altered by inserting "*petroleum*" before "*project*".

214 Subsections 320(1), (2) and (4)

Before "project" (wherever occurring), insert "petroleum".

215 Subsection 321(2) (definition of *structure*)

Omit "pipeline, pumping station, tank station or valve station", substitute "petroleum pipeline, petroleum pumping station, petroleum tank station or petroleum valve station".

216 Before section 323

Insert:

Division 2—Greenhouse gas

316-317 Simplified outline

The following is a simplified outline of this Division:

- The responsible Commonwealth Minister may appoint greenhouse gas project inspectors, and the greenhouse gas project inspectors may exercise powers of access, inspection and entry for the purposes of this Act and the regulations.
- A person must not interfere with greenhouse gas installations or operations.
- A court may make a forfeiture order in relation to property used in the commission of an offence.

316-318 Appointment of greenhouse gas project inspectors

Appointment

(1) The responsible Commonwealth Minister may, by writing, appoint a person to be a greenhouse gas project inspector if:

(a) the person is an officer, or employee, of:
(i) the Commonwealth, a State or a Territory; or
(ii) an authority of the Commonwealth, a State or a Territory; or

(b) the person is not covered by paragraph (a), but the responsible Commonwealth Minister is satisfied that the person has the knowledge, skills and experience to be a greenhouse gas project inspector.

Identity cards

(2) The responsible Commonwealth Minister must issue an identity card to a greenhouse gas project inspector. The identity card must contain a recent photograph of the greenhouse gas project inspector.

(3) A person commits an offence if:
(a) the person has been issued with an identity card; and
(b) the person ceases to be a greenhouse gas project inspector; and
(c) the person does not immediately return the identity card to:
(i) the responsible Commonwealth Minister; or
(ii) if the responsible Commonwealth Minister, by written notice given to the person, specifies another person to whom the card is to be returned—that other person.

Penalty: 5 penalty units.

(4) Subsection (3) does not apply if the identity card was lost or destroyed.

Note: The defendant bears an evidential burden in relation to the matter in subsection (4)—see subsection 13.3(3) of the *Criminal Code*.

(5) A greenhouse gas project inspector must carry the identity card at all times when exercising powers, or performing functions, under this Act or the regulations as a greenhouse gas project inspector.

316-319 Monitoring powers of greenhouse gas project inspectors

Powers

(1) For the purposes of this Act and the regulations, a greenhouse gas project inspector may, at all reasonable times and on production of the greenhouse gas project inspector's identity card, exercise the powers conferred by subsection (2).

(2) The powers a greenhouse gas project inspector may exercise under this section are as follows:

(a) to have access to any part of an offshore area;

(b) to have access to any structure, vessel, aircraft or building in an offshore area that the greenhouse gas project inspector has reasonable grounds to believe has been, is being or is to be used in connection with any of the following operations in an offshore area:

(i) operations relating to exploration for a potential greenhouse gas storage formation or a potential greenhouse gas injection site;

(ii) operations relating to the injection of a greenhouse gas substance into the seabed or subsoil;

(iii) operations relating to the storage of a greenhouse gas substance in the seabed or subsoil;

(iv) operations relating to the processing, compression or pre-injection storage of a greenhouse gas substance;

(v) operations relating to the preparation of a greenhouse gas substance for transport;

(c) to inspect and test any equipment that the greenhouse gas project inspector has reasonable grounds to believe has been, is being or is to be used in an offshore area in connection with any of those operations;

(d) to enter any structure, vessel, aircraft, building or place that is in:

(i) an offshore area; or

(ii) a State or Territory;

and in which the greenhouse gas project inspector has reasonable grounds to believe there are any documents relating to any of those operations, and to inspect, take extracts from and make copies of any of those documents.

Residential premises

(3) A greenhouse gas project inspector may exercise powers under paragraph (2)(d) to enter residential premises in a State or Territory only:

(a) in accordance with a warrant issued under section 316-320; or

(b) after obtaining the consent of the occupier of the premises.

(4) If:

(a) a greenhouse gas project inspector enters residential premises in accordance with a warrant issued under section 316-320; and

(b) the occupier of the premises is present at the premises;

the greenhouse gas project inspector must make available to the occupier a copy of the warrant or a copy of the form of the warrant.

(5) Before obtaining the consent of a person as mentioned in paragraph (3)(b), a greenhouse gas project inspector must inform the person that the person may refuse consent.

(6) A consent of a person is not effective for the purposes of subsection (3) unless the consent is voluntary.

Facilities and assistance to be provided by occupier or person in charge

(7) A person who is:

(a) the occupier or person in charge of any building, structure or place referred to in subsection (2); or

(b) the person in charge of any vessel, aircraft or equipment referred to in subsection (2);

must provide a greenhouse gas project inspector with all reasonable facilities and assistance for the effective exercise of the greenhouse gas project inspector's powers under this section.

(8) A person commits an offence if:

(a) the person is subject to a requirement under subsection (7); and

(b) the person omits to do an act; and

(c) the omission breaches the requirement.

Penalty: 50 penalty units.

Obstructing or hindering a greenhouse gas project inspector

(9) A person commits an offence if:

(a) the person engages in conduct; and

(b) the conduct obstructs or hinders a greenhouse gas project inspector in the exercise of the greenhouse gas project inspector's powers under this section.

Penalty: 50 penalty units.

(10) Subsection (9) does not apply if the person has a reasonable excuse.

Note 1: The defendant bears an evidential burden in relation to the matter in subsection (10)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also Part 2.3 of the *Criminal Code* (circumstances in which there is no criminal responsibility).

Note 3: The same conduct may be an offence against both subsection (9) of this section and section 149.1 of the *Criminal Code*.

316-320 Warrants to enter residential premises

(1) A greenhouse gas project inspector may apply to a Magistrate for a warrant authorising the greenhouse gas project inspector, with such assistance as the greenhouse gas project inspector thinks necessary, to exercise the power referred to in paragraph 316-319(2)(d) in relation to particular residential premises.

(2) The application must be supported by an information on oath or affirmation that sets out the grounds on which the greenhouse gas project inspector is applying for the warrant.

(3) If the Magistrate is satisfied that there are reasonable grounds for issuing the warrant, the Magistrate may issue the warrant.

(4) A warrant issued under subsection (3) must state:

(a) the name of the greenhouse gas project inspector; and

(b) whether the inspection may be carried out at any time or only during specified hours of the day; and

(c) the day on which the warrant ceases to have effect; and

(d) the purposes for which the warrant is issued.

(5) The day specified under paragraph (4)(c) is not to be more than 7 days after the day on which the warrant is issued.

(6) The purposes specified under paragraph (4)(d) must include the identification of the premises in relation to which the warrant is issued.

316-321 Interfering with greenhouse gas installations or operations

(1) A person commits an offence if:

(a) the person engages in conduct; and

(b) the person's conduct results in:

(i) damage to, or interference with, any structure or vessel that is in an offshore area and that is, or is to be, used in greenhouse gas operations in an offshore area; or

(ii) damage to, or interference with, any equipment on, or attached to, such a structure or vessel; or

(iii) interference with any operations or activities being carried out, or any works being executed, on, by means of, or in connection with, such a structure or vessel.

Penalty: Imprisonment for 10 years.

(2) In this section:

greenhouse gas operations means:

(a) operations relating to exploration for a potential greenhouse gas formation or a potential greenhouse gas injection site; or

(b) operations relating to the injection of a greenhouse gas substance into the seabed or subsoil; or

(c) operations relating to the storage of a greenhouse gas substance in the seabed or subsoil; or

(d) operations relating to the processing, compression or pre-injection storage of a greenhouse gas substance; or

(e) operations relating to the preparation of a greenhouse gas substance for transport.

structure means any fixed, moveable or floating structure or installation, and includes a greenhouse gas pipeline, greenhouse gas pumping station, greenhouse gas tank station or greenhouse gas valve station.

316-322 Forfeiture orders etc.

Scope

(1) This section applies if a person is convicted by a court of:

(a) an offence against section 249AC or 249CC; or

(b) an offence against section 6 of the *Crimes Act 1914* in relation to an offence referred to in paragraph (a) of this subsection.

Note: For ancillary offences, see section 11.6 of the *Criminal Code.*

Orders

(2) The court may, in addition to imposing a penalty, make either or both of the following orders:

(a) an order for the forfeiture of a specified aircraft or vessel used in the commission of the offence;

(b) an order for the forfeiture of specified equipment used in the commission of the offence.

(3) The court may, before making an order under this section:

(a) require notice to be given to such persons as the court thinks fit; and

(b) hear such persons as the court thinks fit.

(4) Goods in relation to which an order is made under this section:

(a) must be dealt with as the Attorney-General directs; and

(b) pending the Attorney-General's direction, may be detained in such custody as the court directs.

Division 3—Time for bringing proceedings for offences

217 After subparagraph 323(1)(a)(i)

Insert:

(ia) Chapter 2A; or

218 After subparagraph 323(1)(a)(ii)

Insert:

(iia) Chapter 3A; or

219 After subparagraph 323(1)(a)(iv)

Insert:

(iva) Part 5A.1; or

220 Section 324

Omit:

> • The Designated Authority may prohibit certain vessels from entering or being present in an area (called a ***safety zone***) surrounding a well or structure, or an item of equipment, in an offshore area.

substitute:

> • The Designated Authority may prohibit certain vessels from entering or being present in an area (called a ***petroleum safety zone***) surrounding a petroleum well, a structure, or an item of equipment, in an offshore area.
>
> • The responsible Commonwealth Minister may prohibit certain vessels from entering or being present in an area (called a ***greenhouse gas safety zone***) surrounding a greenhouse gas well, a structure, or an item of equipment, in an offshore area.

221 Section 326 (paragraph (a) of the definition of *exempt vessel*)

Before "that is", insert "in the case of a petroleum safety zone—".

222 Section 326 (paragraph (b) of the definition of *exempt vessel*)

Before "for which", insert "in the case of a petroleum safety zone—".

223 Section 326 (at the end of the definition of *exempt vessel*)

Add:

; or (c) in the case of a greenhouse gas safety zone—that is excluded from the operation of section 335-329 in relation to that safety zone because:

(i) the vessel is specified in the notice establishing the safety zone; or

(ii) the vessel is included in a class of vessels specified in the notice establishing the safety zone; or

(d) in the case of a greenhouse gas safety zone—for which a written consent of the responsible Commonwealth Minister under subsection 335-329(1) is in force in relation to the safety zone.

224 Section 326

Insert:

greenhouse gas safety zone means an area that is a safety zone for the purposes of section 335-329.

225 Section 326

Insert:

greenhouse gas well means a hole in the seabed or subsoil made by drilling, boring or any other means in connection with:

(a) exploration for potential greenhouse gas storage formations; or

(b) exploration for potential greenhouse gas injection sites; or

(c) the injection of a greenhouse gas substance into an identified greenhouse gas storage formation; or

(d) the injection, on an appraisal basis, of:

(i) a greenhouse gas substance; or

(ii) air; or

(iii) petroleum; or

(iv) water;

into a part of a geological formation.

226 Section 326

Insert:

petroleum safety zone means an area that is a safety zone for the purposes of section 329.

227 Section 326

Insert:

petroleum well means a hole in the seabed or subsoil made by drilling, boring or any other means in connection with:

(a) exploration for petroleum; or

(b) petroleum recovery operations;

but does not include a seismic shot hole.

228 Section 326 (at the end of the definition of *relevant vessel*)

Add:

; or (d) a vessel that satisfies the following conditions:

(i) the vessel is not a vessel to which paragraph (a) or (b) applies;

(ii) the vessel is in the offshore area for the purpose of exploring the seabed or subsoil of the offshore area for a potential greenhouse gas storage formation or a potential greenhouse gas injection site;

(iii) the vessel is not a Government vessel; or

(e) a vessel that satisfies the following conditions:

(i) the vessel is not a vessel to which paragraph (a) or (b) applies;

(ii) the vessel is in the offshore area for purposes relating to the injection of a greenhouse gas substance into, or the storage of a greenhouse gas substance in, the seabed or subsoil of the offshore area;

(iii) the vessel is not a Government vessel.

229 Section 326 (definition of *safety zone*)

Repeal the definition, substitute:

safety zone means:

(a) a greenhouse gas safety zone; or

(b) a petroleum safety zone.

230 At the end of paragraph 328(1)(e)

Add "or (2A)".

231 After subsection 328(2)

Insert:

(2A) The responsible Commonwealth Minister may, by notice published in the *Gazette*, declare that a person, or a person included in a specified class of persons, is an authorised person for the purposes of this Part.

232 Subsection 328(3)

After "(2)", insert "or (2A)".

233 Division 2 of Part 4.5 (heading)

Repeal the heading, substitute:

Division 2—Petroleum safety zones

234 Subsection 329(1)

Omit "well or structure", substitute "petroleum well, a structure".

Note: The heading to section 329 is altered by omitting "**Safety**" and substituting "**Petroleum safety**".

235 Subsection 329(1)

Omit "***safety zone***", substitute "***petroleum safety zone***".

236 Subsection 329(1)

After "surrounding the", insert "petroleum".

237 Subsections 329(2), (3), (5), (7) and (9)

Omit "safety zone", substitute "petroleum safety zone".

238 After Division 2 of Part 4.5

Insert:

Division 2A—Greenhouse gas safety zones

335-329 Greenhouse gas safety zones

Prohibition

(1) For the purpose of protecting a greenhouse gas well, a structure, or any equipment, in an offshore area, the responsible Commonwealth Minister may, by notice published in the *Gazette*, prohibit:

(a) all vessels; or
(b) all vessels other than specified vessels; or
(c) all vessels other than the vessels included in specified classes of vessels;

from entering or being present in a specified area (the ***greenhouse gas safety zone***) surrounding the greenhouse gas well, structure or equipment without the written consent of the responsible Commonwealth Minister.

(2) A greenhouse gas safety zone specified in a notice under subsection (1) may extend to a distance of 500 metres around the well, structure or equipment specified in the notice, where that distance is measured from each point of the outer edge of the well, structure or equipment.

Offences

(3) A person commits an offence if:
(a) the person is the owner or master of a vessel; and
(b) the vessel is subject to a notice under subsection (1); and
(c) in breach of the notice, the vessel enters or is present in the greenhouse gas safety zone specified in the notice.

Penalty: Imprisonment for 15 years.

(4) The fault element for paragraph (3)(c) is intention.

(5) A person commits an offence if:
(a) the person is the owner or master of a vessel; and
(b) the vessel is subject to a notice under subsection (1); and
(c) in breach of the notice, the vessel enters or is present in the greenhouse gas safety zone specified in the notice.

Penalty: Imprisonment for 12.5 years.

(6) The fault element for paragraph (5)(c) is recklessness.

(7) A person commits an offence if:
(a) the person is the owner or master of a vessel; and
(b) the vessel is subject to a notice under subsection (1); and
(c) in breach of the notice, the vessel enters or is present in the greenhouse gas safety zone specified in the notice.

Penalty: Imprisonment for 10 years.

(8) The fault element for paragraph (7)(c) is negligence.

(9) A person commits an offence if:
(a) the person is the owner or master of a vessel; and
(b) the vessel is subject to a notice under subsection (1); and
(c) in breach of the notice, the vessel enters or is present in the greenhouse gas safety zone specified in the notice.

Penalty: Imprisonment for 5 years.

(10) An offence against subsection (9) is an offence of strict liability.

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

Notice

(11) A notice under subsection (1) is not a legislative instrument.

239 Paragraph 333(1)(a)

After "329", insert ", 335-329".

240 Subparagraph 333(1)(b)(ii)

After "329(1)", insert "or 335-329(1)".

241 Paragraph 333(1)(d)

After "329", insert ", 335-329".

242 Paragraph 334(1)(a)

After "329", insert ", 335-329".

243 Subparagraph 335(a)(i)

After "329", insert ", 335-329".

244 At the end of subsection 336(1)

Add:

; or (g) a work-bid greenhouse gas assessment permit; or
(h) a greenhouse gas holding lease; or
(i) a greenhouse gas injection licence.

245 Paragraph 339(a)

After "under", insert "section 4 of".

246 At the end of paragraph 339(b)

Add "of this Act, where the late payment penalty is attributable to a fee under section 4 of the Annual Fees Act".

247 At the end of Division 1 of Part 4.6

Add:

339A Amounts payable to the Commonwealth

The following amounts are payable to the Commonwealth:

(a) an amount of a fee under section 4A of the Annual Fees Act; or

(b) an amount of late payment penalty under section 337 of this Act, where the late payment penalty is attributable to a fee under section 4A of the Annual Fees Act.

248 Section 340

After "under", insert "section 5 or 6 of".

249 At the end of Division 2 of Part 4.6

Add:

340A Fees payable to the Commonwealth

A fee under section 6A or 6B of the Registration Fees Act is payable to the Commonwealth.

250 Section 346

Before "Each", insert "(1)".

251 At the end of section 346

Add:

(2) Each of the following fees is payable to the Commonwealth:

(a) a fee under subsection 249JB(2);

(b) a fee under subsection 298-266(2);

(c) a fee under subsection 298-268(2);

(d) a fee under subsection 298-296(1) or (2);

(e) a fee under subsection 298-297(2) or (4);

(f) a fee under regulations made for the purposes of paragraph 406-422(2)(c);

(g) a fee under regulations made for the purposes of paragraph 406-423(2)(c).

252 Paragraph 348(1)(a)

After "321", insert "or 316-321".

253 Section 352

Omit:

> • The Safety Authority has functions in relation to the occupational health and safety of persons engaged in offshore petroleum operations.

substitute:

> • The Safety Authority has functions in relation to the occupational health and safety of persons engaged in:
>
> (a) offshore petroleum operations; or
>
> (b) offshore greenhouse gas storage operations.

253A Section 353 (definition of *facility*)

Repeal the definition, substitute:

facility means:

(a) a facility (within the meaning of Schedule 3) located in Commonwealth waters; or

(b) if there are provisions of a State or Territory PSLA that substantially correspond to Schedule 3 to this Act to the extent to which that Schedule relates to offshore petroleum operations—a vessel, structure or other thing that:

(i) is located in the designated coastal waters of the State or of the Northern Territory, as the case may be; and

(ii) would have been a facility (within the meaning of Schedule 3 to this Act) if subclauses 4(5A) to (5E) of

that Schedule had not been enacted and the vessel, structure, or thing had been located in Commonwealth waters; or

(c) if there are provisions of a State or Territory PSLA that substantially correspond to Schedule 3 to this Act to the extent to which that Schedule relates to offshore greenhouse gas storage operations—a vessel, structure or other thing that:

(i) is located in the designated coastal waters of the State or of the Northern Territory, as the case may be; and

(ii) would have been a facility (within the meaning of Schedule 3 to this Act) if subclauses 4(1) to (5) of that Schedule had not been enacted and the vessel, structure, or thing had been located in Commonwealth waters.

For the purposes of paragraphs (b) and (c), assume that a reference in Schedule 3 to this Act to a pipeline licence includes a reference to a pipeline licence under a State or Territory PSLA.

254 Section 353

Insert:

Greenhouse Gas Storage Ministerial Council means:

(a) if there is a Ministerial Council that deals with matters relating to:

(i) the injection of greenhouse gas substances into parts of geological formations; and

(ii) the permanent storage of greenhouse gas substances in parts of geological formations;

that Ministerial Council; or

(b) in any other case—the body known as the Ministerial Council on Mineral and Petroleum Resources.

255 Section 353

Insert:

Northern Territory Greenhouse Gas Storage Minister means:

(a) the Minister of the Northern Territory who is responsible for matters relating to:

(i) the injection of greenhouse gas substances into parts of geological formations; and

(ii) the permanent storage of greenhouse gas substances in parts of geological formations; or

(b) another Minister of the Northern Territory acting for and on behalf of the Minister referred to in paragraph (a).

256 Section 353

Insert:

offshore greenhouse gas storage operations means any regulated operations (including diving operations) that:

(a) relate to:

(i) the exploration for potential greenhouse gas storage formations or potential greenhouse gas injection sites; or

(ii) the injection of a greenhouse gas substance into the seabed or subsoil; or

(iii) the permanent storage of a greenhouse gas substance in the seabed or subsoil; or

(iv) the compression, processing, offloading, piped conveyance or pre-injection storage of a greenhouse gas substance; or

(v) the monitoring of a greenhouse gas substance stored in the seabed or subsoil; and

(b) if the operations are diving operations—take place in Safety Authority waters; and

(c) if the operations are not diving operations—take place:

(i) in Safety Authority waters; and

(ii) at a facility.

257 Section 353 (definition of *Safety Levies Act*)

After "*Offshore Petroleum*", insert "*and Greenhouse Gas Storage*".

258 Section 353

Insert:

State Greenhouse Gas Storage Minister, in relation to a State, means:

(a) the Minister of that State who is responsible for matters relating to:

(i) the injection of greenhouse gas substances into parts of geological formations; and

(ii) the permanent storage of greenhouse gas substances in parts of geological formations; or

(b) another Minister of that State acting for and on behalf of the Minister referred to in paragraph (a).

259 Section 356

After "offshore petroleum operations" (wherever occurring), insert "or offshore greenhouse gas storage operations".

260 After paragraph 364(1)(b)

Insert:

(ba) to give advice, and make recommendations, to:

(i) the responsible Commonwealth Minister; and

(ii) a State Greenhouse Gas Storage Minister; and

(iii) the Northern Territory Greenhouse Gas Storage Minister; and

(iv) the Greenhouse Gas Storage Ministerial Council;

about either or both of the following:

(v) policy or strategic matters relating to the occupational health and safety of persons engaged in offshore greenhouse gas storage operations;

(vi) the performance by the Safety Authority of its functions;

261 At the end of section 364

Add:

(4) As soon as practicable after the Board gives advice, or makes recommendations, under paragraph (1)(ba) to:

(a) a State Greenhouse Gas Storage Minister; and

(b) the Northern Territory Greenhouse Gas Storage Minister; and

(c) the Greenhouse Gas Storage Ministerial Council;

the Board must give the responsible Commonwealth Minister a written copy of that advice or those recommendations.

262 Paragraph 388(4)(e)

After "offshore petroleum operations", insert "or offshore greenhouse gas storage operations".

263 At the end of subsection 389(3)

Add "or particular offshore greenhouse gas storage operations".

264 At the end of subsection 405(7)

Add "or offshore greenhouse gas storage operations".

265 Chapter 5 (heading)

Repeal the heading, substitute:

Chapter 5—Information relating to petroleum

266 Section 406

Before "titleholder", insert "petroleum".

267 Section 406

Before "project", insert "petroleum".

268 Subsections 409(1) and (2)

Before "project" (wherever occurring), insert "petroleum".

Note: The heading to section 409 is altered by inserting "**petroleum**" before "**project**".

269 Section 411

Before "project" (wherever occurring), insert "petroleum".

270 Section 413

Before "project", insert "petroleum".

271 Subsections 414(1), (2) and (4)

Before "project", insert "petroleum".

Note: The heading to section 414 is altered by inserting "**petroleum**" before "**project**".

272 Paragraph 415(a)

Before "project", insert "petroleum".

273 Paragraph 416(b)

Before "project", insert "petroleum".

274 After Chapter 5

Insert:

Chapter 5A—Information relating to greenhouse gas

Part 5A.1—Data management and gathering of information

Division 1—Introduction

406-406 Simplified outline

The following is a simplified outline of this Part:

- The responsible Commonwealth Minister may direct a greenhouse gas titleholder to keep records.
- The regulations may make provision for data management.
- The responsible Commonwealth Minister or a greenhouse gas project inspector may obtain information or documents.

Division 2—Data management

406-407 Direction to keep records

Scope

(1) This section applies if a person is carrying on operations in an offshore area under:

(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.

Direction by responsible Commonwealth Minister

(2) The responsible Commonwealth Minister may, by written notice given to the person, direct the person to do any or all of the following things:
(a) to keep such accounts, records and other documents in connection with those operations as are specified in the notice;
(b) to collect and retain such cores, cuttings and samples in connection with those operations as are specified in the notice;
(c) to give to:
(i) the responsible Commonwealth Minister; or
(ii) a person specified in the notice;
in the manner specified in the notice, such reports, returns, other documents, cores, cuttings and samples in connection with those operations as are specified in the notice.

Offence

(3) A person commits an offence if:
(a) the person is subject to a direction under subsection (2); and
(b) the person omits to do an act; and
(c) the omission breaches the direction.

Penalty: 100 penalty units.

Direction is not a legislative instrument

(4) A direction under subsection (2) is not a legislative instrument.

406-408 Regulations about data management

(1) The regulations may make provision for and in relation to:
(a) the keeping of accounts, records and other documents in connection with operations in an offshore area under:
(i) a greenhouse gas assessment permit; or

(ii) a greenhouse gas holding lease; or
(iii) a greenhouse gas injection licence; or
(iv) a greenhouse gas search authority; or
(v) a greenhouse gas special authority; or
(vi) a greenhouse gas research consent; and

(b) the collection and retention of cores, cuttings and samples in connection with those operations; and

(c) the giving to the responsible Commonwealth Minister, or a specified person, of reports, returns, other documents, cores, cuttings and samples in connection with those operations.

Data management plans

(2) In particular, the regulations may establish a scheme that:

(a) applies in relation to operations in an offshore area under:
(i) a greenhouse gas assessment permit; or
(ii) a greenhouse gas holding lease; or
(iii) a greenhouse gas injection licence; or
(iv) a greenhouse gas search authority; or
(v) a greenhouse gas special authority; or
(vi) a greenhouse gas research consent;
held by a person (the ***holder***); and

(b) requires the holder to prepare and submit a plan (a ***data management plan***) that deals with any or all of the following:
(i) the keeping of accounts, records and other documents in connection with those operations;
(ii) the collection and retention of cores, cuttings and samples in connection with those operations;
(iii) the giving to the responsible Commonwealth Minister, or to a person specified in the data management plan, of reports, returns, other documents, cores, cuttings and samples in connection with those operations; and

(c) empowers the responsible Commonwealth Minister to make decisions about the approval of:
(i) a data management plan; and
(ii) variations of a data management plan; and

(d) requires the holder to comply with an approved data management plan submitted by the holder.

(3) A scheme referred to in subsection (2) may provide that the holder must not commence the relevant operations unless:

(a) an approved data management plan is in force; or

(b) the responsible Commonwealth Minister gives consent to the commencement of those operations.

(4) Subsections (2) and (3) do not limit subsection (1).

Directions are in addition to regulations

(5) A requirement under section 406-407 is in addition to a requirement under regulations made for the purposes of this section.

Division 3—Information-gathering powers

406-409 Responsible Commonwealth Minister or greenhouse gas project inspector may obtain information and documents

Scope

(1) This section applies to a person if:

(a) the responsible Commonwealth Minister; or

(b) a greenhouse gas project inspector;

believes on reasonable grounds that the person has information or a document, or is capable of giving evidence, that relates to any or all of the following operations in an offshore area:

(c) operations relating to exploration for a potential greenhouse gas storage formation or a potential greenhouse gas injection site;

(d) operations relating to the injection of a greenhouse gas substance into the seabed or subsoil;

(e) operations relating to the storage of a greenhouse gas substance in the seabed or subsoil;

(f) operations relating to the processing, compression or pre-injection storage of a greenhouse gas substance;

(g) operations relating to the preparation of a greenhouse gas substance for transport.

Requirement

(2) The responsible Commonwealth Minister or the greenhouse gas project inspector may, by written notice given to the person, require the person:

(a) to give to the responsible Commonwealth Minister or the greenhouse gas project inspector, within the period and in the manner specified in the notice, any such information; or

(b) to produce to the responsible Commonwealth Minister or the greenhouse gas project inspector, within the period and in the manner specified in the notice, any such documents; or

(c) to make copies of any such documents and to produce to the responsible Commonwealth Minister or the greenhouse gas project inspector, within the period and in the manner specified in the notice, those copies; or

(d) if the person is an individual—to appear before the responsible Commonwealth Minister or the greenhouse gas project inspector at a time and place specified in the notice to:

(i) give any such evidence, either orally or in writing; and

(ii) produce any such documents; or

(e) if the person is a body corporate—to cause a competent officer of the body to appear before the responsible Commonwealth Minister or the greenhouse gas project inspector at a time and place specified in the notice to:

(i) give any such evidence, either orally or in writing; and

(ii) produce any such documents.

(3) A period specified under paragraph (2)(a), (b) or (c) must not be shorter than 14 days after the notice is given.

(4) A time specified under paragraph (2)(d) or (e) must not be earlier than 14 days after the notice is given.

Offence

(5) A person commits an offence if:

(a) the person has been given a notice under subsection (2); and

(b) the person omits to do an act; and

(c) the omission contravenes a requirement in the notice.

Penalty: 100 penalty units.

Notice to set out the effect of offence provisions

(6) A notice under subsection (2) must set out the effect of the following provisions:

(a) subsection (5);

(b) section 406-415;

(c) section 406-416;

(d) section 406-417.

Note 1: Section 406-415 is about giving false or misleading information.

Note 2: Section 406-416 is about producing false or misleading documents.

Note 3: Section 406-417 is about giving false or misleading evidence.

406-410 Copying documents—reasonable compensation

A person is entitled to be paid reasonable compensation for complying with a requirement covered by paragraph 406-409(2)(c).

406-411 Power to examine on oath or affirmation

The responsible Commonwealth Minister or a greenhouse gas project inspector may:

(a) administer an oath or affirmation to a person required to appear before the responsible Commonwealth Minister or the greenhouse gas project inspector under section 406-409; and

(b) examine that person on oath or affirmation.

406-412 Self-incrimination

(1) A person is not excused from giving information or evidence or producing a document under section 406-409 on the ground that the information or evidence or the production of the document might tend to incriminate the person or expose the person to a penalty.

(2) However:

(a) the information or evidence given or the document produced; or

(b) giving the information or evidence or producing the document; or

(c) any information, document or thing obtained as a direct or indirect consequence of giving the information or evidence or producing the document;

is not admissible in evidence against the person:

(d) in any civil proceedings; or

(e) in criminal proceedings other than:

(i) proceedings for an offence against subsection 406-409(5) or section 406-415, 406-416 or 406-417; or

(ii) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Division.

406-413 Copies of documents

The responsible Commonwealth Minister or a greenhouse gas project inspector may inspect a document produced under this Division and may make and retain copies of, or take and retain extracts from, such a document.

406-414 Responsible Commonwealth Minister or greenhouse gas project inspector may retain documents

(1) The responsible Commonwealth Minister or a greenhouse gas project inspector may take possession of a document produced under this Division, and retain it for as long as is reasonably necessary.

(2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the responsible Commonwealth Minister or a greenhouse gas project inspector to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the responsible Commonwealth Minister or a greenhouse gas project inspector must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

406-415 False or misleading information

A person commits an offence if:

(a) the responsible Commonwealth Minister or a greenhouse gas project inspector requires the person to give information under subsection 406-409(2); and

(b) the person gives information; and

(c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: 100 penalty units.

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

406-416 False or misleading documents

A person commits an offence if:

(a) the person has been given a notice under subsection 406-409(2); and

(b) the person produces a document to the responsible Commonwealth Minister or a greenhouse gas project inspector; and

(c) the person does so knowing that the document is false or misleading in a material particular; and

(d) the document is produced in compliance or purported compliance with the notice.

Penalty: 100 penalty units.

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

406-417 False or misleading evidence

A person commits an offence if:

(a) the person gives evidence to another person; and

(b) the person does so knowing that the evidence is false or misleading in a material particular; and

(c) the evidence is given under section 406-409.

Penalty: Imprisonment for 12 months.

Part 5A.2—Release of regulatory information

406-418 Notifiable events—*Gazette* notice

If an event specified in the table happens, the responsible Commonwealth Minister must cause notice of:

(a) the event; and

(b) such details of the event as the responsible Commonwealth Minister thinks fit;

to be published in the *Gazette*.

Notifiable events

Item	Event
1	The grant (otherwise than by way of renewal) of a greenhouse gas assessment permit.
1A	The renewal of a greenhouse gas assessment permit.
2	The grant (otherwise than by way of renewal) of a greenhouse gas holding lease.
3	The renewal of a greenhouse gas holding lease (other than a special greenhouse gas holding lease).
3A	The grant of a greenhouse gas injection licence.
4	The variation of a greenhouse gas injection licence.
5	The surrender of a greenhouse gas assessment permit or greenhouse gas holding lease.
6	The surrender of a greenhouse gas injection licence as to some or all of the blocks in the licence area.
7	The cancellation of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence.
8	The expiry of a greenhouse gas assessment permit or greenhouse gas holding lease (other than a special greenhouse gas holding lease).
9	The termination of a greenhouse gas injection licence.
10	The issue of a site closing certificate in relation to an identified greenhouse gas storage formation.

Part 5A.3—Release of technical information

Division 1—Introduction

406-420 Simplified outline

The following is a simplified outline of this Part:

- This Part deals with the confidentiality and release of:
  - (a) information (***documentary information***) contained in certain documents given to the responsible Commonwealth Minister; and
  - (b) petroleum mining samples given to the responsible Commonwealth Minister.

406-421 Definitions

In this Part:

applicable document means:

(a) an application made to the responsible Commonwealth Minister under this Act; or

(b) a document accompanying such an application; or

(c) a report, return or other document that relates to a block and that was given to the responsible Commonwealth Minister under:

(i) this Act; or

(ii) regulations made for the purposes of section 406-408 of this Act.

documentary information means information contained in an applicable document.

eligible sample means:

(a) a core or cutting from, or a sample of, the seabed or subsoil; or

(b) a sample of petroleum recovered; or

(c) a sample of fluid recovered (other than fluid petroleum);

that has been given at any time to the responsible Commonwealth Minister, and includes a portion of such a core, cutting or sample.

406-421A Documents and samples given to the responsible Commonwealth Minister

(1) For the purposes of this Part, in determining whether a document is an applicable document, disregard an application made, or a document given, to the responsible Commonwealth Minister:

(a) in his or her capacity as, or as a member of, the Joint Authority for an offshore area; or

(b) in his or her capacity as the Designated Authority for an offshore area.

(2) For the purposes of this Part, in determining whether a core, cutting or sample is an eligible sample, disregard anything that was given to the responsible Commonwealth Minister:

(a) in his or her capacity as, or as a member of, the Joint Authority for an offshore area; or

(b) in his or her capacity as the Designated Authority for an offshore area.

Division 2—Protection of confidentiality of information and samples

Subdivision A—Information and samples obtained by the responsible Commonwealth Minister

406-422 Protection of confidentiality of documentary information obtained by the responsible Commonwealth Minister

(1) This section restricts what the responsible Commonwealth Minister may do with documentary information.

(2) The responsible Commonwealth Minister must not:

(a) make the information publicly known; or

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

unless the responsible Commonwealth Minister does so:

(c) in accordance with regulations made for the purposes of this paragraph; or

(d) for the purposes of the administration of this Act or the regulations.

406-423 Protection of confidentiality of eligible samples obtained by the responsible Commonwealth Minister

(1) This section restricts what the responsible Commonwealth Minister may do with an eligible sample.

(2) The responsible Commonwealth Minister must not:

(a) make publicly known any details of the sample; or

(b) permit a person (other than a Minister, a Minister of a State or a Minister of the Northern Territory) to inspect the sample;

unless the responsible Commonwealth Minister does so:

(c) in accordance with regulations made for the purposes of this paragraph; or

(d) for the purposes of the administration of this Act or the regulations.

406-424 Responsible Commonwealth Minister may make information or samples available to a Minister, a State Minister or a Northern Territory Minister

The responsible Commonwealth Minister may make documentary information or an eligible sample available to:

(a) a Minister; or

(b) a Minister of a State; or

(c) a Minister of the Northern Territory.

Subdivision B—Miscellaneous

406-427 Fees

(1) This section applies to regulations made for the purposes of any of the following:

(a) paragraph 406-422(2)(c);

(b) paragraph 406-423(2)(c).

(2) The regulations may make provision for fees relating to:

(a) making information available to a person; or
(b) permitting a person to inspect a sample.

406-429 Privacy Act

This Part does not override any requirements of the *Privacy Act 1988*. In particular, this Part is not to be taken, for the purposes of that Act, to require or authorise the disclosure of information.

Division 3—Copyright

406-430 Publishing or making copies of applicable documents not an infringement of copyright

The copyright in a literary or artistic work contained in an applicable document is not infringed by anything done:

(a) by, or with the authority of, the responsible Commonwealth Minister; and
(b) for the purpose of the exercise of any of the powers of the responsible Commonwealth Minister under this Part.

274A Section 433 (after subparagraph (b)(ii) of the definition of *reviewable Ministerial decision*)

Insert:

(iia) regulations made for the purposes of paragraph 406-422(2)(c) or 406-423(2)(c); or

274B After Part 6.1

Insert:

Part 6.1A—Expert advisory committees

435A Establishment of expert advisory committees

(1) The responsible Commonwealth Minister may, by writing, establish committees, to be known as expert advisory committees.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(2) An instrument made under subsection (1) is not a legislative instrument.

435B Function of expert advisory committees

(1) An expert advisory committee has the function of advising the responsible Commonwealth Minister about matters referred to it by the responsible Commonwealth Minister.

(2) A matter referred under subsection (1) must be:

(a) whether there is a significant risk that a key petroleum operation in an offshore area will have a significant adverse impact on:

(i) operations for the injection of a greenhouse gas substance; or

(ii) operations for the storage of a greenhouse gas substance; or

(b) whether there is a significant risk that a key greenhouse gas operation in an offshore area will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under:

(i) an existing exploration permit; or

(ii) an existing retention lease; or

(iii) an existing production licence; or

(iv) a future exploration permit; or

(v) a future retention lease; or

(vi) a future production licence; or

(c) whether there is a significant risk that any of the operations that could be carried on under a greenhouse gas injection licence will have a significant adverse impact on operations that are being, or could be, carried on under:

(i) an existing exploration permit; or

(ii) an existing retention lease; or

(iii) an existing production licence; or

(iv) a future exploration permit; or

(v) a future retention lease; or

(vi) a future production licence; or

(d) whether there is a significant risk that any of the operations that are being, or could be, carried on under a greenhouse gas injection licence will have a significant adverse impact on:
  (i) operations to recover petroleum; or
  (ii) the commercial viability of the recovery of petroleum; or

(e) whether a serious situation exists in relation to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence (see section 249CZ); or

(f) a matter that relates to the exercise of any of the following powers:
  (ia) the powers conferred by section 249AK;
  (ib) the powers conferred by section 249AL;
  (i) the making of a declaration under section 249AU;
  (ii) the variation or revocation of a declaration under section 249AU;
  (iii) the giving of a direction under section 249AV;
  (iv) the giving of a direction under section 249BZ;
  (v) the variation of a matter specified in a greenhouse gas injection licence (see section 249CT);
  (vi) the giving of a direction under section 249CXA;
  (vii) the giving of a direction under section 249CZA;
  (viii) the taking of action under section 249CZC;
  (ix) the issuing of a pre-certificate notice (see section 249CZF);
  (ixa) the making of a declaration under section 249CZN;
  (x) the giving of a direction under section 316-311A; or

(g) a matter relating to the exercise of a power that:
  (i) is conferred on the responsible Commonwealth Minister by this Act or the regulations; and
  (ii) is specified in regulations made for the purposes of this subparagraph.

435C Appointment of expert advisory committee members etc.

(1) Each expert advisory committee member is to be appointed by the responsible Commonwealth Minister by written instrument.

(2) An expert advisory committee member holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.

Note: For re-appointment, see subsection 33(4A) of the *Acts Interpretation Act 1901*.

(3) An expert advisory committee member holds office on a part-time basis.

(4) The responsible Commonwealth Minister may terminate the appointment of an expert advisory committee member.

435D Procedures of expert advisory committees

(1) The responsible Commonwealth Minister may give an expert advisory committee written directions about:

(a) the way in which the committee is to carry out its function; and

(b) procedures to be followed in relation to meetings.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(2) A direction given under subsection (1) is not a legislative instrument.

435E Remuneration and allowances

(1) An expert advisory committee member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the member is to be paid the remuneration that is prescribed by the regulations.

(2) However, an expert advisory committee member is not entitled to be paid remuneration if he or she holds an office or appointment, or is otherwise employed, on a full-time basis in the service or employment of:

(a) a State; or

(b) a corporation (a ***public statutory corporation***) that:

(i) is established for a public purpose by a law of a State; and

(ii) is not a tertiary education institution; or

(c) a company limited by guarantee, where the interests and rights of the members in or in relation to the company are beneficially owned by a State; or

(d) a company in which all the stock or shares are beneficially owned by a State or by a public statutory corporation.

Note: A similar rule applies to an expert advisory committee member who has a similar relationship with the Commonwealth or a Territory. See subsection 7(11) of the *Remuneration Tribunal Act 1973*.

(3) An expert advisory committee member is to be paid the allowances that are prescribed by the regulations.

(4) This section (other than subsection (2)) has effect subject to the *Remuneration Tribunal Act 1973*.

435F Leave of absence

The responsible Commonwealth Minister may grant leave of absence to an expert advisory committee member on the terms and conditions that the responsible Commonwealth Minister determines.

435G Resignation

(1) An expert advisory committee member may resign his or her appointment by giving the responsible Commonwealth Minister a written resignation.

(2) The resignation takes effect on the day it is received by the responsible Commonwealth Minister or, if a later day is specified in the resignation, on that later day.

435H Disclosure of interests to the responsible Commonwealth Minister

An expert advisory committee member must give written notice to the responsible Commonwealth Minister of all interests, pecuniary or otherwise, that the member has or acquires and that conflict or could conflict with the proper performance of the member's functions.

435J Disclosure of interests to an expert advisory committee

(1) A person who:

(a) is an expert advisory committee member; and

(b) has an interest, pecuniary or otherwise, in a matter being considered or about to be considered by an expert advisory committee of which the person is a member;

must disclose the nature of the interest to a meeting of the committee.

(2) The disclosure must be made as soon as possible after the relevant facts have come to the expert advisory committee member's knowledge.

(3) The disclosure must be recorded in the minutes of the meeting of the expert advisory committee.

(4) Unless the responsible Commonwealth Minister otherwise determines, the expert advisory committee member:

(a) must not be present during any deliberation by the expert advisory committee on the matter; and

(b) must not take part in any decision of the expert advisory committee with respect to the matter.

(5) The responsible Commonwealth Minister may terminate the appointment of an expert advisory committee member if the member fails, without reasonable excuse, to comply with this section.

(6) Subsection (5) does not limit subsection 435C(4).

435K Other terms and conditions

An expert advisory committee member holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the responsible Commonwealth Minister.

435L Protection of information

Disclosure

(1) A person (the ***first person***) commits an offence if:

(a) the first person is or has been an expert advisory committee member; and

(b) the first person has obtained information in the course of performing duties or functions as an expert advisory committee member; and

(c) the first person discloses the information to another person; and

(d) the disclosure could reasonably be expected to prejudice substantially the commercial interests of a person other than the person to whom the information was disclosed.

Penalty: Imprisonment for 1 year.

(2) Subsection (1) does not apply if:

(a) the first person is performing duties or functions as an expert advisory committee member; or

(b) the first person is required by:

(i) this Act or any other law of the Commonwealth; or

(ii) a prescribed law of a State or Territory;

to disclose the information.

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

Use

(3) A person (the ***first person***) commits an offence if:

(a) the first person is or has been an expert advisory committee member; and

(b) the first person has obtained information in the course of performing duties or functions as an expert advisory committee member; and

(c) the first person uses the information; and

(d) the use could reasonably be expected to prejudice substantially the commercial interests of another person.

Penalty: Imprisonment for 1 year.

(4) Subsection (3) does not apply if:

(a) the first person is performing duties or functions as an expert advisory committee member; or

(b) the first person is required by:

(i) this Act or any other law of the Commonwealth; or

(ii) a prescribed law of a State or Territory;

to use the information.

Note: The defendant bears an evidential burden in relation to a matter in subsection (4)—see subsection 13.3(3) of the *Criminal Code*.

274C Before Part 6.2

Insert:

Part 6.1B—Information relevant to the making of designated agreements

Division 1—Information-gathering powers

435N Responsible Commonwealth Minister may obtain information and documents

Scope

(1) This section applies to the following applications:

(a) an application under subsection 79A(1) for approval to carry on one or more key petroleum operations under a declared exploration permit;

(b) an application under section 114A for approval to carry on one or more key petroleum operations under a declared retention lease;

(c) an application under subsection 138A(1) for approval to carry on one more key petroleum operations under a declared production licence;

(d) an application under subsection 249AF(1) for approval to carry on one or more key greenhouse gas operations under a greenhouse gas assessment permit;

(e) an application under subsection 249BD(1) for approval to carry on one or more key greenhouse gas operations under a greenhouse gas holding lease;

(f) an application under section 249CH for the grant of a greenhouse gas injection licence;

(g) an application under section 249CQ for the grant of a greenhouse gas injection licence;

where either or both of the following are relevant to the responsible Commonwealth Minister's decision on the application:

(h) the existence or non-existence of a designated agreement;

(i) the terms of a designated agreement.

Requirement

(2) If the responsible Commonwealth Minister believes on reasonable grounds that a person has information or a document that is relevant to the responsible Commonwealth Minister's decision on the application, the responsible Commonwealth Minister may, by written notice given to the person, require the person:

(a) to give to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, any such information; or

(b) to produce to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, any such documents; or

(c) to make copies of any such documents and to produce to the responsible Commonwealth Minister, within the period and in the manner specified in the notice, those copies.

(3) A period specified under paragraph (2)(a), (b) or (c) must not be shorter than 14 days after the notice is given.

(4) A person commits an offence if:

(a) the person has been given a notice under subsection (2); and

(b) the person omits to do an act; and

(c) the omission contravenes a requirement in the notice.

Penalty: 100 penalty units.

Notice to set out the effect of offence provisions

(5) A notice under subsection (2) must set out the effect of the following provisions:

(a) subsection (4);

(b) section 435T;

(c) section 435U.

Note 1: Section 435T is about giving false or misleading information.

Note 2: Section 435U is about producing false or misleading documents.

435P Copying documents—reasonable compensation

A person is entitled to be paid reasonable compensation for complying with a requirement covered by paragraph 435N(2)(c).

435Q Self-incrimination

(1) A person is not excused from giving information or producing a document under section 435N on the ground that the information or the production of the document might tend to incriminate the person or expose the person to a penalty.

(2) However:

(a) the information given or the document produced; or

(b) giving the information or producing the document; or

(c) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing the document;

is not admissible in evidence against the person:

(d) in any civil proceedings; or

(e) in criminal proceedings other than:

(i) proceedings for an offence against subsection 435N(4) or section 435T or 435U; or

(ii) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Division.

435R Copies of documents

The responsible Commonwealth Minister may inspect a document produced under this Division and may make and retain copies of, or take and retain extracts from, such a document.

435S Responsible Commonwealth Minister may retain documents

(1) The responsible Commonwealth Minister may take possession of a document produced under this Division, and retain it for as long as is reasonably necessary.

(2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the responsible Commonwealth Minister to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the responsible Commonwealth Minister must provide the person otherwise entitled to possession of the document, or a person authorised by that person, reasonable access to the document for the purposes of inspecting and making copies of, or taking extracts from, the document.

435T False or misleading information

A person commits an offence if:

(a) the responsible Commonwealth Minister requires the person to give information under subsection 435N(2); and

(b) the person gives information; and

(c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: 100 penalty units.

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

435U False or misleading documents

A person commits an offence if:

(a) the person has been given a notice under subsection 435N(2); and

(b) the person produces a document to the responsible Commonwealth Minister; and

(c) the person does so knowing that the document is false or misleading in a material particular; and

(d) the document is produced in compliance or purported compliance with the notice.

Penalty: 100 penalty units.

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

Division 2—Protection of information etc.

435V Protection of information

Scope

(1) This section applies if:

(a) either:

(i) information was given by a person to the responsible Commonwealth Minister under section 435N; or

(ii) a document containing information was produced by a person to the responsible Commonwealth Minister under section 435N; and

(b) the person claims that the information is commercial-in-confidence information.

Protection of information

(2) The responsible Commonwealth Minister, or a delegate of the responsible Commonwealth Minister, must not disclose the information to another person except:

(a) for the purposes of this Act or the regulations; or

(b) if the disclosure is to a member of an expert advisory committee for a purpose relating to the function of the committee; or

(c) the disclosure is required by:

(i) this Act or any other law of the Commonwealth; or

(ii) a prescribed law of a State or Territory.

435W Disclosure of information to titleholder etc.

Scope

(1) This section applies if:

(a) either:

(i) information was given by a person to the responsible Commonwealth Minister under section 435N; or

(ii) a document containing information was produced by a person to the responsible Commonwealth Minister under section 435N; and

(b) the person has not claimed that the information is commercial-in-confidence information.

Disclosure

(2) The responsible Commonwealth Minister may disclose the information to another person for the purposes of:

(a) the consideration by the other person of whether to enter into a designated agreement; or

(b) the consideration by the other person of the terms of the designated agreement.

275 Before paragraph 436(1)(a)

Insert:

(aa) the responsible Commonwealth Minister;

276 Paragraph 436(1)(f)

Before "project", insert "petroleum".

277 After paragraph 436(1)(f)

Insert:

(fa) a greenhouse gas project inspector appointed under section 316-318;

278 Paragraph 436(1)(h)

After "of", insert "the responsible Commonwealth Minister,".

279 Subsection 436(2)

After "of", insert "the responsible Commonwealth Minister,".

280 Subsection 436(4)

Omit "section 287", substitute "sections 287 and 298-287".

281 Subsection 436(4) (note)

Repeal the note, substitute:

Note: Sections 287 and 298-287 deal with rectification of Registers.

282 Subsection 439(1) (cell at table item 1, column headed "A document required or permitted by this Act to be given to...")

Repeal the cell, substitute:

a person other than:

(a) the responsible Commonwealth Minister; or

(b) the Designated Authority; or

(c) a corporation

283 Subsection 439(1) (after table item 1)

Insert:

1A	the responsible Commonwealth Minister	(a) by prepaying and posting the document as a letter addressed to the responsible Commonwealth Minister at the Department; or (b) by leaving it at an office occupied by the Department with some person apparently employed in connection with the business of the Department and apparently at least 16 years of age.

284 After section 440

Insert:

440A Service of documents on responsible Commonwealth Minister

A document required or permitted by this Act to be given to the responsible Commonwealth Minister is taken to have been given to the responsible Commonwealth Minister if it is given to a delegate of the responsible Commonwealth Minister.

285 Subsections 441(1), (2), (4), (5) and (6)

Omit "title" (wherever occurring), substitute "petroleum title".

Note: The heading to section 441 is altered by inserting "**petroleum**" after "**of a**".

286 Subsection 441(7)

Repeal the subsection, substitute:

Definition

(7) In this section:

petroleum title means:

(a) an exploration permit; or
(b) a retention lease; or
(c) a production licence; or
(d) an infrastructure licence; or
(e) a pipeline licence; or
(f) a special prospecting authority; or
(g) an access authority.

287 At the end of Part 6.4

Add:

441A Service of documents on 2 or more registered holders of a greenhouse gas title

Scope

(1) This section applies if there are 2 or more registered holders of a greenhouse gas title.

Nomination of one of the registered holders

(2) Those registered holders may, by joint written notice given to the responsible Commonwealth Minister, nominate one of them as being the person to whom documents may be given in any case where the documents:

(a) relate to the greenhouse gas title; and
(b) are required or permitted by this Act to be given.

(3) The joint written notice must be executed in an approved manner by or on behalf of each of the registered holders.

Document may be given to nominated person

(4) If:

(a) a document relating to a greenhouse gas title is required or permitted by this Act to be given to the registered holder; and

(b) there are 2 or more registered holders of the greenhouse gas title; and

(c) a nomination of a person under subsection (2) is in force in relation to the greenhouse gas title; and

(d) the document is given to the nominated person;

the document is taken to have been given to each of those registered holders.

Revocation of nomination

(5) If:

(a) a person has been nominated under subsection (2) in relation to a greenhouse gas title; and

(b) one of the registered holders of the greenhouse gas title, by written notice given to the responsible Commonwealth Minister, revokes the nomination;

the nomination ceases to be in force.

Cessation of nomination—nominee ceases to be a registered holder

(6) If:

(a) a person has been nominated under subsection (2) in relation to a greenhouse gas title; and

(b) the nominated person ceases to be one of the registered holders of the greenhouse gas title;

the nomination ceases to be in force.

Definition

(7) In this section:

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.

288 After Part 6.5

Insert:

Part 6.5A—Delegation by responsible Commonwealth Minister

442B Delegation by responsible Commonwealth Minister

(1) The responsible Commonwealth Minister may, by writing, delegate any or all of his or her functions or powers under this Act or the regulations to:

(a) the Secretary of the Department; or

(b) an SES employee, or acting SES employee, in the Department.

Note: The expressions ***SES employee*** and ***acting SES employee*** are defined in section 17AA of the *Acts Interpretation Act 1901*.

(2) In performing functions or exercising powers under a delegation, the delegate must comply with any directions of the responsible Commonwealth Minister.

Note: See sections 34AA to 34A of the *Acts Interpretation Act 1901*.

(3) Subsection (1) does not apply to the responsible Commonwealth Minister's functions or powers under this Act or the regulations:

(a) as, or as a member of, the Joint Authority for an offshore area; or

(b) as the Designated Authority for an offshore area.

Part 6.5B—Public interest

442C Public interest

(1) A provision of this Act that requires the responsible Commonwealth Minister or the Joint Authority to have regard to the public interest in making a particular decision does not, by implication, prevent:

(a) the responsible Commonwealth Minister; or

(b) the Joint Authority; or

(c) the Designated Authority;

from having regard to the public interest when making any other decision under this Act.

(2) Subsection (1) is enacted for the avoidance of doubt.

Part 6.5C—Compensation for acquisition of property

442D Compensation for acquisition of property

(1) If the operation of this Act or the regulations would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

(3) In this section:

acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

289 Subsection 444(1) (after table item 2)

Insert:

2A	(a) the exploration for potential greenhouse gas storage formations; and (b) the exploration for potential greenhouse gas injection sites; and (c) the carrying on of operations, and the execution of works, for any of those purposes.
2B	(a) the injection of a greenhouse gas substance into a part of a geological formation; and (b) the storage of a greenhouse gas substance in a part of a geological formation; and (c) the carrying on of operations, and the execution of works, for any of those purposes.

289AA Subsection 444(1) (after table item 3)

Insert:

3A	the restoration or maintenance of the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.
3B	the restoration or maintenance of the suitability of a part of a geological formation for the recovery of petroleum.

289A Subsection 444(1) (table item 4)

After "secondary lines,", insert "greenhouse gas facility lines, greenhouse gas infrastructure lines, greenhouse gas injection lines,".

289B Subsection 444(1) (paragraph (a) of table item 6)

After "petroleum,", insert "a greenhouse gas substance,".

289C Subsection 444(1) (paragraph (b) of table item 6)

After "petroleum", insert ", a greenhouse gas substance".

289D Subsection 444(1) (at the end of table item 7)

Add "or a greenhouse gas substance".

289E Subsection 444(1) (table item 8)

Omit "or production licence", substitute ", production licence, greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence".

289F Subsection 444(1) (paragraphs (a) and (b) of table item 9)

Omit "or a production licence area", substitute ", a production licence area, a greenhouse gas assessment permit area, a greenhouse gas holding lease area or a greenhouse gas injection licence area".

289G Subsection 444(1) (table item 11)

Before "pipeline", insert "petroleum".

289H Subsection 444(1) (table item 11)

Omit "pumping station, tank station or valve station", substitute "petroleum pumping station, petroleum tank station or petroleum valve station".

289J Subsection 444(1) (after table item 11)

Insert:

11A	the prevention of the waste or escape of a greenhouse gas substance or water from a greenhouse gas pipeline, water line, greenhouse gas facility line, greenhouse gas infrastructure line, greenhouse gas injection line, greenhouse gas pumping station, greenhouse gas tank station or greenhouse gas valve station.

289K Subsection 444(1) (after table item 12)

Insert:

12A	the maintaining in good condition and repair of all structures, equipment and other property in an offshore area used or intended to be used for or in connection with: (a) the exploration for potential greenhouse gas storage formations in the offshore area; or (b) the exploration for potential greenhouse gas injection sites in the offshore area; or (c) the injection of a greenhouse gas substance into a part of a geological formation, where the part is in the offshore area; or (d) the storage of a greenhouse gas substance in a part of a geological formation, where the part is in the offshore area.

289L Subsection 444(1) (at the end of the table)

Add:

14	the removal from an offshore area, of structures, equipment and other items of property that: (a) have been brought into the offshore area for or in connection with: (i) the exploration for potential greenhouse gas storage formations; or (ii) the exploration for potential greenhouse gas injection sites; or (iii) the injection of a greenhouse gas substance into a part of a geological formation; or (iv) the storage of a greenhouse gas substance in a part of a geological formation; and (b) are not used, or intended to be used, for or in connection with: (i) the exploration for potential greenhouse gas storage formations; or

	(ii) the exploration for potential greenhouse gas injection sites; or (iii) the injection of a greenhouse gas substance into a part of a geological formation; or (iv) the storage of a greenhouse gas substance in a part of a geological formation.
15	the decommissioning of structures, equipment and other items of property that: (a) have been brought into an offshore area for or in connection with: (i) the exploration for potential greenhouse gas storage formations; or (ii) the exploration for potential greenhouse gas injection sites; or (iii) the injection of a greenhouse gas substance into a part of a geological formation; or (iv) the storage of a greenhouse gas substance in a part of a geological formation; and (b) are not used, or intended to be used, for or in connection with: (i) the exploration for potential greenhouse gas storage formations; or (ii) the exploration for potential greenhouse gas injection sites; or (iii) the injection of a greenhouse gas substance into a part of a geological formation; or (iv) the storage of a greenhouse gas substance in a part of a geological formation.
16	(a) the management of substances stored in a part of a geological formation; and (b) the interactions of those substances.

290 After section 446

Insert:

446A Regulations not limited by conditions provisions

(1) To avoid doubt, nothing in section 79, 114, 138, 167, 181, 196, 204, 217, 249AE, 249BC, 249CE, 249GC, 249HC or 249HO limits the regulations that may be made under this Act.

(2) Subsection (1) does not limit the operation of subsection 33(3B) of the *Acts Interpretation Act 1901*.

290A After section 447

Insert:

447A Exercise of Australia's rights under international law—injection and storage of greenhouse gas substances in the continental shelf

The regulations may, to the extent to which this Act does not do so, provide for the exercise of Australia's rights, and compliance with Australia's obligations, under international law in relation to:

(a) the injection of a greenhouse gas substance into a part of a geological formation, where that part is wholly situated within the continental shelf (whether in an offshore area or not); and

(b) the storage of a greenhouse gas substance in a part of a geological formation, where that part is wholly situated within the continental shelf (whether in an offshore area or not).

Note: The heading to section 447 is altered by inserting "**petroleum in the**" before "**continental shelf**".

290B After section 448

Insert:

448A Exercise of Australia's rights under international law—injection and storage of greenhouse gas substances within territorial limits

The regulations may, to the extent to which this Act does not do so, provide for the exercise of Australia's rights under international law in relation to:

(a) the injection of a greenhouse gas substance into a part of a geological formation, where that part is wholly situated within the territorial limits of the Commonwealth and the Territories; and

(b) the storage of a greenhouse gas substance in a part of a geological formation, where that part is wholly situated within the territorial limits of the Commonwealth and the Territories.

291 Clause 3 of Schedule 3

Insert:

offshore greenhouse gas storage operations has the same meaning as in Part 4.8 of this Act.

292 Clause 3 of Schedule 3 (at the end of subparagraph (b)(ii) of the definition of *regulated business premises*)

Add "or offshore greenhouse gas storage operations".

293 After subclause 4(5) of Schedule 3

Insert:

Vessels or structures that are facilities—offshore greenhouse gas storage operations

(5A) A vessel or structure is taken to be a facility for the purposes of this Schedule while that vessel or structure:

(a) is located at a site in Commonwealth waters; and

(b) is being used, or prepared for use, at that site:

(i) for the injection of a greenhouse gas substance into the seabed or subsoil; or

(ii) for the storage of a greenhouse gas substance in the seabed or subsoil; or

(iii) for the compression of a greenhouse gas substance; or

(iv) for the processing of a greenhouse gas substance; or

(v) for the pre-injection storage of a greenhouse gas substance; or

(vi) for the offloading of a greenhouse gas substance; or

(vii) for the monitoring of a greenhouse gas substance stored in the seabed or subsoil; or

(viii) for any combination of activities covered by any of the preceding subparagraphs; or

(ix) for the provision of accommodation for persons working on another facility, whether connected by a walkway to that other facility or not; or

(x) for drilling or servicing a well for injecting a greenhouse gas substance into the seabed or subsoil or doing work associated with the drilling or servicing process; or

(xi) for laying pipes for conveying a greenhouse gas substance, including any manufacturing of such pipes, or for doing work on an existing pipe; or

(xii) for the erection, dismantling or decommissioning of a vessel or structure referred to in a previous subparagraph of this paragraph; or

(xiii) for any other purpose related to offshore greenhouse gas storage operations that is prescribed for the purposes of this subparagraph.

(5B) Subclause (5A) applies to a vessel or structure:

(a) whether it is floating or fixed; and

(b) whether or not it is capable of independent navigation.

(5C) Subclause (5A) has effect subject to subclauses (6) and (7).

(5D) A vessel or structure used for a purpose referred to in subparagraph (5A)(b)(i), (ii), (iii), (iv), (v), (vi), (vii) or (viii) includes:

(a) any wells and associated plant and equipment by means of which a greenhouse gas substance processed or temporarily stored at the vessel or structure is injected into the seabed or subsoil; and

(b) any pipe or system of pipes through which a greenhouse gas substance is conveyed from the vessel or structure to a well; and

(c) any greenhouse gas injection line associated with the vessel or structure.

(5E) For the purposes of subclause (5A), a vessel or structure that is located offshore for the purpose of laying pipes as described in subparagraph (5A)(b)(xi) is taken to be located at a site, despite the fact that the vessel or structure moves as the pipe laying process proceeds.

Note: The heading to subclause 4(1) of Schedule 3 is altered by adding at the end "*—offshore petroleum operations*".

294 Subclause 4(6) of Schedule 3

Omit "subclause (1)", substitute "subclauses (1) and (5A)".

295 Subclause 4(7) of Schedule 3

After "(1)(b)", insert "or (5A)(b)".

296 At the end of subclause 4(8) of Schedule 3

Add:

; (c) if a pipeline subject to a pipeline licence conveys a greenhouse gas substance to a well without the greenhouse gas substance having passed through another facility—that pipeline, together with:

(i) that well and associated plant and equipment; and

(ii) any pipe or system of pipes through which a greenhouse gas substance is conveyed to that well from that pipeline.

297 At the end of subclause 13(1) of Schedule 6

Add:

; and (c) Schedule 1 to the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* does not commence immediately after the commencement of item 32 of Schedule 1 to the *Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008*.

Note: The heading to clause 13 of Schedule 6 is altered by adding at the end "—**late commencement of greenhouse gas provisions**".

298 After clause 13 of Schedule 6

Insert:

13A Petroleum project inspectors—early commencement of greenhouse gas provisions

(1) This clause applies to an appointment of a person as an inspector in respect of an adjacent area if:

(a) the appointment was in force immediately before the commencement of section 318 of this Act; and

(b) the appointment was made under section 125 of the *Petroleum (Submerged Lands) Act 1967*; and

(c) Schedule 1 to the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* commences immediately after the commencement of item 32 of Schedule 1 to the *Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008*.

(2) The appointment has effect, after the commencement of this clause, as if it had been an appointment of the person as a petroleum project inspector under section 318 of this Act in respect of the corresponding offshore area.

13B Petroleum project inspectors—late commencement of greenhouse gas provisions

(1) This clause applies to an appointment of a person as a project inspector in respect of an offshore area if:

(a) the appointment was in force immediately before the commencement of this clause; and

(b) the appointment was made under section 318 of this Act; and

(c) Schedule 1 to the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* does not commence immediately after the commencement of item 32 of Schedule 1 to the *Offshore Petroleum Amendment (Miscellaneous Measures) Act 2008*.

(2) The appointment has effect, after the commencement of this clause, as if it had been an appointment of the person as a petroleum project inspector under section 318 of this Act in respect of the offshore area.

299 Subclause 15(1) of Schedule 6

Before "Register" (first occurring), insert "section 253".

300 Subclauses 15(1A) and (1B) of Schedule 6

Before "Register" (first occurring), insert "section 253".

301 Clause 27 of Schedule 6

Omit "and 188", substitute ", 187A, 188 and 188A".

Schedule 2—Amendments to change references to petroleum titles etc.

Part 1—Definitions

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Section 6 (definition of *access authority*)

Repeal the definition.

2 Section 6 (definition of *cash-bid exploration permit*)

Repeal the definition.

3 Section 6

Insert:

cash-bid petroleum exploration permit means:

(a) a petroleum exploration permit granted under Division 3 of Part 2.2 of this Act; or

(b) an exploration permit granted under section 22B of the repealed *Petroleum (Submerged Lands) Act 1967*; or

(c) a petroleum exploration permit granted under Division 5 of Part 2.2 of this Act by way of the renewal of a permit referred to in paragraph (a) or (b); or

(d) an exploration permit granted under section 32 of the repealed *Petroleum (Submerged Lands) Act 1967* by way of the renewal of a permit referred to in paragraph (b).

3A Section 6 (definition of *declared exploration permit*)

Repeal the definition.

3AD Section 6

Insert:

declared petroleum exploration permit has the meaning given by section 79B.

3AE Section 6

Insert:

declared petroleum production licence has the meaning given by section 138B.

3AF Section 6

Insert:

declared petroleum retention lease has the meaning given by section 114B.

3B Section 6 (definition of *declared production licence*)

Repeal the definition.

3C Section 6 (definition of *declared retention lease*)

Repeal the definition.

4 Section 6 (definition of *exploration permit*)

Repeal the definition.

5 Section 6 (definition of *exploration permit area*)

Repeal the definition.

6 Section 6 (definition of *exploration permittee*)

Repeal the definition.

7 Section 6

Insert:

fixed-term petroleum production licence means a petroleum production licence covered by item 2 or 3 of the table in subsection 139(1).

8 Section 6 (definition of *fixed-term production licence*)

Repeal the definition.

8A Section 6 (definition of *Greater Sunrise unit reservoir production licence*)

Repeal the definition.

8B Section 6

Insert:

Greater Sunrise unit reservoir petroleum production licence means a petroleum production licence in respect of one or more blocks within the Eastern Greater Sunrise offshore area that would allow the licensee to recover petroleum from either or both of the Greater Sunrise unit reservoirs.

9 Section 6

Insert:

life-of-field petroleum production licence means a petroleum production licence covered by item 1, 3A or 4 of the table in subsection 139(1).

10 Section 6 (definition of *life-of-field production licence*)

Repeal the definition.

11 Section 6 (definition of *original exploration permit*)

Repeal the definition.

12 Section 6

Insert:

original petroleum exploration permit means a petroleum exploration permit granted otherwise than by way of renewal.

13 Section 6

Insert:

original petroleum production licence means a petroleum production licence granted otherwise than by way of renewal.

13A Section 6

Insert:

original petroleum retention lease means a petroleum retention lease granted otherwise than by way of renewal.

14 Section 6 (definition of *original production licence*)

Repeal the definition.

14A Section 6 (definition of *original retention lease*)

Repeal the definition.

15 Section 6

Insert:

petroleum access authority means:

(a) a petroleum access authority granted under Part 2.8 of this Act; or

(b) an access authority granted under section 112 of the repealed *Petroleum (Submerged Lands) Act 1967*.

16 Section 6

Insert:

petroleum exploration permit means:

(a) a work-bid petroleum exploration permit; or

(b) a cash-bid petroleum exploration permit; or

(c) a special petroleum exploration permit.

17 Section 6

Insert:

petroleum exploration permit area means the permit area of a petroleum exploration permit.

18 Section 6

Insert:

petroleum exploration permittee means the registered holder of a petroleum exploration permit.

19 Section 6

Insert:

petroleum production licence means:

(a) a petroleum production licence granted under Part 2.4 of this Act; or

(b) a production licence granted under Division 3 of Part III of the repealed *Petroleum (Submerged Lands) Act 1967*; or

(c) a production licence granted under section 148 of the repealed *Petroleum (Submerged Lands) Act 1967*.

20 Section 6

Insert:

petroleum production licence area means the licence area of a petroleum production licence.

21 Section 6

Insert:

petroleum production licensee means the registered holder of a petroleum production licence.

22 Section 6

Insert:

petroleum retention lease means:

(a) a petroleum retention lease granted under Part 2.3 of this Act; or

(b) a retention lease granted under Division 2A of Part III of the repealed *Petroleum (Submerged Lands) Act 1967*.

23 Section 6

Insert:

petroleum retention lease area means the lease area of a petroleum retention lease.

24 Section 6

Insert:

petroleum retention lessee means the registered holder of a petroleum retention lease.

25 Section 6

Insert:

petroleum scientific investigation consent means:

(a) a petroleum scientific investigation consent granted under Part 2.9 of this Act; or

(b) a scientific investigation consent granted under section 123 of the repealed *Petroleum (Submerged Lands) Act 1967*.

25A Section 6

Insert:

petroleum special prospecting authority means:

(a) a petroleum special prospecting authority granted under Part 2.7 of this Act; or

(b) a special prospecting authority granted under section 111 of the repealed *Petroleum (Submerged Lands) Act 1967*.

25B Section 6 (definition of *post-commencement exploration permit*)

Repeal the definition.

25C Section 6

Insert:

post-commencement petroleum exploration permit means:

(a) an original petroleum exploration permit that was granted after the commencement of this section; or

(b) a petroleum exploration permit that was granted by way of renewal, where the original petroleum exploration permit was granted after the commencement of this section.

25D Section 6

Insert:

post-commencement petroleum production licence means:

(a) a petroleum production licence that was granted to the registered holder of:

(i) a post-commencement petroleum exploration permit; or

(ii) a post-commencement petroleum retention lease;

that was in force over the block or blocks to which the petroleum production licence relates; or

(b) a petroleum production licence granted under section 153; or

(c) a petroleum production licence granted under section 155, where the initial petroleum production licence mentioned in section 154 was a post-commencement petroleum production licence.

25E Section 6

Insert:

post-commencement petroleum retention lease means:

(a) an original petroleum retention lease that was granted to the registered holder of:

(i) a post-commencement petroleum exploration permit; or

(ii) a post-commencement petroleum production licence;

that was in force over the block or blocks to which the original petroleum retention lease relates; or

(b) a petroleum retention lease that was granted by way of renewal, where the original petroleum retention lease was granted to the registered holder of:

(i) a post-commencement petroleum exploration permit; or

(ii) a post-commencement petroleum production licence;

that was in force over the block or blocks to which the original petroleum retention lease related.

25G Section 6 (definition of *post-commencement petroleum title*)

Repeal the definition, substitute:

post-commencement petroleum title means:

(a) a post-commencement petroleum exploration permit; or

(b) a post-commencement petroleum retention lease; or

(c) a post-commencement petroleum production licence.

25GAA Section 6 (definition of *post-commencement production licence*)

Repeal the definition.

25GAB Section 6 (definition of *post-commencement retention lease*)

Repeal the definition.

25GA Section 6 (definition of *pre-commencement exploration permit*)

Repeal the definition.

25GB Section 6

Insert:

pre-commencement petroleum exploration permit means a petroleum exploration permit other than a post-commencement petroleum exploration permit.

25GL Section 6

Insert:

pre-commencement petroleum production licence means a petroleum production licence other than a post-commencement petroleum production licence.

25GN Section 6

Insert:

pre-commencement petroleum retention lease means a petroleum retention lease other than a post-commencement petroleum retention lease.

25J Section 6 (definition of *pre-commencement petroleum title*)

Repeal the definition, substitute:

pre-commencement petroleum title means:

(a) a pre-commencement petroleum exploration permit; or

(b) a pre-commencement petroleum retention lease; or

(c) a pre-commencement petroleum production licence.

25K Section 6 (definition of *pre-commencement production licence*)

Repeal the definition.

25M Section 6 (definition of *pre-commencement retention lease*)

Repeal the definition.

26 Section 6 (definition of *production licence*)

Repeal the definition.

27 Section 6 (definition of *production licence area*)

Repeal the definition.

28 Section 6 (definition of *production licensee*)

Repeal the definition.

29 Section 6 (definition of *retention lease*)

Repeal the definition.

30 Section 6 (definition of *retention lease area*)

Repeal the definition.

31 Section 6 (definition of *retention lessee*)

Repeal the definition.

32 Section 6 (definition of *scientific investigation consent*)

Repeal the definition.

33 Section 6 (definition of *special exploration permit*)

Repeal the definition.

34 Section 6

Insert:

special petroleum exploration permit means:

(a) a petroleum exploration permit granted under Division 4 of Part 2.2 of this Act; or

(b) an exploration permit granted under section 27 of the repealed *Petroleum (Submerged Lands) Act 1967*; or

(c) a petroleum exploration permit granted under Division 5 of Part 2.2 of this Act by way of the renewal of a permit referred to in paragraph (a) or (b); or

(d) an exploration permit granted under section 32 of the repealed *Petroleum (Submerged Lands) Act 1967* by way of the renewal of a permit referred to in paragraph (b).

36 Section 6 (definition of *special prospecting authority*)

Repeal the definition.

37 Section 6 (definition of *work-bid exploration permit*)

Repeal the definition.

38 Section 6

Insert:

work-bid petroleum exploration permit means:

(a) a petroleum exploration permit granted under Division 2 of Part 2.2 of this Act; or

(b) an exploration permit granted under section 22 of the repealed *Petroleum (Submerged Lands) Act 1967*; or

(c) a petroleum exploration permit granted under Division 5 of Part 2.2 of this Act by way of the renewal of a permit referred to in paragraph (a) or (b); or

(d) an exploration permit granted under section 32 of the repealed *Petroleum (Submerged Lands) Act 1967* by way of the renewal of a permit referred to in paragraph (b).

38A Clause 1 of Schedule 4

Insert:

primary petroleum production licence means a petroleum production licence granted as a result of an application under any of the following provisions:

(a) subclause 2(2) of this Schedule;

(b) subclause 2(4) of this Schedule;

(c) subclause 4(2) of this Schedule;

(d) subclause 4(4) of this Schedule;

(e) subsection 40(1) or (2) or 40B(2) or (3) of the repealed *Petroleum (Submerged Lands) Act 1967*.

38B Clause 1 of Schedule 4 (definition of *primary production licence*)

Repeal the definition.

38C Clause 1 of Schedule 4

Insert:

secondary petroleum production licence means a petroleum production licence granted as a result of an application under any of the following provisions:

(a) subclause 2(6) of this Schedule;

(b) subclause 4(6) of this Schedule;

(c) subsection 40(3) or 40B(4) of the repealed *Petroleum (Submerged Lands) Act 1967*.

38D Clause 1 of Schedule 4 (definition of *secondary production licence*)

Repeal the definition.

Part 2—References to petroleum titles etc.

Offshore Petroleum and Greenhouse Gas Storage Act 2006

39 Bulk amendments—references to exploration permits etc.

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* other than the following provisions:

(a) the following definitions in section 6 of that Act:
  (i) the definition of ***cash-bid exploration permit***;
  (ii) the definition of ***declared exploration permit***;
  (iii) the definition of ***exploration permit***;
  (iv) the definition of ***exploration permit area***;
  (v) the definition of ***exploration permittee***;
  (vi) the definition of ***original exploration permit***;
  (vii) the definition of ***post-commencement exploration permit***;
  (viii) the definition of ***pre-commencement exploration permit***;
  (ix) the definition of ***special exploration permit***;
  (x) the definition of ***work-bid exploration permit***;
(b) the definition of ***old title*** in clause 1 of Schedule 6 to that Act;

is amended as follows:

(c) by omitting "An exploration permit" (wherever occurring) and substituting "A petroleum exploration permit";
(d) by omitting "an exploration permit" (wherever occurring) and substituting "a petroleum exploration permit";
(e) by omitting "**an exploration permit**" (wherever occurring) and substituting "**a petroleum exploration permit**";
(f) by omitting "exploration permit" (wherever that expression occurs without being preceded by "an" or "An") and substituting "petroleum exploration permit";
(g) by omitting "Exploration permit" (wherever occurring) and substituting "Petroleum exploration permit";

(h) by omitting "**exploration permit**" (wherever that expression occurs without being preceded by "**an**" or "**An**") and substituting "**petroleum exploration permit**";

(i) by omitting "***exploration permit***" (wherever that expression occurs without being preceded by "an" or "An") and substituting "***petroleum exploration permit***";

(j) by omitting "**Exploration permits**" (wherever occurring) and substituting "**Petroleum exploration permits**";

(k) by omitting "**exploration permits**" (wherever occurring) and substituting "**petroleum exploration permits**";

(l) by omitting "exploration permits" (wherever occurring) and substituting "petroleum exploration permits";

(m) by omitting "An exploration permittee" (wherever occurring) and substituting "A petroleum exploration permittee";

(n) by omitting "**an exploration permittee**" (wherever occurring) and substituting "**a petroleum exploration permittee**";

(o) by omitting "an exploration permittee" (wherever occurring) and substituting "a petroleum exploration permittee";

(p) by omitting "exploration permittee" (wherever that expression occurs without being preceded by "an" or "An") and substituting "petroleum exploration permittee".

Note: The headings to sections, subsections, clauses and subclauses of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are altered as follows:

(a) by omitting "**an exploration permit**" (wherever occurring) and substituting "**a petroleum exploration permit**";

(b) by omitting "*an exploration permit*" (wherever occurring) and substituting "*a petroleum exploration permit*";

(c) by omitting "**exploration permit**" (wherever that expression occurs without being preceded by "**an**" or "**An**") and substituting "**petroleum exploration permit**";

(d) by omitting "**Exploration permit**" (wherever occurring) and substituting "**Petroleum exploration permit**";

(e) by omitting "*exploration permit*" (wherever that expression occurs without being preceded by "*an*" or "*An*") and substituting "*petroleum exploration permit*";

(f) by omitting "**exploration permits**" (wherever occurring) and substituting "**petroleum exploration permits**";

(g) by omitting "*exploration permits*" (wherever occurring) and substituting "*petroleum exploration permits*".

40 Bulk amendments—references to retention leases etc.

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* other than the following provisions:

(a) the following definitions in section 6 of that Act:
  (i) the definition of ***declared retention lease***;
  (ii) the definition of ***original retention lease***;
  (iii) the definition of ***post-commencement retention lease***;
  (iv) the definition of ***pre-commencement retention lease***;
  (v) the definition of ***retention lease***;
  (vi) the definition of ***retention lease area***;
  (vii) the definition of ***retention lessee***;
(b) the definition of ***old title*** in clause 1 of Schedule 6 to that Act;

is amended as follows:

(c) by omitting "Retention lease" and substituting "Petroleum retention lease";
(d) by omitting "retention lease" (wherever occurring) and substituting "petroleum retention lease";
(e) by omitting "**retention lease**" (wherever occurring) and substituting "**petroleum retention lease**";
(f) by omitting "***retention lease***" and substituting "***petroleum retention lease***";
(g) by omitting "**Retention leases**" and substituting "**Petroleum retention leases**";
(h) by omitting "**retention leases**" (wherever occurring) and substituting "**petroleum retention leases**";
(i) by omitting "retention leases" (wherever occurring) and substituting "petroleum retention leases";
(j) by omitting "retention lessee" (wherever occurring) and substituting "petroleum retention lessee";
(k) by omitting "**retention lessee**" and substituting "**petroleum retention lessee**".

Note: The headings to sections, subsections and clauses of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are altered as follows:

(a) by omitting "**retention lease**" (wherever occurring) and substituting "**petroleum retention lease**";

(b) by omitting "*retention lease*" (wherever occurring) and substituting "*petroleum retention lease*";

(c) by omitting "**retention leases**" (wherever occurring) and substituting "**petroleum retention leases**";

(d) by omitting "*retention leases*" and substituting "*petroleum retention leases*".

41 Bulk amendments—references to production licences etc.

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* other than the following provisions:

(a) the following definitions in section 6 of that Act:
  (i) the definition of ***declared production licence***;
  (ii) the definition of ***fixed-term production licence***;
  (iii) the definition of ***Greater Sunrise unit reservoir production licence***;
  (iv) the definition of ***life-of-field production licence***;
  (v) the definition of ***original production licence***;
  (vi) the definition of ***post-commencement production licence***;
  (vii) the definition of ***pre-commencement production licence***;
  (viii) the definition of ***production licence***;
  (ix) the definition of ***production licence area***;
  (x) the definition of ***production licensee***;

(b) the following definitions in clause 1 of Schedule 4 to that Act:
  (i) the definition of ***primary production licence***;
  (ii) the definition of ***secondary production licence***;

(c) the definition of ***old title*** in clause 1 of Schedule 6 to that Act;

is amended as follows:

(d) by omitting "Production licence" and substituting "Petroleum production licence";

(e) by omitting "production licence" (wherever occurring) and substituting "petroleum production licence";

(f) by omitting "**production licence**" (wherever occurring) and substituting "**petroleum production licence**";

(g) by omitting "***production licence***" (wherever occurring) and substituting "***petroleum production licence***";

(h) by omitting "**Production licences**" (wherever occurring) and substituting "**Petroleum production licences**";

(i) by omitting "**production licences**" (wherever occurring) and substituting "**petroleum production licences**";

(j) by omitting "production licences" (wherever occurring) and substituting "petroleum production licences";

(k) by omitting "production licensee" (wherever occurring) and substituting "petroleum production licensee".

Note: The headings to sections, subsections, clauses and subclauses of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are altered as follows:

(a) by omitting "**production licence**" (wherever occurring) and substituting "**petroleum production licence**";

(b) by omitting "*production licence*" (wherever occurring) and substituting "*petroleum production licence*";

(c) by omitting "*Production licence*" and substituting "*Petroleum production licence*";

(d) by omitting "**Production licence**" (wherever occurring) and substituting "**Petroleum production licence**";

(e) by omitting "**production licences**" (wherever occurring) and substituting "**petroleum production licences**";

(f) by omitting "**Production licences**" and substituting "**Petroleum production licences**";

(g) by omitting "*production licences*" and substituting "*petroleum production licences*";

(h) by omitting "**production licensees**" and substituting "**petroleum production licensees**";

(i) by omitting "*production licensee*" (wherever occurring) and substituting "*petroleum production licensee*".

42 Bulk amendments—references to special prospecting authorities

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* other than the following provisions:

(a) the definition of ***special prospecting authority*** in section 6 of that Act;

(b) the definition of ***old title*** in clause 1 of Schedule 6 to that Act;

is amended as follows:

(c) by omitting "**special prospecting authority**" and substituting "**petroleum special prospecting authority**";

(d) by omitting "special prospecting authority" (wherever occurring) and substituting "petroleum special prospecting authority";

(e) by omitting "Special prospecting authority" and substituting "Petroleum special prospecting authority";

(f) by omitting "**Special prospecting authorities**" and substituting "**Petroleum special prospecting authorities**";

(g) by omitting "**special prospecting authorities**" (wherever occurring) and substituting "**petroleum special prospecting authorities**";

(h) by omitting "special prospecting authorities" (wherever occurring) and substituting "petroleum special prospecting authorities".

Note: The headings to sections of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are altered as follows:

(a) by omitting "**special prospecting authority**" (wherever occurring) and substituting "**petroleum special prospecting authority**";

(b) by omitting "**Special prospecting authority**" and substituting "**Petroleum special prospecting authority**";

(c) by omitting "**special prospecting authorities**" (wherever occurring) and substituting "**petroleum special prospecting authorities**".

43 Bulk amendments—references to access authorities

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* other than the following provisions:

(a) the definition of ***access authority*** in section 6 of that Act;

(b) the definition of ***old title*** in clause 1 of Schedule 6 to that Act;

is amended as follows:

(c) by omitting "**an access authority**" (wherever occurring) and substituting "**a petroleum access authority**";

(d) by omitting "An access authority" (wherever occurring) and substituting "A petroleum access authority";

(e) by omitting "an access authority" (wherever occurring) and substituting "a petroleum access authority";

(f) by omitting "access authority" (wherever that expression occurs without being preceded by "an" or "An") and substituting "petroleum access authority";

(g) by omitting "**access authority**" (wherever that expression occurs without being preceded by "**an**" or "**An**") and substituting "**petroleum access authority**";

(h) by omitting "Access authority" and substituting "Petroleum access authority";

(i) by omitting "**Access authorities**" and substituting "**Petroleum access authorities**";

(j) by omitting "**access authorities**" (wherever occurring) and substituting "**petroleum access authorities**";

(k) by omitting "access authorities" and substituting "petroleum access authorities".

Note: The headings to sections and clauses of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are altered as follows:

(a) by omitting "**access authority**" (wherever occurring) and substituting "**petroleum access authority**";

(b) by omitting "**access authorities**" (wherever occurring) and substituting "**petroleum access authorities**".

44 Bulk amendments—references to scientific investigation consents

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* other than the following provisions:

(a) the definition of ***scientific investigation consent*** in section 6 of that Act;

(b) the definition of ***old title*** in clause 1 of Schedule 6 to that Act;

is amended as follows:

(c) by omitting "scientific investigation consent" (wherever occurring) and substituting "petroleum scientific investigation consent";

(d) by omitting "**Scientific investigation consents**" and substituting "**Petroleum scientific investigation consents**";

(e) by omitting "scientific investigation consents" (wherever occurring) and substituting "petroleum scientific investigation consents".

Note: The headings to sections of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are altered as follows:

(a) by omitting "**scientific investigation consent**" (wherever occurring) and substituting "**petroleum scientific investigation consent**";

(b) by omitting "**scientific investigation consents**" and substituting "**petroleum scientific investigation consents**".

Part 3—Consequential amendments

Offshore Petroleum (Royalty) Act 2006

44A Section 4 (definition of *North West Shelf production licence*)

Before "production licence that", insert "petroleum".

44B Section 4 (definition of *North West Shelf retention lease*)

Before "retention lease that", insert "petroleum".

44C Section 4

Insert:

> ***primary petroleum production licence*** has the same meaning as in Schedule 4 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

45 Section 4 (definition of *primary production licence*)

Repeal the definition.

45A Section 4

Insert:

> ***secondary petroleum production licence*** has the same meaning as in Schedule 4 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

46 Section 4 (definition of *secondary production licence*)

Repeal the definition.

47 Subsection 6(1)

Omit "a production licence is", substitute "a petroleum production licence is".

Note: The heading to section 6 is altered by inserting "**petroleum**" before "**production**".

48 Subsection 6(1) (table items 1, 2, 3, 4 and 5)

Before "production" (wherever occurring), insert "petroleum".

49 Subsections 6(2) and (6)

Before "production" (wherever occurring), insert "petroleum".

Note: The heading to subsection 6(2) is altered by inserting "*petroleum*" before "*production*".

50 Subsections 7(1) and (2)

Omit "an exploration", substitute "a petroleum exploration".

Note: The heading to section 7 is altered by inserting "**petroleum**" before "**exploration**".

51 Subsections 8(1) and (2)

Before "retention", insert "petroleum".

Note: The heading to section 8 is altered by inserting "**petroleum**" before "**retention**".

52 Paragraph 10(1)(b)

Omit "exploration permit, retention lease or production licence", substitute "petroleum exploration permit, petroleum retention lease or petroleum production licence".

53 Subsection 10(2)

Omit "an exploration permit, retention lease or production licence", substitute "a petroleum exploration permit, petroleum retention lease or petroleum production licence".

54 Sections 11 and 12

Omit "exploration permit, retention lease or production licence", substitute "petroleum exploration permit, petroleum retention lease or petroleum production licence".

55 Section 13

Omit "an exploration permit, retention lease or production licence", substitute "a petroleum exploration permit, petroleum retention lease or petroleum production licence".

56 Subsection 14(2)

Omit "exploration permit, retention lease or production licence", substitute "petroleum exploration permit, petroleum retention lease or petroleum production licence".

57 Paragraph 5(2)(b) of Schedule 1

Before "production", insert "petroleum".

Petroleum Excise (Prices) Act 1987

58 Subsection 4(1) (paragraph (b) of the definition of *oil producer*)

Before "production", insert "petroleum".

Petroleum Resource Rent Tax Assessment Act 1987

59 Section 2 (definition of *access authority*)

Omit "has the same meaning as in", substitute "means a petroleum access authority within the meaning of".

60 Section 2 (definition of *exploration permit*)

Omit "has the same meaning as in", substitute "means a petroleum exploration permit within the meaning of".

61 Section 2 (definition of *exploration permit area*)

Omit "has the same meaning as in", substitute "means a petroleum exploration permit area within the meaning of".

62 Section 2 (paragraph (a) of the definition of *production licence*)

Before "production", insert "petroleum".

63 Section 2 (definition of *production licence area*)

After "means a", insert "petroleum".

64 Section 2 (definition of *retention lease*)

Omit "has the same meaning as in", substitute "means a petroleum retention lease within the meaning of".

65 Section 2 (definition of *retention lease area*)

Omit "has the same meaning as in", substitute "means a petroleum retention lease area within the meaning of".

Schedule 3—Other consequential amendments

Australian Energy Market Act 2004

1 Subsection 3(1) (definition of *coastal waters*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

2 Subsection 3(1) (definition of *offshore area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Australian Postal Corporation Act 1989

3 Subsection 9(4) (definition of *offshore area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Coral Sea Islands Act 1969

4 Subsection 8(3)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Corporations Act 2001

5 Section 9 (paragraph (b) of the definition of *coastal sea*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Crimes at Sea Act 2000

6 Clause 14 of Schedule 1

Omit "*Offshore Petroleum Act 2006*" (wherever occurring), substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Customs Act 1901

9 Subsection 4(1) (subparagraph (a)(i) of the definition of *Australian seabed*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

10 Subsection 4(1) (definition of *Coral Sea area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

11 Paragraphs 8(2)(a) and (3)(a)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Customs Tariff Act 1995

12 Subsection 3(1) (paragraph (e) of the definition of *petroleum activity*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

13 Schedule 4 (item 22A, the description of goods in column 2)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Environment Protection and Biodiversity Conservation Act 1999

14 Paragraph 524(3)(f)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Income Tax Assessment Act 1936

15 Subparagraph 6AA(4)(e)(i)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

International Tax Agreements Act 1953

16 Subsection 3(7A)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Maritime Transport and Offshore Facilities Security Act 2003

17 Section 10 (definition of *petroleum*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

18 Paragraph 17C(2)(d)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Migration Act 1958

19 Subsection 5(1) (subparagraph (a)(i) of the definition of *Australian seabed*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

20 Subsection 5(1) (definition of *Coral Sea area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Navigation Act 1912

22 Subsection 283K(1)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Note: The heading to section 283K is altered by omitting "***Offshore Petroleum Act 2006***" and substituting "***Offshore Petroleum and Greenhouse Gas Storage Act 2006***".

Occupational Health and Safety (Maritime Industry) Act 1993

23 Section 4 (paragraph (a) of the definition of *prescribed ship*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Offshore Minerals Act 1994

24 Readers guide (first asterisk-point under the heading "Basic concepts")

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

25 Section 3

Omit "*Offshore Petroleum Act 2006*" (wherever occurring), substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

26 Subsection 13(1)

Omit "*Offshore Petroleum Act 2006*" (wherever occurring), substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

28 Subsection 14(1)

Omit "*Offshore Petroleum Act 2006*" (wherever occurring), substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

29 Subsection 14(2) (note)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

30 Subsection 16(1)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

31 Section 35 (note 2)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Offshore Petroleum Amendment (Greater Sunrise) Act 2007

31AA Subitem 97(4) of Schedule 1 (definition of *Greater Sunrise unitisation agreement*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Offshore Petroleum (Repeals and Consequential Amendments) Act 2006

31AB Paragraphs 95(d), (e), (f), (g) and (h) of Schedule 2

Omit "*Offshore Petroleum Act 2006*" (wherever occurring), substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Offshore Petroleum (Royalty) Act 2006

31A Section 3

Omit "*Offshore Petroleum Act 2006*" (wherever occurring), substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Note: The heading to section 3 is altered by omitting "***Offshore Petroleum Act 2006***" and substituting "***Offshore Petroleum and Greenhouse Gas Storage Act 2006***".

31D Section 5 (note 2)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

31E Subsection 6(1) (table item 4)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

31F Paragraphs 5(2)(a) and (b) of Schedule 1

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Petroleum Excise (Prices) Act 1987

32 Subsection 4(1) (paragraph (b) of the definition of *oil producer*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Petroleum Resource Rent Tax Assessment Act 1987

33 Section 2 (definition of *access authority*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

34 Section 2 (definition of *block*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

35 Section 2 (definition of *certifying Minister*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

36 Section 2 (definition of *designated frontier expenditure*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

37 Section 2 (definition of *excluded fee*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

38 Section 2 (definition of *exploration permit*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

39 Section 2 (definition of *exploration permit area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

39A Section 2 (definition of *Greater Sunrise unit area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

39B Section 2 (definition of *Greater Sunrise unit reservoirs*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

40 Section 2 (definition of *holder of a registered interest*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

41 Section 2 (definition of *infrastructure licence*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

42 Section 2 (definition of *petroleum*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

43 Section 2 (definition of *pipeline licence*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

44 Section 2 (paragraph (a) of the definition of *production licence*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

45 Section 2 (definition of *production licence area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

46 Section 2 (definition of *registered holder*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

47 Section 2 (definition of *retention lease*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

48 Section 2 (definition of *retention lease area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

48A Section 2 (definition of *Western Greater Sunrise Area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

48B Subsection 2C(1)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

49 Section 3

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

49A Subsection 23(4)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

50 Paragraph 34A(1)(a)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

52 Subsection 36B(1)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

53 Subsection 36B(6) (definition of *potential exploration permit area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

54 Clause 1 of the Schedule (paragraphs (a) and (b) of the definition of *relevant pre-commencement day*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Quarantine Act 1908

55 Subsection 5(1) (subparagraph (a)(i) of the definition of *Australian seabed*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

56 Subsection 5(1) (definition of *Coral Sea area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Radiocommunications Act 1992

57 Subsection 17(3) (definition of *offshore area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

57A Subsection 17A(3) (definition of *Greater Sunrise unit reservoirs*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

57B Subsection 17A(3) (definition of *Western Greater Sunrise area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Sea Installations Act 1987

58 Subsection 4(1) (definition of *Petroleum Act*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Telecommunications Act 1997

59 Subsection 11(5) (definition of *offshore area*)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Trade Practices Act 1974

60 Paragraph 4N(1)(b)

Omit "*Offshore Petroleum Act 2006*", substitute "*Offshore Petroleum and Greenhouse Gas Storage Act 2006*".

Schedule 4—Renumbering the Offshore Petroleum and Greenhouse Gas Storage Act 2006

Part 1—Renumbering the Offshore Petroleum and Greenhouse Gas Storage Act 2006

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Renumbering the Offshore Petroleum and Greenhouse Gas Storage Act 2006

(1) The Chapters of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are renumbered so that they bear consecutive Arabic numerals starting with "1".

Note: For example, Chapter 3A would be renumbered as Chapter 5.

(2) The Parts of each Chapter of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are renumbered so that they bear decimal numbers consisting of:

(a) the number of the Chapter (as renumbered under subitem (1) of this item); and

(b) then, a decimal point; and

(c) then, consecutive Arabic numerals starting with "1".

Note: For example, the Parts of Chapter 3A would be renumbered as Parts 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9 and 5.10.

(3) The Divisions of each Part of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are renumbered so that they bear consecutive Arabic numerals starting with "1".

(4) The sections of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are renumbered in a single series so that they bear consecutive Arabic numerals starting with "1".

(5) The subsections of each section of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are renumbered so that they bear consecutive Arabic numerals enclosed in parentheses starting with "(1)".

(6) The paragraphs of each:

(a) section; or

(b) subsection; or

(c) definition;

of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are relettered so that they bear lower-case letters in alphabetical order enclosed in parentheses starting with "(a)".

(7) The subparagraphs of each paragraph of each:

(a) section; or

(b) subsection; or

(c) definition;

of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are renumbered so that they bear consecutive lower-case Roman numerals enclosed in parentheses starting with "(i)".

(8) Each provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that refers to a provision that has been renumbered or relettered under this item is amended by omitting the reference and substituting a reference to the last-mentioned provision as renumbered or relettered.

Note: Each heading to a section, clause, subsection or subclause of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that refers to a provision that has been renumbered or relettered under this item is amended by omitting the reference and substituting a reference to the provision as so renumbered or relettered.

Part 2—Consequential amendments

Offshore Petroleum (Repeals and Consequential Amendments) Act 2006

5 Paragraphs 95(e) and (h) of Schedule 2

Omit each reference to a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that has been renumbered under item 1 of this Schedule, substitute a reference to that provision as so renumbered.

Offshore Petroleum (Royalty) Act 2006

5A Section 5 (note 2)

Omit the reference to a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that has been renumbered under item 1 of this Schedule, substitute a reference to that provision as so renumbered.

5B Subsection 6(1) (table item 4)

Omit the reference to a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that has been renumbered under item 1 of this Schedule, substitute a reference to that provision as so renumbered.

5C Paragraphs 5(2)(a) and (b) of Schedule 1

Omit each reference to a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that has been renumbered under item 1 of this Schedule, substitute a reference to that provision as so renumbered.

Petroleum Resource Rent Tax Assessment Act 1987

6 Section 2 (definition of *excluded fee*)

Omit each reference to a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that has been renumbered or relettered under item 1 of this Schedule, substitute a reference to that provision as so renumbered or relettered.

7 Section 2 (definition of *holder of a registered interest*)

Omit the reference to a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that has been renumbered under item 1 of this Schedule, substitute a reference to that provision as so renumbered.

7A Subsection 2C(1)

Omit the reference to a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that has been renumbered under item 1 of this Schedule, substitute a reference to that provision as so renumbered.

7B Subsection 23(4)

Omit the reference to a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that has been renumbered under item 1 of this Schedule, substitute a reference to that provision as so renumbered.

8 Paragraph 34A(1)(a)

Omit the reference to a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that has been renumbered under item 1 of this Schedule, substitute a reference to that provision as so renumbered.

9 Clause 1 of the Schedule (paragraphs (a) and (b) of the definition of *relevant pre-commencement day*)

Omit each reference to a provision of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that has been renumbered under item 1 of this Schedule, substitute a reference to that provision as so renumbered.

Part 3—References in other Acts etc. to renumbered provisions

10 References in other Acts etc. to renumbered provisions

After the commencement of this item, a reference in:

(a) a provision of an Act (other than the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*) enacted before the commencement of this item (whether or not that provision has come into operation); or

(b) an instrument or document;

to a provision that has been renumbered or relettered under item 1 of this Schedule is to be construed as a reference to that provision as so renumbered or relettered.

Note: A reference in a heading to section, clause, subsection or subclause of an Act (other than the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*) enacted before the commencement of this item (whether or not that provision has come into operation) to a provision that has been renumbered or relettered under item 1 of this Schedule is to be construed as a reference to that provision as so renumbered or relettered.

[*Minister's second reading speech made in—*
House of Representatives on 18 June 2008
Senate on 24 September 2008]

(129/08)